

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

S.C. SUPREME COURT

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002531

State of South Carolina, Respondent

v.

Angelita Nicole Wright, Petitioner.

APPENDIX (VOL. 1)

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THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Angelita Wright, Appellant.

Appellate Case No. 2017-002531

Appeal From Spartanburg County
R. Keith Kelly, Circuit Court Judge

Opinion No. 2023-UP-119
Heard June 2, 2020 – Filed March 22, 2023

AFFIRMED

Jordan Christopher Calloway, of McGowan Hood & Felder, LLC, of Rock Hill, and Chief Appellate Defender Robert Michael Dudek, of Columbia, both for Appellant.

Attorney General Alan McCrory Wilson, Senior Deputy Attorney General Donald J. Zelenka, Assistant Deputy Attorney General Melody Jane Brown, and Senior Assistant Attorney General W. Edgar Salter, III, all of Columbia; and Solicitor Barry Joe Barnette, of Spartanburg; all for Respondent.

MCDONALD, J.: Angelita Wright and the victim, Brent Tessnear (Victim), were previously married and had three children together. At the time of Victim's death, the two had been estranged for approximately two years. Wright now appeals her conviction for Victim's murder, arguing the circuit court erred in qualifying a police officer as an expert in cell phone forensic analysis and mapping. Wright further contends the officer's testimony exceeded the scope of permissible rebuttal and she was prejudiced by its improper admission. We affirm Wright's conviction.

Facts and Procedural History

On December 26, 2015, several witnesses saw Wright driving a white Ford F-150 pickup truck with Brandon Blackwood as her passenger. Wright was on her way to Cowpens to see Victim so she could retrieve their children's Christmas gifts from his home. Wright entered Victim's home and was upset upon her return to the truck because she believed Victim had returned the children's gifts, taken the money, and "bought drugs with it." Later that day, Wright learned Victim had posted sexually explicit photos of her on Facebook. Over the course of the evening and into the night, Wright and Blackwood visited several of Wright's friends, who testified Wright was angry at Victim and making comments threatening to kill him. That night, Wright and Blackwell drove around Cowpens, Pacolet, Spartanburg, and Cherokee County looking for Victim.

Between 2:45 a.m. and 3:00 a.m. on December 27, motorists on Cemetery Street in Cowpens found Victim's body on the road. Pathologist David Wren reported the cause of death as "internal hemorrhage secondary to lacerated liver and kidneys, secondary to blunt force trauma." Dr. Wren testified Victim's injuries were consistent with a pedestrian being struck by a vehicle.

A Spartanburg County grand jury indicted Wright for Victim's murder. Although her trial was initially scheduled for January 9, 2017, the case was continued after Blackwood markedly changed his statement during a pretrial meeting with an assistant solicitor and Investigator Thomas Clark of the Spartanburg County Sheriff's Office (SCSO). During this meeting, Blackwood confessed he was driving the truck when it struck Victim. Based on this confession, the State served Blackwood with an arrest warrant for Victim's murder.

At Wright's November 2017 trial, Blackwood testified he did not know Victim but had known Wright for five months prior to the fatal collision. Blackwood explained that he went with Wright to Victim's Cowpens home on the afternoon before Victim's death because Wright needed a ride to pick up her children's

Christmas gifts. After the pair left Victim's home, they drove to Pacolet, stopped by a store to buy cigarettes and alcohol, and then visited Carol Barzilay's house. Blackwood, who was twenty years old at the time of trial, claimed he drank "about half of the bottle" of Coconut Malibu rum while the two drove around in his truck.

Blackwood testified Wright suddenly became "furious, enraged" while at Barzilay's house upon learning Victim had posted photos of her "private parts" on Facebook. According to Blackwood, Wright stated Victim had about two minutes to take the pictures down or she was "going to have to find somebody and go and beat his ass." Blackwood then rode with Wright to a friend's house in Cherokee County where Wright asked the friend to call her brother and enlist his help with beating up Victim; Wright also attempted to call her brother. At this point Wright was driving because Blackwood was too intoxicated to drive.

Wright and Blackwood then returned to Victim's home where Wright "started knocking and yelling, Brent, where are you at, Brent, you know, yelling for him trying to figure out where he was." When Wright received no response to her commotion, she became frustrated and returned to the truck. Blackwood testified his friend Jonathan then pulled up and Wright asked Jonathan if he had seen Victim. As Jonathan had not seen Victim, he called his friend Chavis, to ask where Victim might be, but Chavis had not seen him either. The group then went to Chavis's house for about forty-five minutes before Wright and Blackwood walked back to Victim's home. After again receiving no response at Victim's front door, Wright entered through a back door and retrieved a bicycle with training wheels for her son.

The two then went to Tammy Yosa's house in Wright's search for her ex-husband. Blackwood testified he could not remember where they went after that, but the next place he recalled being that night was a Spinx gas station in Spartanburg where Wright met some friends. While Blackwood remained in the passenger's seat, Wright exited the truck, got into her friend's car, and told Blackwood to "pull over to the Arby's" about a mile down the road. Blackwood complied, waited for ten minutes while Wright and her friends talked, and then told Wright he needed to go home because he had already missed his midnight curfew. Wright again drove the truck after telling Blackwood he was too drunk to drive. Blackwood claimed he fell asleep in the passenger seat and woke up as Wright was getting out of the truck at a Li'l Cricket in Cowpens.

Blackwood then described Wright's encounter with Victim as Victim exited the convenience store. He testified the two "seemed to be in a heated argument"

because they were "throwing their hands up, and she was yelling at him and he was yelling at her."¹ Wright then returned to the driver's side of the truck and drove away from the store. Initially, Blackwood claimed to recall only that he woke to Wright shaking him as they pulled into her driveway in Pacolet. Upon further questioning, however, he described the events that occurred as the truck left the Li'l Cricket. Blackwood admitted that as Wright drove, he saw "a figure of a man walking in the road" and told her to "watch out, there's a man in the road."

The State then refreshed Blackwood's recollection with his prior statement. After reviewing his statement, Blackwood admitted he told Wright, "Make sure you don't hit him." Blackwood continued:

And she turned—she turned her bright lights on to see—I guess she was trying to see who it was. I'm not really sure. And she turned around—she turned. And when he turned around and he looked, and when he looked she must've—she must have realized before I did who it was. And when she did she put—she put her foot to the floor.

Blackwood testified Wright struck Victim with the pickup truck and did not stop. He claimed he then passed out again and Wright woke him between 2:00 a.m. and 3:00 a.m. as the two were parking in Wright's driveway. Blackwood put the child's bicycle on her porch and drove home to Cherokee County.

Blackwood did not call the police or otherwise report Victim's death. Less than twenty-four hours after the collision, Wright texted Blackwood, "You in town? I was walking to the store. LOL." Law enforcement contacted Blackwood on December 29, and while he was on his way to the police station to give a statement, Wright texted him, "You need to call me ASAP."

In his initial statement to law enforcement, Blackwood indicated Wright was driving the truck and ran down Victim; however Blackwood gave conflicting statements, changing his story in the months between the vehicular homicide and Wright's trial. Regarding his sudden confession during the pretrial meeting with the assistant solicitor and investigator, Blackwood claimed he "smoked some

¹ Neither the police sergeant who encountered Victim at the Li'L Cricket nor the store employee on duty that night observed such an argument, and video surveillance from the store was lost before law enforcement could review it.

weed" before this meeting and "was intimidated and scared into writing a false confession." He acknowledged his earlier claim that he did not remember whether Wright was with him in the truck when Victim was struck, but testified at trial that he was "absolutely sure" Wright was driving.

On cross-examination, Blackwood admitted that following his sudden confession in the pretrial meeting, he wrote out seven pages in which he indicated he "had swerved, run off the road, and when [he] ran back on the road somebody was on the hood of the car and [he] didn't mean to hit him." This conflicted with the oral statement he had given a few minutes earlier, when he told Investigator Clark and the solicitor, "I was driving but she was pushing me to do it. She told me to do it." Blackwood spoke again with investigators after being in jail for a few days. In that statement, he claimed, "I know I wasn't driving because I was slumped in the passenger seat." Blackwood claimed not to recall telling investigators "I've said so many statements, if I really did it and I was by myself, I don't know why I was in Cowpens." Wright played a video recording of this statement to refresh Blackwood's recollection and noted his earlier comment that he did not really remember whether Wright was with him when he struck Victim with the truck.

Johnathan Sellers saw Victim and Blackwood at Victim's home around 8:00 or 9:00 p.m. on December 26. Wright and Blackwood had walked to Sellers's house, where he lived with Victim's son, so that Wright could charge her phone. Sellers recalled Wright was upset due to "[s]omething about he cheated, sent nudes or something." Wright told Sellers she was looking for Victim and Victim did not "deserve the ground he walks on or the air he breathes." She then asked Sellers and Blackwood to ride with her to a trailer in Pacolet and on their way back, Victim called Wright.

Barzilay testified Wright came to her home in Pacolet with Blackwood around 9:00 or 9:30 p.m. on December 26. Barzilay recalled Wright was distraught, "like very upset about the pictures on [F]acebook." Wright called Victim from Barzilay's phone, and although Barzilay did not hear this conversation, she heard Wright say, "I'm going to kill the f'ing bastard." As Wright left, she told Barzilay she was going to Victim's house.

Amy Lynn Padgett, Victim's cousin, was at Barzilay's home when Wright and Blackwood arrived. She recalled Wright was angry about some pictures Victim posted on Facebook, and she heard Wright call Victim and tell him he had two minutes to remove the pictures or "I'm coming to kill you." Padgett told Wright and Blackwood to go home and lie down because she could tell they had been

drinking and they were "stumbling everywhere." She noted Wright kept saying, "I'm going to kill him, I'm going to kill him," but "[n]obody took it that way." While the group was at Barzilai's house, Padgett heard Blackwood ask Wright, "Do you want me to go do it for you?" Wright responded, "No. I can do this myself. I can handle my own."

Early the next morning, Padgett learned of Victim's death when Eric Edgins, who previously was romantically involved with Wright, came to her house and showed her a message Wright sent him stating, "Brent's dead." Padgett then called Wright, who told her "the Evans boy" beat Victim to death. Padgett observed Wright seemed nervous at the hospital that morning, and when Padgett gave Wright a ride home, they stopped at Victim's house because Wright wanted to get Victim's cell phone, which she claimed the police had authorized her to retrieve. The house was locked, and Padgett's daughter, Hannah, had to stop Wright from throwing a brick through a window to break in and find the phone. The police stopped them as they were leaving and informed them no one was allowed on the property. Later, when Padgett was assisting Wright with Victim's funeral arrangements, she heard Wright call a life insurance company to ask the identity of Victim's policy beneficiary.

Bridget Miller, Victim's sister, testified she and Wright have known each other their whole lives and were "like sisters." Miller saw Wright in a white Ford F150 at a Spartanburg gas station around 10:00 p.m. the night before Victim was killed. Miller walked over to speak to Blackwood, but he suddenly jumped in the truck and sped off, nearly hitting someone. When Wright then came over to Miller's car, she "seemed anxious" and told Miller she needed to take Blackwood home because he was drunk. Miller did not see who was driving because the two were still standing outside the truck when Miller left, however, she noted Blackwood exited the driver's seat as if to move and allow Wright to drive. Miller testified that when she knocked on Wright's door shortly after 5:00 a.m. the morning of December 27 to go to the flea market, she saw Robert Blackwell and Marie Dalton at Wright's home. That morning, Wright told Miller she was scared Victim "got beat up over a—a cell phone" he stole from a drug dealer and asked Miller to check on him.

Sherry Riley saw Victim on December 26, when he came to her house to get a pigtail extension cord for his dryer. Riley testified Victim laughed as he told her he had posted sexually explicit pictures of Wright on Facebook. Victim then showed Riley a text message from Wright telling him "if you don't take that off of [F]acebook I'm going to come to Cowpens and kill you." Riley spoke with Victim again between 10:00 and 10:40 a.m., and then again at 2:06 a.m. on December 27; she testified she could tell Victim had been drinking when they spoke at 2:06.

Around 3:00 a.m. on December 27, Marie Dalton's boyfriend, Robert Blackwell, received a call from Wright, who lived two doors down in Pacolet. Wright asked them to come outside and talk, so the couple went to Wright's house between 3:00 and 4:00 a.m. They then walked with Wright to the store after she offered to buy them a drink and cigarettes. The trio returned to Wright's home shortly before Bridget Miller arrived to go with Wright to the flea market. Dalton testified Wright seemed "off" that night and expressed concern about Victim's well-being. Wright told Dalton Victim had "never messed up like this, that he was on drugs real bad and had done traded all the kids' Christmas but the bicycle. Dalton noted Wright "would change it up to she was worried about he [Victim] had posted some naked pics of some girl and was worried about her boy—the woman's boyfriend hurting Brent." Finally, Wright claimed she was worried about Victim because he had stolen a phone from a drug dealer.

Investigator Clark questioned Blackwood three times over the course of the investigation. He recalled Blackwood's story changed substantially during a January 2017 pretrial meeting with the assistant solicitor preparing for Wright's trial. Clark observed, "During our conversation with him he—he seemed very upset and at one point almost to tears. His story started changing, becoming very inconsistent." Clark denied threatening Blackwood but admitted he raised his voice to emphasize the importance of the meeting and Blackwood's trial testimony because Blackwood did not seem to be taking the meeting seriously. Clark further admitted the only direct evidence connecting Blackwood's truck to Victim's death was Blackwood's statement because Victim's DNA was not found on the truck.

At Investigator Clark's request, computer forensics examiner Lindsey McGraw—who worked for twelve years as a computer forensics examiner for SCSO before her retirement—examined cellular devices from Victim, Blackwood, and Wright. She testified without objection as to her efforts to use Cellebrite, the hardware law enforcement agencies use worldwide for such examinations, to extract data from the three devices. Although Cellebrite did not support the extraction of data from Wright's older model flip phone, McGraw was able to take digital photos of Wright's cell phone display, including her inbox messages, outbox messages, and draft text messages.

Sergeant Brandon Letterman, a computer and cell phone forensics analyst, also assisted with the homicide investigation.² Sergeant Letterman found Wright's identification card in the driver's side door of Blackwood's truck when he processed the vehicle. Letterman also executed a search warrant to take photographs of the call logs on Wright's phone; the State entered these photographs into evidence without objection as State's Exhibit 3-A. Sergeant Letterman testified the most recent call found on the phone was from December 28 at 4:26 p.m., but the phone log contained no earlier calls. Because Wright's phone was not set to automatically delete texts or calls, she had to manually delete such earlier items. Letterman performed a forensic examination of the phone using Cellebrite to extract Wright's contact list. The State entered his report of the forensic examination into evidence, without objection, as State's Exhibit 3-B.

Sergeant Letterman also photographed Wright's call log, and the State entered these exhibits into evidence, without objection, as State's 3-C, D, and E. On cross-examination, Sergeant Letterman confirmed that he prepared his report on the call logs the week before Wright's trial. He noted Investigator McGraw executed a search warrant for an earlier extraction, but at that time—shortly after Victim's murder—the Cellebrite hardware and software did not support the extraction of data from Wright's flip phone. The latest Cellebrite update allowed him to extract Wright's contact list.

The defense called Tom Slovenski, a licensed digital forensics examiner, as its expert in cell phone forensics and cell tower mapping. Slovenski reviewed Wright's T-Mobile records and explained a gap in the records could indicate the phone was off or the user did not have cell coverage at that time. He testified the cell phone tower near Wright's residence in Pacolet covered a radius of six miles, and all of her cell phone traffic between 2:07 and 3:07 a.m. on December 27, 2015, used the cell phone tower near her house in Pacolet. He opined Wright's cell phone would have used a different tower if the phone had been in Cowpens or near the Scotchman at that time. Slovenski acknowledged the mapping was based on the phone's pinging of cell towers, not GPS tracking, and he admitted a "gap in time could mean many things. It could mean that the handset lost power,

² Before transferring to computer and cell phone forensics, Sergeant Letterman worked as a sergeant with the SCSO violent crimes division. At the time of this incident, he was a senior investigator handling cold case homicide investigations. He was asked to assist with the processing of the truck in his capacity as a violent crimes investigator.

somebody turned it off, that they proceeded into an area where there was no coverage."

On cross-examination, Slovenski admitted that, depending on the network, when a phone is turned off, it will not receive text messages until the phone is powered back on. He further acknowledged the series of text messages that loaded to Wright's phone when it was switched back on at 2:09 a.m. as well as the phone's pinging of a cell tower in Pacolet at 2:18 a.m. Finally, Slovenski admitted that for the 50 minutes between 2:18 and 3:08 when there was no activity on Wright's cell phone, Wright's location was unknown. Slovenski examined only Wright's phone records; he was not given Blackwood's phone records for review and comparison.

After Wright rested her case, the State offered Sergeant Letterman as a rebuttal witness to address Slovenski's testimony about Wright's phone records and what they might establish as to her location on the night Victim died. Over Wright's objection, the circuit court qualified Sergeant Letterman as an expert in cell phone forensic examination and mapping and denied Wright's motion to exclude his rebuttal testimony. Reviewing exhibits admitted earlier in the trial, Letterman testified Wright's cell phone records indicated all incoming calls from 11:19 p.m. on December 26, 2015, to 2:04 a.m. on December 27, 2015, went straight to voicemail because the phone was either off or had died. He noted she received nine text messages, including two from Blackwood, within fourteen seconds at 2:09 a.m., suggesting Wright powered the phone back on. Letterman's review of Blackwood's cell records showed Blackwood texted Wright at 11:17 p.m. and 11:26 p.m., and his phone was not active at 2:09 a.m. The records further reflected Wright sent a text message at 2:10 a.m. and then received a text from Victim's cell phone at 2:18 a.m. After Wright received Victim's text, there was no activity on her phone until 3:08:31 a.m.

The jury found Wright guilty of murder, and the circuit court sentenced her to thirty years' imprisonment.

Law and Analysis

"We review evidentiary rulings for abuse of discretion, meaning we will only disturb them if they have caused prejudice and are the result of legal error or have inadequate factual support." *State v. Warner*, 430 S.C. 76, 83, 842 S.E.2d 361, 364 (Ct. App. 2020), *aff'd in part and remanded in part on other grounds*, 436 S.C. 395, 407, 872 S.E.2d 638, 644 (2022). "The test for qualification of an expert is a relative one that is dependent on the particular witness's reference to the subject."

State v. Prather, 429 S.C. 583, 598, 840 S.E.2d 551, 559 (2020) (quoting *Wilson v. Rivers*, 357 S.C. 447, 452, 593 S.E.2d 603, 605 (2004)).

I. Qualification of Expert

Wright argues the circuit court erred in qualifying Letterman as an expert in cell phone forensic examination and mapping because Letterman lacked the knowledge, training, or experience required to give such testimony. We disagree.

"To be competent to testify as an expert, 'a witness must have acquired by reason of study or experience or both such knowledge and skill in a profession or science that he is better qualified than the jury to form an opinion on the particular subject of his testimony.'" *Id.* (quoting *Gooding v. St. Francis Xavier Hosp.*, 326 S.C. 248, 252–53, 487 S.E.2d 596, 598 (1997)).

When the State moved to qualify Sergeant Letterman as an expert, Wright objected, arguing his qualifications were insufficient. Wright also objected to Sergeant Letterman's testimony as a rebuttal witness because Letterman had already testified in the State's case in chief in his capacity as a violent crimes investigator. Wright argued, "I don't believe he's received any additional training since that point that he was called as a witness that would allow him to be deemed an expert to come in as a rebuttal witness to our expert, Your Honor. So we would object to his qualifications as an expert and his testimony."

Addressing the qualification concern, Sergeant Letterman testified he had been a cell phone and computer forensics analyst for SCSO for seven months, and he shadowed Investigator Lindsey McGraw for a month before starting in his current position. At the time of Wright's trial, Letterman had performed between seventy-five and eighty forensic cell phone examinations and analyzed cell phone tower information between thirty and forty times. He used GeoTime and Cellebrite for the forensic examination of cell phones—after receiving training from the manufacturers in the use of these programs for the extraction of phone data. Sergeant Letterman participated in a five-day training program for Cellebrite and a one-day training for GeoTime. Although Letterman admitted he had never before testified as an expert nor published literature in the field, he had previously presented at a national homicide conference on a case involving phone mapping.

We find the circuit court did not abuse its discretion in finding Sergeant Letterman had the necessary training and expertise in the area in which the State sought to qualify him. Sergeant Letterman shadowed another investigator before starting in

his current position, had been a cell phone and computer forensics analyst for seven months, and had prior field experience in numerous investigations. The manufacturers of GeoTime and Cellebrite trained Letterman, who then used these programs to extract cell phone data for analysis in prior investigations. *See e.g., Warner*, 430 S.C. at 88, 842 S.E.2d at 366–67 ("Church's expertise was based on his vast experience with historical cellular records, as well as his knowledge of and experience with how cellular phones, towers, and networks operate. The text of Rule 702 states expertise can be based on experience."); Rule 702, SCRE (stating that an expert may be qualified "by knowledge, skill, experience, training, or education"); *State v. Ellis*, 345 S.C. 175, 177–78, 547 S.E.2d 490, 491 (2001) (officer qualified as an expert in crime scene processing and fingerprint identification was qualified to testify to measurements taken at the scene, recovery of shell casings, and identification of blood stains, but was not qualified to testify regarding the location and position of the victim's body based on crime scene reconstruction).

Wright argues *Hamrick v. State*, 426 S.C. 638, 649, 828 S.E.2d 596, 602 (2019), supports her position, but the challenged testimony there differs from that of Sergeant Letterman. Hamrick appealed his conviction for felony driving under the influence resulting in great bodily injury after the lead investigator—who was not an accident reconstructionist—testified as to a possible point of impact. *Id.* at 645, 828 S.E.2d at 599. A critical inquiry in the case was whether Hamrick struck the road construction worker victim within the lane of travel or within the construction work area. *Id.* Our supreme court reversed Hamrick's conviction, finding the investigator's testimony about point of impact was not a lay opinion because accident reconstruction is a "highly technical and specialized field" requiring expert testimony. *Id.* at 649, 828 S.E.2d at 602.

Sergeant Letterman's testimony differs from that of the Hamrick investigator because the State did not seek to have Letterman testify regarding matters beyond his level of skill, training, education, or experience. Notably, Letterman's testimony was narrowly focused on his examination of phone records obtained from cellular providers—an area in which he had the necessary knowledge and experience. His testimony never ventured into more complex areas of forensic mapping which may indeed have required greater training and expertise than Letterman possessed. Moreover, the exhibits Sergeant Letterman discussed during his rebuttal testimony were "call detail records that were sent from the . . . cell phone company" that had already been admitted into evidence without objection earlier in the trial.

Accordingly, we find the circuit court did not abuse its discretion in qualifying Sergeant Letterman as an expert or in allowing him to testify regarding the historical records obtained from cellular providers.³

II. Scope of Rebuttal Testimony

Wright next argues the circuit court erred in allowing Sergeant Letterman to testify beyond the scope of permissible rebuttal testimony. Specifically, Wright argues Letterman's testimony about Blackwood's phone was improper because Wright's expert, Slovenski, testified exclusively about Wright's phone, not Blackwood's. Wright contends Letterman's rebuttal testimony was an effort by the State to improperly supplement its case-in-chief. In light of our supreme court's decision in *Prather*, 429 S.C. at 603, 840 S.E.2d at 561, we disagree.

"The admission of reply testimony is a matter within the sound discretion of the trial judge." *Id.* at 602, 840 S.E.2d at 561 (quoting *State v. Stewart*, 283 S.C. 104, 106, 320 S.E.2d 447, 449 (1984)). "Reply testimony should be limited to rebuttal of matters raised in defense; however, the improper admission of reply testimony will only result in reversal if the admission of such testimony is found to be prejudicial." *State v. Garris*, 394 S.C. 336, 350, 714 S.E.2d 888, 896 (Ct. App. 2011). "Any arguably contradictory testimony is proper on reply." *Prather*, 429

³ Wright made no argument at trial as to the reliability of Sergeant Letterman's rebuttal testimony, perhaps because such an argument would have been unsuccessful for the reasons explained in *State v. Franks*, 432 S.C. 58, 76–77, 849 S.E. 2d 580, 590 (Ct. App. 2020). First, in considering the reliability of cell site location data (CSLI) methodology, South Carolina has "join[ed] the many other jurisdictions that have deemed CSLI reliable enough to pass the Rule 702 gate." *Warner*, 430 S.C. at 89, 842 S.E.2d at 367, *aff'd in part and remanded in part on other grounds*, 436 S.C. 395, 399 n.2, 872 S.E. 2d 638, 641 n.2 (in which our supreme court noted now-Justice Hill's extensive analysis of an FBI agent's qualifications as an expert in cellular cite location data as part of the court of appeals' analysis of the admissibility the expert's opinions). Second, the historical cellular records Sergeant Letterman addressed on rebuttal had already been admitted without objection earlier in the trial. *See Franks*, 432 S.C. at 76–77, 849 S.E.2d at 590 (explaining that "[b]ecause the underlying data—the Verizon records—had already been admitted into evidence when the State offered Sergeant Kelley as an expert, Franks waived his challenge to the reliability of the data by failing to object at the time the State introduced the data").

S.C. at 603, 840 S.E.2d at 561 (quoting *State v. South*, 285 S.C. 529, 535, 331 S.E.2d 775, 779 (1985)).

Wright offered Slovenski as her expert in cell phone forensics and cell tower mapping. Slovenski testified Wright's cell phone used the tower near her house in Pacolet for all activity from 2:07 a.m. to 3:07 a.m., and explained her phone would have used a different tower had it been in Cowpens where Victim was killed. He further opined Wright's cell phone was not in Cowpens between 11:00 p.m. and 5:00 a.m., although he admitted any gaps in Wright's cell records could indicate her phone was turned off or dead. The State's rebuttal expert, Sergeant Letterman, testified Wright's call records indicated all incoming calls from 11:19 p.m. on December 26, 2015, to 2:04 a.m. on December 27 went straight to voicemail, which likely indicated the phone was either switched off or had died. He noted she received nine text messages, including two from Blackwood, within fourteen seconds around 2:09 a.m., suggesting the series of texts loaded when she turned the phone back on at 2:09 a.m. Letterman testified Blackwood's cell records reflected he sent text messages to Wright at 11:17 p.m. and 11:26 p.m., and Blackwood's phone was not active at 2:09 a.m. The records further showed Wright sent a text message at 2:10 a.m. and received a text from Victim's phone at 2:18 a.m. After Wright received Victim's text, there was no activity on her phone until 3:08 a.m.

We find the circuit court did not err in allowing Sergeant Letterman's rebuttal testimony because the State offered it in response to Slovenski's opinion regarding the location of Wright's phone. Letterman's testimony addressing Blackwood and Wright's phone records served to rebut Slovenski's opinion that Wright's cell phone was not in Cowpens from 11:00 p.m. to 5:00 a.m. Even though Slovenski admitted there were hours for which the records did not show the location of Wright's phone, his opinion suggested to the jury that she could not have been in Cowpens at the time of Victim's fatal encounter. Thus, Sergeant Letterman's testimony about Wright's phone being off or dead during key periods of the evening was unnecessary until Slovenski testified her phone was in Pacolet—not twelve miles away in Cowpens—between 11:00 p.m. and 5:00 a.m. *See Prather*, 429 S.C. at 604, 840 S.E.2d at 562 ("The reply testimony was made necessary by the evidence which the appellant had submitted. The reply testimony did not go beyond a refutation of that which the appellant's witness had asserted. It can hardly be argued that the appellant's counsel was taken by surprise." (quoting *State v. Durden*, 264 S.C. 86, 90, 212 S.E.2d 587, 589 (1975))). Sergeant Letterman only testified about the portion of Blackwood's call records in relation to the messages between Blackwood and Wright and to the last outgoing text from Blackwood at 11:26 p.m. Since this text—along with eight others—did not load to Wright's

phone until 2:09 a.m., Sergeant Letterman's testimony addressing the phone records supported the State's theory that Wright's phone was powered down at key times throughout the night. This properly rebutted Slovenski's testimony suggesting Wright's phone was in Pacolet all night and could not have been in Cowpens when Victim was killed.

Conclusion

Based on the foregoing, Wright's conviction is

AFFIRMED.

THOMAS, J., and HUFF, A.J., concur.

The South Carolina Court of Appeals

The State, Respondent,

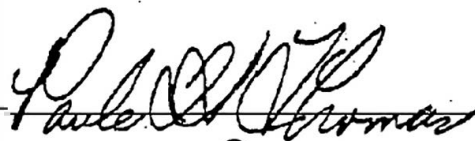
v.

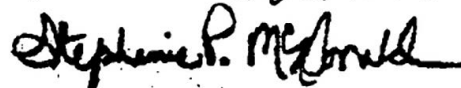
Angelita Wright, Appellant.

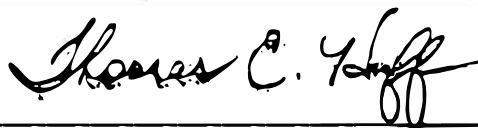
Appellate Case No. 2017-002531

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


_____ J.


_____ J.


_____ A.J.

Columbia, South Carolina

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FILED
May 19 2023

RECEIVED

Apr 03 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002531

State of South Carolina, Respondent

v.

Angelita Nicole Wright, Appellant.

PETITION FOR REHEARING

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Pursuant to Rule 221(a), SCACR, Appellant Angelita Nicole Wright petitions the Court for rehearing and reconsideration of Opinion No. 2023-UP-119 filed March 22, 2023. Wright respectfully submits that the Court overlooked the primary legal authority cited in support of her argument that the State’s cell phone “examination and mapping” witness lacked the qualifications required by Rule 702, SCRE to offer expert opinions at trial.

BACKGROUND

Appellant Angelita Wright was indicted on charges of murder and leaving the scene of an accident resulting in death in violation of S.C. Code Ann. § 56-5-1210(A)(3) in connection with the death of Wright’s estranged husband Brent Lee Tessnear (“Decedent”). (R. pp. 573-74). Wright pled not guilty to both charges and was tried by a Spartanburg County jury before the Honorable R. Keith Kelly on November 27-30, 2017.

Decedent was discovered dead on the side of a Cowpens, S.C. roadway just before 3 a.m. on December 27, 2015. (R. pp. 67-69). Medical examiners concluded Decedent was struck by a vehicle and died from blunt force trauma to his internal organs. (R. pp. 309-10). Brandon Blackwood confessed to the killing (R. pp. 153, 398), but the State chose to try Wright for the crime. At trial, Wright contested the State’s assertion that she was even present at the crime scene by offering the expert testimony of Tom Slovenski, a certified digital forensic examiner. (R. pp. 412-13). Slovenski analyzed Wright’s cell phone and showed jurors that none of the transactions on Wright’s phone in the hours immediately after the estimated time of Decedent’s death corresponded with the cell tower that services the crime scene. (R. p. 443).

Over Wright’s objection (R. p. 487, lines 9-17; 488, lines 5-7), the circuit court qualified Sergeant Brandon Letterman as a cell phone “examination and mapping” expert to rebut Slovenski’s testimony. However, Letterman had not actually conducted an extraction of Wright’s

phone and admitted he could not map key texts from Wright’s phone during crucial time periods. (R. p. 497, line 13-21; R. p. 498, lines 12-14) (did not perform extraction on either phone); R. p. 499, lines 6-10 (never seen extraction data for Blackwood’s phone). Letterman also admitted he had never before been qualified as an expert in cell phone mapping and had used the mapping software for only three months. (R. p. 484, lines 10-11; 486, lines 3-7). His only training for operating the mapping software was a one day class. (R. p. 485, lines 22-24). He had not published any articles or obtained any certifications related to cell phone mapping. (R. p. 486, lines 8-13).

On November 30, 2017, the jury returned a guilty verdict against Wright on the murder charge and did not reach the charge for leaving the scene of the accident resulting in death. (R. p. 562; R. p. 572). The circuit court sentenced Wright to 30 years’ imprisonment. (R. pp. 569-70).

ARGUMENT

1. The Court overlooked pertinent precedent on the qualification of a proposed expert witness.

The Court cited Letterman’s “training and experience” as a sufficient basis to qualify him as a cell phone examination and mapping expert. (State v. Wright, Opinion No. 2023-UP-119, filed March 22, 2023 (hereafter “Opinion”) at 10-11). However, Letterman admitted in his testimony he had not performed extractions on Wright or Blackwood’s phones and admitted he was unable to map key text messages sent during the crucial hours before Decedent’s body was discovered. (R. p. 497, line 13-21; R. p. 498, lines 12-14 (did not perform extraction on either phone); R. p. 499, lines 6-10 (never seen extraction data for Blackwood’s phone). Letterman’s formal training consisted of just a one-week class, only one day of which addressed cell phone mapping. (R. p. 485, lines 22-24). He had only used the pertinent cell phone software program for three months and had never before been qualified as an expert on either cell phone extraction or mapping. (R. p. 484, lines 9-11; p. 486, lines 3-7).

In light of these acknowledgements, the most important precedent for analyzing Letterman’s proposed expert qualifications was this Court’s ruling in State v. Andrews, 424 S.C. 304, 818 S.E.2d 227 (Ct. App. 2018), *aff’d as modified* 427 S.C. 178, 830 S.E.2d 12 (2019). The officer in Andrews cited as expertise his extended service as a law enforcement officer and a one-week training class. 424 S.C. at 317, 818 S.E.2d at 234. This Court affirmed a circuit court order excluding the expert and ruled that, even with his experience, the short training class was “insufficient qualification.” Id. at 310, 818 S.E.2d at 231. On appeal, this Court focused on two things in affirming the proposed expert’s exclusion. First, his proposed qualifications were not specific to his testimony as most of the class covered general law enforcement issues or was even unrelated to the conclusions he offered at trial. Id. at 317, 818 S.E.2d at 234. Second, when the unrelated portions of the class were stripped away, the remaining instruction time (one day) was insufficient to make the officer an expert. Id. The same holds true here. Letterman’s testimony was intended to boost Respondent’s contention that Ms. Wright was at the crime scene and not at her alibi location. Even adding in Letterman’s instruction on Cellebrite, he had a total of six days’ training on the cell phone forensic processes for which he was permitted to offer opinion testimony in a murder trial. (R. p. 485, line 17 – 486, line 2). Consistent with Andrews, the Court should have ruled these proposed qualifications were insufficient to allow Letterman to offer “expert” opinions.

Andrews was the centerpiece of Wright’s briefing on the qualification issue. (App. Br. at 10-12; Reply Br. at 7-9, 11-12, 17). Yet, the Court failed to address Andrews. By overlooking this essential precedent, the Court failed to properly apply the minimum level of qualifications a police officer must obtain before offering expert opinions in a criminal trial. Accordingly, Wright respectfully requests the Court grant her petition and either reverse the circuit court’s ruling or hear additional arguments in the appeal.

2. The Court improperly discounted the fact that Letterman was qualified by the circuit court as a cell phone “mapping” expert.

The Court also affirmed the circuit court’s analysis of Letterman’s qualifications because Letterman’s testimony did not include “complex areas of forensic mapping” for which the Court admitted Letterman may have lacked sufficient credentials. (Opinion at 11) (“may indeed have required greater training and expertise than Letterman possessed”). However, Letterman’s testimony was certainly presented to offer jurors commentary on Wright’s location at key moments. Slovenski’s testimony tended to suggest Wright’s activities centered around Pacolet, and the State’s summary question during Letterman’s direct exam was designed to suggest Slovenski’s location-based testimony was wrong. (R. p. 496, lines 3-7) (concluding Wright’s location during 2 a.m. hour was unknown).

More broadly, it was improper for the Court to deemphasize the fact that, regardless of the depth of mapping testimony Letterman provided, he was specifically offered to be, and presented to the jury as, a cell phone mapping expert. The State asked the circuit court to qualify Letterman not just in “cell phone forensics” but also in “cell tower mapping.” (R. p. 485, lines 4-6). The State’s request was designed to track the designation of expertise Slovenski was given during his testimony. (R. p. 417, lines 3-9). Given Letterman’s lack of qualification on cell tower mapping, it was improper for the jury to ever be told he held the same or similar expertise to Slovenski. See State v. Kromah, 401 S.C. 340, 357, 737 S.E.2d 490, 499 (2013) (“The label of expert should be jealously guarded by the court and never loosely bandied about”); Watson v. Ford Motor Co., 389 S.C. 434, 449, 699 S.E.2d 169, 176 (2010) (holding that courts “should be cautious in conferring an expert label” on witnesses due to “excessive or undue weight” jurors may afford their testimony).

In other words, the circuit court abused its discretion by attaching the label “cell tower mapping” expert to a witness whose education, experience, and training did not support that designation. The amount of mapping-related testimony Letterman offered after gaining the court-granted label of mapping expert does not affect whether it was proper under Rule 702, SCRE to grant him that designation in the first place. The Court’s concerns over the materiality of the circuit court’s erroneous ruling on Letterman’s expertise should have been analyzed under South Carolina’s “harmless error” jurisprudence. For the reasons discussed below, the Court would not be able to find harmlessness beyond a reasonable doubt.

3. Presenting Letterman to the jury as a “cell tower mapping” expert was not harmless error.

A trial court’s error must lead to a new trial unless it is shown to be harmless beyond a reasonable doubt. State v. Fletcher, 379 S.C. 17, 664 S.E.2d 480, 484 (2008). This onerous standard is only met where the error “did not contribute to the verdict obtained.” Id. (citing Arnold v. State, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992)). Improperly admitted testimony cannot be harmless error when it goes to the heart of the case. In re Care & Treatment of Thomas S., 402 S.C. at 379, 741 S.E.2d at 30 (citing State v. Ellis, 345 S.C. 175, 178, 547 S.E.2d 490, 491 (2001)). Whether Wright was present at the crime scene goes to the heart of the case, especially in light of the prior confession and dubious accusation of Wright’s former codefendant Brandon Blackwood. Letterman was presented to provide, and offered testimony on, Wright’s location around the time of the murder. (R. p. 496, lines 3-7). Finding improperly admitted cell tower mapping expert to be harmless error would also place South Carolina at odds with other jurisdictions. See e.g., Collins v. State, 172 So.3d 724, 744 (Miss. 2015) (holding that an officer’s improper testimony on cell phone location data was “obviously” not harmless since its purpose was to place a criminal defendant “in the same geographic area at the time of the murder”); Wilder v. State, 991 A.2d 172,

200 (Md. 2010) (finding cell phone location evidence can have a “compelling” effect on the jury’s perception of the defendant’s whereabouts). Accordingly, the Court should grant Wright’s petition and find Letterman’s improperly admitted testimony was not harmless.

CONCLUSION

For the reasons stated above, Wright respectfully requests the Court grant this petition for rehearing.

Respectfully submitted,

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002531

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JUL 26 2019

SC Court of Appeals

State of South Carolina, Respondent

v.

ANGELITA WRIGHT

..... Appellant.

RECORD ON APPEAL (VOL. 1)

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STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

)
) IN THE COURT OF GENERAL SESSIONS

The State,
-vs-
Angelita N. Wright,
Defendant.

)
) TRANSCRIPT OF RECORD
) 2016-GS-42-5200;6461
)
) November 27 - 30, 2017
) Spartanburg, South Carolina

B E F O R E:

HONORABLE R. KEITH KELLY, JUDGE; and a jury

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Circuit Court Reporter

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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1 cannot control your emotions -- and I understand that
2 emotions run high. I've been doing this almost 30 years
3 now, believe it or not. So I understand. But if you
4 cannot control your emotions I'm going to ask you to leave
5 now. Quietly leave now. Otherwise, I'm going to presume
6 that everybody understands what I just said.

7 Okay. Anything from the state?

8 MR. KOZAK: Nothing from the state, Your Honor.

9 THE COURT: From the defense?

10 MS. WHITE: Nothing from the defense, Your Honor.

11 THE COURT: Very good. Thank you.

12 (Pause.)

13 THE COURT: Anybody else need to leave? I admire them
14 for doing that. If you can't do it, don't do it.

15 Okay. Ready for the jury?

16 MR. KOZAK: Yes, sir, Your Honor.

17 MS. WHITE: Yes, Your Honor.

18 THE COURT: All right. We'll have the jury and
19 opening statements.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: Madam Forelady, any matters from the jury?

23 THE FOREPERSON: Ready.

24 THE COURT: Ready to go to work.

25 MR. KOZAK: May it please the Court.

Opening statements

1 "I'm going to kill him. He doesn't deserve the air he
2 breathes. He doesn't deserve the ground he walks on."
3 These are words spoken by the defendant, Angelita Wright,
4 mere hours before her estranged husband, Brent Tessnear,
5 was found dead in the roadway having been run over by a
6 vehicle.

7 Good afternoon. My name is Joel Kozak, and I along
8 with Kinli Abee will be representing the state in the case
9 against Angelita Wright, the defendant.

10 Today, Angelita Wright is on trial for murder and
11 leaving the scene of an accident with death resulting.

12 Now, at the end of the trial the judge is going to
13 instruct you on the law, but I want to take this chance
14 just to touch on it just a bit so you know what to look for
15 during this trial.

16 Leaving the scene of an accident where death results
17 is pretty much exactly what it sounds like. Murder is the
18 intentional causing of the death of another with malice
19 aforethought.

20 Now, to prove our case beyond a reasonable doubt today
21 you're going to hear from quite a few witnesses. You're
22 going to hear from some law enforcement officers and you're
23 going to hear from any witnesses who had contact with the
24 defendant that day. They're going to tell you how angry
25 she was all day and how she said she was going to kill him.

Opening statements

1 Now, you're also going to hear from one witness in
2 particular, and that witness is Brandon Blackwood. Brandon
3 Blackwood is the only person that was in the vehicle with
4 Angelita Wright at the time of Brent's death.

5 You're also going to -- now, Brandon's version of the
6 events has changed over time, but he is the only person who
7 was in the vehicle with Angelita.

8 And also there's one aspect of the story that has not
9 changed, that Angelita was in the vehicle and that also she
10 is the one who is responsible for Brent being dead.

11 Now, this isn't "C.S.I."; this isn't "Law and Order".
12 There's not going to be a clear screen that drops down from
13 the roof and shows you a bunch of forensic information and
14 D.N.A. That's not this case.

15 This case is more like a puzzle piece or a puzzle.
16 And each witness that takes the stand is going to give you
17 a little bit of information and each piece of evidence
18 that's put in is going to give you a little bit more
19 information.

20 At the end of all of those puzzle pieces are going to
21 come together to show you a picture of what happened on
22 December 7th or December 27th of 2015 in the wee hours of
23 the morning.

24 Now, this isn't a perfect case and this isn't a
25 perfect investigation, but in the State of South Carolina

Opening statements

1 you don't -- you do not need to have a perfect case or a
2 perfect investigation to reach your burden of proof, which
3 is reasonable doubt.

4 Now, reasonable doubt is the highest burden in the
5 State of South Carolina. And that's the burden the state
6 must meet today.

7 It is not a perfect case. It is not beyond -- it is
8 not beyond absolute certainty; it's not beyond a shadow of
9 a doubt. It is exactly what it sounds like. It is beyond
10 a reasonable doubt.

11 And the state gladly accepts this burden, because at
12 the end of the day when our puzzle is put together and the
13 evidence is all in the picture is going to show that
14 Angelita Wright, the defendant, murdered Brent Tessnear.
15 And we hope that you will find him guilty. Thank you.

16 MS. WHITE: May it please the Court.

17 THE COURT: Yes, ma'am.

18 MS. WHITE: I am here today with cocounsel, Dick
19 Whelchel from our office, to represent Angelita Wright.

20 Angelita is a mother of three. She and Brent Tessnear
21 had been married, and they were estranged at the time.
22 This was a relationship, I think, that had gone back and
23 forth for a period of almost eight years. And at the time
24 of his death she was 25. So this is something that had
25 been going on for years with her and Mr. Tessnear.

Opening statements

1 They did, as any other relationship, have ups and
2 downs. Mr. Kozak mentioned the words she said that night.
3 I'm always a fan of my grandmother's sayings, and,
4 obviously, sticks and stones will break your bones but
5 words will never hurt you.

6 Words said can mean a lot of things. You may be upset
7 at someone; you may be in love with someone; you may be
8 trying to convince something or someone and you might say
9 something.

10 Whether or not that word is enough to convict you of
11 murder is what we're telling you today that the state is
12 not going to be able to prove. They have to prove beyond a
13 reasonable doubt that Angelita Wright murdered with malice
14 aforethought, which means thought of it ahead of time and
15 purposely killed Brent Tessner, the father of her three
16 children who at the time ranged from baby to about five
17 years old. They have to prove that beyond a reasonable
18 doubt.

19 As Mr. Kozak said, there's some issues that the
20 defense expects will be presented with the case.

21 The main witness, Brandon Blackwood, we expect that
22 you'll hear from him. Which story you'll hear from him, we
23 don't know. Could be the first; it could be the second;
24 could be the eighth story he's told.

25 He said there's one consistent thing, that Angelita

Opening statements

1 was in the car. You will be able to listen to the
2 testimony. You'll be able to hear what he says and decide
3 for yourselves if he's told a consistent story, if he's
4 believable.

5 One of the other sayings that I've always heard is
6 beware of half truths, because you don't know which half
7 you're getting. Just because someone can give you some
8 information does not mean that they're telling you the full
9 truth.

10 We want you to look at things that go behind what
11 they're telling you too, why would they be saying this,
12 what motive might he have for saying this, is there a bias,
13 is there a reason that somebody might be upset with
14 Ms. Wright, is there a reason that they would want to place
15 the blame on her instead of themselves.

16 As we present witnesses and as the state presents
17 witnesses we're going to ask you to listen very carefully.
18 Listen to who you believe, make the decision as to what you
19 hear. And, ultimately, we think that you will come back
20 with a decision that reflects justice in this case for us,
21 for Brent Tessnear who was the victim in this case.

22 And we have no doubt he was a victim. But we do not
23 believe and we will hope to prove that Angelita Wright was
24 not there at the time of the car accident that took his
25 life, was not in the vehicle that took his life and should

Alaina Michelle Linder
Direct examination by Mr. Kozak

1 be found not guilty on both charges. Thank you.

2 MR. KOZAK: State calls Alaina Linder.

3 THE COURT: Okay.

4 ALAINA MICHELLE LINDER, having
5 been first duly sworn, testified as follows:

6 THE COURT: Ma'am, pull the microphone towards you,
7 please, and tell us your full name. Spell your last name
8 for my court reporter, please.

9 THE WITNESS: It's Alaina Michelle Linder,
10 L-I-N-D-E-R.

11 THE COURT: Thank you.

12 Please answer his questions.

13 MR. KOZAK: Thank you, Your Honor.

14 DIRECT EXAMINATION BY MR. KOZAK

15 Q Ms. Linder, how old are you?

16 A Twenty-four years old.

17 Q Where do you work?

18 A At Shell gas station.

19 Q Okay. Where do you currently live?

20 A Cowpens, South Carolina.

21 Q Where did you live on December 26th and
22 December 27th of 2015?

23 A Cowpens, South Carolina.

24 Q And what happened that day or that night or that
25 morning?

Alaina Michelle Linder
Direct examination by Mr. Kozak

1 A Around 3:00 a.m. I lost my cell phone in my home. My
2 boyfriend doesn't have a cell phone, so I was going to
3 drive to the gas station on the corner and have them call
4 it. And he was going to stay at home and listen for it.

5 After pulling out of my driveway and going a little
6 bit over the railroad tracks I saw the feet of a man in the
7 road. I drove past and pulled into the Hardee's parking
8 lot and circled back around and kind of went beside him and
9 stopped for a moment to see if he moved. He didn't.

10 I pulled back into my driveway, went inside and got my
11 boyfriend. And we went back out to go back to the gas
12 station to call the police from there thinking he was drunk
13 or something.

14 But another car was coming down the road, so we walked
15 up to stop that car before he got to the person in the
16 road. By the time we reached that person he was already on
17 the phone with the 9-1-1.

18 Q Okay. Did you or your boyfriend speak with 9-1-1?

19 A I did not. The person who called didn't know the
20 street name, so my boyfriend took the phone from him and
21 just gave them the location.

22 Q About -- are you familiar with a map about where --
23 what street was it on?

24 A Cemetery Street.

25 Q Okay. About what time did this occur?

Alaina Michelle Linder
Direct examination by Mr. Kozak

1 A Around 3:00 a.m.

2 Q All right. What position was he in in the road when
3 you saw him for the first time?

4 A I saw his feet first, and his head was on the white
5 line that comes before the "X" on a railroad sign, either
6 on his side or face down, not facing up.

7 Q Okay. Did you do anything after you guys called
8 9-1-1?

9 A They stayed on the phone with 9-1-1. I walked up to
10 the Valera on the corner to see if any officers were there.
11 They weren't. I told the cashier if one showed up to just
12 send it that way.

13 Q And what did you do after that?

14 A I walked back and stood with them.

15 Q Did you wait until the first responders responded?

16 A Uh-huh.

17 Q Do you have any idea about what time that was?

18 A 3:15. I don't -- I don't know.

19 Q But not long after 3:00?

20 A Not long.

21 Q Okay.

22 MR. KOZAK: Beg the Court's indulgence.

23 (Pause.)

24 MR. KOZAK: Nothing further.

25 MS. WHITE: Just briefly, Your Honor.

Alaina Michelle Linder
Cross-examination by Ms. White

1 CROSS-EXAMINATION

2 BY MS. WHITE

3 Q Ms. Linder, just to question a little bit about the
4 timeline thing. You said that at about 3:00 a.m. was when
5 you discovered your phone was lost and decided to go up to
6 try to get your boyfriend to call it.

7 A Uh-huh.

8 Q If the records reflect that a 9-1-1 call was made at
9 2:57 a.m., could that be possible, that perhaps it was
10 prior to 3:00 a.m.?

11 A Uh-huh.

12 Q So it's possible that you had actually sometime before
13 that discovered your phone was missing. You said you then
14 went up there.

15 About how much time did you take between the time that
16 you left to go make your phone call to find your lost cell
17 phone to the point that you actually were back there with
18 the gentlemen talking to 9-1-1?

19 A My house isn't very far at all from where he was, so
20 maybe three minutes from the time that I first saw him,
21 turned around, and then maybe another three minutes in the
22 house explaining the situation to my boyfriend, and then
23 three minutes back up the road and the guy was calling.

24 Q So maybe ten minutes, give or take a little bit.

25 A Yeah.

Ruth Elsa wolfe
Direct examination by Ms. Albee

1 Q Okay. And so if the phone call to 9-1-1 was made at
2 2:57, it's possible then that you first saw him close to
3 2:47. Is that possible?

4 A Sure.

5 Q Thank you.

6 MS. WHITE: That's all I have, Your Honor.

7 THE COURT: Anything at all?

8 MR. KOZAK: Nothing further.

9 THE COURT: Thank you, ma'am. You may step down.

10 MR. KOZAK: May she be excused?

11 MS. WHITE: No objection, Your Honor.

12 THE COURT: Ma'am, you may leave or stay, whichever
13 you choose.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness was excused.)

16 MS. ALBEE: Your Honor, the state calls Ruth wolfe to
17 the stand.

18 RUTH ELSA WOLFE, having been
19 first duly sworn, testified as follows:

20 THE COURT: Officer, once you're situated would you
21 tell us your full name, please? And spell your last name
22 for madam court reporter.

23 THE WITNESS: Yes, sir. Ruth Elsa wolfe. That'll be
24 W-O-L-F-E.

25 THE COURT: Thank you.

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 Yes, ma'am.

2 DIRECT EXAMINATION BY MR. ALBEE

3 Q Ma'am, are you employed?

4 A Yes, ma'am, I am.

5 Q Where?

6 A With the Cowpens Police Department for the Town of
7 Cowpens.

8 Q And how long have you been in law enforcement?

9 A Roughly 20 years or so.

10 Q How long have you been with Cowpens?

11 A Since 1994.

12 Q And what's your current position with the Cowpens
13 Police Department?

14 A As of today I'm the sergeant. I'm a patrol officer.

15 Q And explain to us a little bit. What does a patrol
16 officer do?

17 A We answer calls; we stop cars; we work wrecks; we
18 serve warrants.

19 Q Was this also your position on December 26th and
20 27th of 2015?

21 A Yes, ma'am.

22 Q And explain to us how you got involved in this case,
23 how -- when you were dispatched out.

24 A I received a dispatch. It was at around 3:03 a.m.
25 that morning to assist an ambulance on Cemetery Street in

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 reference to a man down.

2 Q When you say 3:03 a.m. that morning, what date is
3 that?

4 A That would be 12/27.

5 Q Of what year?

6 A 2015.

7 Q Were you able to respond to the scene?

8 A Yes, ma'am, I was.

9 Q And where exactly did you go?

10 A I went to Cemetery Street near the intersection of
11 North Oakland Street.

12 Q And where is that located?

13 A That's off of Highway 29. It's in the Town of
14 Cowpens.

15 Q Is it also located in Spartanburg County?

16 A It is, yes, ma'am.

17 Q And, if you could, explain to us what you saw when you
18 arrived at the scene.

19 A Initially, when I pulled up on the scene I saw an
20 ambulance was present. There were two medics. They were
21 working with someone laying on the ground. I also saw a
22 black gentleman present -- a young white female and a young
23 white male that were present.

24 Q Could you tell if the body on the ground was a male or
25 a female?

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 A I -- I wasn't -- I kept hearing "he", so I took that
2 it was a male laying on the ground.

3 Q Did -- sorry. Did you recognize who that individual
4 was at that time?

5 A No, ma'am, I did not.

6 Q Tell us what you did while you were at the scene.

7 A I asked the black gentleman if he was acquainted with
8 the person on the ground. I also asked the white female,
9 the young white female that was there, if she was perhaps
10 acquainted with the man on the ground, as well as the young
11 white male. And all replied that they were not acquainted
12 with him.

13 Q And did you do anything else while you were there?

14 A The medics asked if we could assist in sliding the
15 backboard underneath the person, that they were getting
16 ready to go to Spartanburg Regional.

17 Q And did you help with that?

18 A I did -- I did.

19 Q Was there anything at the scene that you collected?

20 A Yes, ma'am. I noticed that nearby laying close to the
21 area where the medics were, laying in the roadway was like
22 a green colored plastic bag, a cell phone. I saw a couple
23 of keys, an orange Bic lighter. There were some grocery
24 items, like some snack items.

25 Q Where did you go once you left Cemetery Street?

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 A I collected the items and put them in the back of the
2 patrol car, and then I went to Spartanburg Regional.

3 Q What happened when you were at Spartanburg Regional?

4 A When I arrived I was asked to go to trauma room No. 4.
5 I observed medical personnel working with this man. Then
6 when I was able to get a better look I realized that I had
7 seen him earlier before this call.

8 Q Did you learn the identity of the individual?

9 A While I was there at the E.R., yes, ma'am.

10 Q And who was that?

11 A It was Brent Tessnear.

12 Q And you told us that you recognized him from earlier
13 in the night. Explain to us what that means.

14 A Earlier in the evening I had stopped into the Li'L
15 Cricket. I was going to purchase a charger for my phone.
16 My cell phone was about to die. I didn't have a car
17 charger with me.

18 So when I entered the store, when I pulled into the
19 parking lot, the only vehicle there was the clerk who was
20 working. I didn't see any other vehicles.

21 So when I went into the store I went to the cable
22 kiosk that they had near the door. And then I heard a
23 noise on the other side of the middle aisle and observed a
24 man approaching the register to purchase items.

25 Q Now, is this the man that you now know was Brent

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 Tessnear?

2 A Yes, ma'am.

3 Q Okay. So he was in the gas station with you earlier
4 that night.

5 A In the store, yes, ma'am.

6 Q About what time were you at that gas station?

7 A It was a little before 2:00 a.m.

8 Q And if you could, did you -- tell us about any
9 interactions you had with Mr. Tessnear that night.

10 A When he approached the counter to make a purchase I
11 noticed that he stood with his legs slightly apart. He was
12 swaying side to side a little bit as if listening to music.

13 And then I saw he was -- he reached for his wallet and
14 mistook it and went into the other pocket to grab a wallet
15 out.

16 At this point I approached him from behind. It was
17 the holiday weekend, and I asked Mr. Tessnear if he'd had
18 some tonight, how many did he have. He turned to look at
19 me, and he was grinning. And when he realized it was an
20 officer, I asked him please don't lie. And he stated that
21 he had had a few Jägers earlier.

22 I asked him where did he live. He said that he lived
23 right behind the Hardee's, which is located off 29 and
24 Oakland Street.

25 I was acquainted with rental property. And being that

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 I did not recognize who he was, I thought he was visiting
2 from out of town for the holiday weekend.

3 He was not grossly intoxicated during our interaction,
4 but I was going to give him a ride home.

5 Q Were you able to give him that ride home?

6 A No, ma'am, I was not.

7 Q Did you see him leave the gas station that night?

8 A He did. He -- he had crossed the roadway. I had
9 asked him to -- to just hang tight outside by my car and
10 that I would be right out.

11 And as I went back to the kiosk the clerk -- she
12 notified me, and said, "Ruth, he's -- he's walking. He's
13 crossing the roadway."

14 So I went to the door and saw that he did make it
15 across the roadway onto the sidewalk. And the direction he
16 was walking was from the tobacco outlet towards Mike's Cafe
17 in the area that would have led to the rental property.

18 Q Do you know who the clerk was that night?

19 A All I know is her first name of Odessa.

20 MS. ALBEE: Your Honor, may I have approach and
21 retrieve what's been previously marked as an exhibit?

22 THE COURT: Yes, ma'am.

23 MS. ALBEE: I'm showing opposing counsel what's been
24 marked as State's Exhibit No. 4.

25 May I approach the witness?

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 THE COURT: Yes, ma'am.

2 Q Sergeant Wolfe, I'm handing you what's been previously
3 marked as State's Exhibit No. 4. Do you recognize this?

4 A I do.

5 Q And what is this?

6 A This is an overview of a portion in the Town of
7 Cowpens reflecting 29 North Main Street, Battleground Road,
8 110 and Cemetery Street.

9 Q Is this area we were just talking about?

10 A Yes, ma'am.

11 Q Is it a fair and accurate depiction of that area?

12 A Yes, ma'am.

13 Q Does it appear as if it's been altered in any way?

14 A No, ma'am.

15 MS. ALBEE: Your Honor, at this time the state moves
16 Exhibit 4 into evidence.

17 THE COURT: Any objection?

18 MS. WHITE: Without objection, Your Honor.

19 THE COURT: State's 4 is admitted without objection.

20 (Photograph marked State's Exhibit No. 4.)

21 MS. ALBEE: And, Your Honor, permission for the
22 witness to step down and make use of a demonstrative for
23 the jury.

24 THE COURT: Okay.

25 (Whereupon, the witness left the stand.)

Ruth Elsa wolfe
Direct examination by Ms. Albee

1 MS. ALBEE: Your Honor, can you inquire to make sure
2 everyone can see that? I'm pretty sure they can, but I
3 just want to make sure.

4 THE COURT: Madam Forelady, any complaints of the
5 jury?

6 THE FOREPERSON: No, sir.

7 MS. ALBEE: Thank you, Your Honor.

8 Q Sergeant wolfe, let me have you to come here.

9 Now, you have been talking about some locations and
10 stuff, so I wanted you to kind of pinpoint them out.

11 Where did you find the body in this case when you
12 responded a little after 3:00 a.m.?

13 A Right here --

14 THE COURT REPORTER: I can hear.

15 Q You're going to have to speak up so she can hear you.
16 Okay.

17 A I'm sorry. It was near the "X" on the railroad on
18 Cemetery Street.

19 Q And, Sergeant wolfe, I'm going to circle where you're
20 telling us the body was found and write the word body.
21 Okay?

22 A Uh-huh.

23 Q Now, you also stated that you were at a gas station
24 earlier in the night and that you saw Brent Tessnear there.
25 Can you locate for us on this map where that gas station

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 is?

2 A It would be right here.

3 (Whereupon, the witness demonstrated.)

4 Q Make sure you speak loud for us.

5 A It's right here. It's on the "Y" intersection of 110
6 and 29.

7 Q Okay. And I'm going to circle where you're telling us
8 that gas station is and write the word gas station.

9 Okay. Now, if you could, show us on this map where
10 you saw Mr. Tessnear walking. And make sure you speak up
11 for the court reporter.

12 A He -- he walked across the street and was going
13 towards the tobacco outlet here. When I looked out the
14 door I saw him just coming off the sidewalk into the
15 parking-lot area. And then he came down towards the
16 parking lot area of Mike's Cafe. So he was headed in -- in
17 this direction. I last saw him around this area.

18 Q Now, I'm going to put an "X" where you say that you
19 last saw Mr. Tessnear walking.

20 After you saw -- now, when you saw him here in this
21 area, the Mike's Cafe parking lot, where were you located?

22 A I was -- I was still inside.

23 Q Okay. So you were still in the gas station then.
24 Now, did you see him or anyone else walking after that?

25 A No, ma'am.

Ruth Elsa Wolfe
Direct examination by Ms. Albee

1 Q And then you told us that down here where it says body
2 is where the body was located.

3 You can return to your seat.

4 (Whereupon, the witness returned to the stand.)

5 Q Sergeant Wolfe, approximately what time was the last
6 time that you saw Brent Tessnear walking?

7 A Around just a little before 2:00 or around 2:00.

8 Q And what time were you dispatched out?

9 A At 3:03 a.m.

10 Q Now, when you were driving or when you left the area
11 of the Li'L Cricket parking lot, where did you go?

12 A I came onto Highway 29 and turned down Cemetery
13 Street. I was scanning the area to see if I saw
14 Mr. Tessnear walking. I did not see him in the parking lot
15 at Mike's.

16 As I came down Cemetery I did not see him in the
17 Hardee's parking lot. I went near -- as I was driving past
18 the Hardee's parking lot I looked straight down. I didn't
19 see any movement on the roadway.

20 I did look over, and further down on Hardee's in
21 between the Hardee's parking lot and Oakland Street there's
22 a huge gravel driveway. When I looked in that area -- we
23 do have a Dollar General that is right next to the Hardee's
24 that has a spotlight. And the spotlight was on the corner
25 light. And we had some fog that evening, and when I looked

Ruth Elsa wolfe
Cross-examination by Ms. white

1 in that direction I saw a silhouette of an individual
2 moving towards the rental house on North Oakland Street.
3 Being that I didn't see anyone else, I just thought the
4 young man's about home, he'll -- he'll be okay.

5 Q Now, do you have any idea whether or not that was
6 actually Brent Tessnear that you saw in the light? Did you
7 see his face at all?

8 A I did not. I just saw the silhouette. But I did not
9 see any other movement as far as anybody walking.

10 MS. ALBEE: Your Honor, I have no further questions
11 for this witness at this time.

12 MS. WHITE: Beg the Court's indulgence. I do have
13 some questions, Your Honor.

14 (Pause.)

15 MS. WHITE: Your Honor, if you don't mind, I'm going
16 to grab their demonstrative piece here.

17 THE COURT: Sure.

18 MS. WHITE: I'll have able cocounsel here assist me.

19 THE COURT: Sure.

20 CROSS-EXAMINATION

21 BY MS. WHITE

22 Q officer wolfe, tell me a little bit about -- I'm going
23 to stand so I know that the jury can see us here.

24 Tell me a little bit about your experience and your
25 training. When you train to become a law enforcement

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 officer, particularly for 20 years, what are some of the
2 things that are basics that they teach you to work on
3 basically?

4 A How to write reports, how to collect information when
5 we do write reports, how to perform car stops, work wrecks.

6 Q So observation skills is something that they --

7 A Yes, ma'am.

8 Q -- focus on.

9 A Right.

10 Q You said the importance of writing a report. And that
11 includes the importance of details and documenting things,
12 is that right?

13 A Yes, ma'am.

14 Q In regards to the timeline, just so I can briefly
15 clarify that, you said that the last time you saw
16 Mr. Tessnear walking it was around 2:00 a.m.

17 A Give or take, yes, ma'am.

18 Q Is it not right that in your report you indicate that
19 you actually got a copy of the receipt of the items he
20 purchased and the time was 2:02 a.m.?

21 A That's -- that's what it reflected as far as from the
22 store.

23 Q So he was actually in the store purchasing the items
24 at 2:02.

25 A I don't know how long he was in there before I

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 arrived, but while I was in there it was a little before
2 2:00.

3 Q Okay. So the receipt reflected that he purchased the
4 items though at 2:02.

5 A Yes, ma'am.

6 Q So it was after that point that you saw him leave, is
7 that right?

8 A Yes, ma'am.

9 Q Okay. Do you recall how long it was that you were in
10 the store until you saw him walking across the road to
11 Mike's?

12 A I could have been there a minute, a minute and a half.
13 I don't know exactly.

14 Q Okay. So it was a short period.

15 A Yes, ma'am.

16 Q We're not talking about a 30-minute or an hour.

17 A No, no, ma'am.

18 Q Okay. During the time that you were in there did you
19 see any other vehicles pull up in the parking lot?

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

21 Q Did you hear any arguments or yelling in the parking
22 lot?

23 A No, ma'am, I did not.

24 Q And if you had heard an argument that supposedly
25 potentially lasted 20 minutes of yelling and arguing, as a

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 police officer would you not have gone out to investigate
2 that?

3 A Yes, oh, yes, yes, ma'am.

4 Q At the time that you said -- and if you don't mind I'm
5 going to have you step down too --

6 A Sure.

7 (whereupon, the witness left the stand.)

8 Q -- just to follow up on a couple of things.

9 Now, we've discussed that this was the -- the gas
10 station that you were at.

11 A Yes.

12 Q And that you saw Mr. Tessnear crossing over in front
13 of Mike's Cafe. Now --

14 A About right there.

15 Q Okay. So he -- was there a sidewalk there or --

16 A Yes, ma'am, right here.

17 Q And was he on the sidewalk or cutting through?

18 A He already made it across by the time --

19 THE COURT REPORTER: I don't know what she's saying.

20 MS. WHITE: I'm sorry.

21 A He'd made it over the sidewalk when I looked through
22 the door window. He'd already made it across the roadway
23 over the sidewalk.

24 Q And I apologize.

25 A No. That's fine.

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 Q I try to -- so it was 2:02 that he purchased some
2 items from what we understand at the station. And within a
3 few minutes, shortly thereafter, you saw him over in front
4 of Mike's Cafe, is that right?

5 A No, ma'am. When I looked out at the -- when -- when
6 the clerk advised me that he's walking and I looked out the
7 door, he'd already made it across and then was headed in
8 this direction here.

9 Q Okay.

10 A Maybe a minute or two minutes. I'm not exactly sure.

11 Q Right.

12 A But then I left the store and came down.

13 Q Okay. And that's the part I wanted to make sure that
14 the jury saw. You indicated a gravel parking lot.

15 A Yes, ma'am, right here.

16 Q Okay. And that is below the Hardee's --

17 A Uh-huh.

18 Q -- closer to the area that the body was found, is that
19 right?

20 A It's close, yes.

21 Q So comparing to the location you had last seen him
22 walking, the person that you saw or the silhouette of the
23 person that you saw was significantly closer to the area
24 that the body was located than back up here, is that right?
25 And at that time you were driving on --

Ruth Elsa wolfe
Cross-examination by Ms. white

1 A Cemetery.

2 Q -- Cemetery Street.

3 A Yes, ma'am.

4 Q Okay. Now, when you saw this silhouette did you
5 continue straight on Cemetery, or did you turn around?

6 A I continued.

7 Q Okay. So you continued straight on Cemetery and left
8 the area.

9 A Yes, ma'am.

10 Q Okay. Thank you.

11 (Whereupon, the witness returned to the stand.)

12 Q Just a couple more questions, Officer wolfe.

13 When you talked with the coroners that -- you
14 explained to them that you had seen the victim earlier that
15 night, is that right?

16 A I did. Yes, ma'am.

17 Q Did you give them a time estimate that you thought you
18 had last seen him?

19 A I -- I do not recall them asking me that question.

20 Q Okay. So you don't recall if you gave any kind of
21 estimate of time as to when you saw him walking.

22 A Not to the coroner, no, ma'am. I don't.

23 Q Okay. You also said that you got the dispatch at
24 3:03 a.m., is that right?

25 A Yes, ma'am.

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 Q And at that point to your understanding 9-1-1 had
2 already been called, because emergency vehicles were on the
3 scene, is that right?

4 A Yes, ma'am.

5 Q Do you have idea of how long that been prior to your
6 dispatch?

7 A No, ma'am.

8 Q So if the 9-1-1 record that says there was a call at
9 2:57, that could be accurate?

10 A I -- I don't know how they log those in in 9-1-1.

11 Q Okay. Additionally, you did some additional
12 investigation other than just collecting items on the
13 scene, is that right?

14 A Yes, ma'am.

15 Q And I'll clarify. You interviewed some witnesses,
16 didn't you?

17 A Yes, I did. It was not on that day. It was later in
18 the morning, but yes, yes, ma'am.

19 Q So once the victim had been identified.

20 A Yes, ma'am.

21 Q You continued your investigation into this incident,
22 is that right?

23 A To a -- to a point, yes, ma'am, I did.

24 Q Okay. And do you recall that you actually received a
25 phone call from a Jeremy Ely or Elly in reference to this

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 incident?

2 A I'm -- I'm afraid I have to review my notes for a
3 moment. I don't. I know that while I was asked to stand
4 by and contain the scene for I.D. that 9-1-1 had called in
5 reference to someone wanting to meet with an officer in
6 regards to this incident.

7 Q Okay. And I can bring up a copy of your report if
8 that would help. You've got it. At the bottom of page
9 three of the supplemental report.

10 A Yes, ma'am. I'm sorry.

11 Q Okay. Does that -- do you recall now?

12 A It does. Yes, yes. We were notified on radio to
13 contact a Jeremy Ely in reference to the incident.

14 Q And I'm sorry. Mr. Ely shared some information with
15 you about an incident that had occurred prior to Christmas,
16 is that right?

17 A He -- he did. He mentioned that something had taken
18 place prior to Christmas, yes, ma'am.

19 Q And that incident involved a gentleman and a couple of
20 other gentlemen showing up at the victim's home looking for
21 him with a lead pipe or a metal wand, is that right?

22 A Yes, ma'am. That's correct.

23 Q And Mr. Ely indicated that that gentleman and those
24 other gentlemen were essentially threatening the victim, is
25 that right?

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 MS. ALBEE: Objection, Your Honor. Hearsay.

2 THE COURT: Yes, ma'am.

3 MS. WHITE: Your Honor, I'm asking her from her
4 conversation with him what her understanding of the prior
5 incident was, not specifically what he said.

6 THE COURT: Well, that is hearsay.

7 MS. WHITE: I'll rephrase, Your Honor.

8 THE COURT: All right.

9 Q Officer Wolfe, from your understanding of your
10 conversation with him, what was the concern that Mr. Ely
11 had and the reason why he called you?

12 MS. ALBEE: Your Honor, that would still be hearsay
13 and speculation at that point.

14 THE COURT: Let me see y'all.

15 (Bench conference held off the record in the presence
16 of the jury but out of the hearing of the jury.)

17 Q Officer Wolfe, in regards to the information you
18 received from Mr. Ely, what further investigation did you
19 do to investigate the information he provided to you?

20 A He was asked to fill out a voluntary statement, as
21 well as there was another family member present at the
22 house who also provided a voluntary statement. And this,
23 these statements, were turned over to Chief Makupson who
24 was actually -- was running the lead on the investigation
25 itself.

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 Q So in your capacity as handling this, you didn't do
2 any further investigation or follow up as to the
3 information you received about these gentlemen.

4 A I did not, no, ma'am.

5 Q And to your understanding no further investigation was
6 done by Chief Makupson, was it?

7 A I -- I do not know. I don't know.

8 Q You said that another family member came in and gave a
9 statement as well. Was that statement consistent with what
10 Mr. Ely had provided?

11 A I -- when they completed their statements and they
12 were signed and witnesses signed at the bottom, Chief
13 Makupson took possession of those voluntary statements.

14 Q So, but you were present when the statements were
15 taken, correct?

16 A They were. There were -- there were several other
17 people in the -- in the home, and there was a lot of
18 conversation going on. So it made it a little difficult to
19 kinda focus exactly on what they were trying to bring to
20 our attention.

21 Q Okay. But -- but you did receive statements from both
22 of those, from two different parties.

23 A Yes, ma'am, yes, ma'am.

24 Q And you don't recall, is your testimony, as to whether
25 or not those statements were consistent as to the incident

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 prior to Christmas?

2 A I -- I would have to actually review the copies of the
3 voluntary statements to confirm that.

4 MS. WHITE: Your Honor, if I may approach I can
5 provide those to Ms. -- Officer Wolfe. May I approach,
6 Your Honor?

7 THE COURT: Yes, ma'am.

8 Q Showing you copies of two statements that you took.
9 Have you had a chance to review those or...

10 A Okay. I'm -- I'm sorry. I'm trying to get
11 clarification. What exactly?

12 Q I asked if the -- if the statements were consistent as
13 to an incident involving some other gentlemen potentially
14 threatening the victim prior to.

15 A Okay. Prior to this? As far as what Mr. Tessnear
16 wrote and what Mr. Ely wrote this is -- his statement is
17 not reflecting what he wrote about the gentleman with the
18 metal pipe or people looking for him.

19 Q Okay. All right. So your -- your testimony is that
20 they are not consistent in --

21 A With the information that's here.

22 Q I'm sorry. And I'm -- you know what? That is my
23 mistake.

24 MS. WHITE: Your Honor, I provided her with the wrong
25 statement.

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 Q Apologize.

2 A Okay. That's fine. Okay. I see what you're -- yes,
3 ma'am.

4 Q And -- and just for clarification, you took three
5 statements that day in the house.

6 A Yes, ma'am, and, yes, ma'am.

7 Q And two of those were consistent with information that
8 they provided.

9 A As far as three men, yes, ma'am.

10 Q Okay. Thank you.

11 Did you also receive information or talk to a
12 Johnathan Sellars?

13 A I did, yes, ma'am.

14 Q Did he also provide information for you that
15 referenced a potential threat to the victim?

16 A When he and I met -- sorry -- let me pull these
17 documents out.

18 (Pause.)

19 A Mr. Sellars did not provide me with a voluntary
20 statement until the 30th.

21 Q Okay.

22 A And he and I met at Cowpens Town Hall, at the city
23 hall. And Mr. Sellars wrote in his voluntary statement --

24 MS. ALBEE: Objection, Your Honor. Hearsay.

25 THE COURT: Sustained.

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 Q Without -- without telling us what he said, can you
2 tell us if he provided information to you in regards to a
3 potential threat to the victim by someone?

4 A No, ma'am, not in the voluntary statement that he
5 provided to me on the 30th.

6 Q Okay. Do you not -- do you recall in your incident
7 report discussing a conversation you had with him where he
8 came back to discuss some facebook messages with you?

9 A That was on the -- the 30th, yes, ma'am.

10 Q And during that time do you recall him discussing with
11 you a potential threat to the victim?

12 A No, ma'am.

13 Q Okay. Hold on one second.

14 (Pause.)

15 MS. WHITE: Beg the Court's indulgence.

16 (Pause.)

17 MS. WHITE: May I approach, Your Honor?

18 THE COURT: Yes, ma'am.

19 Q I am going to provide. This is the first. So, you
20 know, the first and second page. If you will, look on the
21 top middle of the second page of your supplemental report.

22 (Pause.)

23 Q And that was dated January 11th if that helps.

24 A It was, yes, ma'am.

25 THE WITNESS: Sorry, Your Honor. I found the second

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 page. I'm still looking for the first.

2 (Pause.)

3 A Okay. Okay.

4 Q Okay. You found it.

5 A Yes.

6 Q You've got your report.

7 A Yes.

8 Q I'll take mine back then.

9 So this is a supplemental investigation report you
10 completed on January the 11th, is that right?

11 A Yes, ma'am, yes, ma'am.

12 Q Okay. And on the second page of that you reference
13 meeting with a Johnathan Sellars in regards to additional
14 information.

15 A Okay. Yes, ma'am.

16 Q And does he provide you with additional information
17 regarding -- without getting into specifics of what he
18 said -- that could be perceived as a threat to the victim?

19 A He -- he was offering comments about...

20 Q Do you see a reference to him being on facebook?

21 A I'm looking. Is that on page one or two?

22 Q That's on page two of four.

23 A Two. Okay.

24 Q About midway down.

25 A He had stated that on the 30th of December --

Ruth Elsa Wolfe
Cross-examination by Ms. White

1 Q Without telling me exactly what he said, because
2 that's hearsay, can you tell me though if that seems he's
3 referencing or trying to give you information --

4 A Yes, ma'am.

5 Q -- about a potential threat to the victim?

6 A Yes, ma'am.

7 Q Okay. To your understanding, or you can tell me, I
8 guess. Did you do any additional investigation as to
9 followup on that information?

10 A No, ma'am.

11 Q Okay. Did you obtain any of the videos that were
12 obtained by the sheriff's office in -- in use of this
13 investigation?

14 A One. I was advised to go to the Li'L Cricket and pick
15 up a thumb of a recording.

16 Q Okay. And the Li'L Cricket. Was this the Li'L
17 Cricket in Cowpens?

18 A Yes, ma'am, the Li'L Cricket in Cowpens.

19 Q And you were instructed to get that video to reflect
20 what, the date and time of the incident?

21 A The date and time that Mr. Tessnear was last in the
22 store.

23 Q Okay. And you went and got that video, is that right?

24 A I'm sorry?

25 Q You went and got the video or got the thumb drive?

Ruth Elsa Wolfe
Redirect examination by Ms. Albee

1 A I did, yes, ma'am.

2 Q Did you review the thumb drive when you picked it up
3 to verify that that was the correct date and time, or
4 video?

5 A No, ma'am.

6 Q Okay.

7 A I did not.

8 Q Did you review that once you got it back to the
9 office?

10 A No, ma'am.

11 Q Okay. And the information that you were provided by
12 the three folks earlier and by Mr. Sellars, that was
13 significant enough for you to include it in your
14 investigation reports, wasn't it?

15 A Yes, ma'am.

16 Q Okay.

17 MS. WHITE: Your Honor, I think that's all I have at
18 this time.

19 THE COURT: Anything at all?

20 MS. ALBEE: One question, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. ALBEE

23 Q Sergeant Wolfe, were you the only investigating
24 officer in this case?

25 A No, ma'am.

1 MS. ALBEE: No further questions, Your Honor.

2 THE COURT: Thank you. You may step down. Please be
3 careful.

4 MS. ALBEE: Your Honor, we'd ask that she be released
5 from her subpoena at this time.

6 THE COURT: Any objection?

7 MS. WHITE: Your Honor, we also have her under
8 subpoena. I have no objection to her being relieved at
9 this time with just the understanding that if we need to
10 call her at a later date we'll be able to.

11 THE COURT: All right. You're released from the
12 state's subpoena, but you remain under subpoena with the
13 defense. Okay?

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: Thank you.

16 (Whereupon, the witness was excused.)

17 MS. ALBEE: Your Honor, prior in pretrial the state
18 and the defense stipulated as to authenticity and
19 admissibility of State's Exhibit 1, 2 and 3. We would seek
20 to move those into evidence at this time.

21 THE COURT: Any objection?

22 MS. WHITE: No objection, Your Honor.

23 THE COURT: State's Exhibits 1, 2 and 3 are now
24 admitted without objection.

25 (D.V.D. marked State's Exhibit No. 1; D.V.D. marked

Lindsey McGraw
Direct examination by Mr. Kozak

1 State's Exhibit No. 2; D.V.D. marked State's Exhibit No. 3.)

2 MR. KOZAK: State calls Lindsey McGraw.

3 LINDSEY MCGRAW, having been
4 first duly sworn, testified as follows:

5 THE COURT: Sir, when you're comfortable tell us your
6 name, and spell your last name for madam court reporter,
7 please.

8 THE WITNESS: My name is Lindsey McGraw. Last name
9 spelled M-C-G-R-A-W.

10 THE COURT: Thank you.

11 Yes, sir.

12 MR. KOZAK: Thank you, Your Honor.

13 DIRECT EXAMINATION BY MR. KOZAK

14 Q Where do you currently work, Mr. McGraw?

15 A Well, as it happens, today is my first day of
16 employment with the attorney general's office. I'm a
17 computer forensic examiner assigned there.

18 Q What -- what do you do there?

19 A A computer forensics examiner.

20 Q Where did you work before the attorney general's
21 office?

22 A Just prior to the attorney general's office I worked
23 with my son. He has a heating and air conditioning
24 business. I was an air conditioning technician. That was
25 right after my retirement from the Spartanburg County

Lindsey McGraw
Direct examination by Mr. Kozak

1 Sheriff's Office.

2 Q Okay. And how long did you work at the Spartanburg
3 County Sheriff's Office?

4 A About 12 years.

5 Q And what was your position there?

6 A I was a computer forensics examiner there as well.

7 Q And were you always in that position?

8 A Yes, sir.

9 Q What other positions have you held? Never mind. How
10 did you become involved in this investigation?

11 A I received a request from Detective Tommy Clark with
12 the Spartanburg County Sheriff's Office to perform a
13 forensic examination of three cell phones in reference to
14 this investigation.

15 Q Okay. Did you perform a Cellebrite?

16 A Yes, sir. Cellebrite is the device I used to examine
17 the devices with.

18 Q Will you explain to the jury what a Cellebrite is?

19 A Sure.

20 Q What it does.

21 A Cellebrite is just a -- is a hardware tool that is
22 used to extract data from cell phones.

23 Cellebrite is the name brand of it. It's been in use
24 with federal, state and local agencies all over the
25 country. Actually, it's worldwide.

Lindsey McGraw
Direct examination by Mr. Kozak

1 Q What kind of examinations can a Cellebrite perform?

2 A The Cellebrite can perform three types of
3 examinations. They're not necessarily supported for each
4 handset, but it can perform a logical extraction data; it
5 can perform a file system extraction; and it can also
6 perform a physical extraction of data.

7 Q Can you go over a little bit the difference between
8 those three?

9 A Sure.

10 Logical extraction is basically what the user of the
11 device can see on their phone at the time. Logical
12 typically does not include deleted data.

13 A file system is -- can normally extract the same
14 things as a -- as a logical examination with the addition
15 of application data. Can include some deleted information.

16 And a physical extraction is the entire bit for bit
17 data that's available on the device to include operating
18 system information, file system information, deleted data,
19 anything that's available on the phone that's electronic in
20 nature.

21 Q And which examinations did you perform on the phone in
22 this case?

23 A Which phones?

24 Q Start at the top.

25 A Oh, okay.

Lindsey McGraw
Direct examination by Mr. Kozak

1 well, I -- I performed an examination of three
2 different phones. The first one was an L.G. B450. And
3 that particular device was not supported for extraction by
4 the Cellebrite.

5 That's not unusual. This -- this particular phone is
6 a -- is an old style flip phone. It's not an old phone.
7 It was actually manufactured in 2015. But it's like the
8 old style flip phones. Sometimes those are just not
9 supported. Because I was not able to perform an electronic
10 extraction I used a digital camera to document the
11 available information on the phone by photographing the
12 screen.

13 Q Do you know who this phone belonged to?

14 A This phone was identified as the suspect's phone.

15 Q And who is that?

16 A would be Angelita Wright.

17 Q who else's phone did you review?

18 A I did a Coolpad Model 3320A, which was the victim's
19 phone, and an L.G. TracFone, which belonged to a witness.

20 Q Okay. What -- when you ran the Cellebrite on Angelita
21 Wright's phone, what did it show?

22 A The phone itself was not supported for extraction, but
23 I was able to pull some data off of the sim card, which a
24 sim card is a subscriber identity module card that
25 basically identifies the user on the telephone network,

Lindsey McGraw
Direct examination by Mr. Kozak

1 basically for billing, to see who's going to pay the bill.

2 The sim card will contain a cell phone number, and
3 that phone number I was able to pull was (864)540-5645.

4 Q Okay. So you were not able to pull it off the phone.
5 You said you took digital photos. That was Angelita's
6 phone?

7 A Yes, sir.

8 Q Okay. I believe these are already in evidence under
9 State's Exhibit 2. They're a portion of the phone records.
10 Will you identify what those are?

11 A Yes, sir. These are photographs I took of the display
12 of Angelita Wright's cell phone.

13 Q Is it -- every photo you took of her display?

14 A I'd have to count them. There are 35 inbox messages
15 and 92 outbox messages.

16 Q Okay. Did you also take photos of the drafts of text
17 messages?

18 A I did.

19 Q Are those a fair and accurate representation of the
20 inbox, outbox and the draft of Angelita Wright's phone?

21 A Yes, sir.

22 Q Have they been altered or edited in any way?

23 A Not to my knowledge, no, sir.

24 Q What is the date of the earliest text message in that
25 inbox?

Lindsey McGraw
Cross-examination by Ms. White

1 A The inbox -- inbox is December 27th of 2015, 6:30 p.m.

2 Q And what is the date of the earliest text message in
3 the outbox?

4 A Outbox would be December 27th of 2015 at 6:47 a.m.

5 Q Did you delete any photos or any text messages from
6 that phone?

7 A No, sir.

8 Q And to your knowledge does that phone auto delete any
9 text messages?

10 A Not to my knowledge, no, sir.

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

12 CROSS-EXAMINATION

13 BY MS. WHITE

14 Q Investigator McGraw --

15 A Yes, ma'am.

16 Q -- a couple of questions.

17 You said that this phone did not -- was not supported,
18 I guess, for the Cellebrite extraction.

19 A Yes, ma'am. That's correct.

20 Q So you had to take the individual photos.

21 The photo -- the fact that this phone was not
22 supported for that is a flip phone. You said it wasn't an
23 old phone, it was modeled in 2015, but old style?

24 A Old style flip phone, older style, yes, ma'am.

25 Q Okay. And isn't it correct that those phones don't

Lindsey McGraw
Cross-examination by Ms. White

1 hold as much data as these smart phones we have now?

2 A Typically that's correct, yes, ma'am.

3 Q And isn't it true that often to be able to receive
4 messages if your inbox is full, you'll have to delete older
5 messages?

6 A That would depend on the capacity of the phone.

7 Q Okay. But that's a possibility for phones that were
8 of the old flip style that are not the smart phones.

9 A Yeah, older, older flip phones, the older model flip
10 phones, the capacity, memory capacity was a lot less, yes,
11 ma'am.

12 Q Okay. So there's no indication that you have of any
13 messages that were deleted. We just know that the ones
14 that are on there started on the 27th, is that right?

15 A Yes, ma'am. I can only document what was available to
16 the user, what was displayed on the phone.

17 Q Okay. Just to ask you a couple of questions about
18 other information.

19 You examined two other phones, is that right?

20 A That's correct.

21 Q And you said that there's three types of exam. On the
22 coolpad, what type of exam did you do on that phone?

23 A I believe I did a logical extraction on both the
24 coolpad and the TracFone.

25 Q Okay. And the logical text information that the user

Lindsey McGraw
Cross-examination by Ms. White

1 can see but nothing that's been deleted, is that right?

2 A That's correct, yes, ma'am.

3 Q So the information on the phone, you said it was for a
4 witness. Is that for a Mark Brandon Blackwood?

5 A Yes, ma'am.

6 Q Okay. For his phone there's information on there that
7 we see, but you couldn't tell from the extraction that you
8 did if there was deleted information, is that right?

9 A Not from the logical extraction, that's correct.

10 Q Okay. But there is a possibility there is a type of
11 extraction that can be done to examine deleted messages.

12 A If the phone is supported by the Cellebrite, yes,
13 ma'am.

14 Q Okay.

15 A Usually I will do all available extractions.

16 Q So you did the logical for what was the Cellebrite for
17 these phones, but you're not able to get any of the deleted
18 data, is that right?

19 A That's correct.

20 Q Okay. One moment, please. Let me just check on
21 something.

22 (Pause.)

23 Q Did officers ever come back to you and ask you to do
24 any additional examination to see if you could pull any
25 deleted messages from the phones?

Lindsey McGraw
Cross-examination by Ms. White

1 A No, ma'am. I was not asked to perform an additional
2 extraction.

3 Sometimes the Cellebrite will come out with updates
4 periodically, but usually I will have to be asked to
5 perform an exam, because it's going to require another
6 search warrant. I can't just do it myself.

7 Q Okay. And the date that you performed the exam on
8 these phones, can you tell us that date?

9 A Sure. The logical extractions for the coolpad and the
10 L.G. TracFone, I performed those on the 6th of January of
11 2016.

12 Q Okay. So that was within a week after Mr. Tessnear's
13 death.

14 A I'm not sure.

15 Q And you may not know. I'm sorry. It happened on the
16 27th. So that was a pretty quick -- quick timeframe as
17 well.

18 A Yeah. I -- well, I received the request to do the
19 extractions on the 5th of January from Detective Clark.

20 Q And you did them on the 6th then.

21 A Yes, ma'am.

22 Q Okay. And no other request was made since then.

23 A No, ma'am.

24 Q Thank you.

25 MS. WHITE: That's all I have at this time.

Brittany Bridges
Direct examination by Mr. Albee

1 THE COURT: Anything at all?

2 MR. KOZAK: Nothing further from the state.

3 THE COURT: Sir, you may step down.

4 MR. KOZAK: May he be excused from the subpoena?

5 THE COURT: Any objection?

6 MS. WHITE: No, Your Honor.

7 THE COURT: You may be excused or stay, whichever you
8 choose.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Thank you.

11 (Whereupon, the witness was excused.)

12 MS. ALBEE: Your Honor, the state calls Brittany
13 Bridges to the stand.

14 BRITTANY BRIDGES, having been
15 first duly sworn, testified as follows:

16 THE COURT: Ma'am, tell us your full name, and spell
17 your last name for the court reporter, please.

18 THE WITNESS: Brittany Michelle Bridges. Last name
19 spelled B-R-I-D-G-E-S.

20 THE COURT: Thank you.

21 Yes, ma'am.

22 MS. ALBEE: Thank you, Your Honor.

23 EXAMINATION BY MS. ALBEE

24 Q Brittany, how old are you?

25 A Twenty-seven.

Brittany Bridges
Direct examination by Mr. Albee

1 Q Do you work?

2 A Yes.

3 Q Where at?

4 A McDonald's.

5 Q And where are you from?

6 A Gaffney.

7 Q Now, did you know Brent Tessnear?

8 A Yes, I did.

9 Q Explain to us how you knew him.

10 A Well, my grandfather is akin to him, like Myrtle and
11 them. And I think it was his nephew if I'm not mistaken.
12 And he was like family to me, even though my grandmother
13 married him, and wasn't my real grandfather, but I always
14 knew in my heart, because I never knew that he wasn't my
15 real grandfather until I was like 14 years old.

16 Brent was like family. I considered him cousin. His
17 family was my family and still is my family. And I don't
18 look at it no other way.

19 Q So is it fair to say that you've known him or knew him
20 for a long time?

21 A I knew him basically my whole life, ma'am.

22 Q Now, did you know the defendant?

23 A I did.

24 Q How long have you known her?

25 A Since her and Brent -- shortly after dating. And I

Brittany Bridges
Direct examination by Mr. Albee

1 seen her at church and everything. And when Papa John died
2 she was there for the preaching and everything with Brent
3 and when Brent was playing guitar in church and everything
4 off and on.

5 Q So you'd see her off and on?

6 A I just like church occasions, sometimes through the
7 house. She even came to my house -- well, my grandmother's
8 house where I live. I've seen her out and about.

9 Q Okay. And, Brittany, did you see her on December the
10 26th of 2015?

11 A If I remember correctly, that was the date. I did
12 have a stroke and it affected my memory, but I -- I think
13 that was the date. If not, a few days before.

14 Q And where do you remember seeing her at?

15 A I couldn't tell you exactly, but I can't tell you the
16 number. On Sloan Road at Amy Kelly's house, my next-door
17 neighbor.

18 Q Okay. So Sloan Road at Amy Kelly's house.

19 A Yes, ma'am.

20 Q And what town or city is that in?

21 A That's in Gaffney County -- that's in Gaffney in the
22 county.

23 Q And who is Amy Kelly?

24 A My next-door neighbor. I grew up with her daughter my
25 whole life. We've lost faces and friendship, but we still

Brittany Bridges
Direct examination by Mr. Albee

1 talk here and there. And I was going down there to talk to
2 her about a job because I knew she'd be the one to look --
3 her.

4 Q Okay. So you were going to Amy Kelly's house to talk
5 to her daughter --

6 A Yeah, after work. I was looking at Red Rooster at the
7 time.

8 Q Okay. And what time does Red Rooster close?

9 A We closed around 9:00, 9:15. And we tried to get out
10 of there around 9:30, but sometimes it'd depend on the
11 cleaning. It'd be 10:00 or a little after.

12 Q Do you know around what time you were at Amy Kelly's
13 house that night?

14 A I want to say between 10:15 and no later than 10:45.

15 Q And then you --

16 A And I didn't leave until late.

17 Q Sorry. I didn't mean to talk over you.

18 A You're fine. I didn't leave till about hour or so
19 later after that, after I got down there.

20 THE COURT: Hang on a second.

21 Ma'am, if you would, adjust that mic. I'm having
22 trouble hearing you. If you will, adjust that microphone.

23 THE WITNESS: I'm sorry.

24 THE COURT: There you go.

25 THE WITNESS: Is that better, sir?

Brittany Bridges
Direct examination by Mr. Albee

- 1 THE COURT: That's better. Thank you.
- 2 THE WITNESS: You're welcome.
- 3 Q I'm going to ask you to slow down just a little bit.
- 4 A I'm sorry. I don't realize I talk fast. I know I do,
5 but I don't realize it till people tells me.
- 6 Q So do I. It's okay.
- 7 Now, when you got to Amy Kelly's house, who else do
8 you remember seeing there?
- 9 A It was Amy Kelly; it was the gentleman in the truck;
10 Angelita. Okay. As I know her, Baby Doll.
- 11 Q Okay.
- 12 A That's the only name I ever knew her as. And then it
13 was Ashley. And I cannot remember if Ashley's little
14 brother, Tyler, was there or not. I can't remember that.
15 I think he was, but he was in his room maybe.
- 16 Q Now, did you hear the defendant say anything that
17 night?
- 18 A She talked to me.
- 19 Q Okay. Well, tell us what she said to you when she
20 spoke with you.
- 21 A Well, see, it started when Ashley kept on saying ask
22 her who her baby daddy is, ask her who her baby daddy is.
23 I -- because I didn't recognize her because she was skinny
24 and, you know, back then when I knew her.
- 25 Q Brittany, I'm going to draw you back to my question.

Brittany Bridges
Direct examination by Mr. Albee

1 Okay.

2 A Okay.

3 Q Let's talk about what did the defendant say to you
4 that night.

5 A But she told me my baby daddy was Brent Tessnear, and
6 she told me.

7 We got to talking about -- back to Brent -- skip over
8 the little stuff -- that he don't deserve the ground that
9 he walks on, he deserved to die and he don't deserve
10 nothing, the only thing he's done is blessed her with three
11 beautiful kids, that he could fall off the face of the
12 earth.

13 I remember that line like it was yesterday. Like I
14 told the officer that came to my house for the statement, I
15 would never forget that line ever.

16 Q How did she appear at that time? Was -- happy, angry?
17 How did she appear?

18 A She just said it outta the blue like she -- it didn't
19 even phase her. I'm sorry, but it didn't. And she was
20 sitting on the floor and beside the coffee table in front
21 of the T.V. But she was kind of sideways looking at
22 everybody talking, because Amy had that gentleman -- I
23 don't know his name -- but that was my first time I seen
24 him, was on the couch.

25 Q Okay.

Brittany Bridges
Direct examination by Mr. Albee

1 A Then as she was standing right there at the counter in
2 the kitchen, she was sitting right there.

3 Q And that's what I wanted to ask you about next, is
4 that gentleman. You said you've never seen him before.

5 A No, ma'am, until that night and that truck and
6 everything.

7 Q Did you see him with the defendant at all?

8 A Here's the defendant and Amy on the couch, coffee
9 table right here. Sorry. My hand. And here she is
10 sitting right beside it, like. So basically they would
11 have been like that easily.

12 Q And, Brittany, when you were leaving that night did
13 you see them together at all leaving the house?

14 A They got -- they got in the truck together, and I -- I
15 am -- you can also see that house -- that house on my back
16 porch also. And you could see everything.

17 Q And what kind of car did they get in together?

18 A It was a white truck.

19 Q Did you see who was driving the truck?

20 A If I'm not mistaken, the gentleman at the top.

21 Q And did anything happen when they were leaving the
22 house in that truck?

23 A When they backed up, I don't know if they did, but I
24 know they did hit the mailbox, but I don't know that they
25 knocked it down and how they done it. And they just drove

Brittany Bridges
Cross-examination by Ms. White

1 off.

2 MS. ALBEE: Your Honor, may I beg the Court's
3 indulgence?

4 THE COURT: Yes.

5 MS. ALBEE: Your Honor, no further questions for this
6 witness at this time.

7 CROSS-EXAMINATION

8 BY MS. WHITE

9 Q Ms. Bridges, just a couple of questions.

10 A Yes, ma'am.

11 Q You said that at the time that y'all were at the house
12 that Baby Doll, as you know her --

13 A Yes, ma'am.

14 Q -- Ms. Angelita wright made just out-of-the-blue
15 statement that he, Brent Tessnear, didn't deserve the
16 ground he walked on.

17 A Yes.

18 Q Now, did she not also talk with you about being upset
19 with him over posting or her being tagged in a photo on
20 facebook?

21 A No. She never did.

22 Q Okay. And you said you'll remember this until the day
23 you died. But your statement to police, you said, when the
24 police came to your house -- you didn't volunteer that to
25 the police, did you?

Brittany Bridges
Cross-examination by Ms. White

1 A They needed a statement, and I told them, and I told
2 them just like I just told you in court, ma'am. She said
3 that I said it to him, and I wrote it in my statement. I
4 do know that.

5 Like I said, I did have a stroke and it did affect my
6 memory a little bit but that the -- they worked with me
7 with my thing. And I have a note from the doctor and they
8 should have it in file if you need it.

9 Q And my question was the police came to you to get a
10 statement, is that right?

11 A Yes, at my grandmother's.

12 Q Okay. You did not call the police after that night
13 and say I need to tell you something important, did you?

14 A They came to me after they found him. I did not know
15 nothing about it until the day of. And then, like the very
16 next day, then that's when they told me, because my grandma
17 had told me that the day, and the next day, said something
18 about somebody was going to come to the house for me to
19 write down a statement.

20 Q And do you recall the date that you gave the statement
21 to the police?

22 A I don't remember, ma'am --

23 Q Okay.

24 A -- because, like I said, this stroke affected my
25 memory. And I do apologize. And I am doing my best.

Brittany Bridges
Cross-examination by Ms. White

1 MS. WHITE: May I approach, Your Honor?

2 THE COURT: Yes, ma'am.

3 A I try to remember. I swear.

4 Q Ms. Bridges, I'm just going to show you this. Is that
5 your signature?

6 A Yes.

7 Q Okay. Does that appear to be the statement you gave
8 police?

9 A This is the one he wrote when I was telling him. I
10 don't know what all he wrote, but this is the one he wrote.

11 Q Okay. And can you tell me the date?

12 A I'm sorry.

13 Q I know it's hard to see.

14 A It looks like to me 2/10/16.

15 Q Okay. So that was February 10th of 2016, is that
16 right?

17 A That -- that looks about right.

18 Q Okay. And the incident happened at the end of
19 December of 2015, is that right?

20 A It happened in December when I saw her and all of
21 that, yes, ma'am.

22 Q Okay. So when the police came to you to get a
23 statement it was almost a month and half later, is that
24 right?

25 A Yes, ma'am.

Carol Barzilay
Direct examination by Ms. Albee

1 Q Okay. Thank you.

2 MS. WHITE: That's all I have at this time, Your
3 Honor.

4 THE COURT: Anything at all?

5 MS. ALBEE: No, Your Honor.

6 THE COURT: Ma'am, please step down, and be careful.

7 MS. ALBEE: We'd ask that she be excused from her
8 subpoena.

9 THE COURT: Any objection?

10 MS. WHITE: No objection, Your Honor.

11 THE COURT: You may be released from your subpoena.
12 You may stay or go, whichever you choose.

13 (Whereupon, the witness was excused.)

14 MS. ALBEE: Your Honor, the state calls Carol Barzilay
15 to the stand.

16 CAROL BARZILAY, having been
17 first duly sworn, testified as follows:

18 THE COURT: Ma'am, adjust the microphone to your --
19 there you go.

20 And tell us your full name. And spell your last name
21 for the court reporter.

22 THE WITNESS: Carol Christine Barzilay, B, as in boy,
23 A-R-Z, as in zebra, I-L-A-Y.

24 THE COURT: Thank you.

25 MS. ALBEE: Thank you, Your Honor.

Carol Barzilay
Direct examination by Ms. Albee

- 1 DIRECT EXAMINATION BY MS. ALBEE
- 2 Q Carol, how old are you?
- 3 A Thirty-one.
- 4 Q Do you currently work?
- 5 A Yes, ma'am.
- 6 Q Where at?
- 7 A I work at Inman Mills in Enoree, South Carolina.
- 8 Q Now, did you know Brent Tessnear?
- 9 A Yes, ma'am.
- 10 Q And how did you know him?
- 11 A I met him through Amy.
- 12 Q And Amy. who is Amy?
- 13 A Amy Padgett.
- 14 Q About how long did you know Brent?
- 15 A About a year or a year and a half.
- 16 Q Did you know Angelita wright?
- 17 A Yes, ma'am.
- 18 Q How did you meet her?
- 19 A I met her when I moved across the street at my
20 grandmother's house in 2014.
- 21 Q And what town was that in?
- 22 A Pacolet, South Carolina.
- 23 Q Do you see Angelita wright in the courtroom today?
- 24 A Yes, ma'am.
- 25 Q Can you tell us where she's located and an article of

Carol Barzilay
Direct examination by Ms. Albee

1 clothing that she's wearing?

2 A It looks like a pinkish-purple shirt, gray jacket,
3 pinkish-purple shoes. Sitting over on the right-hand side.

4 MS. ALBEE: Your Honor, the witness has identified the
5 defendant as Angelita Wright.

6 THE COURT: So noted.

7 Q I want to talk to you a little bit about
8 December 26th of 2015. Do you remember that timeframe?

9 A I remember some of it, yes, I do.

10 Q Do you remember seeing the defendant that day?

11 A Yes, ma'am.

12 Q And, if you could, explain to us how you saw her.

13 A She was very upset. She -- earlier that day she was
14 supposed to come see my kids, because I had my kids for
15 Christmas break.

16 when she came in the yard, she came in the yard with a
17 white truck. She was very upset about some pictures that
18 were posted of her body parts on facebook.

19 She seemed like she was drinking, but I guess just
20 maybe she was drinking before she left. But she did seem
21 distraught, like very upset about the pictures on facebook.

22 Q I'm going to ask you a few questions about some things
23 you just said.

24 Around what time did you see her that night?

25 A About anywhere between 8:30, 9:00 o'clock. I know it

Carol Barzilay
Direct examination by Ms. Albee

1 was a little bit late in the evening time, because it was
2 evening. I'd say anywhere between 8:00 p.m. and
3 10:00 p.m., because I remember it was about -- I want to
4 say about 9:00 or 9:30.

5 Q Is it fair to say it's nighttime?

6 A Yeah. It was evening time, yes, ma'am.

7 Q And where were you located, like what location were
8 you at when you first saw her?

9 A I was located on my front porch.

10 Q So at your house?

11 A Yes, ma'am.

12 Q And was this still in Pacolet?

13 A Yes, ma'am. 211 East Main Street.

14 Q How did she get there? What kind of car?

15 A It was a white truck.

16 Q Did you see who was driving the car when she pulled
17 up --

18 A Yes, ma'am.

19 Q -- after she got there?

20 A She was driving.

21 Q And was anyone with her in this white truck?

22 A Yes, ma'am.

23 Q Did you know who that individual was?

24 A Somewhat, not like close buddy-buddy with the person.

25 But yes, ma'am.

Carol Barzilay
Direct examination by Ms. Albee

1 Q Did you know his name?

2 A Brandon.

3 Q And in what manner did she come to her -- to your
4 house? I mean, I know you said she pulled up like to the
5 front porch. How did she pull up? Describe that to us.

6 A Well, when she pulled up, like I said -- when I talked
7 to her earlier in the day she was fine.

8 when she pulled up she was very upset. She was
9 ranting and raving about the pictures on facebook, which, I
10 mean, anybody would probably be upset that their body is
11 exploited. But she was very, like very, upset. She was
12 doing a lot of yelling about it, which I can understand
13 people get mad about those things. But she did seem, you
14 know -- I mean, I can't say.

15 She seemed like she was drinking earlier, but I'm not
16 a hundred percent sure because of how upset she was.

17 Q Is that the only reason why you say she was drinking
18 earlier or you thought she was drinking earlier?

19 A Yes, ma'am.

20 Q And what, specifically, did she say once she was at
21 your house? I know you said she was ranting and raving.
22 But what do you remember her talking about and saying?

23 A I remember her talking about the pictures, like I
24 said. And she kept saying he -- he -- after they put those
25 pictures on facebook -- and, you know, I asked her to calm

Carol Barzilay
Direct examination by Ms. Albee

1 down and tell me what was going on. She told me about --
2 she said that Brent had put the pictures on facebook. And
3 it was, you know, like I said, pictures of her body parts,
4 which I can understand. I would be upset too if that was
5 me.

6 I told her let's call him. You know, I tried to call
7 him from my phone. He wasn't answering my call. So we
8 called him from her phone. He got on the phone. I said,
9 "Brent, please tell me you did not post these pictures of
10 her on facebook." He told me that he did not. And then
11 she had spoke with him on the phone.

12 Q Okay. Now, did you hear the defendant's conversation
13 with Brent?

14 A Not the full conversation, but I heard her say she was
15 going -- she was -- she was upset. And, you know, I didn't
16 take it as if she would actually harm anybody. You know, I
17 didn't know her prior. She didn't come off that way to me.
18 But when husbands and wives fight they say things that they
19 don't mean. And it sounded like she said -- what I heard
20 was I'm going to kill the f'ing bastard.

21 Q And was this because of the facebook stuff?

22 A Yes, ma'am.

23 Q About how long did she stay at your house?

24 A Say, about maybe half an hour, 45 minutes, because I
25 was with my kids.

Carol Barzilay
Direct examination by Ms. Albee

1 Q And when she left, what car did she leave in?

2 A The white truck.

3 Q Who was driving the white truck?

4 A She was driving.

5 Q Did you hear her say anything about driving that white
6 truck before she left?

7 A Yes, ma'am.

8 Q Okay. What did you hear her say?

9 A She was driving off to Brent's house to go talk to
10 him.

11 MS. ALBEE: Your Honor, may I have one second?

12 THE COURT: Yes, ma'am.

13 (Pause.)

14 MS. ALBEE: Your Honor, I have no further questions
15 for this witness at this time.

16 MS. WHITE: Your Honor, I don't have any
17 cross-examination of this witness.

18 THE COURT: Okay. Thank you.

19 Ma'am, you may step down. Please be careful.

20 Is she released?

21 MS. ALBEE: Your Honor, we have no objection to her
22 being released.

23 MS. WHITE: No objection.

24 THE COURT: Ma'am, you may stay or go. You're
25 released.

1 (whereupon, the witness was excused.)

2 THE COURT: Ladies and gentlemen of the -- Madam
3 Forelady and ladies and gentlemen of the jury, it's time
4 for a break.

5 We're going to take a good 15 minutes or so. Normally
6 I give you just a little bit longer, but I'm going to try
7 to get back to get at least one more witness in before 5:00
8 o'clock.

9 As I told you, I promised I would not stay past
10 5:00 today on the first day.

11 So, also, Madam Forelady, if you would poll the jury
12 to see if there's anybody with a child or daycare issue or
13 an adult daycare issue, if you'd let me know that when we
14 return.

15 Okay. Do not talk about the case. You're at work.
16 You're going on a break. Now, the last thing you want to
17 do is talk about work when you go on a break.

18 Okay. So go back there and talk about anything but
19 work.

20 Okay. Madam forelady.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: Again, we're going take a quick 15-minute
24 break. I really would like to get another witness in.

25 MS. ALBEE: We've got another short one, probably just

1 similar to that one we can use.

2 THE COURT: Very good. Thank you. We'll be in break.
3 (Whereupon, a recess was taken.)

4 THE COURT: We're going to try to get another short
5 witness anyway.

6 MS. ALBEE: We've got another short witness, or at
7 least short on our end. Hannah Padgett. I assume it won't
8 be a super lengthy cross-examination.

9 MS. WHITE: No.

10 THE COURT: I was going to try to get to 5:00 o'clock
11 if you've got a witness.

12 Ready for the jury?

13 MS. ALBEE: We are, Your Honor.

14 THE COURT: Let me have the jury.

15 (The following takes place in the presence of the
16 jury.)

17 THE COURT: Madam Forelady, any issues for the jury?

18 THE FOREPERSON: No, sir.

19 THE COURT: Nobody has a daycare of any sort?

20 THE FOREPERSON: No, sir.

21 THE COURT: Thank you.

22 Ready?

23 MS. ALBEE: Yes, sir, Your Honor.

24 THE COURT: All right.

25 MS. ALBEE: Your Honor, the state calls Hannah Padgett

Hannah Elaine Padgett
Direct examination by Ms. Albee

1 to the stand.

2 HANNAH ELAINE PADGETT, having
3 been first duly sworn, testified as follows:

4 THE COURT: Ma'am, tell us your full name, and spell
5 your last name for my court reporter, please.

6 THE WITNESS: Hannah Elaine Padgett, P-A-D-G-E-T-T.

7 THE COURT: Ms. Padgett, I'm going to ask you to pull
8 that microphone a little closer and speak loudly. I'm
9 speaking loud for a reason. Okay. They have to be able to
10 hear you. Okay.

11 THE WITNESS: Hannah Padgett, P-A-D-G-E-T-T.

12 THE COURT: Thank you, Ms. Padgett. Answer her
13 questions.

14 MS. ALBEE: Thank you, Your Honor.

15 DIRECT EXAMINATION BY MR. ALBEE

16 Q Hannah, how old are you?

17 A Seventeen.

18 Q Are you in school?

19 A No. I do on-line school.

20 Q And what grade are you in?

21 A Eleventh.

22 Q Where are you from?

23 A Pacolet.

24 Q Now, did you know Brent Tessnear?

25 A Yes.

Hannah Elaine Padgett
Direct examination by Ms. Albee

- 1 Q How did you know him?
- 2 A He was my mom's cousin.
- 3 Q And did you know the defendant?
- 4 A Uh-huh.
- 5 Q Is that a yes?
- 6 A Yes.
- 7 Q Sorry. But she's taking down everything you're
- 8 saying. You've got to make sure you speak out loud.
- 9 Okay. And how did you know the defendant?
- 10 A Brent.
- 11 Q What does that mean?
- 12 A Like from where he was with her.
- 13 Q I want to talk to you a little bit about December the
- 14 26th of 2015. Do you remember that time?
- 15 A Uh-huh, yes.
- 16 Q Thank you for answering out loud.
- 17 Now, did you see the defendant that day?
- 18 A Yes.
- 19 Q Okay. Tell us around what time you saw the defendant.
- 20 A It was a little before 9:00.
- 21 Q Why do you remember it being a little bit before 9:00?
- 22 A Because I was walking back from the store, and that's
- 23 when the store closed.
- 24 Q And tell us how you first saw her.
- 25 A She was speeding into the driveway.

Hannah Elaine Padgett
Direct examination by Ms. Albee

1 Q what kind of car was she in?

2 A A white truck.

3 Q who was driving the truck?

4 A She was.

5 Q Was there anyone else in the car with her?

6 A Uh-huh, yes.

7 Q Who was with her?

8 A Brandon.

9 Q Now, did you know Brandon?

10 A I met him once.

11 Q And what happened once the defendant came in and sped
12 through the driveway?

13 A She jumped outta the truck, and she was just hollering
14 and cussing.

15 Q Do you remember anything specifically she was yelling
16 about?

17 A Something about some pictures. And then she just said
18 she was going to kill him.

19 Q Did she say who?

20 A Brent.

21 Q Do you know anything about the pictures? Did she make
22 any more statements about that?

23 A No. I knew nothing about that. I didn't see them.

24 Q And did she do anything else while she was there with
25 you?

Hannah Elaine Padgett
Direct examination by Ms. Albee

- 1 A No, besides drinking.
- 2 Q Did you see her drink?
- 3 A Yeah. Him and her both.
- 4 Q When you say him and her, who is that?
- 5 A Brandon.
- 6 Q Okay. And her is who?
- 7 A Baby Doll.
- 8 Q When you say Baby Doll, who is that?
- 9 A I don't how to say her first name.
- 10 Q Is it the defendant that's seated at the table?
- 11 A Yes.
- 12 Q And who else was -- whose house were you at when you
13 saw her?
- 14 A Carol's.
- 15 Q Who else was at the house?
- 16 A All of Carol's kids, me, my mom and my brothers.
- 17 Q What's your mom's name?
- 18 A Amy Padgett.
- 19 Q Did the defendant ever use your phone at all that
20 night?
- 21 A Yes, to get on facebook.
- 22 Q And did she say anything else while she was there
23 prior to leaving?
- 24 A Not that I remember.
- 25 Q Do you remember how long she was there about?

Hannah Elaine Padgett
Direct examination by Ms. Albee

- 1 A Maybe about 20 minutes.
- 2 Q Did you see her leave?
- 3 A Yes.
- 4 Q Who did she leave with?
- 5 A Brandon.
- 6 Q What car did she leave in?
- 7 A The white truck.
- 8 Q Who was driving?
- 9 A Baby Doll.
- 10 Q Did she make any statements about driving that car?
- 11 A No.
- 12 Q Now, did you see her the following day on December the
- 13 27th of 2015?
- 14 A At the hospital.
- 15 Q And what time of day did you see her at the hospital?
- 16 A It was early morning.
- 17 Q And who did you go to the hospital with?
- 18 A My mom.
- 19 Q That's Amy Padgett?
- 20 A Yes.
- 21 Q And did the defendant say anything while she was at
- 22 the hospital with you?
- 23 A All besides something about Brian Evans and some other
- 24 person killed him or something like that.
- 25 Q Okay. Where did you go after the hospital?

Hannah Elaine Padgett
Direct examination by Ms. Albee

1 A I went home.

2 Q Did you ride in the car with the defendant at all?

3 A Yes. She rode with us home.

4 Q Did you go home or did you go anywhere else?

5 A I went home, and I think they went to do other stuff
6 about the funeral and stuff.

7 Q Was there ever a point in time that you were in the
8 car with the defendant when you went over to Brent's house?

9 A Yes.

10 Q And when was that?

11 A The day we left the hospital.

12 Q So the day you left the hospital you then went to
13 Brent's home.

14 A Yes.

15 Q why?

16 A She said she needed his phone, that she had permission
17 to get it.

18 Q Okay. when you tell us she, who are you talking
19 about?

20 A Baby Doll.

21 Q Okay. She said she had permission to get Brent's
22 phone from Brent's house?

23 A Yes.

24 Q Did she say anything while she was in the car, along
25 the car ride to Brent's house?

Hannah Elaine Padgett
Cross-examination by Ms. White

1 A No.

2 Q And tell us what happened once you got to Brent's
3 house. What do you remember?

4 A She went on the porch, and she couldn't get in the
5 door. So she went around the side of the house. And she
6 came back on the porch, and she tried to throw a brick
7 through the window, but I had to stop her. And then we
8 left.

9 Q Did anything happen when you were leaving?

10 A We got pulled over.

11 Q Okay. By who? Do you know?

12 A The Cowpens police.

13 MS. ALBEE: Your Honor, may I have one second?

14 THE COURT: Yes, ma'am.

15 (Pause.)

16 MS. ALBEE: Your Honor, I have no further questions
17 for this witness at this time.

18 MS. WHITE: Just briefly, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. WHITE

21 Q Hannah, you said that -- that Baby Doll when she came
22 to Carol's house and y'all were all hanging out she was
23 upset about the pictures or something on facebook.

24 A Yes.

25 Q Okay. And you said she just said I'm going to kill

Hannah Elaine Padgett
Cross-examination by Ms. White

1 him.

2 A Uh-huh.

3 Q Do you recall that she said something about if the
4 pictures weren't off in two minutes she was going to kill
5 him?

6 A Oh, yeah. She did say that.

7 Q Okay. So she was saying that she wanted the pictures
8 off or she was going to kill him, is that right?

9 A Yes.

10 Q Okay. All right. Thank you.

11 MS. WHITE: That's all I have got, Your Honor.

12 THE COURT: Anything?

13 MS. ALBEE: No redirect, Your Honor.

14 THE COURT: Ma'am, you may step down. Please be
15 careful.

16 MS. ALBEE: Your Honor, we'd ask that this witness be
17 released.

18 MS. WHITE: No objection.

19 THE COURT: Ma'am, you're released from your subpoena.
20 You may stay or go, whichever you choose.

21 (Whereupon, the witness was excused.)

22 THE COURT: Let me see the lawyers real quick.

23 (Bench conference held off the record in the presence
24 of the jury but out of the hearing of the jury.)

25 THE COURT: Madam Forelady and ladies and gentlemen,

1 I've conferred with the lawyers.

2 We're going to stop for the day. The next witness
3 would take us past 5:00 p.m., and I'm not going to do that.

4 So two things. Number one, I told you I'm always here
5 at 8:00, and I will be tomorrow morning.

6 But I also am a veteran, and I preside over what's
7 known as veterans court, and I do that about twice a month.
8 It only takes about 15 minutes. I do it at 8:45 tomorrow
9 morning. And I'm going to do that. So I anticipate I'll
10 be done by 9:00, maybe 9:05, something like that.

11 Therefore, instead of 9:00 a.m. I would ask you to be
12 in place ready to go at 9:15. I'll already be here. I'll
13 be in the courtroom. I'm going to take care of veterans
14 court. I'm happy to say it's going really well,
15 successful.

16 So we'll have those two things just in the morning.
17 It has nothing to do with this case whatsoever. I'll get
18 some reports on what good progress that they're making and
19 that sort of thing. And, again, it's only about 15
20 minutes.

21 But just to make sure I don't waste your time, if
22 you'll be in place by 9:15 I'll already be in the
23 courtroom. I'll be here at 8:45 in the morning, and I
24 won't leave. I'll probably get some more coffee, but I'll
25 be ready to go. So I don't be going anywhere.

1 If you'll be in place by 9:15 in the morning, please,
2 again, I have to have all 14 of you, must have all 14 of
3 you. So if you have a car issue, any kind of an issue,
4 please, please, please call someone. Call law enforcement;
5 call the clerk's office. I don't know how else to tell
6 them to get in touch. Get in touch with someone, because I
7 have to have all 14 of you. That means if I have to send
8 someone to get you, I can do that if you have a car that
9 won't start or something like that.

10 Again, the case is certainly not over. It is not
11 proper for you to talk about the case with anyone else, do
12 any research. Don't discuss it.

13 Again, under our system of justice you and I have to
14 learn from this courtroom, and your decision must be based
15 on whatever is presented in this courtroom.

16 With that, I'm going to let you go for the evening.
17 Enjoy your evening and your families. See you tomorrow
18 morning at 9:15.

19 Madam Forelady.

20 (The following takes place outside the presence of the
21 jury.)

22 THE COURT: Did we get a bond? Is there any objection
23 to a verbal order until I can get it reduced to writing?

24 MR. KOZAK: No, sir, Your Honor.

25 THE COURT: Okay. She's on P.R., \$5,000.

1 MR. WHELCHER: We'll bring the order in the morning,
2 Your Honor.

3 THE COURT: Okay. Ma'am -- and maybe we can print it
4 downstairs. When I get back downstairs we can print it.
5 We just can't print it up here. So I'll sign it when I go
6 downstairs.

7 Ma'am, wherever they tell you to be at whatever time
8 they tell you to be there. Okay?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And if you do not -- and we're on the
11 record here -- you will -- we will continue the trial in
12 your absence. Do you understand?

13 THE DEFENDANT: Yes, sir. I'll be here.

14 THE COURT: I know. But I'm just saying the trial is
15 going to go forward with you or without you.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. Again, thank everybody.
18 See everybody.

19 If there's anybody needs me, I'll be here at
20 8:00 o'clock in the morning. I'll be on the bench at 8:45.
21 That's only about 15 or 18 or 20 minutes, something like
22 that. And then I'll be ready to go in this case. See
23 everybody in the morning.

24 END OF PROCEEDINGS NOVEMBER 27, 2017

25

1 (Proceedings November 28, 2017)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: All right. Good morning, everyone.

5 Ladies and gentlemen that are in the gallery, I want
6 to caution you again today. What I said yesterday still
7 applies.

8 I don't see anyone on this side, so I'm looking to
9 this side. But if you cannot control your emotions, please
10 leave now. I am not going to allow outbursts in my
11 courtroom. That's going to result in somebody being in
12 custody for the remainder of this trial.

13 So if you can't -- if you can't control your
14 emotions -- and I understand from talking to the lawyers
15 that it probably will be a little more emotional today than
16 it was yesterday. So if you desire to leave, please do so
17 now.

18 Okay. Ready for the jury?

19 MR. KOZAK: Yes, sir, Your Honor.

20 MS. WHITE: Yes, Your Honor.

21 THE COURT: We'll have our jury.

22 (The following takes place in the presence of the
23 jury.)

24 THE COURT: Good morning, ladies and gentlemen.

25 I hope everybody had a good evening.

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 Any matters from the jury, Madam Forelady?

2 THE FOREPERSON: No, sir.

3 THE COURT: All right. We have the media with us
4 today, and I point that out for one reason, and one reason
5 only, and that is please be reminded of my charge to you
6 that you are not to read, listen to any news accounts about
7 this trial. They may be wrong; they may be incomplete. So
8 please do not read the paper about this particular case
9 until it's ended. Okay. Have your spouse, loved one or
10 whoever just fold that newspaper up, or news account,
11 whatever it might be -- T.V., radio, whatever. They can
12 tell you about it later.

13 Okay. All right. Ready?

14 MR. KOZAK: Yes, sir, Your Honor.

15 The state calls Amy Padgett.

16 AMY LYNN PADGETT, having been
17 first duly sworn, testified as follows:

18 THE COURT: Ms. Padgett, situate that microphone so we
19 can hear you. And tell us your full name, and spell your
20 last name for my court reporter.

21 THE WITNESS: Amy Lynn Padgett, P-A-D-G-E-T-T.

22 THE COURT: Thank you.

23 DIRECT EXAMINATION BY MR. KOZAK

24 Q How old are you, Ms. Padgett?

25 A Thirty-five.

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 Q Where are you from?

2 A Originally Pacolet.

3 Q Where do you currently live?

4 A Cowpens.

5 Q And where were you living on December the 26th of
6 2015?

7 A 211 East Main Street, Pacolet.

8 Q How do you know Brent Tessnear?

9 A He was my first cousin, more like a brother.

10 Q What was he like?

11 A He was very free-spirited, good-hearted, and he loved
12 his children.

13 Q How did you meet the defendant?

14 A Through Brent.

15 Q How long have you known the defendant?

16 A I would say around seven or eight years.

17 Q Did you see the defendant on December the 26th?

18 A I did.

19 Q Where at?

20 A She pulled up at 211 East Main Street. She was
21 driving. Her and Brandon was in a white Ford truck, and
22 she was speeding. She slammed on brakes, and she gets out.
23 And she was livid about some pictures that was posted on
24 facebook.

25 Q 211. You said 211 Main Street?

1 A East Main Street.

2 Q Where is that?

3 A It's in Pacolet.

4 Q And whose house is that?

5 A At the time I was staying with a friend, Carol
6 Barzilay.

7 Q So was anyone with her, with the defendant?

8 A Yes.

9 Q Who?

10 A Brandon.

11 Q Do you know Brandon?

12 A I've seen him a couple of times just through her
13 pulling up at the house. But I've never actually, actually
14 talked to him.

15 Q Who was driving when they pulled up to the house?

16 A Angelita.

17 Q What -- what was her demeanor when she arrived?

18 A She was very angry. She gets out. Some liquor
19 bottles had fell outta the truck, and she was pissed off
20 about some pictures that was posted on facebook and wanted
21 to use my daughter Hannah's phone to log into her account
22 so she could see what was going on.

23 Q You said liquor bottles fell out. What? What kind of
24 liquor bottles?

25 A They were small mini bottles, and then they also had

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 some in their hand. It -- I'm not exactly sure, remember
2 exactly what kind there was, but they was holding liquor
3 bottles in their hand.

4 Q You said she was angry. Why was she so mad?

5 A Said that some pictures of her body parts had been
6 posted on facebook by Brent.

7 Q Once she logged into Hannah's account, what did she
8 do?

9 A She asked to use my daughter's phone -- Hannah -- and
10 she logged into her facebook account, and then she got out
11 like a flip phone and she called Brent and she asked him
12 why are these pictures of me. And they was back and forth.
13 He was like I don't know what you're talking about, I
14 didn't post any pictures.

15 And she told him. She's like you have two minutes to
16 take these pictures off or I'm going -- I'm coming to kill
17 you.

18 And it was back and forth. And he kept saying he
19 didn't know what she was talking about. And then that's
20 when Brandon stated would you like me to do it for you.
21 She said, no, I can take care of my own.

22 And I told them they both needed to go home and lay
23 down. They had been drinking. He said he was fine. But
24 they was stumbling everywhere. She got back in the truck
25 and sped off.

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 Q Who was driving when they left?

2 A Angelita was.

3 Q Were there any discussions about who was going to
4 drive before they left?

5 A Well, he asked her, "Do you want me to go do it for
6 you?" And she said. "No. I can do this myself. I can
7 handle my own," was her exact words. And she -- he -- he
8 walked towards the driver's side. And she took over and he
9 got in the passenger side.

10 Q Okay. When did you find out Brent was dead?

11 A It was early the next morning. I would say 7:30,
12 8:00 o'clock.

13 Eric Edgins had woke me up and said I need to speak
14 with you out on the porch, because, like I said, I was
15 staying with a friend. And we was posting in her living
16 room number until our house was remodeled.

17 And he called me out on the porch. He was like I need
18 to speak to you, it's important. And I was like is
19 everything okay, because he's not the talking person. And
20 he -- and he was like read this. And he held up his cell
21 phone. And he had her programmed as Baby Doll.

22 And it said in big capital letters Brent's dead. And
23 I kinda just looked at him. I was like, ah, that's from an
24 argument last night, you know, still -- it still must be
25 going on.

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 It never hit me that Brent was really gone. And then
2 I's like can I get her number, I'm going to call her. So
3 he gave me her cell phone number, and I called her from my
4 number. And that's when she was crying. And I was like is
5 Brent gone. And she said yes. And I said what happened.
6 She said the Evans guy beat him to death.

7 Q You said Eric Edgins. Who is Eric Edgins?

8 A Eric Edgins is -- he was in a relationship with
9 Angelita at one point in time. And then he was in a
10 relationship with Carol Barzilay at the time that this all
11 went down.

12 Q Did you see the defendant on December 27th, the day --
13 the day you found out Brent was dead?

14 A Yes.

15 Q Tell me about that.

16 A I immediately called my sister, and I spoke with my
17 sister and told her -- April Thompson -- that, you know,
18 Brent was gone.

19 we cried a little bit on the phone, and I had to pull
20 myself together. And I went to the hospital. And I
21 noticed that family was gathering.

22 I actually got outta the truck, and I seen his exwife
23 Jennifer standing there. And we spoke. And then I spoke
24 to a couple of other people. And she was standing to the
25 side by herself like in some mulch area.

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 Q When you say she, who are you referring to?

2 A Angelita was standing off to the side kinda bent down.

3 And I walked up to her and I hugged her, and I'm like
4 is -- are you okay. And she was like I can't believe they
5 did this to Brent. And I was like who. And she said the
6 Evans boy beat him to death. Brian Evans had beat him to
7 death. And I asked could I see him, because I couldn't
8 believe that he was actually gone. I wanted to see for
9 myself. But the hospital refused to let anyone see him.

10 Q What was Angelita's demeanor like at the hospital?

11 A Nervous. She seemed nervous and she -- she almost
12 seemed like she wanted to talk about something but
13 couldn't.

14 Q Okay. Where did you go after the hospital?

15 A We left the hospital. She asked me for a ride back to
16 Brent's house. Angelita asked me for a ride.

17 She said -- Angelita had stated to me she'd had papers
18 in her hand from -- it said Spartanburg County Sheriff's
19 Office. And I seen them folded up in her hand.

20 She was like the investigator gave me permission to go
21 to Brent's house to get his cell phone. At the time I
22 didn't think nothing of it. She had paperwork.

23 I took her. When I took her, she got outta the truck.
24 She checked the door, and it was locked. She kicked the
25 door five or six times and realized it was locked.

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 So she comes off the front porch and goes to the back.
2 She sees a brick. She picks it up. She -- I guess she was
3 either going to bust out a window -- I'm not for sure
4 exactly what she was going to do. But my daughter stopped
5 her -- Hannah.

6 She gets back in the truck, and we pull outta the
7 driveway. And that's when the police showed up. We got
8 pulled over.

9 Q Did the police say anything to you?

10 A They asked me why I was at the property.

11 Q What was Angelita's demeanor like during that time?

12 A She seemed -- she seemed a little up tight, but she
13 got out and spoke to the chief of the police department.
14 And they just told me not to be back at the property, it
15 was all under investigation, that nobody was allowed there.
16 I's like she asked me to bring her. I figured, you know, I
17 was doing the right thing. She had paperwork. She's his
18 wife. I didn't know that she wasn't supposed to be here.

19 Q Did she say why she was going to Brent's house?

20 A She wanted a cell phone. She wanted Brent's cell
21 phone.

22 Q Did you see the defendant on the 28th of December?

23 A Yes.

24 Q Tell me about that.

25 A We had -- she had asked us to help her call the

Amy Lynn Padgett
Direct examination by Mr. Kozak

1 funeral home and set up arrangements, and I did. And I
2 had -- I got us an appointment to go down the next morning.
3 And I told her. I said be ready between 8:00 and 8:30 and
4 I'll pick you up for the appointment.

5 Well, the next morning arrived, and I couldn't get in
6 touch with her. So I kept calling her and kept calling.
7 Finally she called me back, and she was like I'm walking
8 from my grandma's, pick me up. And I did. And then we
9 went to the funeral home. And then at the funeral home is
10 when she started stating she felt out of place, she didn't
11 feel right, she couldn't do it.

12 Q Did she make any phone calls on the way to the funeral
13 home?

14 A Yes. She called the life insurance people. She
15 asked -- she was trying to figure out if he had life
16 insurance and who was the beneficiary of the life
17 insurance, which she didn't get very far with them. So
18 they didn't -- they never gave her any information, I don't
19 believe.

20 Q What was her demeanor like on the way to the mortuary?

21 A She was quiet at moments, and then she would break
22 down at moments. And then it was almost like she was very
23 nervous.

24 MR. KOZAK: Beg the Court's indulgence. No further
25 questions.

1 THE COURT: Ms. White.

2 MS. WHITE: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. WHITE

5 Q Just a couple of questions, Ms. Padgett.

6 One -- when you stated that Eric Edgins had come to
7 see you at Carol's house to tell you that Brent was dead,
8 at what time was that?

9 A Like I said, it was early in the morning. I would say
10 anywhere between 7:00 and 8:00 o'clock.

11 Q Okay. And do you recall that the texts that she had
12 sent him was maybe just before that time?

13 A To be honest with you, I didn't look at the time. He
14 told me she had sent it prior to when he showed it to me.

15 Q Okay. All right. So at that point all we know is
16 that Mr. Tessnear had been found sometime around 3:00 a.m.,
17 is that right?

18 A At that point in time I didn't know a time.

19 Q You didn't.

20 A All he told me was Brent was dead. He showed me the
21 phone, and it said in capital letters from Baby Doll as he
22 was -- as she was programming his phone, Brent's dead. I
23 thought it was from the past argument from, like, the night
24 before.

25 Q Okay. And that was about 7:00 or 8:00 in the morning.

Amy Lynn Padgett
Cross-examination by Mr. White

1 A Yes, ma'am.

2 Q Okay. In regards to her demeanor, you said she seemed
3 out of place, she seemed upset. At one point you called
4 her and she was crying, is that right?

5 A Yes. She kept saying that she was tired, she had to
6 get away, that she was tired of being questioned, she
7 didn't like being questioned and she just felt like she
8 should be alone.

9 Q Now, was that -- when you called her earlier you said
10 you talked to her to find out if that was really true and
11 she was crying. At that point was she at the hospital?

12 A She never said where she was at. Immediately when she
13 told me that he was gone, we ended the conversation and I
14 called my sister. And then I went to the hospital myself.
15 when I arrived at the hospital, she was there.

16 Q She was there.

17 Okay. And you testified that Brandon Blackwood said
18 something about he would go take care of it for her that
19 night.

20 A Yes. The night that they pulled up she kept stating
21 over and over I'm going to kill him, I'm going to kill him.
22 Nobody took it that way. And he said do you want me to do
23 it for you, and her exact words was, "No. I can handle my
24 own."

25 Q And didn't you say earlier that she had made a comment

Amy Lynn Padgett
Cross-examination by Mr. White

1 that was he's got two minutes to get this off facebook or
2 I'm going to kill him?

3 A Yes. She did state that he had two minutes or she was
4 going to kill him. But over and over after that it was I'm
5 going back to kill him.

6 Q And they talked, and talked briefly that night about
7 it, she and Brent, is that right?

8 A Yes.

9 Q All right.

10 MS. WHITE: That's all I have at this time, Your
11 Honor.

12 THE COURT: Anything at all?

13 MR. KOZAK: Nothing further from the state.

14 THE COURT: Ma'am, you may step down. Please be
15 careful.

16 MR. KOZAK: May she be released from the subpoena?

17 MS. WHITE: No objection, Your Honor.

18 THE COURT: Ma'am, you may stay or go, whichever you
19 choose.

20 THE WITNESS: Thank you.

21 (Whereupon, the witness was excused.)

22 MR. KOZAK: The state calls Tommy Clark.
23
24
25

Thomas Clark
Direct examination by Mr. Kozak

1 THOMAS CLARK, having been
2 first duly sworn, testified as follows:

3 THE COURT: Officer, tell us your full name, and spell
4 your last name for my court reporter, please.

5 THE WITNESS: My name is Thomas Clark. My last name's
6 spelled C-L-A-R-K.

7 THE COURT: Thank you.

8 DIRECT EXAMINATION BY MR. KOZAK

9 Q Where do you work, Mr. Clark?

10 A The Spartanburg County Sheriff's Office.

11 Q Okay. How long have you worked there?

12 A Just over 20 years.

13 Q What is your current position?

14 A My current position is I'm the cold case homicide
15 investigator.

16 Q Have you always been in that position?

17 A No, sir. I started out in patrol, worked patrol
18 briefly, then went to patrol investigations. After three
19 years of doing that went to investigations. And I've been
20 in investigations just over 15 years.

21 Q What are some of the duties of your current position?

22 A My current position, like I said, I'm in cold case,
23 but I'm also attached to the violent crimes unit. So I
24 will be on call for any kind of -- any kind of violent
25 crime that happens. Every four weeks I'm on call for any

Thomas Clark
Direct examination by Mr. Kozak

1 kind of violent crime that happens.

2 Q How did you become involved in this investigation?

3 A At this time, at that time, I was basically -- I was
4 the lead robbery, and then I also worked homicide
5 investigations.

6 I was notified by Lieutenant Matt Hutchins that there
7 was an incident and that he was out in Pacolet or,
8 correction, Cowpens assisting them and he needed me to
9 respond to assist him as well.

10 Q About what time did you respond?

11 A I received contact from him at approximately 7:00 a.m.

12 Q And where did this incident take place? Where did you
13 respond to?

14 A It was on Cemetery Street and -- I can't remember --
15 Oakland -- Oakland Street in Cowpens right before the
16 railroad tracks.

17 Q Is that in Spartanburg County?

18 A Yes, sir.

19 Q Once you responded to the scene, what did you see?

20 A There was -- there was -- there was a Cowpens patrol
21 car setting kind of in the roadway, kind of catty-corner,
22 and there was some items laying in the road.

23 I was told the victim had already been transported. I
24 was told by Lieutenant Hutchins that this was initially
25 called in as a vehicle accident, pedestrian against a

Thomas Clark
Direct examination by Mr. Kozak

1 vehicle, but information had come in that led them to
2 believe that it was something more than that.

3 Q Did you speak with anyone at the scene?

4 A I spoke with Officer wolfe, Chief Makupson, and then
5 assisted with doing a canvass of the area.

6 Q Who did you interview concerning this incident?

7 A I interviewed -- we went up to the Valera to see about
8 the video. We were able to view the video of the Valera
9 where Officer wolfe and Mr. Tessnear had been in the store
10 the night before, before this incident. Then canvassed the
11 area for -- Cowpens then canvassed the area for other
12 video.

13 I ultimately interviewed Brandon Blackwood or assisted
14 with the interview with Brandon Blackwood and Angelita
15 wright.

16 Q You said you were able to view the video.

17 A Yes.

18 Q Was there any video of the parking lot?

19 A The video that the clerk was -- showed us, the only
20 video that they had at the time that would show outside,
21 was at the front doors, and it would show a small portion
22 of the parking lot.

23 Q And were you able to obtain a copy of this video?

24 A A copy of the video was requested for Cowpens police
25 department pickup. They did not have a flash drive, so

Thomas Clark
Direct examination by Mr. Kozak

1 they were going to have to go get a flash drive and then
2 come back and retrieve the video. The video was supposed
3 to have been saved for them and so they could go back and
4 pick it up.

5 Q So you do not have a copy of the video.

6 A No, sir.

7 Q Did you attempt to get video from the Hardee's on the
8 corner?

9 A Yes. In the canvass of the initial scene I was
10 walking up and down the street. Hardee's opened up. I
11 stopped in to talk to the manager to see if they had video.
12 He said they did not have video. The only video they had
13 was straight down at their back door, wouldn't show
14 anything spanning out across, outside of that small
15 4-foot-square-area type area.

16 Q Okay. Did you speak with Brandon Blackwood?

17 A Yes, sir, I did.

18 Q How many times?

19 A I spoke with him three times total.

20 Q When was the first time?

21 A The first time on December the 29th.

22 Q When was the second time?

23 A The second time was on January the 5th when we were
24 prepping for court.

25 Q So why were you meeting with him for that second --

Thomas Clark
Direct examination by Mr. Kozak

1 that second time?

2 A The solicitor at the time, he always does a pretrial
3 court prep to make sure everything's in line, everything's
4 organized, you know, that everything's in place. And
5 that's what we were doing at the time to go over, you know,
6 the statements and everything and to make sure everything
7 was in order.

8 Q Did his story change at the second meeting?

9 A Yes, it did.

10 Q Were there aspects of his story that did not change at
11 the second meeting?

12 A Yes, there were.

13 Q All right. What was the demeanor, his demeanor, at
14 this second meeting?

15 A During our conversation with him he -- he seemed very
16 upset and at one point almost to tears.

17 His story started changing, becoming very
18 inconsistent. So at that point myself and the solicitor,
19 assistant solicitor working the case, stepped outta the --
20 outta the conference room to talk.

21 Q Was Brandon Blackwood charged after this second
22 statement?

23 A Yes.

24 Q Who is Brandon's grandfather?

25 A His name is Ronnie Parris.

Thomas Clark
Direct examination by Mr. Kozak

- 1 Q Is he in law enforcement?
- 2 A He's retired law enforcement.
- 3 Q Did that have any bearing on this investigation?
- 4 A No, sir.
- 5 Q Did you speak with Angelita?
- 6 A Yes, sir.
- 7 Q When was that?
- 8 A That was on, also on, December the 29th. I assisted
- 9 Chief Makupson of the Cowpens Police Department with
- 10 interviewing her.
- 11 Q Did she tell you about her day on December 26th of
- 12 2015?
- 13 A Yes. She gave a written statement.
- 14 Q Did she tell you who she was with?
- 15 A With Brandon.
- 16 Q Did she tell you about when she met up with Brandon
- 17 for the first time?
- 18 A She wasn't sure of the exact time, but she said -- in
- 19 her statement she said that she met with him on December
- 20 the 26th.
- 21 Q Do you know where they first went together?
- 22 A She said she had called Brandon to take her to Brent
- 23 Tessnear's house to get her kids' Christmas.
- 24 Q Did she say whether she became upset when they went to
- 25 Brent's house or not?

Thomas Clark
Direct examination by Mr. Kozak

1 A She said that when she knocked on the door that she
2 did become upset with Brent and started crying over their
3 kids' Christmas.

4 It was an issue with -- there was an issue with her
5 kids' Christmas had been sold or something to that effect
6 and that he was possibly high or on drugs.

7 Q Did she say where they went after they were at Brent's
8 house?

9 A After that they went to Pacolet to Carol Barzilay, or
10 actually Carol Barzilay called them -- her about some
11 pictures on facebook that her husband had posted. And I'm
12 sorry. Her statement's hard to read, sir. And that they
13 drove -- let's see. And they drove to Carol's.

14 Q All right. Did she say she posted anything on Brent's
15 facebook page?

16 A Did she say she did?

17 Q Yeah.

18 A She did posts -- said she posted on there that if he
19 did not remove her name -- "If he did not remove my name I
20 was going to come up there to Cowpens and whip Brent." And
21 I'm sorry. The last word there's still -- it's kind of
22 unlllegible -- illegible.

23 Q Did she say where they went after they left Carol's?

24 A Let's see. Said later that night -- let's see. I'm
25 sorry. Later that night they went to Brent's.

Thomas Clark
Direct examination by Mr. Kozak

1 Q Did they go in Brent's house?

2 A To -- yes. To get a bicycle or tricycle of -- her
3 son's name is Caden.

4 Q Did she say they went into Brent's house?

5 A Yeah. She said that John -- there was a Johnny and
6 Brandon with her, and they stayed outside.

7 Q Were they able to get this tricycle?

8 A Yes.

9 Q Where did they go? Where did she go after she
10 retrieved this tricycle?

11 A She said that on the way back to Brandon's truck her
12 and -- they left. Brandon dropped her off in Pacolet at --
13 and I can't read it. It's 26-B apartment or apartment
14 26 -- 260-B Apartment, Cleveland street. I believe that's
15 what it says.

16 Q Does it say whose apartment that is?

17 A Not in her statement, but if memory serves correct she
18 said it was her apartment.

19 Q Did she call anyone when she was there according to
20 her?

21 A She said that she called Robert Blackwell and Marie
22 Dalton.

23 Q And did she say what she did with them?

24 A They came over to her apartment and they smoked dope.

25 Q And did she give a timeline for that?

Thomas Clark
Direct examination by Mr. Kozak

1 A She said that they were all together and walked to the
2 store in Pacolet between 1:00 and 2:30.

3 Q All right. And then after they walked to the store,
4 what happened?

5 A Walked back home and waited on Brent's sister,
6 Bridget, to pick her up.

7 Q Did she say anywhere in the statement that she called
8 Bridget?

9 A It does not. I don't -- I don't see where it says
10 that.

11 Q Where did her and Bridget go according to her?

12 A Said that Bridget finally showed up. Waited on
13 Bridget to pick her up. Bridget finally did, and, "I told
14 Bridget that I -- Bridget that I had to pee, so we stopped
15 at Li'L Cricket in Pacolet. But I decided to wait until we
16 got to her house. So we pulled off and went to her house
17 and smoked until the coroner's office called her."

18 Q So she said she was at Bridget's house when the
19 coroner's office called her?

20 A Yes, sir.

21 Q At any point after this incident did you tell Angelita
22 to go get her -- go get Brent's phone?

23 A No, sir. I -- I didn't talk to Angelita for two days
24 after the crime or after the incident.

25 MR. KOZAK: No further questions.

Thomas Clark
Cross-examination by Ms. White

1 CROSS-EXAMINATION

2 BY MS. WHITE

3 Q Is it investigator -- detective?

4 A Investigator -- Tom.

5 Q Investigator. I want to make sure I'm right on that.
6 You said you had worked for 20 years, is that right?

7 A Yes, ma'am.

8 Q And started off in what position?

9 A As uniform patrol officer.

10 Q How long did you do that?

11 A I was technically part of the uniform patrol for five
12 years.

13 The first two months I was actually answering, just an
14 officer responding to calls for service. Then I was
15 transferred to our resident deputy program where we
16 investigated crimes in the area and set up neighborhood
17 watch programs.

18 After doing that for three years I went to
19 investigations.

20 Q And through that they do training to kind of develop
21 your skills, is that right?

22 A Yes, ma'am.

23 Q And, in fact, initially before you even become an
24 officer you're taught how to write the reports.

25 A Yes, ma'am.

Thomas Clark
Cross-examination by Ms. white

1 Q How to pay attention to the details.

2 A Yes, ma'am.

3 Q Follow through on investigations.

4 A Yes, ma'am.

5 Q Okay. You said you were involved pretty much within a
6 few hours after the victim was discovered, is that right?

7 A Yes.

8 Q And went to the scene. Obviously, he was no longer
9 there, but Officer wolfe was there.

10 A Among other --

11 Q Is that right?

12 A Among other people, yes.

13 Q Okay. Did you talk with Officer wolfe about what she
14 had seen that night?

15 A Yes.

16 Q Okay. And did she share with you that she had seen
17 the victim earlier at that gas station?

18 A It was -- I don't know the exact time that she did,
19 but later through the investigation that -- that -- that
20 was told to me.

21 Q Okay. And in your investigation you talked with her
22 and realized that she didn't see any person come or argue
23 or/and stand in that parking lot for 20 minutes and argue.

24 A Correct.

25 Q Is that right?

Thomas Clark
Cross-examination by Ms. White

1 A Correct.

2 Q Specifically, while we're talking about the Pacolet
3 store, you said that they got the video and put it on a
4 thumb drive, is that right?

5 A That's the Cowpens store.

6 Q The Cowpens store. I'm sorry.

7 A Yes.

8 Q Okay. were you able to review that video once they
9 gave it over to you?

10 A They did not give me the video. I was not the lead on
11 the case. I was assisting Cowpens. So everything was
12 being turned over to them. There were some things that was
13 collected that was going to be sent to SLED. But the flash
14 drive for the video and things like that they were
15 collecting and they were keeping in their -- in their
16 facility.

17 Q And when you did receive the video did you have a
18 chance to review what they had received?

19 A Yes, I did.

20 Q And that was not the correct date or time of the
21 incident.

22 A That -- that is correct.

23 Q And, in fact, I believe we finally look at it months
24 later together, and it was maybe 30 seconds of a random
25 day.

Thomas Clark
Cross-examination by Ms. White

1 A Yes.

2 Q Okay. Did you have a chance -- once you reviewed that
3 and realized it was not the correct date -- to go back and
4 see if you could get the video?

5 A Yes, I did.

6 Q And at that point you were told it was too late to get
7 the video.

8 A I was told that it had not been saved properly and
9 that the video had already time lapsed. They were on a
10 30-day time lapse. So it had already time lapsed, and so
11 they could not -- they could not recover the video.

12 Q But had some someone gone back to them within a timely
13 amount of time there's a possibility that we could have had
14 the video, is that right?

15 A Yes, ma'am, could have.

16 Q Okay. We talked a little bit about your interviews
17 with Brandon. Your first interview, you said, was on
18 December 29th.

19 A Okay. Yes, ma'am.

20 Q Is that correct?

21 A I believe that's right.

22 Q And at that point Brandon had not called you or called
23 Cowpens to give a statement, is that right? Y'all had to
24 go approach him.

25 A I was actually contacted by Lieutenant Hutchins. He

Thomas Clark
Cross-examination by Ms. White

1 was working more one on one with Chief Makupson at the
2 time. And I was contacted by Lieutenant Hutchins in
3 regards to Brandon and was asked to come and meet him in --
4 near the house and that we were going to go down to the
5 house and try to speak with him.

6 Q But from your understanding he wasn't the one that
7 contacted police saying I want to tell a story, I want to
8 give a statement.

9 A No, ma'am.

10 Q Okay. Did you take his statement at his house?

11 A I spoke to him briefly at his house. He gave a
12 written statement at the sheriff's office.

13 Q And that statement consisted of approximately maybe
14 seven pages. Does that sound correct?

15 A That sounds correct.

16 Q And you then -- from that point it was almost a year
17 before you met with him again, is that right?

18 A I believe that's correct, yes, ma'am.

19 Q You said your second interview was January 5th.

20 A Yes, ma'am.

21 Q Okay. And at that point you met with him preparing
22 for trial when he began giving inconsistent statements.

23 A Yes, ma'am.

24 Q He began giving you -- giving you information that he
25 had never told before, is that right?

Thomas Clark
Cross-examination by Ms. White

1 A Yes, ma'am.

2 Q He began giving you information that really didn't
3 make sense, didn't he?

4 A Yes, ma'am.

5 Q And he also ultimately told you that he was the one
6 driving the truck.

7 MR. KOZAK: Objection. Hearsay.

8 MS. WHITE: Your Honor, I'll withdraw the question,
9 and I will wait.

10 THE COURT: Okay.

11 Q As a result of your interview with him he was arrested
12 for murder, is that right?

13 A Yes, ma'am. He was arrested.

14 Q Okay. Now, you had a third interview with him, is
15 that right?

16 A Yes, ma'am.

17 Q And was that the time -- well, if you don't mind I'm
18 going to step back for one more minute.

19 The interview with him at the solicitor's office
20 that -- that caused y'all to end up bringing charges, was
21 that recorded?

22 A It was. I had the -- a micro recorder and I had
23 turned it on and I thought that it was recording. I had --
24 my partner at the time, Investigator Lawson, was with me.
25 I thought that it was recording. It had started recording,

Thomas Clark
Cross-examination by Ms. White

1 or so I thought it had. Once we got back to the office I
2 realized that it did not record the conversation.

3 Q Okay. So we don't have any --

4 A No, ma'am.

5 Q Any recording of that.

6 A No, ma'am.

7 Q Now, the third interview when you met with him for him
8 to provide the written statement was recorded, is that
9 right?

10 A Yes, ma'am. It was audio and video recorded.

11 Q Okay. And that statement was approximately eight
12 pages.

13 A I believe that's correct, yes, ma'am.

14 Q And during that statement there were a couple of times
15 you came in and spoke with him, is that right?

16 A Yes.

17 Q You've referenced -- you called him baby a couple of
18 times.

19 A Yes, ma'am.

20 Q Is that because of a relationship you had with him?

21 A I -- I call all young people that -- my son's friends
22 if they come over. It's -- it's something from my, you
23 know, my childhood going up, growing up.

24 Q Okay. Now, you've also referenced his grandfather in
25 some of those discussions.

Thomas Clark
Cross-examination by Ms. White

1 A I may have.

2 Q And -- and talked with him about his grandfather
3 knowing and not being, or being, aware of what was going
4 on, is that accurate?

5 A I may have.

6 Q Okay.

7 A I don't remember exactly, but I would not -- I may
8 have.

9 Q Okay. And do you recall Mr. Blackwood giving you a
10 statement and you looking at it and then advising him that
11 that wasn't what he had told y'all at the solicitor's
12 office?

13 A There was -- if memory serves -- let me. He did have
14 to do an amended statement. And if -- if memory -- there
15 was some deviation in his statement from what he said
16 initially at the solicitor's office. So he did have to do
17 some amendment to his statement.

18 Q And that was a statement that was several, just
19 several, hours after he had spoken with y'all at the
20 solicitor's office.

21 A Yes.

22 Q Okay. So there were, if I remember correctly, three
23 times you reviewed a statement and gave it back to him and
24 he added additional details. Does that sound accurate?

25 A I believe so. I'd have to look at the video of that,

Thomas Clark
Cross-examination by Ms. White

1 but that sounds accurate.

2 Q Okay. And at the end of the interview you actually
3 called his grandfather on your cell phone, is that right?

4 A Yes. I did.

5 Q And you called him and allowed him to speak to
6 Mr. Blackwood.

7 A Yes. I did. Mr. Parris and Mr. Blackwood spoke.

8 Q Yes, sir. And just to give a little context, I guess,
9 the truck that we keep talking about that was driven
10 around, Mr. Blackwood was driving that truck. But that was
11 registered to Mr. Ronnie Parris, is that right?

12 A That is correct.

13 Q Okay. In regards to phone records, you subpoenaed or
14 did a search warrant for phone records, is that right?

15 A Yes, yes.

16 Q And those were phone records for both the victim,
17 Mr. Blackwood and Ms. Wright.

18 A Yes.

19 Q Okay. And you received information from all three
20 carriers as to those, is that right?

21 A That is correct.

22 Q Okay. As the investigator in the case did you review
23 those phone records?

24 A Yes.

25 Q And you reviewed those to compare to statements that

Thomas Clark
Cross-examination by Ms. White

1 were given, information received?

2 A Actually turned them -- met with Chief Makupson to
3 turn them over to him but ended up keeping them at that
4 point.

5 Q Okay. And in your review of the records -- and,
6 obviously, this is kind of a -- a strange situation. But
7 the records received for Brent and Brandon, they came back
8 giving standard time, is that accurate?

9 A Yes, yes.

10 Q The ones that came back for Ms. Wright were given to
11 you in universal time, is that correct?

12 A They call -- they call it U.T.C. time. Certain -- and
13 I'm not an expert -- but in speaking with Investigator
14 Lindsey and our other forensics investigators that work on
15 phones and in speaking with the phone companies, your phone
16 calls will come -- will be accurate to the time, location
17 that you're at, but the text message and other things like
18 that will come back in what's called U.T.C. time, and you
19 have to add four to five hours, depending on daylight
20 savings time, to the timeline.

21 Q So it can be kind of tricky too, because not only are
22 you looking at military time, but then you also have to
23 take away five hours for it to be an actual --

24 A Depending.

25 Q -- Eastern Standard Time.

Thomas Clark
Cross-examination by Ms. White

1 A Depending on the daylight savings time, yeah. It
2 could be up to five hours.

3 Q Okay. In your review of the records did you review
4 Angelita's records?

5 A I did, but I don't -- I don't recall what -- what
6 specifics of them.

7 Q Okay. So you don't recall seeing text messages from
8 Brandon Blackwood to her phone at 2:09 a.m.

9 A I would have to look. I don't have the records in
10 front of me, but I would have to look at them.

11 Q Okay.

12 A But that -- that doesn't sound -- I mean, that sounds
13 accurate.

14 Q Okay. And we've introduced the records into
15 evidence --

16 A Okay.

17 Q -- and the ones I have. And I'll be happy to bring
18 those up to you. Give me just one minute here.

19 (Pause.)

20 Q Do you recall -- and this might be a tough recall --
21 do you recall Brandon's number that you got the search
22 warrant for, the cell phone he was using that night?

23 A (864)606-2580.

24 Q Okay. I'm going to bring it up just to show one page.
25 And, obviously, this is the universal standard time. I've

Thomas Clark
Cross-examination by Ms. White

1 got two phone calls lined -- underlined. But the numbers
2 there, will you read that number out for us?

3 A (864)606-2580.

4 Q So that's the number you just referenced as Brandon
5 Blackwood's.

6 A Yes, ma'am.

7 Q And the time on those indicated was 7:00 a.m. But we
8 know with universal you have to subtract five hours.

9 A Yes, ma'am.

10 Q So those would have come in around 2:00 a.m. that
11 morning.

12 A If it was five hours back from there it would be,
13 yeah, roughly, I think 2:00 a.m.

14 Q Okay. All right. Thank you.

15 A If I'm correct. I'm not -- I'm not an expert on the
16 phones, so I'm not.

17 Q Right. I know. Believe me, the time change makes it
18 a little off.

19 Did you also have a chance to check with the phone
20 records to see if they corroborated anything Ms. Wright
21 said about her whereabouts that night?

22 MR. KOZAK: Objection, Your Honor. That's outside the
23 scope of his investigation. That's more of an expert
24 testimony.

25 THE COURT: Well, let's see. Go ahead.

Thomas Clark
Cross-examination by Ms. White

1 MS. WHITE: Your Honor, I think he's the lead
2 investigator and has stated he reviewed all the records.
3 I'm asking if he reviewed the records to see if the
4 timeline corroborated with the statements.

5 THE COURT: Ask him the question.

6 A The information as far as southside tower and things
7 of that nature was turned over to another investigator to
8 plot where the phones were at that time, at during this
9 timeframe.

10 Q Sure. And I'm not asking about mapping locations.

11 A Okay.

12 Q And let me clarify. I meant time-wise.

13 A Okay.

14 Q When Ms. Wright indicated that she had spoken with
15 maybe a Robert and Marie earlier that night to get with
16 them, anything like that, did you check to verify on her
17 phone records at what time she called Robert and Marie?

18 A I -- I don't recall. I don't recall if her phone --
19 there was some issue with her phone not being -- not
20 working or being -- being dead or something at that time or
21 being charged -- having to be charged at that time. So I
22 don't recall.

23 Q Okay. So you can't tell me that you actually verified
24 any phone calls to the people that she gave to you as alibi
25 witnesses.

Thomas Clark
Cross-examination by Ms. White

1 A That was turned over to the forensics phone
2 investigator for the phone to do his report on that.

3 Q Okay. And as lead investigator, when you get the
4 report back with the phone numbers, you didn't match those
5 with times or compare that with statements?

6 A I -- I would have. I just don't have them in front of
7 me to -- I don't have them in front of me right now.

8 Q Okay. So as the investigator though you could tell me
9 if you were able to match or if you were able to determine
10 if her timeline was consistent with the statements of other
11 people in regards to when she contacted them.

12 A In -- there were several things with her phone that
13 were not able to be corroborated because of the type of
14 phone it was, and there were things that were not on her
15 phone that could not be pulled up.

16 As far as the phone records are concerned, I don't
17 remember right here. I don't remember what phone calls
18 were made, when and the exact times.

19 Q Okay. So you specifically did not look at Marie and
20 Robert who were her alibi witnesses and their statements
21 and compare it.

22 A We compared it based off -- actually there was another
23 aspect of it but they -- they were -- I don't recall
24 what -- what was done with the phone records at that point,
25 because at that point information was being taken back and

Thomas Clark
Cross-examination by Ms. White

1 forth between myself and Cowpens.

2 Q Okay. You said that you turned the cell phones over
3 to be mapped. Were those ever mapped by the sheriff's
4 office?

5 A There were some problems with it at first, having it
6 done, but eventually it was.

7 Q Okay. And was that turned over to the defense?

8 A I don't -- I always turn it over to the prosecution.
9 I don't know from there.

10 Q Okay.

11 MS. WHITE: One moment briefly, Your Honor.

12 (Pause.)

13 A I -- and also at that time there was inconsistencies
14 with -- because of the towers down there. I was told by
15 Investigator McGraw and that that --

16 MS. WHITE: Your Honor, I would object to hearsay.

17 THE COURT: Okay.

18 Q Would you like for me to provide the phone records, or
19 do you have the phone records in your file that you could
20 review so that you could perhaps answer the questions?

21 A They're over there, but I can.

22 MR. KOZAK: T-Mobile?

23 Q Do you have -- the two witnesses that my client
24 provided you as alibi witnesses, do you recall their names?

25 A Robert Blackwell and Marie Dalton.

Thomas Clark
Cross-examination by Ms. White

1 Q And do you have the phone numbers for those two
2 witnesses?

3 A I do not.

4 Q Did you ever get the phone numbers from them?

5 A I never spoke with them. Cowpens' police chief spoke
6 with them.

7 Q Okay. So you can't tell me. If I were to provide you
8 with phone numbers, you couldn't tell me right now --

9 A Not without --

10 Q -- if those were the correct numbers.

11 A Not without looking at their statements, no.

12 Q During an investigation is it normal for -- once
13 someone's been arrested -- the investigation to just kind
14 of stop, or is it an ongoing process?

15 A It's an ongoing process.

16 Q Okay. So once you would have received information
17 about an alibi, is that not something that you feel like
18 y'all should have explored and verified?

19 A It was turned over to the Cowpens Police Department
20 because they were still -- it was still their
21 investigation. So any information I would -- they would
22 give me information, but they would conduct the interviews.

23 Q Okay. And I might not be clear myself. But when we
24 spoke you had taken over as an assist and had all of the
25 Cowpens information in your property, is that right?

Thomas Clark
Cross-examination by Ms. white

1 A There was --

2 Q In your presence.

3 A You talking about the reports?

4 Q Anything at the time you were the assisting
5 investigator.

6 A I did not receive it for some time after the incident,
7 so there for a while I did not, was not privy to all of the
8 information.

9 Q Correct. But several months after that.

10 A Several months after that, yes.

11 Q Okay. We're now in November of 2017. That was early
12 to mid 2016, is that right?

13 A Correct.

14 Q So a year and a half ago, give or take --

15 A Correct.

16 Q -- you had the majority of the information that
17 Cowpens had gathered from interviews and phone records.

18 A Yes, ma'am.

19 Q Okay. From that time that you've had that information
20 in your custody and control did you follow through and
21 investigate her alibi to check and see if the phone numbers
22 and the phone calls that she alleged she made versus what
23 others may have said matched up or were consistent?

24 A I did not.

25 Q Okay. I want to touch base back on the -- the third

Thomas Clark
Cross-examination by Ms. white

1 statement that you got from Brandon Blackwood when we were
2 talking about -- that's the one that's actually recorded on
3 video and audio.

4 A Yes, ma'am.

5 Q When you -- when he handed you the statement --

6 A Yes, ma'am.

7 Q One second. Let me grab this. I'm going to ask you.

8 We said this was about an 8-page statement, is that right?

9 A Yes, ma'am.

10 Q At the time he gave it to you initially it was seven
11 pages, is that right? would that --

12 A Are you talking about the December 29th statement or
13 the statement after that?

14 Q The statement after that, the January 5th of 2017.

15 (Pause.)

16 A I don't have it here with me, but I believe that is
17 correct. There was an additional page that was made.

18 Q Okay.

19 A It was -- I think it says at the beginning this is an
20 amendment or something, may say that there's an amendment
21 to my original statement or something to that effect. But
22 I believe it was an additional page.

23 Q Okay. And if it -- if it doesn't say that would
24 that -- would you may be confusing that with the first
25 statement that has an amended statement?

Thomas Clark
Cross-examination by Ms. White

1 A I may be.

2 Q Okay. Now, the second written statement, we talked
3 about the fact that you kind of went back with him three
4 different times. What he gave you with that first
5 statement, page seven, when he ended this, was not what he
6 had told you hours before, is that right?

7 A Correct.

8 Q And, in fact, it was kind of a significant difference
9 as to how he characterized the incident, I guess is the
10 best way to put it.

11 A I guess that could be said, yes, ma'am.

12 Q Okay. And you talked to him and said this isn't what
13 you told me and you need to tell me. If what you told us
14 was the truth, then you need to put that down, is that
15 right?

16 A That sounds right.

17 Q Okay. And -- and if you need to be honest with us and
18 you need to be truthful. If you were being truthful, then
19 that needs to be in the statement, is that right?

20 A That sounds right.

21 Q So then he added something to the statement and gave
22 it back to you to look at.

23 A Yes, ma'am.

24 Q And at that point you looked at it again and said to
25 him, well, now this isn't exactly what you said either.

Thomas Clark
Cross-examination by Ms. White

1 You need to tell us what she said or what she did and put
2 that in a statement if that's what happened.

3 A That sounds right.

4 Q Okay. He wrote more, gave it back to you, and then
5 you told him again you need to be specific and add details,
6 who is he and who is she, is that right?

7 A That sounds right.

8 Q Okay.

9 MS. WHITE: Beg the Court's indulgence one moment.

10 (Pause.)

11 Q Okay. Now, based on the conversation you had with him
12 on March -- I mean, excuse me -- January 5th of 2017 --

13 A Yes, ma'am.

14 Q -- does this appear to be a warrant that you issued or
15 requested a copy of one?

16 A Yes, ma'am.

17 Q And can you read for me what the basis or what the
18 warrant is for?

19 MR. KOZAK: Objection, Your Honor. It's not in
20 evidence. I don't think it is.

21 THE COURT: Let me see you.

22 (Bench conference held off the record in the presence
23 of the jury but out of the hearing of the jury.)

24 Q I am going to take that back from you, Investigator
25 Clark?

Thomas Clark
Cross-examination by Ms. White

1 A Yes, ma'am.

2 Q Now, you've had a chance to review this warrant,
3 right?

4 A Yes, ma'am.

5 Q And you swore to a magistrate at that point based on
6 your investigation that on December 27th of 2015 in the
7 County of Spartanburg one Mark Brandon Blackwood did with
8 malice aforethought cause the death of victim Brent
9 Tessnear by intentionally running over him with a truck,
10 that affiant's belief is based on police investigation.

11 Is that accurate and was that what you affirmed to the
12 magistrate for that warrant?

13 A Yes, ma'am.

14 Q And he is charged at this point with murder.

15 A Yes, ma'am.

16 Q Do you know if he's been indicted on that charge?

17 A I do not know.

18 Q Okay. He was charged January 5th of 2017, correct?

19 A Yes, ma'am.

20 Q And is he on trial for murder to your knowledge?

21 A I don't know what the status of his case is with the
22 prosecution right now.

23 Q But he's, obviously, not being tried as a codefendant,
24 is that right?

25 A As of -- I do not know.

Thomas Clark
Cross-examination by Ms. White

1 Q He's not sitting at the table.

2 A No, he's not sitting here, no, ma'am, no, ma'am.

3 Q Okay. All right. Thank you.

4 MS. WHITE: That's all I have of this witness, Your
5 Honor.

6 MR. KOZAK: Nothing further from the state.

7 THE COURT: Okay. Officer, you may step down. Please
8 be careful.

9 MS. ALBEE: Your Honor, it might be a good time to
10 take a break so we can set up some equipment and stuff.

11 THE COURT: I was getting ready, I think, to suggest
12 that.

13 Madam Forelady and ladies and gentlemen of the jury,
14 you've only been in here about an hour and 15 minutes, but
15 I've been in here since 8:45, so, because I had my other
16 veterans court deal with my staff. So we want to take a
17 break, and actually I want to get some more of this coffee.
18 I hope you enjoyed some this morning. It really is good.

19 Do not talk about the case, please. You're going on
20 break and you're working, so don't do that. It's not time
21 to deliberate. And enjoy your break.

22 Madam Forelady, if you'll take them out, we'll see you
23 in about 15 minutes.

24 (The following takes place outside the presence of the
25 jury.)

Margo Kirk
Direct examination by Ms. Albee

1 THE COURT: Let's be in recess until about 15 till.
2 (whereupon, a recess was taken.)

3 THE COURT: Ready for the jury?

4 MS. WHITE: Yes, Your Honor.

5 (The following takes place in the presence of the
6 jury.)

7 THE COURT: Madam Forelay, the jury okay?

8 THE FOREPERSON: Yes, sir.

9 THE COURT: All right. Ready?

10 MS. ALBEE: Yes, Your Honor. The state calls Margo
11 Kirk to the stand.

12 MARGO KIRK, having been first
13 duly sworn, testified as follows:

14 THE COURT: Ma'am, tell us your full name, and spell
15 your last name, please.

16 THE WITNESS: My name is Margo Sharre Kirk. My last
17 name is K-I-R-K.

18 THE COURT: You move up just a little bit to that
19 microphone, please.

20 THE WITNESS: Okay. I'm sorry.

21 THE COURT: Thank you.

22 Yes, ma'am.

23 MS. ALBEE: Thank you, Your Honor.

24 DIRECT EXAMINATION BY MR. ALBEE

25 Q Margo, how old are you?

Margo Kirk
Direct examination by Ms. Albee

1 A I'm 34.

2 Q And where do you currently live, what town?

3 A I live in Cowpens.

4 Q Where are you from?

5 A I was from Cowpens.

6 Q And did you know Brent Tessnear at all?

7 A Yes.

8 Q Explain to us how you knew Brent.

9 A Brent is cousin. We are double akin on my mom's side,
10 but we was raised up as my brother and sisters.

11 Q How close were y'all in age?

12 A Brent was 36 and I was 32, I think.

13 Q So pretty close?

14 A Yeah.

15 Q And in December of 2015 did y'all live near each
16 other?

17 A Yes.

18 Q How close?

19 A We lived in walking distance, less than a mile from
20 each other.

21 Q And how often would you see Brent?

22 A I seen him, I think, two days before he got killed.

23 Q Now, did you talk to him at all on December the
24 26th of 2015?

25 A Yes.

Margo Kirk
Direct examination by Ms. Albee

1 Q And how would y'all usually talk, what method?

2 A We talked on, through, facebook and we -- he calls me,
3 and I used to call him.

4 Q Now, in the early morning hours of December the
5 27th of 2015, were y'all talking then?

6 A Yes.

7 Q And what were y'all talking about?

8 A He asked me did I have a way to the store, that he was
9 needing to go to the store and get a pack of cigarettes.
10 And I told him no, that I didn't have a vehicle at that
11 time and I wish I did because I was needing a pack of
12 cigarettes myself. So he asked me did I want to walk with
13 him to the store, and I told him no, that I was good.

14 Q And about how far away is the store from where the two
15 of you lived?

16 A Not even a mile. I mean, it was like in walking
17 distance.

18 Q Do you know if Brent would ever walk to that store
19 before?

20 A Yes.

21 Q And do you know Brent walked to the store that night?
22 Did he tell you he was going?

23 A Yes, he did.

24 Q And about what time did he tell you that he was
25 leaving his house to walk to the store?

Johnathan Sellars
Direct examination by Mr. Kozak

1 A On facebook it says around about 1:50 that he was that
2 he was on his way.

3 MS. ALBEE: Thank you, Your Honor. I have no further
4 questions.

5 MS. WHITE: There's no questions for this witness,
6 Your Honor.

7 THE COURT: Ma'am, you may step down. Please be
8 careful.

9 Is she released?

10 MS. ALBEE: No objection. We'd ask for it, Your
11 Honor.

12 MS. WHITE: No objection.

13 THE COURT: Ma'am, you may stay or go, whichever you
14 choose.

15 (Whereupon, the witness was excused.)

16 MR. KOZAK: The state calls Johnathan Sellars.

17 JOHNATHAN SELLARS, having been
18 first duly sworn, testified as follows:

19 THE COURT: Sir, pull the mic -- your chair up to the
20 mic. And tell us your name and spell your last name for my
21 court reporter, please.

22 THE WITNESS: Johnathan Sellars, S-E-L-L-A-R-S.

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION BY MR. KOZAK

25 Q How old are you?

Johnathan Sellars
Direct examination by Mr. Kozak

- 1 A Nineteen.
- 2 Q where do you work?
- 3 A Innovative Fibers.
- 4 Q where do you live now?
- 5 A 220 Gossett Road.
- 6 Q And where is that?
- 7 A My dad's house in Spartanburg.
- 8 Q where did you live on December the 26th, 2015?
- 9 A It was in Cowpens with Chavis. I'm not sure of the
10 address.
- 11 Q who is Chavis?
- 12 A Chavis Tessnear.
- 13 Q where did you say it was, what city?
- 14 A Cowpens.
- 15 Q How do you know Brent, or did you know Brent?
- 16 A I knew him. I grew up with his son -- me and my
17 brother did. And when I moved in with Chavis we kind of
18 linked up and started hanging out and knowing each other
19 more.
- 20 Q why, when you moved in with Chavis, did you start
21 hanging out with him more?
- 22 A Because Brent moved in with Chavis a little bit after
23 I did.
- 24 Q How did you meet the defendant, Angelita wright?
- 25 A I didn't -- I didn't know her like that, but when I

Johnathan Sellars
Direct examination by Mr. Kozak

1 left my girlfriend's house on the way back to my house and
2 Chavis' house I saw them at Brent's house parked in the
3 driveway with my friend. And then that's when they came
4 down to the house. And that's really all I know about it.

5 Q Okay. How did you initially meet Angelita the first
6 time?

7 A Just heard of her really. Never met her.

8 Q Did you see the defendant on December 26th of 2015?

9 A I don't think so. I don't remember the dates. I
10 remember the night that I saw her. That was it.

11 Q What was the night you saw her?

12 A I think it was like the 25th or something like that
13 whenever I was on the way back home and we saw the truck in
14 the driveway. And they came in, and we went to Pacolet.

15 Q Was it the night before Brent was found dead?

16 A The night before.

17 Q Okay. About what time did you see her that night?

18 A Maybe 8:00 or 9:00.

19 Q Who was she with?

20 A Brandon Blackwood.

21 Q How do you know Brandon Blackwood?

22 A Went to school with him, grew up with him.

23 Q What kind of vehicle were they in?

24 A It was a white Ford truck.

25 Q Okay.

Johnathan Sellars
Direct examination by Mr. Kozak

1 A 4-door.

2 Q Do you know who was driving?

3 A Whenever I saw them at Brent's house Angelita was
4 driving. And when they left the house, when we went to
5 Pacolet, Angelita was driving. And then when they dropped,
6 me back off Angelita was still driving.

7 Q Let's go back a little bit. When you said you saw
8 them at Brent's house, walk me through what was -- what
9 happened and how you saw them.

10 A Well, I was passing his house, and I saw my friend's
11 truck there. So I stopped and I yelled for Brandon.
12 Brandon got on the passenger-side door. And I was like
13 what y'all doing, what are y'all doing here. And she was,
14 like -- he was, like, looking for Brent. Said, well, if
15 you need anything I'll be down there. And five minutes
16 later they showed up. And then she wanted to charge her
17 phone.

18 Q Once they showed up what happened?

19 A She just came in and charged her phone and wanted us
20 to ride with them to Pacolet to some trailer.

21 Q What was her demeanor when she came into your house?

22 A I mean, upset, mad, wanted to know where he was at.

23 Q Did she say why she was upset?

24 A Something about he cheated, sent nudes or something.

25 Q Do you know where she was coming from? Did she say

Johnathan Sellars
Direct examination by Mr. Kozak

1 what she was coming for?

2 A Uh-uh.

3 THE COURT: Sir, you have to answer yes or no. She's
4 got to record it. Thank you.

5 Q You have to answer yes or no. She's trying to record
6 everything, so you need to answer verbally.

7 A Yes, sir.

8 Q So did she say why she was angry?

9 A Because Brent cheated or sent nudes or something like
10 that on facebook.

11 Q Did she say anything else while she was at the house?

12 A Not that I remember, no, no, sir.

13 Q After you guys went to the house together did you guys
14 go anywhere together?

15 A We left to go to Pacolet to the trailer. And when she
16 walked in she -- we -- saw us at the truck. Then she
17 walked back out and said we gotta go to one more place.
18 And on our way there, over the Pacolet bridge, Brent called
19 and said something. And she was like, okay, well, I gotta
20 be there in 15 minutes and then made a U-turn and came back
21 home.

22 Q When you say we, who is we? Who was all with you?

23 A When we went -- when she dropped us off it was me,
24 Brandon and Amber Gossett.

25 Q After -- I guess the next day or after you found out

Johnathan Sellars
Cross-examination by Ms. White

1 Brent was dead, did you do anything?

2 A I didn't, no. I mean, I texted them and asked them
3 what happened because of what she had said and everything
4 that I heard.

5 Q Without saying what you heard, is there any reason why
6 you felt the need to text him?

7 A Yeah, because they were looking for him last night and
8 they left together.

9 MR. KOZAK: Beg the Court's indulgence.

10 (Pause.)

11 Q You said you were telling him that because of what you
12 heard Angelita say. What did you hear her say the night
13 before?

14 A He don't deserve the ground he walks on or the air he
15 breathes.

16 Q And when did she say that -- about when?

17 A On the way to the trailer, I believe, when we first
18 left to go to Pacolet.

19 Q Okay.

20 MR. KOZAK: No further questions.

21 CROSS-EXAMINATION

22 BY MS. WHITE

23 Q Mr. Sellars, you said that you went to -- I'm sorry --
24 have a seat. I've got some questions for you.

25 A Yes, ma'am.

Johnathan Sellars
Cross-examination by Ms. White

1 Q You said that y'all left and went to a trailer in
2 Pacolet.

3 A Yes, ma'am.

4 Q And then on the way back from Pacolet as you crossed
5 the bridge Angelita got a call from Brent, is that right?

6 A Yes, ma'am.

7 Q Okay. So before that she had been angry because of
8 some photos on facebook.

9 A Yes, ma'am.

10 Q After she talked with Brent, what did she tell Brent
11 that you heard her say?

12 A The only thing I heard her tell Brent over the phone
13 was I love you, I'll be there in 15 minutes.

14 Q And you -- she said I love you, I'll be there in 15
15 minutes.

16 A Yes, ma'am.

17 Q So at that point -- you had said earlier her demeanor
18 seemed to be upset. Her demeanor had changed at that
19 point, right?

20 A Yes, ma'am.

21 Q Okay. You also had talked with Brandon. And without
22 saying anything about it, did y'all have conversations
23 about drinking alcohol that night of the 26th?

24 A No, ma'am, not that I know of.

25 Q Okay. Do you recall talking with him about whether or

Johnathan Sellars
Cross-examination by Ms. White

1 not somebody was really intoxicated or passing out or
2 blackout drunk?

3 A I mean, I remember him texting me saying he was real
4 messed up that night, he don't remember anything. And then
5 when I texted him he kinda acted like he started
6 remembering bits of pieces.

7 Q And you recall what you told him?

8 A I think I don't really remember the text messages.

9 Q Okay. If I showed them to you, do you think that
10 would help?

11 A Yes, ma'am.

12 Q Okay. This is a copy of a -- do you remember Officer
13 wolfe taking pictures of your phone that showed your texts?

14 A Yes, ma'am.

15 Q Okay. And what did you tell Brandon? What's that
16 first line?

17 A "Dude, you wasn't drunk, that drunk, as you say."

18 Q Okay.

19 A And he wasn't.

20 Q Okay. So you were telling Mr. Blackwood that you
21 didn't believe he was as drunk as he was claiming.

22 A Yes, ma'am.

23 Q And, in fact, you said -- you asked him to get ahold
24 of the police, is that right?

25 A Yes, ma'am.

Johnathan Sellars
Redirect examination by Ms. Kozak

1 Q Okay. To your knowledge had he contacted police?

2 A Not that I know of.

3 Q Okay.

4 A I'm not sure. That was the last day I talked to him.

5 Q Okay. And you testified you'd never meant Angelita

6 before. You had never seen her at Chavis' house while

7 Brent was over there?

8 A No, ma'am.

9 Q Okay. So the first time you ever met her or saw her
10 was the night of this incident.

11 A Yes, ma'am.

12 Q Okay. Thank you very much.

13 MS. WHITE: That's all I have.

14 THE COURT: Anything?

15 MR. KOZAK: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. KOZAK

18 Q You said you heard Angelita say, "I love you."

19 A Yes, sir.

20 Q Was that before you went to Pacolet, or after?

21 A That was on the way back from the trailer, from
22 Pacolet.

23 Q Okay. Was that before or after she said Brent doesn't
24 deserve the air he breathes or the ground he walks on?

25 A I believe it was after it.

Johnathan Sellars
Redirect examination by Ms. Kozak

1 Q Let me show you your statement and let you read it. I
2 know it's a long time ago, so the order of events can be
3 confusing.

4 (Pause.)

5 Q Does that refresh anything?

6 A Yeah. I do remember when it was said now because when
7 she -- when we passed -- when we was on our way to the
8 house, instead of pointing out what road Brent was on,
9 there was another white truck parked in front of the
10 garbage cans. She went down the street and dropped us all
11 off so she could go back to the house. I come back and get
12 Brandon. We walked back to my house, and then we saw her
13 pull up. And that's when she said it.

14 Q Said what?

15 A "He does not deserve the ground he walks on or the air
16 he breathes."

17 Q Was that before or after she said that she loved him?

18 A After.

19 Q Okay. Did she say why she was going to Pacolet?

20 A We went to a trailer. She didn't really say. She
21 said we just gotta go somewhere, do y'all want to ride.

22 MR. KOZAK: No further questions.

23 MS. WHITE: Nothing further, Your Honor.

24 THE COURT: Thank you, sir. You may step down.

25 Please be careful.

Brandon Blackwood
Direct examination by Ms. Albee

1 Is he released?

2 MR. KOZAK: Yes, Your Honor, he's released.

3 THE COURT: Sir, you may stay or go, whichever you
4 choose.

5 (Whereupon, the witness was excused.)

6 MS. WHITE: Your Honor, we had him under subpoena as
7 well.

8 THE COURT: Oh, I'm sorry.

9 Sir, you're released from the state's subpoena, but
10 you're still under defense subpoena. Do you understand?

11 MS. WHITE: We'll contact him if we need to.

12 THE WITNESS: Thank you.

13 MS. ALBEE: Your Honor, at this time the state calls
14 Brandon Blackwood.

15 BRANDON BLACKWOOD, having been
16 first duly sworn, testified as follows:

17 THE COURT: Sir, adjust that microphone, please, and
18 tell us your full name, and spell your last name, please.

19 THE WITNESS: My whole name?

20 THE COURT: Yes, sir.

21 THE WITNESS: Mark Brandon Blackwood. Spell my last
22 name?

23 THE COURT: Please.

24 THE WITNESS: B-L-A-C-K-W-O-O-D.

25 THE COURT: Thank you.

Brandon Blackwood
Direct examination by Ms. Albee

1 Yes, ma'am.

2 MS. ALBEE: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MS. ALBEE

4 Q Brandon, tell us how old you are.

5 A I'm 20 years old.

6 Q And where are you from?

7 A I'm from Pacolet, South Carolina.

8 Q Did you go to high school?

9 A Yes, ma'am, I did.

10 Q Did you graduate?

11 A Yes, ma'am, I did.

12 Q From what high school?

13 A Broome High School.

14 Q And what year did you graduate in?

15 A 2016.

16 Q Now, did you know Brent Tessnear?

17 A No, I did not.

18 Q Did you know of him?

19 A I knew of him, yes, ma'am. I did.

20 Q How did you know of him?

21 A My codefendant told me about him.

22 Q And who are you referring to when you say that, that

23 phrase, when you say codefendant?

24 A When I say codefendant, Angelita Wright.

25 Q Now, did you know Ms. Wright?

Brandon Blackwood
Direct examination by Ms. Albee

1 A Yes, I did.

2 Q Okay. Tell us how you knew her.

3 A I met her through her cousin or, as she called, her
4 sister, Christine Hamrick.

5 Q Were you friends with Christine?

6 A Yes, ma'am, I was.

7 Q And about how long did you know Angelita Wright prior
8 to December of 2015?

9 A If I had to say, I'd say about five months.

10 Q Would you consider her a friend?

11 A Yes, I would.

12 Q About how many times had the two of you hung out?

13 A I'd say at least ten.

14 Q And I want to talk to you a little bit now about
15 December the 26th of 2015. Do you remember seeing the
16 defendant that day?

17 A Not that I can recall, no, ma'am.

18 Q I want to talk about the day that Brent Tessnear was
19 killed. Do you remember that?

20 A Yes, ma'am, I do.

21 Q Were you with Angelita Wright around that time?

22 A Yes, ma'am, I was.

23 Q Okay. Explain to us when you first saw her that day.

24 A I can't remember the exact time, but I had come over
25 to Christine's grandparents' house to come and hang out

Brandon Blackwood
Direct examination by Ms. Albee

1 with her that day. And I was talking with Christine, and
2 Angelita came up to me and she asked me could I take her to
3 Cowpens to go to her husband's house to get the
4 Christmas --

5 Q Go ahead.

6 A -- for the kids.

7 Q Sorry. I didn't mean to cut you off. I just had some
8 questions.

9 A That's fine.

10 Q Where was her grandparents' house? You said take her
11 to Cowpens, so where were y'all at?

12 A We were in Pacolet.

13 Q Okay. And so then she asked you to take her to
14 Brent's house.

15 A Yes, ma'am.

16 Q Okay. Did she say why?

17 A To get Christmas presents for her children.

18 Q And you told us that you don't remember exactly what
19 time that was. But do you remember if it was morning or
20 afternoon or nighttime?

21 A It was about afternoon, probably about 3:00.

22 Q And did you take the defendant over to Brent's house?

23 A Yes, ma'am, I did.

24 Q Who drove?

25 A I did.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q what kind of car?

2 A F150.

3 Q Is that a truck?

4 A Yes, ma'am.

5 Q All right. what color is that truck?

6 A It was white.

7 Q And did she say anything to you on the way to Brent's
8 house?

9 A Not that I can recall, no, ma'am.

10 Q And, if you could, tell us what happened once you got
11 to Brent's house.

12 A She got out of my truck and she walked up to his door
13 and she knocked on his door and he opened the door. And
14 they started talking. And she went in the house and she
15 closed the door.

16 Now, I -- she was in there for about 15 minutes, and
17 she came out yelling and saying she couldn't believe him.
18 And she got back to the truck. And I asked her. I was,
19 like, what are you talking about, what did he do. And she
20 told me that he had taken their presents that he had bought
21 them and took them back to -- I can't remember what store
22 she said -- but she [sic] took them back to the store and
23 he took that money and went and bought drugs with it.

24 Q Do you know whose presents she was talking about?

25 A Her children's.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q And how did she appear? You told us what she said,
2 but how did she physically look at that time?

3 A She appeared angry, bitter.

4 Q Where do you remember going after that?

5 A We went back to Pacolet. We went to -- I can't
6 exactly remember where we went, but I know we stopped by
7 the store to get some cigarettes. And then we went -- next
8 place I remember going is -- I got the alcohol too. I had
9 asked her to go to the store and get me some alcohol after
10 we left his house. And after we left his house we went to
11 her friend Carol's house.

12 Q I'm going to ask you just a few questions about that.
13 Okay?

14 A Yes, ma'am.

15 Q When you left Brent's house to then go to the store
16 and to get cigarettes and alcohol, who was driving your car
17 at that point?

18 A She was.

19 Q Why was she driving it?

20 A She asked me if she could drive it, and I told her
21 yeah.

22 Q And then you said that you asked her to get you some
23 alcohol. Did she?

24 A Yes, ma'am.

25 Q Brandon, before this night had you ever been drunk

1 before?

2 A No, ma'am, I hadn't.

3 Q Had you ever drank alcohol before?

4 A Before that night?

5 Q Uh-huh.

6 A No, ma'am.

7 Q And what type of alcohol did the defendant buy for
8 you?

9 A It was a Coconut Malibu Rum.

10 Q And about how big of a bottle was it?

11 A I'd say it was about this big.

12 (Whereupon, the witness demonstrated.)

13 Q Okay. So about a foot off the table. Is that what
14 you're talking about?

15 A Yes, ma'am.

16 Q Did you drink that alcohol?

17 A Yes, ma'am, I did.

18 Q And the time it took you to get from the liquor store
19 to Carol's house, which is where you remember being next,
20 about how much of that alcohol did you drink?

21 A I'd drank about half of the bottle.

22 Q And when you got to her friend Carol's house, what do
23 you remember happening?

24 A I remember I -- she got out. She went over there.
25 She was talking to Carol. And I didn't want to get out at

Brandon Blackwood
Direct examination by Ms. Albee

1 the moment because I was -- I was drunk, and I didn't think
2 I could walk. So I sat in there, my truck, for a little
3 bit.

4 And then when I got out I went over. I -- I asked her
5 how she was, asked her what her name was. And a buddy of
6 mine -- his name is Eric -- he came over. He showed up,
7 and I was talking to him.

8 And then the next thing that I know Angelita was
9 yelling out there's -- there's no way in hell he just did
10 this. And I asked her what she was talking about. And she
11 had told me that apparently he had putten pictures of her
12 private parts on facebook and were saying that it was hers.

13 Q Do you know who she was referring to when she was
14 saying he?

15 A Brent.

16 Q And how did she seem at this time?

17 A She was furious, enraged.

18 Q Now, you told us that you were drinking alcohol on
19 that drive to Carol's house. Did you see the defendant
20 drink alcohol at all?

21 A No, ma'am, I didn't.

22 Q And what else happened when you were at Carol's house?
23 what else was the defendant saying about those pictures on
24 facebook?

25 A She kept saying that he's got two minutes to take

Brandon Blackwood
Direct examination by Ms. Albee

1 those down. If he doesn't take those down she's going to
2 have to find somebody to go and beat his ass. Pardon my
3 French.

4 Q Okay. And about how long did you stay at Carol's
5 house?

6 A After the pictures?

7 Q Yes, sir.

8 A About 15 minutes.

9 Q Did she say anything else or talk to anyone else while
10 she was at Carol's house?

11 A She went inside Carol's house for a few minutes, and I
12 didn't go in, so I don't know what they might have talked
13 about.

14 Q Now, when you left Carol's house who was driving the
15 car?

16 A She was.

17 Q Is this still the same white truck?

18 A Yes, ma'am.

19 Q And why was she driving that time?

20 A Because I was too intoxicated to drive.

21 Q And where do you remember the two of you going after
22 that?

23 A I remember -- the next place I remember going is we
24 went to Gaffney or Cherokee County.

25 Q Why were you there?

Brandon Blackwood
Direct examination by Ms. Albee

1 A She went to -- she went to one of her friend's house,
2 and she got out, she went and talked to this girl and asked
3 her where her brother was to see if she could get her
4 brother to go up there and beat Brent up for her.

5 Q Do you know who any of these people over in Cherokee
6 or Gaffney are? Do you know -- did you know anyone at the
7 house?

8 A No, ma'am, I did not.

9 Q About how long did you stay there?

10 A About 15 minutes.

11 Q And then where is the next place you remember going?

12 A I remember she said that she could get ahold of him.
13 So she said she was going to call her brother Thad and she
14 was going to go meet him in Cowpens. So we went back to
15 Cowpens, back to Brent's house again, because she wanted to
16 see if she could find him.

17 Q Who was driving the white truck at that point in time?

18 A She was.

19 Q And when you went back to Brent's house, this is the
20 second time that day you were there?

21 A Yes, ma'am.

22 Q Okay. Tell us what happened when you were back there
23 for the second time.

24 A Okay. She got out and she went up to the door again,
25 and she started knocking and yelling, Brent, where are you

Brandon Blackwood
Direct examination by Ms. Albee

1 at, Brent, you know, yelling for him trying to figure out
2 where he was. And nobody would come to the door. And she
3 got frustrated, and she quit. And as she was talking back
4 to the truck that's when my friend Jonathan pulled up.

5 Q Was anybody with Jonathan?

6 A Yes, his ex -- his girlfriend at the time -- Amber --
7 and her little brother.

8 Q And do you know how close Johnathan lived to Brent's
9 house?

10 A No, I do not.

11 Q And what happened once Johnathan got there?

12 A My -- Angelita -- she asked Johnathan if he had seen
13 Brent. And he said I don't know, I'll call my buddy Chavis
14 and ask him to see if he seen him.

15 Q Now, when she's there at Brent's house for the second
16 time that night is she still angry?

17 A Yes.

18 Q Is she still saying things about Brent?

19 A Not that I can recall.

20 Q What happened after she asked Johnathan where Brent
21 was?

22 A Johnathan proceeded to call Chavis and talk to him
23 and, Chavis had said that he had not seen Brent that day.

24 Q Do you remember going anywhere with Johnathan that
25 night?

Brandon Blackwood
Direct examination by Ms. Albee

1 A I remember after we talked -- after we talked in the
2 driveway we went up to Chavis' house, because I told. I
3 asked Johnathan if he wanted to hang out for a little while
4 since we didn't have nothing we were doing. So we went up
5 there and I parked my -- she parked my truck and she got
6 out and I got out and we went in this house for about 45
7 minutes.

8 Q What did the defendant do?

9 A She went inside with me.

10 Q Where did y'all go after that?

11 A After we left we walked -- we walked down to Brent's
12 house again.

13 Q Okay. So you could walk from Johnathan's house to
14 Brent's house.

15 A It was Chavis' house.

16 Q Okay. So is that where you were hanging out with
17 Johnathan?

18 A Yes, ma'am.

19 Q Okay. So you could walk from where you were with
20 Johnathan to Brent's house.

21 A Yes.

22 Q Okay. So this is the third time y'all are at Brent's
23 house that night.

24 A Yes, ma'am.

25 Q Okay. Tell us what the defendant does when she is at

1 Brent's house at that time.

2 A This time she says -- she walks up. She knocks on the
3 door again just to check to see if he's there. Knocks on
4 the window yelling for Brent, asking where he's at. Nobody
5 answers.

6 So she decides. She said, well, I'm going to go in
7 and get my presents for my kids. And she notices that the
8 front door is locked. So she walks around to the back.

9 And me and -- me, Johnathan and Amber decided to
10 follow her back there to see what she was doing. And I
11 don't know how she got the door open, but when I approached
12 and seen -- and seen her the back door was opened.

13 Q Did you see the defendant go inside of Brent's house?

14 A Yes, I did.

15 Q Okay. About how long was she inside of there?

16 A She was probably in there about ten minutes.

17 Q And then when she came out what did she do or what did
18 she say?

19 A She said, well, I couldn't find any of the presents
20 but I found this bike for my -- for my boy.

21 Q Did she have a bike in her hand?

22 A Yes, she did.

23 Q What kind of bike?

24 A I'd say a little training-wheel bike, a little sports
25 bike.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q what did she do with the bike?

2 A she told me she wanted -- she asked us to roll it up
3 to my truck and put it in the back of her truck so she
4 could take it home to her little boy.

5 Q And did you put it in the back of your truck?

6 A Yes, ma'am, I did.

7 Q where do you remember the two of you going after that?

8 A After that we went to a girl named -- I think her name
9 was Tammy. went to a girl named Tammy's house.

10 Q why were you going to Tammy's house?

11 A Because she said that she figured that Brent might be
12 over there cheating on her.

13 Q so she's still looking for Brent at this point in time
14 during the night.

15 A Yes, ma'am, she is.

16 Q Okay. Did you find Brent over at Tammy's house?

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

18 Q Okay. who drove over to Tammy's house?

19 A she did.

20 Q Did you know Tammy?

21 A No, ma'am, I didn't.

22 Q Did you know where Tammy lived?

23 A No, ma'am, I didn't.

24 Q where do you remember going after driving by Tammy's
25 house?

Brandon Blackwood
Direct examination by Ms. Albee

1 A After we drove by Tammy's house I can't -- I can't
2 really say I remember where we went after that.

3 Q what's the next place you remember being at, even if
4 it may not have been the next place?

5 A The next place I remember being at was we was at the
6 Spinx in Hillcrest -- not Hillcrest -- Spartanburg. My
7 bad.

8 Q Do you know what street that Spinx is on or what's
9 around it?

10 A There's a Wendy's across the street and there's an
11 Arby's right next door to it.

12 Q And who drove that white truck to the Spinx?

13 A She did.

14 Q And where were you?

15 A I was in my driver's seat -- passenger's seat.

16 Q And what were you doing at the Spinx?

17 A She said she was wanting to meet up with a couple of
18 her friends to do -- she never told me what she wanted to
19 do. She just said she was meeting up with a couple of her
20 friends.

21 Q So what happened when you were at the Spinx?

22 A She got and she got in their car, and she was talking.
23 I don't know what she was talking to them about. But she
24 rolled down the window and said pull over to the Arby's and
25 I'll meet you over there in a minute, we got some stuff we

1 gotta do.

2 Q Okay. So she's with some people, is that right, at
3 the Spinx?

4 A Yes, yes, ma'am.

5 Q Is she in their car?

6 A Yes, ma'am.

7 Q Okay. She tells you to go over to the Arby's, is that
8 right?

9 A Yes, ma'am.

10 Q Did you go over to the Arby's?

11 A Yes, ma'am, I did.

12 Q How far away is the Spinx and the Arby's?

13 A A minute.

14 Q And she told you to wait there. Is that what you
15 said?

16 A Yes, ma'am.

17 Q Did you wait there for her?

18 A Yes, ma'am.

19 Q About how long did you have to wait for her?

20 A About ten minutes.

21 Q And after those ten minutes did you see her again?

22 A Yes, ma'am, I did.

23 Q Okay. Tell us what happened.

24 A They pulled up, and she got outta the car, and she
25 kept talking to them. And I -- I got out and went over,

Brandon Blackwood
Direct examination by Ms. Albee

1 because she said. She asked me to get the bike outta the
2 back of the truck so she could show them what she had
3 gotten for her little boy.

4 And I got out and I showed them the bike, and I put it
5 back up. And she said she'd be a few minutes because she
6 was still talking to them. So I said okay. And I went and
7 sat back in the driver's seat this time. And told her. I
8 said, "Look, I'm ready to go home. I'm out. It's late. I
9 gotta get home and be -- my mama's probably looking for me
10 right now. I need to get home."

11 Q Now, Brandon, do you have any sort of curfew at this
12 point in time?

13 A Yes, ma'am.

14 Q Okay. Do you remember when you were supposed to be
15 home?

16 A I was supposed to be home before 12:00 o'clock.

17 Q Okay. And at this point in time in the night do you
18 know if this is after 12:00 o'clock?

19 A Yes, ma'am.

20 Q Where do you remember going after that?

21 A Well, before we left I kept telling her I wanted to go
22 home, and she kept telling me all right.

23 well, I told her. I said, "I'm going to drive home
24 because I don't want you going anywhere else." And she
25 kept saying no. You don't need to drive. You're too

1 drunk. You let me drive. You just sit over here and
2 relax."

3 And I kept arguing with her, arguing with her. And
4 then I finally gave in and said, "All right. But I want
5 you to go straight home. I want to go home. I want to go
6 to bed."

7 So I got in the passenger seat, and I told her. I
8 said, "Look, I'm going to take a nap. Wake me up when we
9 get home." And I -- and I went to sleep. And then when I
10 wake up we were back in Cowpens once again.

11 Q Now, you don't live in Cowpens, do you?

12 A No, ma'am.

13 Q You didn't live in Cowpens at that point in time,
14 right?

15 A No, ma'am.

16 Q Did you have any reason to need to go to Cowpens?

17 A No, ma'am.

18 Q And where at Cowpens -- where are you -- or where in
19 Cowpens?

20 A The Li'L Cricket.

21 Q Okay. And who drive to the Li'L Cricket?

22 A She did.

23 Q In what car?

24 A In my white truck.

25 Q Now, when you woke up at that Li'L Cricket in Cowpens

Brandon Blackwood
Direct examination by Ms. Albee

1 was the defendant in the car?

2 A No, ma'am. She was getting outta the car.

3 Q And what was she doing?

4 A By what I could see, I thought she was going in the
5 store to get something.

6 Q Did you see her walk into the store?

7 A She was walking towards the store, and she ran into
8 Brent as he was walking outta the store.

9 Q And did you see she and Brent talking at all?

10 A Yes. They were -- seemed to be in a heated argument.

11 Q And why do you say that?

12 A Because they were throwing their hands up, and she was
13 yelling at him and he was yelling at her.

14 Q Could you hear anything specific that they said?

15 A No, ma'am.

16 Q And about how long did that argument last?

17 A About five -- five to ten minutes.

18 Q What's the next thing you remember happening?

19 A I remember her getting back in the car, and I asked
20 her. I said, "well, what's wrong?" And she never answered
21 me. She wouldn't tell me what was wrong. And I kept
22 asking her. She said, "I'm all right. I'm fine. I'm
23 fine." So I asked her can -- can I go home now.

24 Q Was she in the driver's side still?

25 A Yes, ma'am.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q Okay. So when she got back in the car, she got back
2 on the driver's side.

3 A Yes, ma'am.

4 Q Okay. You said you wanted to go home. Where did
5 y'all go?

6 A The next thing I know -- to be honest, I really don't
7 remember. I fell asleep again. And when I woke up she was
8 pulling in -- she was pulling into her driveway. And I
9 asked her what time it was. She told me it was about
10 2:00 or 3:00 o'clock in the morning. And I told -- and she
11 was waking me up. She was shaking me real hard. She's
12 like get up, get up, you need to go home, you need to go
13 home.

14 And I looked at her, and I couldn't figure out why she
15 was rushing me so hard. And I looked at her. She had like
16 a -- I don't know if you call it mischievous, but she had a
17 smile on her face.

18 You know, at the time I figured -- I didn't really
19 think anything about it. And she asked me to get the bike
20 out for her, and I got it outta the back of my truck and I
21 put it on the front of her steps. And then I proceeded to
22 drive home and went to sleep.

23 Q Now, I want to talk about kind of the part in between
24 there. Okay. You talked about being at the Li'L Cricket,
25 seeing the defendant and Brent arguing. And then you

Brandon Blackwood
Direct examination by Ms. Albee

1 jumped to being at her house. Okay?

2 A Uh-huh.

3 Q What happened in between there that you can remember?

4 A I remember us pulling out of the Spinx. She got in.

5 She got in the truck. She backed up and she pulled out.

6 And I -- I remember she was pulling -- she was slowing.

7 She was coming up to -- I can't remember the store that's

8 right here, but the road that's right here in front of the

9 Hardee's. I don't know the name of that road.

10 Q And I can help you real quick on that.

11 MS. ALBEE: Your Honor, permission to set up the
12 demonstrative evidence that was entered into evidence
13 earlier.

14 (Pause.)

15 MS. ALBEE: Your Honor, permission for this witness to
16 step down and use this demonstrative.

17 THE COURT: Yes, ma'am.

18 Sir, step down and stand right next to her.

19 THE WITNESS: Yes, sir.

20 Q Brandon, that woman is taking down everything that
21 you're saying. Okay. So you need to make sure you speak
22 real loud.

23 A Do I need to face her?

24 Q You can face the jury. Okay. We're going to show
25 them what we're talking about.

Brandon Blackwood
Direct examination by Ms. Albee

1 Now, earlier in this trial somebody told us that this
2 is the gas station, the Li'L Cricket in Cowpens. Do you
3 recognize that?

4 A Yes, ma'am, I do.

5 Q Okay. Do you see where I wrote the word gas station
6 beside it?

7 A Yes, ma'am.

8 Q Okay. If you could, tell us what you remember, the
9 path that you remember the defendant driving when you left
10 that gas station.

11 A I remember her backing outta this parking lot. And
12 she pulled forward. She stopped. She waited to make sure
13 no cars was coming. And she pulled off headed this way.

14 Q On North Main Street?

15 A Yes, ma'am.

16 Q Down towards the bottom part of the diagram?

17 A Yes, ma'am.

18 Q Okay. And then where?

19 A And the last thing I remember was her turning onto
20 this road.

21 Q Okay. This road where it says S566?

22 A Yes, ma'am.

23 Q Okay. And is this the Hardee's that I'm pointing to
24 right here at the bottom of the diagram?

25 A Yes, ma'am.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q Okay. Is this the road you remember her driving on?

2 A Yes, ma'am.

3 Q And what car was she driving down that road?

4 A My white truck.

5 Q Have a seat.

6 (Whereupon, the witness returned to the stand.)

7 Q And after she turned on that road by the Hardee's,
8 what did you see?

9 A I seen a figure of a man walking in the road.

10 Q And what happened after that?

11 A I'm not really sure.

12 Q Do you remember saying anything to the defendant?

13 A The last thing I remember telling her is watch out,
14 there's a man in the road.

15 Q Do you remember her slowing down at all?

16 A No, ma'am.

17 Q Do you remember her speeding up?

18 A No, ma'am.

19 Q Brandon, do you remember giving a statement in this
20 case?

21 A Yes, ma'am, I do.

22 Q Okay. If I gave you that statement would it help
23 refresh your recollection on what happened then?

24 A Yes, ma'am.

25 MS. ALBEE: Your Honor, may I approach?

Brandon Blackwood
Direct examination by Ms. Albee

1 THE COURT: Yes, ma'am.

2 Q Brandon, do you recognize this as being your
3 statement?

4 A Yes, ma'am.

5 Q Is that your name up at the top?

6 A Yes, ma'am, it is.

7 Q Okay. And your name down at the bottom?

8 A Yes, ma'am.

9 Q Okay. And there's several pages, and here towards the
10 back I think is the part we're talking about. So I'm going
11 to let you read this, and you let me know when your memory
12 is refreshed on what happened then. Okay?

13 A All right.

14 (Pause.)

15 Q Are you done Brandon?

16 MS. ALBEE: Your Honor, may I approach?

17 THE COURT: Yes, ma'am.

18 Q Does reading your statement help refresh your
19 recollection of what happened?

20 A Yes, ma'am.

21 Q Okay. So after you saw her turn down that street by
22 the Hardee's, what do you now remember?

23 A I remember telling her that there's a man in the road,
24 that she needed to watch out. She -- and she started to
25 slow down.

Brandon Blackwood
Direct examination by Ms. Albee

1 He was crossing from the right side of the road over
2 to the middle. And I told her. I said, "Make sure you
3 don't hit him."

4 And she turned -- she turned her bright lights on to
5 see -- I guess she was trying to see who it was. I'm not
6 really sure. And she turned around -- she turned. And
7 when he turned around and he looked, and when he looked she
8 must've -- she must have realized before I did who it was.
9 And when she did she put -- she put her foot to the floor.

10 Q Did she hit that man walking down the street?

11 A Yes, ma'am, she did.

12 Q Did she stop after?

13 A No, ma'am, she didn't.

14 Q Where did you end up after that?

15 A We were pulling into her -- her apartment in Pacolet.

16 Q Okay. Is this what you were telling us earlier, that
17 you remember pulling into her apartment?

18 A Yes, ma'am.

19 Q Okay. And this is when you put the bike on her porch,
20 is that right?

21 A Yes, ma'am.

22 Q And then where did you go after that?

23 A I went to my mother's house.

24 Q Okay. And where is that at?

25 A It's in Cherokee County.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q Now, Brandon, I'm going to show you. Did you speak
2 with police officers after this?

3 A I believe it was three days later.

4 Q And were you sending any text messages to the
5 defendant at this time?

6 A Within those three days?

7 Q When you were with the police.

8 A Yes.

9 MS. ALBEE: Your Honor, permission to set this up.

10 (Pause.)

11 Q Brandon, I'm showing you what's been entered into
12 evidence as State's Exhibit 2-A. Okay. These are some
13 copies of the defendant's phone and some text messages she
14 sent.

15 Okay. I'm going to point here on page three in the
16 top left-hand corner in her in-box. Do you see who that's
17 from, what it says?

18 A Yes, ma'am, yes, ma'am, I do.

19 Q Okay. Who does that say it's from?

20 A From me.

21 Q Okay. And do you remember sending this text message
22 to the defendant?

23 A Yes, ma'am, I do.

24 Q Okay. And what is the date on that?

25 A December 29th.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q Okay. What year?

2 A 2015.

3 Q Is this when you were speaking with the police
4 officers?

5 A Yes, ma'am. I was on my way to the police station.

6 Q Okay. I'm going to show you two other text messages a
7 little bit bigger. They've been marked as 2-B and 2-C.
8 They're from the same phone records that are already in
9 evidence. Okay. Do you see these? Is that a yes?

10 A Yes, ma'am.

11 Q Okay. And who is 2-B to?

12 A To me.

13 Q Okay. What does it say?

14 A Which one?

15 Q What does the name say?

16 A Brandon.

17 Q Okay. And what about 2-C? Who does that say it's to?

18 A Brandon.

19 MS. ALBEE: Your Honor, we move to enter 2-B and 2-C
20 as parts of the original exhibit of 2-A that were
21 stipulated to.

22 MS. WHITE: Without objection, Your Honor.

23 THE COURT: Without objection.

24 (D.V.D. marked State's Exhibit No. 2-B; D.V.D. marked
25 State's Exhibit No. 2-C.)

Brandon Blackwood
Direct examination by Ms. Albee

1 MS. ALBEE: Permission to publish to the jury.

2 THE COURT: Yes, ma'am.

3 Q Brandon, I'm going to show you 2-B first. Okay?

4 A Yes, ma'am.

5 Q What is the date on the bottom of that text message?

6 Can you see it?

7 A December 29th.

8 Q Okay. And what is the time on that?

9 A 11:38 a.m.

10 Q And is this the day that you spoke with the police
11 officers?

12 A Yes, ma'am.

13 Q Okay. And who does it say that this text message is
14 from?

15 A Angelita.

16 Q Okay. And that's the text message to you?

17 A Yes, ma'am.

18 Q Okay. And tell us what the defendant had texted you
19 on 12/29, the date you were to speak with police officers.
20 What does that text message say?

21 A It says you need to call me ASAP.

22 Q And, Brandon, we've heard that Brent Tessnear died the
23 early morning hours of December 27th. Okay. So I'm going
24 to show you 2-C. Who is this message to?

25 A Brandon.

Brandon Blackwood
Direct examination by Ms. Albee

1 Q Is that you?

2 A Yes, ma'am.

3 Q Okay. What's the date on this?

4 A December 28th.

5 Q And what's the time of that?

6 A 12:57 a.m.

7 Q So that's less than 24 hours from when you're saying
8 you were at the Li'L Cricket in Cowpens, is that right?

9 A Yes, ma'am.

10 Q Okay. And who is this text message from?

11 A Angelita.

12 Q And, if you could, read to all of us what Angelita
13 texted you less than 24 hours after Brent had been run
14 over.

15 A "You in town? I was walking to the store. LOL."

16 Q Now, do you and the defendant have any sort of inside
17 jokes about walking to the store?

18 A No, ma'am.

19 Q Do you have any reason at all why it'd be funny for
20 her to text you about walking to the store?

21 A No, ma'am, I don't. I see no humor in that.

22 Q Now, Brandon, you spoke with police officers again
23 preparing for this case, right?

24 A Yes, ma'am.

25 Q Okay. And do you remember about when that was?

Brandon Blackwood
Direct examination by Ms. Albee

- 1 A No, ma'am, I don't.
- 2 Q Do you remember where it was?
- 3 A Yes, ma'am.
- 4 Q Where was that?
- 5 A In the solicitor's office here.
- 6 Q And what was your understanding of what that meeting
7 was supposed to be?
- 8 A I was informed that they were coming just to talk to
9 me about my statement to make sure everything was correct.
- 10 Q And so what did you do prior to going to the
11 solicitor's office?
- 12 A What did I do?
- 13 Q Yes, sir.
- 14 A I smoked some weed before I decided to go.
- 15 Q And when you were there in the solicitor's office did
16 your story change?
- 17 A Yes, ma'am, it did.
- 18 Q Okay. Tell us all why.
- 19 A Because I -- I felt that I was intimidated and scared
20 into writing a false confession.
- 21 Q And so what did your story change to?
- 22 A It changed from her being the driver to me being the
23 driver.
- 24 Q How many people were in the room with you when you
25 changed your story?

Brandon Blackwood
Direct examination by Ms. Albee

1 A I'd have to say two people.

2 Q And did you feel threatened or coerced at any point in
3 time during this?

4 A Yes, ma'am, I did.

5 Q So are you telling us you were or were not driving the
6 car?

7 A I was not.

8 Q Well, then why would you have said that?

9 A Why would I have said that I was? Because I felt that
10 I was scared and coerced into writing a false confession
11 saying that I did do it.

12 Q Now, have you been given any sort of deal or promised
13 anything to testify here today?

14 A No, ma'am, I have not.

15 Q And do you have any reason to be over in Cowpens at
16 2:00 o'clock in the morning?

17 A No, ma'am, I do not.

18 Q Did you have any idea that Brent Tessnear walked up
19 and down that road by the Hardee's?

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

21 Q Did you run Brent Tessnear over?

22 A No, ma'am, I did not.

23 Q And who do you remember driving the car when Brent
24 Tessnear was run over?

25 A Angelita Wright.

1 MS. ALBEE: Your Honor, I have no further questions.

2 MS. WHITE: Your Honor, may we approach briefly?

3 THE COURT: Yes, ma'am.

4 (Bench conference held off the record in the presence
5 of the jury but out of the hearing of the jury.)

6 THE COURT: Madam Forelady and ladies of the jury, the
7 lawyers are consulting with me about time. It's a quarter
8 till 12:00 noon. I generally, as I told, break somewhere
9 between 12:00 and 12:30.

10 Cross-examination, I understand, will be longer. It
11 would push us into a late lunch perhaps. I'm not going to
12 do that to you.

13 So, and I don't like to break up testimony if I
14 don't -- if I don't have to. So we're at a clean break
15 here due to cross -- to the cross.

16 So, with that we're going to break a few minutes early
17 today.

18 I would ask you to be back and ready to work at 1:15.
19 That's an hour and a half. Okay. So 1:15 be ready to
20 work.

21 Once again, I have brought my lunch. I'm not going
22 anywhere, and I'll be here in the building ready to go.

23 So, again, do not talk about the case; do not read
24 anything about the case; do not watch any T.V. Again, I
25 caution you because we do have the media here. And we're

1 glad that they are here, but you cannot read, listen to or
2 watch any news accounts until the end of the trial.

3 Madam forelady, if you will, take the jury out and
4 then be excused for lunch.

5 (The following takes place outside the presence of the
6 jury.)

7 THE COURT: Sir, you may leave the stand. And I
8 understand you'll be with the officers. But you cannot
9 talk with anyone about your testimony. Do you understand?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. Be in recess until 1:15.

12 (Whereupon, a recess was taken.)

13 THE COURT: Sir, I remind you that you're under oath.
14 Okay?

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. Ready for the jury?

17 MS. WHITE: Yes, Your Honor.

18 THE COURT: We'll have the jury.

19 (The following takes place in the presence of the
20 jury.)

21 THE COURT: Madam Forelady, any matters for the jury?

22 THE FOREPERSON: We're good.

23 THE COURT: Good.

24 All right. Yes, ma'am.

25 MS. WHITE: Thank you, Your Honor.

1 CROSS-EXAMINATION

2 BY MS. WHITE

3 Q Mr. Blackwood, I'm going to start off in asking you a
4 couple of questions about some of the things you've
5 testified to on direct.

6 First, at one point you said that that night you drank
7 a Malibu Rum and that that was the first time you had ever
8 drank alcohol, is that right?

9 A Yes, ma'am.

10 Q You had never been drunk before in your life, is that
11 right?

12 A Yes, ma'am.

13 Q Okay. Now, you know you make jail phone calls while
14 you're in the jail and they're recorded, don't you?

15 A Yes, ma'am.

16 Q Okay. And do you recall making a phone call to your
17 ex-fiancée, Christina Brandon, on or about January 10th of
18 2017 where you had a discussion about drinking and alcohol?

19 A No, ma'am. I don't recall.

20 Q Okay. If I refreshed your memory with a recording of
21 it, would that help?

22 A Yes, ma'am.

23 Q Okay. So, well, let me ask you this first.

24 Have you ever told anyone that you had coconut rum
25 before and that's what made you think that that night when

Brandon Blackwood
Cross-examination by Ms. white

1 you drank it it tasted funny?

2 A Not that I can recall, no.

3 Q Okay. Did you have ever have a conversation with her
4 during that phone call where you talked about how you had
5 been drunk a lot before?

6 A After that night, yeah.

7 Q Now, my -- my question with you -- my question for you
8 is on that conversation she talked about drinking Malibu
9 Rum and then you being drunk a lot before.

10 A Uh-huh.

11 Q Do you recall those conversations?

12 A Not exactly, no, ma'am.

13 Q Okay. Do you recall a conversation where you talked
14 with her about the fact that you should claim you were
15 roofy by Angelita wright?

16 A Yes, ma'am, I do.

17 Q Okay. So you do recall talking with Christina Brandon
18 about saying that you were roofied by Ms. wright.

19 A Yes, ma'am.

20 Q But you don't recall having a conversation with her
21 where you made a statement that you had drank the Malibu
22 Rum before, which is how you knew it tasted funny that
23 night.

24 A No, ma'am. I don't recall that.

25 Q Okay.

Brandon Blackwood
Cross-examination by Ms. White

1 MS. WHITE: Your Honor, may we approach briefly?

2 (Bench conference held off the record in the presence
3 of the jury but out of the hearing of the jury.)

4 Q Mr. Blackwood, if you'll just give us a few minutes,
5 we're going to bring that disc out so that you can hear
6 that phone call and see if you recall making those
7 statements now.

8 (Pause.)

9 Q I'm going to play just a few minutes back so you can
10 tell me if that's your voice talking with them about making
11 a phone call, Mr. Blackwood.

12 A All right.

13 (Whereupon, the D.V.D. was played for the jury.)

14 Q Now, can you tell me? Is that you making that phone
15 call, Mr. Blackwood?

16 A Yes, ma'am, it is.

17 Q And the number that you asked her to dial, that was
18 the number of your ex-fiancée, is that correct?

19 A Yes, ma'am.

20 Q Okay. Okay. If you will, listen to this and tell me
21 if you recall this conversation.

22 (Whereupon, the D.V.D. was played for the jury.)

23 Q Does that refresh your recollection?

24 A Yes, ma'am, it does.

25 Q So you did -- you have had coconut rum before and have

Brandon Blackwood
Cross-examination by Ms. White

1 drank alcohol before this night, is that right?

2 A Before that night? I never had that before. I don't
3 recall.

4 Q Okay. Mr. Blackwood, maybe I'm getting a little
5 confused.

6 The night of the incident when Mr. Tessnear was
7 killed, you have testified here today that you'd never
8 drank alcohol before and you had never drank, specifically,
9 Malibu Rum.

10 A Uh-huh.

11 Q But yet in a phone call, conversation, you just said
12 you knew it didn't taste right, because I've had Malibu
13 Coconut Rum before.

14 A Uh-huh.

15 Q Is that not accurate?

16 A I don't recall having it before, but, yeah, I said
17 that.

18 Q Okay.

19 MS. WHITE: And one other second, Your Honor.

20 (Whereupon, the D.V.D. was played for the jury.)

21 Q And that was Ms. Brandon saying I know you've drank a
22 lot before, who cares about that, is that right?

23 A Uh-huh, that's right.

24 Q Okay. So you had drank alcohol before that night that
25 Brent was killed.

Brandon Blackwood
Cross-examination by Ms. White

1 A I guess, yes.

2 Q And, in fact, you'd Malibu Coconut Rum before that
3 night.

4 A Not that I recall, but yes.

5 Q Okay. Now let's talk about the fact that you said
6 that you were coerced into making the second statement.

7 A Uh-huh.

8 Q You stated you had smoked weed before that, is that
9 correct?

10 A Yes, ma'am, it is.

11 Q And are you claiming that's the first time you'd ever
12 smoked weed?

13 A No.

14 Q Okay. And, in fact, you told Investigator Woodcock
15 one time that you smoked two to three blunts a day for up
16 to two to three years, is that right?

17 A Yes, ma'am.

18 Q Okay. And during that time you graduated high school,
19 right?

20 A Yes, ma'am.

21 Q Okay. But this time you were coerced into giving a
22 statement in which you admit hitting and killing Brent
23 Tessnear. You need to answer out loud for me.

24 A Yes.

25 Q Okay. All right. Let's go back to that night.

Brandon Blackwood
Cross-examination by Ms. White

1 You didn't call police after this incident happened to
2 report that you'd been involved or been in a car where
3 someone had killed someone, did you?

4 A No, ma'am.

5 Q Okay. In fact, the 27th went through, 28th went on,
6 29th, and you were contacted by police to give your
7 statement, is that right?

8 A Yes, ma'am.

9 Q Okay. And isn't it true that during that statement
10 you said -- you didn't say anything about the guy, because
11 I'd forgotten about him until a few hours ago today.

12 A Yes. I said that.

13 Q Okay. You also stated that y'all had been at the Li'L
14 Cricket in Cowpens and at the time Brent walked out of the
15 store Angelita wright got out of the truck and stood near
16 the entrance to the store and argued loudly with him for up
17 to about 20 minutes, is that right?

18 A Yes, ma'am.

19 Q Okay. And you testified that they were yelling, arms
20 were flailing. You didn't know specifically what they were
21 saying, but you could tell they were yelling.

22 A Yes, ma'am.

23 Q Okay. In that statement you essentially have no
24 involvement other than sitting in the truck as a passenger,
25 is that right?

Brandon Blackwood
Cross-examination by Ms. White

1 A The first, my first one?

2 Q Your first statement, right, the one on the 29th.

3 A Yes, ma'am.

4 Q Okay. Now, we get to the point a year later where
5 we're preparing for trial and you're talking with the
6 assistant solicitor and the investigator, is that right?

7 A Yes, ma'am.

8 Q And is that Mr. Smith and Investigator Clark?

9 A Yes, ma'am.

10 Q Okay. And at that point didn't Assistant Solicitor
11 Smith indicate to you that he was concerned because your
12 statement was becoming inconsistent?

13 A Yes, ma'am.

14 Q And, in fact, he said -- he asked you several times
15 what was different. And you kind of made some statements
16 and indicated you were scared, is that right?

17 A Yes, ma'am.

18 Q And he said scared of what, and you said scared of
19 going to jail, is that right?

20 A Yes, ma'am.

21 Q And then later you said, no, I'm scared of Angelita.

22 A Yes, ma'am.

23 Q At that point the police took a statement from you,
24 and from that statement where you said you were driving and
25 hit Brent Tessnear --

Brandon Blackwood
Cross-examination by Ms. White

1 A Uh-huh.

2 Q -- you ended up with being charged with murder, is
3 that right?

4 A Yes, ma'am.

5 Q So that's your second statement. In between there do
6 you recall talking to Amy and Hannah Padgett at a gas
7 station?

8 A who is that?

9 Q You can tell me if you recall. It's two people that
10 were related to Brent that ran into you at the Li'L Cricket
11 in Cowpens.

12 A No, ma'am. I do not recall.

13 Q You don't recall a conversation with them.

14 A No, ma'am. I do not.

15 Q Okay. In regards to the third statement, this is when
16 you actually went into the police room to write out your
17 statement, is that correct?

18 A Yes, ma'am.

19 Q And isn't it true by the time you wrote seven pages of
20 statement, at one point you indicated that you had swerved,
21 run off the road, and when you ran back on the road
22 somebody was on the hood of the car and you didn't mean to
23 hit him.

24 A I did.

25 Q Okay. So at that point you were saying it was an

1 accident, is that right?

2 A Yes, ma'am, I was.

3 Q Then Investigator Clark came back to you and said,
4 now, that's not what you just told us a few hours ago. You
5 need to tell us the truth. The truth is that Ms. Wright
6 was there with you telling you to do it, then you need to
7 say that. And you added that in your statement, didn't
8 you?

9 A Yes, ma'am.

10 Q And, in fact, you said I was driving but she was
11 pushing me to do it. She told me to do it.

12 A Uh-huh.

13 Q All right. During that incident you also said to an
14 officer when he came in and said you feel better, you said,
15 "No. I feel worse because I did it. I just don't want to
16 go to prison for life."

17 A Do I remember saying that?

18 Q Do you recall saying that --

19 A No.

20 Q -- to Investigator Lawson at the end of giving your
21 statement on January 11th of 2017 in the sheriff's office
22 before you were arrested? Do you recall him asking you if
23 you felt better now that you'd gotten this off your chest.
24 And you said, "I feel worse because I did it. I just don't
25 want to go to prison for life."

Brandon Blackwood
Cross-examination by Ms. white

1 A No. I do not remember saying that.

2 Q Okay. If we can provide that on video to show you,
3 then would that help refresh your recollection?

4 A Uh-huh.

5 Q Is that a yes?

6 A Yes, ma'am.

7 Q Okay.

8 MS. WHITE: And, Your Honor, I've got a few more
9 things that I might go into. So we'll bring that up at the
10 end if that's okay.

11 THE COURT: Sure.

12 Q You also change your statement about two other times.
13 You met with Investigator Woodcock, isn't that right?

14 A I guess so. I don't really remember their names.

15 Q Okay. This was an investigator that you met with on
16 January 11th of 2017. So it's after you'd given the
17 statement to police, after you'd been in jail a few days.
18 You came back and met with Investigator Woodcock to talk
19 with him some more. Do you recall that?

20 A Uh-huh.

21 Q Okay. Do you recall that first thing you said to him
22 was I don't want to go away for life?

23 A Uh-huh.

24 Q Is that a yes?

25 A Yes, ma'am.

Brandon Blackwood
Cross-examination by Ms. White

1 Q You also told him that you'd never drank like that
2 before and never had that type of alcohol before, right?

3 A Uh-huh.

4 Q Is that a yes or no?

5 A Yes, ma'am.

6 Q Okay. At that point you then change your statement
7 again and said that you were passed out and when you woke
8 up again you were back at her apartment.

9 A Uh-huh.

10 Q "I know I wasn't driving because I was slumped in the
11 passenger seat." Do you recall saying that?

12 A Yes, ma'am, I do.

13 Q Okay. You also recall acknowledging that it
14 contradicted your prior statement. And you're saying, "I
15 know I'm on record twice saying I hit him."

16 A Yes, ma'am.

17 Q "I know that I lied. What kind of charge am I going
18 to get?" Does that sound familiar?

19 A Yes, ma'am, it does.

20 Q Okay. Now, after a little bit Investigator Woodcock
21 came back in and talked with you again, and at that point
22 you indicated you remembered hitting Brent Tessnear, is
23 that right?

24 A Yes.

25 Q Is that a yes -- is that a yes?

Brandon Blackwood
Cross-examination by Ms. White

1 A Yes, ma'am.

2 Q You have to say it out loud, Mr. Blackwood.

3 A Yes, ma'am.

4 Q Do you also recall saying that you don't remember if
5 Angelita was there? "If she was there, I hope so."

6 A No. I do not.

7 Q Okay. And that was the same conversation with
8 Investigator Woodcock that was recorded on video. You
9 don't recall saying, "I don't remember if she was there. I
10 hope so."

11 A I do not remember saying that.

12 Q Okay. You also said, "I've said so many statements,
13 if I really did it and I was by myself, I don't know why I
14 was in Cowpens." Do you recall saying that?

15 A No.

16 Q Okay. You also recall telling him that that night it
17 was strange because you had \$40 in your wallet when you
18 left the house. When you got home there was no money in
19 your wallet and nobody knew where it had gone to.

20 A I do remember that.

21 Q Okay.

22 MS. WHITE: If you'll -- Your Honor, if we can have a
23 moment I'll be able to pull up a video to hopefully refresh
24 Mr. Blackwood's memory.

25 MS. ALBEE: Your Honor, can we approach prior to that?

Brandon Blackwood
Cross-examination by Ms. White

1 (Bench conference held off the record in the presence
2 of the jury but out of the hearing of the jury.)

3 Q while I'm getting this ready, Mr. Blackwood, you said
4 you were coerced by the assistant solicitor and
5 Investigator Clark. What exactly did they do to coerce you
6 to --

7 A What did they do?

8 Q -- admit that you hit Brent?

9 A I believe that they scared me into making that false
10 confession.

11 Q And they scared you by the words?

12 A Actions. Words and actions.

13 Q Okay. And you'd met with Spenser Smith, the same
14 assistant solicitor, multiple times prior to that incident,
15 hadn't you?

16 A I can only recall one time.

17 Q You can only recall one time?

18 A One other time.

19 Q Okay. So y'all had met to prepare for trial and
20 discuss your testimony --

21 A Uh-huh.

22 Q -- at least one other time prior to that.

23 A That I can remember, yes.

24 Q Okay. And at that point Mr. Smith wasn't coercive.
25 You didn't change your statement at that point, right?

Brandon Blackwood
Cross-examination by Ms. White

1 A Uh-uh.

2 MS. WHITE: Bear with me, Your Honor and the jury.

3 (Pause.)

4 MS. WHITE: It takes a few minutes to get the video
5 playing.

6 (Pause.)

7 MS. WHITE: I want to make sure the volume is stopped.

8 (Whereupon, the video was played for the jury.)

9 Q Did that -- I think it might be as loud -- did you
10 hear when he said, "Do you know if she was there or not,"
11 and you said, "I hope so"?

12 A No. I didn't hear that.

13 Q Let me see if I can play that again here.

14 MS. WHITE: Your Honor, is it all right if he steps
15 down so he can hear the microphone, or shall I pick it up
16 and move it?

17 THE COURT: I was going to say. Do you want to bring
18 it over here? Madam court reporter has got a mic right
19 there.

20 MS. WHITE: Okay. If I can have Mr. Welch take
21 both of the microphones.

22 (Pause to rearrange microphones.)

23 (Whereupon, the video was played for the jury.)

24 Q Did you hear yourself say, "I hope so"?

25 A Yes, ma'am.

Brandon Blackwood
Cross-examination by Ms. White

1 Q Okay. And you also indicated you didn't recall saying
2 anything about being in Cowpens and if you were by
3 yourself, is that correct?

4 A Uh-huh, yes, ma'am.

5 (Whereupon, the video was played for the jury.)

6 Q Did you hear that?

7 A Uh-huh, yes, ma'am.

8 Q You said, "If I really did it and I was by myself, I
9 don't know why I would be in Cowpens."

10 A Uh-huh.

11 Q Okay. So you acknowledge now that you did tell
12 investigators you didn't really remember she was there, you
13 hoped she was, and if you did do it and if you were by
14 yourself, you're not sure why but -- why you'd be in
15 Cowpens.

16 A Yes, ma'am.

17 Q So you don't know if she was in the car with you or
18 not, do you?

19 A Uh-huh.

20 Q Is that a yes or no?

21 A That's a yes.

22 Q And once -- that's a yes as in you do know if she was
23 in the car?

24 A Yes, yes.

25 Q Okay. And so you're saying now after saying that she

Brandon Blackwood
Cross-examination by Ms. White

1 was driving the vehicle, then saying you were driving the
2 vehicle and that it was an accident, back to her driving.

3 A Uh-huh.

4 Q Back to you, driving and not knowing if she was there
5 with you, that you're absolutely sure now.

6 A Uh-huh.

7 Q So there's no doubt in your mind two years later that
8 you know the story of what happened that night.

9 A Uh-huh.

10 Q And you're testifying today that today what you're
11 telling us and what you're telling the jury is the truth,
12 is that right?

13 A Yes, ma'am.

14 Q Okay. Now, you made several comments in all of your
15 meetings with police about I don't want to go away for
16 life, I just don't want to get charged with murder, what
17 kind of charge am I facing.

18 A Yes, ma'am.

19 Q Isn't it true that you were scared that you were going
20 to go for jail for life because you knew you had hit Brent
21 Tessnear?

22 A I was scared that I was going to go away for life
23 because of the statement that I wrote, which was a lie.

24 Q The statement where you admit hitting Brent Tessnear.

25 A Yes, ma'am.

Brandon Blackwood
Cross-examination by Ms. White

1 Q Okay. And you were hopeful, were you not, that
2 perhaps somebody would be able to work something out for
3 you?

4 A For the statement that I wrote?

5 Q Didn't you tell officers a couple of times or tell --
6 excuse me -- not officers. But in some of the jail phone
7 conversations you'd hoped that they were going to work
8 something down for you, a better deal, maybe some kind of
9 D.U.I.

10 A Yeah. I remember that. Yeah.

11 Q Okay. And were you hopeful that your grandfather
12 being a retired sheriff's deputy was going to help you in
13 that matter too?

14 A No.

15 Q You didn't have any hope --

16 A No.

17 Q -- that that would help you?

18 A No.

19 Q Okay. Now you also said a couple of different things
20 about you were with a car -- you were with Angelita in the
21 car at the time that you hit Brent, is that right?

22 A Uh-huh, yes, ma'am.

23 Q Now, the phone number. I think we've already talked
24 about this. The phone number that you were using that
25 night was what?

1 A Are you -- are you asking me if I remember?

2 Q Do you remember the phone number that you used that
3 night?

4 A No, ma'am.

5 Q The phone that they did a search warrant for and got
6 your records, was it 606-2580? Does that sound accurate?

7 A Yes, ma'am.

8 Q Okay. Now, we've entered phone records into evidence,
9 and these are Ms. Wright's phone records. Do you see your
10 number right there?

11 A Yes, ma'am.

12 Q And that shows two text messages incoming, is that
13 right?

14 A Yes, ma'am.

15 Q All right. Now, the times right there show 7:09, is
16 that correct?

17 A Yes, ma'am.

18 Q Okay. Now, you weren't in here earlier, but we
19 discussed how her time was five hours ahead because of how
20 the -- how the cellular program sends it. So those texts
21 that say 7:00 are actually 2:09 a.m.

22 A Uh-huh.

23 Q So you're testifying that you were with her in the
24 car. She was driving. But you were texting her twice at
25 2:09 a.m.

Brandon Blackwood
Cross-examination by Ms. White

1 A I do not recall texting her.

2 Q Okay. Do you recall texting and talking with your mom
3 that night some?

4 A No.

5 Q Okay. Now, you know we've got your phone records too.

6 A Yeah.

7 Q And you're claiming that night that around the time
8 y'all went to the Arby's and the Spinx that you were very
9 intoxicated, so much so that you passed out and had gone to
10 sleep in the car?

11 A Yes, ma'am.

12 Q Okay. Do you recall texting your mom between
13 10:38 p.m. on the 26th of December and 11:17 indicating you
14 were going to stop at Wendy's and get yourself something to
15 eat?

16 A Yes, ma'am, I do.

17 Q Okay. So you do recall that.

18 A Yes.

19 Q You also said you were going to stop by papa's and get
20 some clothes, is that right?

21 A Yes, ma'am.

22 Q You actually said at 11:14 you were on your way.

23 A Uh-huh.

24 Q Okay. That was at 11:14. That was at the Spinx and
25 the wendy's, is that right?

Brandon Blackwood
Cross-examination by Ms. White

1 A Uh-huh, yes, ma'am.

2 Q Okay. Did you talk to your mama on the phone while
3 you were there?

4 A Not that I can recall.

5 Q Okay. So if it shows that she called your phone and
6 maybe had an approximately 2-minute phone conversation, is
7 it possible that you did speak with her that night?

8 A Yes, ma'am.

9 Q So that night you were at the spinx at around 10:30 to
10 11:15. Your testimony has been that you left the spinx and
11 went directly to the Li'L Cricket in Cowpens, is that
12 right?

13 A Uh-huh.

14 Q And at that point, that's when Ms. Wright got into
15 this grand argument with Brent Tessnear and then ran him
16 over.

17 A Yes, ma'am.

18 Q Now, you understand that Brent Tessnear was in the
19 store around 2:00 a.m.

20 A Uh-huh.

21 Q So you left the spinx at 11:00, 11:15, and were at the
22 Cowpens Li'L Cricket for her to have that fight with him
23 two hours, three hours before he was actually killed?

24 A You saying around ahead of time?

25 Q No. I'm asking you if that's accurate.

Brandon Blackwood
Cross-examination by Ms. White

1 You said you were at the Spinx having a conversation
2 with your mom talking about getting something at Wendy's.
3 That was about 10:30 or 11:00 on the 26th, that night.

4 A Uh-huh.

5 Q You testified earlier that then you drove to the Li'L
6 Cricket in Cowpens after that. And that's when Ms. Wright
7 got out and had an argument with Mr. Tessnear, is that
8 right?

9 A Uh-huh, yes, ma'am.

10 Q And then Mr. Tessnear, you allege, was killed within
11 15 or 20 minutes after that incident, right?

12 A Yes, ma'am.

13 Q So you drove at 11:15 to Cowpens, which takes about 20
14 minutes, give or take.

15 A I don't -- I don't recall that.

16 Q Okay. But, ultimately, at some point your position is
17 that you were at the Li'L Cricket in Cowpens and Ms. Wright
18 had a large argument with hands flailing, words being
19 exchanged outside the Li'L Cricket. Was it right near the
20 front door?

21 A Yes, ma'am.

22 Q Okay. Now, you also texted with Johnathan Sellars on
23 the 29th, right at the time the police were coming to your
24 house? Do you recall that?

25 A Yes, ma'am.

Brandon Blackwood
Cross-examination by Ms. White

1 Q And you recall asking, saying, what happened, I don't
2 recall what happening -- what happened that night.

3 A Yes, ma'am. I do.

4 Q You said, "I was -- I blacked out." And he said,
5 "Dude, you weren't as drunk as you said." Do you recall
6 that?

7 A Yes, ma'am.

8 Q So your statement has been that you were blacked out
9 drunk at that point.

10 A Yes, ma'am.

11 Q Okay. But yet you were having a conversation with
12 your mom about going to pick up something at Wendy's.

13 A Uh-huh.

14 Q Going to stop by your granddad's. You were having a
15 phone conversation with her.

16 A Uh-huh.

17 Q And, in fact, you drove from the Spinx to the Arby's
18 that night, right?

19 A Uh-huh.

20 Q So you weren't blacked out at any, at that point, were
21 you?

22 A No, not at that point.

23 Q Okay.

24 MS. WHITE: Beg the Court's indulgence.

25 (Pause.)

Brandon Blackwood
Cross-examination by Ms. White

1 Q I just want to follow up a little bit on this coercion
2 of this statement.

3 You were in -- you had come in voluntarily, hadn't
4 you?

5 A Yes, ma'am.

6 Q You weren't in custody at the time.

7 A No, ma'am.

8 Q And, in fact, you brought your grandfather with you,
9 and he was sitting out in the front lobby, right?

10 A Yes, ma'am.

11 Q Okay. And you were meeting with Spenser Smith
12 preparing for trial as you had done previously, right?

13 A Yes, ma'am.

14 Q And was Detective or Investigator Clark in there with
15 you?

16 A Yes, ma'am.

17 Q And you'd met with him several times, hadn't you?

18 A Yes, ma'am.

19 Q Okay. At that moment they changed and coerced you
20 into giving a false confession. They yelled at you?

21 A They were yelling. Every time I'd tell him no he'd
22 hit his fist on the table and say I know that's not the
23 truth, tell me the truth.

24 Q Okay.

25 A And every time I'd tell him the truth he'd just --

Brandon Blackwood
Cross-examination by Ms. White

1 he'd keep saying the same thing over and over again.

2 Q And when you say he, is that Detective Clark?

3 A Yes, ma'am.

4 Q Okay. Mr. Smith. What did he do? Did he yell at
5 you?

6 A No.

7 Q Did he accuse you of lying?

8 A Not that I can -- not that I can recall, no.

9 Q Okay. Did he talk to you about the fact that you were
10 telling some new stories or changing your story?

11 A Yes.

12 Q Okay. Detective Clark yelled at you. He banged his
13 hand on the door, I mean, on the -- on the table and said
14 you were lying.

15 A Uh-huh, yes, ma'am.

16 Q Did he threaten you with any charges or any kind of
17 bodily harm?

18 A No, no, no.

19 Q Okay. And you had several conversations with him in
20 the past. So you felt pretty comfortable with him, didn't
21 you?

22 A Uh-huh.

23 Q Is that a yes?

24 A Yes, please.

25 Q Okay. Just finally, your testimony today now that

Brandon Blackwood
Cross-examination by Ms. White

1 you've heard yourself, do you acknowledge that you have
2 drank before?

3 A Yes, ma'am.

4 Q And that you had drank Malibu Rum before?

5 A I don't recall drinking it before.

6 Q But you acknowledge that you said that on that
7 recording.

8 A Yes, yes, yes.

9 Q So when you testified earlier that you had never drank
10 before, that was a lie?

11 A No.

12 Q Okay. So I want to clarify what we were just talking
13 about.

14 You testified earlier today that you'd never drank
15 alcohol before.

16 A Uh-huh.

17 Q You acknowledge now that you have drank alcohol
18 before.

19 A That I said that.

20 Q That you said that. So your testimony is that you
21 were lying to your girlfriend on the phone in jail that you
22 had drank before.

23 A Yes.

24 Q And when she said she'd seen you drunk before, that
25 was all a lie.

Brandon Blackwood
Cross-examination by Ms. White

1 A She'd seen me drunk after that. She'd never seen me
2 drunk before then.

3 Q Okay. So -- so the lie was the conversation on the
4 phone to your girlfriend.

5 A Yes.

6 Q So you're saying today you're still telling the truth,
7 have never drank alcohol before in your life.

8 A Yes.

9 Q Smoked weed two to three times a day for two or three
10 years.

11 A Yes.

12 Q No alcohol --

13 A No.

14 Q -- before this night.

15 A No, never.

16 Q And you drank a gallon jug --

17 A Yes.

18 Q -- of Malibu Rum.

19 A Yes.

20 Q And the statement that you're saying was coerced,
21 that's the statement that led to you being charged with
22 murder, right?

23 A Yes.

24 Q Thank you.

25 MS. WHITE: That's all I have at this time, Your

Brandon Blackwood
Redirect examination by Ms. Albee

1 Honor.

2 MS. ALBEE: A little bit of redirect, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. ALBEE

5 Q Brandon, I just want to clear up this alcohol thing.

6 Everything that happened with Brent when he died, that
7 in December of 2015, is that -- is that right? Do you
8 remember that?

9 A Yes.

10 Q Okay. We talked about or listened to a jail phone
11 call, or a portion of it. That was in January of 2017, is
12 that right?

13 A Yes.

14 Q Okay. That time in between December 2015 and January
15 of 2017, did you drink during that time?

16 A Yes, yes.

17 Q Okay. And I want to talk about just a couple of
18 little things. I'm sorry. It might be a little all over
19 the place.

20 Okay. When you saw Angelita and Brent at the Li'L
21 Cricket -- okay -- you know where I'm at?

22 A Yeah, yeah.

23 Q Okay. When you saw them there you have no idea
24 whether or not Brent had already been to that Li'L Cricket
25 or not earlier in the night, right?

Brandon Blackwood
Redirect examination by Ms. Albee

1 A I had -- I had no idea.

2 Q And then when you were talking with me earlier on
3 direct examination you said how you drove from the spinx to
4 the Arby's, right?

5 A Yes.

6 Q And I believe Ms. white asked you about that as well.
7 Do you remember she said that you drove drunk to the
8 Arby's?

9 A Yes.

10 Q How close are they?

11 A A minute. Not even a minute.

12 Q Okay. So they're extremely close together.

13 A You can walk to it.

14 Q Okay. And earlier when we were talking about that
15 same exact thing you said that around that time is when you
16 wanted to go home.

17 A Yes.

18 Q And I believe Ms. white was talking to you about some
19 text messages to your mom about going home, is that right?

20 A Yes, ma'am.

21 Q Were you able to go home after that?

22 A No, ma'am.

23 Q Okay. who was driving?

24 A Angelita wright.

25 Q Okay. And were you awake that whole time?

Brandon Blackwood
Redirect examination by Ms. Albee

1 A No.

2 Q Okay. So there was a point in time after those text
3 messages where you were asleep.

4 A Yes.

5 Q And then I just want to talk to you a little bit.

6 There were some statements about you saying, you know,
7 if I was in Cowpens, I have no idea why, right?

8 A Yes.

9 Q Right? Do you remember that going back and forth with
10 you and Ms. White?

11 A Yes, ma'am.

12 Q Every time you were in Cowpens that day, who were you
13 with?

14 A Angelita.

15 Q Okay. Who drove you to Cowpens every single time that
16 night?

17 A Angelita.

18 Q And, finally, there were some statements about you not
19 wanting to go to jail for life or anything like that. Have
20 you entered into any sort of deal with the State of South
21 Carolina about your charges?

22 A No, ma'am, I haven't.

23 MS. ALBEE: Your Honor, I have no further questions.

24 THE COURT: Anything at all?

25 MS. WHITE: Just briefly on recross to address one

Brandon Blackwood
Recross-examination by Ms. White

1 question.

2 RECROSS-EXAMINATION

3 BY MS. WHITE

4 Q In regards to no deal, you obviously don't -- as
5 they're saying -- have a deal for any kind of reduction of
6 charges. But you're charged with murder, and you know that
7 that carries 30 to life, right?

8 A Yes, ma'am, I do.

9 Q Okay. So you're hopeful that your testimony will
10 prevent you from receiving a sentence of 30 to life.

11 A I'm hopeful, yes.

12 Q Okay. Thank you.

13 MS. WHITE: That's all.

14 THE COURT: Sir, you may step down. Please be
15 careful.

16 MS. ALBEE: Your Honor, may we approach briefly on a
17 scheduling thing?

18 (Bench conference held off the record in the presence
19 of the jury but out of the hearing of the jury.)

20 MR. KOZAK: State calls Odessa Erwin.

21 ODESSA ERWIN, having been
22 first duly sworn, testified as follows:

23 THE COURT: Ma'am, tell us your full name, and spell
24 your last name for my court reporter, please.

25 THE WITNESS: Odessa Erwin, E-R-W-I-N.

Odessa Erwin
Direct examination by Ms. Kozak

1 THE COURT: Thank you.

2 Yes, sir.

3 DIRECT EXAMINATION BY MR. KOZAK

4 Q Mr. Erwin, how old are you?

5 A Thirty-nine.

6 Q Where do you currently work?

7 A I work at Eden Terrace.

8 Q Where did you work on December 26th of 2015?

9 A I worked at Scotchman, the Li'L Cricket in Cowpens.

10 Q What was your shift that night?

11 A It was 11:00 to 7:00.

12 Q Okay. 11:00 p.m.

13 A 11:00 p.m. to 7:00 in the morning.

14 Q Okay. And were you the only one working that night?

15 A Yes, sir.

16 Q What are some of your duties working?

17 A I count cigarettes, stock cigarettes, stock drinks,
18 make coffee, mop, sweep and mop the floor, yeah.

19 Q What was the atmosphere like that night?

20 A The atmosphere was real quiet because it was after the
21 holidays. So there wasn't a lot of people in there. So I
22 mean, it was quiet. There was nobody around except for my
23 car. And there was no people in the parking lot.

24 Q Do you remember seeing a Cowpens officer that night?

25 A Yes.

Odessa Erwin
Direct examination by Ms. Kozak

1 Q Do you know what her name is?

2 A Ruth Wolfe.

3 Q About what time was that?

4 A That was probably around maybe 1:30, 2:00 o'clock-ish.

5 Q Did you see her speaking with a male that night?

6 A No, not at first. She came in the store, and she
7 knows me because I've lived there for a long time. She
8 thought I was the only one in the store.

9 She went to find a car charger. She was asking me
10 about the phone charger, the car chargers, which one should
11 she buy.

12 She saw some -- she heard some rumbling in the second
13 aisle from where she was standing, and she thought it was
14 just me and her in the store. Well, he come up to the
15 counter, and that's when she saw him.

16 Q Okay. Did -- how did the male appear that night?

17 A He appeared, you know, like any normal person. He
18 come in and bought his stuff. And, you know, he wasn't
19 irate or anything. He was just, you know, buying stuff.
20 And he come to the counter and was purchasing his items.

21 Q Besides Ruth did you see any police or E.M.S. on the
22 street that night?

23 A No, no, sir.

24 Q All right. Did you see a male and female fighting in
25 the parking lot?

Odessa Erwin
Direct examination by Ms. Kozak

1 A No, sir.

2 Q Did anyone come into the store later that night
3 besides -- after that male and Ruth Wolfe left?

4 A Yes, sir. I have -- I -- I have -- I had customers
5 come in, the ones that had to go to work the next day. So,
6 you know, at -- you know, I would make coffee and they'd
7 come and get cigarettes, whatever they needed.

8 Q Did you speak to the customers that came in later
9 that -- that evening?

10 A Yes, sir.

11 Q Did you ever tell any of them that a male or female
12 got into a fight in the parking lot?

13 A No, sir.

14 MR. KOZAK: Beg the Court's indulgence.

15 (Pause.)

16 Q Can you visually see the entire parking lot from where
17 you usually stand in the store?

18 A Yes, sir.

19 Q Okay.

20 MR. KOZAK: No further questions.

21 MS. WHITE: Your Honor, I don't think I have any
22 questions for this witness.

23 THE COURT: Ma'am, you can step down. Please be
24 careful.

25 THE WITNESS: Thank you.

1 MR. KOZAK: Can she be released from the subpoena?

2 THE COURT: Any objection?

3 MS. WHITE: No objection, Your Honor.

4 THE COURT: Ma'am, you may stay or go, whichever you
5 choose.

6 THE WITNESS: Okay. Thank you.

7 (Whereupon, the witness was excused.)

8 MS. ALBEE: Your Honor, the state calls Bridget
9 Miller.

10 THE COURT: Tell you what. Let's -- let's hold on to
11 her. Let's take a break. Thank goodness, I've got a law
12 clerk to remind me of these things.

13 Ladies and gentlemen of the jury, we're going to take
14 a little break here, maybe about 15 minutes or so. Take
15 care of one little matter real quick that has nothing to do
16 with this trial. I see some people waiting to talk to me.
17 But it is about time for a break anyway. We've been
18 running an hour. Don't talk about the case. The case is
19 certainly not at an end at this time.

20 we'll have you back here in about 15 minutes.

21 Madam Forelady.

22 (The following takes place outside the presence of the
23 jury.)

24 THE COURT: Let's be in recess for about 15 minutes.

25 (Whereupon, a recess was taken.)

Bridget Miller
Direct examination by Mr. Albee

1 THE COURT: Ready for the jury?

2 MS. ALBEE: Yes, sir.

3 THE COURT: All right.

4 (The following takes place in the presence of the
5 jury.)

6 THE COURT: Madam Forelady, any matters from the jury?

7 THE FOREPERSON: We're good.

8 THE COURT: Thank you.

9 All right. Yes, ma'am.

10 MS. ALBEE: Thank you, Your Honor. The state calls
11 Bridget Miller.

12 BRIDGET MILLER, having been
13 first duly sworn, testified as follows:

14 THE COURT: Ma'am, tell us your full name, and spell
15 your last name for my court reporter, please.

16 THE WITNESS: Bridget Miller, M-I-L-L-E-R.

17 THE COURT: Okay. Would you pull that mic a little
18 closer to you, ma'am?

19 THE WITNESS: Bridget Miller, M-I-L-L-E-R.

20 THE COURT: Thank you.

21 Yes, ma'am.

22 MS. ALBEE: Thank you, Your Honor.

23 DIRECT EXAMINATION BY MS. ALBEE

24 Q Bridget, how old are you?

25 A I'm 36.

Bridget Miller
Direct examination by Mr. Albee

1 Q where do you currently live?

2 A In Charleston, South Carolina.

3 Q where are you from?

4 A Spartanburg, South Carolina.

5 Q Did you know Brent Tessnear?

6 A Yeah. That's my brother.

7 Q And how much older or younger was Brent than you?

8 A Three years.

9 Q Was he three years older or three years younger?

10 A Older.

11 Q Now, did you live in Spartanburg in December of 2015?

12 A Yes, ma'am. I lived in Converse.

13 Q The Converse part of Spartanburg?

14 A Uh-huh, Hillcrest.

15 Q And did you know the defendant, Angelita wright?

16 A Yes, ma'am.

17 Q How long have you known her?

18 A Since she was two years old.

19 Q So her life.

20 A Yeah.

21 Q And how close would you say that you and the defendant
22 were in 2015?

23 A We've always had our ups and downs, but we always been
24 like sisters, been there for each other.

25 Q Did you see her at all on December the 26th of 2015?

Bridget Miller
Direct examination by Mr. Albee

1 A No.

2 Q You don't remember seeing her then?

3 A I seen her -- well, the night of -- hadn't seen her
4 for a while. But I don't know if it was the 26th or 27th.

5 Q Okay. There's been some testimony that Brent died in
6 the early morning hours of December the 27th of 2015. So
7 I'm talking about the night before.

8 A I haven't looked at anything, so I don't even know the
9 time of death or anything. I couldn't handle it. So I
10 haven't looked at nothing.

11 Q Well, do you remember meeting up with the defendant at
12 some point in time in December?

13 A I was getting gas and we happened to run into each
14 other.

15 Q Okay. Where were you getting gas at?

16 A I was at Spinx on 176 and I was pumping gas and my
17 husband went in to get gas, and the truck pulled up behind
18 us at the gas pump. And then she walked by.

19 Q And, Bridget, I'm going to ask you to slow down just a
20 little bit. Okay. I just want to make sure that the court
21 reporter can take down everything that you're saying.

22 Okay. So you were with who?

23 A My husband, Eric Miller.

24 Q And you said that the defendant pulled up. What kind
25 of car was she in?

Bridget Miller
Direct examination by Mr. Albee

1 A They was in a truck, a Ford F150, a white truck.

2 Q Did you know the person that was in the truck with
3 her?

4 A No. I thought I did, because when I was pumping gas I
5 saw that it had Centurion license on it, so I knew he was a
6 student. And my son goes there. And I thought it was one
7 of his friends because I left the gas-tank pump pumping,
8 and I went around to say hey to him and I scared him. So
9 he got in the car he like backed up and took off and left
10 her there with us, so.

11 Q Okay. And you didn't recognize that individual at
12 all.

13 A No. I didn't know him at all.

14 Q Okay. And what about the defendant? What did she do
15 then?

16 A She got in my car, in the back seat of the car.

17 Q And about what time of the night was this?

18 A It was probably around 10:00-ish. I was getting gas
19 to get ready for the next morning to go to the flea market.

20 Q And when she was in your car did she say anything?

21 A She was talking about selling a T.V.

22 Q Did she say where she got this T.V. from?

23 A No. She just said she had a T.V. she wanted to get
24 rid of.

25 Q And how did she appear? What was her demeanor?

Bridget Miller
Direct examination by Mr. Albee

1 A Anxious, I guess.

2 Q Did anything else happen while you were at the gas
3 station?

4 A No. When he had backed up he went over the curb and
5 about ran over somebody, then went up to Arby's right up
6 beside us. And then we pulled around and she showed me
7 Caden's bicycle and said that she had to take Caden's bike
8 home to him, so.

9 Q Now, when the defendant first got in your car was your
10 husband in the car?

11 A No. He was still in the store. And when he came out
12 he was like looking crazy.

13 Q And why is that?

14 A Because she left her shoes. She took her shoes off.

15 Q Okay. And where were her shoes left?

16 A On the outside the door. He had to pick her shoes up
17 and hand them to her.

18 Q And you said that you -- she then went to show you
19 Caden's bike. Where was that?

20 A It was in the back of the truck when we pulled up
21 beside the kid or whatever. And she said that she was
22 responsible to getting him home.

23 Q Okay. So you then went and pulled -- I think you said
24 the Arby's.

25 A Yeah. We pulled in beside of them, and she was

Bridget Miller
Direct examination by Mr. Albee

1 showing me Caden's bicycle and said she had to get the bike
2 home and had to take this boy home because he was
3 intoxicated or whatever.

4 And I told her. I was like, well, you don't have
5 license, do you, and she was like no. I was, like, well,
6 do you need me to follow you home, and she was, like, no,
7 I'll be okay. And I's, like, well.

8 Then I told her I was going to the flea market and if
9 she wanted to go with me the next morning, she could, and
10 because she lived right beside my dad.

11 And so I went home and went to bed and then got up to
12 go to the flea market. And that's when I met up with her
13 again.

14 Q Okay. Stop you right there real quick just to fill
15 some things in.

16 Okay. So the defendant said that she was responsible
17 for getting the other person in the car home.

18 A Yeah.

19 Q Did you see her drive that car?

20 A I didn't. By the time we left they was still standing
21 out. I don't know exactly who was -- who got in, but she
22 was -- he was getting out like she was going to drive, but
23 we had pulled off.

24 Q Okay. But you pulled off before they did.

25 A Before they even got back in the vehicle, because they

Bridget Miller
Direct examination by Mr. Albee

1 was, you know, still standing around the vehicle.

2 Q Okay. Do you have any idea how long they stayed at
3 that Arby's after you left?

4 A Not really, because I live basically behind it, so.

5 Q And explain to us what you mean when you said you were
6 going to the flea market the next day. Explain to us about
7 that timeline and what you mean.

8 A It's because at about 6:00 o'clock in the morning you
9 go set up at the flea market. And it was after Christmas.
10 So I's getting rid of all of the old stuff that my kids
11 didn't need any more.

12 Q And so what time do you usually wake up to go to the
13 flea market?

14 A About 4:00 o'clock.

15 Q And is that when you woke up that day?

16 A Yeah. It was about 4:00-ish because I knew I'd be at
17 dad's around 5:00 something and then come back and then get
18 the rest of my stuff, and then because it's just right
19 there on Asheville Highway, which is only, like, 15 minutes
20 from my house. But to get a good, you know, place you have
21 to be there around 6:00 when they open.

22 Q And so what time that morning were you around the
23 defendant again?

24 A I got to dad's around about -- it was probably about
25 5:00 o'clock. And I went and got the stuff that I was

Bridget Miller
Direct examination by Mr. Albee

1 going to get and then went to -- knocked on her door to see
2 if she was still wanting to go.

3 Q Okay. So at any point in time from when you left her
4 at the Arby's until you saw her the next morning when you
5 knocked on her door, did you see her at all?

6 A No.

7 Q Did you speak with her at all?

8 A Uh-uh.

9 Q Is that a no?

10 A Yes, ma'am.

11 Q Sorry. Just got to make sure the court reporter is
12 taking everything down.

13 So then when you saw her again that next morning was
14 she with anyone?

15 A When I went to her door she was -- she had Robert
16 Blackwell and the Marie girl, was in her house with her.

17 Q Okay. And did you end up going anywhere with the
18 defendant that morning?

19 A No. She came with me --

20 Q Okay.

21 A -- to go to the flea market to help me -- you know, to
22 help me set up to sell stuff.

23 Q Okay. Did she say anything to you while you were
24 driving over to the flea market?

25 A She kept -- well, prior to that the -- to that was in

Bridget Miller
Direct examination by Mr. Albee

1 there -- wanted me to pick up Marie's sister, Angie, and
2 take her to my brother in Cowpens. Said he'd pay me 20
3 bucks. And I said, well, I'll talk to Brent later. I got,
4 you know, plans now and I'll call him whatever and see
5 what's going on.

6 And then on the way to -- because we's leaving there
7 to go to Hardee's to get something to eat, and I was taking
8 it back to my husband to get the rest of the stuff to go
9 to -- to the flea market. She was telling me that she was
10 scared that Brent had got beat up over a -- a cell phone
11 and it was --

12 Q When you say she, you mean the defendant was telling
13 you this?

14 A When we was in the car, yeah.

15 Q Okay.

16 A Angelita was telling me when we's in the car that she
17 was afraid that somebody -- that I needed to get in touch
18 with him, I needed to go check on him and all of that.

19 And I was, like, well, I've got to go to the flea
20 market and all of that stuff, I'll call him, because I left
21 my phone charging at my husband's. And I said I'll -- you
22 know, we'll figure out something about it. I said I
23 would've -- he did something to Jeff, Jeff will just knock
24 him around a little bit but he won't hurt him, you know.
25 He's not going to hurt him because he's like a nephew to

Bridget Miller
Direct examination by Mr. Albee

1 him.

2 Q And what was the defendant's anger in all of this?

3 A That she was just worried about him, that she was
4 scared he might be hurt.

5 Q At any point in time during this conversation did she
6 mention anything about Brent posting photos of her on
7 facebook?

8 A No. I didn't find out about that until months and
9 months later. I didn't know of it.

10 Q Did she mention anything about her wanting to beat up
11 Brent or being angry at Brent or anything like that?

12 A No. She was just worried about him.

13 Q Did she mention anything about Brent selling the kids'
14 christmas or anything like that?

15 A No.

16 Q Okay. So when you saw her at around 5:00 o'clock the
17 morning after Brent died she was solely talking about being
18 worried about Brent.

19 A Yeah, that I needed to check on him and we needed to
20 make sure he was okay and stuff like that.

21 Q Now, were you with the defendant when she received a
22 phone call from the coroner?

23 A Yes. We was at Hardee's. I was actually done paid.
24 I was waiting on the food, and she had a phone call. And
25 they said that they needed to talk to her, to come to her

Bridget Miller
Direct examination by Mr. Albee

1 house to talk to her about my brother. And I told her to
2 put it on speaker phone. And I told them that I was all
3 the way in Spartanburg and I didn't have enough gas to go
4 all the way to Pacolet, could they please tell me what was
5 going on with my brother. And they said they only could
6 tell her. And of course it made me mad because they'd been
7 separated for two years.

8 And I lunged out, and I punched my radio, and it stuck
9 on 5:57 at the time. And then I said what can we do. She
10 said go to Spartanburg Regional and we'll meet you there.

11 We went to Spartanburg Regional and was sitting there.
12 In a minute she's calling Thad and asking him what does
13 this mean. And she kept asking him what does it mean.

14 Q I'm going to stop you real quick. Who is Thad?

15 A It's her cousin, I think it is.

16 Q Okay.

17 A Like her brother.

18 Q So she's calling someone else asking about the --

19 A Yeah, asking him what do I do, what does this mean. I
20 told it either means he needs life support, or I don't even
21 want to mention the other thing, or maybe he's in jail. I
22 said I don't know.

23 Well, we sat there for about 20 minutes. I couldn't
24 take it no more. I ran in the inside and was, like,
25 where's Brent Lee Tessnear. I said we're in 114 -- 79 --

Bridget Miller
Direct examination by Mr. Albee

1 where's my brother, somebody please tell me something. And
2 then that's when they sat us down and told me a doctor
3 would be out to talk to us in a minute.

4 Q Now, was the defendant inside the hospital with you at
5 this time?

6 A Well, she came in, because I was really obnoxious
7 about it.

8 Q And what was her demeanor like when she was at the
9 hospital?

10 A She was -- I don't know, because I was so confused
11 trying to find my brother I really didn't pay her no
12 attention to be honest with you.

13 Q Did you leave with her at all?

14 A No, because we came in, and they came in and talked to
15 us. And they was asking her questions. The first thing
16 they asked was about his tattoos. And I was trying to be
17 respectful because they addressed to her the question. And
18 I'd count to five, Mississippi [sic], and she hadn't
19 answered. I said Jennifer, Brent, Heather, Bethany, his
20 first wife, his kids. I said his name and his drumsticks.
21 I said does he need my arms, what's wrong with my brother,
22 please tell me what's going on.

23 Q Slow down just a little bit.

24 A A little bit. Well, I explained what the tattoos
25 were. I said Jennifer, Brent, Heather, Bethany. And then

Bridget Miller
Direct examination by Mr. Albee

1 the other tattoo was his name and the love of his life,
2 which is drumsticks. And then I asked --

3 THE COURT: Ma'am, I'm sorry. She can't get that.

4 THE WITNESS: Oh, I forgot.

5 Q Speak slower when you're speaking names. Okay.

6 A You need the names?

7 THE COURT: Yes, please.

8 A Said Brett. I mean, Jennifer, Brett, Heather and
9 Bethany, which is his first wife, is tattooed on his arm.
10 His first marriage and his kids. And then his next one was
11 his name with his drumsticks.

12 And then I asked them was he needing my blood or what
13 was he needing, why was they asking about tattoos. And
14 they said they wanted to make sure it wasn't gang related.
15 And then that's when they said that they'd found him behind
16 Hardee's and he was unconscious or whatever and that they
17 tried and on the six times they -- they lost him. And then
18 I lost it.

19 MS. ALBEE: Your Honor, may I approach?

20 (Pause.)

21 A I just punched the wall and I left. They wouldn't let
22 her leave, but they let me leave. I went to my husband and
23 went to bed. I wanted to go to sleep and wake up and it be
24 a nightmare.

25 MS. ALBEE: Your Honor, I have no further questions of

Bridget Miller
Cross-examination by Ms. White

1 this witness at this time.

2 CROSS-EXAMINATION

3 BY MS. WHITE

4 Q Ms. Miller, just a couple of questions.

5 I know that y'all had gotten together that night at
6 the Spinx, you said in your original statement I think it
7 was around 10:15? Does that sound right?

8 A Yes, ma'am.

9 Q Now, just a few minutes ago you said that y'all didn't
10 talk anything about the possibility that Brent had done
11 anything to the Christmas gifts. But do you recall in your
12 statement saying that -- that she had started telling you
13 that she was trying to stop Brent Lee Tessnear from selling
14 their children's Christmas gifts -- Aaliya, Miyah and
15 Caden's -- and that the only thing left had been his son
16 Caden Tessnear's bike?

17 A She said that she was selling a T.V. or something, but
18 that was when we was -- not the night of. That was when we
19 was riding that morning she was talking about it.

20 Q Okay. So she was -- she told you about the Christmas
21 gifts and that some had been sold the morning of or --

22 A No. She was talking about the -- what my statement
23 was supposed to been was the bicycle she had was his
24 Christmas gift. She was taking the Christmas gifts to the
25 kids.

Bridget Miller
Cross-examination by Ms. White

1 Q Okay. All right.

2 A And that she was trying to sell a T.V. to get them
3 Christmas gifts. So that's the reason why I's like, well,
4 you can go to the flea market with me and I'll split the
5 money with you and you can get them some Christmas.

6 Q Okay. I'm going to bring you up if you don't mind
7 your statement that you gave.

8 A Yeah.

9 Q This was the night -- or this was about a week later,
10 I think, January 8th of 2016.

11 A Uh-huh.

12 Q If you'll -- does that look like your statement, your
13 signature?

14 A Yeah. The signature.

15 Q Okay. If you'll look at this line right here --

16 A She was trying to stop me, yeah. When she said she
17 was trying to stop Brent from selling the Christmas gifts
18 and all. And that's when Aaliya and Miyah came in and all.
19 And I told her that didn't make any sense because I didn't
20 never --

21 Q I'm sorry. We've got to slow down a little bit.

22 Okay.

23 A That's just a statement that she had made --

24 Q Okay. But --

25 A -- to me.

Bridget Miller
Cross-examination by Ms. White

- 1 Q But you acknowledge that --
- 2 A She made that statement to me though. That's only --
- 3 Q That night -- I'm sorry.
- 4 A It was that morning on the way.
- 5 Q To the hospital?
- 6 A Yeah, on the way when she was talking about that and
- 7 that she was worried about him stealing a phone and then
- 8 something about the gifts.
- 9 Q Okay. So there was some conversation --
- 10 A Yeah. It was about a 30-minute ride.
- 11 Q -- about the possibility of Christmas gifts --
- 12 A Yeah.
- 13 Q -- being stolen or taken and -- and sold.
- 14 A Yeah.
- 15 Q You also indicated in your statement that when the
- 16 young man drove off within -- in the truck --
- 17 A Uh-huh.
- 18 Q -- from the Spinx to the Arby's that he left spinning
- 19 tires. Was that -- what kind of impression did that give
- 20 you?
- 21 A It's like I scared him. He didn't know who I was.
- 22 And he just put it in reverse. And, I mean, he went over
- 23 the hill, the curve, and pulled out in front of a car. And
- 24 me and Baby Doll just looked like what in the world and...
- 25 Q Okay. So it was either -- you said you thought it

Bridget Miller
Cross-examination by Ms. White

1 was -- he was scared. Could it have been he was angry?

2 A He was -- yeah. I don't know. To me it looked like
3 he was intoxicated, like he was drunk or something. I
4 don't know. I mean, I just walked up to him because I
5 thought he was my son's friend. And I sort of spooked him.

6 Q Okay. Now, in regards to the time y'all got together,
7 you said this a little while earlier, that you probably got
8 to your dad's house about 4:15?

9 A No. It was about 5:00 or 5:00-ish.

10 Q I'm sorry. About 5:00.

11 A Yeah.

12 Q Now, in your statement to police you said that, "She
13 came out of her apartment, which is across from my dad's
14 house, around 4:15 a.m. I asked her if she was still
15 interested in helping me, and she said yes." So could it
16 be that --

17 A It was actually 5:00 something because I didn't -- I
18 didn't get to Pacolet until 5:00.

19 Q Okay. So even though it's two years later the
20 statement you gave a week after --

21 A Yeah. I was still drama -- traumatized even to give
22 that statement, so.

23 Q Okay. All right. So the --

24 A Because I even told him I wasn't a hundred percent
25 with the timelines and stuff on there when I was doing it.

Bridget Miller
Cross-examination by Ms. white

1 He just told me to do to the best of my knowledge.

2 Q Okay. So that's what I'm clarifying, is that you said
3 that when you told the police a week after that you and she
4 had gotten together about 4:15, you're saying now that
5 wasn't accurate, that it was closer to 5:00.

6 A Yeah. It was closer to 5:00, yes, ma'am.

7 Q Okay. You said y'all were together when she got the
8 call from Spartanburg County.

9 A Uh-huh.

10 Q Now, is there a reason that she might have been
11 concerned about him being in jail? He had some incidents
12 prior, is that correct?

13 A About being in jail?

14 Q You said that she seemed to be concerned, y'all were
15 concerned, that either something was happening --

16 A No. She said that she was scared he was being beat up
17 for stealing a cell phone.

18 Q Right.

19 A That I needed to go check on him.

20 Q Okay. And when she called -- you said Thad.

21 A Uh-huh.

22 Q That she talked about what could this mean that we
23 were in the hospital.

24 A Yeah, yeah, what does -- she wanted to know what did
25 it mean when they wanted to talk to her about her husband

Bridget Miller
Cross-examination by Ms. White

1 and what she needed to do. And then she got out of the car
2 and was talking to them while I was -- when I went inside.

3 Q And you said that she said something to Thad about
4 could it be that he's hurt or could he be in jail.

5 A well, no. She didn't say I told her, that it's the
6 only thing I've ever seen was, you know, in the movies
7 either he's needing, you know, life support or either --
8 well, really not in jail. They don't really come out to
9 you for that. I said or either, you know, he's passed away
10 or something. That's the only explanation I would have.
11 And she kept asking me what she needed to do.

12 Q And the people that called y'all said they were from
13 Spartanburg County, is that right?

14 A Uh-huh.

15 Q Did they tell you specifically --

16 A Sheriffs.

17 Q -- the coroner's office?

18 A I didn't hear that part because she didn't have it on
19 speaker. She put it on speaker once she was asked to go to
20 Pacolet. And I put it on speaker and explained where I was
21 and that I didn't have enough gas to go to Pacolet and that
22 that was my brother and I was, you know, his sister and
23 wanted to know what was going on.

24 Q So the only thing you knew at the time was that was
25 Spartanburg County.

Bridget Miller
Redirect examination by Ms. Albee

1 A Yeah.

2 Q Okay.

3 MS. WHITE: One brief moment, Your Honor.

4 (Pause.)

5 Q I think that's all the questions I have. Thank you.

6 THE COURT: Anything?

7 MS. ALBEE: Very briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. ALBEE

10 Q Ms. Miller, I just want to clarify something.

11 You said that when you were at the Spinx and the

12 Arby's, that's when the defendant showed you Caden's bike,

13 right?

14 A Uh-huh.

15 Q And was talking with you about gifts.

16 A Yes.

17 Q Okay. And that was --

18 A Well, she didn't mention the gifts. She just showed
19 me the bicycle at the time.

20 Q Okay. Just showed you the bicycle.

21 A Uh-huh.

22 Q Okay. And then how long were the two of you together

23 the next morning before she received that phone call from

24 Spartanburg County?

25 A Long enough to go from Cleveland Street to Hardee's on

Sherry Millwood Riley
Direct examination by Ms. Albee

1 176. Probably about 25 or 30 minutes.

2 Q Okay. And you said that you picked her up around
3 5:00 o'clock.

4 A Yeah. It was about the same, in between 5:00. And it
5 was 5:57 when she called and we was actually sitting in
6 Hardee's waiting on our food.

7 Q Okay. What did you do kind of in between that time?

8 A We was just driving up the road, you know, talking and
9 stuff. So that's when she just kept talking about she was
10 worried about him being jumped on and about stealing my
11 aunt's phone and stuff.

12 Q Thank you.

13 MS. ALBEE: Your Honor, no further questions.

14 THE COURT: Anything at all?

15 MS. WHITE: Nothing further, Your Honor.

16 THE COURT: Thank you, ma'am. You may step down.

17 Please be careful.

18 MS. ALBEE: Your Honor, the state calls Sherry Riley
19 to the stand.

20 THE WITNESS: I will confirm the truth. I won't swear
21 on the Bible.

22 SHERRY MILLWOOD RILEY, having
23 been first duly affirmed, testified as follows:

24 THE COURT: Ma'am, once you're situated there, if you
25 will, tell us your full name. And spell your last name for

Sherry Millwood Riley
Direct examination by Ms. Albee

1 my court reporter, please.

2 THE WITNESS: My name is Sherry Millwood Riley. And
3 my -- spell it R-I-L-E-Y.

4 THE COURT: If you will, pull that mic a little closer
5 to you. Okay. Thank you, ma'am.

6 Yes, ma'am.

7 MS. ALBEE: Thank you, Your Honor.

8 DIRECT EXAMINATION BY MS. ALBEE

9 Q Ms. Riley, how old are you?

10 A I'm 59 years old.

11 Q And where do you live?

12 A I live off of Pine Street in -- between Pacolet and
13 Spartanburg.

14 Q Are you from this area?

15 A Yes, ma'am. Born and raised in Pacolet.

16 Q Now, did you know Brent Tessnear?

17 A Yes. Brent was double kin to me and I -- when their
18 mother passed away I finished help raising them.

19 Q Is it fair to say that you were pretty close to Brent?

20 A Yes. Him and Bridget.

21 Q Now, did you know the defendant?

22 A No, ma'am. I didn't know her personally. I had
23 seen -- seen her, but I -- I really didn't know her though.
24 Okay.

25 Q And where had you seen her at?

Sherry Millwood Riley
Direct examination by Ms. Albee

1 A Down at Lee's house before.

2 Q Who is Lee?

3 A That's Brent's father.

4 Q Now, did you happen to live near Brent in December of
5 2015?

6 A Yes, ma'am, I did. I lived on Marble Stone Court in
7 Cowpens, 328 Marble Stone.

8 Q And about how far away was your house from Brent's
9 house?

10 A Oh, goodness. It wasn't far at all. It wasn't even,
11 I'd say about -- it wasn't even a mile.

12 Q Now, did you and Brent have a good relationship?
13 would you say that?

14 A Yes.

15 Q Did you talk often?

16 A We hadn't in a while, but when he -- he got hisself
17 straightened out and was buying him a home and had got him
18 a good job, yes, we did.

19 Q Do you know where he got that job at?

20 A Yes, ma'am, I do. It was -- I can't pronounce their
21 name that great but -- Tindall. I had to think about it to
22 pronounce it.

23 Q Now, did you see or talk with Brent at all on
24 December the 26th of 2015?

25 A Yes, ma'am. He come to my house that day, and he was

Sherry Millwood Riley
Direct examination by Ms. Albee

1 needing a pigtail to go on his dryer.

2 Q Now, I'm going to stop you real quick. What's a
3 pigtail?

4 A It's the plug-in thing that hooks to the dryer and
5 plugs into -- into it to -- to give it power. Some has
6 three prongs; some has four prongs, you know.

7 Q Okay. So he was coming to your house to get one of
8 those.

9 A Yes, he was.

10 Q All right. Tell us about that.

11 A And he wanted to know if I had one, and I said, "I
12 don't know, Baby; but/and Terry's not here at the moment.
13 So, but I'll ask him. I'm pretty sure we do, but I'll ask
14 him when he comes back. It may be in the building or he
15 may have put it anywhere. And I'll find out for you." And
16 he got to laughing and he -- he wanted to show me
17 something. And I said, "What have you done?" And he said,
18 "I just want to show you something here." And so he showed
19 me a text message that -- that had come from Angelina [sic]
20 if that's right. All I knowed her by was Baby Doll. Okay.

21 Q Okay.

22 A And it said if you don't take that off of facebook I'm
23 going to come to Cowpens and kill you. And I said what did
24 you put on facebook. And he said it was a woman's private.
25 And he tagged her and tagged different ones in it, he said,

Sherry Millwood Riley
Direct examination by Ms. Albee

1 you know, and I said, boy, you know better than to do stuff
2 like that. And so, and he left, you know, and he said,
3 "Check on that pigtail, now." I said, "I will, Baby," so.

4 Q Now, Ms. Riley, what did you do later that night?

5 A Me and my husband and them, we went to a friend's
6 house up on -- above Broome. And we played cards and fixed
7 food and all.

8 And so I was on my way there. It was like 10:00,
9 10:30, 10:40 or something like that. And my phone rung,
10 and it was Brent then. And he wanted to know did I find
11 out about the pig -- no. He wanted to know what I was
12 doing at first. And I said, "I'm going up the road. why?"
13 He said, "Do you know where Tammy is?" And that's Tammy
14 Yosa, a girl that he was seeing.

15 Q Okay.

16 A And I said, "No, baby, I don't. I hadn't seen her
17 today." He said, "You know how to get in touch with her?"
18 I said, "No, I don't, Honey. I don't know." He said,
19 "well, if you see her, please tell her to call me." And I
20 said. "Okay. I will." And he said, "You going to be gone
21 long?" I said, "I don't know." And he said, "well, y'all
22 come by the house on -- on your way home." I said, "well,
23 it may be late, so I don't -- I don't know, Honey, if I can
24 or not."

25 Q Now, did you speak with him at all later on in the

1 night?

2 A Yes. He called -- called my phone again at 2:06 a.m.
3 We was still at our friend's house and --

4 Q So I'll ask you a clarification question real quick.
5 So 2:06 a.m. This would have been on December the 27th of
6 2015?

7 A No. This was on the 26th. Well, it would have been
8 in -- in the morning time, yes. Okay.

9 Q So, technically, it had changed to December the 27th.

10 A Right, yes.

11 Q Okay. So he called and spoke with you at 2:06 in the
12 morning.

13 A Yeah. He was calling. He -- he had been drinking
14 some. I could tell. And I said, "You drinking." And he
15 kinda laughed, you know. And I said, "What are you doing
16 up at this time of the night?" And he said, "I wanted to
17 know if you asked Terry about the pigtail, Aunt Sherry." I
18 said, "No, Baby, I hadn't yet. But you get -- get ahold of
19 me here in -- in the morning, tomorrow." I said, "And
20 I'll -- I'll find out exactly where it's at." And Terry
21 said we did have one but he'd have to locate it. So, and
22 that was my last. And that was the last time I -- I talked
23 to him.

24 And on our way home the -- where we live you have to
25 go down between Hardee's and Mike's restaurant. And the

Sherry Millwood Riley
Direct examination by Ms. Albee

1 ambulance and the polices had the street blocked.

2 Q About what time was that?

3 A Oh, gosh. It was after 2:30, because it wasn't long
4 till after -- after I talked to him that -- that we left to
5 go home, and so.

6 Q were you able to drive down that road?

7 A No, ma'am.

8 Q So then what did you do?

9 A We -- we went. We pulled into the Li'L Cricket. And
10 my husband got out and went in and asked what was going on.
11 And the lady -- the lady working there said some --
12 somebody's been hit down -- down in there by a car or truck
13 or something nother but by a vehicle, she said.

14 Q Did the clerk tell you anything else?

15 A She didn't tell me anything. That's just what my
16 husband said she said, you know.

17 Q Did you -- sorry. Did you go into the store?

18 A No, ma'am. I -- I sat in the car.

19 Q when did you find out that Brent had died?

20 A It was after. Now, when we -- when the ambulance come
21 out from down in there, and the polices and all, we got to
22 go down through there. And there was a man and woman
23 walking back to their house across the railroad tracks.
24 And we stopped and asked, you know. And they said it was a
25 young man. And I asked what -- what did he look like, you

Frances Marie Dalton
Direct examination by Mr. Kozak

1 know. And she said he had on a blue shirt and shorts and
2 he had real short hair. And the man said, "Ma'am, he just
3 looked like he was laying there sleeping in the fetal
4 position."

5 And Brent never crossed my mind. Another young boy
6 did, but Brent never crossed my mind. And then my -- my
7 husband -- I was in bed, and my husband come in -- into the
8 bedroom and woke me up. And he said, "Baby, I got
9 something I got to tell you." And I said, "What is it?"
10 And he said, "The boy that got run over up the road here,
11 it was Brent." And all I did was scream. I said, "No.
12 Not Brent."

13 MS. ALBEE: Your Honor, I have no further questions.

14 MS. WHITE: Thank you. I was going to say no
15 cross-examination, Your Honor.

16 THE COURT: Ma'am, whenever you can, you can step
17 down. Thank you.

18 MR. KOZAK: State calls Marie Dalton -- Frances Marie
19 Dalton.

20 FRANCES MARIE DALTON, having
21 been first duly sworn, testified as follows:

22 THE COURT: Ma'am, once you're situated, if you'll
23 address -- adjust your microphone. And tell us your full
24 name. And spell your last name, please.

25 THE WITNESS: Frances Marie Dalton, D-A-L-T-O-N.

Frances Marie Dalton
Direct examination by Mr. Kozak

1 THE COURT: Pull that just a little closer.

2 DIRECT EXAMINATION BY MR. KOZAK

3 Q How old are you, Ms. Dalton?

4 A Thirty-five.

5 Q where do you currently work?

6 A Kenny's Home Cooking.

7 Q where do you currently live?

8 A Harvey Town, Pacolet.

9 Q where did you live on December the 26th, 2015?

10 A In Harvey Town but not the same house. I'm living in
11 my mom's house now. I was living at my boyfriend's house,
12 which is the street right behind my mama's.

13 Q And where is that, in what town?

14 A Pacolet.

15 Q How do you know Brent Tessnear?

16 A When me and my boyfriend got together he was friends
17 with Brent and Angelita, and that's how I met him.

18 Q How did you meet the defendant?

19 A The defendant?

20 Q Angelita Wright.

21 A Angelita. Through my exboyfriend, Robert, that he was
22 already friends with them when I got with him.

23 Q Okay. Did she live near you?

24 A Two houses up.

25 Q when did you first -- did you see the defendant on

Frances Marie Dalton
Direct examination by Mr. Kozak

1 December the 26th of 2015?

2 A December the 26th. The date of?

3 Q Of Brent --

4 A Yes. She called at 2:00 -- I don't remember exactly
5 what time it was -- asking me to come out, me and my
6 boyfriend to come out, and talk to her. And we went.

7 Q About what time did you think that was?

8 A Anywhere between 3:00 and 4:00, I think, because when
9 I left from being with her, I went straight into my house,
10 mine and Robert's house at the time. And it was about
11 4:10.

12 Q How did she contact you guys?

13 A She called Robert's cell phone.

14 Q When you walked outside, where did you first see the
15 defendant that night?

16 A Right beside the duplex from where she was living at,
17 which is like in a curve right there.

18 Q Once you met up with the defendant, what did you do?

19 A We went in her house, and she was real worried about
20 Brent, saying that he had gotten into a lot of trouble and
21 that she was worried about what may happen to him.

22 And we ran out of cigarettes, and she said she would
23 get cigarettes and a drink if we walked to the Cricket with
24 her. And all the way to the Cricket she was quiet. All
25 the way back from the Cricket she was real quiet.

1 And when we came back we wasn't there long enough to
2 smoke about half a cigarette. And they was headlights
3 shinning on the car, I mean, on the window. And it was her
4 sister-in-law, Bridget. She came in and sat beside Baby
5 Doll. And they sat there and talked for about a minute and
6 got up and said they wanted to spend some sister time
7 together.

8 And her son's -- Caden's bicycle was there. So she
9 had said that she was worried about people coming in and
10 out of her house when she wasn't there.

11 So I took the bicycle and went across the street back
12 to my house. Well, Robert's house at the time.

13 Q Okay. Now, I'll ask you some specific questions about
14 that. You told me a lot there.

15 What was her demeanor like when you first saw her that
16 night?

17 A Just off. She was real, real, real concerned about
18 Brent and Brent's well being, I guess, said that he had
19 never -- he's -- him and her had messed up before but
20 she -- he'd never messed up like this, that he was on drugs
21 real bad and had done traded all the kids' Christmas but
22 the bicycle that was there. And then she would change it
23 up to she was worried about he had posted some naked pics
24 of some girl and worried about her boy -- the woman's
25 boyfriend hurting Brent.

Frances Marie Dalton
Direct examination by Mr. Kozak

1 Q Did you ever hear her say she wanted to kill Brent?

2 A No.

3 Q Did you ever see or hear her say -- when you got back
4 to your house, what happened -- from the Li'L Cricket?

5 A We went inside her duplex where we was right before
6 then. And, like I said, we just opened a pack of
7 cigarettes and got probably almost a cigarette smoked --
8 about half a cigarette -- and headlights beamed on the
9 window. And she asked Robert to see who it was, and it was
10 Bridget. And she came in and sat down. And then she said
11 they was leaving. So we got up and took the bicycle across
12 the street and left.

13 Q All right. Was -- what was her demeanor like when you
14 walked back from the Li'L Cricket?

15 A She was real quiet. She didn't say a word.

16 Q Is that normal for her?

17 A Not -- I didn't think so, considering she was just
18 then right, before then -- she wasn't -- she was steadily
19 talking about how concerned she was about Brent.

20 Q Did you go -- did you go into Angelita's house that
21 night?

22 A Yes.

23 Q What did you see in there?

24 A The same stuff that -- her stuff that was usually
25 there and Caden's bicycle -- her son.

Frances Marie Dalton
Cross-examination by Ms. White

1 Q About how long would you say you spent with the
2 defendant that morning?

3 A About 30 or 45 minutes.

4 MR. KOZAK: Beg the Court's indulgence.

5 (Pause.)

6 Q You said she came to you around 3:00. Were you ever
7 with her between 1:00 and 2:00?

8 A No, sir.

9 MR. KOZAK: No further questions.

10 MS. WHITE: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. WHITE

13 Q Ms. Dalton, just an initial question.

14 You said at the time this all was happening you were
15 dating a Robert Blackwell.

16 A Yes, ma'am.

17 Q Okay. And at the time this happened was
18 Mr. Blackwell's number (864)612-2050?

19 A Yes, ma'am.

20 Q Okay. So that's the number that he had on, you said,
21 when Angelita called that night around 3:00 a.m.

22 A Yes, ma'am.

23 Q Okay. Now, if Angelita's phone records reflect that
24 she actually made that phone call or a call to his number
25 at around 11:00 -- one second -- around 10:52 or 11:00 that

1 night, you don't believe that's correct?

2 A I don't recall her calling then. If she did, I didn't
3 talk to her.

4 Q Okay. And if the phone records don't reflect a phone
5 call that she made to Robert's number around 3:00 you --
6 you don't -- or you would dispute that because you are
7 alleging that she called at 3:00?

8 A I don't know exactly what time it was, but I know she
9 called and she wanted me and Robert to talk to her.

10 Q And you think it was around 3:00, not 10:30 or 11:00?

11 A Yes.

12 Q Okay. In regards to her being concerned about Brent,
13 you mentioned a couple of things. One is that she was
14 concerned because he had been on drugs and had sold the
15 kids' Christmas gifts.

16 A Yes, ma'am.

17 Q You also mentioned that she was concerned because
18 there was a woman's husband that was threatening to kill
19 him, is that right?

20 A Yes, ma'am.

21 Q Okay. You had been told, or did you find out that
22 night, about him also posting the pictures on facebook, or
23 did you say you found out about that later?

24 A Later.

25 Q Okay. And at the time y'all hung out you said you

Frances Marie Dalton
Cross-examination by Ms. White

1 were together, from your testimony, from about 3:00 to
2 4:00?

3 A Somewhere in there, yes, ma'am.

4 Q Okay.

5 MS. WHITE: Beg the Court's indulgence.

6 Q Specifically, Ms. Dalton, when you say some of the
7 things she was worried about, one of the things was the
8 woman's husband being upset that Brent had posted the naked
9 photos, right?

10 A Yes, ma'am.

11 Q Didn't she also indicate that there was an issue that
12 he had stolen a phone from someone that was a drug dealer?

13 A Yes, ma'am.

14 Q And that gentleman was very dangerous?

15 A Yes, ma'am.

16 Q Did she ever say the name of that person?

17 A No, ma'am.

18 Q Okay.

19 MS. WHITE: Beg the Court's indulgence.

20 (Pause.)

21 Q And, once again, just to clarify, you said Robert's
22 number at the time that this incident happened was
23 (864)612-2050.

24 A Yes, ma'am.

25 Q Okay. Thank you. That's all I have, Ms. Dalton.

Frances Marie Dalton
Cross-examination by Ms. White

1 Thank you.

2 THE COURT: Anything?

3 MR. KOZAK: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. KOZAK

6 Q Did you see Angelita between 11:00 p.m. and 3:00 a.m.
7 that night?

8 A No, sir, not that I recall.

9 Q Do you know if Angelita was calling from her number
10 when she called Robert that night?

11 A I'm not sure.

12 MR. KOZAK: No further questions.

13 THE COURT: Anything at all on that?

14 MS. WHITE: Nothing, Your Honor.

15 THE COURT: Ma'am, you may step down. Please be
16 careful.

17 MS. ALBEE: Your Honor, we need to check to see if we
18 have a witness here.

19 (Pause.)

20 MS. ALBEE: Your Honor, may we approach?

21 THE COURT: Yes.

22 (Bench conference held off the record in the presence
23 of the jury but out of the hearing of the jury.)

24 THE COURT: Madam Forelady and ladies and gentlemen,
25 the next witness has not yet arrived, and they're making

1 some phone calls to see. I understand it to be a law
2 enforcement officer, and they're just waiting to see if
3 they can get -- if he's going to be able to make it today.

4 I will tell you that another witness that was going to
5 be -- that was scheduled to be here at 4:00 today will not
6 be testifying today but will be testifying tomorrow due to
7 something that came up.

8 So with that we're going to let you take a break, and
9 they're going to make a phone call. If we cannot get
10 officer Nix here in the next little bit we'll stop early
11 today and then reconvene in the morning. I'm not going to
12 have you sit back there and waste time waiting.

13 But with that if you'll take a break, we're going to
14 make some phone call -- they are -- and see if they can
15 find out where and how long it might be.

16 Don't talk about the case. We're certainly not at an
17 end.

18 Okay. Madam forelady.

19 (The following takes place outside the presence of the
20 jury.)

21 THE COURT: Let's stand at ease until we find out if
22 the officer's --

23 (Pause.)

24 THE COURT: Let's bring the jury in.

25 (The following takes place in the presence of the

1 jury.)

2 THE COURT: Madam Forelady and ladies and gentlemen,
3 we understand that the officer is too far away. He would
4 be here after 4:00 p.m. I'm not real sure how much after
5 4:00. But that's just too -- too long to ask you to wait
6 back there. If he were the last witness in this case, we
7 certainly would stay until we got that testimony today, but
8 he's not the last witness.

9 So with that I'm going to charge you again and remind
10 you not to read any news accounts. Don't listen to the
11 radio; don't look on the internet. You know, we had a T.V.
12 media person here earlier today. So please just avert your
13 eyes if you will to something like that. I don't want
14 anything to influence you.

15 Don't talk about the case with your family, friends,
16 spouse or anyone else during this. And please don't do any
17 research. We're going to be starting back tomorrow morning
18 at 9:00 a.m. -- 9:00 a.m.

19 I'll be here at 8:00. The doors open at 8:30. The
20 coffee will be hot. So I invite you to come on and get
21 another cup in the morning. I am. And we'll start at
22 9:00.

23 With that, Madam Forelady, if you will, take the jury
24 out and be excused for the evening. Have a good evening.

25 (The following takes place outside the presence of the

1 jury.)

2 THE COURT: Anything from the state?

3 MR. KOZAK: Nothing from the state.

4 THE COURT: From the defense?

5 MS. WHITE: No, Your Honor.

6 THE COURT: Okay. 9:00 a.m. in the morning. Anybody
7 needs me, I'll be here at 8:00.

8 END OF PROCEEDINGS NOVEMBER 28, 2017

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Dr. John David Wren
Direct examination by Ms. Albee

1 (Proceedings November 29, 2017)

2 (The following takes place outside the presence of the
3 jury.)

4 (Photographs marked State's Exhibits 3-A through D for
5 Identification.)

6 THE COURT: The jury is here. Ready to go?

7 MS. WHITE: Yes, sir, Your Honor.

8 THE COURT: The jury is here. Let's have the jury.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning, ladies and gentlemen.

12 Madam forelady, any matters for the jury?

13 THE FOREPERSON: No, sir.

14 THE COURT: Ready to go to work. Okay.

15 MS. ALBEE: Thank you, Your Honor.

16 At this time the state calls Dr. David Wren to the
17 stand.

18 DR. JOHN DAVID WREN, having
19 been first duly sworn, testified as follows:

20 THE COURT: Dr. Wren, will you tell us your full name?
21 And spell your last name for the madam court reporter,
22 please.

23 THE WITNESS: My name is John David Wren, W-R-E-N.

24 THE COURT: Thank you, Doctor.

25 Yes, ma'am.

Dr. John David Wren
Direct examination by Ms. Albee

1 MS. ALBEE: Thank you, Your Honor.

2 DIRECT EXAMINATION BY MS. ALBEE

3 Q Dr. Wren, are you currently employed?

4 A Yes.

5 Q Where at?

6 A I'm employed by Carolinas Medical. I'm sorry.

7 Carolinas Pathology Group, which is a group of pathologists
8 that are in Charlotte; Lincolnton, North Carolina; Monroe,
9 North Carolina; and in Spartanburg.

10 Q Do you work here in Spartanburg?

11 A Yes. I'm the -- I work full time in Spartanburg at
12 Spartanburg Medical Center.

13 Q And explain to us. What is pathology, or what do you
14 do?

15 A Pathology is the study of disease processes in the
16 body, and explanation and research in that area.

17 There are two parts of pathology. There is anatomic
18 pathology, which is concerned with tissue pathology, mainly
19 being hospital and outpatient based where tissues that are
20 removed or specimens that are taken from the body are
21 examined microscopically in order to determine whether a
22 process is benign or malignant, whether it's infectious or
23 other -- or immune mediated in order to give a diagnosis
24 for treatment of a patient.

25 There are several parts of anatomic pathology, being

Dr. John David Wren
Direct examination by Ms. Albee

1 surgical pathology, which I basically just discussed.
2 There's autopsy pathology.

3 There are other subspecialties in pathology, being
4 dermatopathology, which is skin diseases; surgical
5 oncology, which are malignant processes.

6 There's sitology, which is tissue fluids and tissue
7 itself examination for -- for diagnosis, particularly Pap
8 smears and sputum samples, things like that.

9 And then there is forensic pathology, which is
10 medical-legal type pathology.

11 Those are subspecialties of anatomic pathology.

12 The other part of pathology is clinical pathology,
13 which is the laboratory type pathology, which are
14 examinations of blood, specimens taken to determine if
15 someone has pneumonia or something like that under
16 microbiology, which is a portion of clinical lab.

17 Then there's blood transfusions, chemistry, blood
18 pathology, being whether a person might have leukemia or
19 some other disease processes causing anemia.

20 There are subspecialties in that area too, but,
21 generally speaking, a general pathologist does both of
22 those things and is trained in both of those areas.

23 Currently, I do hospital autopsy pathology and
24 forensic pathology, as well as I'm the laboratory medical
25 director of Spartanburg Medical Center, Spartanburg

Dr. John David Wren
Direct examination by Ms. Albee

1 Hospital for Restorative Care, Northgrove Laboratory out at
2 Northgrove and several areas in the hospital itself that
3 are under separate clear licenses. So, basically, I do
4 autopsy pathology right now, and I do run the laboratories.

5 Q And, if you could, tell us all a little bit about your
6 educational background for that.

7 A Well, as you can see, I have a degree from Clemson
8 University. I have a bachelor's degree, a master's degree
9 and a doctor of philosophy degree in chemical engineering.

10 I worked for several years as a research development
11 and process control engineer at -- at that time Hoechst
12 Fibers here in Spartanburg.

13 I then decided I wanted to go to medical school, and I
14 went to the Medical University of South Carolina. I
15 graduated in three years and three months by adding some
16 courses and actually working through summer and vacation.

17 I did research at the Medical University in nephrology
18 while I was there, which is kidney pathology and clinical
19 area of internal medicine. So I got credit for that. As
20 far as going to my residency, I did a combined anatomic
21 pathology residency.

22 I was the -- the chief resident in both anatomic and
23 clinical pathology while I was there. I did forensic
24 pathology and was Assistant Medical Examiner of Charleston
25 County from July of 1980 through the end of January of

Dr. John David Wren
Direct examination by Ms. Albee

1 1982 -- I mean, sorry -- '83.

2 while I was there, I -- with my -- the research I had
3 done both in -- I did biological systems engineering at
4 Clemson, which was life support systems connected with
5 biological processes. So I got credit for -- extra credit
6 toward taking my boards. So I finished my pathology
7 residency, and I was a pathology resident from February the
8 1st of 1979 until, like I said, the end of July -- January
9 1983.

10 I took advantage of some -- some vacation I had stored
11 up. So I came to work in Spartanburg in -- October the
12 18th, 1982. And since then I've been here doing pathology.

13 I took my anatomic and clinical pathology boards
14 separately and passed both of them. I was qualified for
15 taking forensic pathology, although I never got around to
16 finishing it. But I'm planning on taking it in -- I've
17 never taken it, but I'm planning on taking it next session
18 they have, which will be next September. But in the
19 meantime I've been board qual -- board -- I mean, I've been
20 qualified as a forensic pathology expert in probably half
21 the counties in South Carolina over the years.

22 Q Dr. Wren, approximately how many autopsies have you
23 performed in your time?

24 A I stopped --

25 MR. WHELCHER: Excuse me. I think I can help them.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002531

ORIGINAL

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JUL 26 2019

SC Court of Appeals

State of South Carolina, Respondent

v.

ANGELITA WRIGHT Appellant.

RECORD ON APPEAL (VOL. 2)

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Dr. John David Wren
Direct examination by Ms. Albee

1 Dr. Wren has been doing these autopsies since I was
2 their age and had their job. We don't have any problem
3 with his qualifications, Your Honor.

4 THE COURT: They'll stipulate he's an expert.

5 MS. ALBEE: Thank you, Your Honor, in forensic
6 pathology.

7 THE COURT: In forensic pathology.

8 Ladies and gentlemen, normally a person cannot give --
9 can only -- cannot give opinion testimony. But when a
10 person is qualified as an expert due to their education,
11 experience, skill and training they are permitted to give
12 an opinion.

13 He is qualified as an expert in forensic pathology?

14 MS. ALBEE: Yes, sir.

15 THE COURT: In forensic pathology.

16 Now, that does not mean that you must accept his
17 opinions. You are to give it whatever weight that you deem
18 appropriate. Thank you.

19 MS. ALBEE: Thank you, Your Honor.

20 Q Dr. Wren, did you perform the autopsy on Brent
21 Tessnear?

22 A Yes. I did a -- I did a complete autopsy on Brent Lee
23 Tessnear identified by the coroner's office in the
24 Spartanburg Medical Center Autopsy Room on December the
25 27th of 2015. And I began that autopsy at approximately

Dr. John David Wren
Direct examination by Ms. Albee

1 1:40 p.m.

2 Q And, if you could, describe to us what the body
3 visually looked like when you first saw it.

4 A He was clothed, although resuscitation attempts had
5 been made.

6 He had on a short-sleeve pullover t-shirt, teal
7 colored with some dried vomitus along the front, and a pair
8 of dark gray knee-length shorts with gray stripes down the
9 side and along the bottom. And he had medical equipment on
10 him, which routine type medical resuscitation. I can list
11 them. They are listed.

12 And the major thing I saw was an irregular torn area
13 in the right midchest that covered about 13 by
14 5 centimeters, which is about 5 by 2 inches. And there was
15 a pattern area along the left shoulder of the shirt near
16 the seam with linear marks separated by about half an inch
17 and covering an area of about 2 by 1 inch, which looked
18 like a tire mark to me.

19 Q And this was on the clothing?

20 A Yes.

21 Q And, if you could, explain to us the autopsy of
22 Mr. Tessnear.

23 A Well, at a forensic autopsy, it's a complete autopsy
24 to be act -- to be thorough.

25 Usually, we take a small -- a sketchy history or what

Dr. John David Wren
Direct examination by Ms. Albee

1 is basically known so it will remind us of when we get
2 ready to finish signing out the case and later what was
3 known at the time. I paraphrase what the coroner tells me
4 usually.

5 I usually don't listen to the police authorities who
6 usually come to some of the forensic autopsies,
7 particularly those that are trauma related, and I ask any
8 questions that I might. But I don't record all of those.

9 Then I examine the body as received describing any
10 clothing and any medical apparatus and any identifying
11 marks on them.

12 And once that's done we remove the clothing, wash the
13 body and describe any injuries externally that we see. And
14 then -- well, sampling any evidence that might be
15 present -- present. For instance, there might be -- you
16 might examine for hair or -- stuck on the body or scraped
17 fingernails if there's been an altercation and things like
18 that.

19 Then once that all is done we then do a complete
20 internal examination by reflecting the skin off of the
21 front of the body from the neck down and examine for any
22 internal injuries under the skin.

23 Sometimes one cannot see injuries until that is done
24 and actually sometimes not until the blood settles
25 afterwards. So we do that.

Dr. John David Wren
Direct examination by Ms. Albee

1 Then we remove the chest plate and examine and open
2 the abdomen up and examine the internal organs and describe
3 those to see what kind of injuries might have caused the
4 death if there was trauma involved.

5 Then we also examine the scalp and the brain the same
6 way.

7 Q And, Dr. Wren, you stated that you first kind of look
8 for external injuries. Were there any external injuries on
9 Mr. Tessnear?

10 A Yes. Rather than confuse everybody, I'll -- I'll just
11 go through the -- some of the things.

12 He had some abrasions about his face; he had some chip
13 marks, I thought, on his front teeth; he had a contusion of
14 his lip; he had some abrasions of his right side of his
15 face and little lacerations in those areas.

16 And then he had some abrasions and contusions
17 scattered over his body that were more -- some of them were
18 consistent with road-rash abrasions, they call it, where if
19 a person slides across a rough surface, then they will have
20 abrasions to the skin that are usually like scratch marks
21 that are closely approximated together and actually look
22 like road rash, they call it. Anybody that was slid on a
23 concrete surface, that would be the way it would look.

24 Q Dr. Wren, do you remember where these road rash
25 injuries were about Mr. Tessnear's body?

Dr. John David Wren
Direct examination by Ms. Albee

1 A Some of them were on his shoulders and back.

2 Q And what about any internal injuries on Mr. Tessnear?
3 Did you find any of those?

4 A Well, the worst injuries he had internally -- he did
5 have some resuscitation-associated injuries, I thought, to
6 his chest, because if someone is resuscitated and they do
7 chest compressions, they will fracture the sternum
8 sometimes. They'll fracture the ribs. I thought those
9 were probably secondary to the resuscitation attempts.

10 But he did have -- he had a little bit of blood in his
11 plural cavities, but not very much.

12 His major problem was his liver had actually ruptured
13 open from a pressure type injury or extreme blow to the
14 abdomen, although I didn't see anything externally. His
15 liver was actually fractured in half, if you want to use
16 the word fracture. It was a deep laceration that actually
17 separated the right lobe of the liver.

18 His right kidney also had a laceration across the top
19 that completely separated the top portion of the kidney
20 from the bottom.

21 Then he had extensive internal hemorrhage in the back
22 of the abdominal wall extending all the way from the
23 diaphragm down into the pelvis or -- and across the midline,
24 I mean, to the midline of the abdomen.

25 There were no lacerations to the liver, I mean, to the

Dr. John David Wren
Direct examination by Ms. Albee

1 aorta or any large vessels that I could see, although with
2 someone not bleeding at the time of autopsy it takes
3 meticulous dissection to try to find arteries that we can
4 see grossly with a naked eye.

5 But his liver definitely had some arteries that were
6 ruptured, because, like I said, the whole liver was
7 separated and macerated, we call it, where we just -- like
8 you'd taken it and -- and pulverized it. His liver was
9 loose within the abdominal cavity. That was the major
10 injury he had. He didn't have any to his scalp.

11 Q Is it easy to masterate a liver, what you're
12 describing to us, or does that take a lot of force?

13 A It takes a good -- it -- it takes either constant
14 pressure force or an extreme blow to cause a liver to
15 lacerate like that. Like, if you can imagine taking a -- a
16 balloon that's -- or anything that's filled with a liquid,
17 and if you press on it hard enough it'll eventually
18 rupture. And that's basically what happened. Or you can
19 hit it extremely hard and it can rupture.

20 Q Were you able to determine a cause of death in this
21 case?

22 A Yes. I assigned a cause of death in this case as --
23 read you exactly what I wrote.

24 "Internal hemorrhage secondary to lacerated liver and
25 kidneys, secondary to blunt force trauma." And I put

1 consistent with a pedestrian versus vehicle encounter.

2 Q Can you --

3 A It's consistent with it. It doesn't say absolutely,
4 but it was consistent with it, which I found out later that
5 it was most likely a runover, which fit everything I saw.

6 Q And, Dr. Wren, you said that there were some
7 resuscitation attempts. Is there any way to determine how
8 long Mr. Tessnear would have survived after sustaining
9 these injuries?

10 A You mean the ones that were real, the ones that
11 occurred, not from recitation?

12 Q Yes, sir. The internal hemorrhaging that you were
13 talking about. Would that have caused his death
14 immediately or --

15 A Well, you -- you essentially bleed to death. And it
16 probably took about 20 to 30 minutes if nothing else had
17 been done.

18 MS. ALBEE: Your Honor, may I have one second?

19 (Pause.)

20 MS. ALBEE: Your Honor, I have no further questions
21 for Dr. Wren at this time.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. WHELCHER

25 Q Dr. Wren, your report shows that there were

1 amphetamines in the deceased's system, is that correct?

2 A Well, that's what SLED said, yes.

3 Q In addition to that there was, I think, a
4 181-milligram per deciliter alcohol, is that correct?

5 A That's correct.

6 Q That'd be the equivalent of .18, is that right?

7 A That's correct.

8 Q Okay. Would -- would the drugs in the system have an
9 effect on the body's ability to withstand or prolong in any
10 way this 30-minute period you were talking about?

11 A Amphetamines would speed it up. The alcohol probably
12 wouldn't do anything.

13 Q Okay. And some of the -- some of the injuries to this
14 particular individual, Mr. Tessnear, when you and I were
15 talking earlier -- some of these injuries, not the liver or
16 the kidney injury and not the broken bone, I mean, not the
17 broken ribs from resuscitation effects, but some of the
18 other injuries that you noted, those could be as the result
19 of an assault, is that correct?

20 A The ones that I defaced possibly could have been. He
21 didn't have any injuries to any of his hands. So if he
22 were assaulted, he didn't fight back.

23 Q Okay. You don't know or you can't tell if he was hit
24 by a vehicle while walking or run over by a vehicle while
25 he was already in the road, is that correct?

1 A I don't think he was run over. I think it was more
2 likely he was -- that a vehicle would have pressed up
3 against him, against something, and because I didn't see
4 any evidence that the vehicle completely rolled over him,
5 because usually when people are hit and run over actually
6 the -- you'll get grease from under the car and it'll toss
7 you around and you'll find more -- more -- you'll find
8 grease and dirt on your clothes, which he didn't have any
9 of that that I remember.

10 Q But he had tire marks.

11 A He had what I thought was a tire mark on his
12 shoulder -- shirt, yeah -- and a lac -- and a torn area
13 there.

14 Now, he could have been actually hit hard enough --
15 with blunt force unless -- an injury from blunt force -- if
16 I hit someone with a two by four that injury -- that side
17 of a two by four or even the other side, the longer, the
18 wider side, if someone hits somebody with that it can break
19 bones. But what happens is when the -- when the -- when
20 the force hits the body it presses the blood away from the
21 middle and it blanches it out. So you can see the outline
22 of the force as it hits, and then you'll have hemorrhage on
23 either side of it.

24 Now, it can hemorrhage into the middle. But most of
25 the time you can tell that it was -- it was an object like