

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Georgetown County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALEXANDER RHUE, JR.,

APPELLANT.

APPELLATE CASE NO. 2021-001306

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT IN
APPELLATE CASE NO. 2021-001306, STATE V. ALEXANDER RHUE, JR.:**

**STATE’S EXHIBIT #5 (3/15/17 RHUE SR. INTERVIEW) and
STATE’S EXHIBIT #28 (3/11/17 RHUE SR. INTERVIEW)**

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT IN
APPELLATE CASE NO. 2021-001275, STATE V. TIESH RHUE:**

**STATE’S EXHIBITS #9 (DISK), #10 (DISK), #21 (3/10/17 TIESH RHUE INTERVIEW),
#27 (3/11/17 TIESH RHUE INTERVIEW), #24 (FLASH DRIVE OF PHOTOGRAPHS),
#39 (FLASH DRIVE OF PHOTOGRAPHS), # 89 (MAP OF GEORGETOWN), #97
(3/13/17 RHUE JR. INTERVIEW), #101 (WALMART VIDEO DISK), #107 (3/22/17
TIESH RHUE INTERVIEW), and #115 (VOICEMAIL CD).**

1 I would submit it's not with regard to the qualification of
2 the witness, it's with regard to the Court being placed into
3 the position to make a determination as to the reliability
4 of the process --

5 THE COURT: I understand.

6 MR. HAZZARD: -- That she said she went through,
7 and I thought that needed to be sussed out more. And, yeah,
8 I do still have concerns, because from the questioning, my
9 understanding is, she was asked: How do you determine
10 the -- and I still haven't heard anything with regard to
11 error rate, which is concerning.

12 But she was asked basically: How do you verify
13 that the GeoTime system is accurate? And as best I could
14 tell it she said, I put the phone records into GeoTime and
15 they are the same. I'm not sure how that constitutes
16 verification. If I take some data, put it into a machine
17 and the machine spits out the same data back to me, that can
18 just as easily be referred to as garbage in, garbage out. I
19 don't know how that -- that would be self-verification.

20 She also said that verification is done by using
21 Google. I'm not sure how that is verification. So I have
22 concerns in that regard, yes, sir, regarding the use of
23 GeoTime system.

24 THE COURT: Yes, sir. Mr. Voigt, is there
25 anything that you'd like to bring to the Court's attention,

1 sir?

2 MR. VOIGT: No, sir. I -- Mr. Hazzard has covered
3 my questions.

4 THE COURT: Mr. Edgeworth?

5 MR. EDGEWORTH: I believe that, likewise, covers
6 my concerns, Judge.

7 THE COURT: All right. Well, I've looked at the
8 case that the Solicitor provided me, State v. Franks, Court
9 of Appeals, October, it was Opinion Number 5758. It was
10 filed August 12, 2020. And it's pretty close to what we
11 have here.

12 A sergeant was basically qualified as an expert in
13 the use of GeoTime. And I will tell you that from my review
14 of this case, the witness that is here before us today has
15 far more experience than the sergeant had and he was deemed
16 an expert, GeoTime was deemed reliable, and the Court of
17 Appeals has affirmed that issue.

18 This expert has years of experience working with
19 GeoTime. She's testified it's been used all over the
20 country by many individuals and experts. She's testified
21 about the data that goes in, which basically are cell phone
22 records. Cell phone records that were accepted or entered
23 into evidence in this case without objection from the
24 carriers. She's talked about the use of this program and I
25 take note that this program has been used in this state and

1 recognized in the circuit courts of this state.

2 And I definitely believe that this is, in fact,
3 scientific or technical, specialized -- that her scientific,
4 technical, and specialized knowledge will assist the trier
5 of fact in this matter. And so I think we now look to -- I
6 think she's got the education, the experience, the
7 qualifications.

8 And as it relates to reliability, I think that is
9 an important factor under 702, you're correct, sir. And I
10 think we look to publications, peer review of the technique,
11 and clearly I think there's been testimony that there's been
12 peer review and this has been a generally accepted program
13 that is recognized by experts in the field.

14 Prior application of method to the type of
15 evidence involved in this case. Clearly that's the case
16 and, in fact, it's been used in a case very similar to ours
17 in the State of South Carolina as evidenced in the Franks
18 case.

19 The Quality control procedures to ensure
20 reliability. She's indicated that what she's done in the
21 past to confirm reliability generally as it relates to this,
22 is to take the data and then go and input the data into
23 Google and to basically then be able to confirm that the --
24 to confirm, in fact, that the GeoTime is matching up to a
25 specific location. So I think that is a check that's

1 recognized by experts in the field.

2 And the consistency and the method with recognized
3 scientific laws and procedures, I think there's been
4 evidence that this is consistent.

5 Then, finally, in looking at State v. Jones,
6 really concerning -- I think boiling down to some of
7 Mr. Hazzard's argument, says in Jones: The argument
8 conflates reliability with perfection. There's always a
9 possibility that an expert witness's opinions are incorrect.
10 However, whether to accept the expert's opinion or not is a
11 matter for the jury to decide. The trial courts -- and of
12 course I specifically tell them in my -- when I -- every
13 time when an expert comes on board to testify, if I qualify
14 them -- that they can regard, disregard, accept or reject
15 that expert's opinions.

16 And to that extent, trial courts are tasked only
17 with determining whether the basis for that expert's opinion
18 is sufficiently reliable, such made be offered into
19 evidence. And I believe that those thresholds have been
20 met.

21 So I am going to qualify her as an expert and I
22 think your exceptions are noted on the record.

23 MR. HAZZARD: Thank you, Your Honor.

24 THE COURT: All right. Anything before we bring
25 the jury back in?

1 MS. SMITH: Nothing from the State.

2 THE COURT: Okay. Anything from the Defense?

3 MR. HAZZARD: No, sir.

4 THE COURT: All right.

5 MR. VOIGT: No, sir.

6 THE COURT: Okay. We can get the jury back in
7 now.

8 (WHEREUPON, the jury entered the courtroom at
9 11:49 a.m.)

10 THE COURT: All right. Ladies and gentlemen,
11 thank you. And, again, sometimes there's just matters of
12 law that's got to be flushed out outside of your presence
13 and that's what we have been able to do.

14 Solicitor, are you ready to proceed?

15 MS. SMITH: Yes, Your Honor.

16 THE COURT: All right. And I think you wanted to
17 qualify this expert -- or move to qualify this expert as a
18 -- of this witness as an expert in what?

19 MS. SMITH: Your Honor, in GeoTime and cell record
20 analysis.

21 THE COURT: All right. Ladies and gentlemen, I
22 am, in fact, going to qualify this witness as an expert in
23 GeoTime and cell record analysis. And, again, you all know
24 a person cannot give opinion testimony unless they are
25 deemed an expert. And, of course, she is going to be deemed

1 an expert in GeoTime and cell record analysis.

2 And, again, I would instruct you that that does
3 not mean that you must accept the opinion, but it is
4 evidence for you to use in any way you see fit. Thank you.

5 You may proceed, Solicitor.

6 MS. SMITH: Thank you. If I may approach and grab
7 one thing?

8 THE COURT: Certainly. And subject -- gentlemen,
9 subject to your objection.

10 MR. HAZZARD: Thank you.

11 MR. EDGEWORTH: Thank you, Your Honor.

12 CONTINUED DIRECT EXAMINATION

13 BY MS. SMITH:

14 Q. In this present matter did you -- did you analyze
15 any records?

16 A. Yes.

17 Q. Okay. And what records did you analyze?

18 A. I analyzed Leon Harrison Jr.'s records, Tiesh
19 Rhue's records, Alexander Rhue Sr.'s records, and Alexander
20 Rhue Jr.'s phone records.

21 Q. Okay. Were you able to summarize these cell phone
22 records using GeoTime?

23 A. Yes.

24 Q. And if I showed you one of those maps, would you
25 recognize it?

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 A. Yes.

2 Q. Okay. Is this your map?

3 A. Yes.

4 Q. In a large form?

5 A. Yes.

6 Q. Has it been altered in any way, shape, or form
7 since you created it?

8 A. No.

9 Q. Okay.

10 MS. SMITH: Your Honor, at this time the State --

11 BY MS. SMITH:

12 Q. State's Exhibit 89, is that what you just viewed?

13 A. Yes.

14 MS. SMITH: Your Honor, at this time, I ask to
15 move State's Exhibit 89 into evidence.

16 THE COURT: All right. Why don't you let these
17 gentlemen make sure they look at it and see it.

18 MR. HAZZARD: Might I borrow it for a second,
19 please, ma'am?

20 MS. RICHARDSON: You may.

21 THE COURT: All right. Any objection, gentlemen?

22 MR. HAZZARD: Subject to my previous objection,
23 Your Honor.

24 MR. VOIGT: Same, Your Honor.

25 MR. EDGEWORTH: Same, Your Honor.

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 THE COURT: All right. Admitted subject to the
2 Defense's objection.

3 (WHEREUPON, State's Exhibit Number 89 was moved
4 into evidence.)

5 MS. SMITH: Permission to publish?

6 THE COURT: Of course.

7 MS. SMITH: Permission to have the witness step
8 down to assist the Solicitor in presenting the exhibit to
9 the jury?

10 THE COURT: That'll be fine. And gentlemen,
11 again, feel free to move about the courtroom.

12 BY MS. SMITH:

13 Q. Ms. Gardner?

14 A. Yes, ma'am.

15 Q. Can you help explain to the jury what this is?

16 A. This is a map of all four of these individuals and
17 their calls for this time period of February 25, 2017 at
18 8:00 p.m. to February 26, 2017 at 2:00 a.m.

19 So I'm visually showing the locations of -- the
20 location of the tower. And then I did call-out boxes to
21 show the call activity of those phones on the map.

22 THE COURT: Could she -- could the witness speak
23 up just a little bit louder? We don't have a microphone
24 there and that would be great. Okay?

25 THE WITNESS: Okay.

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 THE COURT: Thank you.

2 BY MS. SMITH:

3 Q. So what did the -- actually, where is the cell
4 tower in this -- in this map?

5 A. The cell tower location is here in the center.

6 Q. And what do the smaller blips, what do they
7 represent?

8 A. This is the sector of the tower and the dots here
9 indicate the center of the sector. And because we are
10 using -- they are using sectors here, we just put the dot in
11 the middle to help indicate this is the sector that was
12 using and the call-out box is from that sector showing that
13 that was the sector that was being used in the tower
14 locations there. This is the center of the sector.

15 Q. Is this information, including sectors, is that
16 all included in the phone records?

17 A. Yes.

18 Q. Okay. And can we go -- will you direct your
19 attention to the orange boxes? What are those?

20 A. That is call activity for Leon Harrison Jr.

21 Q. For?

22 A. For this time period.

23 Q. Okay. And what sector is he in between 8:01
24 and 8:45 p.m.?

25 A. He's using Sector 1.

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 Q. And what sector is the phone using at 8:53?

2 A. He's using Sector 2.

3 Q. During this time are there phone calls to and from
4 Tiesh Rhue?

5 A. Yes.

6 Q. Okay. And -- excuse me. Let's go to the purple
7 box, who's that?

8 A. That is the phone plot to be for Tiesh Rhue.

9 Q. Okay. And talk to me about these times. What
10 time zone are these times in?

11 A. This is Eastern time.

12 Q. Did you convert the records from Eastern time --
13 or some of the records from UTC?

14 A. Yes.

15 Q. So everything is Eastern Standard?

16 A. Yes.

17 Q. Okay. Now, do these reflect -- does Tiesh Rhue's
18 records reflect the phone calls with Leon Harrison Jr.?

19 A. Yes.

20 Q. Okay. And notably is there a phone call at 10:12
21 p.m.?

22 A. Yes.

23 Q. And who's that to?

24 A. Leon Harrison Jr. It's an outgoing call.

25 Q. Senior or junior?

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 A. Junior.

2 Q. Okay. And the other one at 10:12?

3 A. It's an outgoing call to Alexander Rhue Sr.

4 Q. Okay. And then on February 26, 2017 are there any
5 calls made?

6 A. Yes.

7 Q. And Item Number 21, will you explain to the --
8 tell the jury what that is?

9 A. Yes. At 12:41 a.m. on February 26th there is one
10 outgoing call to Alexander Rhue Sr.

11 Q. Okay. And this blue box, what is that?

12 A. That is the call activity for Alexander Rhue Jr.
13 during this time period.

14 Q. Okay. And what time does that end?

15 A. At -- his last call is 1:52 a.m.

16 Q. Did you map anything after 2:00 a.m.?

17 A. No.

18 Q. And what is the green box?

19 A. The green box is Alexander Rhue Sr.'s call
20 activity.

21 Q. Okay. And are some of those records with Tiesh
22 Rhue reflected on that?

23 A. Yes.

24 Q. Are there ingoing and outgoing calls?

25 A. Yes.

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 Q. Okay. What is the last call on Sr.'s call log in
2 Sector 2?

3 A. 1:56 a.m.

4 Q. And then when is his next call placed?

5 A. At 1:59 a.m. on Sector 1 of the same tower.

6 Q. Okay.

7 THE REPORTER: Sector what?

8 THE WITNESS: I'm so sorry. Sector 1 of the same
9 tower.

10 THE REPORTER: Oh, same tower.

11 THE WITNESS: I'll talk louder, I'm sorry.

12 BY MS. SMITH:

13 Q. On Leon Harrison Jr.'s phone records, Item Number
14 20, will you explain that to the jury?

15 A. Yes. So from 10:19 p.m. to 11:07 p.m. there were
16 five outgoing calls to Rosario Grate.

17 Q. And what is the time of that last phone call?

18 A. 11:07 p.m.

19 Q. Okay. And then going back to Tiesh's records, can
20 you -- what are Item Number 17 and Item Number 18?

21 A. Item Number 17, at 11:23 p.m. there's one outgoing
22 call to an 800 number and it was 800-214-5483 and that is
23 Western Union Netspend Mastercard customer service.

24 Q. Okay. And then the next one?

25 A. At 11:24 p.m. there was another outgoing call to

ANGELA GARDNER - CONT. DIRECT BY MS. SMITH

1 that same number.

2 Q. Okay. And then on Leon Harrison Jr.'s, what is
3 Item Number 21?

4 A. That is an outgoing call to that same number at
5 11:25 p.m. to Western Union Netspend. That same 800 number.

6 Q. Is that the same call -- is that the same number
7 that we just talked about on Tiesh Rhue's records?

8 A. Yes.

9 Q. And what is the time span between these calls?

10 A. It is one minute apart.

11 Q. Each one is one minute apart?

12 A. Yes, each one is -- 11:23, 11:24 on Tiesh's and
13 11:25 on Leon's phone.

14 MS. SMITH: Hold on one second. Beg the Court's
15 indulgence.

16 THE COURT: Yes, ma'am.

17 MS. SMITH: Your Honor, I have no further
18 questions for this witness.

19 THE COURT: Okay.

20 MS. SMITH: Ms. Gardner, if you want to take a
21 seat.

22 Answer any questions that the Defense Counsel may
23 have.

24 THE WITNESS: Yes.

25 THE COURT: Mr. Hazzard, do you have any

ANGELA GARDNER - CROSS BY MR. HAZZARD

1 questions, sir?

2 MR. HAZZARD: Yes, sir. Court's indulgence.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. HAZZARD:

6 Q. Well, good afternoon, ma'am.

7 A. Good afternoon.

8 Q. You weren't asked to analyze any other phone
9 records other than the ones that you and the Prosecutor have
10 discussed?

11 A. Correct. I analyzed those four numbers.

12 Q. They didn't ask you to look at any others for
13 anyone else?

14 A. No, sir.

15 Q. Okay. And they didn't ask you to look at any
16 phone activity for anytime other than 8:00 p.m. on February
17 25th to 2:00 a.m on February 26th; is that correct?

18 A. That is what I ended up mapping, but I looked at
19 all the records.

20 Q. Okay. But they asked you to prepare that chart?

21 A. Yes, sir.

22 Q. Now, when you're talking about these sectors, the
23 way you know that a -- let me put this way. The fact that
24 the call activity is in the sector does not mean that the
25 phone is physically located within the sector; is that

ANGELA GARDNER - CROSS BY MR. VOIGT

1 correct?

2 A. It's in the area of that.

3 Q. What I'm asking is this: If, what it's checking
4 out is that that's -- that's where the call was being
5 handled, in that sector; is that correct?

6 A. Yes, sir.

7 Q. Okay. On that tower?

8 A. Yes, sir.

9 Q. Okay. So now if that tower is full, it's going to
10 bounce to another tower, correct?

11 A. It could, yes, sir.

12 Q. Well, I mean, it would, wouldn't it?

13 A. Yes.

14 Q. Okay. And that activity, then, is going to be in
15 that other tower, right?

16 A. Yes, sir.

17 Q. All right. No further questions.

18 THE COURT: All right. Mr. Voigt. Do you have
19 any questions, sir?

20 MR. VOIGT: Just a few, Judge. Thank you.

21 THE COURT: Yes, sir.

22 MR. VOIGT: May it please the Court?

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. VOIGT:

ANGELA GARDNER - CROSS BY MR. VOIGT

1 Q. Now, I think you testified that the information
2 that you used came from the cell carriers; is that right?

3 A. Yes, sir.

4 Q. And did you use any other information in making
5 this other than what came from the cell carriers?

6 A. No. To plot the map -- I mean, to plot the phone
7 calls and everything I just use the phone records.

8 Q. Okay. So did the cell records for example,
9 contain what's in this purple box here? Did the cell
10 records --

11 A. Oh, the addresses. No. That was provided by the
12 officer.

13 Q. Okay. And that's -- so some of the other
14 information here, for example where the Walmart may have
15 been, where the various residents may have been, that was
16 information given to you by an officer?

17 A. Yes.

18 Q. Okay. And you have no independent -- I mean,
19 you're from Nashville -- you don't know -- you haven't
20 driven up North Fraser to check out whether or not the
21 Walmart's up there or anything like that, have you?

22 A. No, sir.

23 Q. And, similarly, you testified that these were the
24 numbers -- these numbers were the records that you've
25 checked and the names associated with these numbers, those

ANGELA GARDNER - CROSS BY MR. VOIGT

1 were provided by law enforcement, right?

2 A. The subscriber information for Leon Harrison Jr.
3 and Tiesh Rhue was supplied by T-Mobile.

4 Q. Okay.

5 A. And the information about Alexander Rhue Jr.'s
6 telephone number was in an interview with him where he
7 states his telephone number.

8 Q. Oh, okay.

9 A. And Alexander Rhue Sr.'s subscriber information
10 was in court documents.

11 Q. Okay. So you were provided additional information
12 other than just phone records?

13 A. Well, I get -- yes, sir.

14 Q. Okay. And you were provided an interview?

15 A. Yes.

16 Q. Okay.

17 A. We look at...

18 Q. All right. So it's not just inputting phone
19 records to come up with this chart. You're actually given a
20 whole bunch of information by law enforcement in order to
21 make this map; is that fair to say?

22 A. Yes, sir.

23 Q. Okay. Where on this map, if you know, was the
24 body of Leon Harrison Jr. found?

25 A. I don't know that.

ANGELA GARDNER - CROSS BY MR. EDGEWORTH

1 Q. Okay. Thank you.

2 MR. VOIGT: I have no further questions, Your
3 Honor.

4 THE COURT: All right. Mr. Edgeworth, do you have
5 any questions, sir?

6 MR. EDGEWORTH: Briefly, Your Honor.

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. EDGEWORTH:

10 Q. Ms. Gardner, you can see the map from there?

11 A. Yes, sir. I have a copy, here.

12 Q. Okay. Certainly.

13 On your diagram that you presented here, this box
14 here refers to my client, Ms. Rhue, her phone calls?

15 A. Yes.

16 Q. Okay. All these calls right here? And then you
17 draw this line into this sector? And that means that all of
18 these phone calls came from this sector?

19 A. Yes, sir.

20 Q. Okay. And you've listed on here the Rhue
21 residence of [REDACTED] Highmarket Street here and it's within
22 that same sector?

23 A. Yes, sir.

24 Q. So it'd be fair to say that all the phone calls
25 that you listed on this document for February 25, 2017, 8:00

ANGELA GARDNER - REDIRECT BY MS. SMITH

1 p.m. to February 26, 2017, 2:00 a.m., that Ms. Rhue, her
2 phone was in this quadrant where -- in the same quadrant in
3 which her residence resides?

4 A. She was using the sector -- she was using the
5 tower sector that her -- that is close to her residence,
6 yes.

7 Q. Okay. And -- but the phone would have to be in
8 the sector; is that what you're saying? Or she would -- the
9 same sector in which her residence is, is the one you're
10 referring to, where the calls either originated or were
11 received?

12 A. Yes. I mean -- yes.

13 Q. Okay. Thank you. No further questions.

14 THE COURT: Solicitor, do you have any redirect?

15 MS. SMITH: I think that I have maybe two
16 questions.

17 THE COURT: All right.

18 REDIRECT EXAMINATION

19 BY MS. SMITH:

20 Q. Ms. Gardner, Mr. Hazzard asked you about full
21 towers, is the -- is what I believe the term he used. What
22 time period is this between?

23 A. It's from 8:00 p.m. on February 25th to February
24 26th at 2:00 a.m.

25 Q. And at 1:56 a.m. and 1:59 a.m. in Georgetown

ANGELA GARDNER - RECROSS BY MR. HAZZARD

1 County in February of 2017 would you expect a tower to be
2 full?

3 A. No.

4 Q. Okay. Based on the call log and the time of the
5 next, but the last phone call, would that indicate movement
6 to you?

7 A. Yes.

8 Q. No further questions.

9 THE COURT: All right. Is there any recross,
10 Mr. Hazzard?

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

12 THE COURT: Yes, sir. Limited to redirect, sir.

13 MR. HAZZARD: Yes, sir.

14 RECROSS-EXAMINATION

15 BY MR. HAZZARD:

16 Q. Ms. Smith just asked you about what I had asked
17 about in the cell towers. And you told me, you said, Yeah
18 -- and you told me that, Yeah, if a tower's full, a call
19 will bounce to another one.

20 I do want to be clear about this. When we're
21 talking about different towers, we're maybe at most talking
22 about two miles, two-and-a-half miles away at the very most?

23 Would that be a fair estimation to say or even
24 less, as far as the distance between like one active tower
25 and the next or is that something that you couldn't say for

ANGELA GARDNER - RECROSS BY MR. HAZZARD

1 this area?

2 A. No, I couldn't say, because I don't know where
3 your other towers are. It depends on, you know, the
4 location, how many towers are in that area.

5 Q. Okay. But according to the Prosecutor at that
6 time of night, then, she's saying that his phone was within
7 this area. That's what she's saying to you, right?

8 A. Yes, it's using that tower and it's in that area.

9 Q. All right. Thank you.

10 THE COURT: Mr. Voigt?

11 MR. VOIGT: No further questions, Your Honor.

12 THE COURT: Mr. Edgeworth?

13 MR. EDGEWORTH: No further questions, Your Honor.

14 THE COURT: All right. Solicitor, any follow up?

15 MS. SMITH: No, Your Honor. We ask that
16 Ms. Gardner be excused.

17 THE COURT: All right. Thank you. You're excused
18 from your subpoena. Have a safe trip back, okay?

19 THE WITNESS: Thank you, sir.

20 THE COURT: Yes, ma'am.

21 All right. Ladies and gentlemen, it's 12:15.

22 Let's go ahead and take our lunch and we'll hopefully have
23 you back in the courtroom at probably 1:15. Can we have --
24 can we make lunch in an hour?

25 All right. We'll do that and have you back at

1 1:15. Again, don't talk about the case amongst yourselves
2 or with anyone else. Don't conduct any research. Hope you
3 have a great lunch, we'll see you back in just a few
4 minutes. Thank you.

5 (WHEREUPON, the jury exited the courtroom at 12:15
6 p.m.)

7 THE COURT: Anything before we break for lunch
8 from the State?

9 MS. RICHARDSON: No, Your Honor.

10 THE COURT: Anything from the Defense?

11 MR. HAZZARD: No, sir.

12 THE COURT: All right. So the jury is coming back
13 at 1:15. And how about everybody be back in the courtroom
14 at ten after 1:00?

15 MR. HAZZARD: Yes, sir.

16 THE COURT: All right. Thanks a lot, guys.

17 (WHEREUPON, there was a break held from 12:15 p.m.
18 until 1:12 p.m.)

19 THE BAILIFF: All rise.

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

21 All right. Anything from the State that we need
22 to take up before we get the jury back in here in another
23 little bit?

24 MS. RICHARDSON: No, Your Honor. But if I could
25 have just a moment to lay out, I have a chain of custody.

1 THE COURT: Sure.

2 MS. RICHARDSON: It will be easier to not sort
3 through the exhibits.

4 THE COURT: Sure. Are you gentlemen ready?

5 MR. HAZZARD: Yes, sir.

6 MR. EDGEWORTH: Yes, Your Honor.

7 THE COURT: I'm informed that one of our jurors
8 apparently inadvertently locked his keys in the car at lunch
9 and that a deputy may have gone to assist him or retrieve
10 him; is that correct?

11 THE CLERK: Yes, sir.

12 THE COURT: Hopefully they'll be here in just a
13 minute.

14 MR. VOIGT: Do we have to keep our legal arguments
15 more simple? You seem to be along that objective.

16 THE COURT: Sir, you know, Mr. Voigt, you're a
17 real piece of work, sir.

18 MR. VOIGT: I had to stand and consciously make
19 that joke. And I'm embarrassed for all that I did. Sorry,
20 Judge.

21 THE COURT: You can make it as complicated as you
22 want, sir.

23 MS. RICHARDSON: You're waiting on the juror right
24 now, right?

25 THE COURT: Right now I believe we're waiting on

1 the juror.

2 MS. RICHARDSON: Okay.

3 (WHEREUPON, a brief pause in the proceedings.)

4 THE COURT: All right. Solicitor, are you ready?

5 MS. RICHARDSON: Yes, Your Honor.

6 THE COURT: Great. Defense ready?

7 MR. HAZZARD: Yes, sir.

8 THE COURT: All right. Let's go ahead and bring
9 the jury in, please. Thank you, Mr. Bailiff.

10 (WHEREUPON, the jury entered the courtroom 1:25
11 p.m.)

12 THE COURT: All right. Ladies and gentlemen, I
13 think we are ready to proceed.

14 Solicitor, you call your next witness.

15 MS. RICHARDSON: The State calls Ashleigh Dixon to
16 the stand.

17 THE COURT: All right.

18 ASHLEIGH DIXON, having been duly sworn,
19 testified as follows:

20 THE WITNESS: Ashleigh Dixon.

21 DIRECT EXAMINATION

22 BY MS. RICHARDSON:

23 Q. And would you spell your name?

24 A. A-S-H-L-E-I-G-H, D-I-X-O-N.

25 Q. Okay. Ms. Dixon, where are you employed?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 A. The Richland County Sheriff's Department in
2 Columbia, South Carolina.

3 Q. And what do you do there?

4 A. I'm the serologist in the DNA lab.

5 Q. And how long have you worked there?

6 A. I've been in the DNA lab for 13 years.

7 Q. And can you tell us your background?

8 A. I have a bachelor of science degree from Coastal
9 Carolina University in biology. And I was trained by three
10 court-certified analysts in the DNA lab and proficiency
11 tested twice a year.

12 Q. And can you tell us what your role is at the
13 Richland County Sheriff's Office?

14 A. So the investigators there, there at the Sheriff's
15 Department, will request evidence to be processed. So I
16 will go down to evidence, pick it up, make sure everything's
17 sealed properly and documented properly. Then I will
18 process the evidence for the analyst and then once I'm done
19 with my part, I pass it on to the analyst and they do the
20 rest of the analysis.

21 Q. And in this case was your role as a serologist or
22 as evidence processing?

23 A. Evidence processing and serologist. I do the
24 same.

25 Q. And have you testified previously?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. How many times?

3 A. Around ten.

4 Q. Okay. And have you ever been qualified as an
5 expert?

6 A. No, ma'am.

7 Q. You primarily testified in chain of custody?

8 A. Yes, ma'am.

9 Q. And what sort of training have you had regarding
10 serology?

11 A. So I went to Charleston for a week. The FBI
12 trained myself and a bunch of other serologists in the
13 Columbia area on looking for blood, looking for semen,
14 looking for saliva. So I have a certificate stating that
15 I've successfully completed that course.

16 And then also the analyst in the lab, they trained
17 me for two years before I was signed off for casework.

18 MS. RICHARDSON: Okay. Your Honor, at this time
19 I'd offer her as an expert both in serology and evidence
20 processing.

21 THE COURT: All right. Any objection to this
22 witness being noted as an expert in serology and evidence
23 processing, Mr. Hazzard?

24 MR. HAZZARD: No, sir.

25 THE COURT: Mr. Voigt?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 MR. VOIGT: I may have a few questions on the
2 predicate, Your Honor.

3 THE COURT: Go ahead.

4 MR. VOIGT: Thank you. Ms. Dixon, what is the
5 field of serology, so that the jury knows?

6 THE WITNESS: It's where you're looking for the
7 presence of any biological fluid like blood, semen, saliva.

8 MR. VOIGT: Okay.

9 THE WITNESS: On a piece of evidence.

10 MR. VOIGT: And you are trained in the methods for
11 looking for those substances?

12 THE WITNESS: Yes, sir.

13 MR. VOIGT: And that is your role with the
14 Richland County Sheriff's Department, is it?

15 THE WITNESS: Yes, sir.

16 MR. VOIGT: Okay. And how long have you been with
17 them?

18 THE WITNESS: Thirteen years.

19 MR. VOIGT: And you've testified approximately ten
20 times?

21 THE WITNESS: Yes, sir.

22 MR. VOIGT: But never as an expert?

23 THE WITNESS: No, sir.

24 MR. VOIGT: Okay. In your -- in your role in this
25 particular matter, did you -- the things that you did,

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 whatever you may have done, was that more as an evidence
2 processor or as a serologist?

3 THE WITNESS: It was for evidence processing. I
4 didn't screen it for blood or semen or saliva.

5 MR. VOIGT: So you didn't do any serology on it,
6 so to speak?

7 THE WITNESS: No, sir.

8 MR. VOIGT: Okay. Evidence processing, you've
9 taken classes in that particular matter?

10 THE WITNESS: I haven't taken any classes. I've
11 been trained by three court-certified analysts with the
12 Sheriff's Department. I had to complete a competency test
13 and I'm proficiency tested twice a year.

14 MR. VOIGT: Okay. And you're not an analyst, just
15 to be clear?

16 THE WITNESS: No, sir.

17 MR. VOIGT: Okay. I think that's all the
18 questions I have.

19 THE COURT: All right.

20 MR. VOIGT: I would -- I don't know that I would
21 object to her testimony, not knowing what her testimony's
22 going to be, but I would object to her being certified as an
23 expert based on what -- the answers to the questions I just
24 elicited.

25 THE COURT: All right. Any objections, sir?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 MR. EDGEWORTH: None at this time, Your Honor.

2 THE COURT: All right. I'm going to note your
3 objection for the record, sir. I think that she is, in
4 fact, qualified based upon the information that she has, in
5 fact, testified to regarding her experience, her training,
6 working with the FBI, and so to that extent -- or being
7 trained by them, excuse me. And to that extent, I will
8 qualify her as an expert in serology and evidence
9 processing. And, again, ladies and -- and I note your
10 objection for the record.

11 MR. VOIGT: Thank you very much.

12 THE COURT: And again, ladies and gentlemen,
13 experts can give opinion testimony whereas lay witnesses
14 cannot. And to that extent, just because somebody is noted
15 as an expert, you can consider their testimony or their
16 evidence as you deem fit to use it.

17 Thank you. Proceed.

18 BY MS. RICHARDSON:

19 Q. Ms. Dixon, does the Richland County Sheriff's
20 Office assist other agencies?

21 A. Yes, ma'am.

22 Q. Okay. And in performing forensic analysis?

23 A. Yes, ma'am.

24 Q. All right. And in this case, did Richland County
25 assist Georgetown City Police?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. All right. And can you explain to us how your lab
3 is set up?

4 A. So we're on the second floor of the -- of
5 headquarters in the Sheriff's Department. We are in a
6 secure location so only analysts and myself can go in there
7 with a keycard. Nobody else can come into the lab. We have
8 secure lockers we put our evidence in and our offices are
9 located right off of the DNA lab.

10 Q. And are there procedures in place to ensure the
11 integrity of the evidence?

12 A. Yes, ma'am.

13 Q. Tell us about those.

14 A. So when the evidence comes up, we make sure
15 everything is properly sealed, date on there, and the
16 initials of whoever sealed the item. When I'm processing,
17 we only open up one piece of evidence at a time. After I'm
18 done processing it, I seal it up, put my initials on it and
19 the date I sealed it up.

20 While I'm processing, I will use sterile scissors.
21 We only use one pair of scissors on an item, then sterilize
22 it, and then I'm continuously changing my gloves out and we
23 only -- and we sterilize our tubes also.

24 Q. Okay. And you said you only process one piece of
25 evidence at a time?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. Okay. So in this case did you receive some
3 evidence from the Georgetown Police Department?

4 A. Yes, ma'am.

5 Q. Let me show you what has been premarked as State's
6 90.

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

8 THE COURT: Yes, sir.

9 BY MS. RICHARDSON:

10 Q. Can you tell me what that is?

11 A. This is our chain of custody for the case that --
12 for the case we're on right now.

13 Q. Okay. And basic -- and is that an accurate copy
14 of the chain of custody that's kept in the normal course of
15 business with Richland County?

16 A. Yes, ma'am.

17 MS. RICHARDSON: Your Honor, at this time I'd
18 offer State's 90 into evidence.

19 THE COURT: Any objections, Mr. Hazzard?

20 MR. HAZZARD: No, sir.

21 THE COURT: Mr. Voigt?

22 MR. VOIGT: Your Honor, I believe it's a hearsay
23 document.

24 THE COURT: All right.

25 MR. EDGEWORTH: No objection, Your Honor.

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 THE COURT: All right. I'm going to admit it into
2 evidence subject to -- I will acknowledge for the record
3 your objection, Mr. Voigt.

4 (WHEREUPON, State's Exhibit Number 90 was moved
5 into evidence.)

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

7 THE COURT: Yes, sir.

8 BY MS. RICHARDSON:

9 Q. And, basically, a chain of custody, that just is
10 a -- keeps up with everybody who's had the evidence in your
11 agency?

12 A. Yes, ma'am.

13 Q. Okay. Now, back on April 20, 2017, did you
14 receive some evidence or handle some evidence in this
15 matter?

16 A. I don't see where it says April 20th.

17 Q. March 20th, I'm sorry. Yeah.

18 A. Okay. Yes, ma'am.

19 Q. And who did you receive that evidence from?

20 A. Sorry if I mispronounce the name, Johnell
21 Sparkman.

22 Q. Okay. And do you know where he's employed?

23 A. Georgetown Police Department.

24 Q. And let me show you what has already been admitted
25 into evidence as State's -- State's 15, State's 48, and

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 State's 49.

2 Let me show you first what's been marked for
3 identification as State's 91. Can you tell me what that is?

4 A. This is our evidence bag. When agencies bring
5 their evidence in, we ask them to put it in our own evidence
6 bags so we can identify it better.

7 So this is evidence -- it's our case number. We
8 always reassign to our case number. And Item Number 4 is
9 the left and right fingernail scrapings. Item 5 is two
10 toothbrushes. And Item 6 is a buccal swab from Leon
11 Harrison Sr.

12 Q. And that's just the packaging that it was received
13 in?

14 A. Yes, ma'am.

15 Q. And that's how you track and store evidence at the
16 lab?

17 A. Yes, ma'am.

18 MS. RICHARDSON: Your Honor, at this time I'd
19 offer State's 91 into evidence.

20 THE COURT: Any objection, Mr. Hazzard?

21 MR. HAZZARD: No, sir.

22 THE COURT: Mr. Voigt?

23 MR. VOIGT: This is a bag, Your Honor, or is it
24 the bag and the contents?

25 MS. RICHARDSON: The contents are marked

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 separately. That's why wanted it to be ---

2 MR. VOIGT: Then I have no objection.

3 MS. RICHARDSON: There's multiple items in one
4 bag.

5 MR. EDGEWORTH: No objection, Your Honor.

6 THE COURT: All right. Admitted without
7 objection.

8 (WHEREUPON, State's Exhibit Number 91 was moved
9 into evidence.)

10 BY MS. RICHARDSON:

11 Q. So now let me show you -- well, first of all
12 explain to the jury how that is secured and the steps you
13 take regarding those bags.

14 A. So we make sure that the case number is the same
15 as what we generate for the case. It has a sealed opening.
16 No one can tamper with it. We make sure when we bring it up
17 into the lab nothing has been opened, everything's secured.

18 Q. And let me show you now what's been premarked as
19 State's 15.

20 And can you tell me that is?

21 A. It is a toothbrush.

22 Q. And that would that have been one of the items in
23 your bag there?

24 A. Yes, ma'am.

25 Q. And State's Number 48 and 49?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 A. State 48 is the right hand fingernail scrapings.
2 State 49 is the left hand fingernail scrapings.

3 Q. And State's 86?

4 A. State's 8 -- Exhibit 86 is a buccal swab from Leon
5 Harrison Sr.

6 Q. Okay. And are those the items that were contained
7 in the bag when you received it?

8 A. Yes, ma'am.

9 Q. And when you received the items -- received the
10 bag and the items was there any evidence that it had been
11 manipulated or tampered in any way?

12 A. No, ma'am.

13 Q. And did you manipulate it or tamper with them in
14 any way?

15 A. No, ma'am.

16 Q. And what did you do as to those items?

17 A. So I received these items from Johnell Sparkman
18 and logged them into our evidence room and assigned them
19 case number and item numbers.

20 Q. And, again, that's a secured, locked room?

21 A. Yes, ma'am.

22 Q. And did you have any further interaction with
23 those items?

24 A. I did chain them out to our analyst Gray Amick.

25 Q. Okay. So what does that mean?

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 A. So our analyst or investigators or officers, they
2 will come down and ask for the evidence. So I will scan it
3 out with a bar -- there's bar codes on the labels. I will
4 scan it out into their custody, so it shows that it is out
5 of the evidence room and into someone else's hands at that
6 time.

7 Q. All right. Let me show you what's been marked as
8 State's Exhibit Number 30.

9 A. Okay.

10 Q. Do you recognize that?

11 A. Yes, ma'am.

12 Q. What is that?

13 A. Carpet padding.

14 Q. And was that received by the Richland Sheriff's
15 Office as well?

16 A. What was the item number on that?

17 Q. It's ---

18 A. Yes, ma'am.

19 Q. Okay. And tell us what your -- well, when you
20 received that, was -- had there been any evidence of
21 manipulation or tampering?

22 A. No, ma'am.

23 Q. And did you assist in processing that item?

24 A. Yes, ma'am.

25 Q. Okay. And tell me what you did in regard to that

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 carpet padding.

2 A. So we have an instrument, it's called an M-Vac.
3 It -- we have sterile wands and it pushes out sterile
4 solution onto an item. And as it's pushing out sterile
5 solution it creates like a mini tornado where it's sucking
6 up any skin cells, any blood, anything like that. It's
7 wetting the material on a porous object and sucking it up.

8 And then that liquid is then poured onto a filter
9 through the M-Vac. And when it's done filtering we take
10 sterile swabs, swab the filter, and I cut out the swab and
11 put in a tube for the analyst and then the analyst does the
12 rest of the analysis.

13 Q. Okay. And tell me about the M-Vac. How is it
14 sterilized?

15 A. So between every piece of evidence I process, we
16 use chemical reagents that clean the -- it's like a spray
17 that we clean between every piece of evidence. After I'm
18 done processing, we clean the instrument itself.

19 Q. And does it have some disposable or one-time use
20 parts?

21 A. Yes, ma'am.

22 Q. Okay. And what's that?

23 A. The actual wand that touches the evidence is
24 disposable. The filters are a one-time use disposable piece
25 of equipment that goes with it.

ASHLEIGH DIXON - DIRECT BY MS. RICHARDSON

1 Q. And what is the purpose of the M-Vac? Why would
2 you use it on items such as that carpet padding?

3 A. So we can get deeper down into the evidence. So
4 we can collect more skin cells than just swabbing an item.
5 It actually wets the item and we're sucking up anything that
6 may be in that item itself.

7 Q. And would it also pick up other bodily fluids?

8 A. Yes, ma'am.

9 Q. Okay. Pick up blood if it were on there as well?

10 A. Yes, ma'am.

11 Q. Okay. And after you process that item, what did
12 you do with it?

13 A. I swab the filter and then cut out the swabs, put
14 them in a test tube, and I give it to the analyst, Gray
15 Amick, for further analysis.

16 Q. And did you have any other involvement with that
17 piece of evidence?

18 A. No, ma'am.

19 Q. And again, you took steps, with all of this
20 evidence, not to contaminate or manipulate it in any way
21 that could cause contamination?

22 A. Yes, ma'am.

23 Q. I have no further questions. Answer any questions
24 that the attorneys may have for you.

25 THE COURT: Mr. Hazzard, do you have any

ASHLEIGH DIXON - CROSS BY MR. VOIGT

1 questions, sir?

2 MR. HAZZARD: No, sir.

3 THE COURT: Mr. Voigt, do you have any questions,
4 sir?

5 MR. VOIGT: Just briefly.

6 CROSS-EXAMINATION

7 BY MR. VOIGT:

8 Q. This M-Vac system, have you had any specific
9 training on this M-Vac system?

10 A. Yes, sir. The M-Vac company came and trained
11 everybody in the DNA lab and we were signed off to be able
12 to perform casework on it.

13 Q. And isn't it true that the M-Vac system was
14 originally designed for the dairy industry for food
15 contamination issues?

16 A. Yes, sir.

17 Q. Okay. And what are the two internal validations
18 that the M-Vac system has?

19 A. I'm not sure, but we did validations on the
20 instrument itself before we could use it on casework. We
21 took rocks -- we mainly used it on rocks that were thrown
22 through windows. So we got rocks from the back parking lot,
23 rubbed it around our hands and vacuumed it that way to do
24 different studies on it before we used it for casework.

25 Q. Okay. But you're not aware, specifically -- when

ASHLEIGH DIXON - CROSS BY MR. VOIGT

1 was the last time the machine was validated before you used
2 it in this particular case?

3 A. I'm not sure.

4 MR. VOIGT: No further questions, Judge.

5 THE COURT: Anything, Mr. Edgeworth?

6 MR. EDGEWORTH: No questions for this witness,
7 Your Honor.

8 THE COURT: All right. Any redirect?

9 MS. RICHARDSON: No, Your Honor.

10 THE COURT: All right. Ma'am, thank you very
11 much. You may be excused and released from you subpoena.
12 Have a great day.

13 THE WITNESS: You too.

14 THE COURT: Solicitor?

15 MS. RICHARDSON: Yes, Your Honor?

16 THE COURT: There's several pieces of ---

17 MS. RICHARDSON: I'll come get it, Your Honor.

18 THE COURT: -- evidence or exhibits there.

19 Thank you.

20 Did you call your next witness?

21 MS. RICHARDSON: No, sir.

22 Your Honor, the State calls Kyle Walton.

23 THE COURT: Thank you.

24 KYLE WALTON, having been duly sworn,
25 testified as follows:

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 THE WITNESS: Kyle Walton.

2 DIRECT EXAMINATION

3 BY MS. RICHARDSON:

4 Q. And could you tell us where you're employed?

5 A. I am currently employed with Fresenius Kidney Care
6 here in Georgetown, South Carolina.

7 Q. And previously where were you employed?

8 A. Georgetown Police Department.

9 Q. And have you retired?

10 A. Yes, ma'am.

11 Q. And how many years did you have in?

12 A. Twenty-five years.

13 Q. And could you tell us your educational background?

14 A. I have an associate's degree in criminal justice.
15 I have multiple classes or training in law enforcement type
16 things like defensive tactics, ground defense tactics,
17 driving instructor, several evidence classes, that sort of
18 stuff.

19 Q. Was your entire career with Georgetown Police
20 Department?

21 A. Yes, ma'am.

22 Q. What positions did you hold there?

23 A. Patrol officer, field training officer, corporal
24 drill sergeant, evidence custodian. I was the assistant
25 patrol division commander and also assistant community

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 services commander, as well as leading investigation
2 division.

3 Q. And in March of 2017, what was your position?

4 A. I was lieutenant over CID or investigations,
5 school resource officers, evidence and also the drug unit.

6 Q. Does that mean you were a supervisor of those
7 divisions?

8 A. Yes, ma'am.

9 Q. Okay. And were you involved with the case
10 involving victim Leon Harrison Sr.?

11 A. Yes, ma'am.

12 Q. I mean Jr.

13 And what was your initial involvement in the case?

14 A. My initial involvement would have involved talking
15 to a gentleman on Wither Street in reference to -- well,
16 actually I assigned the case. The case came into the
17 office, I assigned the case to investigators to follow up on
18 it. And then to assist with the case, I did an interview of
19 a gentleman on Wither Street in reference to a Facebook
20 post.

21 Q. Okay. And did you participate in any searches of
22 the residence at [REDACTED]

23 A. I was present for searches, but I did not collect
24 or do any of the -- I was there in a supervisor capacity.

25 Q. Okay. All right. There were items collected

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 during these search -- or these searches of the house?

2 A. Yes, ma'am.

3 Q. And did you make any decisions about where to take
4 these items to be processed?

5 A. Yes, ma'am.

6 Q. And tell me what the decision was.

7 A. The decision initially was made to transport three
8 items to Richland County's Crime Lab and to transport six
9 items to State Law Enforcement Division's lab.

10 Q. Okay. And why -- what lab do you typically use?

11 A. We typically use SLED, but in this case we
12 wanted -- Richland County had -- SLED has a large caseload
13 and were able to a quicker turnaround on the processing of
14 the evidence through Richland County Sheriff's Office.

15 Q. All right. So let me show you what's been marked
16 for identification -- first of all, let me show you what's
17 been marked as State's -- tell me ---

18 MS. RICHARDSON: Did you have a look at this?

19 MR. HAZZARD: What is it?

20 MS. RICHARDSON: A bedsheet.

21 MR. HAZZARD: Yeah.

22 BY MS. RICHARDSON:

23 Q. Let me show you what's been marked as State's
24 Exhibit ---

25 THE COURT: Mr. Voigt are you okay?

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 MR. VOIGT: I'm okay, Judge.

2 MS. RICHARDSON: Did I leave you out?

3 MR. VOIGT: I heard it. I'm good.

4 MR. EDGEWORTH: I was there, yeah. No objection.

5 MS. RICHARDSON: I'm sorry.

6 THE COURT: That's okay.

7 BY MS. RICHARDSON:

8 Q. Let's start with State's 81.

9 Can you tell me what that is?

10 A. This is Item 6 which is a bedsheet with
11 bloodstain, collected from [REDACTED] Highmarket Street, pursuant
12 to a missing person's case and it has its case number as
13 well. And it's evidence, Item Number 3, which is evidence,
14 Number 6.

15 Q. All right. And State's Number 82?

16 A. This is a fabric with bloodstains recovered from
17 the mattress at [REDACTED] Highmarket Street, missing person's
18 case and this is Item Number 7, but it's Evidence Number 4.

19 Q. And State's Exhibit 84?

20 A. This is a corner stain from the box mattress.
21 This is Item Number 10, but it's Evidence Number 7.

22 Q. And State's 83?

23 A. This is a bloodstain from the corner of a mattress
24 on [REDACTED] Highmarket Street, pursuant to a missing person
25 case.

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 Q. Now, did you collect those items?

2 A. No, ma'am.

3 Q. Okay. Let me show you what's been marked as
4 State's Exhibit 92 for identification.

5 Can you tell me what that is?

6 A. This is a Georgetown Police Department evidence
7 voucher.

8 Q. Okay. And is that kept in the normal course of
9 business, is the Georgetown Police Department?

10 A. Yes, ma'am.

11 Q. And is that an accurate reflection of the evidence
12 voucher in this case, for these items?

13 A. Yes, ma'am.

14 MS. RICHARDSON: Your Honor, at this time I'd
15 offer State's 92 into evidence.

16 THE COURT: All right. Any objection to State's
17 92 being entered into evidence, Mr. Hazzard?

18 MR. HAZZARD: No, sir.

19 THE COURT: Mr. Voigt?

20 MR. VOIGT: No, sir.

21 THE COURT: Mr. Edgeworth?

22 MR. EDGEWORTH: No, Your Honor.

23 THE COURT: All right. Admitted without
24 objection, State's 92.

25 (WHEREUPON, State's Exhibit Number 92 was moved

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 into evidence.)

2 BY MS. RICHARDSON:

3 Q. Now, explain to the jury how you log in evidence.

4 A. The police department has a series of lockers that
5 are situated on the wall adjacent to the evidence room,
6 which is a locked wall, I guess we'd call it. There's only
7 two people that have access to it. One is the primary
8 evidence custodian, the other is the secondary evidence
9 custodian.

10 You -- the officer or the investigator takes the
11 evidence they collect, they process it, they package it.
12 And then what they do is they take that -- well, they
13 actually label -- they put a tag or a label on the evidence
14 as well, with the case number, offense, description of the
15 items. And they place that in the evidence locker. Take
16 the key, they lock it, then they drop it into a slot on the
17 end of that locker.

18 And at that point, that officer no longer has
19 custody or control of that evidence. It's turned over to
20 the evidence custodian who come in and take that evidence
21 and log it into the evidence room. He'll basically log it
22 into the log book, put a description and everything in it.

23 He'll also assign a spot or a space in the
24 evidence room to that piece of evidence. So when court
25 comes or whatever it's time to do, trial or whatever

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 criminal procedure there is, then that evidence can be
2 retrieved and -- for the trial, or the evidence can be
3 transported to a -- a lab to be processed for any further --
4 anything else.

5 Q. And what about the packaging, the bags and that
6 sort of thing?

7 A. The -- as far as the bags go -- are you asking as
8 far as ---

9 Q. Those bags there, yes.

10 A. Why they are packaged in paper?

11 Q. Yes.

12 A. Any type of body fluid or blood or anything like
13 that is always packaged in a paper bag due to the fact that
14 if it's still wet or has a little wetness on it, then you
15 can develop mold or something in it and contaminate the
16 evidence. That's why it's always put in paper because paper
17 can breathe.

18 Q. Okay. Now as far as on your evidence log, you
19 have it numbered by the item numbers?

20 A. Yes, ma'am.

21 Q. And what is the first item? What is the first
22 item on the item log?

23 A. Item Number 1 is carpet padding with bloodstain
24 number 1.

25 Q. Okay. And let me show you what's been previously

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 introduced as State's 26.

2 Can you identify that?

3 A. Yes, ma'am.

4 Q. And what is that?

5 A. That would be Item Number -- this would be Item
6 Number 1.

7 Q. Okay. All right. And what is the next item?

8 A. Item Number 2 would be carpet padding with the
9 bloodstain number 3.

10 Q. And when you say bloodstain number three, that
11 would be your evidence marker?

12 A. Yes, ma'am.

13 Q. Okay. And let me show you what's been introduced
14 as State's 30. Is that that item?

15 A. Yes, ma'am.

16 Q. Okay. And what is your next item?

17 A. The next item is bedsheet, Number 6.

18 Q. Okay. Is that State's 81?

19 A. Yes, ma'am.

20 Q. Okay. And the next item?

21 A. The next item is fabric with bloodstain from
22 mattress, Number 7.

23 Q. Okay. And is that State's 82?

24 A. Yes, ma'am.

25 Q. And going down to the next one -- let's skip that

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 and go to the next one.

2 A. Yes. It's metal shaving from bed, Number 8.

3 Q. We'll come back to that one. And the next one?

4 A. The next one is the fabric with bloodstain, corner
5 mattress, Number 9.

6 Q. And that's State's 83?

7 A. Yes, ma'am.

8 Q. And the next one?

9 A. The next one is fabric with bloodstain corner of
10 the box spring, Number 10.

11 Q. And you did not collect any of these items; is
12 that correct?

13 A. No, ma'am.

14 Q. But did you have occasion to transfer these items?

15 A. Yes, ma'am.

16 Q. And when did you receive these items?

17 A. I received these items on the 14th of March and
18 then transported to Richland County.

19 Q. Okay. And who did you receive them from?

20 A. At that time I was assistant evidence custodian.
21 So I was able to secure the evidence due to the fact that I
22 had rights in that room.

23 Q. And who submitted the item to evidence?

24 A. Excuse me?

25 Q. Who submitted the item into evidence?

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 A. The items were submitted into evidence by Allen
2 Morris.

3 Q. And you log them in when their assigned or put
4 into evidence?

5 A. Well -- yes, ma'am.

6 Q. Okay.

7 A. In this case, the officer that logged them into
8 the evidence room would have been Johnell Sparkman.

9 Q. Okay. You got them from the evidence room on --
10 you said March -- what date?

11 A. It would be March the 14th, 2017.

12 Q. All right. And which items did you take to
13 Richland?

14 A. Richland County, I took items -- I took the
15 bedsheet, a small carpet padding and the blood sample --
16 well, I take that back. I took Items Number 2 and 3, which
17 was -- Item Number 2, which was the carpet padding with the
18 bloodstain, and Item Number 3, which was the bedsheet.

19 Q. Okay. And you took those to Richland County?

20 A. Yes, ma'am.

21 Q. All right. And you logged those into the ---

22 A. Yes. I logged those into the Richland County
23 evidence room which is a similar procedure where you
24 basically drop it into their secured evidence wall lockers
25 and transfer custody with our paperwork and their paperwork

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 as well.

2 Q. And so then did you also transport some items to
3 SLED?

4 A. Yes, ma'am.

5 Q. Okay. And what did you take to SLED?

6 A. Item Number 1, which is the carpet padding with
7 the bloodstain. Item Number 4, which is the fabric with the
8 bloodstain from the mattress. Item Number 5, which was the
9 metal shaving from the bed. Item Number 6, which was the
10 fabric with the bloodstain, corner mattress. And Item
11 Number 7, which was the fabric with the bloodstain, corner
12 of the box spring.

13 Q. Okay. And what else did you take?

14 A. I think that day that was the only thing that I
15 took.

16 MS. RICHARDSON: Okay. Let me ---

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

18 THE COURT: Yes, sir.

19 BY MS. RICHARDSON:

20 Q. All right. So I'm going to show you what's been
21 marked as State's 93. Do you recognize that?

22 A. Yes, ma'am. That is the paperwork -- the
23 paperwork with the SLED ID Number for the evidence that I
24 dropped off.

25 Q. Is that your signature on the back page?

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 MS. RICHARDSON: Your Honor, at this time I'd
3 offer State's 93 into evidence.

4 THE COURT: Any objection, Mr. Hazzard?

5 MR. HAZZARD: No, sir.

6 THE COURT: Mr. Voigt?

7 MR. VOIGT: No, sir.

8 THE COURT: Mr. Edgeworth?

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. Thank you. Admitted
11 without objection.

12 (WHEREUPON, State's Exhibit Number 93 was moved
13 into evidence.)

14 BY MS. RICHARDSON:

15 Q. And as far as the carpet padding with the stain,
16 you took one to SLED and one to Richland?

17 A. Yes, ma'am.

18 Q. And you said to SLED you took the larger one; is
19 that right?

20 A. It's Item Number 1. It doesn't have a size on it,
21 but yes, ma'am, it would be the bigger sized one.

22 Q. Would that be the one you took to SLED?

23 A. Yes, ma'am.

24 Q. And that's Item Number 1 on that sheet?

25 A. Yes, ma'am.

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 Q. And that's State's Exhibit 26.

2 And then the smaller piece of carpet padding,
3 State's 30, is that the one you took to Richland?

4 A. Yes, ma'am.

5 Q. All right. Now, let me show you or mark -- what's
6 been marked as State's 94. Which item is that?

7 A. This would be Item Number 8.

8 Q. Okay. And that's the metal shaving?

9 A. The -- could I see that one more time, please?

10 Yes, ma'am.

11 Q. And when you transported these items to Richland,
12 did you open them alter, tamper with them in any way?

13 A. No, ma'am.

14 Q. And you submitted them to their secure evidence
15 process?

16 A. Yes, ma'am.

17 Q. And when you submitted the items to SLED, did you
18 do the same?

19 A. Yes, ma'am.

20 Q. And that would be the items listed on State's 93?

21 A. Yes, ma'am.

22 Q. And did you take steps not to manipulate or tamper
23 with those items?

24 A. No, ma'am. I didn't tamper with or alter anything
25 to them.

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 Q. Okay. And after the items went to Richland, you
2 also took a blood spot from the autopsy?

3 A. Yes, ma'am. I believe later on, yes, ma'am.

4 Q. And were you requested to get any additional
5 standards or evidence regarding that?

6 A. Yes, ma'am. Richland County, the pathologist --
7 or the lab -- the guy that did the work on it there, called
8 back and said --

9 MR. HAZZARD: Objection. Hearsay.

10 THE COURT: Sustained.

11 BY MS. RICHARDSON:

12 Q. Did you collect any additional info -- evidence
13 for Richland County?

14 A. Yes, ma'am. I got a buccal swab from Mr. Leon
15 Sr. -- Leon Harrison Sr. and I also got a toothbrush which,
16 Mr. Harrison stated was -- belonged to the victim Leon
17 Harris Jr. -- Harrison Jr.

18 Q. And explain the process you used for getting the
19 buccal swab.

20 A. We have a sterile cotton tip, wooden Q-tip, I
21 guess you would call it, which is en-packaged (sic). What
22 you do is you take the Q-tip and you take one and rub it on
23 one side of the mouth of the person. Then you take the
24 second one and rub it on the other side of the mouth. And
25 then you insert it in the evidence box, you also allow for

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 it to air dry and also that you secured the evidence box
2 with a piece of evidence tape. Identify what you've got
3 there as far as case number and such and then it also gets
4 placed into evidence.

5 Q. Let me show you what's been marked as State's 86.

6 Do you recognize that?

7 A. Yes, ma'am. This is the buccal swab from Mr. Leon
8 Harris Sr. -- Harrison Sr.

9 Q. Okay. And are those your initials on the back?

10 A. Yes, ma'am.

11 Q. Let me show you what has been marked as State's
12 Exhibit 15. What is that?

13 A. This was the toothbrush that Mr. Leon Harrison Sr.
14 provided as belonging to Leon Harrison Jr.

15 Q. And when you collected that item, did you seal it
16 in the bag?

17 A. Yes, ma'am.

18 Q. And did you take steps not to contaminate it?

19 A. Yes, ma'am.

20 Q. Okay. Let me show you what's been marked as
21 State's 95. Can you tell me what that is?

22 A. This would be the Georgetown Police Department
23 evidence voucher and it lists the toothbrush on victim.

24 Q. And 96?

25 A. A Georgetown Police Department evidence voucher

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 and it lists the buccal swab taken from Mr. Leon Harrison
2 Sr.

3 Q. And those are accurate reflections of the evidence
4 vouchers?

5 A. Yes, ma'am.

6 MS. RICHARDSON: I'd offer 95 and 96 into
7 evidence.

8 THE COURT: Any objection, Mr. Hazzard, to 95 and
9 96?

10 MR. HAZZARD: Are those the requests for
11 processing or chain of custody?

12 MS. RICHARDSON: Chain of custody.

13 MR. HAZZARD: No objection.

14 MR. VOIGT: No objection.

15 THE COURT: Voigt? Edgeworth?

16 MR. EDGEWORTH: No objection, Your Honor.

17 THE COURT: All right. Admitted without
18 objection.

19 (WHEREUPON, State's Exhibit Numbers 95 and 96 were
20 moved into evidence.)

21 BY MS. RICHARDSON:

22 Q. Let's go to State's 15, the toothbrush and State's
23 86, the buccal swab.

24 And when did you collect those items -- or put
25 those items into evidence?

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 A. When did I put them in?

2 Q. Uh-huh.

3 A. I put these items into evidence on the 17th of
4 March, 2017.

5 Q. Once you transported that first group of items on
6 the 14th to Richland and to SLED, did you have any other
7 interaction with them?

8 A. With the evidence?

9 Q. Yeah, that would be on that first evidence
10 voucher.

11 A. No, ma'am. The primary custodian would have come
12 back -- and collected that and brought it back.

13 Q. Okay. Also in this case, did you interview
14 Alexander Rhue Jr.?

15 A. Yes, ma'am. I participated in the interview with
16 Mr. Rhue.

17 Q. And how did it come about that you were able to
18 interview him?

19 A. He voluntarily came to the police department.

20 Q. And do you recall what date that was?

21 A. No, ma'am -- without going through the report.

22 Q. Let me show you this. Let me show you what's been
23 previously marked as State's Exhibit Number 10.

24 Can you tell me what that is?

25 A. This would be a DVD with the recording -- or the

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 capture of the video recording of the interview with
2 Mr. Rhue.

3 Q. And what date was that?

4 A. I believe it's 10 -- 10/15/20.

5 I'm sorry -- that -- I apologize.

6 MR. HAZZARD: Your Honor, if I might.

7 THE COURT: Yes, sir.

8 MR. HAZZARD: On the point of what date the
9 interview occurred I have no objection to her reading it.

10 MS. RICHARDSON: Okay.

11 BY MS. RICHARDSON:

12 Q. It did occur on March 13, 2017?

13 A. Yes, ma'am.

14 Q. And have you reviewed the CD?

15 A. Yes, I have.

16 Q. And those are your initials?

17 A. Yes, ma'am.

18 Q. Is that an accurate copy of the recorded interview
19 of Alexander Rhue --

20 A. Yes, ma'am.

21 Q. -- Jr. --

22 A. Yes, ma'am.

23 Q. -- on March 13, 2017?

24 All right. And you said he came in voluntarily
25 after you all had requested to interview him?

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. And he -- was he in handcuffs or under arrest at
3 that time?

4 A. No, ma'am. He came in the building. He
5 volunteered to give a statement or give us some information
6 in reference to the missing person. He was eating his
7 lunch.

8 Q. And did you threaten, or coerce him, or promise
9 him anything to get him to talk to you?

10 A. No, ma'am. As soon as we concluded our interview
11 with him he was free to go.

12 Q. And he -- would he had been free to go if he had
13 requested?

14 A. If he said he didn't want to talk to us anymore he
15 would have been allowed to go because we didn't have any
16 reason to -- it was a voluntary -- he'd come to help us try
17 to find the victim.

18 Q. And did he appear to be under the influence of
19 alcohol or drugs or anything of that nature?

20 A. No, ma'am.

21 MS. RICHARDSON: Your Honor, at this time, I would
22 offer State's 97 into evidence as the interview of Alexander
23 Rhue Jr. as agreed -- well, as ordered by the Court -- with
24 redactions as ordered by the Court.

25 THE COURT: Mr. Hazzard, any objection as it

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 relates to State's 97, the redacted version of Alex Rhue
2 Jr.'s statement?

3 MR. HAZZARD: No, sir.

4 THE COURT: Mr. Voigt?

5 MR. VOIGT: No, Your Honor.

6 THE COURT: Mr. Edgeworth?

7 MR. EDGEWORTH: No, Your Honor.

8 THE COURT: All right.

9 (WHEREUPON, State's Exhibit Number 97 was moved
10 into evidence.)

11 MS. RICHARDSON: All right. And I seek to publish
12 this to the jury.

13 THE COURT: All right. That's fine.

14 Counsel, approach for one minute.

15 (WHEREUPON, the following discussion was held at
16 the bench.)

17 THE COURT: All right. We hadn't looked at any of
18 these videos in a while. So this is redacted and y'all have
19 viewed this and I've ruled on it, correct? I want to make
20 sure we're good to go on this.

21 MR. VOIGT: We didn't look at it because I said
22 that we didn't need to.

23 THE COURT: Okay.

24 MR. VOIGT: I gave her redactions.

25 THE COURT: That's right.

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 MR. VOIGT: She gave additional redactions. I
2 will not make a -- there will be no objections from me, Your
3 Honor.

4 THE COURT: All right. These -- this is what we
5 talked about this morning?

6 MR. VOIGT: That's right.

7 THE COURT: I'm with you. Sorry about that.

8 MR. VOIGT: That's okay.

9 THE COURT: She would have told me.

10 MS. RICHARDSON: All right. One other thing, this
11 is right an hour, so you might want to see -- might want to
12 see how the jury is, if they need a bathroom break or
13 anything like that before we start.

14 I mean, just because it's an hour or right at an
15 hour.

16 (WHEREUPON, the bench conference ended.)

17 THE COURT: All right. Ladies and gentlemen,
18 we're getting ready to watch a video that will take about an
19 hour. So what I'd like to know is this, do you want to take
20 a break for a few minutes before we start to watch the video
21 or are you ready to move right into it?

22 Everybody looks -- the majority look like they're
23 ready to move into it. Is that all right?

24 All right. We're going to move right into it.

25 MS. RICHARDSON: All right.

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 THE COURT: Thank you. And, again, feel free to
2 move about the courtroom if you need to, to view it.

3 (WHEREUPON, a video recording was played.)

4 MS. RICHARDSON: Any objections to skipping
5 forward?

6 MR. VOIGT: Not from me.

7 (WHEREUPON, the video recording was played.)

8 MS. RICHARDSON: Any objecting to skipping
9 forward?

10 MR. VOIGT: Not from me.

11 THE COURT: No -- they can move forward?

12 MR. HAZZARD: Yes, sir.

13 THE COURT: Yes, sir.

14 Yes, ma'am. Go ahead, Solicitor.

15 (WHEREUPON, the video recording was played.)

16 MS. RICHARDSON: Skip forward again?

17 THE COURT: Any objection to moving forward?

18 MR. HAZZARD: No, sir.

19 MR. VOIGT: No, sir.

20 MR. EDGEWORTH: No objection.

21 THE COURT: Go right ahead, Solicitor.

22 (WHEREUPON, the video recording was played.)

23 BY MS. RICHARDSON:

24 Q. All right. And the other officer that was with
25 you during that interview, what is his name?

KYLE WALTON - DIRECT BY MS. RICHARDSON

1 A. Ian Anderson.

2 Q. All right. And that was a little hard to
3 understand, would you agree with that?

4 A. As far as the --

5 Q. Was he talking fast in the interview with you?

6 A. Initially he was speaking fast, but when I spoke
7 with him, he slowed down a little bit.

8 Q. All right. Let me show you what's been marked as
9 State's Exhibit Number 87.

10 THE COURT: All right. Before you do that, let's
11 have everybody just stretch for a minute. Stand up and
12 stretch for a minute. Okay?

13 I appreciate y'all wanting to go through, but
14 let's just stretch for a minute. Feel free to stand up.

15 (WHEREUPON, there was a pause in the proceedings.)

16 THE COURT: All right.

17 All right. Counsel, you can proceed.

18 BY MS. RICHARDSON:

19 Q. All right. Let me show you what's been marked as
20 State's 87.

21 Do you recognize that?

22 A. This would be a buccal swab of Tiesh Rhue.

23 Q. Okay. And let me show you what's been marked as
24 State's -- what's been admitted as State's 93.

25 Did you transport that buccal swab of Tiesh Rhue

KYLE WALTON - CROSS BY MR. VOIGT

1 anywhere?

2 A. Yes, ma'am. I transported this to State Law
3 Enforcement Division.

4 Q. You didn't collect that one?

5 A. No, ma'am.

6 Q. Transported it to SLED with the other items?

7 A. Yes, ma'am.

8 Q. Okay. Did you alter, tamper, with that in any
9 way?

10 A. No, ma'am.

11 Q. All right. I have no further questions. Answer
12 any questions that the other attorneys may have for you.

13 THE COURT: All right. Mr. Hazzard, do you have
14 any questions, sir?

15 MR. HAZZARD: No, sir.

16 THE COURT: All right. Mr. Voigt, do you have any
17 questions, sir?

18 MR. VOIGT: Just briefly.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. VOIGT:

22 Q. Mr. Walton -- perhaps because you were in the
23 room, you'd know. That folder that Mr. Rhue brought in,
24 were those his taxes?

25 A. I recollect -- I believe that's what he said they

KYLE WALTON - CROSS BY MR. VOIGT

1 were, yes, sir.

2 Q. Okay. And was I correct in understanding that he
3 was taking them to somebody to be prepared or something to
4 that effect?

5 A. I don't exactly recall, but I believe those were
6 some kind of tax documents that belonged to him.

7 Q. And he was taking them to a -- some sort of
8 relative who did tax preparation, that sort of thing?

9 A. I believe so, sir.

10 Q. Was that a cup of noodles? What was he eating?

11 A. It looked like a cup -- the cup of ramen noodles,
12 yes, sir.

13 Q. Okay. All right. And he gave you his buccal
14 sample?

15 A. Investigator Anderson retrieved a buccal -- yeah,
16 the DNA sample from his mouth.

17 Q. And I think you said this at the very top. He
18 came in to speak with you; isn't that correct?

19 A. That's correct.

20 Q. All right. Thank you.

21 THE COURT: Anything else?

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

24 THE COURT: Yes, sir.

25 CROSS-EXAMINATION

KYLE WALTON - CROSS BY MR. EDGEWORTH

1 BY MR. EDGEWORTH:

2 Q. You were a part of this investigation, correct?

3 A. Yes, sir.

4 Q. And you had the opportunity to interview
5 witnesses?

6 A. I interviewed a couple of witnesses, yes, sir.

7 Q. In the course of your investigation, did you
8 interview an individual by the name of Calvin Thomas?

9 A. Excuse, me, sir?

10 Q. Calvin Thomas.

11 A. Yes, sir.

12 Q. In fact, you kind of mentioned at the outset of
13 your testimony that you were responding to some information
14 that you had obtained in the course of your investigation?

15 A. Yeah, it was a Facebook post. I don't recall
16 exactly what it was, but I went to his house and spoke with
17 him.

18 Q. And do you recall that -- that Mr. Harrison Jr.
19 and Mr. Thomas were friends?

20 A. That's what he told me.

21 Q. And on the night of February 25, 2017 --

22 MS. RICHARDSON: Your Honor, I object to hearsay.

23 THE COURT: Well, he hadn't asked a question yet.

24 MS. RICHARDSON: Okay.

25 THE COURT: Overruled.

KYLE WALTON - CROSS BY MR. EDGEWORTH

1 MS. RICHARDSON: If it's going to be hearsay, I'm
2 objecting.

3 THE COURT: Well, let's wait and see.

4 BY MR. EDGEWORTH:

5 Q. Did you learn during your investigation that
6 Mr. Harrison Jr. was seen near the Bank of America in
7 Georgetown?

8 A. Yes, sir.

9 Q. And that he was walking near the Bank of America
10 in Georgetown?

11 A. That's what Mr. Thomas told me, yes, sir.

12 Q. Okay. And when we're talking about the Bank of
13 America, we're talking about the old Bank of America down at
14 the --

15 A. It'd be at the intersection of Highmarket and
16 Fraser Street.

17 Q. Highmarket, Fraser Street. And that was on
18 February 25, 2017?

19 A. Yes, sir. I believe he said -- he said he saw him
20 on the date that he went missing.

21 Q. Which would have been on or about February 25,
22 2017?

23 A. Yes, sir.

24 Q. Let me show you what's been entered into evidence
25 by the State as Exhibit 89.

KYLE WALTON - CROSS BY MR. EDGEWORTH

1 To your knowledge, does that appear to be a map of
2 Georgetown, the City of Georgetown?

3 A. Well, a partial map of Georgetown.

4 Q. But you're familiar, correct?

5 A. Yes, sir.

6 Q. I'll try to make this so that everyone can see and
7 I'll make it as easy as possible.

8 On this map, it's indicated -- you agree that it
9 says the Rhue residence at [REDACTED] Highmarket Street?

10 A. Yes, sir.

11 Q. And it's kind of in this little darker shaded area
12 here. That's where the house is indicated at [REDACTED]
13 Highmarket Street?

14 A. Yes, sir.

15 Q. In the area of Front Street, I think you indicated
16 the -- do you recall the address of that old Bank of America
17 building?

18 A. The old Bank of America building is actually on
19 Highmarket Street, but it's at the intersection of
20 Highmarket and Fraser Street.

21 Q. Would you agree with me that the old address was
22 1306 Highmarket Street?

23 A. Yes, sir.

24 Q. And that would be in this direction, like you said
25 up near Fraser, correct?

KYLE WALTON - CROSS BY MR. EDGEWORTH

1 A. Yes, it would be towards the Winyah Bay, yes, sir.

2 Q. So if you were to walk from [REDACTED] to Bank of
3 America, you obviously have to go in this direction away
4 from the Rhue residence, correct?

5 A. If you were walking from the -- yes, sir. If you
6 were walking from the Rhue residence to Bank of America,
7 you'd be traveling south on -- I'm sorry, west on Highmarket
8 Street, yes, sir.

9 Q. Okay. And then you would agree with me that based
10 on your investigation and the comments you just said, that
11 would mean Mr. Harrison would have been walking in this
12 direction towards Bank of America?

13 A. Well, the -- he basically told me that he saw him
14 walking in the vicinity of Bank of America. He didn't
15 actually say which direction.

16 Q. In order to leave from his residence to Bank of
17 America, it would be in this direction.

18 A. Yes, he'd be traveling west if he left from his
19 residence going towards Bank of America.

20 Q. And that location is still within this colored
21 area. You would agree with me?

22 A. Yes, sir.

23 Q. Isn't it true that you learned that -- that
24 Mr. Harrison walking in that area was odd?

25 A. That's what the -- that's what Mr. Thomas said.

KYLE WALTON - REDIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: Your Honor --

2 MR. EDGEWORTH: No further questions, Your Honor.

3 THE COURT: Were you going to object?

4 MS. RICHARDSON: Well, I guess it's already been
5 done, so.

6 THE COURT: Okay. All right. Any redirect?

7 REDIRECT EXAMINATION

8 BY MS. RICHARDSON:

9 Q. Were you able to confirm any of the information
10 from Mr. Thomas?

11 A. No, we were not.

12 Q. Were you able to get any actual, specific times or
13 anything of that nature?

14 A. No, he couldn't give any specific times.

15 Q. Okay. Thank you. Nothing further.

16 THE COURT: Anything else, Mr. Hazzard?

17 MR. HAZZARD: No, sir.

18 THE COURT: Mr. Voigt?

19 MR. VOIGT: No, Your Honor.

20 THE COURT: Mr. Edgeworth?

21 MR. EDGEWORTH: Nothing further, Your Honor.

22 THE COURT: All right. Sir, thank you so much for
23 coming in. You're excused from your subpoena. Have a good
24 rest of your afternoon.

25 THE WITNESS: Thank you, sir.

KYLE WALTON - REDIRECT BY MS. RICHARDSON

1 THE COURT: All right. Ladies and gentlemen,
2 we're going to take a break just as soon as he gets past
3 y'all. We'll take a break for -- we'll be back in here at
4 3:30. Okay?

5 Please don't talk about the case and we'll see you
6 in just a few moments. Thank you.

7 (WHEREUPON, the jury exited the courtroom at 3:14
8 p.m.)

9 THE COURT: All right. Anything before we break
10 for a few minutes?

11 MS. RICHARDSON: No, Your Honor.

12 THE COURT: Anything from the Defense?

13 MR. HAZZARD: No, sir.

14 MR. EDGEWORTH: No, sir.

15 THE COURT: Great. We'll be at ease for about
16 15 minutes.

17 (WHEREUPON, there was a break held from 3:14 p.m.
18 until 3:29 p.m.)

19 THE BAILIFF: All rise.

20 THE COURT: All right. Thank you. You can be
21 seated. All right. We ready, Solicitor?

22 MS. RICHARDSON: Yes, Your Honor. As far as for
23 the remainder of the day, we planned on calling Johnell
24 Sparkman, who's the -- was the evidence custodian during
25 this time and had some -- and did some additional

KYLE WALTON - REDIRECT BY MS. RICHARDSON

1 investigative work. But after that, Your Honor, our next
2 witnesses were going to be a little lengthy. So we wanted
3 to see if Your Honor wanted to break?

4 THE COURT: I was planning on -- hoping to break a
5 few minutes early today.

6 For the record, that was the look that the Court
7 Reporter gave me. She was shocked, I think.

8 So I was hoping to do that. How long do you think
9 this next witness will take?

10 MS. RICHARDSON: I think probably 15, 20 minutes,
11 if that. Just going through all these.

12 THE COURT: That'll be fine. Does that meet with
13 everybody's approval?

14 MR. HAZZARD: Yes, sir.

15 MR. EDGEWORTH: Yes, sir.

16 THE COURT: And then we'll start back at 10:00 --
17 well, excuse me, we'll have the jury back here. We'll be
18 here at 9:00, the Court Reporter will come in 9:30 or so and
19 we'll put our charge conference on the record or what we
20 need to. Okay?

21 MR. HAZZARD: Yes, sir.

22 MR. EDGEWORTH: Yes, sir.

23 MR. VOIGT: Yes.

24 MS. RICHARDSON: So what time do you want us here
25 Monday morning?

KYLE WALTON - REDIRECT BY MS. RICHARDSON

1 THE COURT: I want y'all here at 9:00. We'll meet
2 and talk about the charge conference. I'll have the Court
3 Reporter come in 9:30 or so and then anything that we need
4 to put on the record to confirm our off-the-record
5 conference, we'll do that. And then hopefully we'll get the
6 jury in here at 10:00.

7 MS. RICHARDSON: Thank you.

8 THE COURT: Does that meet with everyone's --
9 staff? Does that meet the staff's approval?

10 THE CLERK: Yes.

11 THE COURT: That they can accommodate that?
12 Madame Court Reporter?

13 THE COURT REPORTER: Yes. Yes, Your Honor.

14 THE COURT: Okay. Then let's go ahead and get the
15 jury in here. Thank you, Mr. Bailiff.

16 (WHEREUPON, the jury entered the courtroom at 3:30
17 p.m.)

18 THE COURT: All right. Ladies and gentlemen, I
19 believe the State is ready to proceed.

20 Solicitor, you can call your next witness, please.

21 MS. RICHARDSON: The State calls Johnell Sparkman.

22 JOHNELL SPARKMAN, having been duly
23 sworn, testified as follows:

24 THE WITNESS: Johnell Sparkman.

25 DIRECT EXAMINATION

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. Officer Sparkman, where are you employed?

3 A. Georgetown Police Department.

4 Q. I think I may have your title wrong. What is your
5 title there now?

6 A. Enforcement Lieutenant.

7 Q. Lieutenant. All right. And how long have you
8 been at the Georgetown Police Department?

9 A. Twenty-two years, three months.

10 Q. And do you have any military experience?

11 A. Yes, I did three years in 82nd Airborne Division.

12 Q. And what positions have you held at Georgetown
13 Police Department?

14 A. The first five years a patrolman. Then I worked
15 eight years in CID narcotics. Was FTO officer, which is the
16 field training officer. Shortly after that, I became the
17 evidence custodian and training officer.

18 Q. And when were you an evidence custodian?

19 A. After I came off of medical leave, August of 2016.

20 Q. So when this case was going on, February 2017, you
21 were the evidence custodian?

22 A. Yes.

23 Q. Okay. And just briefly explain how you perform
24 your duties as an evidence custodian.

25 A. Pretty much we're responsible for any property

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 that any officer from the Georgetown Police Department
2 submit. They collect asked property to secure as
3 safekeeping or as evidence that's maintained in the secured
4 evidence room where the primary has the only access to it
5 other than the secondary who is designated by the chief of
6 police.

7 Q. Okay. And as far as access, you mean with a key
8 or keycard?

9 A. There's a keycard and your fingerprint.

10 Q. And if you're not there, if something's at night
11 or you're not there, how does an officer drop evidence?

12 A. Outside the evidence room office, there's ten wall
13 lockers that's assigned a key. Each evidence locker has a
14 key, they own individual key. The officer will drop the
15 evidence in the locker, remove the key, lock it and then
16 drop it back into a drop box. Once it's inside there, only
17 the evidence custodian can remove the key.

18 Q. Okay. And when you receive items into evidence,
19 either from the locker or from the officers in person, do
20 you make sure that they are packaged appropriately?

21 A. Yes. If there not any package material available,
22 I will pack it. All the evidence custodians will pack the
23 evidence once they remove it from the locker. But most
24 evidence -- or most piece of items are prepackaged before
25 they're submitted into evidence.

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 Q. And do you take steps to make sure that you don't
2 cross-contaminate evidence or contaminate it yourself?

3 A. Yes. I wear disposable gloves. All the evidence
4 custodians wears disposable gloves.

5 Q. And besides keeping and logging the evidence, do
6 you also transport it to be tested?

7 A. Yes. We mainly use the South Carolina law
8 division, which is SLED, SLED laboratory. It's transported
9 there and the same process as we do at the police
10 department. It's tagged, pre-logged, which is through the
11 SLED's online service. You have to pre-log all your
12 evidence before and pretty much that indicates what type of
13 test you're requesting. Once you do that, you make an
14 appointment with SLED, you go there. And agencies from
15 around the state will use -- pretty much use their
16 laboratory.

17 Q. And in some instances you have used Richland?

18 A. Yes, on several occasions we've used Richland as
19 well, referring to Richland County Sheriff's Office.

20 Q. Let me show you what's previously been marked and
21 introduced as State's Exhibit 55.

22 Can you tell me what that is?

23 A. Yes. This is a log sheet from the Georgetown
24 County Sheriff's Office.

25 Q. Okay. And did they transfer items to the police

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 department?

2 A. Yes.

3 Q. And what items were those?

4 A. It was right hand fingernail clippings and left
5 hand fingernail clippings.

6 Q. Okay. And did you receive those items?

7 A. Yes.

8 Q. And was that from Michael Thacker?

9 A. Yes.

10 Q. Okay. And were those items sealed properly when
11 you received them?

12 A. Yes.

13 Q. And did you alter or manipulate them in any way?

14 A. No.

15 Q. And is that -- let me show you State's Exhibits 48
16 and 49.

17 A. Those would be the envelopes that I received.

18 Q. Let me show you what's previously been marked as
19 State's Exhibit 92. Is that another evidence log?

20 A. Yes. This is the evidence voucher we utilize at
21 the Georgetown Police Department.

22 Q. And when were those items collected?

23 A. First dated March 10, 2017.

24 Q. And these were items collected from [REDACTED]
25 Highmarket Street?

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 A. Yes.

2 Q. And did you receive those items in evidence?

3 A. Yes.

4 Q. And who did you receive them from?

5 A. Investigator Allen Morris.

6 Q. Okay. And did you transfer those items to someone
7 else or did someone else take those items after you logged
8 them into evidence?

9 A. At the time, Lieutenant -- or retired Lieutenant
10 Walton transported to the Richland County Sheriff's Office.

11 Q. Okay. And -- and you put numbers of evidence on
12 these bags? Do you fill these out on the paper bags that
13 you use?

14 A. The -- let me see which number is on that. Yeah,
15 my handwriting is the 143-17, that's the document number,
16 that's how we locate the evidence as is documented in a
17 ledger. As it's received, that's how we number it. It's
18 the item number and the last two numbers of the year, it
19 represents the year. The bin is the actual location inside
20 the evidence room.

21 Q. Okay. So that you can find it when you need to
22 look for it?

23 A. Yes.

24 Q. Okay. State's Exhibit Number 21, is that the same
25 as Item 1 on this evidence voucher?

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 A. Yes.

2 Q. And State's Exhibit Number 30, is that the same as
3 Item Number 2, bloodstain number 3 on this voucher?

4 A. Yes.

5 Q. And when you took these or when these items were
6 in the evidence room, were they sealed -- these bags that we
7 see that aren't sealed now, were they sealed at that time?

8 A. Yes.

9 Q. And these stickers across the back, is that how
10 you seal them?

11 A. Yes.

12 Q. Okay. They're signed and initialed?

13 A. Yes.

14 Q. Okay. And also State's Number 81?

15 A. Yes. This would be Item Number 3 on the voucher.

16 Q. Item Number 3. We'll just go ahead and do all of
17 them. And the remainder of these items, Item Number 7 --
18 I'll let you go through it.

19 A. Item Number 6 and Item Number 7 and Item No -- it
20 looks like 4 and Item Number 5.

21 Q. Were these all released to Kyle Walton?

22 A. Item Number 1, Number 4, Number 5, Number 6,
23 Number 7.

24 Q. Okay. And they were eventually logged back into
25 the evidence room?

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 A. Yes. On October 12th.

2 Q. And that was received from SLED?

3 A. Yes.

4 Q. And let me show you what's been marked as State's
5 Exhibit 98.

6 Do you recognize that?

7 A. Yes, Georgetown Police Departement evidence
8 voucher.

9 Q. And what items is that for?

10 A. Items 1 through 6.

11 Q. And can you tell me what Items 3, 4, and 5, and 6
12 are?

13 A. Item 3 is a cotton swab containing DNA blood
14 sample from a crime scene.

15 Q. Is that number C1?

16 A. Yeah.

17 Q. Okay. Is that -- let me show you what's been
18 marked as State's 77. Is that that item?

19 A. Yeah.

20 Q. Okay. And next item, C2?

21 A. Another DNA blood sample.

22 Q. And State's 78?

23 A. Yeah.

24 Q. 79?

25 A. Yes. It's a blood spot sample.

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 Q. And 80?

2 A. Yeah, it's a blood spot sample.

3 Q. Okay. And were those all from [REDACTED] Highmarket
4 Street?

5 A. Yeah.

6 Q. And who submitted them into evidence?

7 A. Investigator Allen Morris.

8 Q. All right. And did you transport those items
9 anywhere?

10 A. South Carolina Law Enforcement Division.

11 Q. And when did you take them there?

12 A. May 2, 2017.

13 Q. Now, I'm going to show you what's been marked as
14 State's Exhibit Number 99.

15 A. This right here's the slide -- the SLED laboratory
16 service request.

17 Q. And did you transport those items to SLED?

18 A. Yes.

19 Q. On May 2nd?

20 A. (Witness nods affirmative.)

21 Q. Now, did you give those to a person or is it an
22 evidence locker there?

23 A. At that time -- because their processes change --
24 it was at that time we actually gave it to an individual
25 evidence tech at SLED.

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: Your Honor, I'd offer the
2 vouchers, 98 and 99 into evidence at this time.

3 THE COURT: Any objection, Mr. Hazzard?

4 MR. HAZZARD: No objection.

5 MR. EDGEWORTH: No objection, Your Honor.

6 THE COURT: Thank you.

7 MR. VOIGT: No objection, Your Honor.

8 THE COURT: Thank you. All right. Admitted
9 without objection, State 98 and 99.

10 (WHEREUPON, State's Exhibit Numbers 98 and 99 were
11 moved into evidence.)

12 BY MS. RICHARDSON:

13 Q. And let me show you what's been marked as State's
14 Exhibit Number 100. Can you tell me what that is?

15 A. This is another evidence voucher document number
16 160-17.

17 Q. Okay. What's it for?

18 A. For a blue and white Colgate toothbrush, collected
19 from [REDACTED] Highmarket Street.

20 Q. And what color is that toothbrush?

21 A. Blue and white.

22 Q. And State's 85, is that that item?

23 A. Yes.

24 Q. And where did you transport that item?

25 A. Richland County Sheriff's Office.

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 Q. And when was that?

2 A. September 13, 2017.

3 Q. And did you tamper with that in any way?

4 A. Correction on the date, it's actually March 20,
5 2017.

6 MS. RICHARDSON: Your Honor, if I haven't already,
7 I'd offered State's 100 into evidence.

8 THE COURT: Any objection to State's 100 coming
9 into evidence, Mr. Hazzard?

10 MR. HAZZARD: No, sir.

11 THE COURT: Mr. Voigt?

12 MR. VOIGT: No, sir.

13 THE COURT: Mr. Edgeworth?

14 MR. EDGEWORTH: No, Your Honor.

15 THE COURT: Admitted without evidence -- State's
16 100, without objection, excuse me.

17 (WHEREUPON, State's Exhibit Number 100 was moved
18 into evidence.)

19 BY MS. RICHARDSON:

20 Q. All right. Let me show you State's 96.

21 It's already admitted into evidence. What's that
22 evidence voucher for?

23 A. A buccal swab from Leon Harrison Sr.

24 Q. Okay. And who did you receive that from?

25 A. Kyle Walton.

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 Q. Okay. And is that State's 86?

2 A. Yes.

3 Q. And where did you transport that?

4 A. Richland County Sheriff's Office.

5 Q. Okay. And when was that?

6 A. March 20, 2017.

7 Q. And did you alter, tamper, or manipulate that in
8 any way?

9 A. No.

10 Q. Let me show you what's already been entered into
11 evidence as State's 95.

12 Can you tell me what that's an evidence voucher
13 for?

14 A. Green toothbrush from the victim.

15 Q. Okay. Is this State's 15?

16 A. Yeah.

17 Q. And who did you receive that from?

18 A. Kyle Walton.

19 Q. And who did you transport that to?

20 A. Richland County Sheriff's Office.

21 Q. And when was that?

22 A. March 20, 2017.

23 Q. Did you alter, tamper or manipulate in any way?

24 A. No.

25 Q. All right. Let me show you what's been marked as

JOHNELL SPARKMAN - DIRECT BY MS. RICHARDSON

1 State's 87.

2 What is that?

3 A. A buccal DNA sample form Tiesh Rhue.

4 Q. And did you -- and that's State's 87.

5 And was that item logged or transported to SLED by
6 Kyle Walton? Let me show you State's 93; is that right?

7 A. Yes.

8 Q. And when that was in your custody, did you alter,
9 amend, or tamper with it in any way?

10 A. No.

11 Q. Now, as a part of this case were approached by a
12 potential witness?

13 A. Yes.

14 Q. And who was that?

15 A. Antwan Simmons.

16 Q. Okay. And without saying what he said, what did
17 you -- did you end up talking to him?

18 A. By telephone, yes.

19 Q. Okay. And he wanted to come in and be
20 interviewed; is that right?

21 A. Yes.

22 Q. Okay. And did you make arrangements for that to
23 happen?

24 A. Yes. I contacted then Lieutenant Walton.

25 Q. And you are from Georgetown? You've always lived

JOHNELL SPARKMAN -CROSS BY MR. HAZZARD

1 in Georgetown?

2 A. Born and raised.

3 Q. Okay. So is it unusual for people to contact you
4 for things such as this?

5 A. All the time, even if I don't want to.

6 Q. All right.

7 A. Whether I'm off or on duty, it doesn't matter.

8 Q. All right. I have no further questions. Answer
9 any questions that the other attorneys may have.

10 THE COURT: All right. Mr. Hazzard, do you have
11 any questions of this witness?

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

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. HAZZARD:

16 Q. Sir, are you related by blood or marriage to the
17 Harrison family?

18 A. No.

19 Q. And as the Prosecutor asked you, you were the
20 evidence custodian in March of 2017; is that correct?

21 A. Correct.

22 Q. Okay. Did you have any other responsibilities as
23 the evidence custodian other than to handle and take care of
24 evidence?

25 A. Training officer.

JOHNELL SPARKMAN -CROSS BY MR. HAZZARD

1 Q. Okay. Training officer.

2 And what's a training officer's responsibility?

3 A. I'm responsible for maintaining the certification
4 for all Class I officers, assigning annual training and also
5 any advance training. I'm responsible for locating and
6 scheduling those trainings.

7 Q. Okay. And when you say locating and scheduling
8 those trainings, where do these trainings normally take
9 place?

10 A. It's either local here in Georgetown or around the
11 country.

12 Q. So as the custodian of records, your
13 responsibility would be at the police department, correct?

14 A. Yes.

15 Q. And as the head of training, it would be wherever
16 the training is taking place, correct?

17 A. Yes. I pretty much -- at that time, pretty much
18 the training officer is pretty much like a secretary. The
19 training is approved through the support division commander,
20 which is Captain Brown, and I do pretty much all the
21 administrative work as far as assigning the training once
22 it's approved. If it's out of town, I have to search for
23 hotels and I submit the paperwork for lodging or per diem.

24 Q. And are you responsible for that budget or just
25 making the submissions for approval for the money?

JOHNELL SPARKMAN -CROSS BY MR. HAZZARD

1 A. Just the admission, all the approvals actually
2 funnel through the HR.

3 Q. But you find the training or what seem to be good
4 training opportunities and alert the powers that be that,
5 Hey, we have people who need to re-up their certification,
6 this is training that is available, these are the logistics
7 of how we can get that done?

8 A. Correct.

9 Q. Okay. So it sounds like a lot of paper?

10 A. Yes.

11 Q. Okay. And with being custodian, that sounds like
12 a lot of paper that you're responsible for keeping up with?

13 A. Everything's handwritten, yes.

14 Q. Now, according to the incident report in this
15 matter, on March 18th of 2017, Antwan Simmons just happened
16 to contact you regarding his alleged knowledge of this
17 matter; is that correct?

18 A. At that time Antwan was working for a
19 subcontractor that was doing the work at the resident I was
20 residing in at that time.

21 Q. And then on April 24th of 2017, you just happened
22 to be the person who turned in a cell phone that was found
23 behind [REDACTED] Highmarket Street that you happened to receive
24 from someone named Curtis Hankins; is that correct?

25 A. Yes.

JOHNELL SPARKMAN -CROSS BY MR. HAZZARD

1 Q. Okay. Because they were wondering -- looking to
2 find Leon Harrison Jr.'s cell phone, correct?

3 A. Correct, yes.

4 Q. Okay. And it turned out it wasn't that cell
5 phone, right?

6 A. Yes.

7 Q. And then on May 5th, you're the custodian of
8 records and the training officer, but it says that you
9 helped serve the arrest warrants on Alexander Rhue Jr. all
10 the way on the other side of Conway at J. Reuben Long
11 Detention Center with Allen Morris; is that correct?

12 A. Yes.

13 Q. Okay. And then on May 10th, you as the custodian
14 of records and the training officer took Alexander Rhue Sr.
15 into custody with Allen Morris at [REDACTED] Highmarket Street; is
16 that accurate?

17 A. Yes.

18 Q. Okay. And then on May 11th, you as the custodian
19 of records and the training officer, took Ms. Tiesh Rhue
20 into custody along with Investigator Powell at [REDACTED]
21 Highmarket Street; is that correct?

22 A. Ultimately, I am a sworn police officer, so my
23 duties varies. My specific assignment is the training
24 officer and evidence custodian, but I have the power to
25 arrest as any other classman officer. So my duties as -- as

JOHNELL SPARKMAN -CROSS BY MR. HAZZARD

1 needed, that's what I do.

2 Q. So they didn't have any other officers available,
3 they had to use the custodian of records and the training
4 officer to go to --

5 A. Well, the turnover rate --

6 THE COURT: Hold one second. Allow him to
7 complete the question and then once he completes it, you
8 certainly can answer, assuming you understand that question.
9 Okay, sir?

10 Will you repeat your question, Counsel?

11 BY MR. HAZZARD:

12 Q. So it's your testimony that they required the
13 custodian of records and training officer to go to the other
14 side of Conway, some hour-and-fifteen minutes away -- to
15 effect an arrest of someone?

16 A. If I'm asked, yes.

17 Q. All right. And you have no personal interest in
18 this case?

19 A. No.

20 Q. Okay. Nothing further.

21 THE COURT: Mr. Voigt, do you have any questions,
22 sir?

23 MR. VOIGT: I do not.

24 THE COURT: And Mr. Edgeworth, do you have any
25 questions?

JOHNELL SPARKMAN - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: A few questions, Your Honor.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. EDGEWORTH:

5 Q. As the evidence custodian, you're essentially the
6 gatekeeper of the evidence that's turned in on any
7 particular case; is that correct?

8 A. Yes, at that time, yes.

9 Q. Yeah, at this time that I'm talking about -- that
10 we're here for.

11 So when things come in they're written down as you
12 say? I think you said it's all handwritten?

13 A. Yes.

14 Q. Okay. And as the gatekeeper, you're supposed to
15 make sure that if anyone comes in there that they identify
16 that they either come to take evidence in and out of the
17 evidence locker?

18 A. Yes.

19 Q. So presumably then, you would know if anyone took
20 a piece of evidence, regardless of where it went?

21 A. If I'm there, yes. Their -- at that time their --
22 the enforcement commander was the assistant. So in my
23 absence, he has access to the evidence room.

24 Q. And when the evidence comes in, you don't open it
25 up to see what it is and then close it back? You just keep

JOHNELL SPARKMAN - CROSS BY MR. EDGEWORTH

1 it in a particular area; is that correct?

2 A. Correct.

3 Q. Okay. Now, in this particular case, I'm going to
4 show you what -- show you what has apparently been admitted
5 by the State as State's Exhibit 48 and 49.

6 You identified these during your testimony,
7 correct?

8 A. Yes.

9 Q. And these are the packages -- 48 being the
10 packages indicating right fingernail clippings; is that
11 correct?

12 A. Right and left, yes.

13 Q. The left would be Number 49?

14 A. Yes.

15 Q. Okay. And these are items that you took into your
16 custody?

17 A. Yes.

18 Q. And you logged that in?

19 A. Yes.

20 Q. Okay. Then you indicated that at some point in
21 time that this evidence was transmitted to the Richland
22 County Sheriff's Department?

23 A. Yes.

24 Q. Were you the one who took it there?

25 A. Yes, I believe I did.

JOHNELL SPARKMAN - REDIRECT BY MS. RICHARDSON

1 Q. Are you aware that when the sheriff's department
2 received that and they opened up the right fingernail
3 clippings that there was nothing in it?

4 A. No. I wasn't aware of that.

5 MR. EDGEWORTH: No further questions, Your Honor.

6 THE COURT: All right. Any redirect, Solicitor?

7 REDIRECT EXAMINATION

8 BY MS. RICHARDSON:

9 Q. Officer Sparkman, items such as fingernail
10 clippings for an autopsy, are they packaged by the
11 pathologist at MUSC?

12 A. That's normal procedure, yes.

13 Q. And are there standard items that they take?

14 A. Normally fingernail clippings and blood spot
15 samples, hair samples.

16 Q. Okay. And they usually take those three things in
17 every case?

18 A. Yes.

19 Q. Okay. So you wouldn't have had -- you wouldn't
20 have opened those packages to see if there were any
21 clippings in there?

22 A. No need to.

23 Q. Okay. I have no further questions.

24 THE COURT: Okay. In regard to the questions that
25 she asked, anything further Mr. Hazzard?

JOHNELL SPARKMAN - REDIRECT BY MS. RICHARDSON

1 MR. HAZZARD: No, sir.

2 THE COURT: Mr. Voigt?

3 MR. VOIGT: No, sir.

4 THE COURT: Mr. Edgeworth?

5 MR. EDGEWORTH: No further questions, Your Honor.

6 THE COURT: All right. Sir, thank you very much.

7 You're excused from your subpoena and have a great weekend.

8 THE WITNESS: Thank you.

9 THE COURT: Yes, sir.

10 All right. Ladies and gentlemen, I was planning
11 on stopping a little early today. I wanted to stop at 4:30.
12 I'm informed by the Solicitor that the next witness will
13 take some -- some time. So I am going to discharge you at
14 this time for the weekend.

15 I would ask that you please don't discuss this
16 case amongst yourselves. Don't discuss this case with
17 anyone else. Don't conduct any research on this matter. If
18 there's any news on this matter, do not watch it.

19 My plan is to meet with Counsel at 9:00 o'clock
20 Monday morning. We will have some matters of law to take up
21 outside of your presence and as a result I ask you to come
22 in at 10:00 a.m. I will see you -- if you can come to the
23 jury room or wherever they have you assemble, I'll see you
24 there at 10:00 a.m.

25 I hope everybody has a good weekend. Thank you.

JOHNELL SPARKMAN - REDIRECT BY MS. RICHARDSON

1 And as I said, this is a very important case to the State
2 and a very important case to the Defendants in this matter.

3 I thank you for your attention and your
4 participation in this process. I'll see everybody Monday
5 morning. I'll see y'all at 10:00 o'clock, okay? Thank you.

6 (WHEREUPON, the jury exited the courtroom 4:10
7 p.m.)

8 THE COURT: All right. Solicitor, is there
9 anything further that we need to take up before we break for
10 the weekend and then meet back here at 9:00 a.m. on Monday?

11 MS. RICHARDSON: No, Your Honor.

12 THE COURT: Anything from the Defense?

13 MR. HAZZARD: No, sir.

14 THE COURT: Mr. Voigt?

15 MR. VOIGT: No, sir.

16 MR. EDGEWORTH: No, sir.

17 THE COURT: All right. And I would like everybody
18 to know I just found out my son passed the bar exam.

19 MS. RICHARDSON: Yay.

20 THE COURT: All right. We'll see everybody on
21 Monday morning at 9:00 o'clock.

22 (WHEREUPON, the proceedings adjourned for the day
23 at 4:11 p.m.)

24 OCTOBER 18, 2021

25 (WHEREUPON, the proceedings resumed at 9:49 a.m.)

CHARGE CONFERENCE

THE BAILIFF: All rise.

THE COURT: All right. Madam Court Reporter, are we ready?

COURT REPORTER: Yes, Your Honor.

THE COURT: Okay. Great. Thank you.

All right. Before the Court Reporter was here, we had a charge conference here in the courtroom, and what I want to do is just hit the highlights of what I believe to be the highlights of the charge conference. And if anybody wants to add anything to that, they certainly are free to do so to educate me and also to protect the record.

Each party acknowledged that they received the proposed charges from my clerk as well as the proposed verdict form. The State made mention on Page 17, as it results to State v. Herndon, modifying of the Logan charge, and I believe everybody acknowledged and agreed, except for, perhaps, Mr. Voigt, of the removal of "All Of."

So it will read, or I will read, On circumstantial evidence the circumstances must be consistent. And Mr. Voigt made mention of the Golden Age of -- or the Gold Standard as it relates to circumstantial evidence, but I think ultimately admitted perhaps this is what the law is and I have to follow it at this time.

Is there anything, Mr. Voigt, that you want to add

1 to the record as it relates to the removal of the "All Of"
2 and following the language in the State v. Herndon case,
3 sir?

4 MR. VOIGT: May it please the Court, Your Honor.

5 I believe that the State has correctly stated the
6 state of the law as it is right now. I believe that the
7 Court is bound to follow it. I noted in our conference the
8 changing nature of this and how it seems to be changing with
9 each new pronouncement.

10 My objection is merely out of an abundance of
11 caution harkening back to what I perhaps want the law to be
12 as opposed to what the law is.

13 THE COURT: All right. The State also made a
14 request for heat of passion or manslaughter-type of charge.
15 I'm not going to charge that. I believe that the evidence
16 that's been presented to the jury thus far was that there
17 was a -- the Defendant, Tiesh Rhue, purposely attempted to
18 lure the victim to the house. And there is certainly
19 evidence that -- there's no evidence that this was a heat of
20 passion with any type of significant provocation. And so I
21 think for those reasons I'm not going to charge any type of
22 heat of passion, manslaughter, charge.

23 Mr. Hazzard, you brought up on behalf of the
24 Defense, on Page 14 -- anything the State wants to add as it
25 relates to the manslaughter charge for the record and my

1 denial of that?

2 MS. RICHARDSON: Your Honor, the State's position
3 was based on the statements of Ms. Tiesh Rhue indicating
4 that she got the phone, and there was some sort of snatching
5 back and forth, and found that he was texting with another
6 woman. Statements from the other Defendants regarding
7 arguments between the two of them. And the voice mails
8 indicating the anger and what appeared to be or could be
9 construed as a scuffle.

10 THE COURT: Well, I understand that, but I also
11 think there was -- I mean, overwhelming evidence was that
12 this was no big deal, it's something that they were used to
13 and went on all the time. And I just don't think there's
14 sufficient provocation that's been submitted to the jury.

15 Mr. Hazzard brought to my attention on Page 14,
16 one, two -- third line should be, "Value or weight to be
17 given to their testimony." And so I'm going to reflect that
18 change. Mr. Hazzard also brought to my attention that on
19 Page 17, the third line from the bottom, it says, "If
20 they're," we're going to change that to, "If these."

21 All right. Anybody have any problems with those
22 modifications that Mr. Hazzard pointed out?

23 MS. RICHARDSON: Not from the State, Your Honor.

24 THE COURT: Okay.

25 MR. VOIGT: No, Your Honor.

1 MR. EDGEWORTH: No, Your Honor.

2 THE COURT: Mr. Voigt brought up a proposed Jury
3 Instruction Number 2, that I have indicated that I would
4 charge, and that dealt with the aider/abettor in the State
5 v. Madison Case.

6 Did the State want to add anything for the record
7 as it relates to my allowing that charge?

8 MS. RICHARDSON: Your Honor, the State objected
9 because it's already included in the hand of one, and the
10 mere knowledge of not enough.

11 THE COURT: That's correct. I remember you saying
12 that. All right. I'm going to overrule that.

13 And then, also, I have denied Mr. Voigt's -- I've
14 denied his proposed Jury Instruction Number 3 on State v.
15 Benton. I believe it really is dealing with authentication.

16 And, also, I think that my charge, in general,
17 outlines that jurors can consider -- they can use their
18 common sense and they can evaluate and they can consider the
19 circumstances. I think the testimony that I've -- hold on
20 one second. Well, again, it went to authentication and I
21 don't think that's the issue here. And it was really kind
22 of -- it was addressing the actual conditions that they
23 ought to consider or the evidence that they could take into
24 consideration, it kind of outlines that.

25 And what happens is, I think my general charges

1 deal with the fact that they can consider whatever evidence
2 that's been presented, what weight they want to give, they
3 can consider all of that. I think it's going to cover it.

4 Mr. Voigt, do you want to say anything as it
5 relates to my denial of Number 13?

6 MR. VOIGT: Just to note my exception, Your Honor.

7 THE COURT: Yes, sir. That's fine. Thank you.

8 In regard to going back in light of the newest
9 case, the case last week the case of State versus Madison,
10 and going back and looking at the testimony that Mr. Hazzard
11 made mention to, what I would say is I don't think that's
12 necessary, because, quite frankly, there is a low bar as it
13 relates, the State says that, and as a result to the
14 testimony, I mean, the testimony as it relates to these
15 texts in this case, there was testimony that the individual
16 was denoted as "best friend" in their phone and in the
17 texts.

18 These were not one off or spin off type of texts.
19 These were individuals who were very familiar with each
20 other. And I think there was sufficient testimony as it
21 relates to the relationship, as it relates the context of
22 the communication. And so, as a result, I don't think that
23 that's going to be necessary. But I'm happy to let you put
24 whatever you might want to put on the record, Mr. Hazzard.

25 MR. HAZZARD: Thank you, Your Honor.

1 THE COURT: Yes, sir.

2 MR. HAZZARD: For clarification, I believe you may
3 have said State v. Madison, I believe the Court is referring
4 to State v. Benton, B-E-N-T-O-N.

5 THE COURT: Yes, sir.

6 MR. HAZZARD: The Court of Appeals case decided or
7 filed October 13, 2021, Opinion Number 5868.

8 THE COURT: Yes, sir.

9 MR. HAZZARD: But other than that I have nothing
10 further.

11 THE COURT: Yes, sir. And I'm sorry, you're
12 absolutely correct. That was the citation and that was
13 included on his proposed Jury Instruction Number 3.

14 Anything else concerning the Jury Charges that I
15 didn't outline or summarize, from the State?

16 MS. RICHARDSON: No, Your Honor.

17 THE COURT: From the Defense?

18 MR. HAZZARD: No, sir.

19 MR. VOIGT: We're talking merely about the
20 proposed jury charges?

21 THE COURT: Yes, sir. In other words we've
22 addressed -- we've addressed -- I've allowed you to address
23 whatever concerns you have about the jury charges. I'm
24 going to make the modifications to them. Of course, it's
25 subject to some fine change, if there is, depending on what

1 other evidence may come out moving forward. But I just want
2 to make sure that these jury charges now -- I mean, if we
3 end up -- these may be the very charges that are read.

4 We're not going to go through it and have another
5 charge conference. And I just want to make sure you've been
6 able to voice everything you want to voice as it relates to
7 that.

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

9 I had an extended conversation about the interplay
10 between the hand of one charge as well as the conspiracy
11 charge. And you were going to mull that over and tell us
12 what you thought.

13 THE COURT: I did mull it over -- all right, and
14 I'm going to exclude the hand of one charge. I think that
15 it is or could confuse the jury and I'm going to exclude
16 that charge, I believe as requested by the Defense.

17 And, Solicitor, I'll allow you to put anything you
18 want to on the record or whatever you need to do as it
19 relates to that.

20 MS. RICHARDSON: Your Honor, if the State elects
21 to dismiss the conspiracy charges, would Your Honor
22 reinstate the hand of one is the hand of all charge?

23 THE COURT: I do believe so, yes, ma'am.

24 MS. RICHARDSON: Okay.

25 MR. VOIGT: And I believe that sort of election is

1 just what I asked for, Judge.

2 THE COURT: All right. Y'all just let me know.

3 MS. RICHARDSON: And I'll let you know by the end
4 of the day.

5 THE COURT: Y'all let me know, that's easy enough
6 to correct. All right.

7 Anything else from the Defense or the State
8 concerning these proposed charges and our charge conference
9 and my summary of the charge conference?

10 MS. RICHARDSON: Nothing from the State.

11 THE COURT: Anything from the Defense?

12 MR. HAZZARD: No, sir.

13 MR. VOIGT: No, sir.

14 MR. EDGEWORTH: No, sir.

15 THE COURT: All right. And my understanding is
16 everybody agrees to the verdict form; is that correct from
17 to State?

18 MS. RICHARDSON: That is correct, Your Honor.

19 THE COURT: And Mr. Hazzard?

20 MR. HAZZARD: Yes, sir.

21 THE COURT: Mr. Voigt?

22 MR. VOIGT: Yes, sir.

23 THE COURT: Mr. Edgeworth?

24 MR. EDGEWORTH: Yes, Your Honor.

25 THE COURT: All right. Great. Anything else that

1 I didn't include or that was discussed as it relates to the
2 charge conference from the State?

3 MS. RICHARDSON: No, Your Honor.

4 THE COURT: From Mr. Hazzard?

5 In other words, did we discuss -- what we
6 discussed, did I summarize that, sufficiently or is there
7 anything that you want to add, Mr. Hazzard?

8 MR. HAZZARD: Yes, sir. I'm trying to remember
9 which one of Mr. Voigt's objections that I adopted on behalf
10 of Alexander Rhue Sr. I believe it was with regard to the
11 hand of one and conspiracy.

12 THE COURT: Yes, sir.

13 MR. HAZZARD: And that has been addressed. But
14 for the record I have adopted that argument.

15 THE COURT: Mr. Edgeworth?

16 MR. EDGEWORTH: Your Honor, I think my objections
17 were noted and the Court ruled, so I have nothing further.

18 THE COURT: All right. That would be great.
19 Thank you. All right.

20 Solicitor, so what is it we need to do now? And
21 thank y'all for obviously having reviewed that and being
22 ready to go and knocking that out. I think that's important
23 and I'm glad we did. All right.

24 MS. RICHARDSON: Your Honor, one of the statements
25 that we did during the Jackson v. Denno Hearing, the last

1 one was the interview of Ms. Tiesh Rhue. The Court did
2 watch the interview and we went through everything with
3 Investigator Powell. The issue in that case, Your Honor,
4 instructed us to cut it off, obviously, when she asked for
5 an attorney and invoked her right.

6 THE COURT: Right.

7 MS. RICHARDSON: But before that, there was a lot
8 discussion about hearsay statements and that sort of thing,
9 based on the officer basically telling her stages of the
10 investigation. So any information that he gleaned from the
11 forensic results and that sort of thing.

12 So we have made those redactions. There was some
13 talk about whether he could characterize some of the
14 evidence. I didn't have any specific notes about which of
15 those were allowed. I think Your Honor allowed some of them
16 as sort of a characterization. But I think with this one,
17 because it is sort of complex and intertwined, I would
18 prefer that we hear that one on the record to make sure that
19 we haven't left anything out there that Your Honor ruled
20 against. And I think by the time we go to this one we were
21 all just sort of done.

22 THE COURT: Speak for yourself, no.

23 MS. RICHARDSON: And I knew it would be --

24 THE COURT: All right. Just play it. Do we need
25 to play this gentlemen?

1 MR. HAZZARD: Yes, sir.

2 MS. RICHARDSON: I just don't trust that I've
3 done -- I want to make sure that it's.

4 THE COURT: That's fine. That's fine.

5 And any objection to her advancing to get to where
6 the officer are in the room?

7 MR. EDGEWORTH: No, sir.

8 MR. HAZZARD: No, sir.

9 THE COURT: All right.

10 MS. RICHARDSON: This is the one that's really
11 hard to hear in the beginning.

12 (WHEREUPON, the video recording was played.)

13 THE COURT: All right. Thank you, Solicitor.

14 Mr. Hazzard, you've had an opportunity to listen
15 to the Solicitors' redacted version of Ms. Rhue's statement.
16 Do you have any objections or any issues, sir? I'm happy to
17 hear from you.

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

19 May it please the Court.

20 THE COURT: Yes, sir.

21 MR. HAZZARD: The part that concerns me is where
22 the officers give their opinion of what they colloquially
23 refer to as the "butt dial." They say, On the butt dial it
24 shows her hollering for her dad.

25 I would submit that's an improper comment that if

1 the Prosecutor wishes to play the inadvertent recording that
2 the jury can then hear it and make their own determination
3 of what Ms. Rhue or whoever else is saying on there. But
4 just like I don't think the officer can get on the stand and
5 say, Hey I listened to it and this is what I heard.

6 Thus, you circum the jury's right to make their
7 own determination of what's on there. I would submit it's
8 improper to submit it to them and publish it to them by way
9 of this recording. So I would ask that that part be
10 excerpted.

11 THE COURT: Mr. Voigt, in regard to the issue that
12 Mr. Hazzard -- any other issues, Mr. Hazzard?

13 MR. HAZZARD: No, sir, Your Honor.

14 THE COURT: All right. In regard to the issue
15 Mr. Hazzard brought up and any concerns that you have as it
16 relates to he redacted video, sir?

17 MR. VOIGT: Thank you very much, Your Honor.
18 Thank you for clarifying that, because I was kind of --
19 didn't know if Mr. Hazzard had more.

20 I agree with him regarding the "butt dial," Judge.
21 And I also have additional issues with the officers
22 commenting on evidence, right about the time that
23 Investigator Powell starts his first mention of a
24 significant amount of blood.

25 Again, I think that there might be a way of

1 getting that sort of testimony in to the jury, but
2 Officer Powell was not the vehicle when he was on the stand,
3 and I don't think he's the proper vehicle through this
4 particular video, because we have not heard evidence of a
5 clean up yet. We have not -- Officer Powell was not the
6 State's witness through which they seek to put that
7 evidence, although that's something that Investigator Powell
8 mentions on that.

9 Also Investigator Morris, again, Your story made
10 sense up to now, and now it doesn't and something happened
11 in that bedroom. And then Officer Powell comes back with
12 another reference to a significant amount of blood and that
13 somebody would have had to have gone to the hospital to get
14 stitched up with blood put back in them or they would have
15 died.

16 Judge, I think that that's all improper. I think
17 that's all the State's theory being put into evidence
18 through witnesses. One, who hasn't testified. One who has
19 already testified, but not testified to that substance,
20 perhaps because he was not qualified to do so at the time.

21 I think that everything that's in this videotape
22 from the time Officer Powell mentions the first significant
23 amount of blood, even Ms. Rhue's answers, such that they
24 allow her to answer, are suring them of their context.

25 So I don't think -- I think that that we can stop

1 this video a full three or four minutes before the State
2 would intend to.

3 THE COURT: All right. Mr. Edgeworth, I'm happy
4 to hear from you, sir.

5 MR. EDGEWORTH: Your Honor, I join in the
6 objection and pretty much all of the statements -- not
7 pretty much, in fact I checked them off as Counsel was
8 saying them.

9 From the time they begin the colloquy about the
10 blood, I believe that all of that part is improper. As
11 Counsel mentioned, significant amounts of blood, talking
12 about a cleanup, and then telling her that her explanation
13 made sense up until that time and then going back to the
14 significant amount of blood. I think that that should be
15 excluded.

16 THE COURT: All right. Solicitor?

17 MS. RICHARDSON: Your Honor, as for the statement,
18 "Hollering for her dad," they had obviously listened to the
19 voice mail. And so that's not hearsay or characterization,
20 that -- and, obviously, they had interviewed her several
21 times, that they could ask her about that statement. "What
22 we were looking at," is improper characterizations or
23 hearsay. So we cut out everything that was, it was
24 enhanced -- or the video was enhanced or anything like that.

25 As far as the blood evidence, we did cut out

1 anything talking about forensics coming back to
2 Mr. Harrison. And it was my understanding that Your Honor
3 said the officer -- both of these officers were at the house
4 during the search warrant and that they could ask her about
5 what they saw.

6 THE COURT: All right. I agree with Mr. Hazzard
7 as it relates to the hollering and the issue concerning the
8 butt dial. I think that's a characterization that the
9 officers are making. And I think that the evidence -- the
10 best evidence in that case would be the butt dial call
11 itself.

12 So I would agree that that would come out.

13 Is there any concern about the characterization
14 that the officers made, "that's bad, that's not good." I
15 don't -- and then telling the defendant that there's no
16 explanation that she can make.

17 You know, I think that dovetails into some of the
18 characterizations as it relates to the blood that
19 Mr. Edgeworth made reference to, and I don't think that the
20 statement, "that's bad, that's not good," whatever officer
21 said that, that is his complete characterization of this
22 situation and I think is wholly improper. He would not be
23 able to get up on the stand and say that, that's for
24 certain.

25 And, also, he indicates that there's no

1 explanation you can make that's satisfactory, or words to
2 that effect. I don't know if he said satisfactory, but I
3 wrote down "explantation you can make." I think that's
4 completely inappropriate. I think it goes toward what
5 Mr. Edgeworth was talking about as it relates to the blood.

6 I agree completely with the fact when it said
7 about, stitched up, or, hospital, or, somebody would die, I
8 don't think any of that's appropriate, because, again,
9 that's -- that's the complete opinion that the -- I mean,
10 the medical examiner really couldn't even say whether or not
11 that was the case.

12 So I don't think it's fair to say that the cops or
13 the officers can sit there and surmise that, Hey, this is
14 someday who was going to die if they didn't get stitched up
15 from that amount of blood.

16 Now, as far as there being a lot of blood, I think
17 that characterization, I'm afraid I'm going to have to
18 disagree with you there. I think that they could testify
19 really from a layman's perspective that there's a lot of
20 blood. I mean, obviously this was not a pinprick. And so I
21 don't think that that -- I just think good common sense as
22 it relates to what's been into evidence and I think what's
23 going to go into evidence, somebody can say that was a lot
24 of blood.

25 But as far as being stitched up, I agree

1 completely. I don't think that's appropriate. The
2 characterization of the officers that I've made reference
3 to, which, again, I think is in essence what Mr. Edgeworth
4 was saying and also the characterization of the hollering as
5 it relates to the butt dial. I think those should be
6 removed.

7 All right. Any further questions concerning my
8 ruling from the Defense? I want to make sure I've covered
9 the issues that you gentlemen have covered.

10 MR. HAZZARD: No questions. I do want to say for
11 the record that I join in objection and argument of
12 Mr. Voigt and Mr. Edgeworth, but no questions regarding the
13 Court's ruling.

14 THE COURT: Mr. Voigt?

15 MR. HAZZARD: No questions regarding the Court's
16 ruling. I believe the Court was clear. However, I will
17 note that from the time Officer Powell mentions the
18 significant amount of blood, which he later mentions again,
19 we have all the redacted statements of both he and
20 Investigator Morris. And we really don't have any -- I
21 think there's one two-second response from Ms. Rhue, and
22 that was why I thought that that initial reference was a
23 good ending point of this particular statement, because it
24 cleans the whole thing up.

25 MS. RICHARDSON: So, Your Honor, we could --

1 THE COURT: So, hold on. Mr. Edgeworth, anything
2 else?

3 MR. EDGEWORTH: No, Your Honor. I understand your
4 ruling.

5 THE COURT: All right.

6 MS. RICHARDSON: So from what I understand, we
7 would be able to say, We're talking about a significant
8 amount of blood would have to be on that carpet to go
9 through the carpet, through the padding, into the plywood.
10 She says, I can't answer that, and some other things. But
11 you got to be thinking right now -- yeah, I'm thinking,
12 because I'm trying to figure out what the hell is going on.
13 And that's when Officer Morris says, "that's bad," and then
14 talks about the story not making sense.

15 I would say end it right before he says, "that's
16 bad." And then that would take out, "Your story has made
17 sense," and the statements about going to the hospital. We
18 had already taken out all the STD, the hearsay statements
19 regarding that.

20 THE COURT: Now, there was something about STD, I
21 heard something.

22 MS. RICHARDSON: Well, at that point we would just
23 take all of that out.

24 THE COURT: Okay. I didn't make a ruling as it
25 relates to the STD.

1 MS. RICHARDSON: Okay.

2 THE COURT: But whatever the Solicitor wants to
3 do, I'm sure -- I mean...

4 MS. RICHARDSON: Okay. Well, we can go back a
5 little further, she does say, I've never -- this had gotten
6 cut out accidentally -- I've never been tested for venereal
7 diseases. Okay, I don't have a venereal disease. Talking
8 about a vaginal disease. Yeah, any kind of STD, I don't
9 have it, okay.

10 So we could put that whole part in there, end all
11 the discussion about the blood. After that talking about
12 going through the subfloor. And then as far as the
13 hollering.

14 MR. EDGEWORTH: Your Honor, if I may just
15 interject on that point, I mean, she's trying -- the State
16 is attempting to put back in stuff that was previously
17 redacted under the prior Court's order regarding the hearsay
18 related to when we watched it the first time. And if the
19 State is going to put -- they wouldn't be able to get to the
20 STD but for the hearsay. And so then they're getting the
21 commentary -- the statement made by Ms. Rhue is out of
22 context. Where did this STD conversation come from but for
23 the hearsay? And I would ask the Court to maintain that
24 exclusion for the purposes of the new redactions.

25 THE COURT: Where are we with the STD? I haven't

1 heard anything other than her say she didn't have an STD.
2 It there some type -- is there -- I mean, where are we with
3 that? What's the relevance? I'm not -- I'm not -- I
4 haven't heard a thing.

5 MS. RICHARDSON: Ms. Grate indicated that she had
6 an STD.

7 THE COURT: Ms. Who?

8 MS. RICHARDSON: Ms. Grate. And then there's
9 going to be some -- there's some text messages regarding
10 that. But she also denies that in the text messages,
11 somebody else says she has it.

12 THE COURT: All right. So, Mr. Edgeworth, what's
13 your issue concerning STD, sir? Give me that one more time,
14 please.

15 MR. EDGEWORTH: Sure, Your Honor. When we
16 previously reviewed it was brought up that the STD
17 conversation is based in hearsay from the officer, which
18 initiates that part of the conversation.

19 THE COURT: And how did they initiate that? What
20 was said?

21 MR. EDGEWORTH: We heard that you so-and-so gave
22 you an STD.

23 MS. RICHARDSON: That your brother told someone
24 that you had an STD.

25 THE COURT: All right. I'm going -- I'm going --

1 I'm not going to allow that.

2 MS. RICHARDSON: Okay. We'll take that part out.

3 And then as far as the butt dial conversation, I
4 understand we can't say, You were hollering for your daddy,
5 but can we just redact that to say, So why were you
6 hollering? And then she responds, Because he left and I was
7 angry, without saying what she was hollering.

8 THE COURT: Well, I don't know that it's so much
9 what she's hollering, it's the characterization that she's
10 hollering. Is that correct, Mr. Hazzard?

11 MR. HAZZARD: Correct.

12 MS. RICHARDSON: Well, Your Honor, you know a case
13 where we've got multiple people being involved and we're
14 either going to have the hand of one or the conspiracy
15 charge. And in this it's very clear that she says, daddy.
16 And so they're asking her and they hear it. It's not like
17 they heard it from someone else or gleaned it. They have
18 heard the voice mail where she yells, daddy. That part is
19 very clear, so they're asking her why she is hollering for
20 her daddy. But it's not based on hearsay or a
21 characterization, it's just as clear as the text messages
22 they asked Alexander Rhue Jr. about. I mean, they heard it
23 themselves.

24 THE COURT: All right. Mr. Hazzard?

25 MR. HAZZARD: But it is a characterization. It's

1 them saying what they perceive the recording to show. I
2 mean, in other places they talk about how it's very
3 difficult to understand. That they try to have it, you
4 know, analyzed and amplified. So I don't believe in any
5 way, shape, or form it's as prima facie as the State wants
6 to make it seem.

7 Regardless, it's for the jury to determine what it
8 is they hear, not for the officer to testify through any
9 vehicle of what they perceive it to say.

10 THE COURT: All right. I'm going to agree with
11 Mr. Hazzard on that. I'm not going to allow them to
12 mention, Holler, it think holler was the word, whatever.
13 I'm not going to allow the word, Holler.

14 MS. RICHARDSON: Okay. Well, Holler, is not
15 really the word I wanted. The word I wanted was, Your
16 daddy. That's what I was looking for was, Calling for your
17 daddy.

18 THE COURT: Okay.

19 MS. RICHARDSON: Whether it's hollering or not, it
20 was --

21 THE COURT: Well, how do you get it in? How do
22 you remove, Holler? I mean, if you want to remove Holler,
23 and then just put, Your daddy. I mean, that's fine with me.
24 I mean, I don't have a problem with that. It's the
25 characterization. It's them -- you've got the recording,

1 right?

2 MS. RICHARDSON: We've already played it. That's
3 already been published to the jury. But they can ask -- I
4 mean, she's saying -- it's not like hearsay. I mean, it is
5 a piece of evidence. They've already heard for themselves.
6 She has stated that her dad -- they came in -- initially it
7 was -- it was just a couple of different versions. The dad
8 said he had heard them arguing, but didn't get involved in
9 it.

10 THE COURT: All right. I'm going to deny
11 Hollering, you can't use that, so that's got to come out.

12 MS. RICHARDSON: Okay.

13 THE COURT: All right. Anything further from the
14 video from the State?

15 MS. RICHARDSON: I'm sorry, Your Honor.

16 THE COURT: Anything further regarding the video?

17 MS. RICHARDSON: No, Your Honor.

18 THE COURT: Anything further concerning this
19 video, Mr. Hazzard?

20 MR. HAZZARD: No, sir. Your Honor --

21 THE COURT: Mr. Voigt? I didn't mean to cut you
22 off, sir, I apologize.

23 MR. HAZZARD: I was just going to say I would ask
24 for a couple of minutes before we bring the jury out.

25 THE COURT: You're always asking for just a couple

1 of minutes, aren't you?

2 MR. HAZZARD: Yes, sir. I am.

3 THE COURT: Okay. Are you sure you don't want 15?

4 MR. HAZZARD: I would, but I don't think...

5 THE COURT: All right. Anything else, Mr. Voigt?

6 MR. VOIGT: No, sir.

7 THE COURT: Anything else, Mr. Edgeworth?

8 MR. EDGEWORTH: No, Your Honor.

9 THE COURT: So are we ready -- absent a brief
10 break, are we ready to bring the jury in out and let's put
11 some testimony up solicitor.

12 MS. RICHARDSON: Your Honor, to redo this, I want
13 to make sure I get it right. So we can leave in the part
14 that says, You can hear you calling for your daddy.

15 THE COURT: Yeah.

16 MR. HAZZARD: Again, that's them saying what they
17 think the recording shows. The jury has heard it, the jury
18 has a right to make a determination, first of all whether
19 they even think it is Tiesh Rhue doing it. And, secondly,
20 what she's saying.

21 If it were anywhere near as clear as they want to
22 make it seem, then they wouldn't even care about it. But to
23 allow the Officer to give his opinion of what that recording
24 shows, I would submit is improper. Just like he couldn't
25 get on that witness stand and say, Yeah, I listened to the

1 recording and I heard her hollering for her daddy. That
2 would be inappropriate. Jury gets to hear it, jury makes
3 their determination of what it is they heard, if anything.

4 THE COURT: All right. Well, I agree with
5 Mr. Hazzard, I'm going to allow any characterization as it
6 relates to what she did on the video, so that's coming out,
7 all right? That's my ruling.

8 MS. RICHARDSON: Thank you, Your Honor.

9 THE COURT: All right. After a brief break, we'll
10 be ready to go, right?

11 MS. RICHARDSON: Yes, Your Honor.

12 THE COURT: You don't have to go modify this
13 before you -- you're not playing this next?

14 MS. RICHARDSON: No, we're not playing this next.

15 THE COURT: All right. We'll take a few minutes
16 for Mr. Hazzard, and we'll be back in just a minute.

17 (WHEREUPON, there was a break held from 10:46 a.m.
18 until 11:00 a.m.)

19 THE BAILIFF: All rise.

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

21 All right. Are we ready to bring the jury in?

22 MS. RICHARDSON: Yes, Your Honor.

23 THE COURT: Defense?

24 MR. HAZZARD: Yes, sir.

25 THE COURT: All right. Let's get the jury in

1 here, Mr. Bailiff.

2 (WHEREUPON, the jury entered the courtroom at
3 10:54 a.m.)

4 THE COURT: All right. Mr. Foreman, ladies and
5 gentlemen, good morning. I hope everybody had a good
6 weekend. I hope that all your football teams won. If you
7 follow baseball, I think the Braves won, but I hope your
8 team won, whoever that was.

9 We have been in here working since 9:00 o'clock.
10 I promise you, and everything we're doing is going to
11 streamline. But at the same time, again, making certain
12 that we've got it right. Again, this is an important matter
13 to the State and to the Defendants in this case.

14 I believe the State is ready to call their next
15 witness. Solicitor?

16 MS. RICHARDSON: Yes, Your Honor. We're getting
17 the TV out. The State calls Ronald Walker.

18 THE COURT: All right.

19 RONALD WALKER, having been duly sworn
20 testified as follows:

21 THE COURT: Good morning, sir.

22 THE WITNESS: How you doing?

23 THE COURT: I'm doing great. For purposes of your
24 testimony, if you could pull your mask down so we can hear
25 you better and the Court Reporter can make sure everything

1 is recorded and you probably need to get close to that
2 microphone. Thank you very much, sir.

3 THE WITNESS: My name is Ronald Walker.

4 DIRECT EXAMINATION

5 BY MS. RICHARDSON:

6 Q. Mr. Walker, where are you employed?

7 A. At Walmart in Georgetown.

8 Q. Okay. And how long have you been at Walmart in
9 Georgetown?

10 A. The end of this month it will be 21 years.

11 Q. And is this the Walmart located on North Fraser
12 right here in the city?

13 A. Yes, it is.

14 Q. And before you were at Walmart, what did you do?

15 A. I went into the military after high school. Did
16 20 years in the Army. I retired and came back home. I was
17 working full time at Lincoln High School and part time at
18 Walmart in the Electronics Department.

19 Q. And what is your position at Walmart?

20 A. I work at the Loss Prevention Department.

21 Q. And how long have you been in that department?

22 A. As of September the 3rd, it was 18 years.

23 Q. Okay. And could you just briefly tell us what the
24 Loss Prevention Department does?

25 A. Actually, it's probably -- how do I put this -- I

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 work to try to stop prevention from theft.

2 Q. Okay. And does Walmart have a security system?

3 A. Yes, it does.

4 Q. And cameras set out throughout the store?

5 A. Yes.

6 Q. And are those -- is that constantly on in the
7 store?

8 A. Yes, it is.

9 Q. And who sets the date and time on those cameras?

10 A. It's preset already, unless you want to run video
11 for something that took place.

12 Q. Okay. But as far as the video, the time that's
13 displayed on the --

14 A. It's continuously running, yeah, it's continuously
15 running.

16 Q. Okay. And is that automatically recorded --

17 A. Yes, it is.

18 Q. -- for a certain period of time?

19 A. Yes, it is.

20 Q. And is that kept in the normal course of business
21 at Walmart?

22 A. Yes, it is.

23 Q. Okay. And who is responsible for monitoring those
24 videos?

25 A. I am.

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 Q. And that's the -- and do you have other employees
2 that work with you?

3 A. Yes, I to.

4 Q. Okay. And who else is in your department?

5 A. Terrell Randolph.

6 Q. And both of you were responsible for monitoring
7 those videos?

8 A. Yes, ma'am.

9 Q. Okay. And if you were to see something like a
10 shoplifting, do you burn a copy of the video?

11 A. Yes, I do.

12 Q. And does law enforcement often come asking for
13 those videos?

14 A. Yes, they do.

15 Q. Okay. Let me show what's been marked as State's
16 Exhibit 101, and can you tell me what that is?

17 A. It's a disk from Walmart.

18 Q. Okay. And is that -- have you confirmed that that
19 disk is from February 26 of 2017?

20 A. Yes.

21 Q. And was that disk provided by your department to
22 law enforcement?

23 A. Yes, it is.

24 Q. Okay. And that an accurate copy of what was
25 provided?

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 A. Yes, it is.

2 MS. RICHARDSON: Your Honor, at this time I'd ask
3 to admit State's Exhibit 101.

4 THE COURT: Any objection, Mr. Hazzard?

5 MR. HAZZARD: No, sir.

6 THE COURT: Mr. Voigt?

7 MR. VOIGT: No, sir.

8 THE COURT: Mr. Edgeworth?

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. It's admitted without
11 objection.

12 (WHEREUPON, State's Exhibit Number 101 was moved
13 into evidence.)

14 BY MS. RICHARDSON:

15 Q. And have you reviewed the video to confirm that it
16 is your store?

17 A. Yes, I have.

18 Q. And were you assisted or who actually burned the
19 information to the disk?

20 A. Terrell Randolph.

21 Q. But you reviewed it and made sure that it was
22 accurate as far as the date and time in your store?

23 A. Yes, I did.

24 MS. RICHARDSON: All right. Your Honor,
25 permission to publish?

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 THE COURT: Yes, that would be fine, Solicitor.

2 BY MS. RICHARDSON:

3 Q. And while that is loading, let me ask you this:
4 How many entrances are there for the public at Walmart in
5 Georgetown?

6 A. Could you repeat that again, please?

7 Q. I said how many entrances are there for the public
8 at your store?

9 A. Three.

10 Q. And where are they? What do you call those?

11 A. We have the lawn and garden, the general
12 merchandise and the grocery entrance.

13 Q. And now Walmart is still under different hours
14 because of Covid; is that right?

15 A. Right.

16 Q. Okay. But back in 2017 how -- what was Walmart's
17 hours in 2017?

18 A. It was 24/7, it was.

19 Q. Okay. And did all of the entrances stay open
20 24/7?

21 A. No. Lawn and garden was shut down.

22 Q. Okay.

23 A. And the general merchandise usually closed around
24 10:00.

25 Q. Okay. So after 10:00 --

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 A. Yes.

2 Q. -- usually just the grocery entrance was open?

3 A. Yes, ma'am.

4 Q. Okay. Can you tell us what entrance this is?

5 A. It's the grocery entrance.

6 Q. And we're right at the beginning, what time does
7 this video start?

8 A. Actually, I can't see. This is not a very --

9 THE COURT: He's got a very blurry monitor.
10 There's something wrong with his monitor, Solicitor.

11 MS. RICHARDSON: Your Honor, usually that happens
12 with that one sometimes, it may just need to be tightened.

13 Your Honor, permission for the witness to step
14 down then?

15 THE COURT: I think that would be appropriate,
16 sir, if you could just step down.

17 BY MS. RICHARDSON:

18 Q. Okay. And can you tell -- the date and time for
19 this when it began?

20 A. It's shows right up in the upper left-hand corner,
21 February the 25th 2017, the grocery entrance.

22 Q. All right. And I'm going to skip ahead and can
23 you tell at the bottom how long this video is or what time
24 it goes to, as I skip ahead?

25 A. I'm looking at 03:55 in the morning.

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 Q. And so that's a long period -- there it goes -- a
2 long period of time that was captured at the grocery entrance
3 from around 11:00, I think you said close to 3:00 in the
4 morning?

5 A. Yes, ma'am.

6 Q. And that would have been provided for law
7 enforcement for their investigative purposes; is that right?

8 A. Yes, ma'am.

9 Q. Okay. And then they would narrow down the
10 additional videos that they needed for you?

11 A. Yes.

12 Q. Or for Walmart to pull?

13 A. Correct.

14 Q. All right. Let me show you shot one and can you
15 tell us where that is?

16 A. This shot is coming from the GM toward the grocery
17 entrance.

18 Q. Okay.

19 THE COURT: Sir, would it be possible for you to
20 stand a little bit more to the side and still see the TV?

21 THE WITNESS: I'm sorry.

22 THE COURT: I want to make sure you can still see
23 it, but I'd like for the jury to see it also, okay?

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: Yes, sir. Thank you.

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. And we see someone entering at that point?

3 A. Yes.

4 Q. And then typically does law enforcement give you
5 the -- how do they ask you, or your department, to develop
6 the video throughout the store?

7 A. They would normally come to the store and tell me
8 there's an accident in the parking lot between two
9 customers, they would give me a time frame, and I'd just go
10 back and review the video until I see that accident took
11 place.

12 Q. And then if they wanted something inside the store
13 would you follow the different cameras?

14 A. Right. Like a credit card theft, or something
15 like that, they'll bring a copy of the victim statement and
16 we'll use the number and look it up in the system, and it
17 will tell you what register and what all items were
18 purchased.

19 Q. Okay. And then do you follow that individual
20 through the store?

21 A. Right. Right.

22 Q. Okay. And in this shot. This is, again, just a
23 portion of that grocery entrance?

24 A. Yes, it is. Uh-huh.

25 Q. Okay. And this is a picture of what?

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 A. That's the front end.

2 Q. So up in this area what entrance is that?

3 A. That's the grocery.

4 Q. Okay. And this would be the immediate time frame,
5 we're going time frame by time frame --

6 A. Right.

7 Q. -- following through the store; is that correct?

8 A. Right.

9 Q. Okay. And what are we looking at here?

10 A. This is a shot in front of the pharmacy
11 department.

12 Q. And these videos are following the actions of this
13 individual?

14 A. Ma'am?

15 Q. And these videos are following of the individual
16 dressed in dark clothing here?

17 A. Yes, ma'am.

18 Q. Okay. And Shot 5, can you tell us what we're
19 seeing here?

20 A. This is picture of the customer at the register.

21 Q. And this shot?

22 A. This is a shot going back toward the grocery door.

23 Q. Okay. And we see a second individual in that
24 photo. Was your department also asked to track the
25 movements of that second individual?

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 A. Yes.

2 Q. And this view?

3 A. That's a shot of the grocery, the vegetable area.

4 Q. This would be the same area that --

5 A. Right. Where they came in, except they're going

6 out.

7 Q. Okay.

8 A. Exiting.

9 Q. Is this Shot 8?

10 A. Yes, it's a parking lot shot.

11 Q. And Shot 9.

12 A. It's headed toward -- the vehicle is headed toward

13 lawn and garden.

14 Q. Okay.

15 A. At the end of lawn and garden, it's going to make

16 a right turn going back towards Belk, Advance Auto.

17 Q. Okay. And is that what this is, Shot 10?

18 A. Yes. Uh-huh.

19 Q. Up in this area?

20 A. It's kind of blurry, but if you keep down, that's

21 where you're going to make a right.

22 Q. Okay. So that was the following of the first

23 individual. And then let me show you Shot 10, and what is

24 this?

25 A. This is another parking lot shot.

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 Q. And this is back at 1:01 a.m.?

2 A. Yes, it is.

3 Q. Okay. And the individual that just left the
4 vehicle. Let me show you Shot Number 12. Where are we now?

5 A. That's the grocery.

6 Q. That same grocery entrance we talked about a few
7 times?

8 A. Uh-huh.

9 Q. Okay. And then Shot 13?

10 A. It's from the grocery entrance coming toward,
11 like, customer service.

12 Q. Okay. And Shot 14?

13 A. That will be the restroom right next to customer
14 service in the front end.

15 Q. Okay. Shot 15?

16 A. That's a shot from service going back toward the
17 grocery entrance and exit.

18 Q. And this is following the exit of both
19 individuals?

20 A. Right.

21 Q. Okay. And this view?

22 A. That's an overview of the entrance or exit on the
23 grocery side?

24 Q. Okay. So just outside of the --

25 A. Right.

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 Q. -- instead of inside?

2 A. Right.

3 Q. Okay. That's all. Please have a seat back on the
4 stand.

5 Let me show you --

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

7 THE COURT: Yes, sir.

8 BY MS. RICHARDSON:

9 Q. Let me show you what's been marked as State's
10 Exhibit 102. Can you tell me what that is?

11 A. It's a transaction from Register 18.

12 Q. Okay. And is that something that you can print
13 out from your computer system?

14 A. Yes.

15 Q. And actually you can still print that out now?

16 A. Yes.

17 Q. All right. And is that an accurate reflection of
18 the receipt that was provided to the customer?

19 A. Yes.

20 Q. And can you read the date and time on that?

21 A. The date is February 26, 2017, 01:07 hours in
22 military time.

23 Q. Okay. Can you tell us what items were purchased?

24 A. Two containers of peroxide.

25 Q. Okay. And is that -- did you confirm that that

RONALD WALKER - DIRECT BY MS. RICHARDSON

1 was the same receipt as what we saw on the video?

2 A. Yes.

3 Q. Okay. And is it? It is the same?

4 A. Yes, ma'am.

5 MS. RICHARDSON: Your Honor, at this time I'd
6 offer State's 102 into evidence.

7 THE COURT: Any objection, Mr. Hazzard?

8 MR. HAZZARD: No, sir.

9 THE COURT: Mr. Voigt?

10 MR. VOIGT: No, sir.

11 THE COURT: Mr. Edgeworth?

12 MR. EDGEWORTH: No, Your Honor.

13 THE COURT: Admitted without objection.

14 (WHEREUPON, State's Exhibit Number 102 was moved
15 into evidence.)

16 BY MS. RICHARDSON:

17 Q. Okay. And as far as this receipt, this doesn't
18 look like the receipt that a customer would get; is that
19 right?

20 A. Yes, ma'am.

21 Q. It doesn't say Walmart at the top and have all the
22 other things, right?

23 A. Right.

24 Q. But this is what you keep in your system?

25 A. Right.

RONALD WALKER - CROSS BY MR. HAZZARD

1 Q. All right. And what is the number of your store?

2 A. 0625.

3 Q. All right. Now, just to be clear, when your
4 department pulls video for another agency and it doesn't
5 involve Walmart, it doesn't involve shoplifting or anything
6 like that, do you do anything as far as trying to identify
7 the individuals?

8 A. No, I don't.

9 Q. Okay. So you basically are just following the
10 person through --

11 A. Right.

12 Q. -- the different camera angles?

13 All right. I have no further questions. Answer
14 any questions that these other attorneys have for you,
15 please.

16 THE COURT: Mr. Hazzard, do you have any questions
17 of this witness?

18 MR. HAZZARD: Yes, sir, Your Honor. Very briefly.
19 May it please the Court.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. HAZZARD:

23 Q. Good morning, sir.

24 A. How you doing, sir?

25 Q. I'm good how are you?

RONALD WALKER - CROSS BY MR. HAZZARD

1 A. Good.

2 Q. Are you okay?

3 A. Yes, sir.

4 Q. Okay. And you said you've been with Walmart for
5 how long?

6 A. This October the 31st, it will be 21 years.

7 Q. And loss prevention for 18 of those years?

8 A. As of September the 3rd of this year, 18.

9 Q. All right. And so what the Prosecutor showed you
10 was a purchase from the pharmacy department, correct?

11 A. An item that was selected from the pharmacy
12 department.

13 Q. And that was two bottles of hydrogen peroxide?

14 A. Yes, sir.

15 Q. And they were 88 cents a piece, correct?

16 A. Yes, sir.

17 Q. Now, this is your Walmart, you kept referring to
18 your Walmart, that's the one on North Fraser Street?

19 A. Right. 1310 North Fraser.

20 Q. Okay. And that's what less than two miles from
21 Highmarket Street?

22 A. Never measured, I'd assume so. I don't know.

23 Q. How long have you lived in Georgetown?

24 A. I don't live in Georgetown.

25 Q. Oh, where do you live, sir?

RONALD WALKER - CROSS BY MR. HAZZARD

1 A. McClellanville.

2 Q. Okay. But you work in Georgetown pretty much
3 everyday?

4 A. Yes, sir.

5 Q. Are you familiar with the location of Highmarket
6 Street?

7 A. 1310 North Fraser.

8 Q. Yes, sir. But are you familiar with where
9 Highmarket Street is?

10 A. Yes. Yes.

11 Q. Okay. And it's not far away, is it?

12 A. No.

13 Q. Okay. Now, back in February of 2017, if an
14 individual went into Walmart at 1:00 o'clock in the morning,
15 could they buy a mop?

16 A. Yes, they can.

17 Q. Could they buy a bucket?

18 A. Yes.

19 Q. Could they buy bleach?

20 A. Yes.

21 Q. Could they buy latex gloves?

22 A. Yes.

23 Q. Could they buy cleaning sponges?

24 A. Yes.

25 Q. Could they buy dropcloths?

RONALD WALKER - CROSS BY MR. HAZZARD

- 1 A. Yes.
- 2 Q. Could they buy bungee cords?
- 3 A. Yes.
- 4 Q. Could they buy cleaning rags?
- 5 A. Yes.
- 6 Q. Could they buy cleaning solutions such as
- 7 Mr. Clean?
- 8 A. Yes.
- 9 Q. What's it called Fabuloso?
- 10 A. Yes, sir.
- 11 Q. In fact, Walmart sells an abundance of cleaning
- 12 supplies, correct?
- 13 A. Yes, sir.
- 14 Q. And you did in February of 2017?
- 15 A. Uh-huh.
- 16 Q. If I wanted to buy a tarp at 1:00 o'clock in the
- 17 morning in 2017 in February could I have bought one in the
- 18 Fraser Street Walmart?
- 19 A. What was that item?
- 20 Q. Tarp, T-A-R-P?
- 21 A. Oh, yes.
- 22 Q. And none of those items are sold in the pharmacy
- 23 department?
- 24 A. No. Not the tarp, but peroxide was.
- 25 Q. Okay. Buckets. Could I have bought a bucket?

RONALD WALKER - CROSS BY MR. VOIGT

1 A. Yes, sir.

2 Q. Okay. No further questions.

3 Oh, no. I'm sorry, let me see.

4 Let me ask you this -- and I apologize.

5 To your knowledge how often are the restrooms
6 checked and cleaned?

7 A. Throughout the day, sir. To be honest with you, I
8 don't monitor that.

9 Q. But on a regular basis?

10 A. Yes, sir.

11 Q. And, in fact, folks who are responsible for
12 checking the restrooms have to initial, correct?

13 A. Yes, sir.

14 Q. Okay. So if there was anything out of the way or
15 out of the ordinary that was found in the restroom, anything
16 that would indicate some possible criminal activity, that
17 would be brought to management's attention, correct?

18 A. I'd like to think so, sir.

19 MR. HAZZARD: All right. No further questions.

20 THE COURT: All right. Mr. Voigt, do you have any
21 questions, sir?

22 MR. VOIGT: Very briefly, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. VOIGT:

25 Q. We saw -- Mr. Walker, thank you for coming down.

RONALD WALKER - CROSS BY MR. VOIGT

1 A. Yes, sir.

2 Q. We saw a number of aisle and rows where product
3 was displayed throughout -- throughout whatever photos the
4 State showed you; is that correct?

5 A. Yes, sir.

6 Q. And we were shown shelves. And some of these
7 displays were put on by vendors, right? Some -- you know,
8 if they were selling a particular product?

9 A. We do have vendors.

10 Q. For example, this time of year, maybe a vender
11 would come in and set up for Halloween candy and in the
12 front of the store we'd have a display for Halloween candy.

13 Is that the sort of thing that Walmart does?

14 A. Yes, sir.

15 Q. Were you ever asked for the height by law
16 enforcement of either the shelves or any of the displays in
17 any of the photos you were shown?

18 A. No.

19 Q. Thank you.

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

21 THE COURT: Mr. Edgeworth, do you have any
22 questions, sir?

23 MR. EDGEWORTH: I don't have any additional
24 questions for this witness, Your Honor.

25 THE COURT: All right. Any redirect by the State?

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: No, Your Honor. We'd ask that he
2 be excused from his subpoena and allowed to return to work.

3 THE COURT: Sir, thank you for coming down. Thank
4 you for your testimony. If you're here for a subpoena,
5 you're released from your subpoena. You're free to go.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: Yes, sir.

8 All right. Solicitor, you can call your next
9 witness.

10 MS. RICHARDSON: The State calls Jackie Davis.

11 JACKIE DAVIS, having been duly sworn,
12 testified as follows:

13 THE WITNESS: My name is Jackie Davis, D-A-V-I-S.

14 DIRECT EXAMINATION

15 BY MS. RICHARDSON:

16 Q. Ms. Davis, where are you employed?

17 A. South Carolina Law Enforcement Division, also
18 known as SLED.

19 Q. And how long have you been at SLED?

20 A. Since February of 2015.

21 Q. And can you tell me what you do there?

22 A. Currently I work in Homeland Security. But prior
23 to that, I was a forensic technician in the evidence room.

24 Q. Okay. And can you tell us what a forensic
25 technician is?

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 A. A forensic technician in the lab, in the position
2 I was in, we received evidence as the officers or evidence
3 personnel brought it in. We logged it in, gave it a unique
4 lab number, and then we store it in a secure evidence room
5 until the scientists requested it to analyze it.

6 Q. Okay. And when you receive that evidence, did
7 you -- do you check to make sure that it's sealed properly?

8 A. We do.

9 Q. Okay. And what other safeguards do you have in
10 place in regard to receiving evidence?

11 A. Everything has a unique lab number and it
12 electronically scanned from the time it comes in SLED until
13 the time it leaves. The evidence room is very secure. It
14 is a key and two codes to get through, as well as your own
15 electronic pass. Only the four technicians are allowed back
16 there, as well as three supervisors, no one else is allowed.
17 There's also about four cameras placed in that evidence
18 room.

19 Q. Okay. And as a technician do you do anything as
20 far as processing the evidence?

21 A. I do not.

22 Q. You simply log it in?

23 A. I log it in, make sure it's sealed, everything is
24 initialed and dated as to the day we received it, and then I
25 secure it in the evidence room.

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 Q. Okay. And then when does it leave the evidence
2 room?

3 A. Once the analyst requests it to analyze it.

4 Q. And then when it's moved from the evidence room to
5 the analysts, what steps are taken?

6 A. We receive an email, we pull it off the shelf, and
7 they come to a window basically like this, and we scan it in
8 our custody and then we transfer it to them electronically,
9 as well. So everything -- every piece of evidence is
10 electronically scanned before and after it is moved.

11 Q. From each person and each location?

12 A. Yes.

13 Q. Okay. And at each of those steps, are those items
14 checked to make sure they are still -- that they haven't
15 been tampered with?

16 A. Once we put it on the shelf it's not messed with
17 in the evidence room. And once the analyst brings it back
18 to us, yes, we make sure it's sealed, initialed, and dated,
19 but they always do it over there as well before they bring
20 it back to us.

21 Q. Okay. Let me show you what's been marked as
22 State's Exhibit 103.

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

24 THE COURT: Yes, sir.

25

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. Marked as State's Exhibit 103 for identification
3 and can you tell me what that is?

4 A. According to this chain of custody, it was a
5 heat-sealed patch. Is that what you're wanting to know?

6 Q. I mean, what is the whole document called?

7 A. Oh, this is the chain of custody.

8 Q. Okay. And what is a chain of custody?

9 A. Chain of custody is the chain of every piece of
10 evidence that we've taken into custody on this case in the
11 lab.

12 Q. Okay. And what is the lab number for this case?

13 A. L17-04052.

14 Q. Okay. And that's kept in the normal course of
15 business at SLED?

16 A. Yes.

17 Q. And that's an accurate copy of what was assigned
18 for that case?

19 A. It is.

20 MS. RICHARDSON: Your Honor, at this time I'd
21 offer State's 103 into evidence.

22 THE COURT: Any objection, Mr. Hazzard?

23 MR. HAZZARD: I would object because I don't
24 believe the proper foundation has been laid to this point,
25 Your Honor.

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 THE COURT: Mr. Voigt, any objection?

2 MR. VOIGT: No, sir.

3 THE COURT: Mr. Edgeworth?

4 MR. EDGEWORTH: I'll join in Mr. Hazzard's
5 objection, Your Honor, on the same basis.

6 THE COURT: I'm going to overrule that objection.
7 Go ahead, Solicitor. I'm going to admit that chain. And I
8 note the objection Mr. Hazzard and Mr. Edgeworth for the
9 record.

10 (WHEREUPON, State's Exhibit Number 103 was moved
11 into evidence.)

12 BY MS. RICHARDSON:

13 Q. Okay. And referring to the chain of custody, did
14 you receive -- what was the first item that was received by
15 SLED?

16 A. According to the chain on 3/14 of 2017, I received
17 a box. And it was a box with several items in it.

18 Q. Okay. What items were in the box?

19 A. First of all, let me explain. When we receive
20 something from SLED, we take it on said-to-contain basis.
21 So when these officers brought it in, in a box, that box is
22 sealed, initialed and dated. So whatever they said it
23 contains, that's what we go by and that's what's on this
24 chain of custody.

25 So according to this chain, it was a box

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 containing miscellaneous described as carpet padding with
2 blood stain. Do you want me to keep going?

3 Q. Yeah. And Item 2?

4 A. Also in there -- and these are all sealed
5 separately -- is a box containing miscellaneous described as
6 fabric with a blood stain from a mattress.

7 And then there was also a heat-sealed pouch
8 containing cuttings described as a cutting from the fabric
9 and also metal shavings from the bed. They took swabs from
10 those metal shavings and put them in the bag, or in the box,
11 excuse me. Item 4 was a miscellaneous described as fabric
12 with blood stain from the corner of the mattress.

13 And then Item 5 in that was miscellaneous
14 described as fabric with a blood stain corner of the box
15 spring.

16 I'm making sure that's all that is in that
17 container, yes. That's all that I show that was in
18 Container A.

19 Q. Okay. And so that -- that would have been sealed
20 in the box?

21 A. Yes. All of those would have been individually
22 sealed, initialed, and dated. And then the evidence
23 custodian who brought it up from Georgetown puts it in a
24 box, seals it, initial and date it. And that is because
25 it's easier for us to transport it within SLED. It's going

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 to one department and they knew that so they kept the pieces
2 together.

3 Q. Okay. And would have opened the box and logged in
4 the individual packages?

5 A. No.

6 Q. Okay. And would you have tampered with the
7 contents of that box in any way?

8 A. No.

9 Q. And would you have ensured that the seal was
10 intact before you took it into the evidence room?

11 A. Yes.

12 Q. Okay. Just the outside, but not going into the
13 inside?

14 A. That is correct.

15 Q. Okay. And, again, who did you received from Kyle
16 Walton; is that right?

17 A. Yes.

18 Q. And once you had that box you placed it where?

19 A. I logged it in. Gave it the unique lab number.
20 And then I electronically transferred it to the evidence
21 room and it went to EP, which is Evidence Processing, Intake
22 Shelf 65.

23 Q. Okay. And then did you receive that evidence
24 again?

25 A. That particular piece of evidence, another

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 technician pulled it, gave it the analyst, Jessica. And
2 then I pulled it once was returned to evidence and then gave
3 it back to the submitting agency.

4 Q. Okay. And so when you say returned from the
5 submitting agency, that's after everything has been
6 analyzed?

7 A. Yes. Once all of the analysts have done what they
8 need to do, they seal the evidence, they bring it back to
9 us, we electronically take it back into our custody and put
10 it on a returned shelf. Then when the agency comes to pick
11 up their evidence, we can print off a list, we pull it, and
12 we electronically submit it back to them.

13 Q. Okay. And so that is the action you would have
14 taken with all the items in the box?

15 A. That is correct.

16 Q. Okay. And then did you also receive some
17 additional items?

18 A. I did.

19 Q. Okay. Tell me about that. Let's look at the Item
20 Number 6.

21 A. Yes. That was a heat-sealed pouch and it looks
22 like it was a blood standard from Leon Harrison.

23 Q. Okay. And that would have been -- okay.

24 And let me show you what's been marked as State's
25 Exhibit 53.

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 A. Yes. Because here's the unique lab number it's
2 Item Number 6., and as you can see it was sealed, initialed,
3 and dated. And so when I logged it in, I put which area it
4 would go to, which was DNA, and then I transferred it to he
5 evidence room.

6 Q. Okay. And that's in a heat-sealed bag?

7 A. This is a heat-sealed bag, but you can also see
8 this evidence that was submitted by the agency, it also is
9 initialed, sealed, and dated from their evidence room as
10 well. It's very secure.

11 Q. Okay. And so the larger items were in a box?

12 A. Correct.

13 Q. And then the other items were placed in these
14 heat-sealed bags?

15 A. Yes, ma'am.

16 Q. Okay. And did you -- when you got that item, what
17 did you do with it?

18 A. I transferred it to a DNA Intake Shelf 94. And
19 then on 3/16, I transferred it to the analyst, Sara Goodman.

20 Q. And then when did you have involvement with that
21 piece of evidence again?

22 A. On 10/12/2017 I pulled it off of the Evidence
23 Return Shelf and submitted it back to Georgetown.

24 Q. Okay. And who did you give it to?

25 A. Johnell Sparkman.

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 Q. And he had to sign for it as well?

2 A. That is correct.

3 Q. Okay. And during these steps did you alter,
4 tamper, open, do anything to manipulate that seal?

5 A. I did not.

6 Q. All right. And then what about Item Number 7?

7 A. It is a heat-sealed pouch containing a buccal swab
8 from Tiesh Rhue, wife of victim, Leon Harrison.

9 Q. And who did you receive that from?

10 A. That was submitted by Kyle Walton of Georgetown PD
11 on 3/14 of 2017?

12 Q. Okay. And let me show you what's been marked as
13 State's Exhibit 87. And what is that?

14 A. Yes. Again, same thing. Unique lab number,
15 initialed and dated, and where it's going.

16 Q. Okay. And what did you do with that item?

17 A. I placed it on the DNA Intake shelf? And then on
18 3/16 I retrieved it and smitted it or electronically
19 submitted it to Sara Goodman, the analyst, so she could work
20 it.

21 Q. And then when was your next interaction with that
22 piece of evidence?

23 A. On 10/12 of 2017 I returned it back to the
24 submitting agency to Johnell Sparkman.

25 Q. And did you ever open that outer bag or manipulate

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 or tamper with this evidence in any way?

2 A. No. Again, you can see it's sealed, initiated,
3 and dated. Their tape is red and easy to see.

4 Q. And whose tape is red?

5 A. That's Georgetown.

6 Q. That's the submitting agency?

7 A. Yes.

8 Q. And as far as all these initials all over the
9 corners, tell us about that.

10 A. All right. When we receive this bag, it's sealed,
11 initialed, and dated by the agency. If not, we take
12 pictures and make note of it. Okay? Once the analysts open
13 it -- and I'm not there when they do it, but when receive
14 this back, we have to look and know what's going on.

15 This is one analyst that cut it here. Then they
16 sealed it, initialed and dated it. And then when another
17 analysts looked at it, they sealed, initialed, and dated it
18 there. So that is who all has opened and looked at this
19 piece of evidence.

20 Q. And so each time that you transported it or moved
21 it, it was sealed up?

22 A. Every time, yes.

23 Q. Okay.

24 A. If not, we make note and take pictures.

25 Q. And no problems notes in this case?

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 A. No. None at all.

2 Q. All right. And Item Number 8?

3 A. According to this chain, it's a sealed heat-sealed
4 pouch containing swabs described as DNA blood sample.

5 Q. Okay. And this -- so swabs, not just one, like
6 the last one that we saw; is that right?

7 A. This is swabs with an apostrophe "S." Like I
8 said, we take it on a said to contain. I'm just saying what
9 they said was in there.

10 Q. Okay. I'm going to show you what has some
11 multiple numbers of bags that is labeled State's 106,
12 containing swabs that are labeled State's 77, 78, 79, and
13 80, and can you identify those?

14 A. This is Container C. So there were more than one
15 item, that they submitted at the time, so it was put into a
16 container.

17 Q. Okay. And that bag that's been marked as State's
18 106, would that be the bag that was received by SLED?

19 A. Yes. And I can tell that by the lab number.

20 MS. RICHARDSON: Your Honor, at this time I'd
21 offer State's Exhibit 106 into evidence.

22 THE COURT: Any objection, Mr. Hazzard.

23 MS. RICHARDSON: Just for the bag itself.

24 MR. HAZZARD: I am very confused.

25 THE COURT: All right. Let's approach.

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 (WHEREUPON, a bench conference was had.)

2 THE COURT: Okay. Mr. Hazzard, what's up?

3 MR. HAZZARD: So I think I heard her say that
4 there's a bag, and in the bag are other State's Exhibits.
5 And now, she's saying she just wants to put the bag into
6 evidence. So you've got other exhibits in the bag?

7 MS. RICHARDSON: What we did the other day was
8 opened everything and identified each swab separately, which
9 I probably shouldn't have done, but I've done it.

10 So each of those swabs that are in that one bag
11 would be identified separately. They've been marked for
12 identification and not in evidence, because we're waiting,
13 as far as the swabs are concerned, until the analyst to
14 submit.

15 MR. HAZZARD: I have an objection based on what is
16 going in. So that's what I'm trying to get clear on is
17 exactly what is going into evidence.

18 THE COURT: Right now it's the bag but not the
19 contents?

20 MS. RICHARDSON: Right. She's going to identify
21 the contents and then I'll seek to move the contents into
22 evidence when I get to the analyst. I shouldn't have opened
23 the bag and labeled each one of them separately, but I did.

24 THE COURT: All right. So for right now what's
25 being admitted is the bag, but not the contents?

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 MS. RICHARDSON: Right. She's going to identify
2 the contents.

3 MR. HAZZARD: I have no objection, but I don't
4 think I've ever seen this in my life, but I have no
5 objection to the bag itself.

6 THE COURT: All right. Anything, Mr. Voigt?

7 MR. VOIGT: No, sir.

8 THE COURT: Anything, Mr. Edgeworth?

9 MR. EDGEWORTH: No.

10 THE COURT: All right. I'm going to allow the
11 admission of the bag over you the objection.

12 MR. HAZZARD: Thank you, Your Honor.

13 THE COURT: And you can go and you can ask her if
14 she can identify the individual bags.

15 MS. RICHARDSON: Right.

16 THE COURT: She's not going to get into the
17 evidence.

18 MS. RICHARDSON: Right.

19 THE COURT: All right. Okay. Thank you.

20 MR. HAZZARD: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 (WHEREUPON, end of bench conference.)

23 THE COURT: All right. Solicitor, you can
24 proceed.

25

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. So the items in that bag, can you identify them?

3 MR. HAZZARD: Your Honor, if we may. I think
4 where we are right now is she's moving 106 into evidence.

5 THE COURT: Oh, yeah. All right. Thank you,
6 Mr. Hazzard.

7 MR. HAZZARD: Yes, sir.

8 THE COURT: As it relates to 106, the bag, the bag
9 is being admitted into evidence. The bag itself is being
10 admitted into evidence without objection. All right.

11 You can proceed, Solicitor.

12 Thank you, sir.

13 MR. HAZZARD: Yes, sir.

14 (WHEREUPON, State's Exhibit Number 106 was moved
15 into evidence.)

16 THE WITNESS: According to the chain of custody,
17 we have a swab of DNA, a blood sample in here. And it looks
18 like there are four DNA swabs that have suspected blood on
19 it.

20 BY MS. RICHARDSON:

21 Q. Okay.

22 A. And what I would do is shake it and look and, yes,
23 there are four envelopes. So I made it a container.

24 Q. Okay. And it's been opened now to put evidence
25 stickers, but would it have opened at SLED or by you?

JACKIE DAVIS - DIRECT BY MS. RICHARDSON

1 A. No, ma'am. Johnell sealed it, initialed, and
2 dated it. I looked to make sure everything was correct,
3 logged it in, gave it a lab number, and put which department
4 it went to. And then I transferred it to the evidence
5 room -- I mean, to the evidence storage area.

6 Q. Okay. And after that, did you get those four
7 swabs and the bag that they were in and take them to anybody
8 else?

9 A. I transferred them on 6/29 to the analyst, Sara
10 Goodman.

11 Q. Okay. And, again, it wouldn't be opened like we
12 have it now; is that right?

13 A. No, it would not be.

14 Q. Okay. And then what -- did you have any
15 involvement after that?

16 A. According to this chain, I did not. It looks like
17 the other technician, who would have done the same thing as
18 me, returned it back to the agency on 12/8 of 2017.

19 Q. Okay. And of all of these items that you received
20 did you take steps not to tamper or manipulate with those
21 items?

22 A. Yes, we did not. We don't.

23 MS. RICHARDSON: Your Honor, at this time I have
24 no further questions. Please answer any questions that
25 Mr. Hazzard, Mr. Voigt or Mr. Edgeworth may have for you.

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 THE COURT: All right. Mr. Hazzard, do you have
2 any questions of this witness?

3 MR. HAZZARD: No, sir.

4 THE COURT: Mr. Voigt?

5 MR. VOIGT: No, sir.

6 THE COURT: Mr. Edgeworth?

7 MR. EDGEWORTH: No, Your Honor.

8 THE COURT: All right. Ma'am, thank you so much,
9 and if you're here pursuant to a subpoena, I'm going to
10 release you from your subpoena and you're free to go.

11 THE WITNESS: Thank you.

12 THE COURT: Yes, ma'am.

13 Solicitor, there's some evidence right here or
14 exhibits.

15 MS. RICHARDSON: And, Your Honor, may we approach?

16 THE COURT: Yes.

17 (WHEREUPON, a bench conference was had.)

18 THE COURT: All right. Solicitor, you can call
19 your next witness.

20 MS. RICHARDSON: The State calls Allen Morris.

21 ALLEN MORRIS, having been duly sworn,
22 testified as follows:

23 THE WITNESS: Allen Morris.

24 DIRECT EXAMINATION

25 BY MS. RICHARDSON:

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Q. Investigator Morris, where are you employed?

2 A. Georgetown Police Department.

3 Q. And what do you do there?

4 A. I'm a criminal investigator in the Criminal
5 Investigations Division.

6 Q. And how long -- well, tell me your background. Do
7 you -- what is your educational level?

8 A. I have an associates from Horry Georgetown
9 Technical College. I graduated from Georgetown High. I
10 have numerous investigations training. Graduated from Basic
11 Training for South Carolina Criminal Justice Academy in
12 2012. And also graduated from Base Detective in 2015.

13 Q. Okay. So have you been at the Georgetown Police
14 Department for your entire law enforcement career?

15 A. I have not. No, ma'am. I started in 2011 at the
16 Georgetown County Sheriff's Office. And then I left and
17 started at the Georgetown Police Department in 2013,
18 December 2013.

19 Q. All right. And what was your initial position?

20 A. At the police department, I started as a
21 patrolman.

22 Q. And just moved your way up to investigator?

23 A. Yes, ma'am.

24 Q. So how many years all together?

25 A. It would be at number 11 -- I think, be on number

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 11 this year.

2 Q. Okay. And were you an investigator involved in
3 the disappearance or the missing person's report for Leon
4 Harrison Jr.?

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

6 Q. Okay. And tell me what your involvement was in
7 that case.

8 A. I was the case agent.

9 Q. And, initially, did you work it along with another
10 agent?

11 A. I did, Bert Powell, Investigator Powell, he worked
12 with me through the whole thing. He was a new investigator,
13 so we pretty much did all of it together.

14 Q. Okay. But he eventually left and went back to the
15 Sheriff's Office?

16 A. He did, but I believe that was way after this
17 investigation.

18 Q. Okay. Did you take the initial report from
19 Mr. Harrison Jr.'s father?

20 A. No, ma'am, I didn't. That would have been
21 Investigator Powell.

22 Q. Okay. So what was your first involvement?

23 A. My first involvement would have been when we
24 started conducting follow ups, and I believe that was
25 initially when we went to the steel mill and spoke with

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Ms. Rhue.

2 Q. Okay. And that was the first -- on the first day
3 of the report?

4 A. Actually -- I guess, actually going to the house
5 at [REDACTED] Highmarket Street would have been the first contact.

6 Q. And why did you go to the house initially?

7 A. Because we got their address and went over there
8 to see if we could talk with Ms. Rhue, or talk to anybody to
9 see if they knew anything about Mr. Harrison.

10 Q. Okay. And was Ms. Rhue there?

11 A. She was not. She was at work.

12 Q. Okay. And who was there that day?

13 A. I believe it was Mr. Alex Rhue Jr. and Alex Rhue
14 Sr.

15 Q. Okay. And so they told you she was at work?

16 A. They did.

17 Q. Sop then you and Investigator Powell went to the
18 steel mill?

19 A. We did.

20 Q. And you got the first initial information from
21 her?

22 A. We did, yes, ma'am.

23 Q. And I know Investigator Powell has already
24 testified to this, but you took a statement from her, just a
25 verbal statement?

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1 A. We did.

2 Q. Okay. And then based on that, what sort of
3 followup did you do that day?

4 A. I believe after that, after we spoke to her, we
5 then went to PCL Construction, which at the time was at the
6 Yauhanna Bridge, where they were doing construction on the
7 bridge on the 701.

8 Q. Okay. And then we've already seen a recording of
9 where you and Investigator Powell interviewed her on
10 March 10; is that right?

11 A. Yes, ma'am.

12 Q. Okay. And did you threaten, promise, or coerce
13 her in any way to get her to talk with you?

14 A. No, ma'am.

15 Q. Okay. And was she in custody at that time? Did
16 you handcuff her --

17 A. No, ma'am.

18 Q. -- or anything like that?

19 But you actually transported her to the police
20 department?

21 A. Yeah, I believe her vehicle was down at the time
22 so we gave her transportation in our vehicle, yes, ma'am.

23 Q. Okay. And when you say, "Down at the time," what
24 do you mean?

25 A. I believe it was inoperable, she didn't have a

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1 vehicle.

2 Q. Okay. And so -- but she agreed to go with you
3 voluntarily?

4 A. She did.

5 Q. And you saw the statement that was played earlier?

6 A. Yes, ma'am.

7 Q. And is that an accurate reflection of the
8 interview that was conducted on March 10th?

9 A. Yes, ma'am.

10 Q. All right. Let me show you what's been marked as
11 State's Exhibits 104 and 105 for identification.

12 All right. Starting with State's 104, can you
13 tell me what that is?

14 A. That is a consent -- it's a consent to search for
15 Ms. Tiesh Rhue's Alcatel Smartphone and Blu Smartphone.

16 Q. And were those the two phones she had on her that
17 you could see during the interview?

18 A. Yes, ma'am.

19 Q. All right. And you took those into evidence?

20 A. We did.

21 Q. And what was the purpose of doing that?

22 A. So we could see if there was any evidence relative
23 that might help us with the missing person case.

24 Q. Okay. And did you force or threaten her in any
25 way to get her to sign the consent?

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1 A. No, ma'am.

2 MS. RICHARDSON: Your Honor, I'd offer State's 104
3 into evidence.

4 THE COURT: Any objection, Mr. Hazzard?

5 MR. HAZZARD: No, sir.

6 THE COURT: Mr. Voigt?

7 MR. VOIGT: No, sir.

8 THE COURT: Mr. Edgeworth?

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. Admitted without
11 objection.

12 (WHEREUPON, State's Exhibit Number 104 was moved
13 into evidence.)

14 BY MS. RICHARDSON:

15 Q. And let me show you what's been marked as State's
16 Exhibit 105.

17 A. This would be a consent for DNA where we take
18 buccal swab of their mouth for DNA purposes.

19 Q. All right. And who signed that consent?

20 A. Ms. Tiesh Rhue did.

21 Q. Okay. And who witnessed it?

22 A. Mr. Bert Powell. Investigator Bert Powell.

23 Q. Okay. And can you tell me the date of that?

24 A. That would have been March 10th.

25 Q. Okay. And tell me about the handwriting on that.

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1 A. It got a little sloppy for some reason. It looks
2 like -- kind of looks like a six, but it's a ten.

3 Q. Okay. And that's your handwriting?

4 A. Yes, ma'am. It looks like I might have stacked my
5 numbers up on top of one another.

6 Q. Okay. And is that an accurate reflection of the
7 consent for DNA collection that you got from Ms. Rhue on
8 March 10th?

9 A. Yes, ma'am.

10 Q. Okay. And that was actually visible during the
11 interview that we saw?

12 A. It is. It should be, yes, ma'am.

13 MS. RICHARDSON: Your Honor, I'd offer State's 105
14 into evidence.

15 THE COURT: Any objection, Mr. Hazzard?

16 MR. HAZZARD: No, Your Honor.

17 THE COURT: Mr. Voigt?

18 MR. VOIGT: No, sir.

19 THE COURT: Mr. Edgeworth?

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. Admitted without
22 objection.

23 (WHEREUPON, State's Exhibit Number 105 was moved
24 into evidence.)

25 BY MS. RICHARDSON:

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Q. Okay. And now let me show you what's been marked
2 as State's Exhibit Number 87, and tell me what that is.

3 A. This would be the buccal swab that I took from
4 Ms. Tiesh Rhue.

5 Q. Okay. And we saw you doing that on video as well?

6 A. That's correct. Yes, ma'am.

7 Q. And just briefly tell the jury what a buccal swab
8 is?

9 A. A buccal swab if just a sample we take from a
10 person as a known sample to give for the lab in the time
11 that we would send for comparable to that item.

12 Q. And that's a collection from the cheek with a
13 Q-tip?

14 A. It is. Yes, I'm sorry. We go we take a swab and
15 go right inside the inner side of the cheek just to make
16 sure we get a good sample from that saliva gland.

17 Q. Okay. And where do you get the swab from?

18 A. Oh, we have sterile swabs. They're packaged in
19 seal -- sealed packaging and usually they'll come two to a
20 package. We just take them out and we swab them.
21 Typically, I used both of them out of that packaging.

22 Q. And then you seal them?

23 A. We seal them in boxes. And at this time we were
24 sealing them in these envelopes that we just put -- we would
25 print them off the computer it just had an area that you

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1 could write on. But it would be sealed in a box. The box,
2 both ends are sealed with a tamper tape. And then they're
3 put in this envelope and it is also sealed, the back of it
4 is also sealed with tamper tape, as well. And then it's
5 initialed and dated.

6 Q. Okay. And who initials and dates it?

7 A. The person who was sealing it. And in this
8 instance it would have been me.

9 Q. Okay. And did you alter or tamper with that in
10 any way?

11 A. No, ma'am. I did not.

12 Q. Okay. And did you take steps not to contaminate
13 it?

14 A. Yes, ma'am. We use gloves and, you know, every
15 precaution we can, so there's no contamination or anything.

16 Q. Okay. And once you have sealed it -- now, did you
17 put it in this bag?

18 A. No, ma'am. Whenever I enter it, it's that
19 envelope.

20 Q. This white envelope inside the bag?

21 A. Yes, ma'am.

22 Q. And so what did you do with this white envelope?

23 A. That white envelope we put it in a locker. And I
24 think you've already heard from other testimony that there
25 is lockers outside of our evidence area. They have the key

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1 that's in it, we open it, put the piece of evidence in
2 there, then we lock it take the key out and then we put it
3 inside a locker.

4 Kind of like, if you get a rental locker from like
5 a water park, it's kind of the same concept. Except for at
6 the end, like I said, we drop it in the hole, and it's
7 secured in that locker, and the only person can get to the
8 key and that locker would be the evidence custodian.

9 Q. Okay. All right. And so that was all done during
10 that interview on the 10th, which was the second time you
11 had talked to Ms. Rhue?

12 A. I believe so, yes, ma'am.

13 Q. And prior to that you had interviewed a few other
14 people; is that right?

15 A. Yes, ma'am.

16 Q. Okay. And how were you treating the case at that
17 point?

18 A. I mean, at that time we were interviewing everyone
19 we could that would come and speak with us to try to find
20 out what happened to Mr. Harrison.

21 Q. And as --

22 A. Or if anything had happened to Mr. Harrison, we
23 just wanted to try to find him, that was the idea.

24 Q. And after those interviews, and this would be the
25 day after he was reported missing; is that right?

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1 A. Yes, ma'am.

2 Q. Did you have an opportunity to go search the home?

3 A. We did.

4 Q. And what address what that?

5 A. That was [REDACTED] Highmarket Street in Georgetown, the
6 City of Georgetown.

7 Q. And do you recall who all went with you to search
8 the house?

9 A. I believe at the time it was me, Investigator
10 Powell, Lieutenant Kyle Walton, and I believe. And then,
11 obviously, Captain Pierce came up afterwards. I believe
12 that's who it was at the time.

13 Q. And at that time did you have consistent
14 information about where Mr. Harrison Jr. was living?

15 A. Well, the idea, or what we knew at the time, was
16 that he was -- that was his residence, but he was moving
17 back and forth, different places.

18 Q. Okay.

19 A. But that was supposed to be his address where he
20 got mail at.

21 Q. And that was the address on this DMV, as well?

22 A. Yes, ma'am.

23 Q. Okay. So initially when you were searching the
24 house, is that when the documents were taken and the
25 medication into evidence?

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1 A. Yes, ma'am.

2 Q. Okay. And did you determine which bedroom was
3 the -- what we call the master bedroom?

4 A. Yes, ma'am.

5 Q. Okay. And tell me what you saw in there?

6 A. Are you talking about just the way it was set up?

7 Q. Uh-huh.

8 A. When you walk in, it's right off the kitchen, as
9 soon as you walk in, there's a bed, I'm not sure what size
10 of bed it was, maybe a full size or a queen size. In front
11 of the bed there was a closet. To the side of the bed, on
12 the opposite wall from where the door was, there's a window.
13 It was a relatively small room. It wasn't very large at
14 all.

15 Q. Okay. And what type of flooring was in the room?

16 A. It was carpet.

17 Q. Wall to wall carpet?

18 A. Yes, ma'am.

19 Q. And what was the condition of the carpeting?

20 A. It was very dirty. It had stains on it. You
21 know, it was kind of hoarded up in there. There was a lot
22 of stuff all over the place.

23 Q. And did you and the other officers take
24 photographs?

25 A. We did.

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1 Q. And let me show you what's already been introduced
2 as State's Number 25.

3 A. Yes, ma'am.

4 Q. And are those the photos that were taken that day?

5 A. Yes, ma'am.

6 Q. And you've reviewed that CD and initialed it?

7 A. I have. I have.

8 MS. RICHARDSON: Permission to publish, Your
9 Honor?

10 THE COURT: Yes, ma'am.

11 BY MS. RICHARDSON:

12 Q. Okay. Could you tell us what this photo shows.
13 It's the first photo on State's Exhibit 25.

14 A. It's the outside of the house.

15 Q. And when you search a house. Tell me sort of what
16 your process is as far as taking picture.

17 A. We would typically take pictures of the outside
18 perimeter around the residence and important things in front
19 of the house to make sure we get that address numerical
20 placard, wherever that may be, in this instance, it's right
21 there on the 4x4 post that's supporting the porch. But we
22 go around the perimeter and take pictures of the outside of
23 the house.

24 Q. Okay. And I'm just going to scroll through.

25 These are just more views of the house?

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1 A. Yes, ma'am.

2 Q. And this?

3 A. Yes, ma'am.

4 Q. This is going around the side?

5 A. That's correct.

6 Q. All right. Just more views of the front of the
7 house?

8 A. Yes, ma'am.

9 Q. If you want to just sort of give a quick
10 explanation as we go through them?

11 A. Okay. Again, this is just getting a close up of
12 the placard, the numerical placard, on the outside of the
13 house.

14 This is the front of the residence.

15 Q. And if you just want to stop me when you get to
16 something you think we need to note.

17 A. Okay. That will work.

18 Q. Okay.

19 A. This is the living room.

20 Q. And this is the view from the front door?

21 A. It is, from the front door, the entry of the
22 house.

23 And, again, this is another shot walking a little
24 bit closer to the residence. This is still the living room
25 area. The doorway right here that you can see to the right,

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1 I believe, is where the bedrooms were. Not the master
2 bedroom, but the other bedrooms in the house were in that
3 hallway area right there.

4 Q. Okay. I'm going to hand you a mouse, if you want
5 to point out anything, you can.

6 A. And this is leaving into -- from the living room
7 into the kitchen area.

8 Q. You want to scroll them?

9 A. You want me to do that?

10 Q. You can, yes.

11 A. Okay. And also right ahead, this other doorway,
12 right here, is going to be the laundry room.

13 Q. Okay. What about the door to the left of the
14 laundry room?

15 A. The door to the left, in that little cove right
16 there, is the back door leading out to the back or to the
17 rear of the house.

18 Q. Okay.

19 A. And this is the kitchen, this is moving a little
20 closer to the kitchen.

21 Again, there's the laundry room. There's a closet
22 right here to the left and then there's the back door.

23 This is the entry room into Ms. Rhue's bedroom.

24 Just so you know it's still really blurry on this
25 screen.

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1 Q. Oh, is it?

2 A. But here is the door leading to the bedroom.

3 Q. Okay.

4 A. And then I believe, at this point I turned around,
5 and I go back the other way so I can take pictures of the
6 bedrooms. Here's one bedroom right here.

7 Q. That's the bedroom with bunk beds?

8 A. Yes, ma'am.

9 Q. Okay.

10 A. I'm just trying to take pictures from different
11 corners of the room so you can kind of get a complete
12 surround view of the room. This is the closet.

13 Q. We could probably scroll through these pretty
14 fast. These are all pictures of different angles of that
15 bedroom with the bunk beds, right?

16 A. Yes, ma'am. You want me to scroll?

17 Q. All right.

18 A. This is the other bed -- this is the other bedroom
19 which is right across from this one. I believe this door
20 right here to the right is a bathroom. I'm having some
21 issues with this mouse.

22 Q. I think the CD is loading. Let me see if we
23 can...

24 All right. Let's just try to go through these a
25 little quicker.

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1 A. That's fine.

2 Q. Okay. Now, tell me about this photo. What room
3 are we in? This is Photo 478.

4 A. We're in the master bedroom at this point. This
5 is Tiesh's room.

6 Q. Okay. And tell me how that area that Investigator
7 Powell is standing at was discovered.

8 A. So there was a -- there was -- what we could see
9 when we walked in or while we were in there was a rug.
10 There was a rug over that area, which was odd since there's
11 already carpet in that bedroom.

12 So we pulled it up, and that is whenever we looked
13 like a flannel blanket, and then obviously when we pulled
14 the flannel blanket there was no carpet. It was just the
15 padding that was exposed.

16 Q. Okay. And prior to that, did you test a stain
17 that was near that area?

18 A. We did. Yes, ma'am.

19 Q. Or your office tested the stain?

20 A. Yes, ma'am. Whenever we -- when we pulled that,
21 what I just explained with the rug and the flannel blanket,
22 we pulled that up, you could see what looked like -- it was
23 some kind of stain. I mean, you could see it was
24 discolored.

25 Q. Okay. And what did you -- what was it tested for?

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1 You didn't test that, right?

2 A. I did not, no, ma'am. But it was tested for -- a
3 presumptive blood test was used to test for blood. And on
4 that spot it did -- it did show that it was a positive
5 reaction.

6 Q. And so after that was discovered and after a while
7 you began searching the rest of the rooms in the house; is
8 that right?

9 A. Yes. Well, at this point we stopped, got another
10 search warrant, and then the search resumed after the new
11 search warrant was issued.

12 Q. Okay. And what about this stain in the floor here
13 near the dresser?

14 A. Right here?

15 Q. Uh-huh.

16 A. It might have been another one that was tested at
17 some point. I'm not exactly sure right now.

18 Q. Okay. But it was another one that you collected?

19 A. I don't believe so. No, ma'am.

20 Q. All right. And these photos, what are they
21 depicting?

22 A. Showing the positive reaction on the -- showing
23 the positive reaction from the test swab.

24 Q. And these are just more photos of that?

25 A. Yes, ma'am. And this would be the discoloration

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 that we seen when we pulled up that -- we pulled up that rug
2 with that flannel blanket.

3 Q. And just more photos of the discoloration?

4 A. Yes, ma'am.

5 Q. And is that the area that was swabbed?

6 A. What was that now?

7 Q. That was the area that was swabbed?

8 A. Yes, ma'am.

9 Q. Okay.

10 A. And I believe at this point this might have been
11 whenever the search -- at this point this is when we went
12 and got the other search warrant.

13 Q. Okay. And so then you were photographing the rest
14 of the house?

15 A. Yes, ma'am.

16 Q. We're going through the bathroom right now; is
17 that right?

18 A. Uh-huh.

19 Q. Okay. All right and this area?

20 A. Yes, ma'am.

21 Q. So the house is three bedrooms; is that right?

22 A. Yes, ma'am.

23 Q. Okay. And this is just more photos of the bedroom
24 with the guitars?

25 A. That's correct.

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1 Q. And were you able to learn whose bedroom that was?

2 A. I believe that was her oldest sons. That was the
3 one with the guitar, correct.

4 Q. And I'm just going to try to scroll quickly
5 through these. Anything of significance that was collected
6 or taken from this bedroom on this day?

7 A. Is this the one with the guitars and all?

8 Q. Yeah.

9 A. No, ma'am.

10 Q. And these are just more photos through the kitchen
11 area?

12 A. Yes, ma'am.

13 Q. Another bathroom?

14 A. Yes, ma'am.

15 Q. On this date anything of significance collected or
16 taken from any of the bathrooms, kitchen area, living room
17 area, anything like that?

18 A. No, ma'am.

19 Q. Okay. What about Photo 531?

20 A. It's really blurry on this side, but I believe
21 that is a picture of...

22 THE COURT: Do you want to step down, sir?

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Let the witness step down.

25

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 BY MS. RICHARDSON:

2 Q. And these are just photos that were on the wall?

3 A. That would be a picture of, I believe, it's

4 Mr. Leon Harrison Jr.

5 Q. Okay. Just more family photos?

6 A. Yes, ma'am.

7 Q. And here?

8 A. Wedding pictures of Mr. Leon Harrison Jr. and Ms.
9 Tiesh Rhue's wedding.

10 Q. And, again, 538, where are we now?

11 A. Going back to the bedroom, the master bedroom.

12 Q. All right. So this is another photo of sort of
13 where Investigator Powell was previously?

14 A. Yes, ma'am.

15 Q. Okay. And at this point had besides the rug and
16 the blanket, had anything else been moved?

17 A. No, ma'am.

18 Q. And what do we see at the foot of the bed here?

19 A. A tote.

20 Q. Okay. And at this point, you're rephotographing
21 the area that we had seen previously; is that right?

22 A. Yes, ma'am.

23 Q. In front of the closet?

24 A. It's a crime scene marker just showing where the
25 discoloration and the spot.

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1 Q. And you identified that spot, that first spot
2 found as?

3 A. Crime Scene Number 1. Yes, ma'am.

4 Q. Okay. And did you notice anything regarding the
5 condition of the carpet padding and the flooring?

6 A. That the carpet was missing. It was just carpet
7 exposed. I mean, there were, as you can see, some carpet
8 fibers, some loose fibers around the perimeter there.

9 Q. What about debris --

10 A. And, obviously, there's debris around the whole
11 spot.

12 Q. And about how large was this area where the
13 carpeting had been removed?

14 A. It approximately -- it was definitely a couple
15 feet wide by -- I mean, it was kind of a big square piece.

16 Q. Okay.

17 A. You are just talking about the area, you're not
18 talking about the spot.

19 Q. Yeah, just the area.

20 A. Yes.

21 Q. Of missing carpet?

22 A. Yes, ma'am.

23 Q. And these are just more angles?

24 A. We put measuring device down, just to show, kind
25 of, give you a real-time measurement.

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1 Q. And tell me about this stuff here. Is that the
2 stuff that was over that spot?

3 A. Yes, ma'am. This is what I referred to as a
4 flannel blanket, which is probably not the best term, but
5 it's a blanket of some sort and it was over -- it was over
6 that area of the rug on top of it.

7 Q. Okay. We don't have a photograph of it like that?

8 A. No, ma'am.

9 Q. And this corner here?

10 A. That would have been where the other spot is.
11 Yeah, that was on top of the other spot, yes, ma'am.

12 Q. Okay. And at this point had the tote been moved?

13 A. I don't believe so. Well, I don't believe so, no,
14 ma'am.

15 Q. Now tell me about this.

16 A. At this point it had been moved. And, again, some
17 discoloration. Kind of the same situation, carpet fibers
18 around the perimeter of the debris.

19 Q. Okay. So tell me -- do we have a photo of how
20 this appeared before the tote was moved?

21 A. No, ma'am.

22 Q. So tell me what this -- describe what this looked
23 like prior to moving the tote?

24 A. It just had a tote on top of it.

25 Q. Of where the carpet is missing?

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. And was there some coverings as well?

3 A. I believe it just had the tote on top of it.

4 Q. Okay. Now, tell me what this is.

5 A. Here is a discoloration on the subfloor area.

6 Q. How did we get to the subfloor? Let's talk about
7 that.

8 A. I'm sorry. So what we did is, Investigator Powell
9 I believe, cut this out. And then we had it and took
10 possession of it, bagged it up, and then, at this point,
11 we're down to the subfloor, obviously, and took out that
12 padding. And then, obviously, you can see this
13 discoloration right here on the subfloor.

14 Q. Okay. And was that area swabbed for a presumptive
15 blood test?

16 A. It was. And it was swabbed on the subfloor, not
17 on the padding. Like I said, we cut it and we just --

18 Q. This was the first one that you had swabbed, let's
19 see if we could you? Did you --

20 A. Oh, am I a little confused?

21 Q. Yeah.

22 A. I'm sorry. Yeah, I'm sorry. This is the first
23 one, I apologize. I believe we presumptive tested on the
24 padding on the first one big piece. Because that's,
25 obviously, that's when we tested it, that's when we went and

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1 got the other search warrant.

2 Q. Okay.

3 A. I was a little confused on the picture.

4 Q. And then Crime Scene Marker 2 is for the stain
5 itself?

6 A. Yes, ma'am.

7 Q. And Crime Scene Marker 1 was for the padding
8 itself?

9 A. That's right. Yes, ma'am.

10 Q. And this just more -- just different angles of
11 that same?

12 A. Yes, ma'am.

13 Q. And, again, this is by the closet?

14 A. It is.

15 Q. That first area discovered?

16 A. And this one, when we got there, just like on the
17 last one, it showed the size.

18 Q. Okay.

19 A. And this is the second spot, the smaller spot
20 which is, again, we cut this spot out and this is the one
21 that we did not test on the padding, we went ahead and cut
22 it out and then tested on the subfloor.

23 Q. All right. So who removed this carpet padding?

24 A. Investigator Powell did. And, again, this is
25 carpet fibers, debris is around it.

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1 Q. And what about the condition of the padding
2 itself?

3 A. I believe it was, for the most part, it was
4 definitely cleaner than the debris that was around the
5 perimeter of it.

6 Q. You had a scale to that as well?

7 A. Again, had a scale to show measurement.

8 Q. Okay. And this is Photo 593?

9 A. Yes, ma'am. And then this would be -- this would
10 be what we discovered once we cut out that piece of carpet
11 padding, the discoloration of the subfloor. And then also
12 we presumptive tested it and it did show a positive reaction
13 for blood.

14 Q. And you had a crime scene marker for that?

15 A. Yes, ma'am. And that would be Crime Scene Marker
16 4.

17 Q. And did you ever find the missing carpet?

18 A. No. No, ma'am. We did not.

19 Q. And these are just more. I'm just going to scroll
20 through these and just let me know if there's anything that
21 we need to stop for you to explain.

22 I'm sorry these are slow, they're on a CD.

23 Okay. Now, we're on Photo 626?

24 A. Yes, ma'am.

25 Q. And tell me about that.

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1 A. I believe that was a transfer stain of some sort.

2 Q. Okay. We're still in the master bedroom?

3 A. Yes, ma'am.

4 Q. And what are you doing here?

5 A. I was adding -- just like we had the scale on the
6 other one, at this point, because it was on a wall, we're
7 using a sticker scale. It's just a sticker and it's got
8 scale that would show the size of that just like we do with
9 the others that you see.

10 Q. Okay. Same area, just multiple views of it; is
11 that right?

12 A. Yeah. It's just a little darker on this picture
13 for some reason.

14 Q. And this is Photo 649, and what is that?

15 A. That is showing the -- showing the reaction to
16 that.

17 Q. Okay. To what?

18 A. Oh, I'm sorry. Showing the reaction to the test,
19 the presumptive blood test.

20 Q. Okay. And this is multiple views of that as well?

21 A. Yes, ma'am.

22 Q. All right. And tell me about this. This is 658.

23 A. Yes, ma'am. This is a bedsheet that was on the
24 bed that contained what was believed to be blood evidence.

25 Q. Did you swab the sheets?

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1 A. Yes, ma'am.

2 Q. That's just photos of those sheets?

3 A. Yes, ma'am. We would typically pull that out and
4 send to sled for testing.

5 Q. Now, as for the subflooring, did you swab it for
6 DNA?

7 A. On one of the spots.

8 Q. For DNA or for a presumptive test?

9 A. Not for DNA, it would have been, we were just
10 testing it. I believe we did -- we did collect spots. We
11 did collect presumptive spots, yes, ma'am, on both of them,
12 actually.

13 Q. So this is more photos of the bedsheets?

14 A. Yes, ma'am.

15 Q. And what is that marked as?

16 A. Crime Scene Marker Number 6.

17 Q. And that's just more photos of the same?

18 A. Yes, ma'am.

19 Q. All right. And if we get into anything different
20 just let me know.

21 A. Just more bedding.

22 Q. And where was the sheet?

23 A. At this point where the sheet would have been, I
24 believe the sheet was on the mattress.

25 Q. Okay. Did you collect that sheet?

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1 A. Yes, ma'am.

2 Q. Okay. Let me show you what's been marked as
3 State's Exhibit Number 81.

4 A. Yes, ma'am.

5 Q. Is that the sheet that was collected?

6 A. Yes, ma'am.

7 Q. Now, tell me what you would have -- how you would
8 have collected this and how you would have sealed this.
9 This bag is open now?

10 A. It is. So it would be collected --

11 Q. Show the jury, please.

12 A. It would be collected, and then also I would have
13 gloves on my hands when I was doing that. But I removed it
14 from the bed, and then I would have folded it, obviously, to
15 compact it for size. And then I would put it in this bag
16 and typically just fold over the end. And as you can see
17 where they meet just put a piece of tape that goes around
18 the side and seals it off. After I do that then I put my
19 initials across the tape so it can't be tampered with.

20 Q. Okay. And so when was that opened as far as after
21 you received it back?

22 A. I guess it would have been from processing, but
23 other than that, it would have been for court purposes.

24 Q. Okay. And why is open now?

25 A. Because we're using it for court purposes.

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1 Q. Okay. And after you sealed it in this bag, did
2 you alter or tamper with it in any way?

3 A. No, ma'am.

4 Q. Okay. And did you submit it into evidence?

5 A. I did.

6 Q. And that's the same -- kind was that the same
7 procedures with the lockers and that sort of --

8 A. That's always the procedure for evidence.

9 Q. And the lockers are big enough to hold this?

10 A. It is. We have big ones. We have the full size
11 and we have some small ones. They're all different sizes.
12 There's about 12 of them in assorted sizes.

13 Q. Okay. And let me show you what's been marked as
14 State's 26?

15 A. Yes, ma'am.

16 Q. And tell us about that.

17 A. Carpet padding. I believe this is going to be
18 that first big spot by the closet. And it would have been
19 the same way, it would have been folded up and then it would
20 have been placed in this paper bag. And then it would have
21 been sealed exactly the same way. Obviously, it's a little
22 torn up now. It would have been folded the same way and
23 taped around and then signed across the tape.

24 Q. And did you tamper with this item in any way --

25 A. No, ma'am.

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1 Q. -- handle it without gloves or anything like that?

2 A. No, ma'am.

3 Q. And the same thing. Did you seal it, tape it,
4 initial it, and put it in the evidence?

5 A. Right. The only time I handle it is now with bare
6 hands. I usually carry it to the evidence locker with my
7 gloves, then put another pair of gloves on.

8 Q. Okay. And State's 32.

9 A. Carpet padding. Yes, ma'am. That would have been
10 the smaller spot, I imagine, yes, ma'am.

11 Q. Okay. Same process?

12 A. Yes, ma'am. Always.

13 Q. Always, it would have been sealed?

14 A. Yes, ma'am.

15 Q. And your initials here?

16 A. Yes, ma'am.

17 Q. Okay. And would you have tampered with this in
18 any way?

19 A. No, ma'am.

20 Q. Okay. And more photos of the bed?

21 A. Yes, ma'am.

22 Q. And 702.

23 A. That is another stain on the actual bare mattress
24 that we found and it was photographed.

25 Q. And that?

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1 A. Yes, ma'am.

2 Q. 707?

3 A. More staining.

4 Q. Okay. And what is this here?

5 A. I believe that was the metal shaving that we took,
6 if I'm not mistaken.

7 Q. And tell me about these markers.

8 A. I believe one would be for staining. And the
9 other one is for the metal shaving. Seven if for staining,
10 eight is for metal shaving.

11 Q. Okay. Now, how did you collect seven?

12 A. We took a picture of it. I know on some of these,
13 and I'm not sure if it's this one in particular, but we did
14 cut out a couple of samples.

15 Q. I'm sorry. The disk is moving pretty slow. These
16 were on a flash drive, but the drive failed.

17 And just more photos of the same. Just let me
18 know when you want me to stop and explain.

19 Okay. And tell me about 734.

20 A. This is what was also believed to be blood that
21 was on the box spring.

22 Q. Okay. Now, this fabric stuff, did you swab it?

23 A. I believe I may have -- we could swab or just take
24 it so it could be sent off. And I believe it was a bigger
25 spot and we may have cut it off.

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1 Q. And just more photos of that?

2 A. Yes, ma'am.

3 Q. And who you have a crime scene marker on the
4 mattress corner?

5 A. Yes, ma'am. Number 9.

6 Q. Okay. And 752?

7 A. This is where we picked up the mattress and box
8 springs, so we could if there was anything under the bed.

9 Q. And 756?

10 A. It's another area on the box springs.

11 Q. And that's with crime scene marker?

12 A. Number 10.

13 Q. 769?

14 A. Broken mirror. Just on the bottom, it's got a
15 broken area, you can see on the top of it.

16 Q. That was over near the closet?

17 A. Yes, ma'am. And we took it out put it in the
18 kitchen so we could actually have an area where we could
19 take pictures of the rest of the areas of it.

20 THE COURT: All right. Solicitor, I think now is
21 going to be a good time to break for lunch.

22 MS. RICHARDSON: Okay.

23 THE COURT: It's ten till one.

24 Ladies and gentlemen, I'd like you to be back in
25 the jury room at 2:00 o'clock. And we will proceed with the

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1 officer's testimony at that time.

2 Please, during lunch, don't talk about the case
3 amongst yourselves or with anyone else and don't conduct any
4 research concerning any issues that have come up concerning
5 the case. I look forward to seeing you back at 2:00
6 o'clock. Thank you.

7 (WHEREUPON, the jury exited the courtroom at 12:51
8 p.m.)

9 THE COURT: All right. I'd like to have the
10 attorneys back in here at ten till 2:00 and we'll get ready
11 and then proceed from there.

12 Anything from the State before we break for lunch?

13 MS. RICHARDSON: No, Your Honor.

14 THE COURT: Anything from the Defense,
15 Mr. Hazzard?

16 MR. HAZZARD: No, sir.

17 THE COURT: Mr. Voigt?

18 MR. VOIGT: No, sir.

19 THE COURT: Mr. Edgeworth?

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. We'll see you back at ten
22 till.

23 (WHEREUPON, there was a break held from 12:53 p.m.
24 until 1:50 p.m.)

25 THE BAILIFF: All rise.

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1 THE COURT: Thank you. Please be seated.

2 Are we ready to get the jury back in here?

3 Anything from the State that we need to take up?

4 MS. RICHARDSON: No, Your Honor. But it's a
5 little before 2:00, I might have some people coming in to
6 bring me some things.

7 THE COURT: Well, I'm going to wait until 2:00.

8 MS. RICHARDSON: Okay.

9 THE COURT: I just wanted to make sure there's
10 nothing we need to take up before we get the jury in here.

11 MS. RICHARDSON: No, Your Honor. I just didn't
12 want anybody walking in and out.

13 THE COURT: No. No. No. We're not going to
14 start until 2:00. I'm going to pride myself on bringing
15 them in at 2:00.

16 MS. RICHARDSON: Okay.

17 THE COURT: Unless there's something that
18 Mr. Hazzard wants to bring up before we bring the jury in
19 here. I'm always happy to hear from him.

20 MR. HAZZARD: On this occasion, no, sir.

21 THE COURT: All right. And, Mr. Voigt, anything
22 from you, sir, before we bring the jury in?

23 MR. VOIGT: No, sir.

24 THE COURT: And you, Mr. Edgeworth?

25 MR. EDGEWORTH: No, Your Honor.

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1 THE COURT: Good. We can sit and stare at each
2 other for a few minutes. Excellent.

3 (WHEREUPON, there was a pause in the proceedings.)

4 MR. HAZZARD: Your Honor.

5 THE COURT: Yes, sir, Mr. Hazzard.

6 MR. VOIGT: Thank you, Your Honor. May it please
7 the Court.

8 One thing that we can address, we don't have to do
9 it now, maybe at the end of the day. I am concerned with
10 regard to the exhibits. What is in evidence. What is not
11 in evidence. And I think maybe if we can have an exhibit
12 conference with the Court Reporter and go over them and get
13 some clarification.

14 For instance, if I might approach. I don't
15 understand how this works, and maybe there's some
16 differential. But what's listed as the State's first
17 Exhibit is the State's Memorandum in Opposition to the
18 Defense's Motion to Suppress the Search Warrant. And I
19 don't know what specifies that this is a Court's Exhibit and
20 not an actual exhibit for the jury. So I have some concerns
21 in that regard that we might go over them and get some
22 clarification at some point.

23 THE COURT: All right. I think that is an
24 excellent idea. I'm sure that my clerk and the clerk may be
25 able to add to that. If assistance is warranted. I know

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1 they've been also working on trying their best to put that
2 together. I think that will be a good idea, maybe sometime
3 later today or this afternoon. That will be a good time to
4 do that.

5 MR. VOIGT: Yes, sir.

6 MS. RICHARDSON: Your Honor, we do have something
7 that's marked twice as Number 77. It was a letter from
8 Austin Kight and then one of the swabs. I believe the
9 letter was supposed to be actually Number 75 and not 77.

10 I do believe we introduced it on the record as
11 that way, but we do need to change that number.

12 THE COURT: Well, I mean, that's a prime example
13 of what Mr. Hazzard is talking about in terms of doing that.
14 I mean, as far as introducing whatever exhibit you want to
15 introduce, I mean, at this point I'm bringing the jury back
16 in. All right?

17 MS. RICHARDSON: I was just bringing that to the
18 Court's attention.

19 THE COURT: Thank you. Are all our jurors here?

20 THE BAILIFF: Yes, sir.

21 THE COURT: Excellent. Let's get them in here
22 it's 2:00 o'clock.

23 (WHEREUPON, the jury entered the courtroom at 2:00
24 p.m.)

25 THE COURT: All right. Ladies and gentlemen, we

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1 are ready to proceed.

2 Solicitor, you can continue.

3 MS. RICHARDSON: Thank you, Your Honor.

4 THE COURT: Sir, if she's going to show you more
5 pictures feel free to go back down, because there's
6 something wrong with your monitor.

7 THE WITNESS: Yes, sir. Thank you, Your Honor.

8 THE COURT: And, again, gentlemen, if y'all need
9 to move around to be able to view or see anything, feel free
10 to. Okay?

11 MR. VOIGT: Thank you, Your Honor.

12 MR. EDGEWORTH: Thank you.

13 THE COURT: Yes, sir.

14 BY MS. RICHARDSON:

15 Q. All right. And while those are loading, I think
16 we've already covered the two pieces of carpet padding. You
17 also -- you said that you had cut pieces of the mattresses?

18 A. We did.

19 Q. Okay. And so let me show you what's been marked
20 as State's 82 and tell me what that is -- tell the jury what
21 that is.

22 A. Fabric with blood stain from mattress.

23 Q. Okay. And, again, you would have -- tell the jury
24 how you would have collected it and what you would have
25 done.

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1 A. I would have cut it off the item, or the material,
2 and then I would have folded it up, put it in here, and then
3 like I said, seal it around.

4 Q. Okay. And then, obviously, it wasn't opened like
5 this?

6 A. No, it was not.

7 Q. Okay. And then State's Exhibit 83.

8 A. It says blood stain corner of mattress. And,
9 again, that would be fabric and it would have been folded up
10 and then it would have been sealed with tamper tape or
11 evidence tape.

12 Q. Okay. And State's 84.

13 A. This also says corner stain, box springs, that
14 come off the bottom part of the box springs. And, again,
15 it's folded up, put in here, and it was sealed with tamper
16 evidence tape.

17 Q. Okay. And so of all these items that you took
18 from the mattress and the bedding, you sealed all of them,
19 took steps not to contaminate them. Then what did you do?

20 A. Once we put them in it those, then it goes into
21 evidence, just like the process with the lockers. All that
22 stuff is taped up and it goes in a secured area in the
23 lockers. Sure.

24 Q. Okay. And then State's 94?

25 A. This would be metal shaving, which we seen earlier

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1 from the bed. All it says is Item 8, metal shaving.

2 Q. And then how did you seal that?

3 A. It would go -- we would place it in -- I think in
4 this we probably folded it up in a piece of paper, so it
5 doesn't move around and then it would go inside of a sealed
6 little envelope like so. And, again, same process, evidence
7 or tamper tape goes on there and then my initial and date
8 goes on there.

9 Q. Okay. Now, that's the last of these photos, if
10 you want to have a seat. You want to take a seat.

11 A. Yes, ma'am.

12 MS. RICHARDSON: Your Honor, the State would move
13 State's 81, 82, 83, 84 into evidence.

14 THE COURT: Any objection, Mr. Hazzard?

15 MR. HAZZARD: If I could get some clarification as
16 to what 81 through 84 are.

17 THE COURT: Yeah.

18 MS. RICHARDSON: 82, the mattress cutting. 83,
19 the box spring mattress cut -- or the corner of the
20 mattress. 84, the corner of the box spring.

21 MR. HAZZARD: That's it?

22 MS. RICHARDSON: Well, I'm just going to do a few
23 at a time. And 94 is the metal shavings.

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

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1 THE COURT: All right.

2 MR. VOIGT: Subject to previous objection.

3 MR. EDGEWORTH: Likewise, Your Honor, subject to
4 our previous objection.

5 THE COURT: All right. Those items will be
6 admitted subject to Counsel's previous objection.

7 Go ahead.

8 (WHEREUPON, State's Exhibit Numbers 81-84 and 94
9 was moved into evidence.)

10 MS. RICHARDSON: Your Honor, and I believe we had
11 previously moved State's 25 and 26, the carpet paddings into
12 evidence, but just out of abundance of caution, both 25 and
13 26.

14 THE COURT: So abundance of caution, you're moving
15 those into evidence to make sure that they are?

16 MS. RICHARDSON: Yes.

17 THE COURT: Any objection, sir, Mr. Hazzard?

18 MR. HAZZARD: Subject to previous abjection, Your
19 Honor.

20 THE COURT: Mr. Voigt?

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

23 MR. EDGEWORTH: Subject to our previous objection.

24 THE COURT: All right. And those are admitted
25 subject to previous objections made by Defense Counsel.

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1 Thank you, you can proceed.

2 MS. RICHARDSON: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit Numbers 25 and 26 were
4 moved into evidence.)

5 BY MS. RICHARDSON:

6 Q. And then after searching the house on March 10th
7 and collecting those items of evidence.

8 A. Yes, ma'am.

9 Q. Did you have also take some telephones from the
10 house?

11 A. We did.

12 Q. Okay. And after that did you interview Ms. Tiesh
13 Rhue again?

14 A. I did.

15 Q. And have we forwarded you that video?

16 A. I believe so. Yes, ma'am.

17 Q. And so that was on March 11?

18 A. Yes, ma'am.

19 Q. And during that interview is that when the body
20 was recovered?

21 A. It was.

22 Q. Okay. And were you aware of that when were
23 interviewing Ms. Rhue?

24 A. No, ma'am. I believe I found out afterwards.

25 Q. Okay. And during that interview did you -- was

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1 she under arrest at the time that you began that interview
2 on the 11th?

3 A. No, ma'am.

4 Q. And did you threaten or promise her anything to
5 get her to talk to speak with you?

6 A. No, ma'am, I did not.

7 Q. And did you go out to the crime scene where the
8 body was recovered?

9 A. No, ma'am.

10 Q. But did you -- what about the autopsy?

11 A. I was present for the autopsy.

12 Q. And was that on March 13?

13 A. I believe so, yes, ma'am.

14 Q. Okay. Who all went to the autopsy?

15 A. It would have been Investigator Aswad from the
16 Georgetown County Sheriff's Office, myself, and Investigator
17 Powell.

18 Q. And tell me how you're able to observe -- how the
19 room is set up and how you're able to observe the autopsy.

20 A. We're in a room that has a plexiglass window and
21 you're looking out -- when you're in that room, you're
22 looking out to the -- I don't know if you would call it the
23 operating room or their medical examining area, I guess,
24 where they are performing these procedures at.

25 Q. Okay. And were you present the whole time?

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1 A. I was.

2 Q. Now, the evidence that was recovered from
3 Mr. Harrison Jr., from the autopsy, what happened with it?

4 A. It was originally transferred from MUSC to the
5 Sheriff's Office originally.

6 Q. And you've been present for autopsies before?

7 A. Yes, ma'am.

8 Q. And explain to the jury how that evidence is
9 packaged by the Medical University.

10 A. They take those items, they package them in
11 individual envelopes, they seal them, not so much like we
12 do. They use their stamp that tells what's in it, what's in
13 that item, they stick that over the opening. And then it is
14 all put in a bag and it is transferred to whatever agencies
15 there.

16 Q. And at that time it was transferred to the
17 Sheriff's Office; is that right?

18 A. Yes, ma'am.

19 Q. And were you present for that transfer?

20 A. I was.

21 Q. Let me show you what's been previously introduced
22 or marked for identification as State's 48 and 49.

23 A. This shows this was the left hand fingernail
24 clippings and this one is right hand fingernail clippings.

25 Q. And those would be the evidence envelopes from the

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1 Sheriff's Office?

2 A. Yes, ma'am. My understanding is they put them in
3 their own envelopes.

4 Q. Okay. So what does the Medical University put the
5 fingernails in?

6 A. One of the small manila envelopes.

7 Q. And did you ever open the small envelopes?

8 A. No, ma'am.

9 Q. And what was your understanding from the autopsy
10 regarding -- observing the autopsy regarding the fingernails
11 of Mr. Harrison Jr.?

12 A. The items that are said that are in there, are in
13 there.

14 Q. Okay. Did you learn anything about his
15 fingernails while you were watching the autopsy?

16 A. Yes, ma'am. It appeared that there may not have
17 been fingernails on one hand.

18 Q. And the other items collected from the autopsy,
19 did those include blood spots?

20 A. Yes, ma'am.

21 Q. And tell me what those are.

22 A. It's just a sample of blood they take. Usually
23 they do several spot cards. They just take a card and they
24 drop a sample of blood on there. And that's used for when
25 we send stuff to the crime lab they have a known sample from

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1 that victim to compare to.

2 Q. All right. But at that time those went to
3 Investigator Wu or Aswad?

4 A. Originally, yes, ma'am.

5 Q. And that's with the Sheriff's Office?

6 A. Sheriff's Office.

7 Q. Okay. And then did you subsequently take
8 possession of any of the evidence?

9 A. Yes, ma'am. I took possession of one blood spot,
10 I believe, from the Sheriff's Office.

11 Q. And then the second blood spot?

12 A. I believe Investigator Powell took possession of
13 that.

14 Q. And why did you -- and that was after they
15 determined that the body was Mr. Harrison?

16 A. Yes, ma'am.

17 Q. And why did you get two blood spots?

18 A. Well, one would have been just because we need to
19 send it to SLED. But then we made the determination that we
20 were going to be using a second crime lab, which would have
21 been Richland County. So another blood spot would have been
22 needed at that time.

23 Q. So one to go to each lab?

24 A. That's right. One to send to each lab.

25 Q. All right. And why was the decision made to go to

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1 Richland?

2 A. Just so we could get the turn over so we could get
3 the evidence back or results back in a quicker time.

4 Q. And did you learn how the body was identified?

5 A. Yes, ma'am.

6 Q. And how was that?

7 A. It was identified by a tattoo on his arm, his
8 forearm.

9 Q. And what did you -- since you went to the autopsy.

10 A. Yes, ma'am.

11 Q. And I know the jury has already heard this, but
12 explain the condition of the body.

13 A. It was -- there was a lot of pigment decoloration.
14 There was -- it had already, I guess, decaying. It was -- I
15 mean, there was even -- looked like some animal activity. I
16 mean, it was in pretty bad shape.

17 Q. And what about the speaker wire, were you there
18 when that was removed and recovered from the body?

19 A. The autopsy, yes, ma'am. He was bound, his arms
20 and his legs were bound.

21 Q. And after that was it decided to do a subsequent
22 search of the house?

23 A. Yes, ma'am.

24 Q. At that point what were you looking for?

25 A. We were looking for speaker wire, sharp objects,

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1 any other DNA that would go with that.

2 Q. And who went and conducted that search warrant?

3 A. I believe it was myself, Investigator Powell, at
4 the time Captain Pierce, and I know Investigator Aswad was
5 there, as well.

6 Q. And what was the condition of the house when you
7 got there on the 14th?

8 A. In the same condition.

9 Q. And had any of the flooring or carpeting been
10 changed?

11 A. No, ma'am. Not to my knowledge.

12 Q. And did you take photographs during that search
13 warrant?

14 A. Yes, ma'am, we did.

15 Q. And let me show you what's been introduced as
16 State's 39?

17 A. Yes, ma'am.

18 Q. And are those, those photographs?

19 A. It is.

20 Q. And that's a flash drive. Have you reviewed that
21 flash drive?

22 A. Yes, ma'am.

23 Q. And is that the same pictures that were taken that
24 day?

25 A. Yes, ma'am.

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1 MS. RICHARDSON: Your Honor, permission to publish
2 to the jury?

3 THE COURT: Yes, ma'am. All right.

4 I'm going to let the witness get up. And if she's
5 going to show him photographs, again, his screen is not
6 properly functioning.

7 BY MS. RICHARDSON:

8 Q. Okay. I'm going to try to go through these quick.
9 The first Photo 736, can you tell us what that is?

10 A. That's a picture inside the living room pointed
11 back out the front door.

12 Q. That's you?

13 A. That's me.

14 Q. Okay.

15 A. Again, that's the front door, living room.

16 Q. And you're just going around sort of the perimeter
17 of the living area?

18 A. Yes, ma'am. I believe at this point Investigator
19 Powell took these, obviously.

20 Q. Okay.

21 A. We're just going around the different areas taking
22 pictures.

23 Q. And this is of the bedroom?

24 A. Yes, ma'am.

25 Q. Okay. And 745, what is that photo?

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 A. Inside the bedroom, I believe that was the son's
2 bedroom.

3 Q. And you photographed a lot of equipment in this
4 room?

5 A. Yes, ma'am. I mean, at this point we're looking
6 for wires and such.

7 Q. Okay. And Photo 753?

8 A. It's a picture of a bag of different auxillary
9 cords or coax cables and some other electronic equipment.

10 Q. And now you're in the kitchen?

11 A. Yeah, at this point, yes, ma'am. At this point
12 we're back in the kitchen.

13 Q. And these are just photos of the kitchen in
14 general?

15 A. Uh-huh.

16 Q. All right. And just describe to me sort of what's
17 going in these photos.

18 A. We're just taking -- I think we're just taking
19 pictures of some of the stuff just to show what it is.

20 Q. Okay. And this photo 769?

21 A. I'm not really sure what the significance. And
22 then a box cutter, that was of significance. That's what
23 the picture was for.

24 Q. Okay.

25 A. Again, and there's a knife, a steak knife right

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 there.

2 Q. And did you collect those items?

3 A. We did.

4 Q. And were they processed?

5 A. They were presumptively tested for blood.

6 Q. Okay. Was there any?

7 A. It was negative reaction.

8 Q. So were they sent for any further testing to SLED?

9 A. No, ma'am.

10 Q. And what's the purposes of doing those presumptive
11 testing?

12 A. It just gives us an idea if it is or possibly
13 could be something involved in the crime or not.

14 Q. And you used that to decide whether to send it off
15 for further testing; is that right?

16 A. It could be.

17 Q. And you collected those and no testing was done
18 other than the presumptive?

19 A. Yes, ma'am.

20 Q. And that's those with evidence markers?

21 A. Yes, ma'am.

22 Q. Okay. And this is pretty obvious 778?

23 A. Yeah, just a picture of the washing machine.

24 Q. Now, is this a different bedroom, 783?

25 A. Yes, ma'am.

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1 Q. And did you determine whose bedroom this was?

2 A. It was the bedroom that Mr. Alexander Rhue Sr. and
3 Jr. stay in.

4 Q. Did you also search automobiles that were on the
5 property?

6 A. Yes, ma'am.

7 Q. And what automobile is this?

8 A. This is the Mercury Mariner.

9 Q. Okay. And did you determine where that vehicle
10 was back on February 25th?

11 A. Yeah, it was actually at a -- I believe it was at
12 a body shop being worked on.

13 Q. Is that the wreck that we heard about in the other
14 interviews?

15 A. That's correct. Yes, ma'am.

16 Q. But you went ahead and processed it anyway?

17 A. We did. We went ahead and searched it.

18 Q. Okay. And I'm just going flip through that and
19 then 793?

20 A. Yes, ma'am. Just not sure what it was, but it was
21 floor stain that looked suspicious. And I believe
22 Captain Pierce even presumptively tested that, as well, and
23 it come back negative, if I'm not mistaken.

24 Q. And were there any items in there that the stain
25 may have appeared to have come from?

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1 A. I'm not sure. It could have been some laundry
2 detergent. If I remember correctly there was some laundry
3 detergent back there, we're thinking that could have been,
4 we're really not sure.

5 Q. Okay. Again, that's just more photos of the --

6 A. Yes, ma'am.

7 Q. -- of that stain.

8 Anything found in this vehicle --

9 A. No, ma'am.

10 Q. -- that was sent for further testing?

11 A. No, ma'am. We didn't send any vehicles, I
12 believe.

13 Q. Okay. And you also checked this Nissan Sentra?

14 A. Yes, ma'am.

15 Q. Okay. Again, anything in there that you sent for
16 further processing? Anything found it that?

17 A. No, ma'am.

18 Q. Okay. And then back into the house, this is Photo
19 828?

20 A. Yes, ma'am. This is that transfer stain that was
21 showed earlier with the markers on it. And, at this point,
22 obviously, it's changed colors, it's been enhanced with the
23 Leucocrystal violet.

24 Q. Okay. So that was initially marked as Item 5,
25 from the first day you were searching?

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1 A. I believe so, yes, ma'am.

2 Q. Okay. But you didn't collect any samples the
3 first day?

4 A. No, ma'am.

5 Q. Okay. And 835?

6 A. I believe would be the stain on the molding right
7 there.

8 Q. And that's this?

9 A. Yes, ma'am.

10 Q. And some of these photos are blurry?

11 A. They are a little blurry.

12 Q. Okay. But do you delete them when they're blurry?

13 A. No, ma'am. I keep them.

14 Q. Okay. Just to have a complete record?

15 A. Yes, ma'am.

16 Q. And on that subject, what about the time stamp on
17 your photos. Did you notice anything like in the properties
18 on those?

19 A. Yes, ma'am. I believe it was off due to a battery
20 change that happens from time to time. And then, obviously,
21 in the moment forget to check and change the time back.

22 Q. And this is back at that first stain?

23 A. Yes, ma'am.

24 Q. And then did you change the item on this?

25 A. I believe so, yes, ma'am.

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1 Q. I'm just scrolling through fast.

2 This is just the two different stains that we
3 talked about?

4 A. Yes, ma'am.

5 Q. And so this is the one of the closet door. What
6 did you mark it?

7 A. It looks like it's Item 2, maybe, or 7, it's 2 or
8 7, I can't read my handwriting.

9 Q. And that first thing was changed from Item 5 to
10 Item 1; is that right?

11 A. Yes, ma'am.

12 Q. And what is this, 860?

13 A. Yes, ma'am.

14 Q. And what area is this?

15 A. I believe that's in the area inside the bedroom,
16 maybe. Maybe behind the door, the bedroom door.

17 Q. And that item was processed by Captain Pierce?

18 A. Yes, ma'am.

19 Q. And is that what we can see there in the very
20 faint purple?

21 A. Yes, ma'am.

22 Q. And you put a crime scene marker on it?

23 A. I did.

24 Q. And what was that label? What number was that
25 label?

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1 A. I'm not sure, there's not an item number on there
2 for some reason.

3 Q. And this is just more photos of those that were in
4 the --

5 A. Yeah, and it looks like that was -- it looks like
6 I added Item Number 3. I guess, maybe I realized it didn't
7 have one on there.

8 Q. So t three areas that we see in the bedroom with
9 the tape sticking on the wall, what did you do with those?

10 A. We took a sample of it with a cotton swab, just
11 like the process I told you about earlier with the buccal
12 swab, we did that with collecting this as well.

13 We used clean gloves, sterile water, wet the
14 cotton swab, take a sample of it, and then we place it in a
15 box and it is sealed at that point.

16 Q. In this area, photo 891?

17 A. That's the area coming out of the room right
18 beside the laundry room, which would be actually the kitchen
19 area.

20 Q. And what are we looking at here, 894?

21 A. Some more area of a transfer of some sort. And,
22 obviously, it's been enhanced right here on this door facing
23 or molding.

24 Q. And did you take a sample from that area as well?

25 A. On believe so. Yes, ma'am.

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1 Q. And the purple color, why is it purple?

2 A. Because it was enhanced with Leucocrystal Violet.

3 Q. Okay. And what -- and you labeled that one?

4 A. Yes, ma'am.

5 Q. And what item number is it?

6 A. B1.

7 Q. And this is just more photos of scales and that
8 sort of thing?

9 A. Yes, ma'am.

10 Q. All right. And you didn't collect any samples
11 from the kitchen?

12 A. Not on the floor. No, ma'am.

13 Q. Okay. That's the end of those photos?

14 A. Yes, ma'am.

15 Q. You can take a seat.

16 All right. Let me show you what -- the bag has
17 been labeled 106, and the contents of the bag have been
18 labeled 77, 78, 79, and 80. And can you tell me what these
19 are?

20 A. Yes, ma'am. These are going to be the swabs that
21 I collected during those -- that time of those pictures that
22 we just showed you.

23 Q. From the walls in the bedroom?

24 A. Yes, ma'am.

25 Q. Okay. And, again, is that your initial in that

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1 evidence tape on the bag?

2 A. Yes, ma'am.

3 Q. Okay. And you sealed those in those cartons in
4 the process like you explained before?

5 A. I did.

6 Q. And did you tamper with or alter those in any way?

7 A. No, ma'am.

8 Q. And what did you do with them after you collected
9 them?

10 A. They were placed in evidence.

11 Q. Okay. And did you later learn that Richland
12 County was requesting some additional samples from the
13 victim?

14 A. Yes, ma'am.

15 Q. And did you collect any of those?

16 A. I did.

17 Q. Okay. And tell me what you collected?

18 A. I went to the residence at [REDACTED] Highmarket Street
19 and I recovered or got a toothbrush from Ms. Tiesh Rhue that
20 belonged to Mr. Leon Harrison.

21 Q. And how did you get that?

22 A. I believe she pointed it out. We went in the
23 house and she pointed it out to me and I took possession of
24 it.

25 Q. Okay. When you got it what did you do with it?

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1 A. We sent it to -- we sent it to, I guess, Richland
2 County, where I possibly put it in evidence and secured it
3 with tamper tape and then it went into evidence and was sent
4 to Richland County.

5 Q. Okay. And let me show you what's been marked as
6 State's 85.

7 A. Yes, ma'am.

8 Q. And is that the toothbrush from Tiesh Rhue?

9 A. I have it labeled as Leon Harrison -- Leon
10 Harrison's toothbrush.

11 Q. And she identified that as his toothbrush; is that
12 right?

13 A. Yes, ma'am.

14 Q. And when you collected it you put it in the bag
15 and sealed it in the same process as you said before?

16 A. Yes, ma'am.

17 Q. Okay. And the evidence tape on the back does that
18 contain your initials?

19 A. Yes, ma'am, it does.

20 Q. And was that opened during the process of this
21 trial?

22 A. Yes, ma'am.

23 Q. Okay. And did you tamper with it or manipulate it
24 or alter it in any way?

25 A. No, ma'am.

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1 Q. And, again, did you place this into evidence under
2 the same procedures you said before?

3 A. Yes, ma'am.

4 Q. Okay. And that is State's 85.

5 MS. RICHARDSON: Your Honor, at this time I'd move
6 State's 85 into evidence.

7 THE COURT: All right. Any objection,
8 Mr. Hazzard?

9 MR. HAZZARD: Subject to -- well, no objection.

10 THE COURT: All right. What about it, Mr. Voigt?

11 MR. VOIGT: I believe it is subject to my previous
12 objection, Your Honor, so I will renew that.

13 THE COURT: All right.

14 MR. EDGEWORTH: Subject to the previous objection.

15 THE COURT: All right. I'm going to admit it the
16 previous objection.

17 (WHEREUPON, State's Exhibit Number 85 was moved
18 into evidence.)

19 BY MS. RICHARDSON:

20 Q. You've had an opportunity to interview Mr. Rhue
21 Sr. or speak with him and that was outside of the house?

22 A. Yes, ma'am.

23 Q. And that's the video that we've already played for
24 the jury?

25 A. Yes, ma'am.

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1 Q. But you weren't present for his first interview on
2 the 11th, because you were with Ms. Tiesh Rhue?

3 A. That's correct. Yes, ma'am.

4 Q. And you were also aware of the interview that was
5 done of Alexander Rhue Jr.?

6 A. Yes, ma'am.

7 Q. And based on these interviews did you request or
8 did your office request phone records for these individuals?

9 A. Yes, ma'am.

10 Q. So what was your understanding of the whereabouts
11 of these three individuals the night of February 25th into
12 the morning of February 26th, based on the interviews?

13 A. Based on the interviews or based on?

14 Q. Yes, based on the interviews.

15 A. That they were all at home.

16 Q. And as far as the phone information that was
17 requested, did you turn that over to Angela Gardner and her
18 agency?

19 A. RSCIC?

20 Q. Yes.

21 A. Yes, ma'am.

22 Q. And based on that information, did you begin
23 looking trying to find additional information about their
24 whereabouts?

25 A. Yes, ma'am.

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1 Q. And tell me where and how you did that?

2 A. We got the phone -- we did a search warrant for
3 the phone records and then the phone records were sent to
4 RSCIC, and that's when they developed the map that they
5 showed.

6 Q. And that's the information that Ms. Gardner has
7 already testified to?

8 A. That's right.

9 Q. And so without going into all of that again, based
10 on the maps that were received and the information that was
11 received, did you do further investigation?

12 A. We did.

13 Q. Okay. And what did you do?

14 A. One thing we did was we went to Walmart, and
15 that's whenever we got a block of time, I think it was three
16 or four hours, just to see if they may have went to Walmart.

17 Q. And so that first video that we showed at Walmart,
18 you said it was like a three- to four-hour window?

19 A. I believe so, yes, ma'am.

20 Q. And why did you get or request that particular
21 video?

22 A. Because it showed that they were going in that
23 direction.

24 MR. VOIGT: Objection.

25 THE COURT: Sustained.

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1 THE WITNESS: And that's only the store -- that's
2 the only place that's open 24 hours and that time of night.

3 BY MS. RICHARDSON:

4 Q. Okay. And so you got this three- to four-hour
5 block of video?

6 A. Yes, ma'am.

7 Q. Okay. And that was just for the grocery doors as
8 Mr. Walker had indicated earlier?

9 A. Yes, ma'am.

10 Q. And what did y'all do with those three- to
11 four-hours of video?

12 A. We watched -- I and Investigator Powell watch the
13 whole time.

14 Q. And at this time you had already -- what date was
15 that, do you recall?

16 A. Not off the top of my head, no, ma'am.

17 Q. Okay. Would anything refresh your recollection?

18 A. Yes, ma'am.

19 Q. And what is that that would aid you?

20 A. My report would be fine.

21 Q. What I'm going to hand you to refresh your
22 recollection, I think everybody has been referring to it all
23 week, is the 73-page Incident Report from Georgetown Police
24 Department?

25 A. Yes, ma'am. I believe I obtained that video on,

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1 it looks like, March 31st, 2017 -- or, excuse me, that's
2 when I wrote it, it says on Wednesday, March 29th, 2017.

3 Q. And you actually retrieved the video?

4 A. Yes, ma'am.

5 Q. And took it back to the office to be reviewed?

6 A. That's correct, yes, ma'am.

7 Q. And you were able -- after Officer Powell looked
8 at the video, did you also look at what he had found on the
9 video?

10 A. I did, yes, ma'am.

11 Q. And tell me what stood out to you and
12 Officer Powell.

13 A. There was a subject that matched that description
14 of Mr. Alexander Rhue Sr.

15 MR. VOIGT: Objection.

16 THE COURT: Um.

17 MS. RICHARDSON: I can rephrase that.

18 THE COURT: All right.

19 Well, I'll tell you what ladies and gentlemen, I
20 need to take this up as a matter of law, and we'll send you
21 out and hopefully get you right back in here. But I need
22 to -- I need to take this up outside of your presence.

23 Thank you.

24 (WHEREUPON, the jury exited the courtroom at 2:39
25 p.m.)

1 THE COURT: All right. Mr. Voigt, I'll hear from
2 you.

3 MR. VOIGT: Thank you, Judge. Last week when the
4 State attempted this, I made an objection with this in-court
5 identification procedure that they were about to do, was
6 both suggestive and would give rise to a substantial
7 likelihood of misidentification.

8 I think the State, through this witness, now that
9 Investigator or Detective -- Deputy Powell is on his
10 honeymoon -- is attempting to backdoor the same in-court
11 identification that I objected to last week. I think that
12 this sort of identification, even an in-court
13 identification, would be subject to a Biggers Hearing.

14 I don't think we've been afforded that. I'm not
15 exactly sure how he's going to say who's on this tape. But
16 I think it's -- the tape has been introduced. I think the
17 jury can determine what they see and what they don't see on
18 it. And I don't believe that Investigator Morris's opinion
19 as to what he thinks he saw is terribly important at this
20 point.

21 THE COURT: Well, one of the things that I noted
22 was that response was something about what he and another
23 investigator observed. And I don't think it's appropriate.
24 I think that's part of what you're talking about.

25 MR. VOIGT: It is.

1 THE COURT: I don't think it's appropriate for him
2 to comment on what another investigator observed or what
3 they together concluded. So, as it relates to the
4 investigator who is hopefully on his honeymoon now and
5 enjoying himself, I think that is, to me, is improper and I
6 would not allow it.

7 Now -- so, sir, your objection is the fact that if
8 the officer recognizes him, that he can't say he sees him on
9 the video, if the officer recognizes this individual?

10 I'm not talking about the picture that they had at
11 one point, because you brought that up in reference to a
12 picture that had a side by side. And that's a whole 'nother
13 matter, we can talk about that. But as it relates to the
14 Officer recognizes him, why can't he say he saw somebody who
15 he believes is the individual?

16 MR. VOIGT: I don't believe at this point the
17 foundation has been laid for that.

18 THE COURT: All right.

19 MR. VOIGT: And, further, I'm not sure the
20 foundation can be laid for that.

21 THE COURT: Well, I understand, but while we got
22 the jury out, I mean, I want to go ahead and ask the
23 question, because I don't want to have to bring them back in
24 and then shoot them back out.

25 MS. RICHARDSON: Your Honor, if I may?

1 THE COURT: Yes, ma'am.

2 MS. RICHARDSON: And the objection from my
3 understanding, I was obviously trying to have Mr. Powell
4 early in the process because of his schedule. It's my
5 understanding that the objection, with what we were doing at
6 that point, is we had not laid a foundation or introduced
7 the Walmart video, but now we have.

8 But, Your Honor, as the photograph that we
9 attempted to introduce and was said to have an improper
10 foundation, the side by side, was the clothing. It was the
11 yellow hat that helped aid in the -- you know, they got
12 four hours of watching people coming out and then he's in
13 the same had that he had on during the interview that they
14 had done on 3/15 out at the house.

15 And so I'm just trying to elicit that the clothing
16 is what caught the attention and then they went further into
17 developing and looking at who he was and then getting the
18 video and then getting the photos of the second -- of
19 Alexander Rhue Jr. and how they identified them.

20 THE COURT: Mr. Hazzard?

21 MR. HAZZARD: That's a good question, Your Honor
22 it is.

23 To me I guess the question is: Can the Detective
24 give his opinion as to who he thinks is on the video. The
25 jury has seen the video and is free to draw their own

1 conclusions.

2 I'm assuming he would say that he thinks it is
3 him. I don't know if he can conclusively give an
4 identification. But I'm assuming he could say we looked at
5 the video and we saw someone that, for my purposes I will
6 say, we thought was Alexander Rhue Sr.

7 I don't have an objection if he says we saw
8 someone we thought looked like Alexander Rhue Sr. The jury
9 has seen the video and they can look at it as many times as
10 they want and they see Alexander Rhue Sr. here. They've
11 seen him on other videos of interviews and they can make
12 their determination of whether they believe that's him.

13 THE COURT: Mr. Edgeworth?

14 MR. EDGEWORTH: Thank you, Your Honor.

15 May it please the Court.

16 In addition to the arguments that have already
17 been laid, I think that it's important to note that it is
18 the attempt to backdoor this opinion as to who the
19 individual is in the video by way of calling it part the
20 investigation.

21 And when, really, what has happened is, they've
22 already -- they've already identified, themselves, who they
23 believe to be the individual prior to even watching this
24 stuff. They're looking for them.

25 So the suggestiveness of that particular

1 identification when they can't -- they can't pause that it
2 is affirmatively him. This is secondary to having like a
3 lay witness, so to speak, saying that I saw that person at
4 this spot at this time, and then you question, you know, the
5 lighting, and then the Court can determine whether it's a
6 proper identification.

7 But as to the point from Mr. Hazzard, if they're
8 just going to opine or say that during the course of the
9 investigation we thought that this person was that person,
10 then I guess I wouldn't have an objection to that.

11 MS. RICHARDSON: Can I respond?

12 THE COURT: Yes, ma'am.

13 MS. RICHARDSON: I mean, Your Honor, this -- this
14 is an identification. This officer met with these
15 individuals. He has met with Alexander Rhue Sr. at the
16 house, initially, the first day that he was reported
17 missing. He also on March 15th met with him.

18 Your Honor has also seen that they were involved
19 in his arrest. So he was familiar and had met with him face
20 to face. And just like anybody, like any lay witness could
21 say, Yeah, that's so and so. If they already know somebody,
22 he's pointing them out.

23 And the other thing is, you know, the fact that
24 the clothing was the same clothing that they had just seen a
25 few days and that's -- well, about two weeks before.

1 You know, kind of an unusual thing, a beanie, and
2 that aided in the identification. But it's just like with
3 anybody, he's had opportunities to observe them. Saw them
4 on the video.

5 And if they hadn't -- and what Mr. Edgeworth,
6 said, as far as they'd already made up their mind, they
7 looked through four hours of video to see if they saw them.
8 And then recognized. And didn't recognize Mr. Rhue Jr. at
9 first, recognized Mr. Rhue Sr. at first.

10 THE COURT: Well, as it relates to your initial
11 objection. I think that if the proper foundation is laid,
12 maybe they can and maybe they can't establish that
13 foundation, but I think if that foundation is established
14 then I think that I can -- I think he could testify as to
15 who he thinks that is. The same way if I watched a video
16 and saw you walking into a Walmart, Mr. Voigt, at 3:00 a.m.,
17 or whatever time, I think I could say I have a strong
18 suspicion as to who that individual is based on the
19 interactions I've had over a week with him and I see the
20 video. So I think if they lay a foundation, I think that
21 that could come in.

22 Now, let me hear you on the clothing. You got a
23 separate opinion clothing? I want to ask, because that's
24 the next thing that they going to try to address, I guess,
25 to perhaps substantiate.

1 So let me hear you on that, again, I'm taking this
2 up, not because I want to inject myself in it, but I just
3 don't want to get the jury out here and ask them three
4 questions, folks, and send them back.

5 MR. VOIGT: All right. So I'm not aware that they
6 did any sort of side by side comparison, if they do they can
7 correct me, involving my client's clothing. And I believe
8 what the Solicitor just said was, they did not, in fact,
9 recognize my client. Which is a little bit contrary to what
10 the officer was starting to say in front of the jury, which
11 was he recognized Alexander Rhue Jr. which I don't think is
12 actually what happened.

13 That gets back to the question that the Court
14 asked me about Alexander Rhue Sr.'s clothing. My objection
15 at that time was that that looked to me to be the substance
16 of a -- the equivalent of a show-up ID. Side-by-side
17 photos, there's no randomness to it, there's no chance
18 anybody could get that wrong. And it also appears to be
19 bolstering. In other words, it has the effect of, not only
20 is it him, but I'm right about that.

21 THE COURT: All right.

22 MR. VOIGT: And I think that's improper for two
23 reasons. So I think that any attempt to identify Alexander
24 Rhue Sr. through an in-court procedure, which I'm assuming
25 by this point because we are at trial, with trial

1 preparation, with knowledge of his file, with everything
2 that's happened since he sees the photograph, I think that
3 such a -- such an identification at this late stage would be
4 improper.

5 THE COURT: All right. Solicitor, let me ask you
6 something. The clothing, was he at that interview or was
7 the interview he wasn't at, because he was interviewing
8 somebody?

9 MS. RICHARDSON: No. That was the interview he
10 was. He was up on the porch with Ms. Tiesh Rhue, and we
11 didn't introduce that part to the jury, but he was initially
12 up with her taking photos. And Investigator Powell was
13 talking to Mr. Rhue Sr. Then Investigator Morris walked
14 over and did speak with him and they sort of both
15 interviewed him and we have introduced that to the jury.

16 THE COURT: All right. I'm going to -- if a
17 proper foundation is -- do you gentlemen have anything else
18 to add? I don't mean to be excluding you Mr. Hazzard or
19 Mr. Edgeworth.

20 MR. HAZZARD: No, Your Honor. I'd adopt and would
21 join on argument with Mr. Voigt.

22 THE COURT: All right.

23 MR. HAZZARD: I have nothing further to add.

24 THE COURT: Mr. Edgeworth?

25 MR. EDGEWORTH: Your Honor, I join in the

1 objection and the argument from Mr. Voigt.

2 THE COURT: All right. If he's able to lay the
3 proper foundation -- or if she's able to lay the proper
4 foundation, excuse me, I think he can testify as to who he
5 thinks it is.

6 As it relates to what may have also assisted him,
7 the fact that he remembers specific clothing that this
8 individual wore, again, I think he can testify to that now.

9 However, as it relates to the picture that the
10 Solicitor wanted to show in that, that ain't coming in.
11 That -- you know, that's -- if you want to argue that in
12 close, pick pieces of evidence and then what they may show
13 or what conclusion a jury could draw from that, then I think
14 that's appropriate.

15 But I do agree with you, sir, that having these
16 pictures side by side is something for him to say look and
17 look and here's what I was looking at, I think that is sort
18 of trying to backdoor this matter. And I don't mean that in
19 a disparaging way, Solicitor, at all. I'm just saying I'm
20 not going to allow the photograph of this side by side or
21 cutting it in half and handing him that and publishing it,
22 then cutting it in half and handing him that and publishing
23 it. The picture, as I understand it, is already in
24 evidence, because the video is in evidence. And so, you
25 know, what you do with your closing is your business.

1 But I'm going to sustain as it relates to I
2 believe what we would anticipate being the photograph, the
3 side by side, but if the proper foundation is laid, I will
4 allow him to testify as who he believes it is. And, also,
5 if he indicates that he was able to consider clothing or
6 whatever else it was, you know, my recollection of his
7 height, or whatever, I think that's permissible.

8 That would be my ruling.

9 Anything further from the State?

10 MS. RICHARDSON: No, Your Honor.

11 THE COURT: Mr. Voigt?

12 MR. VOIGT: No, Your Honor, except that your
13 ruling more accurately fits Alexander Rhue Sr. But we'll
14 just wait for the testimony on my client, because, again, I
15 don't think the foundation has been laid.

16 THE COURT: All right. Anything else,
17 Mr. Hazzard?

18 MR. HAZZARD: No, sir.

19 THE COURT: Mr. Edgeworth?

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: Okay. Do we need to take -- do we
22 need to bring them back in or do you want to take
23 10 minutes? Ready to go? Bring them back in?

24 MR. HAZZARD: That means 10 minutes, always.

25 THE COURT: All right. We'll take 10 minutes and

1 bring the jury back in here, okay. Thank you.

2 (WHEREUPON, there was a break held from 2:58 p.m.
3 until 3:08 p.m.)

4 THE BAILIFF: All rise.

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

6 All right. Anything further before we bring the
7 jury back from the State?

8 MS. RICHARDSON: No, Your Honor.

9 THE COURT: Anything from the defense?

10 MR. HAZZARD: Your Honor, I would change my
11 position with regard to the objection I originally said I
12 did not have an objection to State's Number 85. I will
13 change that and object. I do not believe at this point that
14 a full chain of custody or a good enough chain of custody
15 has been laid. And so I would object on that grounds.

16 As I understand it, what the Investigator
17 testified to is that he obtained the toothbrush from Tiesh
18 Rhue. I cannot -- I realize that the State has not -- the
19 case law says that they don't have -- the chain of custody
20 doesn't have to be a hundred percent, everyone who's in it,
21 doesn't have to be in it. But I cannot think of a single
22 situation where anything has ever come into evidence where
23 the first person in the chain of custody doesn't testify to
24 it.

25 THE COURT: All right. Solicitor?

1 MS. RICHARDSON: And, Your Honor, the chain of
2 custody if for fungible as opposed to non-fungible items.

3 So this is a toothbrush. It's a blue and white
4 toothbrush, it's not like it's just a DNA swab, or anything
5 like that. So I believe you don't have to establish a full
6 chain of custody. But also, Your Honor, he can identify
7 that that's what he recovered. And I don't know of any case
8 law that says the person who turned it over, or the first
9 person has to be in the chain, particularly on a
10 non-fungible-type item, Your Honor.

11 MR. HAZZARD: And I would say there's nothing
12 about a blue and white toothbrush that makes it
13 non-fungible. There's nothing in the world that is unique
14 about a blue and white toothbrush, Your Honor.

15 MR. VOIGT: Your Honor, I would expand
16 Mr. Hazzard's objection. This -- to the extent I can tell
17 how this toothbrush came into evidence. It was not seized
18 pursuant to a search warrant, so there was no legal
19 authority to seize it. The foundation for a consent I don't
20 believe has been laid.

21 And so I believe it just falls completely outside
22 of what was to be expected in this particularly matter.

23 THE COURT: Mr. Edgeworth?

24 MR. EDGEWORTH: Yes, Your Honor. I have nothing
25 further to add other than the arguments already made in

1 regards to this item and it's clear based on the testimony.

2 THE COURT: Well, let me understand, I thought --
3 I thought this has already been admitted, this toothbrush.

4 MS. RICHARDSON: Yes, Your Honor.

5 THE COURT: Mr. Hazzard, I mean, that objection --
6 I mean, I think you noted on the record, denied. I don't
7 think it's been timely made.

8 MR. HAZZARD: Well, if I might, Your Honor.

9 THE COURT: Yes, sir.

10 MR. HAZZARD: This particular -- this literally is
11 the first time I am hearing or reading or seeing anything in
12 discovery regarding a toothbrush being obtained from
13 Ms. Rhue. We're talking about two different toothbrushes
14 here. And never has it been made clear that -- well, first
15 of all, I didn't even know there was a second toothbrush.
16 There's nothing that I recall in discovery that references
17 it and it being obtained from Ms. Rhue.

18 And so I was absolutely shocked when the
19 Investigator testified to obtaining one from her. So my
20 understanding was that the toothbrush that they were
21 referring to was a second and separate toothbrush, Your
22 Honor.

23 THE COURT: So how many toothbrushes are there?

24 MS. RICHARDSON: Your Honor, there are two
25 toothbrushes in evidence. And that is clear on the chain of

1 property and the evidence chain of custody that were
2 provided to the Defense. It's also in the chain of custody
3 and the DNA lab report from Richland County where they
4 describe the green toothbrush and the blue and white
5 toothbrush.

6 THE COURT: All right.

7 MS. RICHARDSON: So now as far as it being in the
8 narrative, I am not sure, but it is in all of the property
9 and evidence chains that were provided. And, like I said,
10 it's also in that DNA report. And what's been admitted as
11 State's -- and I think we've entered some of those chains of
12 custody.

13 THE COURT: Well, let's just do this. As it -- I
14 understand your motion for the record. I submit that motion
15 is not timely at this point. It's already been admitted
16 into evidence. The questions that you brought up are
17 certainly questions that can be brought up on
18 cross-examination of this witness as to what he may or may
19 not have known. And we're getting ready to move forward and
20 bring the jury in.

21 MR. EDGEWORTH: Yes, Your Honor. One last point.

22 THE COURT: Yes, sir.

23 MR. EDGEWORTH: My understanding, and just the
24 Court and for the record, was that Mr. Hazzard was joining
25 in on the -- what we've already done as the objection, I

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 don't think that there was --

2 THE COURT: All right.

3 MR. EDGEWORTH: -- we were attempting to bring it
4 back to the Court other than just to expound on the
5 argument.

6 THE COURT: All right. Well, I've heard enough of
7 that argument and we're ready to bring the jury in.

8 (WHEREUPON, the jury entered the courtroom at 3:14
9 p.m.)

10 THE COURT: All right. Thank you ladies and
11 gentlemen, I'm going to sustain your objection, Mr. Voigt.
12 Solicitor, you can continue.

13 BY MS. RICHARDSON:

14 Q. Investigator Morris, can you tell what
15 opportunities you had to interact with Alexander Rhue Sr.?

16 A. During that interview we did at his house that
17 day, the one that has been seen of me where I was taking
18 pictures of Ms. Tiesh Rhue, during that same time.

19 Q. Okay. The first day that you went to
20 [REDACTED] Highmarket Street, right after you got the report, who
21 was there?

22 A. He was, Mr. Rhue Sr., that was another instance.

23 Q. Okay. And who else was with him?

24 A. Mr. Alexander Rhue Jr.

25 Q. Okay. And that's when Ms. Tiesh Rhue was at work?

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 A. That's correct.

2 Q. Okay. So you met both of them on that day?

3 A. I did.

4 Q. And did you interact with them face to face?

5 A. At that time, yes, ma'am.

6 Q. Okay. And then subsequent to that, on March 15th,
7 the body camera footage that we showed --

8 A. Uh-huh.

9 Q. -- at the Rhue residence, were you present during
10 that interview with Alexander Rhue Sr. when he was in the
11 yard?

12 A. Yes, ma'am.

13 Q. Okay. And what observations did you make about
14 him at that point?

15 A. He was wearing a yellow beanie, a toboggan-type
16 hat.

17 Q. And did you talk with him?

18 A. At that time, yes, ma'am.

19 Q. And met with him face to face?

20 A. I did.

21 Q. And had you had any other chances to be around him
22 or at the house?

23 A. Interview wise, I don't think so, no, ma'am.

24 Q. But those were the two times that you had met with
25 him?

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. And did you -- at that point, could you -- did you
3 know who he was? Like, if you saw him, would you know who
4 he was?

5 A. I mean, after the first time, yes, ma'am.

6 Q. Okay. So tell me, with the Walmart video, did you
7 use any procedures to look at it more closely?

8 A. There were times when we do snapshots and still
9 shots and even slowing down the frame speed just so we could
10 get a better shot.

11 Q. Okay. And tell me how you slowed down the frame
12 speed, what would you do?

13 A. On BLC, there's a way where you can slow it down.
14 It's a regular feature within BLC. You can just slow the
15 speed down.

16 Q. Okay. And BLC is a program that is used to play
17 videos on your computer?

18 A. Yes, ma'am. It's a media player.

19 Q. Okay. And so you're saying you took the video
20 that you got from Walmart and you put it in that?

21 A. We just watching it and, like I said, you can slow
22 the frame speed down.

23 Q. Okay. And were you able to identify Mr. Rhue Sr.
24 on that video?

25 A. Yes, ma'am.

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Q. Okay. And did you -- and what about his clothing,
2 were you able to identify it?

3 A. Yes, ma'am, his hat, yes, ma'am.

4 Q. And that was because you had seen it before?

5 A. Yes, ma'am.

6 Q. But you did keep slowing the video down and that
7 sort of thing to --

8 A. We would slow it -- slow it down to get the best
9 shot we could, yes, ma'am.

10 Q. Okay. And that was that long video, the three- to
11 four-hour video that you got of the doors?

12 A. Yes, ma'am.

13 Q. Okay. And after that is that when you requested
14 Walmart kind of follow him through the store?

15 A. Yes, ma'am.

16 Q. And did you -- and then on the video you saw that
17 he was with another individual?

18 A. Yes, ma'am.

19 Q. And what opportunities had you at this point to
20 see Alexander Rhue Jr.?

21 A. During that first time we went to the house, I
22 think that might have been the only -- I think that might
23 have been the only one.

24 Q. Okay. And then did you -- did you employ those
25 same procedures to try to determine his identity?

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 A. Yes, ma'am.

2 Q. And did you actually go back and get that last
3 video clip, an additional video clip from Walmart?

4 A. Yes, ma'am. I believe Investigator Powell did,
5 yes, ma'am.

6 Q. Okay. And you did some screen shots -- or tell me
7 what procedures you did on that video to try to identify the
8 subject that was with Alexander Rhue Sr.?

9 A. I mean, I think we did the same thing with the
10 snapshots. And, obviously, we compared it to what we know
11 he looks like and maybe another picture of him.

12 Q. And you were able to get some additional photos of
13 him?

14 A. I mean we got a DMV photo and, yes, ma'am.

15 Q. Okay.

16 MS. RICHARDSON: Your Honor, may we approach?

17 THE COURT: Yeah.

18 (WHEREUPON, the following discussion was held at
19 the bench.)

20 THE COURT: Yes, ma'am.

21 MS. RICHARDSON: Your Honor, he was arrested on
22 the morning after on the 26th, and so I just didn't want to
23 say booking photo.

24 MR. HAZZARD: You're talking about Jr.?

25 MS. RICHARDSON: Jr.

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 THE COURT: Uh-huh. Well, I mean we can move on
2 can't we? Is there anything else?

3 MS. RICHARDSON: No, Your Honor.

4 THE COURT: All right.

5 (WHEREUPON, the bench conference ended.)

6 THE COURT: Please proceed, Solicitor.

7 MS. RICHARDSON: Thank you, Your Honor.

8 BY MS. RICHARDSON:

9 Q. And based on that, did you identify the second
10 subject that was on the video?

11 A. Yes, ma'am.

12 Q. And who did you identify that as?

13 MR. VOIGT: Objection. As previously noted, Your
14 Honor.

15 THE COURT: And I note everyone's objection as it
16 relates to that. I think everybody joins in, in that
17 objection, Mr. Hazzard?

18 MR. HAZZARD: Yes, sir.

19 THE COURT: Mr. Edgeworth?

20 MR. EDGEWORTH: Yes, Your Honor.

21 THE COURT: So noted. Go ahead. You may answer,
22 sir.

23 THE WITNESS: Alex Rhue Jr.

24 BY MS. RICHARDSON:

25 Q. And did you make any efforts to identify the

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 vehicle that was in the parking lot?

2 A. We did, yes, ma'am.

3 Q. Tell em about that.

4 A. We even -- we went and we rented or we got Hertz
5 to let us use the vehicle and went and did a reenactment in
6 the parking lot.

7 Q. What rental vehicle? Tell me about that.

8 A. It was a Nissan -- a silver in color Nissan
9 Sentra.

10 Q. Okay. And who had rented that?

11 A. I think Ms. Tiesh Rhue, I believe, rented that
12 vehicle.

13 Q. Is that the vehicle she was driving while the
14 white SUV was in the shop?

15 A. Yes, ma'am.

16 Q. Okay. Let me show you what's been marked as
17 State's 56. And can you tell me what that is?

18 A. This is a chain of custody from my evidence
19 custodian Michael Thacker at the Georgetown County Sheriff's
20 Office.

21 Q. Okay. And does it indicate you received some
22 items from him?

23 A. Yes, ma'am.

24 Q. And what were they?

25 A. His description is, a water sample, wire from

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 hands, wire from feet, scalp hair, gray long sleeve shirt,
2 boxer briefs, black sweatpants, and paper trap from drying
3 cabinet.

4 Q. And that's your signature there?

5 A. Yes, ma'am.

6 Q. And when you collected those items from
7 Investigator Thacker what did you do with them?

8 A. That would have been placed in our evidence.

9 MS. RICHARDSON: I believe I've already admitted
10 it, but if not, State's 56.

11 THE COURT: All right. Any objection to State's
12 56, Mr. Hazzard?

13 MR. HAZZARD: I'm sorry. What specifically is 56?

14 MS. RICHARDSON: I think we've already -- it's the
15 transfer of property from the Sheriff's Office to the City.

16 MR. HAZZARD: No objection.

17 THE COURT: All right. Any objection, Mr. Voigt?

18 MR. VOIGT: No objection.

19 MR. EDGEWORTH: No objection.

20 THE COURT: Mr. Edgeworth. Thank you.

21 (WHEREUPON, State's Exhibit Number 56 was moved
22 into evidence.)

23 BY MS. RICHARDSON:

24 Q. Is it safe to say you put a good bit of
25 evidence -- of property into evidence at the police

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 department; is that right?

2 A. Yes, ma'am.

3 MR. VOIGT: Objection to the form of the question,
4 Your Honor.

5 THE COURT: Sustained. I'm going to sustain that
6 objection.

7 BY MS. RICHARDSON:

8 Q. And did you or were there any DNA samples of the
9 floor that were submitted into evidence?

10 A. From the carpet?

11 Q. Yes.

12 A. Yes, ma'am.

13 Q. Okay. And when were they submitted?

14 A. I think they were submitted -- I don't know
15 exactly, but it was very -- it was shortly after the time
16 that we obtained them.

17 Q. Okay. Let me show you what's been marked as
18 State's 92.

19 A. Yes, ma'am.

20 Q. And what items -- and are those the items that you
21 collected on March 10th from the house?

22 A. Yes, ma'am.

23 Q. And just tell us briefly what those were.

24 A. It looks like it was taken to the Richland County
25 Sheriff's Office by Lieutenant Walton on March 14th.

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Q. Okay. And what items? And you can refer to your
2 report.

3 A. It looks like it says two and three -- Items 2 and
4 3. And those items are the carpet padding with blood stain
5 and then the bed sheet.

6 Q. Okay. And did you document what items you
7 collected from the March 10th search of the house?

8 A. Yes, ma'am.

9 Q. Okay. And would anything refresh your
10 recollection on that?

11 A. I can look at it right here. Okay. Yes, ma'am.

12 Q. Okay. And what items were collected on March
13 10th? Can you just tell us?

14 A. Items that were seized as evidence were the carpet
15 padding with blood stain, two -- two items of carpet padding
16 with blood stain, fitted bed sheet with blood stain, fabric
17 with blood stain from bed mattress, a metal shaving, a
18 fabric with blood stain from the corner of the bed mattress,
19 fabric of blood stain from the corner of the box springs,
20 and a plastic bag containing six phones, miscellaneous
21 phones.

22 Q. Okay.

23 A. Do you want me to read off what all those are?

24 Q. No. Six cell phones?

25 A. Yes, ma'am.

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Q. Okay. And was anything -- would anything else
2 have been collected that was not written on here?

3 A. Not that I'm aware of, no, ma'am.

4 Q. Okay. So did you document having taken DNA
5 samples of the floor?

6 A. I believe it would have been the -- what I was
7 talking about is the sample of blood from the carpet
8 padding -- or from the -- oh, I guess we didn't, I'm sorry.
9 No, ma'am, DNA.

10 Q. Just explain to me what you decided to take as far
11 as samples?

12 A. I guess in my mind I got confused, because you
13 know, we took the carpet padding. And then we did swab --
14 we would have swabbed the floor at some point, but that
15 would have been for a presumptive test, not as a sample for
16 evidence.

17 Q. Okay. And why did you decide to take the carpet
18 padding instead of swabbing?

19 A. Because sometimes SLED has different ways that
20 they test the stuff that we just don't have the expertise
21 for. So I would send the whole padding so they can do what
22 they need to do to get DNA from it.

23 Q. Okay. And then after -- did you have another
24 opportunity to interview Ms. Rhue after the body was found?

25 MR. HAZZARD: Objection. The basis of my

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 objection is did you say Ms. Rhue or Mr. Rhue?

2 MS. RICHARDSON: Ms. Rhue.

3 MR. HAZZARD: I apologize. I misheard her,
4 because I thought she said Mr. Rhue and my objection would
5 be I wanted a clarification. But if it's Ms. Rhue, then
6 it's fine.

7 THE COURT: Go ahead, Solicitor. Go ahead,
8 overruled.

9 BY MS. RICHARDSON:

10 Q. And after the body had been found and the house
11 had been searched on two different occasions, did you
12 interview Ms. Rhue?

13 A. Yes, ma'am.

14 Q. Okay. And that was on March 22nd?

15 A. Yes, ma'am.

16 Q. Okay. And who was with you during that interview?

17 A. It would have been Investigator Powell.

18 Q. And how did that come about? Was she taken into
19 custody?

20 A. No, ma'am. She was not in custody at that time.

21 Q. And did she agree to come talk with you?

22 A. She did.

23 Q. And did you threaten her, promise her, or coerce
24 her in any way or make her talk with you?

25 A. No, ma'am.

ALLEN MORRIS - DIRECT BY MS. RICHARDSON

1 Q. And did you promise her anything to get her to
2 talk with you?

3 A. I did not.

4 Q. And you have previously -- and did she ask for
5 food or drink or breaks or anything like that?

6 A. No, ma'am.

7 Q. Okay. And did she appear to be under the
8 influence of alcohol?

9 A. No, ma'am, she didn't.

10 Q. Let me show you what's previously been marked as
11 State's Exhibit 7. And do you recognize that?

12 A. Yes, ma'am.

13 Q. And what is that?

14 A. That's the interview with Ms. Rhue on March 22nd,
15 2017.

16 Q. And have you reviewed that?

17 A. I have. I've initialed it.

18 MS. RICHARDSON: Your Honor, at this time the
19 State would offer State's Exhibit 107 into evidence, which
20 would be the redacted version of State's Exhibit 7.

21 THE COURT: Mr. Hazzard?

22 MR. HAZZARD: No, objection.

23 MR. VOIGT: Mr. Voigt.

24 MR. EDGEWORTH: No objection, Your Honor.

25 THE COURT: All right. It's admitted without

ALLEN MORRIS - CROSS BY MR. HAZZARD

1 objection, Solicitor.

2 MS. RICHARDSON: May we publish it?

3 THE COURT: Yes, ma'am.

4 MS. RICHARDSON: If no one has an objection, I'll
5 skip ahead to where it starts.

6 THE COURT: Any objection gentlemen.

7 MR. VOIGT: No, sir.

8 MR. HAZZARD: No.

9 MR. EDGEWORTH: No, Your Honor.

10 THE COURT: All right. Go ahead.

11 (WHEREUPON, State's Exhibit Number 107 was moved
12 into evidence and played. Not transcribed herein.
13 Proceedings resumed as follows.)

14 BY MS. RICHARDSON:

15 Q. I have no further questions. Answer any questions
16 that the attorneys may have for you.

17 A. All right.

18 THE COURT: Mr. Hazzard, do you have any questions
19 of this witness, sir?

20 MR. HAZZARD: Oh, yes, sir. Very brief.

21 THE COURT: Thank you, Mr. Hazzard.

22 MR. HAZZARD: May it please the Court.

23 CROSS-EXAMINATION

24 BY MR. HAZZARD:

25 Q. Good afternoon, sir.

ALLEN MORRIS - CROSS BY MR. HAZZARD

1 A. How are you doing, Mr. Hazzard?

2 Q. I'm fine. I'm fine. How are you?

3 A. I'm good. Thank you.

4 Q. I think you testified y'all did the presumptive
5 tests in the kitchen and that was negative, correct? For
6 blood?

7 A. In the kitchen? Where at in the kitchen?

8 Q. Wherever in the kitchen. Or did you -- or is it
9 your recollection that you didn't testify to that?

10 A. I believe we did test something in the kitchen
11 that was negative. Yes, sir.

12 Q. Okay. And the Prosecutor asked you about, I think
13 it was the Nissan Sentra -- because there's this whole thing
14 about -- did Mr. Harrison Jr. wreck Ms. Rhue's car? Or has
15 there been anything in your investigation of how the car got
16 wrecked or do we just know it was wrecked?

17 A. The Mariner?

18 Q. Yes, sir.

19 A. I don't know how it got -- I'm not sure about the
20 situation.

21 Q. So she owned the Mariner; is that right? Or
22 leasing it or buying it?

23 A. I think it was either her or Mr. Leon Harrison
24 Jr., one of the two. Yes, sir.

25 Q. And somehow that car up and got wrecked; is that

ALLEN MORRIS - CROSS BY MR. HAZZARD

1 correct?

2 A. Got wrecked, yes, sir.

3 Q. Okay and that was before Mr. Harrison Jr. went
4 missing?

5 A. Yes, sir.

6 Q. And she didn't get the car back until sometime in
7 March; is that correct?

8 A. I believe so. I know she didn't have it once we
9 were doing our investigating, or I mean she had it back once
10 we were doing our investigation.

11 Q. Okay. But to the best of your recollection, and
12 if you need to refer to your notes you can, but to the best
13 of your recollection she didn't have that car -- that car
14 was in the shop around February 25th, February 26th of 2017?

15 A. I believe so, yes, sir. I'm not sure when she got
16 it back.

17 Q. And so there were -- there's the Nissan Sentra and
18 then another rental car, correct? Wasn't there a second
19 rental car involved?

20 A. I know they had her rental car and I know the
21 other Sentra that was actually in the picture at the house,
22 I believe was her mother's car that happened to be at that
23 house.

24 Q. Okay. All right. And y'all had the opportunity
25 to review and take a look at and examine the Nissan Sentra,

ALLEN MORRIS - CROSS BY MR. VOIGT

1 the Mariner, her mother's car, every car you wanted to
2 examine, you had the opportunity, correct?

3 A. Yes, sir.

4 Q. Now, as part of your investigation did you come to
5 find out that Alexander Rhue Sr. does flooring for a living?

6 A. I know he does some kind of handyman work.

7 Q. Okay.

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

9 THE COURT: Yes, sir.

10 MR. HAZZARD: No further questions, Your Honor.

11 THE COURT: Thank you, Mr. Hazzard.

12 MR. HAZZARD: Yes, sir.

13 THE COURT: Mr. Voigt?

14 MR. VOIGT: Thank you, Your Honor.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. VOIGT:

18 Q. Investigator Morris.

19 A. Yes, sir.

20 Q. How long had you been with CID when this missing
21 person's case walked in the door?

22 A. I was moved to CID in June of 2016. So that would
23 be -- I'm sorry, let me do math in my head, I apologize.
24 Approximately eight months.

25 Q. Okay. Have you ever been a crime scene technician

ALLEN MORRIS - CROSS BY MR. VOIGT

1 in your career?

2 A. No, sir. I've had some training, but I'm not a
3 technician.

4 Q. Okay. And is this the first murder investigation
5 you've ever been a case agent for?

6 A. A murder investigation, yes, sir.

7 Q. Okay.

8 A. But at this point I had worked a few attempted
9 murders.

10 Q. Attempted murders?

11 A. Yes, sir.

12 Q. Okay. And does Georgetown Police Department have
13 a dedicated crime scene unit?

14 A. Not a unit, no, sir.

15 Q. So when we did -- and you did three search
16 warrants of the Highmarket Street address in this case; is
17 that right?

18 A. That's correct. Yes, sir.

19 Q. And during each of those you were involved, yes?

20 A. Yes, sir.

21 Q. And Investigator Powell was involved?

22 A. That's right, yes, sir.

23 Q. And how long had he been with investigations when
24 he started with this missing person's case?

25 A. That week.

ALLEN MORRIS - CROSS BY MR. VOIGT

1 Q. And then we had Captain Pierce who had a lot of
2 all sorts of experience; isn't that safe to say?

3 A. That's correct, yes, sir.

4 Q. Okay. But neither one of you -- none of you,
5 rather, were dedicated for that particular purpose; is that
6 safe to say?

7 A. Yes, sir. We're general investigators, we do it
8 all.

9 Q. And would you agree with me that -- that a
10 dedicated crime scene unit would have more experience
11 investigating major cases such as this?

12 MS. RICHARDSON: Your Honor, I object.

13 THE COURT: What's your grounds?

14 MS. RICHARDSON: Your Honor, I think it calls for
15 speculation.

16 THE COURT: I'm going to overrule that. Go ahead,
17 sir.

18 MR. VOIGT: Thank you, Your Honor.

19 BY MR. VOIGT:

20 Q. Would you agree with me that having a crime scene
21 unit that is specialized in collecting evidence from scenes
22 is a better practice than having generalized investigators?

23 A. Well, in a perfect world that would be, but we
24 just don't have the manpower for that.

25 Q. There are other agencies in the State of South

ALLEN MORRIS - CROSS BY MR. VOIGT

1 Carolina that can assist you with that, right?

2 A. I imagine so, yes, sir.

3 Q. Well, you've sought assistance, as I counted, from
4 three different agencies in this case, is that -- do we
5 agree?

6 A. We had assistance, yes, sir.

7 Q. Okay. And the State of South Carolina has other
8 agencies that could have assisted you with this sort of
9 thing?

10 A. Yes, sir. That's not my authority to make that
11 decision.

12 Q. But you got the -- you picked what pictures you
13 thought were important to take; is that true? And when I
14 say "You" I mean those of you who were out there. So that
15 would be you, Investigator Powell, Captain Pierce, and I
16 think you testified, at least on one occasion, somebody from
17 the Sheriff's Office was there as well?

18 A. Yes, sir.

19 Q. Okay. And so in this house you got to investigate
20 what you thought was important, right?

21 A. I investigated to the best of my ability, yes,
22 sir.

23 Q. To the extent that you're training and experience
24 informs your opinion there was nobody there stopping you
25 from looking at certain things was there?

ALLEN MORRIS - CROSS BY MR. VOIGT

1 A. No, sir.

2 Q. All right. So there's been a picture up here of a
3 bedroom.

4 A. Yes, sir.

5 Q. And we saw some photographs of a spot of stain --
6 a stain of blood or something on the side of the closet.

7 A. Yes, sir.

8 Q. Were you able to go through the contents of the
9 closet to make sure there was no other blood stain there?

10 A. We had to, yes, sir.

11 Q. Did you do that?

12 A. I'm not sure.

13 Q. You were in that room, right?

14 A. I was, I just don't -- to my recollection I'm not
15 sure if somebody pulled all that stuff out, but we did a
16 thorough search of that room.

17 Q. Okay. Now, one of the great things about memory
18 is that we can be assisted by writing things down, right?

19 A. You are right, yes, sir.

20 Q. And when we're doing a thorough search, it would
21 help our memory if we were to record what it is we did,
22 right?

23 A. It could, yes, sir.

24 Q. Okay. And you had the ability to do that?

25 A. All right. Yes, sir.

ALLEN MORRIS - CROSS BY MR. VOIGT

1 Q. So you have no idea if anybody looked further into
2 that closet into clothes and whatever may have been there?

3 A. I'm sure somebody did, I just can't tell you for
4 sure. I would not be telling the truth if I told you I did
5 do it.

6 Q. So that we're clear, we're talking about -- we
7 wouldn't be talking about the first search warrant, we'd be
8 talking about either the second or the third search warrant?

9 A. Yes, sir.

10 Q. Because your scope on the first search warrant was
11 more limited; is that safe to say?

12 A. Yes, sir.

13 Q. Okay. And when we're talking about the second
14 search warrant who else would have been searching with you?

15 A. During the second?

16 Q. Uh-huh.

17 A. We used the ones that were with me, the ones that
18 I named.

19 Q. Okay. So we're talking about the three of you or
20 the four of you?

21 A. When you're saying four, who?

22 Q. Well, so I know that's you.

23 A. Yes, sir.

24 Q. I know it's Investigator Powell. When does
25 Captain Pierce show up? Is he there on the second one?

ALLEN MORRIS - CROSS BY MR. VOIGT

1 A. He is I'm not sure at what point he comes. He was
2 there at the original entry at the second or third one. He
3 comes later, because he is the captain.

4 Q. He gets to arrive when he gets to arrive?

5 A. Yes, sir.

6 Q. Okay. And so at least the three of you on both of
7 those search warrants, right?

8 A. Yes, sir.

9 Q. Did you have other officers assist you? I?

10 A. Believe there were some other officers. I mean,
11 we had Investigator Anderson who assisted with the search
12 warrant.

13 Q. But he obtained the search warrant, right?

14 A. He obtained -- obtained, yes, sir.

15 Q. And that's -- that doesn't mean he was at the
16 house, necessarily?

17 A. No. No, sir.

18 Q. And he had his own role to play?

19 A. Yeah. He did come by. He wasn't there helping us
20 search.

21 Q. Okay. We're talking about mostly the three of you
22 doing the searching, right?

23 A. Yes, sir.

24 Q. Okay. And I think we saw a rack of shoes at some
25 point along the wall.

ALLEN MORRIS - CROSS BY MR. VOIGT

1 A. Yes, sir.

2 Q. And were you able to pick up and examine those
3 shoes and make sure that they -- there was no evidence
4 contained on those shoes?

5 A. We could have.

6 Q. Did you?

7 A. Again, I'm not sure.

8 Q. Okay. Was luminal applied to -- when I say
9 luminal -- let me be more broad than that.

10 Was any forensic tool designed to discover the
11 presence of blood that you testified that you did use on
12 walls.

13 A. Yeah.

14 Q. Was any of that used in any of the sinks or tubs
15 in the house?

16 A. Not to my knowledge.

17 Q. Okay. Did the metal shaving have any blood on it
18 that you know of?

19 A. Not that I'm aware of.

20 Q. Do you know -- and you called it a metal shaving.
21 Do you know the source of that particular piece of metal?

22 A. No, sir, it was just a very tiny piece of metal.

23 Q. Was it sharp?

24 A. I'm not sure.

25 Q. Now, you've searched the Highmarket address; is

ALLEN MORRIS - CROSS BY MR. VOIGT

1 that correct?

2 A. Yes.

3 Q. More than one time?

4 A. Yes, sir.

5 Q. And more than -- at least one time after
6 Mr. Harrison Jr.'s body was recovered; is that correct?

7 A. Repeat that for me. I'm sorry, sir.

8 Q. Did you search the Highmarket Street address
9 associated with Mr. Harrison Jr. after his body was
10 recovered?

11 A. We did, yes, sir.

12 Q. And the purpose of that was to look for speaker
13 wire, right, among other things?

14 A. Yes, sir.

15 Q. And I think you said that there were sharp
16 objects. And I think I saw on here there was an A1
17 Photograph that had some sort of book bag full of wires and
18 cables and whatnot?

19 A. Yes, sir.

20 Q. Did any of those match in any way, the speaker
21 wire found on Mr. Harrison Jr.?

22 A. No, it did not.

23 Q. And none of those were tested or compared to that,
24 right? Because they were so physically dissimilar?

25 A. Yeah, exactly yes, sir.

ALLEN MORRIS - CROSS BY MR. VOIGT

1 Q. So there's nothing from the Highmarket Street
2 address that is linked to the bindings that were found on
3 Mr. Harrison Jr.?

4 A. No, sir. Not to the bindings, no.

5 Q. Okay. Well, and there were things in the house
6 that were linked to him because he lived at that house, at
7 least, sporadically?

8 A. Are you talking about Mr. Leon?

9 Q. Mr. Leon Harrison Jr.

10 A. Yes, sir.

11 Q. Okay. You also got to search some vehicles?

12 A. Yes, sir.

13 Q. Okay. How many vehicles do you think you searched
14 in this case?

15 A. Approximately three.

16 Q. And what three are those?

17 A. In my mind I'm thinking the white Mariner, the
18 charcoal color Sentra, which is, I believe, the mother's,
19 and then the silver one was searched at the police
20 department.

21 Q. Okay. And in none of those cars did you find
22 evidence whatsoever?

23 A. No, sir.

24 Q. Nothing. Nothing that -- I mean, nothing here.

25 A. Yes, sir. What I was going to say is I didn't

ALLEN MORRIS - CROSS BY MR. VOIGT

1 have anything to do with the search of the silver one, I
2 believe that was Investigator Anderson, but to my
3 recollection, there was nothing found on those vehicles.

4 Q. As the case agent you are the person -- it's safe
5 to say you're not necessarily guiding the investigation, not
6 every agency works that way, but information travels through
7 you; is that safe to say?

8 A. Yes, sir. I'm not a supervisor, so I don't get to
9 make authority-type decisions, but, yes, with the case I
10 would know.

11 Q. And a case that's yours, your first murder case,
12 you're trying to pay as attention that everything that's
13 coming and going and what other people are doing as you
14 possibly can, right?

15 A. Yes, sir.

16 Q. Okay. And in none of those cars do you find
17 anything resembling evidence, right? There's nothing -- you
18 don't seize anything?

19 A. No, sir.

20 Q. You barely even photograph anything, right?

21 A. Yes, sir.

22 Q. Okay. And no speaker wire, right?

23 A. I mean, not on a spool. I mean, I'm sure there's
24 speaker wire hooked to the speakers in the car.

25 Q. Well, you had the ability to pull out door panels,

ALLEN MORRIS - CROSS BY MR. VOIGT

1 you had the ability to go in the back window and pop this
2 and pop that --

3 A. Yeah, but --

4 Q. -- and look in the trunk and do all -- you had
5 free -- just like you had free access to the house --

6 A. Uh-huh.

7 Q. -- you had free access to the car. And you could
8 have taken pictures of brown or orange speaker wire, had you
9 found it?

10 A. Anything that would have been linked to this, no
11 speaker wire, no.

12 Q. Okay. Did you search any other cars associated
13 with any other person in this case?

14 A. Not to my recollection.

15 Q. And your recollection is recorded on a 73-page
16 police report, right?

17 A. Yes, sir.

18 Q. And everything in your investigation, everything
19 that you did theoretically, is in that police report, right?

20 A. Yes, sir, it should be. Yes, sir.

21 Q. And that's so that it's complete and when you come
22 here to answer questions, even if you don't have it at the
23 top of your head or at the tip of your tongue, you can
24 refresh your recollection and tell the jury about it?

25 A. That's correct.

ALLEN MORRIS - CROSS BY MR. VOIGT

1 Q. Okay. And find for me reference to a blue
2 toothbrush in that 73-page report.

3 A. Just bear with me a second, sir.

4 I think I'm past the point where it would be and I
5 don't see anything, sir.

6 Q. So you didn't record it in there, right?

7 A. No, sir, but there was an -- there was an evidence
8 sheet that had it on there.

9 Q. Evidence sheet is not the same as your incident
10 report -- your continuing incident report, right?

11 A. That's right. But you've got to understand
12 there's a lot of stuff in here, too. I mean, I am human.

13 Q. Okay. You went to the autopsy. You didn't go to
14 where Mr. Harrison Jr.'s body was found on the Black River.
15 That's what you testified to?

16 A. Correct. Correct.

17 Q. So the first time you saw the body was at the
18 autopsy?

19 A. Yes, sir.

20 Q. Was that the first time you got to look at the
21 bindings and the speaker wire that we were just talking
22 about?

23 A. Yes, sir.

24 Q. Do you have any training or experience in knots or
25 anything nautical?

ALLEN MORRIS - CROSS BY MR. VOIGT

1 A. (Shaking head.)

2 Q. Is that a Yes or No?

3 A. No, sir. I'm sorry. No, sir.

4 Q. Okay. So you were not in the Naval Reserve, you
5 were not in the Navy or the Merchant Marine or any of those
6 sorts of things?

7 A. No, sir.

8 Q. And did you orientation -- God, I can't
9 remember -- Boy Scout Merit Badge involving knots and
10 whatnot?

11 A. Now, that I did get.

12 Q. Okay. A very long time ago?

13 A. Yeah. I got that one. Yeah, I got that one.

14 Q. All right. Now, did you call in anybody to assist
15 you to identify the type of knot that was used to bind
16 Mr. Harrison Jr.?

17 A. Not that I'm aware of, no, sir.

18 Q. And that's the kind of thing, as a case agent,
19 looking at the evidence for the first time, what kind of
20 knot it might be might tell you who had the knowledge to tie
21 the knot, right?

22 A. Could be. I mean, we did a lot in this case.

23 Q. Except find out what kind of knot it was right?

24 A. I guess, yes, sir.

25 Q. And except to find out where the speaker wire came

ALLEN MORRIS - CROSS BY MR. VOIGT

1 from, right?

2 A. No. We attempted to do that.

3 Q. Okay. But you didn't do any further investigation
4 on the type of knot or the type of binding, none of that was
5 part of your investigation?

6 A. We did not do anything about a knot tie, no, sir.

7 Q. You had access to three cars that we've talked
8 about, right?

9 A. Yes, sir.

10 Q. And you had access to the Highmarket Street
11 address that you've testified to over and over again, right?

12 A. Yes, sir.

13 Q. Does the Georgetown Police Department have access
14 to cadavers dogs?

15 A. I mean, I'm sure we would.

16 Q. And tell the jury what a cadavers dog is?

17 A. We have canine dogs. What do you mean when you
18 say "cadaver dog"? I mean, what are you...

19 Q. All right. In your training and experience are
20 you aware that there are certain types of dogs that are
21 specifically trained to sniff the scent of a dead body?

22 A. I mean, I'm sure -- I've just never -- I don't
23 know about the smell of a dead body.

24 Q. So it's safe to say that wasn't part of your
25 investigation at all?

ALLEN MORRIS - CROSS BY MR. VOIGT

1 A. No, sir. Yes, sir. No, sir.

2 Q. Now, tell me if you can remember the very first
3 time you met Alexander Rhue Jr.

4 A. I believe it would have been at the house on the
5 first day when we went over there to talk to somebody at the
6 house. I think that was -- I mean, it was like the 9th,
7 maybe.

8 Q. And that would have been the first time you talked
9 Tiesh Rhue at work, right?

10 A. Yeah. Right after we left there and went there,
11 yeah.

12 Q. How long did you spend with Mr. Rhue Jr.?

13 A. Maybe 10 or 15 minutes, maybe.

14 Q. Okay.

15 A. I mean it wasn't a very long time.

16 Q. So you think you spend about 10 or 15 minutes at
17 the house talking to Mr. Rhue Jr. and perhaps Mr. Rhue Sr.,
18 is that?

19 A. Yes, sir.

20 Q. Okay. Did you make a recording of that particular
21 conversation?

22 A. No, sir.

23 Q. Okay. What was Mr. Rhue Jr. wearing at the time?

24 A. That, I don't remember what he was wearing.

25 Q. So you talked a little bit about the time stamp

ALLEN MORRIS - CROSS BY MR. VOIGT

1 problem on some of your photos. Is that because there was
2 operator error in resetting the time?

3 A. Yes, sir.

4 Q. And whose error was that? Was that yours?

5 A. That would have been mine.

6 Q. Okay. When you sought the videotape from Walmart,
7 you were looking for some individuals in particular, weren't
8 you?

9 A. Yes, sir.

10 Q. And who were you looking for in particular?

11 A. I mean, anybody that would have been involved, any
12 of the Rhues at this time.

13 Q. Okay. So out of all the people in Georgetown, the
14 only people that you were looking for were the Rhues?

15 A. Yeah, but I just want to add something, if you
16 don't mind.

17 Whenever we went to Walmart and got that video, we
18 only got the block times. Now, we were watching -- we were
19 looking for -- that wasn't the Walmart -- Walmart wasn't
20 notified, they were just asked to give us block times, that
21 straight block time of three to four hours.

22 Q. But what I'm saying to you is, or rather my
23 question to you is: When you obtained that video, when you
24 sought that from them and you reviewed it, you were only
25 reviewing it to see if you could find a member of the Rhue

ALLEN MORRIS - CROSS BY MR. VOIGT

1 family?

2 A. Yes, sir.

3 Q. So you had excluded everybody else?

4 A. Well, hadn't excluded, but the whole reason we
5 went to Walmart was because of the phone records.

6 Q. Okay.

7 A. So we hadn't excluded anybody.

8 Q. Okay.

9 A. But we went and got those phone records and it
10 showed -- and it give us -- you know, we needed to go to
11 Walmart, so that's what we did, but we hadn't excluded
12 anybody at that point.

13 Q. So was Walmart a crime scene?

14 A. No, sir. But that's not --

15 Q. Okay. You had --

16 A. I'm sorry. I didn't mean to be rude. I
17 apologize.

18 Q. No, you had more to say.

19 A. Well, I was just going to say that -- I mean, that
20 was the only store that was open 24 hours in Georgetown,
21 other than a couple of gas stations, but actual novelty
22 store, that would have been the only one.

23 Q. Okay. You did everything that you could in this
24 case. I think you testified to that. Is that what you
25 believe?

ALLEN MORRIS - CROSS BY MR. VOIGT

1 A. I tried my hardest, yes, sir.

2 Q. But yet you only searched residences associated
3 with the Rhues, right?

4 A. Yes, sir. That's where the investigation led us
5 to yes, sir.

6 Q. And you only looked for images that you believe to
7 be the Rhues on the videotape at Walmart, right?

8 A. We were looking at everybody, but I mean that's
9 who we were -- that's who we were looking for.

10 Q. Did you do search warrants -- when you said you
11 were looking at everybody you talked to multiple people in
12 this case --

13 A. No. Yes, sir.

14 Q. -- who were not the Rhues, right?

15 A. Yeah, no, sir.

16 THE COURT: Hold on a second. Please ask a
17 question, and let him finish, and then he will extend you
18 the same courtesy and allow you to then answer your question
19 or answer the question assuming you understand it, and he'll
20 allow you to complete your answer, okay?

21 So if you could rephrase that question, sir. As
22 best you can.

23 THE WITNESS: Sorry, Your Honor.

24 MR. VOIGT: Thank you, Judge.

25

ALLEN MORRIS - CROSS BY MR. VOIGT

1 BY MR. VOIGT:

2 Q. You interviewed multiple people in this case who
3 are not the Rhues; is that -- that -- we've gone over that a
4 good bit in this case, right?

5 A. Yes, sir.

6 Q. All right. You didn't search anyone else's house,
7 anyone else's apartment or where they lived, in this
8 particular matter, did you?

9 A. No, sir, we didn't.

10 Q. Okay. As a matter of fact, all the searches that
11 you did, involved in some way, the Rhues; is that correct?

12 A. Well, not exactly. We did a search warrant on the
13 victim's phone, and stuff like that, but houses, yes.

14 Q. Okay. Cars?

15 A. Vehicles, yes.

16 Q. Okay.

17 MR. VOIGT: Court's indulgence, Your Honor.

18 THE COURT: Yes, sir.

19 MR. VOIGT: No further questions, Your Honor.

20 THE COURT: Thank you.

21 Mr. Edgeworth, do you have any questions of this
22 witness, sir?

23 MR. EDGEWORTH: Yes, Your Honor. May it please
24 the Court.

25 THE COURT: Yes, sir. Go ahead.

ALLEN MORRIS - CROSS BY MR. EDGEWORTH

CROSS-EXAMINATION

BY MR. EDGEWORTH:

Q. Investigator Morris, early on in this missing person investigation and, in fact, on the same day as the investigation began, you interviewed Ms. Rhue?

A. Yes, sir.

Q. And that was at her work?

A. Yes, sir. We briefly spoke with her there, yes, sir.

Q. And do you know, off the top of your head, how many times you interviewed Ms. Rhue in the course of this investigating?

A. Recorded interviews I would say, I think it was three.

Q. Recorded interviews and then does that include the one that she had at her place of work?

A. No, sir.

Q. So you spoke to her four times?

A. Yes, sir.

Q. Do you recall any other instances in which you were engaged with Ms. Rhue during the course of the investigation?

A. I'm not sure. I mean, we did speak to her -- we talked with her a plentiful amount of times.

Q. Okay. You spoke to her a lot?

ALLEN MORRIS - CROSS BY MR. EDGEWORTH

1 A. I mean, yeah, we spoke to her.

2 Q. Okay. And she participated in those
3 conversations, correct?

4 A. Yes, sir.

5 Q. And during one of those investigations she
6 consented for you to search her cell phone?

7 A. Yes, sir.

8 Q. In fact, she consented for you to search both of
9 her cell phones?

10 A. Yes, sir.

11 Q. And during your conversations with her she
12 actually consented for you to get a buccal swab?

13 A. She did.

14 Q. And in fact you were the one who performed that?

15 A. I was, yes, sir.

16 Q. During your conversation with her you asked her
17 multiple times about an incident that occurred in D.C., do
18 you recall that?

19 A. Yes, sir. I think when she got into a fight.

20 Q. She got into an argument?

21 A. Or an argument, yes, sir.

22 Q. And that argument was with the girlfriend or wife
23 of her children's father?

24 A. Yes, sir. That's my understanding.

25 Q. And she was in D.C for the purposes of taking her

ALLEN MORRIS - CROSS BY MR. EDGEWORTH

1 children to visit her father, correct? Or their father, my
2 apologies.

3 A. They were there visiting somebody.

4 Q. Do you not recall that that was what was indicated
5 in your conversations with her --

6 A. I thought I had seen something where they went to
7 D.C. and they were at a birthday party in D.C. Maybe I'm
8 wrong on that.

9 Q. Okay. Now, did you have the opportunity to follow
10 up on the argument, slash, fight that you're referring to?

11 A. I believe somebody in my unit, I'm not sure if it
12 was me or who it was, but somebody did call and speak to, I
13 think his name was Howard Bigsby, maybe.

14 Q. The father of their children?

15 A. I believe so, yeah.

16 Q. And he confirmed that there was, in fact, an
17 argument between the two?

18 A. That's my understanding, yes, sir.

19 Q. And you also confirmed that the girlfriend of
20 Mr. Bigsby attacked Ms. Rhue?

21 MS. RICHARDSON: Your Honor, I object. We're
22 getting into hearsay at this point.

23 THE COURT: I'll sustain. I'll sustain that.

24 BY MR. EDGEWORTH:

25 Q. During your investigation you executed these

ALLEN MORRIS - CROSS BY MR. EDGEWORTH

1 search warrants where you went in the home of Tiesh Rhue and
2 Mr. Leon Harrison Jr., correct?

3 A. Yes, sir.

4 Q. How many times have you -- were you in there?

5 A. We were in there two different -- two different
6 days.

7 Q. How many search warrants did you execute?

8 A. That would have been three.

9 Q. Did you go on each of the three times?

10 A. Oh, I was there, yes, sir.

11 Q. Okay. And you testified earlier that, I think you
12 said, it was a three bedroom home?

13 A. Yes, sir.

14 Q. And there was a master bedroom?

15 A. Yes, sir.

16 Q. Which was where Ms. Rhue and Mr. Harrison, was
17 essentially was their primarily part of the house?

18 A. Yes, sir.

19 Q. You testified that it was a small room, correct?

20 A. It was a small room.

21 Q. It was cluttered?

22 A. It was cluttered. But we did -- I mean, we did
23 have our investigators in there at one time too. So I mean,
24 people wouldn't have been able to fit in there.

25 Q. Okay. You went to the autopsy and personally

ALLEN MORRIS - CROSS BY MR. EDGEWORTH

1 viewed that, correct?

2 A. I'm sorry. Repeat that question, I'm sorry.

3 Q. You were present at the autopsy?

4 A. Yes, sir.

5 Q. Okay. You watched the technicians or the forensic
6 pathologist remove the speaker wire?

7 A. I was there, yes, sir.

8 Q. Did you have the opportunity to determine what
9 type of speaker wire was used?

10 A. I did not, no, sir.

11 Q. Are you saying you didn't have an opportunity --

12 A. I know it was speaker wire, we just weren't able
13 to figure out where it came from.

14 Q. Did you attempt to do so --

15 A. We did.

16 Q. -- did you identify it's gauge?

17 A. Say that again.

18 Q. Did you identify the gauge of the speaker wire?

19 A. I can't remember if we did the gauge of the
20 speaker wire, but we did -- I did go to and try to match it
21 up with a couple of stores in Georgetown that do sell
22 speaker wires.

23 Q. You were unable to do that?

24 A. We were unable to get it confirmed where it came
25 from.

ALLEN MORRIS - REDIRECT BY MS. RICHARDSON

1 Q. Did you identify the brand?

2 A. I was unable to figure out where it came from. I
3 mean, I don't know what you want me to tell you.

4 Q. Well, I'm not specifically that particular wire.
5 I'm just asking you whether you were able to identify what
6 it was. You're calling it generically speaker wire?

7 A. Yeah. I was unable to confirm anything about that
8 speaker wire other than it was speaker wire.

9 Q. You did not confirm it's gauge?

10 A. Not that I -- not that I remember, no, sir.

11 Q. You did not determine its use?

12 A. It's speaker wire, we know that.

13 Q. Would agree with me that there's different types
14 of speaker wire?

15 A. Sure.

16 Q. Did you determine its brand?

17 A. No.

18 MR. EDGEWORTH: Court's indulgence, Your Honor.

19 THE COURT: Yes, sir.

20 MR. EDGEWORTH: I have no further questions for
21 this witness, Your Honor.

22 THE COURT: All right. Thank you. Any redirect?

23 REDIRECT EXAMINATION

24 BY MS. RICHARDSON:

25 Q. As for the speaker wire, did you try to make those

ALLEN MORRIS - REDIRECT BY MS. RICHARDSON

1 determinations?

2 A. We did.

3 Q. And what efforts did you do to try to learn about
4 that?

5 A. We got a sample from the wire that was cut off of
6 Mr. Leon Harrison Jr.'s hands from the binding. And we took
7 it to Radio Shack as a comparison to see if, you know, we
8 could match them. And I had them look at it at Radio Shack
9 and he didn't believe that was from there. And then
10 Walmart, we were unable to compare it.

11 Q. And by the time that the police report was filed
12 the missing person's report?

13 A. Yes, ma'am.

14 Q. It had been nearly two weeks since Mr. Harrison
15 had been seen?

16 A. That's correct.

17 Q. So it wasn't a missing person's investigation for
18 very long; is that right? For you?

19 A. Yeah, that's right. No, it turned into a homicide
20 within a couple of days.

21 Q. So on the 9th he's missing. And initially when
22 you went to talk with Ms. Rhue you didn't really know
23 exactly what was going on as far -- you were just
24 investigating at that point?

25 A. That's right.

ALLEN MORRIS - REDIRECT BY MS. RICHARDSON

1 Q. On the 10th is when you went to the house?

2 A. Yes, ma'am.

3 Q. Okay. So the next day you're at the house. He's
4 been reported missing one day.

5 A. Yes, ma'am.

6 Q. And when they say two search warrants they were
7 both on that same day?

8 A. That's correct.

9 Q. So there weren't two separate -- you didn't go two
10 separate days before the body was found?

11 A. No, ma'am.

12 Q. And that's when you found the carpet missing?

13 A. That's correct.

14 Q. And that's when you found the blood?

15 A. Yes, ma'am.

16 Q. And then what happened the very next day?

17 A. The body was found in the river.

18 Q. Okay. So from and I think -- it was Thursday,
19 Friday, Saturday you had a body?

20 A. That's correct.

21 Q. So when you -- so when you went on the 10th, you
22 didn't know at that point it was a homicide?

23 A. Yeah, no, ma'am, we did not.

24 Q. And -- but that's when you found the blood?

25 A. Yes, ma'am.

ALLEN MORRIS - REDIRECT BY MS. RICHARDSON

1 Q. On the carpet or on the flooring, right?

2 A. Yes, ma'am.

3 Q. Okay. And so by the time you had found that it
4 was the next day the body was found.

5 MR. HAZZARD: Objection.

6 THE COURT: Yes, sir.

7 MR. HAZZARD: I would just ask that the Prosecutor
8 refrain from leading.

9 THE COURT: I believe that's appropriate. Please
10 don't lead the witness.

11 BY MS. RICHARDSON:

12 Q. What steps did you take to find the body?

13 A. What steps did we take to find the body?

14 Q. Yes.

15 A. I mean, that was the idea of -- are you talking
16 about at that location?

17 Q. From the time he was reported missing, what steps
18 did you take to find the body?

19 A. We went and spoke to Ms. Tiesh Rhue. We went --
20 or actually, I guess, several times -- two times at least at
21 that point we spoke to her. The search warrants on the
22 house. And we were speaking to other people. Ms. Brittani
23 Green, Rosario Grate, Ms. Catessa Tucker. I mean, there
24 was -- we were speaking to numerous people just trying to
25 find him, just gathering information.

ALLEN MORRIS - REDIRECT BY MS. RICHARDSON

1 Q. Did you organize or were there any sort of
2 searches or search parties?

3 A. Did we organize a search party? Not at that
4 point, no. We didn't get that far. We were still kind of
5 in the early stages of it.

6 Q. And why not?

7 A. Because it was just -- it was fast moving and we
8 were trying to talk to everybody that we could.

9 Q. Okay. And he was found so quickly?

10 A. Yes, ma'am.

11 Q. Okay. And besides the police report are there
12 other documents that are -- what other documents are
13 attached to your case file?

14 A. Everything. Consent forms. Chain of custody.
15 Copies of anything that we gather, whether it's work
16 documents or search warrants or phone records, I mean,
17 everything. And if they're in the paper copy it's going to
18 have at least a digital copy.

19 Q. And there was a chain of custody for the blue and
20 white toothbrush?

21 A. Absolutely.

22 Q. All right. I have no further questions.

23 THE COURT: All right. Anything, Mr. Hazzard?

24 MR. HAZZARD: Yes, sir.

25 RECROSS-EXAMINATION

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 BY MR. HAZZARD:

2 Q. Ms. Richardson just asked you about your efforts
3 to find the body. She asked you whether you did a -- got
4 out a group and went and searched for him and had a search
5 party or anything like that and you didn't do that, correct?

6 A. We just hadn't got to that point.

7 Q. Okay. And when you received information from the
8 gentlemen that said, On the night of the 25th he saw him
9 down by Bank of America. What did you do to follow up on
10 that, sir?

11 A. I didn't handle that part of it. I never took
12 that. I was working on the other stuff.

13 Q. But as the case agent through whom all information
14 flows, there was nothing done to really follow up on that,
15 correct?

16 A. Not from me, no, sir.

17 Q. Yes. And with regard to the neighborhood around
18 [REDACTED] Highmarket Street, after Ms. Tiesh Rhue tells you
19 multiple times, Yeah, we had an argument, he walked out the
20 door, I don't know what direction he went in. To your
21 knowledge, did anyone from the police departement talk to
22 any neighbor on that block, the next block --

23 A. Yes, sir.

24 Q. -- to say, Hey, have you seen him?

25 A. We knocked on doors and everybody didn't see

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 anything. We knocked on neighbors doors in that vicinity
2 and either the people wouldn't answer the door or they
3 hadn't seen anything.

4 Q. Please, if you would, tell me where that is
5 reflected in your incident --

6 A. It's probably not in there.

7 Q. Not in your incident report.

8 A. It may not be, no. A lot of times we'll get
9 patrol, we could get patrol units or somebody to handle that
10 for us, and, usually, if there's something of validity, if
11 something comes up, then they would document that.

12 Q. The fact that you asked the people on that street,
13 Did they happen to see him that night, and their response
14 wasn't valid enough to warrant making it into your report?

15 A. Well, I just said I didn't -- they said they
16 hadn't seen anything.

17 Q. And I want to be very clear on this. It is your
18 testimony to this jury -- I withdraw that. I withdraw that.

19 When Rosario Grate says, Yes, I've taken Leon
20 Harrison Jr. to deliver drugs before, did that not cause you
21 to want to search her residence?

22 A. We didn't search her residence.

23 Q. When she said he has basically lived here for the
24 past month and he's missing. That didn't want you to go in
25 and see anything?

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 A. We didn't -- we didn't search any other residence.

2 Q. And you didn't search Ms. Grate's car?

3 A. No, sir.

4 Q. And you didn't search Luis Flores --

5 MS. RICHARDSON: Your Honor, I Object.

6 THE COURT: What's your objection.

7 MS. RICHARDSON: Your Honor, it's the objection we
8 had at the bench the other day.

9 THE COURT: I'll sustain the objection.

10 MR. HAZZARD: Your Honor, there has been testimony
11 regarding these two --

12 THE COURT: All right. We're going to have to
13 excuse the jury. Y'all go out and we'll address this.

14 (WHEREUPON, the jury exited the courtroom at 4:35
15 p.m.)

16 THE COURT: All right. Mr. Hazzard, I'm happy to
17 hear from you, sir.

18 MR. HAZZARD: Thank you, Your Honor.

19 There has already been testimony that is in the
20 record regarding the identity of Luis Flores and Ricardo
21 Cabral. The fact that they had interaction telephonically
22 with Mr. Harrison that night for the purpose of buying
23 drugs. And they -- and one of the officers, I believe it
24 was, Officer Powell or Detective Powell, who was asked and
25 gave a response regarding, Based on your knowledge of these

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 two individuals, what, if anything, did you do to follow up
2 on it?

3 Now, the Prosector asks, hey, what all did y'all
4 do to investigate this case and locate, you know,
5 Mr. Harrison Jr.?

6 So I believe that I have the right to ask in this
7 regard you had this information, what did you do? You
8 didn't do anything to follow up on it, did you?

9 THE COURT: All right. Solicitor?

10 MS. RICHARDSON: Your Honor, I did object on the
11 basis of third-party guilt and it being just the mere
12 suspicion or speculation.

13 When I asked him was -- because Mr. Voigt had
14 brought up cadaver dogs, I brought up if they had done any
15 searches for the body. That would have been before any sot
16 of interview with Mr. Flores.

17 What I'm seeing is a pattern here of where they
18 are just repeating things that people have said, just
19 hearsay statements, and some of them are mischaracterized
20 from the investigation and trying to backdoor or get those
21 in through the officers.

22 So they did search a vehicle of Mr. Flores's, but
23 you know, the door -- I just don't want the door open to
24 every statement made by Mr. Flores, because I think that's
25 what they're trying to do is back in -- put in some hearsay

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 statements form them and cast third-party guilt on something
2 that is nothing more than mere suspicion.

3 THE COURT: All right. Mr. Voigt, you got
4 anything to add?

5 MR. VOIGT: Judge, I think the question that was
6 elicited was purely for the purpose of impeaching the
7 witness on the quality of his investigation. It did not
8 seek to elicit a hearsay statement. It did not seek to
9 imply third-party guilt.

10 I think that in, it's limited form, it was a
11 proper question that the jury might benefit from the answer.

12 THE COURT: And what was the question? What was
13 the question?

14 MR. HAZZARD: To my recollection that they did not
15 search the residence such as it was with Luis Flores and
16 Ricardo Cabral.

17 MS. RICHARDSON: The vehicle, I think you said.

18 MR. HAZZARD: No, I didn't say that.

19 THE COURT: All right. I'm not going to allow you
20 to do go there, sir. We're getting ready to move on. I
21 deny your motion. I think you're pointing at third-party
22 guilt and we're not going to get anymore of that.

23 All right. Anything before we bring the jury back
24 in? And who's the next witness?

25 MS. SMITH: Your Honor, that would be Allen

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 Huggins.

2 THE COURT: He's ready?

3 MS. SMITH: He is ready I do believe that he will
4 be more of a -- I don't think he'll be too lengthy, but I do
5 think he'll be more of a lengthy witness and we would like
6 to go forward with him today.

7 THE COURT: All right. Let's get the jury out.

8 (WHEREUPON, the jury entered the courtroom at 4:41
9 p.m.)

10 THE COURT: All right. Ladies and gentlemen, I'm
11 going to sustain your objection, Solicitor.

12 Mr. Hazzard, you can certainly continue, sir.

13 MR. HAZZARD: Thank you, Your Honor. May it
14 please the Court.

15 THE COURT: Yes, sir.

16 BY MR. HAZZARD:

17 Q. As part of your investigation, at what point did
18 you become aware that three gentlemen were searching around
19 the Black River on March 8th of 2017?

20 A. I don't remember exactly when that come up. I
21 mean, it came up, but I can't tell you exactly when that
22 came up. I can't remember.

23 Q. And when that came up, and you became aware of it,
24 what steps did you take to investigate exactly why these
25 gentlemen felt they needed to search Leon Harrison Jr. by

ALLEN MORRIS - RECROSS BY MR. HAZZARD

1 the Black River on March 8th when he was not reported
2 missing until I believe it was either the 9th or the 10th of
3 March?

4 A. Well, if I remember correctly, I think we gave
5 people the, you know, what information, and I think they --
6 and I can't remember who actually followed that out, who
7 followed up with that. But, like I said, other than that,
8 that's about the only thing I remember that was done with
9 that as far as that. I just don't know what was done with
10 it.

11 Q. Thank you, sir. No further questions.

12 A. Yes, sir.

13 THE COURT: Yes, sir.

14 MR. VOIGT: No further questions, Your Honor.

15 MR. EDGEWORTH: No further questions, Your Honor.

16 THE COURT: Any redirect?

17 MS. RICHARDSON: No, Your Honor.

18 THE COURT: All right. Thank you, sir, you can
19 step down. All right. You can call your next witness.

20 MS. SMITH: Your Honor, the State calls Allen
21 Huggins. Your Honor, may I approach quickly?

22 THE COURT: Yes.

23 (WHEREUPON, the following discussion was held at
24 the bench.)

25 THE COURT: Yes.

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 MS. SMITH: Your Honor, this is a
2 self-authenticating document under 902. I do believe that
3 they may want some redactions. This is the bond paperwork
4 for Alexander Rhue Sr.

5 THE COURT: Have you shown this to them already?

6 MS. SMITH: I have not.

7 THE COURT: Why are you bringing this up at a
8 quarter to 5:00 showing it to them for the first time and
9 asking if they want redactions? That's what I want to know.
10 Why was it not addressed? We're not messing with that. All
11 right.

12 MS. SMITH: Yes, Your Honor.

13 (WHEREUPON, the bench conference ended.)

14 THE COURT: Let's move on.

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

17 THE WITNESS: My name is Allen Huggins.

18 DIRECT EXAMINATION

19 BY MS. SMITH:

20 Q. Where are you currently employed?

21 A. I'm currently employed with the City of Conway
22 Police Department.

23 Q. And where are you from?

24 A. I'm originally from California I moved to the
25 Horry County area in 2005.

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 Q. And how long have you lived here?

2 A. I've lived in the Horry County Conway area since
3 2005.

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

5 A. I started my journey back in 2008, with the U.S.
6 Army. Spent eight years in the Army. And then came to the
7 Conway City in 2014.

8 Q. And what is your current position with the Conway
9 Police Department?

10 A. I'm currently employed as a detective in our
11 Investigations Division, but I have several duties off of
12 that.

13 Q. Okay. What type of duties?

14 A. So in the Investigation Division, I normally
15 investigate homicides and violent crimes. But I have a
16 specialty with as a task force officer with several
17 divisions. So I'm assigned to the U.S. Secret Service, I'm
18 a task force officer with them. I'm assigned to ICAC which
19 is Internet Crimes Against Children. And then I'm also part
20 of the Child Death Investigation Task Force. And it all
21 falls under the Electronic Crimes Task Force under the Horry
22 County Sheriff's Department.

23 Q. What does being on an Electronic Crimes Task Force
24 mean? What type of work do you do?

25 A. So the task force office in the Electronic Crimes

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 Task Force deals with all digital crimes. So we're looking
2 at forensic downloading and analyses of several types of
3 devices cell phones, computers, MAC, DVRs, Network DVRs,
4 massive storage devices, like USB drives, thumb drives, hard
5 drives, that kind of stuff.

6 Q. When you list all of these, cell phones,
7 computers, USBs, DVRs, I'm sure I missed a couple, but what
8 do you do working with them?

9 A. So my primary function is cellular technology,
10 mapping and analysis. But as being assigned to the Task
11 Force with the Secret Service, I began like a mentor program
12 for the digital forensics and I started that also beginning
13 some training there.

14 Q. Well, talk to us about that training. What type
15 of training do you have?

16 A. So besides the basic academy, also instigative, so
17 I got my basic detective, and then I got a specialty with
18 homicide, took a two-week course with that. And then I went
19 on further to be assigned to ICAC, which is Internet Crimes
20 Against children.

21 So I underwent a basic knowledge set, which is
22 about 50 courses through ICAC that deals with peer-to-peer
23 transfers, Bit torrent investigations, basic, you know,
24 digital investigations where we get complaints from tips for
25 the tip line. And we have to do search warrants on ISPs,

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 which is like the Internet Service Providers, things like
2 that.

3 Q. And you just mentioned, ICAC. I don't know if you
4 mentioned that acronym before. You said you were on the
5 task force for it.

6 A. Right.

7 Q. But what is ICAC again?

8 A. Internet Crimes Against Children.

9 Q. Okay. So how long have you been working with cell
10 phones and cell phone records?

11 A. Roughly a year.

12 Q. Do you have any training in CellHawk, in a program
13 called CellHawk?

14 A. I do. So CellHawk was created by pioneers in the
15 cellular technology field. There is a task team member,
16 which is what the FBI's version of our Electronic Crimes
17 Task Force, they do, like, all the cellular analysis mapping
18 and all of that stuff. So I went to CellHawk, because we
19 were evaluating as a department a program to utilize, and we
20 underwent an evaluation on several programs and CellHawk won
21 out the evaluation period.

22 After the evaluation period was complete, I
23 underwent certification process, which gave me a certificate
24 for cellular technology, mapping and analysis.

25 Q. So you are certified?

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 A. Yes.

2 Q. Okay. So will you tell the jury exactly what
3 CellHawk is?

4 A. CellHawk is a web-based program that allows you to
5 input raw data that provider -- phone providers give you for
6 basic overview. So the providers will give you Excel or,
7 like, HTML files that you dump into the web-based platform
8 and then it encompasses and analyzes the data and gives you
9 a nice graphic user interface to basically go through the
10 data, the raw data, in a visual form instead of picking out,
11 you know, date/time set with a GPS coordinate, plotting it
12 on a map, and then doing it that way, one by one.

13 Q. How many cases have you used with CellHawk?

14 A. So I looked at our records before today and I have
15 roughly 330,000 records, and then there was an active 150
16 phone-specific records and roughly 22 active cases.

17 Q. Okay. Active case?

18 A. Yes.

19 Q. Okay. So what type of records do you use with
20 CellHawk?

21 A. So the biggest one is what we call the Call Detail
22 Records from the providers, but there are several other
23 types. So when we get call detail records, we get records
24 on phone communications, text communications, and data
25 transfers. So when the phone connects to the network to do

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 social media or email or anything like that, it requires a
2 data connection, it logs those, too.

3 It will also ingest other types of records, like
4 GPS coordinates from a GPS provider, let's say, like an
5 ankle monitor or, for instance, we had one I did a couple
6 months ago for a bus that was stolen from a local school.

7 So, of course, they had GPS on their buses, we
8 were able to manually input that record and plot it on the
9 map to see where the bus had went, where it slowed down,
10 where it stopped, where the doors opened, and all of that
11 stuff. So we were able to track and go back and pick up
12 video footage and stuff following that.

13 And then we can also ingest things like Google
14 Locational Records from Google that provides the date/time
15 group, a locating by GPS coordinates, and an accuracy amount
16 to show how accurate that it is.

17 Q. When you get records, prior to putting them in
18 CellHawk, prior to working with them, what do you do first?

19 A. The biggest thing we need to do is verify the
20 records. So you look at the search warrant and verify the
21 time/date group that they provided is accurate and then
22 you're going to look at the tables on the actual raw files
23 and make sure that the data that's supposed to be there is
24 there.

25 Most of the time, or sometimes, depending on the

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1 provider, that will provide what they call a Tower List.
2 And you want to look at those raw data files to make sure
3 that the Tower List that they provided is the towers that
4 the phone used or the device used during the allotted time
5 frame.

6 So, in basic terms, I'll take that list and I'll
7 reference the other Tower List they give you, I'll plot it
8 manually to make sure that the data is correct. And then
9 after I've verified that the towers are correct from the
10 provider. And most of the time what we'll do is, on the
11 Tower List that we get from the provider, we'll also check
12 it on a governmental site, so there's a site called NDCAC,
13 that's managed by the FBI, and they archive all the
14 providers cellular tower records. So anytime they change or
15 upgrades their network, they'll give a new record generally
16 every couple of months.

17 So we'll go back to their archives, pull the
18 records, or the tower set for that specific time frame, and
19 compare them to each other to make sure that they're both --
20 there's no anomalies present. Then after I've determined
21 the records are sound, then I'll load them into CellHawk.

22 Q. Okay. So all of that verification just to load it
23 into CellHawk; is that correct?

24 A. Yeah.

25 Q. Okay. So once it's loaded into CellHawk, what do

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 you do next?

2 A. Once I load it into CellHawk, I'll go through the
3 records, and when it loads, it loads itself, but the first
4 thing it's going to ask you to do is verify a time group.

5 So you'll need to verify your records. If it's in
6 Eastern Time, like we are here, you have to make sure the
7 records that you requested in your legal process that were
8 provided to you in Eastern Time, or if they're provided in
9 UTC, which is like a Universal Time Code.

10 After I load them in, I will pick a portion of the
11 records and I'll go in and verify that the tower that's
12 mapping in the program, again, matches what shows on the raw
13 data. And if the sectors or orientation, which I'll try to
14 explain, is correct on the tower, so I know that it's
15 mapping correctly. And when I say "sectors" and
16 "orientation," a brief overview of cell phone towers
17 generally provides signal at 360 degrees. And there's
18 normally three sectors to that tower.

19 So it would be Sector one, two, and three. And
20 then I'll verify if those azimuths or sectors are correct,
21 basically, the center of the sectors.

22 Q. Okay. Before you had CellHawk, how would you have
23 done this.

24 A. Just manually map, one by one.

25 Q. So can you manually input this information and map

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 it?

2 A. Absolutely.

3 Q. Okay. And so can you verify the information in
4 CellHawk as being accurate?

5 A. Yeah.

6 Q. Okay. Do you know if CellHawk has been used in
7 courts throughout the state or country before?

8 A. So CellHawk, I had a case study done during my
9 educational period, and I know it was specifically used in
10 the 15th Circuit back in 2016 on a murder trial where they
11 had a male murdered, a retired cop out of New York, and they
12 used it there in conjunction, verified through video
13 evidence that that the data they were receiving on CellHawk
14 and from the service providers was accurate because they
15 were able to pick it up on video also to verify where it
16 was.

17 Q. What is -- can you tell the jury what a Google
18 Geofencing Data is?

19 A. So sometimes in investigations there's not a whole
20 lot of leads. So Google Geofence is basically when you've
21 exhausted all your investigative leads, and you're still
22 running up short, you can put it -- basically, a
23 theoretically geographical fence around a certain location,
24 and that's basically a box. So anything inside that box by
25 GPS coordinates would pick up on a Geofence. But Geofences

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 are very short time frames for the first stage. And they're
2 very specific, as in to the Geofence, they won't encompass a
3 large area, because they think it's too intrusive.

4 Q. Did you get any Geofencing data in the present
5 matter?

6 A. I did.

7 Q. Okay. Now, have you ever obtained, other than
8 this case, have you ever obtained the Google Geofencing data
9 before?

10 A. I have, yeah.

11 Q. Can you please explain to the jury the multi-step
12 process --

13 MR. HAZZARD: Your Honor, we have a matter to take
14 up outside the presence of the jury.

15 THE COURT: All right. Ladies and gentlemen, I'll
16 send you back to the jury room and we'll try to deal with
17 this as quickly as we can and be back with you. Thank you.

18 Please don't discuss the case.

19 (WHEREUPON, the jury exited the courtroom at 4:55
20 p.m.)

21 THE COURT: Yes, sir.

22 MR. HAZZARD: Thank you, Your Honor, may it please
23 the Court?

24 THE COURT: Yes, sir.

25 MR. HAZZARD: We have -- if the nature of this

ALLEN HUGGINS - DIRECT BY MS. SMITH

1 testimony had been made obvious before the witness started
2 we, might have been in a position, I believe, to go ahead
3 and have a Council Jones Hearing for the Court to exercise
4 its gatekeeper function.

5 In order to not waste the jury's time, in order to
6 be efficient with the Court's time, I've tried to see if we
7 could somehow do that on direct examination --

8 THE COURT: Yes, sir.

9 MR. HAZZARD: -- and get everything out.

10 Well, now he's gone from CellHawk and now he's
11 talking about Google Geofencing --

12 THE COURT: Yes, sir.

13 MR. HAZZARD: -- which would then be a second
14 thing that would, I would think, require the Court to
15 exercise its gatekeeper function under Council and Jones.
16 And so I wanted to object and bring that to the Court's
17 attention before we get too far down -- too much farther
18 down the road to where he starts wanting to make statements
19 or give opinions of scientific certainty. And then we say,
20 Well, the Court's never even had the chance to make the
21 determination of whether any of this stuff he's talking
22 about is legitimate.

23 THE COURT: Yes, sir.

24 MR. HAZZARD: So that would be the basis of my
25 objection at this time, Your Honor.

ALLEN HUGGINS -CJ DIRECT BY MS. SMITH

1 THE COURT: All right. Let's go ahead and proffer
2 some testimony and then give y'all an opportunity to
3 cross-examine.

4 Is that satisfactory, Mr. Hazzard?

5 MR. HAZZARD: Yes, sir, it is, Your Honor.

6 THE COURT: Go ahead.

7 MS. SMITH: Yes, Your Honor.

8 COUNCIL-JONES HEARING DIRECT EXAMINATION

9 BY MS. SMITH:

10 Q. Okay. So when you get the Google Geofencing data,
11 what do you do with it?

12 A. So there's two type of Google Search Warrants that
13 we generally do. One is the Geofence and one is Subscriber
14 Data. So specifically for Geofence, it's a three-stage
15 process. Stage One is just going to be a very minute
16 geographical location, like I said, inside the Geofence, for
17 a very, specific time frame. Once you submit probable cause
18 that the Court has assigned, and you send it off to Google,
19 they'll send you back an anonymized list of device IDs. And
20 inside that list of device IDs there will be all the
21 locational data for each specific device that falls within
22 that Geofence and that specific time frame.

23 Then, after you get that data, Google expects you
24 to analyze that data and find which devices are pertinent to
25 you. After you scrutinize the data and found the devices

ALLEN HUGGINS -CJ DIRECT BY MS. SMITH

1 that are pertinent to your investigation, then you'll
2 resubmit new legal process for a Stage Two result on those
3 specific device IDs.

4 After you do the Stage Two, the Stage Two
5 encompasses those specific device IDs over a larger time
6 frame and outside of the Geofence. So you're no longer
7 found in the boundaries of the Geofence. And it will show
8 you what that device does throughout the day of that
9 specific timeframe.

10 Q. Okay.

11 A. So --

12 Q. Keep going.

13 A. I'm sorry. So what you'll do at that point is
14 reanalyze the data and see what's pertinent to your
15 investigation. So, to give an example, if I get ten device
16 IDs in my Stage One, and only one of those device IDs comes
17 in contact with my specific point of reference, I'm talking
18 about, like, a house that a crime occurred in, I've now
19 eliminated nine devices and only done legal process on one
20 protecting the, you know, the information of the ones that
21 weren't involved.

22 So after I get the second one, I do a Stage Two on
23 that one device and then analyze. I can then determine if
24 it was either involved or potentially involved in the crime
25 that occurred at a specific location by looking at how long

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1 it was in the -- or how long was at the suspected location,
2 when did it leave, when did it arrive.

3 And then, after you determine that's pertinent to
4 the investigation, you'll do a third search warrant asking
5 Google to un-anonymize the device ID and give you the
6 subscriber Google data for that specific account. And that
7 generally comes back with anything that's associated with
8 that specific device.

9 If it's a Google account, like a Gmail, you might
10 get like, you know, a name and the email address, who
11 registered the email address, if they have two-factor
12 authentication, you'll get like a phone number associated
13 with the Gmail address. And then you can also, in turn, do
14 another search warrant and get all the Google data
15 associated with that Google's Gmail account, and that would
16 like Play Store purchases, emails, photographs that are
17 saved in the vault, any device or IMEI is attached to the
18 Google account. So it gets quite bigger from there.

19 Q. And I may have missed it, but when you get the
20 results of the Stage Two Search Warrants, are you given any
21 locational data?

22 A. Yes. So Stage Two, is the original device that
23 you requested and won't be just in the geographical
24 boundaries of the hypothetical Geofence. It will show
25 everywhere that device had a connection and would give a

ALLEN HUGGINS -CJ DIRECT BY MS. SMITH

1 location through that specific timeframe.

2 So the initial Geofence was only a block or maybe
3 a hundred-by-hundred meter block around the house, it will
4 show you everywhere that phone went or device went outside
5 that box also.

6 Q. Are you also provided with a margin of error?

7 A. You are. So when they interpret those records
8 they come in several different -- they collect data in
9 several different ways. They've recently change how they
10 collect it, but the main and majority way they collect it is
11 through cellular data, Wi-Fi signals, Bluetooth connections
12 and things like that.

13 Q. Okay. Once you get this information are you able
14 to plot the location data?

15 A. Yeah. So the one thing that they've gone away
16 from mostly is cellular, because cellular networks can range
17 for very large signal strengths for several miles. So
18 Google likes to only provide Wi-Fi, GPS, and Bluetooth now,
19 because those devices are primally have short signal
20 strengths and short wavelengths, so they can only connect
21 within short distances.

22 So they can verify the accuracy of those specific
23 GPS coordinates within meters versus thousands of meters
24 that a cellular network can provide.

25 Q. Can you verify the accuracy of this information?

ALLEN HUGGINS -CJ DIRECT BY MS. SMITH

1 A. On it's face you can't, I don't think, but with in
2 conjunction with other cellular data or CDRs, Call Detail
3 Records, when you're taking the totality of facts from the
4 Call Detail Records and the Google records in combination,
5 when they correlate and there's no abnormalities, I would
6 say that you can verify them.

7 Q. And is Google data different from cell phone data?

8 A. Yes.

9 Q. Okay. And how is that different?

10 A. Just because the technology isn't really known of
11 how they collect their information from the subscribers. So
12 it's easy to understand that the duplex radios of cellular
13 network, but how Google derives at their locational data is
14 kind of secretive, I guess. They don't really explain it
15 well.

16 Q. Do you -- if you have Bluetooth enabled on your
17 phone, will it search for a Bluetooth device?

18 A. Yeah, and Wi-Fi. So every time it tries to make a
19 connection to another device, that connection is logged in
20 their sensor vault.

21 Q. Were you able to verify that the Google data
22 matched the phone records in this case?

23 A. Yes.

24 Q. Okay. And did they?

25 A. They did.

ALLEN HUGGINS -CJ DIRECT BY MS. SMITH

1 Q. Okay. Do you know if Google Geo Location --
2 Google Geofencing data has ever been used in courts
3 throughout the country?

4 A. It has, yeah.

5 Q. Okay. Have you ever testified in court before?

6 A. I have.

7 Q. Okay. About cell records?

8 A. Yes.

9 Q. Or about cell phone technology?

10 A. Yes, ma'am.

11 Q. How many times?

12 A. I can think of three specific cases.

13 Q. Okay.

14 MS. SMITH: Your Honor, at this point in time the
15 State moves to qualify Mr. Huggins as an expert in CellHawk,
16 and cellular technology and analysis.

17 THE COURT: And I'm assuming that would include
18 Google Geofence?

19 MS. SMITH: Yes, Your Honor, with the cellular
20 technology and analysis, yes, sir.

21 THE COURT: All right. I'm happy to hear from
22 you, Mr. Hazzard.

23 MR. HAZZARD: Thank you, Your Honor. May it
24 please the Court.

25 Perhaps I missed the specific part where he

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 explains, you know, how CellHawk works, what the error rate
2 is of it, and what the verification is of it, other than him
3 saying, I'll use it and then I can verify it myself.

4 THE COURT: All right. Well, why don't you ask
5 him the question. Do you want to ask him how it works?

6 MR. HAZZARD: Sure.

7 COUNCIL-JONES HEARING CROSS-EXAMINATION

8 BY MR. HAZZARD:

9 Q. How does CellHawk work? Like what is are we
10 talking a computer program what are we talking about?

11 A. Yes, sir. So the easiest way I can explain it is
12 that CellHawk is a web-based platform that ingests the raw
13 files provided by the providers. So when the provider
14 provides you the requested documentation that they give you,
15 it's normally in an HTML or an Excel format. And all it
16 does is load that raw data records into it and gives you a
17 visual representation of what the basic letters and numbers
18 are on the page.

19 Q. And how has it been peer reviewed?

20 A. How has it been peer reviewed?

21 Q. Yes, sir.

22 A. So...

23 Q. Like by the industry -- does the industry as a
24 whole agree that CellHawk is in any way, shape, or form
25 accurate?

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 A. Yeah. Because the simple fact is you can -- you
2 can verify the information that it's giving you based on the
3 data. So it's sole sourced program. There are many
4 programs like it that do similar functions, but CellHawk is
5 its own is a sole source. So there's no, like, apples to
6 apples, it's basically it ingests the data, it gives you a
7 visual representation which you can verify through manual
8 mapping.

9 Q. So there is -- so what you're saying is this
10 application or however you want to describe it, what
11 CellHawk does, you're saying there isn't anything else in
12 the industry that does this procedure, this process?

13 A. No. There are several cellular mapping programs
14 out there, but each has there own proprietary system that
15 provides different kinds of reports, different user
16 interfaces that visually gives it to you differently. So
17 they're not one and the same, it's like Apple and Mac, they
18 both compute, they both come through a computer, but they're
19 both different systems.

20 Q. And when you're working with it how does it set
21 forth to you the user what it's error rate is?

22 A. So when it loads the record, once it ingests the
23 record, it will give you a report before it ever shows you
24 anything. It will show how many records were loaded, how
25 many correctly loaded, if there was an error, and which line

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 basically of the Excel spreadsheet that the error occurred
2 on.

3 Normally, you see this where you'll have a
4 connection, but there's no tower information, so it was a
5 connection that was unsuccessful and it won't be able to map
6 that, because there's no information for it to map it. So
7 it's an easy way for you to verify that it's loaded
8 correctly. If you look at the error report and show Line 4
9 says it didn't load on the map. And you go to Line 4 on the
10 raw data and it says, you know, connection but there's not
11 tower information, it was an unsuccessful connection.

12 So it's correctly mapped, it's just showing you
13 that it could not map anything because there was no data
14 provided.

15 Q. I appreciate that, but I'm old enough to know that
16 anything that a human being creates will malfunction and
17 that's the error rate that I'm referring to. What you're
18 referring to is not really an error, you're saying that it
19 received outside information that, you know, didn't -- that
20 wouldn't allow it to give a result.

21 A. Right.

22 Q. It perceives it, it refers to it as an error, but
23 that's not an error. The machine apparently is working
24 fine.

25 A. Right.

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 Q. My question is how do you know when the machine
2 isn't working correctly or, is it even a machine, how do you
3 know when the computer program isn't working correctly and
4 how often does that happen? What is the error rate for this
5 computer program?

6 A. So if there was an error loading the raw file, it
7 just wouldn't map, it would tell you unable to load. So it
8 never provides a visual representation when there's an error
9 in the mapping process.

10 Q. So it's your testimony that under no circumstances
11 would this program give you an incorrect mapping
12 application, under no circumstances would it ever do that?

13 A. It won't give you a visual representation if is
14 data is corrupt, no. Because it won't know how to map it.
15 It falls in a specific algorithm. And if that algorithm has
16 been changed in that data at all, it won't load the map. It
17 won't load the data. It will say there's an error. And
18 then you'll have to go back and look and see what's wrong.

19 Q. And what is your familiarity with this algorithm?

20 A. Just that it loads based on the tops or headers of
21 the Excel files so it gives it a specific data file to look
22 for each data point. So it loads by, you know, date, time,
23 location, lack or tower number, connection or duration. As
24 long as those fields are mapped and the program is looking
25 for them in the correct destination on the Excel

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 spreadsheet, it won't load incorrectly.

2 Q. So as long as?

3 A. Correct.

4 Q. I appreciate your description of what you were
5 trained that the algorithm does, my question is: What is
6 the algorithm?

7 A. Can you change your question in a different way?
8 I don't think I'm understanding what you're trying to ask
9 me, sir.

10 Q. Okay. You're saying that this computer program
11 runs based on, I assume, it's a mathematical algorithm; is
12 that correct?

13 A. I guess it's some kind of script. I don't know,
14 I'm not familiar program running.

15 Q. Okay. So you have no knowledge of the program
16 that underlies what the -- so you have no knowledge
17 basically of the computer program writing?

18 A. No. So where I come in --

19 Q. And this, I'm --

20 THE COURT: Hold on. Allow him to answer the
21 question.

22 MR. HAZZARD: Yes, sir.

23 THE COURT: Allow him to answer the question.

24 THE WITNESS: So if you're asking me how the
25 program works fundamentally underneath the hood, but I don't

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 have certificating to answer that. What I can do is load
2 the records into the program like I've been instructed how
3 to and verify that the information that the program is
4 giving me is correct.

5 BY MR. HAZZARD:

6 Q. Or that you think it's correct?

7 A. Well, it either is or it isn't. It's a
8 geographical location, a sector in azimuth, it is or it
9 isn't. It's yes or no.

10 MR. HAZZARD: I have no further questions.

11 THE COURT: Okay. Do you want to ask him any
12 questions about Geofence?

13 MR. HAZZARD: Oh, sure.

14 THE COURT: Because that's a whole -- that's a
15 whole 'nother and while I've got you up.

16 BY MR. HAZZARD:

17 Q. Yes, sir. That is a whole second issue.

18 Now, the Prosecutor was asking you about Geofence?

19 A. Yes, sir.

20 Q. Now that is a Google application, correct? Or a
21 Google program, correct?

22 A. It's -- the way Google stores locational
23 information on their subscribers, yes.

24 Q. And, basically, someone had to get a search
25 warrant, correct?

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 A. That's correct, yes.

2 Q. And when they got the search warrant, they were
3 asking about a specific geographical area, a limited
4 geographical area over a limited period of time; is that
5 correct?

6 A. Yes, sir, it is.

7 Q. And once they get that search warrant and ask for
8 that information from Google, Google then searches every
9 single Google account on Earth, correct?

10 A. That's correct.

11 Q. Okay. And when they search every single Google
12 account on Earth to come up with the ones that are within
13 the fence?

14 A. That's correct.

15 Q. And once they come up with the ones that are in
16 the fence, you, as law enforcement, can then say I'm only
17 interested in these three people?

18 A. Correct. So you have to analyze the numbers that
19 they give you and then make them pertinent basically to the
20 investigation. They have to show you have to show cause why
21 you believe that those devices they've given you, you need
22 more information on. So it's a whole 'nother process after
23 that.

24 Q. Okay.

25 A. So lets's say if I had, like a block, like a whole

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 street block and they let me do the whole block.

2 Q. Uh-huh.

3 A. And I get 25 devices in this whole block, but only
4 five of them ever -- ever geographically reside within the
5 crime scene of one house, Google wouldn't allow to get
6 device information or a Stage Two on those other 20, because
7 they've never reached the bounds or the probable cause to go
8 further in the process.

9 So they ask you to analyze the data that they give
10 you and shorten it to protect, I guess, people's
11 information. So they make you go through this anonymizing
12 process to get more information.

13 Did I explain it well?

14 Q. You probably did, but my capacity to understand is
15 not that great.

16 A. I can try to rephrase, sir, if you need.

17 Q. No, that's fine. That's fine. Thank you.

18 So you're saying that -- make sure I understand
19 this -- you said something in there about you have to
20 analyze the numbers, that when I go get my world-wide Google
21 search warrant --

22 A. Right.

23 Q. -- to search every Google device on Earth, to see
24 which ones are within my Geofence, and let's say we're
25 talking about a block?

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 A. Uh-huh.

2 Q. Okay. That can be my Geofence, that block, city
3 block?

4 A. Depending. So I've seen where Google, depending
5 on the city block, how populated how many devices fall,
6 they're very cautious in providing information on
7 subscribers.

8 So if Google feels that you're over extending and
9 asking for too much information or too large of a Geofence,
10 even though it's signed by a Judge, they'll deny it and
11 they'll tell you to reduce the size of your Geofence.

12 So I would say, in my experience, that the smaller
13 the Geofence and less intrusive the better. So I say a
14 block, it could be like rural block, but if you're talking
15 about downtown Manhattan, where you could a thousand people
16 in a block, it would never go, they would never do it.

17 Q. So for the purpose of this Geofencing thing,
18 you're saying basically that law enforcement already has to
19 decide who they want to target. It's not a matter of
20 searching for suspects, it's a matter of I basically already
21 have my suspects for the most part then?

22 A. Well, there's two theories of thought. There's
23 that thought, and then the secondary is you can do multiple
24 Geofences. So let's say, for instance, I had a home
25 invasion where they stole a car. And the care was recovered

ALLEN HUGGINS - CJ CROSS BY MR. HAZZARD

1 in another area.

2 Well, I can put two Geofences around both of the
3 crime scene and the recovered vehicle and find the device
4 IDs that match both. So it helps you to analyze the data
5 and rule out the devices that are not pertinent. So it
6 would be easier to go on to your Stage Two, because a person
7 would realize, Okay, my device is seen at the crime scene
8 and was also seen at the location where the car was found.

9 Q. And you were mentioning about, say, a Manhattan
10 city block, I think you said a thousand people, it's
11 probably more about ten thousand people.

12 A. Right.

13 Q. But that would be most likely considered too big
14 for a Geofence, too intrusive?

15 A. Yes, too intrusive.

16 Q. So the more rural my area is or less inhabited
17 might my Geofence be able to be geographically larger?

18 A. Right. So it could be -- it would be more lax
19 with the process. Let's say, like a park, or like some
20 areas aren't highly inhabited and get away a little bigger,
21 but they like to see tight Geofences, especially for
22 Geofence or Stage Ones, to be pretty tight around the crime
23 scene area, not encompassing too many houses or too many
24 thoroughfares with major streets, because you're going to
25 pick up all those devices that are just normally traveling.

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 So I might encompass within my Geofence the
2 sidewalk, but exclude the street because there's no reason
3 to pick up cars that are passing by.

4 Q. And to your knowledge and experience Geofencing is
5 accepted in the industry?

6 A. It is. We went to a technical conference this
7 year. There was a huge seminar on about where they've used
8 it in several different types of courts. And they were
9 scrutinized some of the legal process because of how people
10 write them, things like that, but as far as the data,
11 they're being accepted.

12 MR. HAZZARD: All right. Thank you, Your Honor.
13 I have no further questions.

14 THE COURT: Thank you. Any questions, Mr. Voigt?

15 MR. VOIGT: Thank you, Judge.

16 THE COURT: Yes, sir.

17 MR. VOIGT: I promise to keep this tight.

18 THE COURT: Take your time, sir.

19 COUNCIL-JONES HEARING CROSS-EXAMINATION

20 BY MR. VOIGT:

21 Q. All right. Let me ask you a very general
22 question.

23 A. Yes, sir.

24 Q. What would the difference in your testimony be if
25 you were qualified as an expert either in CellHawk or

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 Geofence than it would be if you were not qualified as an
2 expert in CellHawk and Geofence?

3 A. The difference would be opinion based on location.
4 So the data provides, by analyzing both data sets, I'm able
5 to with quite certainty, verify that both data sets are
6 correct and where they are on each.

7 Q. Okay.

8 A. So with Google locational records they come with
9 an accuracy rating on the GPS coordinate, like, 10 meters,
10 20 meters, 30 meters, where cellular CDRs, because they
11 don't have detailed locational data, all they have is call
12 detail records, I'm able to show which side of the tower
13 it's on and which sector it's on. And when both of those
14 data sets fall in the same -- inside the sector and on the
15 Google data GPS coordinate, you're able to pretty much say
16 that it's a good location.

17 Q. Okay. And you believe that's opinion testimony to
18 say it's a good location?

19 A. Right.

20 Q. In other words, that the act of verifying or
21 comparing these two things is something that must be done
22 through your expert capacity, it wouldn't be something you
23 could do as you sit at your desk and do it?

24 A. I'm sorry. That was a lengthy question. Can you
25 rephrase it.

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 Q. I'll try.

2 A. Thank you.

3 Q. I guess my point is you're comparing these two
4 sets of data?

5 A. Yes, sir.

6 Q. With your training and experience as an officer in
7 the Conway Police Department and as somebody who's been
8 trained in various task force, right?

9 A. Yes, sir.

10 Q. And with specific training on this particular
11 computer program and at least a generalized knowledge of
12 Geofence?

13 A. So it's not just a computer program, though. A
14 good foundation of the computer program is manual analysis
15 and manual mapping. So before we ever talked about the
16 program or learned how to use the program we had to
17 physically learn how to do everything that the program was
18 going to produce for you.

19 Q. Okay.

20 A. So that's where I feel that the expert testimony
21 comes in, because that's the educational process that I
22 received.

23 Q. Okay. All right. The information that comes from
24 Google for Geofencing purposes, whose warrant does that come
25 from?

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 A. Who wrote the warrant?

2 Q. Yeah, who wrote the warrant?

3 A. The Solicitor's Office, I believe. It was Chief
4 Brown.

5 Q. Okay. So you're not the affiant on the warrant?

6 A. No, sir. I was just a third party they asked to
7 look at.

8 Q. The Solicitor's Office gives you information, and
9 then you -- did this go to Stage Two of Geofencing?

10 A. All three stages were completed in their Geofence
11 and they also have a secondary-type of Google search
12 warrant, which is a Google Subscriber Data Search Warrant,
13 which provides locational data also.

14 Q. Okay.

15 A. So they have like a specific person like an email
16 address and phone number that they provided to Google in a
17 search warrant and they gave them locational data for that
18 account.

19 Q. Okay. So you were not the affiant on the search
20 warrant, you are just dealing entirely with data?

21 A. Just entirely data.

22 Q. And you would agree with me, as a trained law
23 enforcement officer, that Geofencing implicates the Fourth
24 Amendment, that's why we have search warrants?

25 A. Absolutely.

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 Q. Okay. All right. How do you authenticate the
2 information that Google sent to the Solicitor's Office?

3 A. So Google sends an authentication letter with the
4 documents saying that they're verifying that they're true
5 and factual. And I think when you corroborate the
6 information provided in the cellular detail records and they
7 match, I think that's the way to independently verify,
8 almost like a second source.

9 MR. VOIGT: Judge, based on this testimony, I have
10 very specific objections that are actually not where we
11 started here.

12 THE COURT: Okay. All right. Well, let me just
13 tell you, I mean, we're not going to finish this anytime
14 soon. I'm going to bring the jury out here and cut them
15 loose and then we can continue to have this hearing, because
16 I can't work them till 7:00 o'clock.

17 Solicitor?

18 MS. SMITH: Your Honor, the only issue with that
19 is that Mr. Huggins does have a doctor's appointment in the
20 morning. I did not anticipate our afternoon witnesses to
21 take so long, I apologize.

22 THE COURT: Well, I mean, I don't know what to
23 tell you, but I'm not keeping a jury here, because we've
24 still got 15 minutes of argument. I can't rush in to making
25 a decision on this, and then we have direct, and then cross,

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 depending on what my ruling is. And then we have redirect
2 and there's just no way I'm going to keep them that long.

3 You're going to have to work something out,
4 Solicitor. I'm going to release -- I'm going to bring the
5 jury back in, send them home for the evening. It's 5:30,
6 and then we'll continue as it relates to his ability to do
7 that.

8 Or perhaps we could qualify -- perhaps we'll
9 decide whether or not he's going to be qualified as an
10 expert, and you can call him back out of order. I mean,
11 I'll work with you as it relates to that, but I can't keep
12 the jury here any longer today.

13 MS. SMITH: Your Honor, as it just -- I know he's
14 taken the stand and I don't want to break any rules
15 whatsoever. Obviously, I would not talk to him about his
16 testimony. However, with the Court's leave, I would ask
17 that I be allowed and with hopefully everybody else's
18 permission, that I would be allowed to ask him about his
19 schedule.

20 THE COURT: All right. Is there any objection if
21 she asks him about his schedule once I let the jury go,
22 Mr. Hazzard?

23 MR. HAZZARD: No, sir.

24 THE COURT: Mr. Voigt?

25 MR. VOIGT: No, sir.

ALLEN MORRIS - CJ CROSS BY MR. VOIGT

1 THE COURT: Mr. Edgeworth?

2 MR. EDGEWORTH: No, Your Honor.

3 THE COURT: All right. Let's get the jury back in
4 here and then I'm going to cut them loose. And then we'll
5 continue.

6 MS. SMITH: Yes, Your Honor.

7 (WHEREUPON, the jury entered the courtroom at 5:29
8 p.m.)

9 THE COURT: Ladies and gentlemen, we are still
10 working on some matters of law that we're going to continue
11 to work on for the next little bit. I want to go ahead and
12 send you home for the evening, it's 5:30, and I'd ask that
13 you be back here at 9:30 tomorrow morning. And don't talk
14 about the case. Don't do any research.

15 And to that extent, I look forward to seeing you
16 at 9:30 tomorrow morning. We've got some additional work
17 that we're going to have to take up this evening. And I'm
18 not going to keep you here while we do that.

19 So I'll see everybody at 9:30 tomorrow morning
20 back in the jury room. Thank you folks.

21 (WHEREUPON, the jury exited the courtroom at 5:30
22 p.m.)

23 THE COURT: All right. Mr. Voigt, you had some
24 limited or some specific reasons now about the exclusion, or
25 what were you wanting to say, sir? I'm sorry.

ALLEN HUGGINS - CJ CROSS BY MR. EDGEWORTH

1 MR. VOIGT: That's okay, Judge. I actually
2 wanted, if Mr. Edgeworth had questions of this witness, I
3 thought that perhaps I would follow before we continue.

4 THE COURT: I'd love to hear from Mr. Edgeworth.
5 You got questions, Mr. Edgeworth?

6 MR. EDGEWORTH: Thank you, Your Honor.

7 Yes, sir, a few.

8 THE COURT: All right.

9 COUNCIL-JONES HEARING CROSS-EXAMINATION

10 BY MR. EDGEWORTH:

11 Q. Mr. Huggins, after you testified about the
12 CellHawk program the web-based program?

13 A. Yes, sir.

14 Q. Are you aware of any associations, third-party
15 entities, or otherwise that oversees the general digital
16 forensics environment?

17 A. When you say "digital forensics;" I believe
18 digital forensics and cellular mapping are two different --
19 I guess, they're two different worlds.

20 Q. Okay. So, well, digital mapping. You use the
21 forensic technology to make those maps, correct?

22 A. Yeah, you use a third party software, correct.

23 Q. And you're using digital devices to include
24 computers, cell phones, whatever, to collect that data,
25 correct?

ALLEN HUGGINS - CJ CROSS BY MR. EDGEWORTH

1 A. You're using the Call Detail Records from the
2 providers. So their computer system is just collecting the
3 data for billable reasons, and things like that nature.

4 Q. Right. Just so we're clear, the underlying
5 information that you've testified that's being used is data
6 collected from either a cellular device, a computer device,
7 or otherwise, correct?

8 A. Right. Yeah, whatever network connection.

9 Q. And that information is input into a computer
10 program, correct?

11 A. It is.

12 Q. And then it spits out, air quotes, results; is
13 that right?

14 A. It spits out a graphic interface that gives you a
15 visual representation of the raw data, yes.

16 Q. Okay. So do you not agree with me that that
17 process would be in the confines of what we know as digital
18 forensics?

19 A. In that -- when it's worded like, I'd say
20 probably, yeah.

21 Q. That's a Yes?

22 A. Yes, sir.

23 Q. Okay. Are you aware of any entity, any nonprofit
24 organization, or otherwise, that oversees --

25 A. CellHawk?

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 Q. Digital forensics?

2 A. No.

3 Q. Okay. And then would you agree with me that since
4 there's no third-party entity, then the information or
5 computer program has not been peer reviewed the CellHawk
6 program?

7 A. He program hasn't been peer reviewed?

8 Q. Correct.

9 A. I don't know.

10 Q. Have you been to the CellHawk website?

11 A. I have.

12 Q. Does it list at the bottom of the page any
13 nonprofit organization, governmental or otherwise, that
14 says, This has got our stamp of approval?

15 A. Not that I'm aware of, no.

16 MR. EDGEWORTH: No further questions, Your Honor.

17 THE COURT: All right. Solicitor.

18 COUNCIL-JONES HEARING REDIRECT EXAMINATION

19 BY MS. SMITH:

20 Q. Give me a second. I'm sorry. I'm just trying to
21 find a good starting point.

22 Do you know the algorithm or whatever it is that
23 makes Microsoft Word work?

24 A. No, ma'am.

25 Q. Okay. Can you use Microsoft Word?

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 A. I can.

2 Q. And how do you use Microsoft Word?

3 A. Launch the application on the computer and it's a
4 text-based program.

5 Q. And these data locations that let's start with
6 cell site locations.

7 A. Okay.

8 Q. Where are those coming from?

9 A. Cell site locations come from two sources, either
10 from the provider themselves, or they're federally archived
11 in the NDCAC website.

12 Q. Okay. And I believe you testified that you
13 verified that those are -- that the locations are accurate
14 on the map?

15 A. Yes, ma'am.

16 Q. Okay. And with CellHawk, do you do the same
17 thing, do you independently verify?

18 A. Yes, ma'am.

19 Q. And without CellHawk could you still do it?

20 A. Yes, ma'am.

21 Q. I think I forgot a few questions about the date
22 range that we're talking about here. The data sets that you
23 analyzed, were they past 2:00 a.m.?

24 A. Yeah, they were.

25 Q. Okay. So they were past 2:00 a.m.

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 A. You're saying 2:00 a.m. on the 26th, correct?

2 Q. On February 26, of 2017.

3 A. Okay. Yes.

4 Q. If someone does not have a Google account
5 associated with a phone would the Google Geofencing warrants
6 be able to pick up that phone?

7 A. No, ma'am.

8 Q. Okay. Did you read the search warrants in this
9 case? Did you review them?

10 A. I reviewed them to make sure that the -- I'm
11 sorry, the date ranges on them, that they were signed by a
12 judge and that the affiant portion showed probable cause
13 given.

14 Q. Does Google collect this data solely for
15 litigation or law enforcement purposes?

16 A. No, I don't believe they collect the data or any
17 portion for us.

18 Q. Okay.

19 MS. SMITH: The Court's indulgence.

20 BY MS. SMITH:

21 Q. Before CellHawk, how long would it take you to
22 review all the records that you were given?

23 A. If you're manually mapping each record, it's going
24 to depend on how many data sets you get. But you're looking
25 at probably five minutes to manually map a single tower.

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 Q. A single tower?

2 A. A single tower.

3 Q. And on an average how many tower locations are you
4 getting in a return for cell site locations or for call
5 records?

6 A. Well, that really depends on the investigator. I
7 tell my investigators the best practice is three months.
8 Because you want to get -- establish a pattern of life
9 before the incident, the pattern of life surrounding the
10 incident, and the pattern of life after the incident. But
11 it just really depends, because that changes for call detail
12 records for phone providers versus Google, because Google is
13 a lot more stringent on what they'll provide and how long.

14 Q. And when you put this information in CellHawk,
15 does it create -- I mean, is it a quicker process?

16 A. It expedite -- exponentially increases workflow.
17 When you're able to verify the data sets by looking at,
18 comparing, contrasting each tower list, and then reviewing a
19 couple key points.

20 So what I always like to do is grab the tower
21 closest to the crime scene, because I know it's going to be
22 utilized, and verifying that tower specifically on each case
23 to verify the records are correct.

24 Q. And when you put the records, just any records in
25 CellHawk, are you able to -- does it provide you with like a

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 summary?

2 A. So when you initially drive it into the program,
3 it converts it into a graphic user interface, before it ever
4 shows you anything it gives you a reads report. And it
5 shows you on there if there's any physical errors, that
6 there's any errors where the program is unsure what fields
7 are falling into which.

8 So, for example, like if I load an AT&T Call
9 Detail Record and AT&T recently changed the format -- which
10 they don't, but I'm just giving an example -- of the
11 time/date group being in block two and then the locational
12 towers on block three, and for some reason flopped them, it
13 just simply won't map it. It will tell you that it's unable
14 to load the record.

15 So you have to go and physically inspect the
16 actual record being provided and you might manually input
17 those fields to the program knows exactly which correlation,
18 which field is in Excel block and the actual file they
19 provided. So it's another way to verify it's correct. And
20 you can look at the actual fields and what they're called.
21 And when you load the report, it names them like they name
22 them in their report. It pulls the data directly from the
23 file.

24 Q. So does CellHawk assist in mapping?

25 A. They do. So they have an expert panel on staff

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 24 hours a day, seven days a week. If there's any issue
2 with a mapping, one that won't load, they'll physically have
3 you send them a map or the record or whatever type it is,
4 they'll manually inspect it also. They have several
5 different types of features where you can share you screen
6 and they can look to see what you're seeing. They can map
7 it themselves and give you a document which is like a "to
8 do" like a "how to" like a form, or a step by step by step.
9 And if some part of the process has changed and they haven't
10 updated the algorithm. But the biggest thing to take away
11 from it is that, if something changes in how it computes the
12 process, it just won't load because it doesn't know how to
13 do so.

14 Q. Do you know what the ending time frame of the
15 items that you mapped in the present matter was?

16 A. I believe it was the morning to mid afternoon of
17 the 26th. And I think some of the Google Locational
18 Records, some of those ones were the Google Subscriber Data,
19 those actually went into March, I believe, the beginning of
20 March.

21 Q. And then I believe that there was just a little
22 bit of confusion, with the Google Geofencing and the second
23 stage, when you get those returns, do you actually know the
24 name of who you are searching for at that point in time?

25 A. No. So everything till Stage Three is anonymized,

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 and it's anonymized by Device ID. So you aren't able to
2 correlate any device, it's not even like a Device ID that's
3 stored on the phone locally. Like most cell mobile phones
4 call it an IMEI. But it's just an arbitrary number that
5 Google assigns the account and only Google knows.

6 So no matter where you plug it in you won't be
7 able to figure it out. You have to submit legal process for
8 the Stage Three, and the Stage Three is nothing more than
9 the returns of the Device IDs that you've requested and the
10 de-anonymizing list.

11 So it will give you the original Device ID they
12 gave you for Stage One and Two, and then they'll also give
13 you a new number that correlates with the Google Subscriber
14 Information that you requested.

15 Q. So with this second return, the Second Stage, even
16 if you knew a suspect's name, would you be able to pick them
17 out of that group of numbers?

18 A. No, ma'am.

19 Q. Okay. So it's just showing you the raw evidence?

20 A. It's just showing you a physical location with an
21 accuracy account to it of the device to a certain time
22 frame, wherever it is geographically.

23 Q. And here it's at the scene of a crime?

24 A. Correct.

25 Q. Okay. Hold on one second.

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 THE COURT: All right. While you're doing that,
2 let me ask a couple of questions.

3 COUNCIL-JONES HEARING DIRECT EXAMINATION

4 BY THE COURT:

5 Q. Sir, how long have you been trained on the Hawk --
6 CellHawk?

7 A. I've been around a year, sir.

8 Q. A year. Where did you go and get your training on
9 CellHawk?

10 A. From the company itself.

11 Q. Okay. From the CellHawk rep?

12 A. No. No. No.

13 Q. Who?

14 A. CellHawk has a training division that's
15 encompassing --

16 Q. Okay.

17 A. -- retired law enforcement officials, they were
18 basically pioneers in the subject matter. The person who
19 taught my class was a 25-year vet of the FBI who retired
20 that worked for the CAST Team, it's basically the equivalent
21 of the Electronic Crimes Task Force for the FBI.

22 Q. Right.

23 A. And that was the job of cellular analysis and
24 mapping.

25 Q. But he works for CellHawk?

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 A. That's correct.

2 Q. And he teaches the class?

3 A. That's correct.

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

6 A. Uh-huh.

7 Q. Yes.

8 A. Yes, sir. Absolutely.

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

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

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

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

23 Q. Okay.

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

ALLEN HUGGINS - CJ DIRECT BY THE COURT

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

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

6 A. There are.

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

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

12 Q. All right. Tell me about that.

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

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

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

22 Q. Other police departments, sir?

23 A. Yes, sir.

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

ALLEN HUGGINS - CJ DIRECT BY THE COURT

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

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

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

16 A. Yes, sir.

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

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

25 Q. Manually mapped to confirm the accuracy?

ALLEN HUGGINS - CJ DIRECT BY THE COURT

1 A. Correct.

2 Q. All right.

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

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

13 A. No, Your Honor.

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

20 MR. HAZZARD: No, sir.

21 THE COURT: Mr. Voigt?

22 MR. VOIGT: No, sir.

23 MR. EDGEWORTH: No, Your Honor.

24 THE COURT: Anything else from the State?

25 MS. SMITH: Do you have any additional questions

ALLEN HUGGINS CJ F. DIRECT BY THE COURT

1 for him, Your Honor?

2 THE COURT: No.

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

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

6 THE WITNESS: Yes, sir.

7 COUNCIL-JONES HEARING FURTHER DIRECT EXAMINATION

8 BY THE COURT:

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

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

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

16 Q. Where? Somewhere other than South Carolina?

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

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

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

ALLEN HUGGINS CJ F. DIRECT BY THE COURT

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

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

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

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

14 Q. Through symposiums?

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

17 Q. Okay.

18 A. -- through the task force.

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

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

ALLEN HUGGINS CJ F. DIRECT BY THE COURT

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

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

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

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

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

ALLEN HUGGINS - CJ RECROSS BY MR. HAZZARD

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

3 A. No.

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

7 MR. HAZZARD: Yes, sir.

8 COUNCIL-JONES HEARING RECROSS-EXAMINATION

9 BY MR. HAZZARD:

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

12 A. For doing Geofence, no, sir.

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

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

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

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

18 BY MR. HAZZARD:

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

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

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

ALLEN HUGGINS - CJ RECROSS BY MR. HAZZARD

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

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

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

9 A. Right.

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

13 A. Okay. Yes, sir.

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

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

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

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

25 MR. VOIGT: No, sir.

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 THE COURT: Mr. Edgeworth?

2 MR. EDGEWORTH: No, Your Honor.

3 THE COURT: Solicitor?

4 MS. SMITH: Yes, Your Honor.

5 COUNCIL-JONES HEARING REDIRECT EXAMINATION

6 BY MS. SMITH:

7 Q. Has Geofencing been used to investigate crimes?

8 A. It has.

9 Q. Have you used it to investigate crimes?

10 A. I have.

11 Q. Okay. Has it been useful?

12 A. It has.

13 Q. Okay. Can you elaborate on that?

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

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

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

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

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

3 THE COURT: All right.

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

6 THE COURT: And has it been accurate?

7 THE WITNESS: It has.

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

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

11 BY MS. SMITH:

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

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

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

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

ALLEN HUGGINS - CJ REDIRECT BY MS. SMITH

1 the data showed that it was accurate, yeah.

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

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

11 THE WITNESS: Thank you.

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

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

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

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

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

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

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

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

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

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

1 MR. HAZZARD: No, sir.

2 MR. EDGEWORTH: No, Your Honor.

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

7 What are we looking at witness wise, Solicitor?

8 MS. SMITH: Your Honor.

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

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

13 THE COURT: All right. Okay.

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

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

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

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

21 THE COURT: Absolutely.

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

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

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

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

6 MS. RICHARDSON: One more that we have.

7 THE COURT: Yes, ma'am.

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

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

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

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

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

18 OCTOBER 19, 2021

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

20 THE BAILIFF: All rise.

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

22 All right. Good morning.

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

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

2 THE COURT: Excellent.

3 Good morning, sir. Thank you.

4 THE WITNESS: You're welcome.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to me.

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

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

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

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

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

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

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

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

5 That will be my order.

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

9 MS. SMITH: No, Your Honor.

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

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

13 THE COURT: Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 THE COURT: All right.

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

23 THE COURT: Mr. Voigt?

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

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

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

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

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

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

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

9 MR. EDGEWORTH: Just briefly, Your Honor.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 THE COURT: Yes, sir.

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

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

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

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

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

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

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

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

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

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

7 MS. SMITH: No, Your Honor.

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

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

14 THE COURT: All right.

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

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

22 Thank you.

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

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

1 that into evidence as a self authenticating document.

2 THE COURT: Any objection, Mr. Hazzard?

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

5 THE COURT: Yes, sir.

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

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

9 THE COURT: Sure.

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

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

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

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

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

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

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

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

24 All right. Solicitor Smith, go ahead.

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

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

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

13 THE COURT: Yes, ma'am.

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

16 THE COURT: No. Go ahead.

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

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

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

12 THE COURT: Mr. Voigt?

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

14 All right.

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

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

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

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

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

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

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

9 THE COURT: Yeah.

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

15 THE COURT: Well.

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

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

19 MR. VOIGT: Okay.

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

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

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

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

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

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

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

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

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

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

19 MR. HAZZARD: No, sir.

20 MR. EDGEWORTH: No, Your Honor.

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

24 MS. SMITH: No, Your Honor.

25 THE COURT: From Defense?

1 MR. HAZZARD: No, sir.

2 MR. VOIGT: No, sir.

3 MR. EDGEWORTH: No, sir.

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

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

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

11 Solicitor?

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

14 THE COURT: Absolutely.

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

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

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

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

25 THE COURT: All right. Ladies and gentlemen,

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

13 Solicitor, you can continue.

14 Yes, sir.

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

18 THE COURT: Yes, sir.

19 MR. VOIGT: Similarly, Your Honor.

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

21 MR. EDGEWORTH: Same objection, Your Honor.

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

23 Go ahead, Solicitor.

24 CONTINUED DIRECT EXAMINATION

25 BY MS. SMITH:

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

3 Q. And what records did you review?

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

8 Q. Okay.

9 MS. SMITH: May I approach?

10 THE COURT: Yes, ma'am.

11 BY MS. SMITH:

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

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

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

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

21 Q. The master file of the data?

22 A. Right.

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

25 A. It was.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 BY MS. SMITH:

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

5 MR. HAZZARD: Objection.

6 THE COURT: Yes, sir.

7 MR. HAZZARD: May we approach?

8 THE COURT: Yes, sir.

9 (WHEREUPON, a bench conference was had.)

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

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

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

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

25 And for this witness who is not employed by

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

20 THE COURT: Yes.

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

3 MR. HAZZARD: Yes, sir.

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

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

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

15 THE COURT: All right.

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 MS. SMITH: Yes, sir.

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

7 MS. SMITH: Yes, Your Honor.

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

14 MS. SMITH: Yes, Your Honor.

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Court's position.

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

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

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

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

14 MR. VOIGT: According to the statute.

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

17 MR. VOIGT: That's correct.

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

12 THE COURT: Okay. Hold on one second.

13 MR. HAZZARD: Yes, sir.

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

16 MS. SMITH: I got it.

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

19 Go ahead, sir.

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

8 THE COURT: Okay.

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

12 THE COURT: Okay.

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

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

24 MR. VOIGT: Yes, sir.

25 (WHEREUPON, there was a brief pause in the

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 proceedings.)

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

5 THE COURT: All right.

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

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

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

4 MR. VOIGT: Judge.

5 THE COURT: Uh-huh.

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

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

22 MS. SMITH: Your Honor, I do believe that a CD was
23 also sent to the attorneys back in July of 2021.

24 Ms. Richardson did go downstairs to procure that CD so that
25 Court can review it. Obviously, Your Honor, I can't say

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

11 THE COURT: Do the CDs contain certifications?

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

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

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

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

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

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

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

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

6 MR. VOIGT: Yes, sir.

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

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

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

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

17 THE COURT: All right. Mr. Edgeworth?

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

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

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

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

21 THE COURT: Talk to me.

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

16 Are we ready to bring the jury back in?

17 Solicitor?

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

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

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1 the dates.

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

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

6 MR. HAZZARD: Yes, sir.

7 THE COURT: All right. Good.

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

10 THE BAILIFF: All rise.

11 THE COURT: Thank you. Please be seated.

12 Are we ready for the jury to come in?

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 the items that they're seeking to admit.

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

4 BY MS. SMITH:

5 Q. What are you viewing right now?

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

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

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

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

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

23 Q. And do you have that data?

24 A. I do have that data.

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

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

2 Q. Okay.

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

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

6 MS. SMITH: Your Honor.

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

9 THE COURT: All right.

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

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

17 MS. SMITH: I am.

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

20 MR. HAZZARD: Subject to previous objections.

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

22 MR. VOIGT: Subject to previous objections.

23 THE COURT: Mr. Edgeworth?

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

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

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

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

7 MS. SMITH: Yes, Your Honor.

8 THE COURT: All right. Go ahead.

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

11 BY MS. SMITH:

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

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

16 Q. And who's that for?

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

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

21 THE COURT: Any objection, Mr. Hazzard?

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

24 THE COURT: Yes, sir.

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 State's Exhibit 114.

2 THE COURT: All right. Mr. Hazzard?

3 MR. HAZZARD: Subject to previous objection.

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

5 MR. VOIGT: Subject to previous objection.

6 THE COURT: Mr. Edgeworth?

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

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

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

13 BY MS. SMITH:

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

15 A. Yes, ma'am.

16 Q. And did you review that data?

17 A. I did.

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

19 A. Yes, ma'am.

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

22 THE COURT: Any objection, Mr. Hazzard?

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 MR. VOIGT: Subject to previous objection.

2 THE COURT: Mr. Edgeworth?

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

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

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

9 BY MS. SMITH:

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 seemed abnormal.

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

4 A. Yes, ma'am.

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

5 Q. Does that include your mapping?

6 A. It includes the mapping, yes.

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

9 A. Absolutely.

10 Q. Okay. And you did create this?

11 A. I did.

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

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

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

17 THE COURT: Yes, sir.

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

20 THE COURT: I understand. Mr. Voigt?

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

23 THE COURT: Mr. Edgeworth?

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

9 THE COURT: Yes, I did.

10 MS. SMITH: Perfect.

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

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

14 THE COURT: That's fine.

15 BY MS. SMITH:

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

18 A. It is.

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

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

24 BY MS. SMITH:

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

3 A. Yes, ma'am.

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

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

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

25 Usually, cell sites will be monitored and mounted

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

15 Q. Are towers commonplace?

16 A. They are.

17 Q. Okay.

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

25 Q. Detective Huggins, can multiple service providers

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 have usage on a single tower?

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

24 Q. What is an azimuth?

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Q. Okay.

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

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

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

11 A. I am.

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

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

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

22 Q. Were you able to map it?

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 sometimes it takes a second for it to load.

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

7 Q. Is that just another view?

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

16 Q. Okay.

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

23 And that will be the next slide.

24 Q. So this is what you did here?

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

7 Q. And that center location, again?

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

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

15 A. I was.

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

18 A. I was.

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

21 A. It is.

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

11 Q. And is it currently playing?

12 A. It is.

13 Q. Okay.

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

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

25 Q. Okay.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

4 Q. Okay.

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

6 A. Right.

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

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

12 Q. What was the calling number?

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 voice mail.

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

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

15 Q. What about deregistration, what is that?

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

22 A. It goes directly to voice mail.

23 Q. Okay.

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

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

25 Q. Okay.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

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

25 A. Yes, ma'am.

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 Q. Okay. And what was that?

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

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

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

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

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

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

25 A. My final conclusion is that someone --

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

5 A. Yes, ma'am.

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

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

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

17 A. Yes, ma'am.

18 Q. Okay.

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

8 Does everybody see that? Okay.

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

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

15 A. Uh-huh.

16 Q. Is that a "Yes"?

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

18 Q. And is this that summary?

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 indicates the duration, and longer creates longer duration.

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

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

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

11 A. I did.

12 Q. Okay. Can you explain that?

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

21 Q. And if you'll please continue.

22 Okay. So we have the final records here.

23 Can you explain this to the jury?

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

3 Q. And what's the duration?

4 A. 74 seconds at 2:09.

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

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

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

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

11 Q. Okay.

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

3 A. Just Google Locational Data.

4 Q. Okay.

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

10 Q. Okay.

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

13 Q. Okay. And what does his depict?

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

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

10 A. No.

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

13 A. Yes, ma'am.

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

20 Q. Were there any abnormalities here?

21 A. No, ma'am.

22 Q. Okay.

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

4 Q. All right.

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

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

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

6 Q. Okay.

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

9 Q. Okay. And next we have.

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

5 A. Correct.

6 Q. If you'll continue, please?

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

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

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

20 Q. Okay. Then what did you do?

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

6 Q. And what is this?

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

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

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

1 What is this slide?

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

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

17 Q. Okay.

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

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

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

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

10 A. Yes, ma'am.

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

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

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

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

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

25 Q. Is this cellular location data?

ALLEN HUGGINS - CONT. DIRECT BY MS. SMITH

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

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

5 A. It would.

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

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

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

14 A. Right.

15 Q. Okay. But what is this indicating?

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

19 Q. Does it indicate --

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

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 A. Yes.

2 Q. Okay.

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

5 THE COURT: Yes, ma'am.

6 BY MS. SMITH:

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

10 A. Yes, ma'am.

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

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

15 THE COURT: Absolutely.

16 CROSS-EXAMINATION

17 BY MR. HAZZARD:

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

21 A. [REDACTED] Highmarket Street.

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

24 A. Yes, sir. I do.

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

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

5 Q. So you didn't go to [REDACTED] Highmarket Street?

6 A. No, sir, I did not.

7 Q. Didn't talk to any witnesses?

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

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

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

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

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

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

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

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

2 Q. Yes, sir.

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

6 Q. Okay. And [REDACTED] Highmarket Street is in downtown
7 Georgetown, correct?

8 A. Yes, sir, It is.

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

11 A. Correct. On Google.

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

13 A. Right. So there's --

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

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

22 Q. Okay.

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

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

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

7 A. Yes, sir.

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

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

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

17 So you didn't request anything?

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

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

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

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

25 A. Correct.

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

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

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

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

13 Q. Okay.

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

19 THE COURT: Yes, sir.

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

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

24 THE COURT: Mr. Hazzard.

25 MR. HAZZARD: Yes, sir?

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

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

3 BY MR. HAZZARD:

4 Q. Yes, sir.

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

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

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

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

11 A. I think I did.

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

14 A. Correct.

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

17 A. Correct.

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

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

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

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

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

5 THE COURT: Solicitor.

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

9 THE COURT: All right.

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

12 THE COURT: Thank you. Yes, sir.

13 BY MR. HAZZARD:

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

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

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

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

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

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1 put together this presentation.

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

4 Q. Yes, sir.

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

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

10 Q. Okay.

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

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

15 A. No, sir.

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

17 A. No, sir.

18 Q. Not even talking about five miles?

19 A. No.

20 Q. Probably not even talking about three miles?

21 A. No, sir.

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

25 A. Correct.

ALLEN HUGGINS - CROSS BY MR. HAZZARD

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

2 A. Yes, sir.

3 Q. And they submit it to a judge?

4 A. They do.

5 Q. And get a judge to sign it?

6 A. Yes, sir.

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

8 A. Correct.

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

12 A. That is correct.

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

15 A. That fall within that geographical boundary.

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

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

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 correct?

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

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

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

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

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

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

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1 sent back information on 25 devices.

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

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

8 Q. Uh-huh.

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

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

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

ALLEN HUGGINS - CROSS BY MR. HAZZARD

1 that device did over a specific time period.

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

5 A. Yes, sir.

6 Q. Okay.

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

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

10 BY MR. HAZZARD:

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

14 A. Are you talking about the connection records?

15 Q. The cell phone records.

16 A. Cell phone network provider or Google?

17 Q. Cell phone network providers?

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

24 Q. Okay.

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

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

3 Q. Uh-huh.

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

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

9 A. Uh-huh.

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

13 A. Yes.

14 Q. All right.

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

17 Q. Thank you.

18 MR. HAZZARD: No further questions.

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

20 MR. VOIGT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. VOIGT:

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

24 A. Yes, sir, I am.

25 Q. You have the power to arrest?

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. I do.

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

4 A. Yes. Fortunately, I am.

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

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

7 Q. Come on down with the clicker.

8 A. The mouse is right there.

9 Q. Oh, is it?

10 A. Yes, sir.

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

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

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

17 A. Which slide would you like?

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

20 A. This is the very beginning.

21 Q. Okay. This is the very beginning?

22 A. Of his Google.

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

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

25 Q. This one.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. Okay.

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

3 A. Do I need to play it?

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

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

10 A. Correct.

11 Q. It could have been like Rhue Residence?

12 A. Incident location.

13 Q. That assumes something happened there, right?

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

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

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

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

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Q. Okay. Fair enough. Okay.

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

5 A. Correct.

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

9 A. No, sir.

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

13 A. Correct.

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

17 A. No, sir.

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

21 A. That's correct.

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

24 A. Correct.

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 the information that was received pursuant to the warrants?

2 A. Correct.

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

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

9 Q. Okay.

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

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

17 A. Perimeters to what?

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

20 A. Right. Right.

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

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

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

4 A. No.

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

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

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

15 A. Yes.

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

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

22 Q. Uh-huh.

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

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

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

9 A. From Google Maps.

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

12 A. Correct.

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

15 A. The Black River?

16 Q. Yeah. The Black River?

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

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

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

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

22 A. Seen better days.

23 Q. Yeah.

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

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

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

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

7 A. Yeah. North Fraser Street is here.

8 Q. Okay. Where's the Walmart?

9 A. I don't know.

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

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

14 A. Correct.

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

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

23 Q. Attempted to connect?

24 A. Right.

25 Q. There was some sort of activity associated with

ALLEN HUGGINS - CROSS BY MR. VOIGT

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

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

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

8 A. Yes, sir.

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

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

15 Q. Okay.

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

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

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

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

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

25 Q. I can't roll it up?

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 A. No, sir.

2 Q. Okay. Fair enough.

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

5 A. Yes, sir.

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

8 A. Not at that time, no.

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

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

14 Q. Can we get to the next slide?

15 A. It's playing through.

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

18 A. So here.

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

21 A. Oh, I'm sorry.

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

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

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

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

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

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

8 A. De-authorization, sir.

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

11 A. Right, about the term.

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

16 A. Right.

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

19 A. Yes, sir. Airplane mode.

20 Q. Airplane mode.

21 A. Or --

22 Q. Or powering off?

23 A. Correct.

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

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 time?

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

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

7 A. Yes.

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

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

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

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

20 A. De-authorized from the network?

21 Q. Yeah.

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

25 Q. Did you understand my question?

ALLEN HUGGINS - CROSS BY MR. VOIGT

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

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

4 A. Right.

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

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

10 Q. Okay. So -- and this is kind of what I'm getting
11 at, the clue is in the name. Airplane mode. When we go
12 onto an airplane, isn't it true that we must, pursuant to
13 certain regulations, that there might be 250 people on an
14 airplane that roughly turn off their phones within a 10 or
15 15-minute period?

16 A. That would be a fair assumption, yes, sir.

17 Q. And there's no -- we can't conclude from that, can
18 we, that they all then are acting in concert for some
19 nefarious purpose?

20 A. Right.

21 Q. They're flying to Miami or wherever they would go,
22 right? And when we come into a courtroom there are certain
23 rules about the use of cell phones in courtrooms, are there
24 not?

25 A. There is, sir.

ALLEN HUGGINS - CROSS BY MR. VOIGT

1 Q. And it could be that certain people in the
2 audience of this courtroom might all manually turn their
3 phones off to come into the courtroom, right?

4 A. Absolutely.

5 Q. And there's nothing that we can infer from that
6 behavior that gives rise to any sort of suspicion that
7 they're doing anything wrong, is there?

8 A. Not in that context.

9 Q. Okay. And for purposes of context, let me just
10 put my phone away, so I don't have to manually decertify.

11 Some people turn off their phones -- because you
12 kind of said this on direct, this is where I'm going with
13 it -- you said that they turned off their phones to avoid
14 the transmission of data or words to that effect. Do you
15 remember testifying that way?

16 A. Yes, sir.

17 Q. Now, that's you trying to figure out why multiple
18 phones in the same place at the same time might manually
19 decertify or de-authorize, right?

20 A. Well, I base that statement based on the totality
21 of records in the pattern of life before that incident. So
22 if I looked at previous incidents or previous evenings where
23 they had done the like, I would say that's a normal pattern
24 of life for that device.

25 Q. So some people turn off their phones when they go

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 to sleep?

2 A. Right.

3 Q. Not because they want to hide from our tech
4 overlords in Northern California, but rather, that they
5 don't want somebody texting them in the middle of the night
6 and waking them up?

7 A. Correct.

8 Q. Okay. And so there are perfectly innocent reasons
9 why multiple people -- multiple devices in the same area at
10 roughly the same time would turn their phones off or turn
11 them on airplane mode?

12 A. Yes, sir.

13 Q. Okay. Please answer any questions that
14 Mr. Edgeworth may have for you.

15 A. Thank you very much.

16 THE COURT: All right. Mr. Edgeworth?

17 MR. EDGEWORTH: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. EDGEWORTH:

20 Q. Before I jump into another set of questions, I
21 just want to follow up that particular line of questions.

22 It's true that you were not asked to look at any
23 records outside of September 25th -- excuse me, February
24 25th to February 26th in order to determine whether there
25 was some form of pattern, correct?

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 A. No, that's incorrect. I have data sets for larger
2 than that.

3 Q. Okay. Are they visualized on the screen?

4 A. They're not visualized on that screen, but they're
5 inside that case file. So some of those data sets are quite
6 large. They're filtered down for those two specific dates
7 for the presentation. But the -- the legal correspondence
8 for each device is slightly different and you get larger
9 data sets by days.

10 Q. I guess, for the purposes of the question, the
11 information that you presented here shows the date range
12 from February 25th to February 26th?

13 A. Correct.

14 Q. Now, you showed on your graphic information
15 regarding Ms. Tiesh Rhue's phone.

16 A. Okay.

17 Q. Her phone number. And you were saying that, I
18 believe that -- and I won't refer to this right now -- but
19 the phone powers off and then comes back on at 5:00 or 6:00
20 in the morning?

21 A. Correct.

22 Q. And would that be consistent with someone with the
23 phone -- with someone waking up in the morning and turning
24 their phone on or charging it?

25 A. Right. If that's their normal pattern of life,

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 and they turn their phone off every evening and return it on
2 in the morning, that would be normal.

3 Q. And the hits or the information that you gleaned
4 from the records they all come from the same area in the
5 diagram, correct? I apologize for the terminology.

6 A. That's okay. I just want to be really clear when
7 I answer.

8 Q. How about this, if I may. I want to show you
9 what's been entered into evidence as State's Exhibit 89.

10 A. Okay.

11 Q. And ask you to take a look at this. Can you tell
12 by looking at it what it appears to be?

13 A. Yeah. It appears to be a tower location or a cell
14 phone tower with azimuths and looks to be locations that are
15 marked within those azimuths. And it looks like
16 communication records or calls from either texts or voice
17 communications.

18 Q. Okay. So is this picture substantially similar to
19 the information or diagram that you were showing in your
20 presentation?

21 A. Yes, sir.

22 Q. Okay. I don't have an easel today, so I'm going
23 to use a chair. In this particular diagram what did you
24 call this, again, one of these?

25 A. So that is a sector.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 Q. Okay. That's a sector off the tower?

2 A. That's correct.

3 Q. Okay. And is the picture of this sector
4 substantially similar to the sector that you showed in your
5 presentation?

6 A. It's not similar, it is the same.

7 Q. Because they're always the same?

8 A. Right.

9 Q. Okay. So in this particular diagram we notify --
10 or we see here what's listed as the Rhue Residence,
11 [REDACTED] Highmarket Street.

12 A. That's correct.

13 Q. You see that in there?

14 A. I do, yeah.

15 Q. And it is in this particular sector?

16 A. If memory serves me correct, Sector Two of the
17 1642 Tower.

18 Q. We're calling it Sector Two?

19 A. Correct.

20 Q. Now, in comparison to the information you gleaned,
21 all of the activity from Tiesh Rhue's phone was in Sector
22 Two?

23 A. I believe so, yeah, with a high certainty.

24 Q. You recall from your diagram the same information?

25 A. Right.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 Q. Which includes her residence?

2 A. If she lives at [REDACTED] I'm not sure.

3 Q. Okay.

4 A. It included [REDACTED] Highmarket Street.

5 Q. All right. So, and then in this particular
6 example here -- you can see it, though?

7 A. I can, thank you.

8 Q. All right. Now, along with -- in your
9 presentation you overlaid what you're terming "the
10 Geofencing Data"?

11 A. Right. Well, Tiesh Rhue's Google data wasn't
12 Geofence, it was Subscriber's Search Warrant.

13 Q. Okay. Is it similar? Will it show the same type
14 of information?

15 A. It will. So with Geofence, it's looking for
16 locational data, when you do a Google Subscriber Search
17 Warrant it gives you everything associated with that device
18 or that account. So you get emails, Play Store purchases,
19 locational data, if you back up your pictures to Google
20 Cloud, it will give you all of that stuff, your videos.
21 Anything you store on the Google Cloud base will be given to
22 you when you do a Google Subscriber Search Warrant.

23 Q. And based on your review of the information that
24 you received regarding that particular device, all of that
25 activity was in the same Section Two, correct?

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 A. So her geograph -- or locational data, was based
2 on locational hits from a cell tower, so those are
3 predominantly larger. But, yes, [REDACTED] Highmarket Street does
4 fall within that large geographical bubble or accuracy
5 rating provided by her locational records.

6 Q. Okay. So, again, it was in this sector?

7 A. Yes.

8 Q. Okay. Now, that includes based on your time
9 table, it goes -- I think you already stated it -- that was
10 through 6:00 o'clock the next -- on February 26th?

11 A. The 26th, yes, sir.

12 Q. You also indicated that you reviewed Mr. Leon
13 Harrison Jr.'s phone, correct?

14 A. Which phone was that? I'm sorry.

15 Q. It was the first phone that you were testifying
16 about?

17 A. The victim's phone, yes.

18 Q. You recall your testimony in that regard?

19 A. I do.

20 Q. Okay. And you showed that there was activity with
21 his phone to include a physical dialing around 11:30?

22 A. It was the 11:00 o'clock hour, I'm not sure of the
23 specific minutes, but it was 11:00 o'clock phone call the
24 25th. We can look at it, but I just don't want to misspeak
25 on minutes.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 Q. Understood.

2 A. I want to be accurate.

3 Q. And do you recall that the activity indicated --
4 the information you gleaned from his records were in Sector
5 Two?

6 A. I believe so.

7 Q. Are you familiar with 1306 Highmarket Street?

8 A. No, I'm not.

9 Q. Okay. 1306 has been identified in this particular
10 area, you would agree that that's still in Sector Two?

11 A. It would be, yes.

12 Q. There was some activity approximately around 1:53
13 a.m. in the morning with Mr. Rhue's phone?

14 A. Rhue Sr., yes.

15 Q. Excuse me, Mr. Harrison's phone.

16 A. Yes.

17 Q. If Mr. Harrison's call at 1:53 was in this -- it's
18 possible for that call, he would be in this area?

19 A. It would be indicated anywhere within that wedge,
20 yes, correct. So the address you're indicating shows Sector
21 Two, then that would be a fair assumption, because you can't
22 denote a specific location based on sector information.

23 Q. But it's possible that he was in this location at
24 1:53 a.m.?

25 A. Absolutely.

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 MR. EDGEWORTH: No further questions, Your Honor.

2 THE COURT: All right. Thank you.

3 Solicitor, do you have any redirect?

4 MS. SMITH: One second, Your Honor. Let me grab
5 my notes. Your Honor.

6 THE COURT: Yes, ma'am.

7 MS. SMITH: No further questions.

8 THE COURT: All right. Sir, thank you very much.
9 If you're here pursuant to a subpoena, then I'll release you
10 from that now.

11 THE WITNESS: Thank you.

12 THE COURT: Thank you, sir.

13 Counsel approach.

14 (WHEREUPON, a bench conference was had.)

15 THE COURT: All right. Ladies and gentlemen,
16 we're going to go ahead and take lunch, it's almost 12:15.
17 So if you could be back in the jury room at 1:15. I
18 anticipate promptly starting at 1:15. And don't talk about
19 the case. No research and things of that nature we've
20 talked about. I look forward to seeing you back at 1:15.

21 Thank you.

22 (WHEREUPON, the jury exited the courtroom at 12:13
23 p.m.)

24 THE COURT: All right. Anything further before we
25 break for lunch from the State?

ALLEN HUGGINS - CROSS BY MR. EDGEWORTH

1 MS. RICHARDSON: No, Your Honor.

2 THE COURT: Anything from the Defense?

3 MR. HAZZARD: No, sir.

4 THE COURT: All right. I'll see everybody back in
5 here at ten past 1:00.

6 (WHEREUPON, there was a lunch recess held from
7 12:13 p.m. until 1:10 p.m.)

8 THE BAILIFF: All rise.

9 THE COURT: Thank you. Please be seated.

10 All right. State, are we ready to bring the jury
11 out?

12 MS. RICHARDSON: We'll just make sure the witness
13 is out here, Your Honor, and we will be.

14 THE COURT: All right. Defense, gentlemen, are we
15 ready?

16 MR. HAZZARD: Yes, sir.

17 MR. VOIGT: Yes, sir.

18 MR. EDGEWORTH: Yes, sir.

19 THE COURT: Great. And I'm told that all the jury
20 is here.

21 MS. RICHARDSON: The State is ready, Your Honor.

22 THE COURT: All right. Sir, get us a jury,
23 please.

24 (WHEREUPON, the jury entered the courtroom at 1:13
25 p.m.)

GRAY AMICK - DIRECT BY MS. RICHARDSON

1 THE COURT: All right. Ladies and gentlemen, I
2 think we're ready to proceed.

3 If the State would call the next witness.

4 MS. RICHARDSON: The State calls Dr. Gray Amick to
5 the stand.

6 THE COURT: All right.

7 GRAY AMICK, having been duly sworn,
8 testified as follows:

9 THE WITNESS: My name is Gray Amick.

10 DIRECT EXAMINATION

11 BY MS. RICHARDSON:

12 Q. And are you Dr. Amick; is that right?

13 A. Yes.

14 Q. And where are you currently employed?

15 A. I'm currently employed at Integrated
16 Micro-Chromatography Systems in Columbia, South Carolina.

17 Q. And before that, where were you employed?

18 A. Richland County Sheriff's Department.

19 Q. And how long did you work at the Richland County
20 Sheriff's Office?

21 A. I worked there for 15 years.

22 Q. And what position did you hold there?

23 A. I was a DNA Technical Lead and the Lab Director.

24 Q. And prior to that where did you work?

25 A. I worked at the South Carolina Law Enforcement

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1 Division for 11 years prior to that.

2 Q. And what did you do at SLED?

3 A. The first five years I was a forensic toxicologist
4 and the next six years I was a DNA analyst.

5 Q. And could you give us the benefit of your
6 education and training?

7 A. Yeah. I got my bachelor of science in biology in
8 1989. And my PhD in biochemistry in 1993 from the
9 University of South Carolina. From then, as you heard, I
10 was employed in 1993 at the South Carolina Law Enforcement
11 Division, commonly known as SLED. I worked there for
12 11 years and was asked to start the DNA laboratory at the
13 Richland County Sheriff's Department. Me and another
14 gentleman did that in 2004 where I worked for 15 years and
15 retired from forensics.

16 Q. And besides your college and PhD, do you have any
17 other training or courses in DNA analysis?

18 A. Yeah, pretty much every of my career in forensics
19 I've attended some continuing education or professional
20 meetings, seminars. So probably over 26 years of continuing
21 education in the field.

22 Q. And how many DNA analysis do you think you've done
23 in your career?

24 A. I'd say probably over 2,000 cases.

25 Q. And have you previously been qualified as an

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1 expert in court?

2 A. I have.

3 Q. Okay. And about how many times have you been
4 qualified?

5 A. Approximately 95 times.

6 Q. And is that in General Sessions Court?

7 A. Yes.

8 Q. And do you hold any sort of professional
9 certifications or do any teaching or anything like that?

10 A. I was an adjunct professor at USC, and taught the
11 forensics course there for quite a number of years. I'm a
12 member of the American Academy of Forensic Sciences.

13 MS. RICHARDSON: Your Honor, at this time I'd
14 offer Dr. Amick as an expert in the field of DNA analysis.

15 THE COURT: Any objection, Mr. Hazzard?

16 MR. HAZZARD: No, sir.

17 THE COURT: Any objection, Mr. Voigt?

18 MR. VOIGT: No, sir.

19 THE COURT: Any objection, Mr. Edgeworth?

20 MR. EDGEWORTH: No, Your Honor.

21 THE COURT: All right. Ladies and gentlemen, this
22 witness is going to be qualified as an expert in DNA
23 analysis. And, again, that means that he certainly can give
24 opinion testimony whereas a layperson would not be able to.
25 And, again, ladies and gentlemen that does not mean that you

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1 must accept the opinion, but it is evidence for you to use
2 in any way you see fit. Thank you. Continue, please.

3 BY MS. RICHARDSON:

4 Q. And could you give us just a short overview of
5 what you do with the DNA analysis, the process?

6 A. Yeah. Basically, what we are asked to do on these
7 cases are try to develop a DNA profile from the evidence and
8 try to develop a DNA profile from any individual submitted
9 suspect or victim and then compare the two to see if the
10 suspect or victims are included in those evidence profiles.

11 Q. And in doing that, how do you perform the
12 analysis?

13 A. It's a multistep process. Most of these pieces of
14 evidence start as a swab, a Q-tip swab. Some start as
15 cuttings from bedding, from carpets, from any number of
16 items. So we will cut the swab or the cutting of the
17 clothing or carpet or whatever and try to extract the DNA
18 and then amplify the DNA and develop the profile.

19 Q. And what procedures are in place to ensure the
20 integrity of the analysis?

21 A. There's several procedures. The laboratory itself
22 is accredited by a body called ASCLD American Society of
23 Crime Laboratory Directors, it's the international
24 accreditation. It's also audited and certified by the DNA
25 Advisory Board as an FDI Group that audits the laboratory

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1 every year.

2 Both of those accreditations come with a certain
3 set of quality standards that have to be met. Like I said,
4 those standards are insured via on-site audits and
5 proficiency testing every year.

6 Q. And when you worked with Richland County, did you
7 just do testing for Richland County?

8 A. Say that again.

9 Q. When you worked at the Richland County Sheriff's
10 Office, did you only work on Richland County cases?

11 A. No. We had cases, for example, this case from
12 other agencies that would pay for our DNA services. So this
13 case was one that was submitted to us as what we call to
14 assist other agencies and we would charge a fee for our
15 services for those type cases.

16 MS. RICHARDSON: Court's indulgence, Your Honor.

17 THE COURT: Yes, ma'am.

18 BY MS. RICHARDSON:

19 Q. Let me show you what's previously been marked as
20 State's Exhibit Number 90. Can you tell me what that is?

21 A. This appears to be a copy of the property report
22 from this case.

23 Q. Okay. And is that commonly referred to as a chain
24 of custody?

25 A. Yes, it does contain the chain of custody for the

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1 items listed.

2 Q. Okay. And did your lab receive items from the
3 Georgetown Police Department?

4 A. Yes.

5 Q. And who brought those items to the police
6 department initially?

7 A. I think that would be Kyle Walton, City of
8 Georgetown PD.

9 Q. And who were those items transferred to?

10 A. To the property and evidence room, Melody
11 Galinski.

12 Q. Okay. And Ms. Galinski still employed with you or
13 with agency?

14 A. I think she is.

15 Q. And after Ms. Galinski, who do they go to.

16 A. They went to me after that.

17 Q. And when you received them, tell what items you
18 received first of all?

19 A. Items 1, 2, 3, 4, 5, and 6.

20 Q. Okay. And what was Item 1?

21 A. Item 1 is a blood card.

22 Q. Okay. And let me show you what's been marked as
23 State's Exhibit 52.

24 A. Okay.

25 Q. And do you recognize that?

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1 A. Yes. This is Item 1, this is the blood card that
2 I just spoke of.

3 Q. Okay. And there's a sealed bag, could you explain
4 the process for the bag and how the item is brought in?

5 A. Yes. So the agency investigator, whoever submits
6 the evidence, would take the evidence and put it into an
7 evidence bag and seal it with their initials and date,
8 maintain the chain of custody, the integrity. And then when
9 the analyst gets it, in this case when I got it, I would cut
10 this open, take a sample of what I needed and then reseal it
11 and initial and date. And that's what you see over here
12 these reseals and my initials and dates when I opened it.

13 Q. Okay. And what was Item 2 that you received?

14 A. Item 2 is a bedsheet.

15 Q. And let me show you what's been marked as State's
16 Exhibit Number 81.

17 A. This is evidence with my initials on it. It says
18 Evidence Number 3, but this appears to be the bedsheet from
19 the submission.

20 Q. Okay. And let me show -- what else did you
21 receive?

22 A. Item 3 was a carpet padding.

23 Q. Let me show you what's been marked as State's
24 Exhibit Number 32. Do you recognize that?

25 A. Yes. Again this has my initials on it in this

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1 case and this is the carpet padding from that case.

2 Q. Okay. And what else did you receive?

3 A. Hang on. I received Item Number 4, the left and
4 right hand fingernail scrapings.

5 Q. Okay. And let me show you what's been marked as
6 State's 48 and 49.

7 A. Again, these have my initials on them, these
8 appear to be the right and left hand fingernail scrapings
9 from the submission.

10 Q. Okay. And anything that you received?

11 A. Yes.

12 Q. On this initial?

13 A. Well, that was Items 1 through 4, also got 5 and
14 6.

15 Q. Okay.

16 A. Five is two toothbrushes.

17 Q. And did those come in at a later date?

18 A. I have them coming in on the same date. I
19 received them the same time.

20 Q. Okay. When was that?

21 A. Item 5 was received June 27, 2017 at 10:21.

22 Q. And who brought that item in or those items in?

23 A. It appears to be the same individual, Georgetown
24 PD, Kyle Walton.

25 Q. Okay. And who did he transfer for those to?

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1 A. Melody Galinski.

2 Q. Okay. All right. And let me show you what's been
3 marked as State's 15 and 83. Do you recognize those?

4 A. These are the two toothbrushes, I labeled them 5.1
5 and 5.2. So, apparently, it was 5, two toothbrushes, so .1
6 and .2 would be the two different toothbrushes.

7 Q. Okay. And what else did you receive?

8 A. Item 6 is a buccal swab from Leon Harrison Sr.,
9 the father of the victim.

10 Q. Okay. Let me show you first of all what has been
11 marked as State's 91. And can you tell me what that is?

12 A. This is just a bag.

13 Q. Okay.

14 A. Via what was Items 4, 5, and 6 in here.

15 Q. Okay. And 86?

16 A. This is a -- this would be a buccal swab envelope
17 bearing my initials from Leon Harrison Sr.

18 Q. Okay. Now, some of these bags have been opened or
19 the seals have been broken today. Would they have been like
20 that when you received them?

21 A. No. If the integrity of the seal was in doubt or
22 wasn't in tact, I would notate it on my evidence sheets, and
23 I have not noted that.

24 Q. Okay. And all of these items were transferred to
25 you for testing and no problems with the sealing or anything

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1 like that?

2 A. No.

3 Q. Okay. Now, first of all, let's talk about Item
4 Number 1, the blood spot. Were you able to do anything with
5 that?

6 A. Yeah, I attempted to get a DNA profile from that.

7 Q. Were you successful in doing that?

8 A. I was not.

9 Q. Tell me about that -- tell me what you noticed
10 about it.

11 A. So my notes here after looking back at this case
12 and looking at the notes, I made a note that I said
13 "putrefied." Which means the blood card itself had a smell
14 like it was rotten. And when we have that, or when we
15 witness that, then it's a good chance that blood on that
16 card has been broken down from some environmental reason.

17 I later found out that this individual I think was
18 found quite after the time he was deceased. So that
19 explained to me why I may not get a DNA profile from this
20 blood card.

21 Q. And is that typically where you get a DNA profile
22 from a victim is from that blood card from the autopsy?

23 A. Yeah, either that or a blood -- or a buccal swab,
24 a swab in their mouth.

25 Q. Okay. All right. And after you did not get a

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1 profile from the blood spot, what did you do?

2 A. I think I tried again two more times. Recut -- my
3 notes say I recut it once, and the amp failed, and then
4 recut again on March 16th, 2017, also not getting a profile.

5 Q. Okay. So at that point what did you do?

6 A. At that point, I would have talked to
7 investigators, tell them what was going on, and move to the
8 fingernail scrapings or the toothbrush which was collected
9 for victim standard as well.

10 Q. And that was submitted to you on a later date?

11 A. I got that -- I got those on March 20th. It looks
12 like I analyzed them on March 20th. So that's about
13 six days later.

14 Q. Okay. And how did those items come to SLED?

15 A. The same way, to the Richland County Sheriff's
16 Department, I think.

17 Q. I mean, I'm sorry, to the Richland County.

18 A. Those are here in the chain as well. The two
19 toothbrushes and the fingernail clippings.

20 Q. And are those items 14.4, 14.6, and 14.5?

21 A. Right. So that's 4, 5, and 6.

22 Q. Okay.

23 A. So the numeral to the right of the decimal is the
24 item number in our nomenclature.

25 Q. Okay.

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1 A. So, yeah, Items 4, fingernail scrapings; 5
2 toothbrushes.

3 Q. And were those brought to Richland County Sheriff
4 by Johnell Sparkman?

5 A. I don't -- say that name again.

6 Q. Johnell Sparkman?

7 A. Yeah, I don't see that on this chain of custody.
8 So I don't know of that directly. Oh, I'm sorry. I do see
9 five -- 4, 5, and 6, Johnell Sparkman, on 3/20/2017.

10 Q. And that's where as 1, 2, and 3 had been brought
11 on March 14th by Kyle Walton? The two separate trips?

12 A. Yeah. Yes, ma'am.

13 Q. And who did Officer Sparkman release them to?

14 A. Let me see.

15 MR. HAZZARD: Your Honor.

16 THE COURT: Yes, sir.

17 MR. HAZZARD: I hate and I apologize for
18 interrupting the witness, I apologize for interrupting the
19 Solicitor. If we could have a brief bench conference it
20 might take care of something very important.

21 THE COURT: Yes, sir.

22 MR. HAZZARD: Thank you.

23 (WHEREUPON, the following discussion was held at
24 the bench.)

25 THE COURT: Sir. Mr. Hazzard.

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1 MR. HAZZARD: My client informs me that Shaheem
2 Scott, who is on your witness list, is in the courtroom and
3 I didn't know if you were aware of that or if you had
4 removed him from the list.

5 MS. RICHARDSON: I was not aware of that, but I
6 will remove both of them from the witness list.

7 THE COURT: All right.

8 Thank you, Mr. Hazzard.

9 MR. HAZZARD: Yes, sir.

10 (WHEREUPON, the bench conference ended.)

11 THE COURT: Solicitor, you can proceed.

12 BY MS. RICHARDSON:

13 Q. Okay. So, again, who did Johnell Sparkman release
14 the items to?

15 A. I was looking at this chain of custody backwards.

16 Q. Okay.

17 A. So 1, 2, and 3 were brought by Kyle Walton on 3/14
18 and they were released to Patricia Hart, which works in the
19 evidence room.

20 Q. Okay.

21 A. And then those were released to me on the 14th.
22 And then 4, 5, and 6 were brought by Sparkman on the 20th,
23 and those were released to Ashleigh Dixon on the 20th, and
24 then to me on the 20th.

25 Q. Okay. And were all the packages properly sealed

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1 when you received them?

2 A. Yes. The answer is the same, yes.

3 Q. Okay. No evidence of tampering?

4 A. That's correct.

5 Q. Okay. So you talked about trying to get the
6 profile from Item 1. After you received the additional
7 items, can you walk us through what steps you took to
8 compare the DNA in this case?

9 A. So I do the same thing I tried to do with the
10 blood card and that is I try to get a DNA profile. So on
11 3/20 of 2017 I analyzed the left and right fingernail
12 scrapings and the two toothbrushes and attempted to get a
13 DNA profile.

14 Q. Okay. And was there an issue with one of the sets
15 of fingernail clippings?

16 A. Yes. So my notes indicate that the left there was
17 a left and right and that's usually how they're labeled.
18 There was nothing in the right -- the one labeled Right,
19 nothing in the envelope. The left one was, Possibly blood,
20 is what I noted just visually.

21 Q. And did that give you any concern?

22 A. No.

23 Q. Okay. And tell me why?

24 A. Concerned that it was bloody or there was nothing
25 in the right envelope?

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1 Q. That there was nothing in the envelope.

2 A. No. It's -- it's probably the way the pathologist
3 collects stuff. A lot of these envelopes are in kit form.

4 So it has the envelopes for all of the possible
5 samples that would be collected. A lot of times a rape kit
6 is the same way, they'll put the envelopes in there whether
7 they collect the evidence from them or not.

8 Q. Okay. Because they all come in a set?

9 A. Say that again.

10 Q. The envelopes come in a set?

11 A. That's correct.

12 Q. Okay. All right. And were you able to develop a
13 profile for the victim?

14 MR. HAZZARD: Objection. Subject to previous
15 objection. I'm not sure if it was ever on the record during
16 the course of the trial before now with regard to the
17 toothbrush.

18 THE COURT: All right. Let's approach.

19 (WHEREUPON, the following discussion was held at
20 the bench.)

21 THE COURT: Yes, sir, Mr. Hazzard.

22 MR. HAZZARD: I wasn't sure whether we had the --
23 remember we had the issue with the blue and white
24 toothbrush. I had objected to that with regard to the chain
25 of custody for it. And I was not completely whether I had

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1 objected to it during the State's case chief or only in
2 camera. I hope I have not jumped the gun, but I'm assuming
3 he's getting ready to testify regarding a profile developed
4 from the blue and white toothbrush. So I wanted to put my
5 objection on the record to make sure the record was
6 preserved.

7 THE COURT: Solicitor.

8 MS. RICHARDSON: Your Honor, this is the same
9 objection made yesterday that you overruled.

10 MR. HAZZARD: Yeah, I understand that.

11 THE COURT: Okay. I just wanted to remember. I
12 think I do now.

13 MR. HAZZARD: Yes.

14 THE COURT: That's fine I appreciate that, yes,
15 sir.

16 MR. HAZZARD: Yes, sir.

17 THE COURT: Mr. Hazzard, thank you for reminding
18 me of that and I note your objection for the record.

19 Mr. Voigt?

20 MR. VOIGT: Yes, I would join in that, as well.

21 THE COURT: And Mr. Edgeworth?

22 MR. EDGEWORTH: I join in that as well, Your
23 Honor.

24 THE COURT: All right gentlemen. Thank you.

25 (WHEREUPON, the bench conferenced ended.)

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1 Proceed Solicitor.

2 BY MS. RICHARDSON:

3 Q. So did you develop a profile for the victim, Leon
4 Harrison Jr.?

5 A. I did.

6 Q. Okay. And tell me how you did that?

7 A. I actually got a profile from the fingernail
8 scrapings from the victim, from both toothbrushes from the
9 victim, as well.

10 Q. And were they all the same?

11 A. They were.

12 Q. And did you also analyze a buccal swab for the
13 victim's father, Leon Harrison Sr.?

14 A. I did.

15 Q. And why did you do that?

16 A. Just in case the samples from the fingernail
17 scrapings and the toothbrushes, just in case I was not able
18 to get a profile from those we could do a different type of
19 DNA testing on the father to see if we could match that back
20 to the victim.

21 Q. Okay. And were you able to do that?

22 A. I did get a profile from the father's buccal swab,
23 yes.

24 Q. And did you compare it to the -- using YSTR to the
25 two toothbrushes and the fingernail scrapings?

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1 A. I did.

2 Q. Okay. And what was the result of that?

3 A. It was the same profile. So you mentioned YSTR
4 Testing, so that's a different type of DNA --

5 Q. I'm sorry.

6 A. That's a different type of DNA test. And in
7 short, YSTR Testing any paternal relatives will have the
8 same "Y" profile. So a son and a father would have the
9 exact same DNA profile with that type of testing, and that's
10 why we asked for that sample. And when we ran it, it did
11 have the exact same profile as that sample.

12 Q. Okay. All right. So you used those four
13 different items to develop a profile for the victim?

14 A. That's correct.

15 Q. And so did you process the bed sheet?

16 A. Yes. The bed sheet is Item Number 2.

17 Q. And tell me how you processed that.

18 A. So I laid it out on a table, I visually inspect
19 that for stains, and then do some presumptive testing of
20 those stains or not and make cuttings and try to get a DNA
21 profile from those.

22 Q. And what sort of presumptive testings did you do?

23 A. In this case, presumptive tests for blood.

24 Q. And what was the result of that?

25 A. On Item 2, I made three cuttings, it looks like,

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1 and they were all presumptive positive for blood.

2 Q. And did you do any DNA analyses of those cuttings?

3 A. I did.

4 Q. And what -- and did you compare those to the
5 victim's standards?

6 A. I did.

7 Q. And do you have -- did you have any other buccal
8 swabs or profiles to compare to?

9 A. No. I just had the victim's standards and the
10 father's standards.

11 Q. And that's all you were asked to analyze?

12 A. That's all I received.

13 Q. Okay. So what was your determination regarding
14 the cuttings from the bed sheet?

15 A. So just from my report, it's probably the easiest
16 way to say this, so the DNA result from Item 2.2, which was
17 a cutting from the bed sheet, is from an unknown female.

18 Q. Okay. And from Item 2.4?

19 A. 2.4, Item -- the DNA result from Item 2.4 is a
20 mixture, the major contributor is the same unknown female as
21 in Item 2.2. The minor profile is too weak for match
22 purposes.

23 Q. And from the other cuttings 2.1 and 2.4.

24 A. Say that again.

25 Q. Did you make any results regarding the other

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1 cuttings from the bed sheet?

2 A. That's the two statements from the report.

3 Q. That's the two you tested?

4 A. Yes.

5 Q. Okay. And with that minor contributor, were you
6 able to compare it to the victim's standard?

7 A. No. It was too weak for match purposes.

8 Q. And explain to the jury what "too weak" means?

9 A. That means there wasn't enough DNA there to make
10 that comparison.

11 Q. Okay. And did you process Item 3, the carpet
12 padding?

13 A. Yes, I did.

14 Q. Okay. And tell me how you process that?

15 A. It would have been the same way I did the sheet.
16 So I laid it out on a table, looked for visual stains, do a
17 presumptive testing, made cuttings and tried to develop a
18 DNA profile.

19 Q. And how many cuttings did you make from the carpet
20 padding?

21 A. It looks like I made three cuttings from the
22 carpet padding, there were actually four cuttings from the
23 bed sheet. There was an additional one at the bottom. So
24 that's why you hear two more than four. But there were
25 three cuttings from the carpet padding.

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1 Q. Okay. And on the first cutting?

2 A. Again, presumptive testing, Item 3.1 was
3 presumptive positive for blood. 3.2 was also presumptive
4 positive for blood.

5 Q. Okay. And what about 3.3?

6 A. On 3.3 there was no presumptive testing done.

7 Q. And were you able to develop a profile from 3.1?

8 A. 3.1. So the DNA result from Item 3.1 was too weak
9 for match purposes. Again, not enough DNA there to develop
10 enough information to do the comparison, too weak.

11 Q. And then for Item 3.2?

12 A. 3.2. The DNA result from Item 3.2 is inconclusive
13 for match purposes. So that's a little more information
14 there, but not enough for matching to another individual.

15 Q. And tell me what process, what are you looking at
16 to match?

17 A. So I'm looking at -- well, let me back up.

18 So when we attempted to get a DNA profile from a
19 piece of evidence, we're looking at over 24 locations on the
20 DNA molecule for that piece of evidence. Those locations
21 are called loci, a lot of times you'll hear that word.

22 So I'm looking at each one of those loci and the
23 DNA information from each of those. So you may or may not
24 have enough DNA, if each one of those loci to have a reach a
25 threshold to where we can say, Okay, I can compare it to

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1 another individual or I can compare it to something else.

2 So I'm looking at that entire profile as a whole,
3 one by one, and as a whole to see if I have enough
4 information there to make a comparison.

5 Q. And is a certain strength required to make a
6 comparison?

7 A. Yes. So there is a threshold set on our analysis
8 and if a -- if a DNA peak, or one of those DNA -- some of
9 that DNA information doesn't reach that threshold we can't
10 even consider it for comparison purposes.

11 Q. Okay. And that's what happened with Item 3.1?

12 A. Yes. So 3.1, there's information there, but,
13 again, it didn't reach that threshold to where I could
14 conclusively match an individual or not.

15 Q. And I don't know if you've gone through this, but
16 can you explain what you're matching actually?

17 A. Yes. So, like I said, those 23 loci contain peaks
18 that we call alleles. So we can say your DNA comes from
19 your mom and dad. And at each one of those locations, you
20 get half from your mom and half from your dad.

21 So at each one of those locations you're going to
22 have two peaks, one from your mom, one from your dad.
23 That's what I'm looking at when I do this -- when I'm
24 looking at these. Now, you could have the same peak from
25 your mom and dad and they would be on top of each other, and

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1 it would look like one, but you would have no more than two
2 at any one location for an individual.

3 So what I'm looking at are those actual alleles,
4 those differences in the gene at each locus, or each
5 location, to see the evidence if it's the same peak as it is
6 in the standard.

7 Q. Okay. And if you have -- so at each -- at each
8 area, loci, you should have usually two alleles for a person
9 or sometimes one?

10 A. That's right, for a single individual.

11 Q. Okay. And if you get more than two, what does
12 that indicate?

13 A. That means there's more than one individual in
14 that -- on that stain on the mixture.

15 Q. Okay. And that's when you determine that it's a
16 mixture?

17 A. That's right. So if I see more than two alleles
18 at any one location, now I know I'm dealing with a mixture.

19 Q. Okay. So as for the first two cuttings they were
20 too weak or inconclusive to give a comparison?

21 A. 3.1 was too weak. 3.2 was inconclusive.

22 Q. Okay. And do you have an opinion regarding that?

23 A. Do I have an opinion regarding that?

24 Q. Based on the appearance of the evidence.

25 A. I would -- my opinion is the result. That one's

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1 too weak and one's inconclusive.

2 Q. Okay. And then there was a third cutting at 3.3?

3 A. Yes.

4 Q. And tell me about that one.

5 A. 3.3, again, is a very weak sample. And when I
6 look -- when I look at the individual alleles in that one I
7 actually could say it did not match Leon Harrison Jr.

8 So that one there was enough information for me to
9 look at the alleles present and then compare it to the
10 individual in this case. And my conclusion was that the DNA
11 result from Item 3.3. does not match Leon Harrison Jr.

12 Q. Okay. And could you tell if that profile was a
13 mixture or a single source?

14 A. That's a good question. I would say it's
15 difficult to answer based on how weak that sample is. If
16 you take just what I said, black and white, no more than two
17 alleles of any one locus, you would have to say I don't see
18 a mixture there. But I would say my opinion is that it
19 could be a mixture because it's so weak. So it's a
20 difficult -- it's a difficult interpretation on that sample
21 would be my answer.

22 Q. Okay. And given the -- could you tell us what
23 the -- just kind of, in general, what the allele heights or
24 peaks the values for those were?

25 A. Yes. So that indicates the intensity or how much

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1 DNA is there. So the higher the peak the more DNA is there.

2 Q. Okay. And on that cutting, 3.3, what were the --
3 just sort of ball park the allele heights on that, or peaks,
4 I'm sorry.

5 A. They're in the 30 to 40 Range. And the units are
6 called RFU, Relative Florescent Units. So from 30 to 27,
7 33, 45, they're very, very low.

8 Q. And in comparison what are the allele heights on
9 the fingernail scrapings?

10 A. They're going to be in the thousands. I don't
11 have it in front of me. Give me two seconds.

12 Yes. So the fingernail scraping peak heights are
13 from 2,000 to 6,500 range, so they're much higher.

14 Q. Okay. And after you did that cutting, did you do
15 a further check of 3.1, 3.2 and 3.3?

16 A. I did. So I combined all of those cuttings. So
17 what you have after the analysis is, you have a cutting and
18 you try to extract the DNA, and at that point it's a liquid.
19 So I combined the liquid from those cuttings and
20 concentrated it down and tried to get a profile from that.

21 Q. Okay. Were you able to get a profile?

22 A. I got, again, a very weak profile, yes.

23 Q. Okay. And were you able to determine if that
24 profile was a mixture or a single source?

25 A. That profile is a mixture, yes.

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1 Q. Okay. And you could tell that because there were
2 locations with three alleles peaks?

3 A. That's correct.

4 Q. But the majority -- did the majority of those have
5 three allele peaks?

6 A. The majority of them, it only takes one locus to
7 have them, to be a mixture. So I can see three alleles at
8 several of them.

9 Q. Okay. And how would you describe that profile
10 that you developed from that mixture?

11 A. I would describe it as a weak mixture.

12 Q. Okay. And would it also be a partial profile as
13 well?

14 A. Yes. You could use the term "partial profile."

15 Q. Okay. So clearly you're missing some information?

16 A. Yes. You're definitely missing information there.

17 Q. And then did you attempt to -- and did you compare
18 that, the concentrate of those cuttings, to the victim?

19 A. I did. So, again, from my report the DNA result
20 from Items 3.1-3.3 (c), which means concentrate in this
21 case, is a mixture. Leon Harrison Jr. is excluded from
22 being a contributor to this mixture.

23 Q. Okay. And then did you do further testing on the
24 carpet padding?

25 A. I did. We did what's called -- we used a

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1 technique called INVAC on this piece of carpet padding.

2 Q. Okay. And tell us about the INVAC?

3 A. So the INVAC is like a forensic vacuum. Think of
4 it kind of like the carpet cleaner you would rent from the
5 grocery store. It basically shoots water onto the sample
6 and then sucks it right up. So you end up with a container
7 of water and then you filter that down on a piece of filter
8 paper and then you can take a cutting of that paper and try
9 to get a DNA profile from all that you've vacuumed up.

10 Q. And then you tested that sample?

11 A. I did.

12 Q. And what was your -- what was the result of the
13 INVAC sample?

14 A. Again, from my report. So the DNA result from
15 items 3(c), which is the INVAC sample, is a mixture matched
16 between a contributor to this evidence and Leon Harrison
17 Jr., is approximately 5,760 times more probable than a
18 coincidental match to a related person.

19 Q. Okay. So when you tested the whole pad you found
20 a match to Leon Harrison Jr.?

21 A. I could not exclude him from the mixture of that
22 evidence, correct.

23 Q. Okay. And do you typically get weak profiles from
24 blood?

25 A. No. I do not.

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1 Q. Okay. Tell me in your experience about what you
2 expect from a blood sample.

3 A. So from my experience, if I can see a blood
4 sample, I'm going to get a full profile, and if I don't
5 there's something else going on there.

6 Q. If you don't get a full profile?

7 A. That's correct. If I don't get a full profile --
8 just like that blood card, I can see that blood on the card,
9 I didn't get a profile, I knew something else was at play
10 and it happened to be the sample itself was putrid.

11 Q. Okay. And as far as the carpet padding, could you
12 see blood?

13 A. I did see blood.

14 Q. Okay. And did it presumptively test positive for
15 blood?

16 A. It did.

17 Q. But you only got a weak partial profile on that?

18 A. That's correct.

19 Q. Okay. And do you have an opinion regarding that?

20 A. My opinion is based on that type of evidence, a
21 piece of carpet, and learning later that the carpet above
22 the pad was cut out, it -- it -- one of the likely scenarios
23 is that it was -- tried to clean that area.

24 So when you use a cleaning agent, like, when you
25 see a lot like when, you know, some -- some kind of blood's

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1 in a car or on carpet, if you use a cleaning agent, it will
2 cause you not to get a full DNA profile. So that's one
3 possible scenario.

4 Q. And had you been advised of any of that by the
5 police?

6 A. Yes. So that -- that we learned during, you know,
7 conversations with investigators at some point during the
8 analysis.

9 Q. Okay. Do you have an opinion on whether hydrogen
10 peroxide would effect your ability to get a DNA profile?

11 A. Yes. Hydrogen peroxide can destroy the DNA in
12 blood making it -- making it hard to get a DNA profile from
13 the sample.

14 Q. Okay. And what other type things can do that?

15 A. Bleach, a number of cleaning products, anything
16 that has, like, activated oxygen in it will destroy DNA,
17 Ethanol-based cleaners as well. Those will all destroy DNA.

18 Q. Okay. And the term "cannot exclude" is that the
19 term that you say that there's a match?

20 A. That is one term we use to say match, right.
21 That's the one we would use to indicate when there's a
22 mixture that we would -- instead of saying "include," we say
23 "cannot exclude from the mixture."

24 MR. HAZZARD: Court's indulgence, Your Honor.

25 THE COURT: Yes, sir.

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1 BY MS. RICHARDSON:

2 Q. And can I show you what's been marked as State's
3 116.

4 A. Okay.

5 Q. And can you tell me what that is?

6 A. This appears to be a copy of my report on this
7 case.

8 Q. Okay. And is that an accurate reflection of the
9 findings and report that you made?

10 A. It appears to be, yes.

11 MS. RICHARDSON: Your Honor, at this time I'd
12 offer State's 116 into evidence.

13 THE COURT: Mr. Hazzard?

14 MR. HAZZARD: Subject to previous objections.

15 THE COURT: Mr. Voigt?

16 MR. VOIGT: Subject to previous objections. I
17 also believe it's a hearsay objection due to the nature of
18 his report. It's cumulative based on the testimony we just
19 heard.

20 THE COURT: All right. Mr. Edgeworth?

21 MR. EDGEWORTH: Your Honor, subject to previous
22 objection.

23 THE COURT: All right. I'm going to admit it
24 subject to the previous objection and the more recent
25 objections that Mr. Voigt made. We're going to admit that

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1 as State's 116. Thank you.

2 (WHEREUPON, State's Exhibit Number 116 was moved
3 into evidence.)

4 MS. RICHARDSON: Your Honor, I'd also move to
5 admit State's 86 and 91 as the buccal swab and the bag
6 continuing the buccal swab.

7 THE COURT: Mr. Hazzard?

8 MR. HAZZARD: No objection.

9 THE COURT: Mr. Voigt?

10 MR. VOIGT: No objection to those, Your Honor.

11 MS. RICHARDSON: Also State's --

12 THE COURT: Hold on.

13 MS. RICHARDSON: I'm sorry. I forget.

14 MR. EDGEWORTH: No objection, Your Honor.

15 THE COURT: Mr. Edgeworth, no objection.

16 All right. So we're admitting what two did you
17 initially state, Solicitor?

18 MS. RICHARDSON: That is 86 and 91.

19 THE COURT: 86 is what?

20 MS. RICHARDSON: 86 is the buccal swab from Leon
21 Harrison Sr.

22 THE COURT: All right.

23 MS. RICHARDSON: 91 was just the bag, because it
24 had contained multiple items.

25 (WHEREUPON, State's Exhibit Numbers 86 and 91 were

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1 moved into evidence.)

2 THE COURT: All right. Thank you. Go ahead.

3 MS. RICHARDSON: 85, and that would be a
4 toothbrush.

5 THE COURT: All right. And go ahead.

6 MS. RICHARDSON: And 15, another toothbrush.

7 THE COURT: All right. Mr. Hazzard, any objection
8 to 85 and 15?

9 MR. HAZZARD: Your Honor, I would need to know
10 which toothbrush is which.

11 THE COURT: All right.

12 MS. RICHARDSON: 85 would be the blue and white
13 toothbrush and 15 would be the green one.

14 MR. HAZZARD: With regard to 85, subject to
15 previous objection. With regard to 15, no objection.

16 THE COURT: All right. Let me hear from you,
17 Mr. Voigt.

18 MR. VOIGT: I will join with Mr. Hazzard, Your
19 Honor.

20 THE COURT: All right. And Mr. Edgeworth.

21 MR. EDGEWORTH: I join Mr. Hazzard's objection,
22 Your Honor.

23 THE COURT: All right. So Number 15, the green
24 toothbrush is admitted without objection and Number 85 is
25 admitted with the objection that was noted by Mr. Hazzard

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1 and joined in by Mr. Voigt and Mr. Edgeworth.

2 (WHEREUPON, State's Exhibit Numbers 85 an 15 were
3 moved into evidence.)

4 THE COURT: Proceed Solicitor.

5 MS. RICHARDSON: The State moves 48 and 49 into
6 evidence. 48 is the right hand fingernail clippings and --
7 48 is right, 49 is left.

8 THE COURT: All right. Mr. Hazzard?

9 MR. HAZZARD: No objection.

10 THE COURT: Mr. Voigt?

11 MR. VOIGT: No objection, Your Honor.

12 THE COURT: All right. Mr. Edgeworth?

13 MR. EDGEWORTH: No objection, Your Honor.

14 THE COURT: All right. 48 is the right clippings,
15 and 49 is the left, admitted without objection.

16 (WHEREUPON, State's Exhibit Numbers 48 and 49 were
17 moved into evidence.)

18 MS. RICHARDSON: 52, which is the blood spot.

19 THE COURT: Mr. Hazzard?

20 MR. HAZZARD: Court's indulgence, Your Honor.

21 THE COURT: Yes, sir.

22 MR. HAZZARD: When she refers to the blood spot, I
23 want to be clear that she's referring to the sample taken
24 from Mr. Harrison Jr.; is that correct?

25 MS. RICHARDSON: One of the samples is the one

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1 that was taken to Richland County.

2 MR. HAZZARD: No objection.

3 THE COURT: All right. Mr. Voigt?

4 MR. VOIGT: No objection.

5 THE COURT: Mr. Edgeworth?

6 MR. EDGEWORTH: No objection, your honor.

7 THE COURT: All right. 52, that's the blood spot
8 admitted without objection.

9 (WHEREUPON, State's Exhibit Number 52 was moved
10 into evidence.)

11 MS. RICHARDSON: The State moves 81, which is the
12 bed sheet.

13 THE COURT: Any objection, Mr. Hazzard, to State's
14 81, the bed sheet, sir.

15 MR. HAZZARD: Yes, sir. Subject to previous
16 objection.

17 THE COURT: All right. Mr. Voigt?

18 MR. VOIGT: Subject to previous objection.

19 THE COURT: And Mr. Edgeworth?

20 MR. EDGEWORTH: Subject to our previous objection.

21 THE COURT: All right. I'm going to admit 81 the
22 bed sheet subject to Defense previous objection.

23 (WHEREUPON, State's Exhibit Number 81 was moved
24 into evidence.)

25 MS. RICHARDSON: And Number 30, the carpet

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1 padding, I believe that has already been admitted, that has
2 already been admitted into evidence.

3 THE COURT: Hold on a second. Counsel approach.

4 All right. The Solicitor informs me that State's
5 30 is the carpet padding and it's been admitted. It's
6 already previously been admitted.

7 BY MS. RICHARDSON:

8 Q. And Dr. Amick, do you have any opinion as to why a
9 profile would be on one spot and not on another, like in one
10 area of an item and not on another?

11 A. Why profiles would be on one area and not another?

12 Q. Yeah.

13 A. It's just the nature of the evidence. I mean, you
14 can have DNA in one area and not have it on another. I
15 mean, it's -- you never know what, I guess, you'll get once
16 you start cutting out swabs and swabbing evidence.

17 Q. All right. I have no further questions. Answer
18 any questions that these other attorneys may have for you.

19 THE COURT: Mr. Hazzard.

20 MR. HAZZARD: Thank you, Your Honor. May it
21 please the Court.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. HAZZARD:

25 Q. Good afternoon, Dr. Amick.

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1 A. Good afternoon.

2 Q. Now, when you do DNA profiles -- when you do DNA
3 profiles, or at least when you were at the Richland County
4 Sheriff's Office and you'd be tasked to do DNA profiles for
5 a given situation, you were not limited to just doing a
6 profile for one individual, correct?

7 A. Limited to doing?

8 Q. Let me rephrase my question.

9 A. Okay.

10 Q. You may be asked to develop a profile from one
11 item, whether it's clothing whether it's a swab, and come up
12 with a profile for one person, and then get a profile from
13 other clothing, swabs from surfaces, and come up with a
14 profile for another person, correct?

15 A. That's possible, yeah.

16 Q. Okay. And in this case were you ever asked or did
17 you ever develop a profile from any item for Alexander Rhue
18 Sr.?

19 A. Did I receive a standard swab from that
20 individual; is that what you're asking?

21 Q. I'm asking did you develop a profile that matched
22 Alexander Rhue Sr. off of anything that you were provided?

23 A. I -- I cannot answer that because I did not have
24 his standard --

25 Q. Got you.

GRAY AMICK - CROSS BY MR. HAZZARD

1 A. -- to develop and compare.

2 Q. Okay. And the Prosecutor -- you were talking
3 about why a sample may be weak and you said the Prosecutor
4 asked you about somebody trying to clean it up. But you
5 said there are other possible scenarios. What are those
6 other possible scenarios that would lead to a weak profile
7 or the inability to develop a profile?

8 A. Well, we have another scenario in this case and
9 that is if something -- if blood is left out in the
10 environment it could definitely -- whether it's UV rays from
11 the sun, it could be bacterial or yeast contamination that
12 breaks down the DNA a natural way. So those are other ways
13 that a blood stain can be broken down to the point which you
14 could not get a DNA profile from it.

15 Q. Okay. So over time if there is blood that leaks
16 below a carpet might that lend itself over an extended
17 period of time to yeast and bacteria and those things you
18 were referring to?

19 A. It's possible. Less likely in a climate
20 controlled room or house. So the ones I mentioned are
21 usually involved outside. But in climate control a blood
22 stain could last indefinitely. So that's the way I would
23 answer that.

24 Q. But that would presume that the climate is
25 controlled, correct?

GRAY AMICK - REDIRECT BY MS. RICHARDSON

1 A. That is one assumption you would make to possibly
2 create to that hypotheses.

3 Q. Okay.

4 MR. HAZZARD: I have no further questions.

5 THE COURT: Thank you Mr. Hazzard.

6 Mr. Voigt, do you have any questions, sir?

7 Mr. Voigt?

8 MR. VOIGT: I'm thinking deeply, Your Honor?

9 THE COURT: Yes, sir.

10 MR. VOIGT: I do not.

11 THE COURT: All right. Thank you, Mr. Voigt.

12 Mr. Edgeworth, do you have any questions, sir?

13 MR. EDGEWORTH: Court's indulgence, Your Honor.

14 THE COURT: Yes, sir.

15 MR. EDGEWORTH: I have no further questions for
16 this witness, Your Honor.

17 THE COURT: All right. Thank you.

18 Is there any redirect, Solicitor?

19 MS. RICHARDSON: Just briefly just based on
20 Mr. Hazzard's question.

21 REDIRECT EXAMINATION

22 BY MS. RICHARDSON:

23 Q. Was there any indication that this -- that the
24 stain on the carpet padding was putrid like the blood spot
25 was?