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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SAMUEL LAMAR BURNSIDE,

APPELLANT

APPELLATE CASE NO. 2020-000133

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS
2019-GS-23-08759

STATE OF SOUTH CAROLINA,)

vs.)
)
SAMUEL LAMAR BURNSIDE,)
)
DEFENDANT.)

TRANSCRIPT OF RECORD

ORIGINAL

January 6, 7, and 8, 2020
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE; and a jury.

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

BRIAN J. MORONEY, JR., ESQ.
ANTHONY J. MCCOLLUM, JR., ESQ.
Assistant Solicitors

KENNETH C. GIBSON, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

P R O C E E D I N G S

1
2 (WHEREUPON, State's Exhibit Nos. 4, 5, 6, 7, 8, and 9
3 were marked for identification only.)

4 THE COURT: We've got 40 coming up.

5 Do y'all got anything you want me to ask them?

6 MR. MORONEY: Nothing additional from the State other
7 than the standard qualifications.

8 MR. GIBSON: Standard stuff, Your Honor. Crimes --
9 I'd like to know whether or not -- if any members of their
10 family have been the victim of a crime of violence or
11 murder, standard stuff.

12 THE COURT: How about a witness list?

13 MR. GIBSON: My -- the only witness I may call, Your
14 Honor, would be my client.

15 THE COURT: Okay. The State doesn't have any
16 witnesses?

17 MR. GIBSON: No, sir. They do not.

18 THE COURT: How long do you anticipate this case is
19 going to last?

20 MR. MORONEY: Three days, four, at the most, Your
21 Honor.

22 THE COURT: Okay.

23 MR. GIBSON: Their show, Your Honor.

24 THE COURT: All right. Well, 10 and five. And we'll
25 get two alternates.

1 All right. Let's get them.

2 THE CLERK: You said 40?

3 THE COURT: 40.

4 MR. MORONEY: Your Honor, we will have an amendment
5 to the indictment for a scribbler's error regarding the
6 date. I just wanted to advise you of that.

7 THE COURT: Well, that's good. What date?

8 MR. MORONEY: On the front of the indictment, as well
9 as on the back with respect to the second count. It
10 should be the 5th day of August, 2017. And that's only
11 with respect to count two on the rear of the indictment.
12 Count one is accurate. That's a scribbler's error.

13 THE COURT: Any objection?

14 MR. GIBSON: No objection, Your Honor.

15 THE COURT: Okay.

16 (WHEREUPON, the jury panel entered the courtroom.)

17 THE COURT: All right. Ladies and gentlemen, welcome
18 up to courtroom number four. And happy new year.

19 My name is Ned Miller. I'm one of your local
20 Thirteenth Circuit -- Circuit Court judges. And it's my
21 pleasure to be holding a term of General Sessions court
22 this week. That's criminal court in common parlance.

23 You all have been qualified by Judge Stilwell
24 downstairs to serve as jurors for the week. And now we
25 have to qualify you to serve as jurors for this particular

1 case. So I'm going to ask another series of short
2 questions. And, please, remember to give full, truthful,
3 and complete answers to all those questions.

4 Before I begin that, though, let me introduce the
5 case to you. This is the State of South Carolina v.
6 Samuel Lamar Burnside. And this is an indictment -- a
7 two-count indictment for murder and possession of a weapon
8 during the commission of a violent crime. In this
9 indictment, count one alleges that Samuel Lamar Burnside
10 did in Greenville County on or about the 5th day of
11 August, 2017, unlawfully and with malice aforethought kill
12 Catherine Clark by means of shooting her with a handgun,
13 and that Catherine Clark died as a proximate result
14 thereof.

15 Count two, possession of a weapon during the
16 commission of a violent crime. And this count alleges
17 that Samuel Lamar Burnside did in Greenville County on or
18 about the 5th day of August, 2017, possess or visibly
19 display a handgun during the commission or attempted
20 commission of a violent crime, that is murder.

21 Now, to these -- to this indictment to these two
22 counts, the Defendant has pled not guilty. And as such,
23 certain rights attach to him that belong to every person
24 in this country who is charged with a criminal offense.
25 And that is he is presumed to be innocent, unless and

1 until the charging body can prove to a jury beyond any
2 reasonable doubt each and every element of each count that
3 is alleged against him. Please keep that in mind
4 throughout the course of these proceedings.

5 I would, also, tell you that this indictment, which I
6 have read to you, is nothing more than it appears to be.
7 It's just a piece of paper that contains the allegations
8 made against this Defendant. And it's just a formal
9 document that allows the case to wind its way through our
10 system to arrive here in court for resolution. And,
11 please, don't make any presumption or take any inference
12 from the fact that this document has issued. As I said,
13 it's just the formal document that allows the case to be
14 processed in our system.

15 Now, before I begin asking any questions, I'll ask
16 the attorneys to stand and identify themselves and their
17 client.

18 MR. MORONEY: Good morning.

19 My name is Brian Moroney from the Thirteenth Circuit
20 Solicitor's Office. I'm the prosecutor in this case.
21 Seated next to me here is Anthony McCollum, who is, also,
22 an assistant solicitor -- prosecutor; Andrea Phillips, a
23 legal investigator in our office; as well as lead
24 investigator from the Greenville County Sheriff's Office,
25 David Picone.

1 THE COURT: Thank you.

2 Mr. Gibson.

3 MR. GIBSON: Good morning, ladies and gentlemen.

4 I am Ken Gibson. I'm a local criminal defense
5 attorney. I am here with my client, Sam Burnside.

6 Thank you for coming.

7 JURY QUALIFICATION

8 THE COURT: All right. Ladies and gentlemen, is
9 there any member of the jury panel who is related by blood
10 or marriage, or who has a business, personal, or social
11 relationship with any of the attorneys involved in this
12 case or any member of the Thirteenth Circuit Solicitor's
13 Offices? If so, please, stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Is there any member of the jury panel who
16 is related by blood or marriage, or who has a business,
17 personal, or social relationship with Samuel Lamar
18 Burnside or Catherine Clark? If so, please, stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: I'm going to read a list of potential
21 witnesses, and I'll need to know the same about these
22 folks. So, please, listen carefully. Teresa Johnson with
23 Greenville County 911; Jeff Llewellyn; Shannon McHale with
24 the sheriff's office; Devante Lewis; Dr. Michael Ward with
25 the Greenville County Medical Examiner's

1 Office; Teresa Chandler; Catherine Dunlap; Brenda
2 McDaniel; Adam Hempel with Greenville County forensics;
3 Dustin Kretschmar with the forensics office; Forrester
4 Ellison with the forensics office; Tim Nafziger with the
5 Greenville County DNA lab; Dr. Kandala with the Greenville
6 County DNA lab; Tyler Bucholtz with Greenville County
7 forensics; Dar Shaw, Greenville County forensics; Kara
8 Bennick with Greenville County Property and Evidence;
9 Clinton Johnson; Ronnie Duncan; Kiki Peoples; Sue Johnson
10 Kania; Dan Kelly with the sheriff's office; Tina
11 Henderson; Roville Williams; Charles Moore with the
12 Greenville County Detention Center; James Armstrong with
13 the Greenville County Department of Public Safety; David
14 Picone with the sheriff's office; Chad Maltby with the
15 sheriff's office; Jacob Walters with the sheriff's office;
16 and Danzetter Burnside.

17 Is there any member of the jury panel who is related
18 by blood or marriage, or who has a business, personal, or
19 social relationship with any of those potential witnesses
20 whose names I've just read? If so, please, stand.

21 JUROR #61, STEPHANIE DAWKINS: I think I know Tina
22 Henderson --

23 THE COURT: Okay. Hang -- hang on. What -- state
24 your name and your number for me.

25 JUROR #61, STEPHANIE DAWKINS: Stephanie Dawkins, #61.

1 Tina Henderson's my cousin's little sister. So I
2 know her.

3 THE COURT: All right. Thank you.

4 All right. Yes, ma'am. Your name and number?

5 JUROR #71, LAURIE FITE: Laurie Fite, #71.

6 My daughter works in -- as a call taker for the
7 Greenville sheriff. She was not working at the time of
8 the incident.

9 THE COURT: Okay.

10 JUROR #71, LAURIE FITE: Just to make sure you're
11 aware.

12 THE COURT: All right. Thank you, ma'am.

13 Yes, sir. Your name and number?

14 JUROR #238, CLAUDE R. YOUNGBLOOD: #238, Bobby [sic]
15 Youngblood.

16 Not a family relationship, but an investigator that
17 was mentioned is a former player from a program that I
18 coached at one time.

19 THE COURT: How long ago was that?

20 JUROR #238, CLAUDE R. YOUNGBLOOD: Oh, that's been
21 about -- it's been a while. It's been about 20 years
22 plus.

23 THE COURT: Okay. Well, to those three persons who
24 answered that question, is -- would the fact that you have
25 that relationship --

1 You can sit down.

2 If you have that relationship, the fact that you had
3 that relationship, would it impair your ability to be fair
4 and impartial in this case? And would it impair your
5 ability to judge the evidence based solely on what you
6 hear in the courtroom and the law as I would give it to
7 you? If you can't be fair and impartial about those
8 things, please, stand and let us know now.

9 (WHEREUPON, there was no response.)

10 THE COURT: Okay. Thank you.

11 All right. Is there any member of the jury panel who
12 has any knowledge about the events that are alleged in the
13 indictment? If so, please, stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Is there any member of the jury panel, a
16 family member, or friend who's ever been the victim of or
17 charged with this type of offense? If so, please, stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Is there any member of the jury panel who
20 is aware of any bias or prejudice towards either the State
21 or the Defendant? If so, please, stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Is there any member of the jury panel who
24 is a member of or a contributor to a group whose primary
25 concern is the promotion of law enforcement or victim's

1 rights? Examples would be MADD, SADD, or CAVE. If so,
2 please, stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: Is there any member of the jury panel who
5 knows of any reason whatsoever why you should not serve in
6 this case with particular emphasis on your ability to be
7 fair and impartial to both the State and the Defense, and
8 to judge the case based solely on the merits of the
9 evidence presented in this courtroom, and the law as I
10 would give it to you? If you can't do that, please, stand
11 now and let us know.

12 (WHEREUPON, there was no response.)

13 THE COURT: All right. Thank you.

14 Let me talk to the lawyers up here for one second.

15 (WHEREUPON, a bench conference was held.)

16 THE COURT: All right. Ladies and gentlemen, we're
17 going to bend -- begin the process of striking the jury.
18 It will be painless for you, I hope. The -- when your
19 name is called, please, stand in place and await further
20 instructions.

21 All right. Madam Clerk.

22 JURY SELECTION

23 THE CLERK: Juror #22, Kristin Brooks, please, stand.

24 (WHEREUPON, Kristin Brooks, a white female, stood.)

25 THE CLERK: What says the State?

1 MR. MORONEY: Please present this juror.

2 THE CLERK: What says the Defendant?

3 MR. GIBSON: Please excuse this juror.

4 THE CLERK: Please take a seat. You've been excused.

5 Juror #237, Lance Young.

6 (WHEREUPON, Lance Young, a black male, stood.)

7 THE CLERK: What says the State?

8 MR. MORONEY: Please excuse this juror.

9 THE CLERK: Please take a seat, sir. You've been
10 excused.

11 Juror #61, Stephanie Dawkins.

12 (WHEREUPON, Stephanie Dawkins, a black female, stood.)

13 THE CLERK: What says the State?

14 MR. MORONEY: Please present this juror.

15 THE CLERK: What says the Defendant?

16 MR. GIBSON: Please present this juror.

17 THE CLERK: Ma'am, please, grab your stuff and
18 proceed to our jury box.

19 Juror #20, Jeremy Bridges.

20 (WHEREUPON, Jeremy Bridges, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. MORONEY: Please present this juror.

23 THE CLERK: What says the Defendant?

24 MR. GIBSON: Please present this juror.

25 THE CLERK: Sir, please, proceed to our jury box.

1 Juror #116, Susan Key.

2 (WHEREUPON, Susan Key, a white female, stood.)

3 THE CLERK: What says the State?

4 MR. MORONEY: Please present this juror.

5 THE CLERK: What says the Defendant?

6 MR. GIBSON: Please excuse this juror.

7 THE CLERK: Please take a seat, ma'am. You've been
8 excused.

9 Juror #6, Sara Anderson.

10 (WHEREUPON, Sara Anderson, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. MORONEY: Please present this juror.

13 THE CLERK: What says the Defendant?

14 MR. GIBSON: Please present this juror.

15 THE CLERK: Ma'am, please, proceed to our jury box.

16 Juror #139, Lawrence McDowell.

17 (WHEREUPON, Lawrence McDowell, a black male, stood.)

18 THE CLERK: What says the State?

19 MR. MORONEY: Please excuse this juror.

20 THE CLERK: Sir, please, take a seat. You've been
21 excused.

22 Juror #191, Sabrina Smith.

23 (WHEREUPON, Sabrina Smith, a white female, stood.)

24 THE CLERK: What says the State?

25 MR. MORONEY: Please present this juror.

1 THE CLERK: What says the Defendant?

2 MR. GIBSON: Please excuse this juror.

3 THE CLERK: Ma'am, please, take a seat.

4 Juror #236, Joseph Young.

5 (WHEREUPON, Joseph Young, a white male, stood.)

6 THE CLERK: What says the State?

7 MR. MORONEY: Please present this juror.

8 THE CLERK: What says the Defendant?

9 MR. GIBSON: Please excuse this juror.

10 THE CLERK: Sir, please, take a seat.

11 Juror #163, Ellen Page.

12 (WHEREUPON, Ellen Page, a white female, stood.)

13 THE CLERK: What says the State?

14 MR. MORONEY: Please present this juror.

15 THE CLERK: What says the Defendant?

16 MR. GIBSON: Please present this juror.

17 THE CLERK: Juror #110, Alex Humphrey.

18 (WHEREUPON, Alex Humphrey, a white male, stood.)

19 THE CLERK: What says the State?

20 MR. MORONEY: Please present this juror.

21 THE CLERK: What says the Defendant?

22 MR. GIBSON: Please present this juror.

23 THE CLERK: Sir, please, proceed to our jury box.

24 Juror #23, Marietta Brooks.

25 (WHEREUPON, Marietta Brooks, a white female, stood.)

1 THE CLERK: What says the State?
2 MR. MORONEY: Please present this juror.
3 THE CLERK: What says the Defendant?
4 MR. GIBSON: Please excuse this juror.
5 THE CLERK: Ma'am, take a seat.
6 Juror #135, Mary Matthew.
7 (WHEREUPON, Mary Matthew, a white female, stood.)
8 THE CLERK: What says the State?
9 MR. MORONEY: Please present this juror.
10 THE CLERK: What says the Defendant?
11 MR. GIBSON: Please excuse this juror.
12 THE CLERK: Ma'am, take a seat.
13 Juror #101, Alex Hilbert.
14 (WHEREUPON, Alex Hilbert, a white male, stood.)
15 THE CLERK: What says the State?
16 MR. MORONEY: Please present this juror.
17 THE CLERK: What says the Defendant?
18 MR. GIBSON: Please present this juror.
19 THE CLERK: Sir, please, proceed to our jury box.
20 Juror #138, Nicolas McCraw.
21 (WHEREUPON, Nicholas McCraw, a white male, stood.)
22 THE CLERK: What says the State?
23 MR. MORONEY: Please present this juror.
24 THE CLERK: What says the Defendant?
25 MR. GIBSON: Please excuse this juror.

1 THE CLERK: Sir, please, take a seat.

2 Juror #75, Tatiana Garcia.

3 (WHEREUPON, Tatiana Garcia, a Hispanic female, stood.)

4 THE CLERK: What says the State?

5 MR. MORONEY: Please present this juror.

6 THE CLERK: What says the Defendant?

7 MR. GIBSON: Please present this juror.

8 THE CLERK: Ma'am, please, proceed to our jury box.

9 Juror #34, Rhonda Cameron.

10 (WHEREUPON, Rhonda Cameron, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. MORONEY: Please present this juror.

13 THE CLERK: What says the Defendant?

14 MR. GIBSON: Please present this juror.

15 THE CLERK: Juror #154, Carol Mullan.

16 (WHEREUPON, Carol Mullan, a white female, stood.)

17 THE CLERK: What says the State?

18 MR. MORONEY: Please present this juror.

19 THE CLERK: What says the Defendant?

20 MR. GIBSON: Please present this juror.

21 THE CLERK: Juror #67, Robert Dwyer.

22 (WHEREUPON, Robert Dwyer, a white male, stood.)

23 THE CLERK: What says the State?

24 MR. MORONEY: Please present this juror.

25 THE CLERK: What says the Defendant?

1 MR. GIBSON: Please excuse this juror.

2 THE CLERK: Sir, please, take a seat.

3 Juror #29, Taylor Brown.

4 (WHEREUPON, Taylor Brown, a black female, stood.)

5 THE CLERK: What says the State?

6 MR. MORONEY: Please present this juror.

7 THE CLERK: What says the Defendant?

8 MR. GIBSON: Please present this juror.

9 THE CLERK: Juror #90, Allison Gregg.

10 (WHEREUPON, Allison Gregg, a white female, stood.)

11 THE CLERK: What says the State?

12 MR. MORONEY: Please present this juror.

13 THE CLERK: What says the Defendant?

14 MR. GIBSON: Please present this juror.

15 THE CLERK: Ma'am, please, proceed.

16 Juror #197, Joseph Spillers.

17 (WHEREUPON, Joseph Spillers, a white male, stood.)

18 THE CLERK: What says the State?

19 MR. MORONEY: Please present this juror.

20 THE CLERK: What says the Defendant?

21 MR. GIBSON: Please present this juror.

22 THE COURT: All right. Two alternates, two and one.

23 THE CLERK: Juror #60, William Davis.

24 (WHEREUPON, William Davis, a white male, stood.)

25 THE CLERK: What says the State?

1 MR. MORONEY: Please excuse this juror.

2 THE CLERK: Sir, take a seat, please.

3 Juror #238, Claude Youngblood.

4 (WHEREUPON, Claude Youngblood, a white male, stood.)

5 THE CLERK: What says the State?

6 MR. MORONEY: Please present him.

7 MR. GIBSON: Please excuse this juror.

8 THE CLERK: Sir, please, take a seat.

9 Juror #38, Ashley Carlson.

10 (WHEREUPON, Ashley Carlson, a white female, stood.)

11 MR. MORONEY: Please present the juror.

12 THE CLERK: What says the Defendant?

13 MR. GIBSON: Please present this juror.

14 THE CLERK: Ma'am, please, proceed.

15 Juror #117, Allison Kirtz.

16 (WHEREUPON, Allison Kirtz, a black female, stood.)

17 THE CLERK: What says the State.

18 MR. MORONEY: Please present this juror.

19 THE CLERK: What says the Defendant?

20 MR. GIBSON: Please present this juror.

21 THE CLERK: Ma'am, please proceed to our jury box.

22 THE COURT: All right. Any exception or objection to
23 the jury as impaneled pursuant to Batson or J.E.B.?

24 MR. GIBSON: I will, Your Honor.

25 THE COURT: Okay.

1 MR. GIBSON: I'd like to address it outside the
2 presence --

3 THE COURT: Y'all, come up and talk to me for a
4 minute.

5 (WHEREUPON, a bench conference was held.)

6 THE COURT: All right. Ladies and gentlemen, we have
7 two distinct groups in here. And one group thinks they
8 won the lottery, and one group thinks they didn't. I
9 think this group that was selected won the lottery. I
10 think they are very fortunate to participate in our
11 justice system.

12 This system doesn't belong to me, or any of the
13 lawyers, or courthouse staff. It belongs to each and
14 every one of us. And it is a great honor, privilege, and
15 responsibility to serve on a jury.

16 So the week is young. And I hope that you all will
17 get a chance to serve, but not today in this case.

18 So with that, I would excuse you all back down to the
19 jury assembly room.

20 Thank you.

21 (WHEREUPON, the remaining jury panel members exited
22 the courtroom.)

23 INTRODUCTORY REMARKS

24 THE COURT: Okay. Ladies and gentlemen, I'm quite
25 sincere when I say that I think you all are the fortunate.

1 ones to be selected to serve. It's very unusual, in my
2 understanding, when you're called up to the courthouse to
3 sit downstairs in the assembly room, rarer still to be
4 called to the courtroom, and very rare to be selected to
5 serve on a jury. And, as I said, it is a very grave and
6 important, solemn duty, and responsibility. And we
7 appreciate you all coming up here to serve.

8 I want to tell you that we have a dispute about the
9 facts in this case which cannot be resolved in any fashion
10 other than to ask a jury to come up and listen to the
11 evidence presented in this courtroom, and the law as I
12 will give it to you, and come to a decision at the
13 conclusion of the case, which will resolve this dispute.
14 And that is your job and what we will ask you to do.

15 I would remind you that the indictment that I read to
16 you is not evidence, and you should make no presumption or
17 take any inference from the fact that it issued. It is
18 just the formal document that contains the allegations
19 made against this individual, and allows this case to wind
20 its way through our system for a resolution up here today.

21 I, also, remind you that some of the pillars of our
22 justice system are that anyone who is charged with a crime
23 is presumed to be innocent, unless and until the charging
24 body, in this case the State of South Carolina, can prove
25 to you all beyond any reasonable doubt each and every

1 element of each offense that that person is charged with.
2 Please remember that throughout the course of the
3 proceedings.

4 Now, for your benefit, I break a case into five parts
5 so you have a -- what I call a procedural road map to know
6 where you are and what's coming next. The first part will
7 be the opening statements to you by the attorneys. They
8 are brief, non-argumentative statements to you about the
9 case where they introduce it to you.

10 The second part of the trial is the meat and potatoes
11 of each and every case, and that is the presentation of
12 the evidence in the -- in the case. And evidence will
13 come to you, generally, in one of three ways.

14 The first way that I think of most commonly is
15 through the presentation of oral testimony from the
16 witness stand. The second most common way is through the
17 introduction of tangible documents or objects. And the
18 third most common way is when the lawyers and the parties
19 agree that some fact is so beyond dispute that you should
20 accept it as true. And that's what we call a stipulation
21 of the parties. I don't know the combination that the
22 evidence will come to you in, but it will be in one of
23 those three ways.

24 The third part of the trial will be at the conclusion
25 of the evidence when all of the evidence is in. The

1 lawyers will make their closing arguments to you. That's
2 when they advocate their position and urge you to resolve
3 the dispute in their favor.

4 The fourth part of the trial will be when I charge
5 you as to what the law is as it applies to this case. And
6 the fifth part of the trial will be when you all retire to
7 your jury room to deliberate on the case and to resolve
8 this dispute.

9 So the parts are not of equal length. And as you can
10 imagine, the second part, the evidence, is, generally, the
11 longest part of each and every trial. If you can remember
12 that little road map, you'll kind of know where you are
13 and what's -- what's coming next.

14 I'm sure I'm going to ask you to do a number of
15 things in -- in the trial. There are three main things I
16 ask you to do. The first is to keep an open mind. And
17 that's why we go through all the questioning to ensure
18 that we have a fair and impartial jury who will judge the
19 case on the merits of the evidence presented and the law
20 as I will give it to you.

21 The second thing I'll ask you to do, which is -- can
22 be difficult, is to pay attention. And if you were to let
23 your mind wander off during the trial, you might miss an
24 answer to a question. You might miss the way a witness
25 answers the question, which might in your deliberations

1 become important. And then if you had -- had let your
2 mind wander off, you would be at a disadvantage in the
3 deliberations. So, please, pay attention.

4 Then the third most important thing I ask you to do
5 and instruct you to do is to not discuss the facts of this
6 case with anyone until you are free to deliberate at the
7 conclusion of the case. And I know this case is going to
8 take longer than a day. It might take more than two days.
9 And you will be -- we're going to break for lunch in just
10 a second. You don't know anything about the case yet.

11 But when you break -- we break for the evening if you
12 go home and you see family, friends, someone you like and
13 trust, you can't discuss the facts of the case with them.
14 Because even an innocent comment from someone who you like
15 and trust might have an impact on your state of mind with
16 respect to this case.

17 And that wouldn't be fair to the parties involved.
18 It wouldn't be fair to your fellow jurors. And, most
19 importantly, it wouldn't be fair to yourself to allow
20 someone who is not making the sacrifices that each of you
21 are making to have any input in the outcome of the trial.
22 We don't care what those people think. And we are only
23 interested in what you all think at the conclusion of the
24 trial.

25 So don't discuss it. And that includes not doing any

1 research in a book, online, social media. Don't go visit
2 a location that you might hear about in the course of the
3 trial. Everything that you need to know to resolve this
4 dispute you will hear in this courtroom. And all of it
5 will be subject to Constitutional protections and
6 scrutiny. So, please, keep that in mind throughout the
7 course of the trial.

8 I, also, want to tell you that you all are the sole
9 judges of the facts in this case. A trial judge is by law
10 not allowed to have an opinion about the facts of the
11 case. So don't think by anything I say or do throughout
12 the course of the trial that I have such an opinion. It
13 is up to you all to decide what to believe, what you
14 consider to be true, and what you consider to be not true.
15 So, please, remember that.

16 And then that same law makes me the sole judge of the
17 law in the case. So if you have any idea as to what you
18 think the law ought to be or what the law is and it
19 differs from what I tell you the law is throughout the
20 course of the trial and at the end of the trial, you'll
21 swear an oath to set aside your own opinion and apply the
22 law precisely as I state it to you. We are a country with
23 a rule of law. And if you do that, it ensures that
24 everyone is tried by the same law up here in court.

25 I'm going to excuse you all now. And this is --

1 we've got -- you'll -- you'll -- you saw me have a little
2 bench conference with the lawyers. Part of that and what
3 we're going to do when I excuse you is we've got some
4 legal issues to discuss. It involves things that may or
5 may not be admissible. And if we determine -- or I
6 determine that they are not admissible, then I hope you
7 can understand why you shouldn't be here to -- to hear
8 that. So we are not trying to deceive you in any way when
9 we do these things. But we may well be trying to keep
10 something from you to ensure that what you do hear is
11 appropriate and legally correct.

12 So I'm going to excuse you now. I'm going to ask you
13 to be back at 2:30. We have a fair amount to do. And
14 when you get back, if you all could decide among
15 yourselves from the first 12 -- the alternates are not --
16 cannot be part of this -- who you would like to serve as
17 your Foreperson. I always let jury's try to decide that
18 themselves. And the Foreperson is the moderator of
19 discussions at the conclusion of the trial and the
20 spokesperson for the jury in the courtroom, should that
21 become necessary.

22 So with that, ladies and gentlemen, I'm going to
23 excuse you. Please have a pleasant lunch. And we will
24 see you back at 2:30. And if you would -- we'll show you
25 the secret back way out of the courthouse.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 12:04 p.m.)

3 BATSON MOTION

4 THE COURT: All right. We had a bench conference.
5 Mr. Gibson.

6 MR. GIBSON: Yes, Your Honor. I am making a
7 challenge to this jury based upon Batson v. Kentucky. My
8 client is a black male that the Prosecutor in this case --
9 excuse me, there were two black males in the panel that
10 was presented. The State in this case struck both of
11 those two black males. We believe that those -- those
12 strikes were in violation of Batson.

13 I believe, at this point, I've made a prima facie
14 case and it switches over to Mr. Moroney.

15 THE COURT: All right.

16 MR. MORONEY: Yes, Your Honor. As you're well aware,
17 Batson v. Kentucky in concert with J.E.B. v. Alabama, 511
18 U.S. 127, prohibits race or gener as a primary purpose for
19 an exclusion of a juror. Particularly, in this case, I
20 believe there's two jurors in question that Mr. Gibson is
21 arguing here.

22 Very briefly, we can address --

23 THE COURT: Let's -- let's get this right. It's
24 Juror #237 and Juror #139.

25 Am I correct about that?

1 MR. MORONEY: That is correct, Your Honor.

2 THE COURT: Make sure. Mr. Gibson's the one making
3 the motion. Make sure he's --

4 MR. GIBSON: Yes, Your Honor. That is correct.

5 THE COURT: All right. Go ahead.

6 MR. MORONEY: First, with respect to Juror #139, the
7 criminal history check prior to this trial revealed that
8 in 2012, Juror #139 had a possession of marijuana in
9 Alabama and carrying a concealed weapon in Alabama, as
10 well as a possession of drug paraphernalia in Alabama.
11 It's showing no disposition for those.

12 And in 2019, a possession of marijuana that's
13 currently pending here in magistrate's court in Greenville
14 County, as well as an unlawful carrying of a pistol that's
15 pending with the Thirteenth Circuit Solicitor's Office and
16 has not yet been assigned.

17 Exclusively based on that reason, the juror we did
18 not feel would be qualified. And that would be the reason
19 for that strike.

20 THE COURT: Okay. And that is which juror?

21 MR. MORONEY: That is Juror #139, Your Honor.

22 THE COURT: Okay. I'm going to find that is a
23 race-neutral reason.

24 MR. MORONEY: And, Your Honor, finally, with respect
25 to Juror #237, the Defendant's [sic] age being born after

1 2001 -- and I can get the specific date of birth for you.
2 Born [REDACTED]. That in addition -- first, let me
3 address the age. I believe that age, and the gravity of
4 this case, and the many nuances that we'll get into over
5 the next several days, I just had concerns that with his
6 young age, he would not be able to appreciate those -- the
7 detailed nature of this case that's to be presented.

8 And I point you to State v. Easler, 322 S.C. 333,
9 that a strike explanation need not be clear, reasonably
10 specific, or legitimate. It only needs to be race or
11 gender neutral.

12 And, furthermore, State v. Green, 306 S.C. 94,
13 references a lack of life experience being a credible
14 reason for the same reason that unemployment is a
15 sufficient reason for a strike under State v. Ford, 334
16 S.C. 59, which coincidentally this Defendant -- this juror
17 was, also, unemployed.

18 So for the reasons of age, and unemployment, and
19 having nothing to do, of course, with race or gender, we
20 believe the strike, certainly, was proper.

21 THE COURT: Okay.

22 MR GIBSON: Your Honor, I believe that both of those
23 reasons are pretextual. Specifically, as to #139, the
24 State is saying that they kicked him from the panel
25 because of a prior criminal history. While doing that,

1 they, also, let another juror, a white juror, a white
2 female juror, Juror #34, who, also, has a prior criminal
3 history on to the jury.

4 As to the age of the other Defendant [sic], I have
5 never heard of that being a legitimate reason to -- to
6 kick a juror off. Now, at the bench, the State said that
7 he was not attentive. I sat through the -- the general
8 juror qualification that happened downstairs. I watched
9 the juror as he came into the room. He was extremely
10 attentive through most of the -- the stage that went on
11 downstairs. He was, actually, at the edge of his seat
12 leaning forward listening to what Judge Stilwell was
13 saying.

14 It just seems -- seems very pretextual that the two
15 members of these -- these things supposedly are so
16 important that the State can't let them on only apply to
17 the two black males that were in the jury panel.

18 MR. MORONEY: Your Honor, we have seated one juror
19 who has a prior conviction for a fraud check from 1990 --
20 excuse me, '84, from 1984.

21 However, with respect to Juror #139, there's pending
22 charges in the Thirteenth Circuit Solicitor's Office
23 currently.

24 THE COURT: Yeah. That's --

25 MR. MORONEY: And that's the primary reason.

1 And I'd just like to mention that currently seated in
2 the jury box, we have three African-American jurors,
3 Jurors #117, #61, and #29.

4 THE COURT: Okay.

5 MR. GIBSON: And, Your Honor, I just point out that
6 none of those three African-American jurors are black
7 males, which is the demographic from which the Defendant
8 is a member of.

9 MR. MORONEY: And, Your Honor, just for the record,
10 our reason for excluding the juror was neither race nor
11 gender related.

12 MR. GIBSON: But it was pretextual.

13 THE COURT: I'm kind of mystified why you're relying
14 on Easler. It seems to say the exact opposite.

15 MR. MORONEY: Specifically, with the -- the text that
16 I have quoted that the explanation need not be clear,
17 reasonably specific, or legitimate. It only needs to be
18 race or gender neutral.

19 THE COURT: Well, if I'm reading correctly, the trial
20 judge did not err in finding appellant was unable to
21 articulate a racially-neutral explanation for preemptory
22 challenge. The Defense counsel asserted that he struck
23 this juror because of age. However, age cannot be
24 considered a racially neutral explanation since the
25 opposing party failed to strike -- or the appellant --

1 excuse me -- failed to strike several white venire persons
2 in the same age bracket.

3 So you're going to have to get a little more -- and
4 at the bench conference, Mr. Gibson did question the --
5 another white male juror who appeared of a youthful age.

6 So how can you distinguish that?

7 MR. MORONEY: Your Honor, that juror that we spoke at
8 the bench about was born in 1995. This juror was born in
9 2001. We're, you know, talking about a six-year age
10 difference, which is meaningful. And the juror that's in
11 question is, essentially, a teenager, almost 20 years old.
12 And the juror that Mr. Gibson was referencing that's
13 already been seated was significantly older.

14 The -- we mentioned at the bench conference -- and to
15 put on the record here, there were, also, concerns,
16 although I understand that Mr. Gibson disputes that, of
17 this juror -- and this goes hand in hand with his age and
18 the concerns we had. I'm not saying that he was twiddling
19 his thumbs looking at the ceiling, but he did not appear
20 to me, in my opinion, to have -- be as focused and
21 appreciate the gravity of the situation that he was about
22 to undertake potentially, if selected.

23 THE COURT: Okay.

24 MR. MORONEY: And it's worth -- worth noting that the
25 Defendant [sic] is unemployed. And that is, per the case

1 law, another valid reason.

2 THE COURT: So you're considering his demeanor and
3 facial expressions when you were making this decision?

4 MR. MORONEY: To be blunt, Your Honor, this is simply
5 about whether he would appreciate and have the life
6 experiences necessary for --

7 THE COURT: Okay.

8 MR. MORONEY: -- deciding this case.

9 MR. GIBSON: And, Your Honor, I'd just point out
10 there is another juror who is on the panel as an
11 alternate, Ashley Carlson, her birth date was 1997. So
12 she's in that same time frame as well.

13 MR. MORONEY: It's, I think, a similar argument that
14 we just had, Your Honor --

15 THE COURT: Okay.

16 MR. MORONEY: -- that's past that 2000 cutoff.

17 THE COURT: All right. Well, I'm going to -- I'm
18 going to deny the motion on the challenge.

19 Okay. Anything else we need to do?

20 MR. GIBSON: Your Honor, it's my understanding they
21 have a lineup and some statements. So I would request
22 Neil v. Biggers and Jackson v. Denno hearings on those.

23 THE COURT: Okay.

24 MR. MORONEY: Should we just start, Your Honor, with
25 the Jackson v. Denno --

1 THE COURT: Yeah, unless -- does anybody need a
2 little break or not?

3 (WHEREUPON, there was no response.)

4 THE COURT: Okay. Let's go.

5 MR. GIBSON: And, Your Honor, just -- I'm just
6 requesting that all the witnesses be sequestered during
7 the trial.

8 THE COURT: Okay. Any objection?

9 MR. MORONEY: None, Your Honor.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit Nos. 1 and 2 were marked
12 for identification only.)

13 MR. MORONEY: Your Honor, the State calls Chad
14 Maltby, an investigator at the Greenville County Sheriff's
15 Office.

16 THE COURT: Okay.

17 THE CLERK: Please raise your right hand.

18 WHEREUPON,

19 CHAD MALTBY,

20 after first having been duly sworn, testified as follows:

21 THE CLERK: Sir, please take a seat.

22 And state your name.

23 (WHEREUPON, there was no response.)

24 THE COURT: State your name for the record, please.

25 THE WITNESS: Chad Maltby.

1 serve.

2 JUROR #20, JEREMY BRIDGES: Thank you, sir.

3 THE COURT: And if you would, please, rise and let
4 the clerk place you under oath.

5 THE CLERK: Please raise your right hand. The
6 correct response to this oath is, "I will."

7 (WHEREUPON, the jury was sworn at approximately
8 2:38 p.m.)

9 THE CLERK: Thank you.

10 THE COURT: All right. Ladies and gentlemen, welcome
11 back. And we are ready to begin the trial with opening
12 statements.

13 MR. MCCOLLUM: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 OPENING STATEMENTS

16 MR. MCCOLLUM: Ladies and gentlemen of the jury, on
17 August 5th, 2017, the victim in this case, Catherine
18 Clark, was found laying in the roadway in Greenville
19 County. She was found with multiple gunshot wounds. The
20 evidence we will present during the trial -- during the
21 course of this trial will show that the Defendant, Samuel
22 Burnside, was the person who killed her.

23 My name is Anthony McCollum and along with my
24 co-counsel, Brian Moroney, we're prosecuting Mr. Burnside
25 for murder and possession of a weapon during the

1 commission of a violent crime.

2 In order to prove the crime of murder, we must show
3 that Mr. Burnside engaged in the unlawful killing of
4 another with malice aforethought. Malice is a legal term
5 meaning the intentional act of wrongdoing without just
6 cause or excuse.

7 We must, also, prove that the Defendant committed the
8 crime of possession of a weapon during the commission of a
9 violent crime. We must show that the Defendant had a
10 weapon and that he possessed his weapon while he was
11 committing a violent crime. Murder is considered a
12 violent crime in the State of South Carolina.

13 Now that you know what this case is about, I'll tell
14 you what you can expect from this trial. You'll hear from
15 several witnesses. You'll hear testimony and be shown
16 evidence that will show on August the 5th, 2017, the
17 victim, Catherine Clark, was with the Defendant and
18 another individual, Rovillie Williams.

19 You'll hear testimony that prior to her murder, the
20 victim was involved in an altercation with the Defendant
21 while Mr. Williams was present. You will, also, hear
22 testimony that the Defendant wanted the victim to perform
23 a sexual favor. You will hear from several law
24 enforcement witnesses who will detail their roles in this
25 investigation. You will hear -- you will, also, hear from

1 forensic technicians who processed evidence, collected
2 DNA, and dusted for fingerprints.

3 You will hear from the co-defendant, Rovillie
4 Williams, who will testify about his role in this
5 incident, and the events leading up to Ms. Clark's murder.
6 And, finally, you will hear from the lead investigator,
7 David Picone, who will take you from the beginning of the
8 investigation through the end.

9 Ladies and gentlemen, we will return before you at
10 the close of this trial and ask that you find the
11 Defendant guilty for the crimes of murder and possession
12 of a weapon during the commission of a violent crime.

13 Thank you.

14 MR. GIBSON: May it please the Court, Your Honor.

15 THE COURT: Mr. Gibson.

16 MR. GIBSON: Ladies and gentlemen, this is Sam
17 Burnside. Sam's 30 years old. He's a lifelong resident
18 of Greenville, South Carolina. He's a loving son. He's
19 the father of a pair of a set of twins. He's a brother to
20 a number of people. At the time this happened, he was a
21 music producer making music. And on the side, he would
22 give rides to people for money.

23 Sam today is now in the midst of the greatest
24 nightmare that any person can have. He is charged with a
25 crime that he did not commit, a serious crime. And make

1 no mistake about it, ladies and gentlemen, Sam Burnside is
2 not guilty of this crime. He did not shoot Catherine
3 Clark. Rovillie Williams shot Catherine Clark. And
4 because of the way our justice system is, because Rovillie
5 Williams is willing to lie on the stand, implicate
6 somebody else, and help the -- the law enforcement make a
7 case against somebody, anybody, Rovillie Williams has
8 gotten away with murder.

9 Now, fortunately, for Sam, he lives in America. So
10 the Government can't just come in and say, okay, he's
11 guilty, let's take away his freedom and convict him of
12 this crime. They have to prove their case beyond a
13 reasonable doubt, every element of their case beyond a
14 reasonable doubt.

15 And I'm confident that when you hear the evidence in
16 this case, when you see the holes in it, when you see the
17 biases, when you see the motive that Rovillie Williams has
18 in this particular case, at the end of this case when
19 we're going to ask you for a verdict, you're going to come
20 back with a verdict of not guilty.

21 Please listen to the evidence. Keep an open mind.
22 Listen to everything. And at the end of this trial, I
23 anticipate, and hope, and pray that you will come to the
24 right decision, which is finding Sam Burnside not guilty.

25 Thank you.

1 THE COURT: All right. Call your first witness.

2 MR. MORONEY: Your Honor, the State's -- the State
3 calls Jeff Llewellyn.

4 THE CLERK: Raise your right hand.

5 WHEREUPON,

6 JEFF LLEWELLYN,

7 after first having been duly sworn, testified as follows:

8 THE CLERK: Please take a seat.

9 And state your name.

10 THE WITNESS: Jeff Llewellyn.

11 DIRECT EXAMINATION

12 BY MR. MORONEY:

13 Q Good afternoon, Mr. Llewellyn.

14 Mr. Llewellyn, did you have an opportunity to have to
15 call 911 back in August of 2017?

16 A Yes.

17 Q Do you recall very briefly why you were calling 911?

18 A Yeah. I own a storage facility on 8 Cartee Avenue.

19 And I was doing a little paperwork late that evening
20 around 9:00. And I heard some commotion out front. And I
21 stepped outside.

22 Q Okay. And as a result of that, did you then later
23 observe a physical assault that took place?

24 A I did.

25 Q And you said you called 911 as a result of that?

1 A Yes.

2 Q I'm going to hand you what's been pre-marked as
3 State's Exhibit No. 9 for identification purposes. Will
4 you, please, take a look at that? And let me know if you
5 recognize that.

6 A I do.

7 Q What is that?

8 A It's the 911 -- 911 call that I made.

9 Q Okay. And how do you know that that's the 911 call?

10 A I initialled it. And I listened to it.

11 Q And you've listened to it previously?

12 A Uh-huh.

13 Q And is this recording an accurate representation of
14 your 911 call that night --

15 A It is.

16 Q -- to dispatch?

17 A Yes.

18 MR. MORONEY: Your Honor, at this time, the State
19 would move State's Exhibit No. 9 into evidence.

20 MR. GIBSON: No objection, Your Honor.

21 THE COURT: No objection. Okay.

22 (WHEREUPON, State's Exhibit No. 9 was admitted into
23 evidence.)

24 (WHEREUPON, State's Exhibit No. 9 was played in open
25 court.)

1 BY MR. MORONEY:

2 Q Mr. Llewellyn, do you remember approximately what
3 time of night you observed this and, subsequently, called
4 911?

5 A It was about 9:00.

6 Q And what, specifically, were you doing in the area at
7 8 Cartee?

8 A I was doing some paperwork. I had just -- just
9 recently bought that facility.

10 Q And what did you observe or hear that night that --
11 that peaked your interest?

12 A Well, I heard a female yelling. And she was yelling,
13 No, no. And that's -- I heard a commotion. So that's
14 when I stepped outside the door and noticed a car that was
15 pulled off the side of the road. And three people were
16 outside the car on the passenger side. I saw two males
17 and a female.

18 And she was yelling, Call the police. And she was
19 definitely not feeling too comfortable with the situation.
20 But the -- the little -- the smaller guy had her and threw
21 her down and then started kicking her. I yelled to stop.

22 And during that process, he turned and looked at me.
23 And I didn't see any weapon, but I felt threatened as if
24 he was going to pull a weapon. And I was told to mind my
25 own business.

1 Q And you said that you saw two individuals, a little
2 guy and a bigger guy?

3 A Uh-huh.

4 Q Which individual particularly turned toward you?

5 A It -- it was the smaller one that was aggressive the
6 whole time that turned.

7 Q You didn't see anything in particular as far as a
8 firearm presented to you, but interpreted a threat from
9 that --

10 MR. GIBSON: Objection. Leading.

11 THE COURT: Don't lead him.

12 THE WITNESS: Yeah. I --

13 BY MR. MORONEY:

14 Q You did not see a firearm that night?

15 A No. But as I stated, I felt threatened. Everybody
16 knows what that means.

17 Q Okay.

18 A And I kind of assumed what that meant.

19 Q I'm going to show you what's been pre-marked as
20 State's Exhibit Nos. 4 and 5 for identification purposes.
21 I'll get you to take a look at these.

22 A Okay.

23 Q Do you recognize these?

24 A I do.

25 Q And what are these pictures depicting?

1 A This -- this particular picture is the office. And
2 the one on the -- this one is a tiger paw in front of the
3 office I was in.

4 Q Okay. And the other photo?

5 A The other photo would be the view I -- I would have
6 from my office.

7 Q Okay. And these are accurate representations of your
8 office at 8 Cartee Avenue?

9 A That's correct.

10 MR. MORONEY: At this time, Your Honor, the State
11 would move State's Exhibit Nos. 4 and 5 into evidence.

12 MR. GIBSON: No objection, Your Honor.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit Nos. 4 and 5 were admitted
15 into evidence.)

16 BY MR. MORONEY:

17 Q All right. You have a pointer there, Mr. Llewellyn.
18 Could you just, please, with the benefit of this
19 photograph tell us what you observed and where you were?

20 A Okay. This was the office I was in. And that's the
21 door I opened and -- and saw what was going on outside.
22 I -- I walked over to this point right here. There's a
23 little fence there. And I told them to stop at that
24 moment.

25 Q I'll show this second photograph. Can you similarly

1 describe what we see here?

2 A Yeah. So I -- I came over to this little rail here
3 and stood here and yelled at them. They were pretty
4 much -- the purse was found almost directly out beside the
5 telephone pole that has a light on top there. And the car
6 was pulled over in this area. And she was kicked and
7 beaten in that area right there.

8 Q So with that distance given the assault that was
9 transpiring, this was something you could see clearly?

10 A Oh, yeah. It was -- it was very clear what I was
11 seeing.

12 Q Okay. Could you, please, describe the vehicle that
13 you saw that you described earlier?

14 A Yeah. I believe it was -- it was a late model, for
15 sure. It was white. And I described it as an either
16 Buick or an Oldsmobile type of car.

17 Q And on the 911 call, you mentioned this, but were
18 there any items left behind -- behind after the
19 individuals left?

20 A Yeah. After they drove off, I did notice that -- a
21 purse or something, an item from a distance was there.
22 And -- and that's when I told the dispatcher that
23 something was there.

24 Q Did you go out and retrieve that?

25 A I did. I went and retrieved it.

1 Q Okay. Did the Greenville County law enforcement --
2 sheriff's office ever respond out to 8 Cartee Avenue?

3 A Yeah. They came fairly soon after the call. And I
4 gave the purse and its contents to the officer.

5 Q Okay. I'm going to hand you what's been marked as
6 State's Exhibit No. 6 for identification purposes. Can
7 you tell me what that is?

8 A Yeah. That's the purse that was left on the ground.

9 MR. MORONEY: Your Honor, the State moves State's
10 Exhibit No. 6 into evidence.

11 MR. GIBSON: No objection, Your Honor.

12 THE COURT: Okay.

13 (WHEREUPON, State's Exhibit No. 6 was admitted into
14 evidence.)

15 BY MR. MORONEY:

16 Q It appears there's some items right on top, some
17 shoes. Would those have been items that you placed in
18 there?

19 A Yes.

20 Q Can you describe -- were the shoes immediately next
21 to the purse outside there?

22 A Yeah. Everything was pretty close. It wasn't, like,
23 thrown about. It was all in one little spot.

24 Q With your observations during the assault, did you at
25 any time see the larger individual ever strike the victim?

1 A No.

2 Q You only saw the smaller individual assaulting the
3 victim?

4 A That's correct.

5 Q With respect to their disparity in sizes, could you
6 describe that? Is there any possibility of mistake?

7 A No. They were -- they were definitely two -- way two
8 different body style types. One was very large, and one
9 was a lot smaller. There was no question there was a
10 difference in size.

11 Q Were they different in both height and weight, or
12 just height, just weight?

13 A It was both height and weight. One was taller and
14 one was shorter. And one was bigger and one was skinnier.

15 Q Okay. You mention on that 911 call when dispatch
16 asked you for a license tag something about your eyesight.
17 Could you speak to that?

18 A Yeah. I mean, my eye sight's fine as far as -- I
19 mean, I -- I need reading glasses. But I can see
20 distance. I was just referring that I could not make out
21 the license plate and some details maybe that I was unable
22 to see since it was dark.

23 Q And could you describe the car as -- in its general
24 appearance? Was it brand new and clean, or was it dirty?

25 A No. It was -- it was not clean. It was -- it was

1 dirty. It was older and not -- not well taken care of.

2 MR. MORONEY: Thank you.

3 Please answer any questions Mr. Gibson may have for
4 you.

5 CROSS-EXAMINATION

6 BY MR. GIBSON:

7 Q Mr. Llewellyn, just to be clear, this altercation
8 was, actually, occurring before you came outside; correct?

9 A It began before I came outside. They were outside
10 the car when I stepped out.

11 Q Okay. So you don't know what happened prior to that,
12 do you?

13 A I do not.

14 Q And you don't know if the big guy was beating on
15 the -- the lady prior to you coming outside, do you?

16 A I do not.

17 Q All right. Now, about how far away were you at your
18 closest point? About how far away were you from this
19 altercation?

20 A I mean, if I had to -- to give you a number, I'd say
21 from the time I was at that railing, 15, 20 yards.

22 Q Okay. Do -- do you remember telling the police that
23 you heard what they were arguing about?

24 A Uh-huh.

25 Q Do you remember telling the police that they were

1 arguing, actually, about a cell phone?

2 A Yeah.

3 Q Okay.

4 A It -- it seemed to be that, yeah.

5 Q All right. And, again, you saw no weapons?

6 A No.

7 Q Just a second.

8 And you said eventually -- or, eventually, did all
9 three of them get into the car and leave?

10 A That's correct.

11 Q All right. So -- so the big guy was in the car at
12 the time it left?

13 A Yes.

14 MR. GIBSON: Thank you.

15 THE COURT: Any redirect?

16 MR. MORONEY: Nothing further, Your Honor.

17 THE COURT: All right. Thanks.

18 You can step down.

19 MR. MCCOLLUM: Your Honor, the State calls Tirissa
20 Johnson.

21 WHEREUPON,

22 TIRISSA JOHNSON,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Please take a seat.

25 And state your name for the record.

1 THE WITNESS: Tirissa Johnson.

2 DIRECT EXAMINATION

3 BY MR. MCCOLLUM:

4 Q Good afternoon, Ms. Johnson.

5 A Good afternoon.

6 Q Where are you employed?

7 A At the Greenville County Sheriff's Office within the
8 communications division.

9 Q What's your title there?

10 A I am the 911 research analyst in quality assurance.

11 Q And what does that role entail?

12 A So my priority functions are that I research the
13 calls that come in to the communications center and pull
14 those recordings, along with radio traffic recordings.

15 Q And did you have occasion to pull a 911 call that
16 occurred on August 5th, 2017?

17 A Yes, I did.

18 Q And before we go forward, when you pull a 911 call --
19 or how are 911 calls stored?

20 A They are digitally electronically simultaneously
21 stored.

22 Q And are they stored in a secure area?

23 A Yes.

24 Q And how many people have -- well, do the -- does the
25 general public -- or general employees have access to this

1 area?

2 A No. It's very limited.

3 Q And when a request comes for a call to be pulled, who
4 does that? Is it solely you or...

5 A It's myself and then I have one other backup person.

6 Q But you all would be the only two to do that?

7 A That is correct.

8 Q Ms. Johnson, I'm going to show you what's been
9 pre-marked as State's Exhibit No. 7. Do you recognize it?

10 A Yes, I do.

11 Q What is it?

12 A This would be one of the 911 calls received that
13 night. These are my initials.

14 Q And that's how you're able to recognize it?

15 A Yes.

16 MR. MCCOLLUM: Your Honor, at this time, we'd move to
17 publish this.

18 MR. GIBSON: No objection, Your Honor.

19 THE COURT: Okay.

20 (WHEREUPON, State's Exhibit No. 7 was admitted into
21 evidence.)

22 (WHEREUPON, State's Exhibit No. 7 was played in open
23 court.)

24 BY MR. MCCOLLUM:

25 Q Ms. Johnson, when 911 calls come into dispatch, are

1 there reports that are created?

2 A Yes, there are.

3 Q All right. And what are those reports called?

4 A We refer to them as CAD reports. And CAD stands for
5 computer-aided dispatch.

6 Q And, typically, what's on a CAD report?

7 A It's the location, telephone number, typically, the
8 caller's name, and information regarding the situation, as
9 well as officers that are dispatched.

10 Q And would the time that the call came in, also, be on
11 that report?

12 A It would.

13 Q And during the course of this investigation, you
14 pulled not one but more than one phone call -- 911 call;
15 is that correct?

16 A That's correct.

17 Q Would you happen to know when the first 911 call came
18 in?

19 A I do not recall right offhand.

20 Q Would you need to look at your CAD report?

21 A Yes, I would.

22 The time -- time stamp is 20:56, which would be 8:56
23 p.m.

24 Q And then would you know when the second 911 call came
25 in?

1 A I would have to, again, look at that CAD.

2 Q What time did that call come in?

3 A That one is 21:11, or 9:11 p.m.

4 Q So the first call came in at 8:56. And then the
5 second call came in at 9:11; is that correct?

6 A That's correct.

7 MR. MCCOLLUM: Would you answer any questions
8 Mr. Gibson has for you?

9 MR. GIBSON: No questions, Your Honor.

10 THE COURT: All right. Thank you, ma'am.

11 You may step down.

12 MR. MCCOLLUM: Your Honor, the State calls
13 Investigator Shannon McHale.

14 THE CLERK: Please raise your right hand.

15 WHEREUPON,

16 SHANNON MCHALE,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Please take a seat.

19 And state your name for the record.

20 THE WITNESS: Shannon McHale.

21 DIRECT EXAMINATION

22 BY MR. MCCOLLUM:

23 Q Investigator McHale, where are you employed?

24 A I'm employed at the Greenville County Sheriff's
25 Office.

1 Q What's your current role?

2 A I'm currently an investigator with the crimes against
3 children unit.

4 Q On August 5th, 2017, what was your role?

5 A I was a deputy assigned to uniform patrol.

6 Q And what are your duties as a part of uniform patrol?

7 A So our primary goal is to answer any emergency or
8 non-emergency calls. Any time you call 911, myself or
9 another deputy would have -- respond to the call.

10 Q And on August 5th, 2017, did you have occasion to
11 respond out to a call?

12 A Yes, sir.

13 Q And where did you respond?

14 A 8 Cartee Avenue.

15 Q And why were you responding to 8 Cartee Avenue?

16 A An individual, Jeff -- I'm going to butcher his last
17 name -- Llewellyn. I apologize. I'm sorry, guys. He had
18 contacted the sheriff's office in regards to a found
19 property item.

20 Q And what was found?

21 A It was a black purse containing various items.

22 (WHEREUPON, State's Exhibit No. 10 was marked for
23 identification only.)

24 BY MR. MCCOLLUM:

25 Q Investigator McHale, I'm showing you what's been

1 pre-marked as State's Exhibit No. 10.

2 A Yes.

3 Q Can you, please, open the bag below the stand?

4 A (Witness complied.)

5 Q Keep it down below the stand.

6 A I'm sorry.

7 Q That's fine.

8 All right. And what is it?

9 A It is a black purse.

10 Q Is that fundamentally the same purse that you found
11 at 8 Cartee Avenue when you responded to that call?

12 A Yes, sir.

13 MR. MCCOLLUM: Your Honor, at this time, we'd move
14 State's Exhibit No. 10 into evidence.

15 MR. GIBSON: No objection, Your Honor.

16 THE COURT: Okay.

17 (WHEREUPON, State's Exhibit No. 10 was admitted into
18 evidence.)

19 BY MR. MCCOLLUM:

20 Q Investigator McHale, what did you do with what you
21 have in this purse?

22 A Once I took this into my possession, I completed a
23 property and evidence form and -- which was completed by
24 the -- Mr. Jeff releasing it to my property -- into my
25 possession. I then completed the paperwork. And then it

1 was, eventually, released to the forensic unit, Hempel.

2 Q Okay. And what's the purpose of a property and
3 evidence form? Why do you fill those out?

4 A It's just to document chain of custody and show where
5 it was.

6 Q And after you did that, what -- did you have any
7 additional role in this case in the investigation?

8 A I had a minor role in maintaining perimeter at the
9 original scene over off of Sagittarius.

10 Q And once you were cleared, did you --

11 A I had no further involvement in this case.

12 MR. MCCOLLUM: Thank you.

13 Please answer any questions Mr. Gibson has.

14 MR. GIBSON: No questions, Your Honor.

15 THE COURT: All right. Thank you.

16 You may step down.

17 MR. MCCOLLUM: Your Honor, the State calls Dr. Ward.

18 THE COURT: Okay.

19 THE CLERK: Please raise your right hand.

20 WHEREUPON,

21 MICHAEL EUGENE WARD, M.D.,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Please take a seat.

24 And state your name for the record.

25 THE WITNESS: Michael Eugene Ward.

DIRECT EXAMINATION

1
2 BY MR. MCCOLLUM:

3 Q Good afternoon, Dr. Ward.

4 A Good afternoon.

5 Q Where are you employed?

6 A I'm employed here in Greenville by Pathology
7 Associates of Greenville, which is a private practice
8 group. And I'm, also, employed as the chief medical
9 examiner for Greenville County.

10 Q How long have you held that position?

11 A Almost 25 years.

12 Q What's your educational background?

13 A I received my Bachelor's Degree in Biology from the
14 University of Alabama. I have a Master's Degree in
15 Forensic Science from the University of Alabama in
16 Birmingham.

17 I received my medical degree from the University of
18 South Alabama, which is in Mobile. I did a four-year
19 anatomic pathology residency at the Medical University of
20 South Carolina in Charleston, and a one-year fellowship in
21 forensic pathology at the University of New Mexico in
22 Albuquerque. I'm board certified by the American Board of
23 Pathology in both anatomic and forensic pathology.

24 MR. MCCOLLUM: Your Honor, at this time, we'd move to
25 qualify Dr. Ward as an expert in forensic pathology.

1 THE COURT: Any voir dire?

2 MR. GIBSON: No objection, Your Honor.

3 THE COURT: All right. So qualified.

4 BY MR. MCCOLLUM:

5 Q Dr. Ward, how many forensic autopsies have you
6 conducted in your career?

7 A Probably over 7,000.

8 Q Did you have occasion to perform an autopsy on
9 Catherine Clark in this case?

10 A Yes, I did.

11 Q What date did you perform the autopsy?

12 A The autopsy was performed on August 7th, 2017, and
13 was begun at 9:00 a.m.

14 Q And where was the autopsy conducted?

15 A At the autopsy facility, which is at the Greenville
16 Memorial Hospital.

17 Q And where was Ms. Clark's body retrieved from?

18 A I'm sorry.

19 Q Where was Ms. Clark's body retrieved from?

20 A It came to the morgue from the scene, I believe.

21 Q And...

22 A Yeah. She was pronounced dead at the scene where she
23 was killed and was transported from the scene to the
24 Greenville Memorial Hospital autopsy facility.

25 Q And in what condition did the body arrive?

1 A (There was no response.)

2 Q Was it clothed -- was she clothed?

3 A Uh-huh.

4 Q What was she wearing?

5 A Ms. Clark was clad in a multi-colored jumpsuit,
6 multi-colored panties, a pink and black bra. And her
7 hands were covered in white synthetic bags, which are
8 placed at the scene to preserve any trace evidence that
9 may be present during transport.

10 Q And did you find any evidence of injury or trauma on
11 Ms. Clark?

12 A Yes, I did.

13 Q And what was it -- what was it?

14 A Ms. Clark had three separate gunshot wounds.

15 Would you like for me to describe them, or would you
16 like to go over each one at a time?

17 Q You can describe them for the jury, please.

18 A The first gunshot wound -- first of all, these are
19 arbitrarily numbered, meaning that I don't know which came
20 first.

21 The gunshot wound that I described first as number
22 one was a gunshot wound to the left side of the head
23 immediately behind the left ear. It went through the bone
24 of the -- petrous portion of her skull, perforated her
25 left and her right cerebral hemispheres of the lobes of

1 our brain, impacted the bone on the right side of her
2 skull near the back, fragmented. And we recovered those
3 fragments at the time of autopsy.

4 This wound was relatively unique in that it had
5 fragments of gun powder stippling on the skin surrounding
6 the wound indicating that fragments of unburned gun powder
7 had struck the skin. This helps us to determine or
8 estimate range of fire or the distance from the muzzle of
9 the gun to Ms. Clark's skin when the weapon was
10 discharged. And that would be in the range of inches.
11 The muzzle to target would have been in inches to have gun
12 powder stippling present on the skin.

13 The second gunshot wound that we described was to
14 Ms. Clark's left cheek within this region here. It went
15 through the skin and muscle of her cheek, fractured the
16 bone of her jaw, the mandible. It entered through the
17 base of her skull into her cranial vault, transected her
18 brain stem, again, impacting the back portion of the skull
19 in the occipital region where a relatively intact jacketed
20 projectile was recovered.

21 Associated with this gunshot wound was a small amount
22 of black granular foreign material that we call soot
23 present on the skin surrounding the wound, again,
24 indicating a relatively close range of fire.

25 The third gunshot wound entered Ms. Clark's right

1 upper arm within the region that we call the deltoid. It
2 went through skin and muscle, but did not impact the bone
3 of the arm. It exited the arm in the region of axilla or
4 the under arm and reentered her chest almost immediately.
5 It passed through her right lung, her heart, her left
6 lung, exited the left side of her chest, reentered the
7 right arm, impacted the humerus on this side, which broke
8 her arm, partially exited and with fragments of bullet
9 recovered from the region of the impact with the left
10 humerus. Associated with this gunshot wound was blood in
11 the right chest, as well as within the left chest.

12 Q Dr. Ward, I'm showing you what's been pre-marked as
13 State's Exhibit No. 8. Do you recognize it?

14 A Yes, I do.

15 Q What is it?

16 A This is a close photograph of the left side of
17 Ms. Clark's head, which -- focussing on the left ear. And
18 it's the gunshot wound that we described as number one in
19 the left post-auricular region, or behind her left ear.

20 Q Also, is there a second gunshot wound in that
21 picture?

22 A Yes, there is. At the bottom portion of this
23 photograph is gunshot wound number two, which was within
24 the region of her left cheek.

25 Q And the stippling that you described in your

1 testimony and soot, are they visible in this picture?

2 A This is a black and white photograph. So the black
3 granular foreign material does not show well. But the
4 stippling marks present associated with gunshot wound
5 number one are present, yes.

6 MR. MCCOLLUM: Your Honor, permission to publish to
7 the jury.

8 THE COURT: Any objection?

9 MR. GIBSON: No objection, Your Honor.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit No. 8 was admitted into
12 evidence.)

13 BY MR. MCCOLLUM:

14 Q Dr. Ward, can you point out on this photograph the
15 stippling?

16 THE WITNESS: May I?

17 THE COURT: Yes. Please step down.

18 THE WITNESS: This is Ms. -- I'm sorry. This is
19 Ms. Clark's ear. This is the gunshot wound of entry to
20 number one. And these little impact points here that are
21 fairly washed out in this photograph are areas of
22 stippling. These areas of stippling were here below her
23 ear and back behind her ear, as well as at a distance of
24 approximately two inches in this direction and one inch in
25 this direction. The rest of it would have been shaded by

1 her hair.

2 This is the gunshot wound entry of number two.

3 BY MR. MCCOLLUM:

4 Q And can you -- I know the pictures are black and
5 white. Can you point out where the soot would be?

6 A The black granular foreign material was in this
7 region here.

8 Q Dr. Ward, these gunshot wounds, would all three of
9 them been fatal?

10 A Yes, they would.

11 Q Would certain gunshot wounds have been more fatal
12 than others?

13 A Gunshot wound number two, which transected
14 Ms. Clark's brain stem, would have been immediately fatal.

15 Gunshot wound number one, while it would have been a
16 fatal gunshot wound and she would have become immediately
17 incapacitated, her heart may have continued to beat for
18 some period of time.

19 Gunshot wound number three, which trans -- I'm sorry,
20 perforated both of her lungs as well as her heart, would
21 have been a fatal gunshot wound. Although it would have
22 taken her a little bit longer to die in that she has to
23 bleed to death internally.

24 Q And, Dr. Ward, what is the manner of death?

25 A The manner of death would be homicide.

1 Q Dr. Ward, you stated that Ms. Clark was found in a --
2 a jumpsuit, underwear, and bra?

3 A Yes.

4 Q Was there anything found in her underwear --
5 underwear? Excuse me.

6 A Yes. A sanitary napkin was present within her
7 panties.

8 MR. MCCOLLUM: Please answer any questions for
9 Mr. Gibson.

10 CROSS-EXAMINATION

11 BY MR. GIBSON:

12 Q Doctor, I'm looking at your report, and in the
13 opinion section, it says, No other significant natural
14 disease process or trauma was noted.

15 A Yes, sir.

16 Q And that means that, other than the gunshot wounds,
17 you did not observe any other trauma to the body or
18 significant trauma?

19 A I do not recall describing any, yes, sir.

20 Q All right. And -- and in the second section of that,
21 there was Alprazolam found in her system?

22 A Alprazolam, yes.

23 Q What's that?

24 A It's, also, known as Xanax.

25 MR. GIBSON: Okay. Thank you.

1 THE COURT: Anything else?

2 MR. MCCOLLUM: Short redirect, Your Honor.

3 THE COURT: All right.

4 REDIRECT EXAMINATION

5 BY MR. MCCOLLUM:

6 Q Dr. Ward, with respect to the Alprazolam, what --
7 what was that dosage -- what would that dosage indicate?

8 A What would it -- I'm sorry.

9 Q What would the dosage indicate?

10 A Alprazolam is an anxiety drug used to -- for anxiety,
11 to take the edge off things. It is a supra-therapeutic
12 level, but would not have been fatal in this case.

13 MR. MCCOLLUM: Thank you.

14 THE COURT: Okay. Thank you, Doctor.

15 Can he be released from subpoena? Any objection?

16 MR. GIBSON: Say it again, Your Honor -- oh, no, Your
17 Honor. No objection.

18 THE COURT: Thank you.

19 MR. MORONEY: The next witness, the State calls
20 Teresa Chandler.

21 THE CLERK: Please raise your right hand, ma'am.

22 WHEREUPON,

23 ANNA TERESA CHANDLER,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: When you take a seat, please, state your

1 name. Okay.

2 THE WITNESS: Anna Teresa Chandler.

3 DIRECT EXAMINATION

4 BY MR. MORONEY:

5 Q Good afternoon, Ms. Chandler.

6 Did you know Ms. Catherine Clark?

7 A Yeah. She's my sister.

8 Q And were you familiar that she had been staying at
9 the -- the hotel?

10 A Yes, I am.

11 Q Could you tell us what hotel that was, if you recall?

12 A Yes. It was the Southern Suites hotel on Augusta
13 Road.

14 Q Had she been staying at that hotel a long time?

15 A She had not. She had only been there for two days.

16 Q Where was she staying immediately prior to that?

17 A Prior to that, she was staying with my mother on
18 Rosewood -- Rosewood Drive. The reason that she was at
19 the -- the hotel was because my mother's lease had
20 expired. And we were looking for her another place and
21 could not find another place before her lease terminated.

22 So we moved my mother in with my sister in
23 Simpsonville. My sister had a dog that she was very close
24 to. And so she could not take -- she didn't want to part
25 with her dog --

1 MR. GIBSON: Objection, Your Honor. Relevance.

2 THE COURT: I'm sorry. What?

3 MR. GIBSON: Relevance.

4 THE COURT: That's all right.

5 Go ahead

6 BY MR. MORONEY:

7 Q Proceed.

8 A Okay. She didn't want to part with the dog. So we
9 ended up securing her a hotel there. It's an extended
10 stay, and that also -- where they could accept dogs. So
11 that's how she ended up there.

12 Q And did you help your sister, Catherine Clark, obtain
13 that room?

14 A Yes, sir, I did.

15 Q Okay. How did you do that? And how did that come
16 about?

17 A That was just through a -- a credit card purchase to
18 help her financially to do that. And that was for one
19 week.

20 (WHEREUPON, State's Exhibit No. 11 was marked for
21 identification only.)

22 BY MR. MORONEY:

23 Q Ms. Chandler, I'm going to hand you what's been
24 pre-marked as State's Exhibit No. 11 for identification
25 purposes. Can you take a look at that? And let me know

1 if you recognize it.

2 A Yes, sir, I do.

3 Q And what is that?

4 A This is the invoice for the hotel.

5 Q Okay. And what name did you put on the invoice?

6 A Anna Teresa Chandler.

7 Q Okay. And what name do you, also, go by?

8 A Teresa.

9 MR. MORONEY: Your Honor, at this time, we'd move
10 that State's Exhibit No. 11 be admitted into evidence.

11 MR. GIBSON: I need to see it, Your Honor.

12 (Pause.)

13 MR. GIBSON: No objection, Your Honor.

14 THE COURT: Okay.

15 (WHEREUPON, State's Exhibit No. 11 was admitted into
16 evidence.)

17 MR. MORONEY: Thank you, Ms. Chandler.

18 Please answer any questions Mr. Gibson may have.

19 THE COURT: Whoa, whoa --

20 MR. GIBSON: No questions, Your Honor.

21 THE COURT: All right. Thank you.

22 Now, you can step down.

23 Thank you.

24 MR. MORONEY: Your Honor, the State would call

25 Catherine Dunlap.

1 (Pause.)

2 MR. MORONEY: Your Honor, the State will, actually,
3 call Ms. Brenda McDaniel.

4 THE CLERK: Please raise your right hand.

5 Thank you.

6 WHEREUPON,

7 BRENDA MCDANIEL,

8 after first having been duly sworn, testified as follows:

9 THE CLERK: Ma'am, take seat.

10 And state your name for the record.

11 THE WITNESS: My name is Brenda McDaniel.

12 DIRECT EXAMINATION

13 BY MR. MORONEY:

14 Q Ms. McDaniel, were you staying at the Southern Suites
15 on Impact Drive back in August of 2017?

16 A Yes, sir, I was.

17 Q And did you, ultimately, end up giving a statement to
18 law enforcement as they conducted their investigation?

19 A Yes, sir, I did.

20 Q And in the course of giving that statement, did you
21 identify as having seen the Defendant, Samuel Burnside, on
22 the premises of the Southern Suites hotel?

23 A Yes, sir.

24 Q Can you tell me about what you observed?

25 A I observed -- well, I stayed there, of course. I

1 observed the gentleman there as a person that stayed out
2 there as well. I just saw him, as I said, coming in and
3 out.

4 Q Could you describe the hotel. Is it one story? Two
5 story?

6 A It was two stories.

7 Q Okay. And did -- where did you stay?

8 A I stayed on the bottom level.

9 Q Okay. Where did the Defendant stay in relation to
10 you?

11 A The Defendant stayed approximately -- I would say
12 about six doors down maybe from the room that I stayed in.

13 Q Okay. And on the date that you observed Sam
14 Burnside, did you happen to see him with the victim,
15 Catherine Clark?

16 A Yes, sir, I did.

17 Q Could you detail exactly what you saw in detail?

18 A On the day in question, I was sitting outside of my
19 room. I smoke cigarettes. So I was just sitting outside
20 of my room observing the area. And I saw Mr. Burnside
21 leave out with Ms. Catherine.

22 Q About what time in the afternoon or evening was that?

23 A I would say it was approximately 5:30, 6:00,
24 somewhere around in there, maybe.

25 Q Do you recall what the victim, Ms. Catherine Clark,

1 was wearing --

2 A This --

3 Q -- at the time --

4 THE COURT: Hang on one second.

5 THE WITNESS: I'm sorry. That's my phone. I --

6 THE COURT: Turn it off.

7 THE WITNESS: I'm sorry. I thought I had it off.

8 On that day, I remember her having on -- I want to
9 say, like, a multi-colorful outfit. And I want to say it
10 had like a choker connected to the outfit.

11 BY MR. MORONEY:

12 Q It -- I'm not familiar with a -- how would you
13 describe --

14 A Colorful. More than one color.

15 Q Okay.

16 A Vibrant colors, loud colors, at that.

17 Q And was this shorts and a T-shirt, or was this a
18 dress?

19 A I want to say it was a sundress.

20 Q Okay.

21 A I want to say it was the type of dress that had the
22 choker with it. And then the back was out. And it was
23 like a -- a sun dress.

24 Q In -- in the course of speaking with investigators in
25 this case, did you have the opportunity to identify Samuel

1 Burnside in a lineup?

2 A Yes, sir, I did.

3 MR. MORONEY: I beg the Court's indulgence.

4 (Pause.)

5 BY MR. MORONEY:

6 Q I'm going to hand you what's been pre-marked as
7 State's Exhibit No. 2 for identification purposes. I'd
8 ask you to take a look at that and flip through and let me
9 know if you recognize that.

10 A Yes, sir. This is the identification I gave to the
11 investigator the day they came out to investigate.

12 Q And who did you identify in that lineup?

13 A Number two, which was -- was the person that I -- I
14 claim to be Mr. Burnside.

15 Q Okay. And is that the individual that you saw
16 leaving with Ms. Clark around 5:30 to 6:00 p.m.?

17 A Yes, sir.

18 Q Do you see the individual on that sheet that you
19 identified seated in the courtroom today?

20 A Yes, sir, I do.

21 Q Could you, please, describe just generally what he's
22 wearing and where he is?

23 A Mr. Burnside, who sits on my left -- or my right --
24 I'm sorry -- who has a small fro [phonetic],
25 African-American male.

1 MR. MORONEY: Thank you.

2 Your Honor, at this time, the State would move
3 State's Exhibit No. 2 into evidence.

4 MR. GIBSON: No objection, Your Honor.

5 THE COURT: Okay.

6 (WHEREUPON, State's Exhibit No. 2 was admitted into
7 evidence.)

8 BY MR. MORONEY:

9 Q After you observed the Defendant with the victim, how
10 did you come to learn of the victim's death?

11 A I, actually, heard of it on the news. I got home to
12 the motel and there was talk about a news hearing, I think
13 it was --

14 MR. GIBSON: Objection. Hearsay.

15 THE COURT: Yeah.

16 THE WITNESS: Okay. Well, I -- I can only say what I
17 heard. There was talk of the situation.

18 MR. GIBSON: Objection. Hearsay.

19 BY MR. MORONEY:

20 Q I can direct you, ma'am --

21 THE COURT: Yeah.

22 BY MR. MORONEY:

23 Q Did you -- when you learned of the victim's death,
24 did you continue to stay at the hotel?

25 A I continued to stay at the hotel. But the day of the

1 actual situation, I did not stay at the motel because I --
2 I was scared.

3 Q And could you go into detail about that? Why did you
4 make that decision not to stay at the hotel?

5 A The situation had been -- and Mr. Burnside -- well, I
6 don't even know how to say it. But Mr. Burnside was the
7 person named as the person that did whatever the
8 situation. And I knew --

9 MR. GIBSON: Objection. Hearsay --

10 THE WITNESS: I knew -- I knew him --

11 THE COURT: Whoa, whoa.

12 She heard this on -- she can testify to what she
13 understood from what she heard. She cannot testify to
14 what was said. Okay.

15 MR. MORONEY: That's right.

16 BY MR. MORONEY:

17 Q Why did you make the decision to not stay --

18 A Because I was scared of the situation that had
19 happened at hand.

20 MR. MORONEY: Please answer any questions Mr. Gibson
21 has for you.

22 CROSS-EXAMINATION

23 BY MR. GIBSON:

24 Q All right. So you said you saw Ms. Clark get in the
25 car with Mr. Burnside around 5:30 or 6:00 p.m.; correct?

1 A Yes, sir.

2 Q Did she get in the car willingly?

3 A Yes, sir.

4 Q Well, he didn't force her in --

5 A No.

6 Q -- kidnap her --

7 A No.

8 Q -- or anything like that?

9 A No. I never said he forced her.

10 Q All right. And that's about 5:30 or 6:00; right?

11 A Approximately, yes.

12 Q So you have no idea what happened after that, do you?

13 A No. I -- no. I don't know what happened after then.

14 MR. GIBSON: Thank you.

15 No questions.

16 THE COURT: Okay. You can step down.

17 Thank you, ma'am.

18 THE WITNESS: Thank you.

19 MR. MCCOLLUM: Your Honor, the State calls Adam

20 Hempel -- excuse me, Your Honor. The State calls

21 Catherine Dunlap.

22 THE CLERK: Ma'am, raise your right hand.

23 WHEREUPON,

24 CATHERINE DUNLAP,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Please take a seat.

2 And state your name.

3 THE WITNESS: Catherine Dunlap.

4 DIRECT EXAMINATION

5 BY MR. MORONEY:

6 Q Hi, Ms. Dunlap.

7 A Hey.

8 Q Did you happen to be staying at the Southern Suites
9 hotel on Impact Drive back in August of 2017?

10 A Yes, sir.

11 Q Can you briefly detail how and why you were staying
12 there?

13 A I was the property manager. And they gave me a room
14 free for being the property manager.

15 Q All right. Did you, during your time living there,
16 come to learn that a resident at the hotel had been
17 murdered?

18 A Yes, sir.

19 Q Did you, subsequently, speak with investigators from
20 the Greenville County Sheriff's Office about that?

21 A Yes, sir.

22 Q Are you familiar with the Defendant in this case,
23 Samuel Burnside?

24 A Yes, sir.

25 Q Okay. How did you know him?

1 A I met him -- showed him the room that he rented. And
2 we became kind of acquainted by that.

3 Q Did Mr. Burnside live in the room by himself or with
4 others?

5 A With his girlfriend.

6 Q Do you happen to know her name?

7 A Tina Henderson.

8 Q Could you describe what area of the hotel generally
9 Mr. Burnside and yourself resided on?

10 A On the backside by the field.

11 Q There is a pointer right in front of you with that
12 red button which activates a laser. Do you recognize this
13 image up here? And if you do, can you tell me what you're
14 looking at?

15 A Yes, sir. The -- the red...

16 Q The red button.

17 A Okay. I can't find it on here. But the backside
18 is -- is Burger King, Southern Suites.

19 Q Push it right there.

20 A I'm pushing it here.

21 That's the side that we stayed on right there.

22 Q And can you show me approximately where you were
23 staying?

24 A I probably stayed right in the middle, right where
25 that dot is at would be probably 212.

1 Q Okay. And where would the Defendant, Sam Burnside,
2 have been staying?

3 A He'd be right next to me, like, right in there.

4 Q Were you familiar with where the victim, Catherine
5 Clark, had been staying?

6 A That was the room upstairs, like, on the top balcony
7 right at the top of the steps, right there.

8 Q Did you know the victim in this case, Catherine
9 Clark, personally?

10 A No.

11 Q Did the Defendant ever speak to you about Catherine
12 Clark?

13 A He called my phone and asked did a person move to the
14 motel by that name. But we're not allowed to give out
15 information.

16 Q So you did not give the confirmation or denial
17 whether or not she was staying --

18 A No, sir.

19 Q Was that question asked to you around the time that
20 she was murdered?

21 A Maybe before she was murdered.

22 Q Was that around the time she checked into the hotel?

23 A Around in that time, yes, sir.

24 Q Did you ever observe anything out of the ordinary
25 with Sam Burnside's room, being that you were neighbors?

1 A There was a lot of traffic. But he was a producer, a
2 music beat producer, made music.

3 Q When you say "a lot of traffic," what do you mean by
4 that, specifically?

5 A Different people in and out of the room.

6 Q Was it particularly men? Women? Was it 50
7 percent --

8 A Men, females, both.

9 Q All right. And could you speak to the rules at that
10 hotel? Did they allow pets officially at that hotel?

11 A No pets was allowed, unless it was cleared by
12 Gail [phonetic], unless it was a service animal.

13 Q And did you happen to know what vehicle you saw Sam
14 Burnside drive at the time?

15 A I didn't know the make and model, but I just knew it
16 was a silver big car.

17 MR. MORONEY: Please answer any questions Mr. Gibson
18 may have for you.

19 MR. GIBSON: No questions.

20 THE COURT: All right. Thank you.

21 You can step down.

22 MR. MCCOLLUM: The State calls Adam Hempel.

23 (Pause.)

24 MR. MCCOLLUM: Your Honor, the State would call
25 Dustin Kretschmar instead.

1 THE COURT: I'm sorry. What did you say?

2 MR. MCCOLLUM: Your Honor, the State would call
3 Dustin Kretschmar.

4 THE COURT: Not Adam Hempel?

5 MR. MCCOLLUM: No, Your Honor.

6 THE CLERK: Please raise your right hand.

7 WHEREUPON,

8 DUSTIN KRETSCHMAR,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Please take a seat.

11 And state your name.

12 THE WITNESS: Dustin Kretschmar.

13 DIRECT EXAMINATION

14 BY MR. MCCOLLUM:

15 Q Good afternoon, Mr. Kretschmar.

16 In August of 2017, where were you employed?

17 A Greenville County forensics division.

18 Q What was your role there?

19 A I was a forensic technician.

20 Q And what does that role entail?

21 A We respond to crime scenes to document and collect
22 evidence.

23 Q And on August 5th, 2017, did you have an occasion to
24 respond to a crime scene?

25 A Yes. The Greenville County Sheriff's Office

1 requested and we responded to that scene.

2 Q Okay. And that scene was located at Stables and
3 Sagittarius Way?

4 A Yes, sir.

5 Q And where's that located? What county is that
6 located?

7 A Greenville County.

8 Q And when you responded to that scene, what did you do
9 when you got there?

10 A We videotaped and photographed the scene before we
11 did anything. And then after photographing the scene, we
12 collected evidence.

13 Q Is that standard procedure for your role?

14 A Yes, sir.

15 MR. MCCOLLUM: I beg the Court's indulgence.

16 (WHEREUPON, State's Exhibit Nos. 13, 14, 15, 16, 17,
17 18, 19, 20, 21, 22, 23, and 24 were marked for
18 identification only.)

19 BY MR. MCCOLLUM:

20 Q Mr. Kretschmar, I'm showing you what's been marked as
21 State's Exhibit Nos. 13 through 24. Do you recognize
22 them?

23 A Yes, sir.

24 Q What are they?

25 A These are photographs that I took on the scene.

1 Q All right. And how do you know they're photographs
2 that you took on the scene?

3 A I recognize the location and what's in the
4 photographs.

5 MR. MCCOLLUM: Your Honor, at this time, we move
6 State's Exhibit Nos. 13 through 24 into evidence.

7 MR. GIBSON: No objection, Your Honor.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Nos. 13, 14, 15, 16, 17,
10 18, 19, 20, 21, 22, 23, and 24 were admitted into
11 evidence.)

12 BY MR. MCCOLLUM:

13 Q Mr. Kretschmar, I'm going to take you through each
14 one of these photos. There's a laser pointer.

15 A Yes, sir.

16 Q What is this a photo of, Mr. Kretschmar?

17 A This is a photograph of the victim lying in the
18 street with some suspected blood close by the body.

19 Q And this next photo?

20 A That is after our initial photographs. This is a
21 photograph taken once we put placards down next to the
22 evidence that we took and outlined the evidence in with
23 reflective chalk.

24 Q And what are the placards there for?

25 A They're for -- just to designate the different pieces

1 of evidence we plan to collect.

2 Q In this particular case, what were the specific
3 pieces of evidence?

4 A Those items were cartridge casings and suspected
5 blood.

6 Q And why is there a chalk outline?

7 A It is reflective chalk. So when it's dark out and we
8 take photographs, we can designate and identify easily in
9 the photograph where we're focusing.

10 Q And this photo, Mr. Kretschmar?

11 A That's a closer photograph of the evidence we were
12 going to collect.

13 Q And with respect to cartridge casings, what do you do
14 as you're going through a crime scene?

15 A So we'll take photographs from a distance to show the
16 overall scene, and then closer photographs of the specific
17 cartridge casings. And then we'll -- once documented, we
18 collect them, place them in a bag, seal it, and transport
19 it to our property and evidence section.

20 Q And I'll just show you State's Exhibit No. 16. Is
21 that standard procedure to get a close-up photo?

22 A Yes, sir. That shows the head stamp of the cartridge
23 casing.

24 Q And how do you identify each separate cartridge
25 casing?

1 A With the number of placard next to each cartridge.

2 Q And would it just be the number, or would it be
3 something else?

4 A We --

5 Q For the purposes of a P&E report?

6 A We'll, also, document -- or place a label on the
7 packaging that we put it into, and initial and date the
8 packaging.

9 Q And did you do that in this case?

10 A Yes, sir.

11 Q And once you collected the cartridge casings and
12 blood samples, what was the next thing that you do?

13 A Then we transport it back to our crime scene office,
14 seal all the evidence, and initial and date it. And then
15 we transport it back to the property and evidence section.

16 Q And once it's in property and evidence, is it secure?

17 A Yes, sir.

18 MR. MCCOLLUM: I beg the Court's indulgence.

19 (WHEREUPON, State's Exhibit No. 12 was marked for
20 identification only.)

21 BY MR. MCCOLLUM:

22 Q Mr. Kretschmar, I'm showing you what's been
23 pre-marked as State's Exhibit No. 25 -- 12. Excuse me.
24 Can you identify it?

25 A Yes, sir. These are the cartridge casings that I

1 collected on the scene.

2 Q And how do you know that those are the cartridge
3 casings you collected on scene?

4 A We print off a label for each piece of evidence that
5 we collect. And all these labels designate the cartridge
6 cases.

7 Q And what else -- what else would clue you into that
8 being the cartridge casing?

9 A Can -- can I open this?

10 Q Yes.

11 A For each individual cartridge casing, they are
12 initialled and dated on the seal to the packaging.

13 Q And it's your initials and dates in your handwriting?

14 A Yes, sir.

15 MR. MCCOLLUM: Your Honor, at this time, the State
16 would move State's Exhibit No. 12 into evidence.

17 MR. GIBSON: No objection, Your Honor.

18 THE COURT: Okay.

19 (WHEREUPON, State's Exhibit No. 12 was admitted into
20 evidence.)

21 BY MR. MCCOLLUM:

22 Q And as you stated prior, once you collect this
23 evidence, you take it to P&E?

24 A Yes, sir.

25 Q At which point, it's in a secure area?

1 A Yes, sir.

2 MR. MCCOLLUM: Please answer any questions Mr. Gibson
3 has for you.

4 THE WITNESS: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. GIBSON:

7 Q So is it Mr. Dishmier?

8 A Kretschmar.

9 Q Kretschmar. I'm sorry.

10 A Yes, sir.

11 Q Mr. Kretschmar. All right. So, Mr. Kretschmar, you
12 talked about head stamps?

13 A Yes, sir.

14 Q What's a head stamp?

15 A It's the imprint of the maker of the projectile or
16 the cartridge imprinted on the back of the cartridge.

17 Q Okay. Do you recall what the head stamp on these
18 cartridges was?

19 A I don't. I'd have to look at the photographs to see
20 if they were correct.

21 MR. GIBSON: Do you have the photographs?

22 MR. MCCOLLUM: Yes.

23 (Pause.)

24 BY MR. GIBSON:

25 Q Hopefully, that'll help.

1 A For DK3, it shows NFCR nine-millimeter Luger. For
2 DK7, NFCR nine-millimeter Luger. For DK8, I can make out
3 Luger. And for DK9, NFCR nine-millimeter Luger.

4 Q All right. So NFCR nine-millimeter Luger, what is
5 that?

6 A The make of the cartridge would be the NFCR and
7 Luger. And then the size of the projectile is nine
8 millimeters.

9 Q Okay. So there's nothing, like, really -- like, that
10 differentiates that from any other type of ammunition,
11 other than a brand and a size; correct?

12 A Yes, sir.

13 Q All right. Now, that NFCR, are you familiar with
14 that brand?

15 A I have seen it before, yes, sir.

16 Q If I told you that that NFCR brand refers to a -- a
17 brand of ammunition called Federal --

18 A Okay.

19 Q -- do you have any reason to dispute that?

20 A No, sir.

21 Q If I told you that that particular brand of
22 ammunition is sold at Walmart -- pretty much every Walmart
23 across the country, would you have any reason to dispute
24 that?

25 A No, sir.

1 Q All right. If I told you that that brand of
2 ammunition was probably one of the cheapest brands of
3 ammunition that you could get, would you have any reason
4 to dispute that?

5 A No, sir.

6 Q All right. If I told you that Federal sold hundreds
7 of thousands, if not millions of rounds of that type of
8 ammunition, would you have any reason to dispute that?

9 A No, sir.

10 MR. GIBSON: Thank you.

11 MR. MCCOLLUM: No redirect, Your Honor.

12 THE COURT: Okay. Thanks.

13 You can step down.

14 How are y'all doing? Would you like a little break?

15 Is everybody okay?

16 UNIDENTIFIED JUROR: Could we get a 15-minute --

17 THE COURT: All right. Let's just take a little
18 short break.

19 Everyone else, remain seated in the courtroom, please.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 3:58 p.m.)

22 THE COURT: Okay. 10 minutes.

23 (WHEREUPON, a break was taken.)

24 (WHEREUPON, State's Exhibit Nos. 25, 26, 27, 28, 29,
25 30, and 31 were marked for identification only.)

1 THE COURT: Bring the jury in.

2 (WHEREUPON, the jury came into open court at
3 approximately 4:14 p.m.)

4 THE COURT: All right. Call your next witness.

5 MR. MCCOLLUM: The State calls Adam Hempel.

6 WHEREUPON,

7 RUSSELL ADAM HEMPEL,

8 after first having been duly sworn, testified as follows:

9 THE CLERK: Please take a seat.

10 And state your name for the record.

11 THE WITNESS: Russell Adam Hempel.

12 DIRECT EXAMINATION

13 BY MR. MCCOLLUM:

14 Q Good afternoon, Deputy Hempel.

15 Were are you employed?

16 A I'm currently employed with the Greenville County
17 Sheriff's Office.

18 Q Were you employed there in 2017?

19 A No, sir. I was employed with the Greenville County
20 forensics.

21 Q And what was your role at Greenville County
22 forensics?

23 A I was a forensic evidence technician crime scene
24 investigator.

25 Q And what did that job entail?

1 A Going to crime scenes and documenting and collecting,
2 processing evidence.

3 Q On August 5th, 2017, did you have occasion to get
4 called out to a crime scene?

5 A I did, yes, sir.

6 Q Can you, please, explain to the jury what you did?

7 A Which one are you talking about? Because there's
8 two --

9 Q The first scene --

10 A Because there's two --

11 Q -- at 8 Cartee.

12 A At Cartee. Okay. I was called out to -- it was 8
13 Cartee Avenue. It was about 11:00 in the evening. Deputy
14 McHale with the sheriff's office had responded to a
15 complaint and requested forensics to come out and collect
16 and document an item that was found. And I responded to
17 that scene to -- to collect and document that item.

18 Q And do you recall what that item is?

19 A It was a black purse.

20 Q Deputy Hempel, I'm showing you what's been pre-marked
21 as State's Exhibit No. 10.

22 A Okay.

23 Q Do you recognize it?

24 A Yes, sir.

25 Q What is it?

1 A It is a black purse that I collected from Deputy
2 McHale that evening.

3 Q And this is the purse you collected from 8 Cartee
4 Avenue?

5 A Yes.

6 Q And when you collected that purse, when you placed it
7 into P&E, how did you place it into P&E?

8 A Well, I, first, took it back to our office and -- and
9 took an inventory of the items inside before placing all
10 the items into property and evidence.

11 Q And I'll take it back in a second. When you
12 conducted that inventory, what did you find?

13 A There was -- let's see. I'm going to refer back to
14 my report just to make sure I get all the things. A pair
15 of black women's sandals, a makeup bag, a checkbook, a
16 cell phone, and a McDonald's receipt dated on that
17 reported date.

18 Q On August the 5th, 2017?

19 A Yes.

20 Q Let me take your attention to the McDonald's receipt.

21 A Yes.

22 Q When you collected that receipt, did you conduct any
23 additional testing on the receipt?

24 A I did. I collected -- I made a photocopy of that
25 item, which is standard policy for us to make photocopies

1 before we do any kind of processing of paper goods. So I
2 made a photocopy. And then I went ahead and processed the
3 receipt using anhydram, which, basically, is -- is a
4 method of allowing you to lift latent prints which are
5 invisible to the naked eye using a chemical procedure
6 using anhydram, which once it evaporates from the receipt,
7 we use a -- we, actually, use a common household iron.
8 The heat and the humidity on steam mode makes the latent
9 prints turn purple and it's then visible.

10 Once I did locate a latent print on the back of that
11 receipt, I scaled it and photographed it digitally and
12 then sent it to the latent examiners for processing -- or
13 matching.

14 Q Deputy Kretschmar -- or excuse me, Deputy Hempel, I'm
15 showing you what's been marked as -- pre-marked as State's
16 Exhibit No. 27.

17 MR. GIBSON: Let me look at that.

18 (Pause.)

19 BY MR. MCCOLLUM:

20 Q I'm showing you what's been pre-marked as State's
21 Exhibit No. 25.

22 A Okay.

23 Q Do you recognize it?

24 A This would be the photocopy of the receipt I made
25 prior to -- prior to its -- or this is the envelope that I

1 placed in property and evidence with the photocopy of the
2 receipt.

3 Q And how do you know that is the receipt?

4 A Well, I mean, the label that I made states that it is
5 a -- it's RH1, which is a photograph -- a photocopy of the
6 McDonald's receipt from inside the purse.

7 Q And RH are your initials?

8 A RH are my initials. That's how I document my list.

9 Q And once you finished processing the receipt --
10 processing the purse, what would you have done next with
11 those items?

12 A Those items would have been then packaged and taken
13 to property and evidence and placed, you know, into P&E
14 for -- for safekeeping.

15 Q And once they're placed in P&E, is that -- are they
16 placed in a secure area?

17 A That's correct, yes. It completes the chain of
18 custody from the scene through myself and then to where
19 it's being stored.

20 MR. MCCOLLUM: Please answer any questions Mr. Gibson
21 has for you.

22 THE WITNESS: Yes, sir.

23 MR. GIBSON: No questions.

24 THE COURT: Okay. Next witness.

25 MR. MCCOLLUM: The State calls Forester Ellison.

1 THE CLERK: Please raise your right hand.

2 WHEREUPON,

3 FORRESTER ELLISON,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Please take a seat.

6 And state your name for the record.

7 DIRECT EXAMINATION

8 BY MR. MCCOLLUM:

9 Q Sergeant Ellison, where are you employed?

10 A My name's Forrester Ellison. I'm a sergeant with the
11 Greenville County forensics.

12 Q And what's your role at Greenville County forensics?

13 A At the Greenville County forensics, my primary duties
14 are to help investigate crime scenes. Also, as a
15 sergeant, I help deal with the day-to-day operations and
16 making sure supplies are maintained, office areas are
17 coordinated well with the other forensic technicians in
18 the office. Whenever I'm not dealing with anything
19 managerial wise at the office, I do respond out to crime
20 scenes from everything from property crimes up to and
21 including death investigations.

22 Q Did you have occasion to respond to a crime scene on
23 August the 5th, 2017?

24 A On August the 5th?

25 Q Yes.

1 A No, I did not.

2 Q What date did you respond to?

3 A I responded out to a -- an investigation involving a
4 death investigation for August 6th of 2017.

5 Q And when you responded, what did you do?

6 A I responded out to a -- a Southern Suites hotel at 12
7 Impact Drive. And I met with the investigator, David
8 Picone, with the Greenville County Sheriff's Office. He
9 advised that he had obtained a search warrant for a room
10 at that hotel.

11 Q And as a part of that search warrant, what were your
12 duties?

13 A My duties were to help obtain photo documentation of
14 that room, and then -- as well as search for any items of
15 evidentiary value that myself and the investigating deputy
16 determined would be -- need to be collected and possibly
17 processed later.

18 Q And did you find any items of evidentiary interest?

19 A Yes. Going through the room, we did spot several
20 items which were photographed and were collected by
21 myself, including an open water bottle, a Glaceau smart
22 water bottle, an empty pack of Marlboro cigarettes, an
23 open Paul Mason brandy mini-bottle, a Dollar General store
24 receipt, an open Spinx natural spring water bottle, and a
25 Fanta two-liter soda bottle, and a South Carolina

1 identification card.

2 Q Sergeant Ellison, I'm showing you what's been pre-
3 marked as State's Exhibit Nos. 26, 27, and 28. Could you,
4 please, identify them?

5 A One bag has an item FE3. When I collect my evidence,
6 I use my initials. My name is Forrester Ellison, so I use
7 FE. This is a bag that, also, has my initials on the
8 back. Also, it was dated for me when I sealed it. This
9 one contains an -- item FE3 was an open Paul Mason brandy
10 50-milliliter mini-bottle, which had been collected --
11 taken from the trash bin in the kitchen at the hotel room.

12 This item is FE4, which I collected and has my
13 initials and date for when I sealed it for an item FE4,
14 which is a Dollar General store receipt taken from the
15 trash bin in the kitchen at the hotel room.

16 And this item is marked FE6, which I sealed, and
17 initialled, and dated it. And it contains an open Fanta
18 grape flavor two-liter bottle taken from the refrigerator
19 in the kitchenette.

20 Q And, Sergeant Ellison, when you collected these
21 items, did you process them for additional testing?

22 A Yes.

23 Q What was --

24 A On -- on August 24th [sic] of 2017, after I collected
25 those items, I processed them further at our office where

1 I did collect a -- some swabs for possible DNA from -- I
2 know item -- the mini bottle, and as well as the Fanta
3 two-liter bottle. And then I, also, collected a photocopy
4 of the store receipt. And I processed them back at the
5 office for the mini bottle and the soda bottle. I
6 processed them using cyanoacrylate fuming, examined it for
7 any ridge detail. And then I, also, processed -- I
8 processed the mini bottle with a magnetic powder. And I
9 processed the soda bottle with a -- a black fingerprint
10 powder.

11 I did obtain positive results on items FE3 and FE --
12 FE3, which is a -- I did obtain fingerprints on some of
13 the items that were processed as -- but I did not obtain
14 any results on the receipt which I had processed with
15 anhydram and then with the heat source. And then I
16 examined it for any possible latent prints on them.

17 And then those items that I did receive positive
18 results, I placed those latent cards into a latent
19 envelope, which I sealed and placed in a latent print box,
20 which is forward up to our leads division.

21 MR. MCCOLLUM: Please answer any questions Mr. Gibson
22 has for you.

23 MR. GIBSON: No questions.

24 THE COURT: Thank you.

25 You may step down.

1 MR. MORONEY: The State calls Timothy Nafziger.

2 WHEREUPON,

3 TIMOTHY NAFZIGER, JR.,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Please take a seat.

6 And state your name.

7 THE WITNESS: Timothy Nafziger, Jr.

8 DIRECT EXAMINATION

9 BY MR. MORONEY:

10 Q Mr. Nafziger, could you, please, state your current
11 place of employment?

12 A I work for the Greenville County Department of Public
13 Safety in the DNA lab.

14 Q Okay. And how long have you worked in the DNA lab
15 there?

16 A About six and a half years.

17 Q And what is your occupation there?

18 A I'm currently a DNA analyst.

19 Q Okay. And could you explain your specific
20 responsibilities that you carry out with your work?

21 A I -- for most of my career there, I've been a
22 serologist where I handle the evidence that -- in criminal
23 cases and try to find sources of DNA evidence.

24 Q Okay. Particularly, what do you do with DNA analysis
25 at the forensic unit there?

1 A I -- right now, I -- I receive evidence from property
2 and evidence. I bring it to the lab. And we'll screen it
3 for bodily fluids or other sources of DNA.

4 Q What is the extent of your training as a DNA analyst?

5 A I have a -- I have a Bachelor's Degree in Biological
6 Sciences from Clemson University, a Master's Degree in
7 Entomology from Auburn University. I was trained in the
8 lab for six months or so before I began serological work.
9 And as over -- a couple years over that while doing my
10 serology work, I trained as a DNA analyst as well.

11 Q As a DNA analyst, are you subject to peer review
12 there?

13 A Yes. All our reports are peer reviewed before
14 they're released.

15 Q And how many times have you testified in court
16 previously?

17 A 13.

18 MR. MORONEY: Your Honor, at this time, the State
19 would move to qualify Mr. Nafziger as an expert in the
20 field of DNA analysis.

21 MR. GIBSON: No objection, Your Honor.

22 THE COURT: Okay. Without objection

23 BY MR. MORONEY:

24 Q Mr. Nafziger, did you have the occasion to review
25 some swabs or samples in this incident case?

1 A Yes.

2 Q Okay. I'm going to hand you what's been pre-marked
3 as State's Exhibit Nos. 29, 30, and 31. And could you
4 take a look at those and let me know if you recognize
5 them?

6 A I do.

7 Q What are they?

8 A These are what I have designated on my report as item
9 four, which was a sealed package containing a swab of
10 [inaudible] FE1. And the case item number for this one
11 was FE1A. And then what I have on my report as item five,
12 a sealed package containing a swab of a mini bottle, item
13 FE3. It's case item number was FE3A. And item seven, a
14 sealed package containing a swab of bottle, item FE6. And
15 its case item number was FE6A.

16 Q How are you, specifically, able to identify those
17 from just looking at them?

18 A They -- they have my notes. I write the number and
19 the -- the case item -- the lab number, as well as my
20 initials and date on them.

21 MR. MORONEY: Your Honor, at this time, the State
22 would move for State's Exhibit Nos. 29, 30, and 31 to be
23 placed into evidence.

24 MR. GIBSON: Can I see them real quick?

25 (Pause.)

1 MR. GIBSON: No objection, Your Honor.

2 THE COURT: Okay.

3 (WHEREUPON, State's Exhibit Nos. 29, 30, and 31 were
4 admitted into evidence.)

5 BY MR. MORONEY:

6 Q With respect to DNA swabs like the one that you just
7 identified, could you describe how they come to you?

8 A I receive -- all the evidence that we work on comes
9 from the property and evidence section at the law
10 enforcement center. I pick it up, make sure that it's in
11 sealed packages, has been properly labeled. Then I take
12 it back to the DNA lab where it's kept until I work on the
13 evidence. The DNA lab is a secure facility with key card
14 access, an alarm system.

15 Q And what tests or procedures would you have done with
16 those swabs?

17 A So for these swabs for item five, I just took -- I
18 just sampled the swab for DNA analysis. And for item
19 six -- I'm sorry -- for -- for each of them, I just -- I
20 took a sample of them for DNA analysis.

21 Q And when you take that sample, what do you do with
22 those samples?

23 A So I cut off a portion of the swab. It gets put into
24 a small test tube given its -- and then put -- sealed into
25 an envelope with its own bar code label on it, so. And

1 then that sample gets the -- in a freezer in the DNA lab.
2 And then the original item gets resealed in its original
3 packaging and returned to property and evidence.

4 MR. MORONEY: Thank you.

5 Please answer any questions that Mr. Gibson may have
6 for you.

7 MR. GIBSON: No questions, Your Honor.

8 THE COURT: Thank you.

9 You may step down.

10 MR. MORONEY: The State would now call Dr. Jagannadha
11 Kandala.

12 THE CLERK: Please raise your right hand. Raise your
13 right hand.

14 WHEREUPON,

15 JAGANNADHA KANDALA,

16 after first having been duly sworn, testified as follows:

17 THE CLERK. Sir, please, take a seat.

18 And state your name.

19 THE WITNESS: Jagannadha Kandala.

20 DIRECT EXAMINATION

21 BY MR. MORONEY:

22 Q Dr. Kandala, could you, please, state your current
23 place of employment?

24 A I work for the forensic division, department of
25 public safety in Greenville County.

1 Q And what is your role there?

2 A I'm the technical leader. I take care of the lab and
3 supervise it.

4 Q Okay. And what are some of your specific
5 responsibilities that you do there?

6 A I train people. And I, also, do the DNA analysis.

7 Q And what kind of education have you received prior
8 to --

9 A I have a BS in Biology and Chemistry, a Master's in
10 Chemistry, a Master's in Microbiology, and a PhD in
11 Biochemistry.

12 Q Have you received any specialized training particular
13 to the analysis of DNA?

14 A I got training in the forensics from St. Louis
15 Metropolitan Police Department.

16 Q Is your work peer reviewed there at the DNA lab?

17 A Yes.

18 Q And have you previously been qualified as an expert
19 witness previously?

20 A Yes.

21 MR. MORONEY: At this time, Your Honor, the State
22 would move to have Dr. Kandala qualified as an expert in
23 DNA analysis.

24 MR. GIBSON: No objection.

25 THE COURT: Okay.

1 BY MR. MORONEY:

2 Q Dr. Kandala, did you have the opportunity to perform
3 DNA analysis in this case?

4 A Yes.

5 Q I'm going to hand you three items that have already
6 been moved into evidence, State's Exhibit Nos. 29, 30, and
7 31, and ask you to look at those and see if you recognize
8 them?

9 A I did not handle these directly. Because Tim
10 Nafziger has handled this sample that has to be analyzed.
11 So I analyzed the samples.

12 Q And did you perform some testing with respect to the
13 samples that Tim Nafziger had obtained?

14 A Yes.

15 Q Could you, please, detail your findings with respect
16 to this case and what you found?

17 A For these three samples?

18 Q Yes.

19 A Sample FE6, which is -- in my notes, it is 7A. It is
20 a -- the sample 7A that is FE6 is a match to the victim,
21 that is Catherine Clark.

22 Q Okay.

23 A And --

24 Q And one moment.

25 A Yes.

1 Q When you mentioned FE6, is that a swab from a bottle?

2 A Yes.

3 Q Okay. Please proceed.

4 A And the -- the other two samples -- sample of a swab
5 from suspect -- the swabs were from a bottle that is item
6 FE1. And then, also, is a swab of the bottle, which is
7 FE3. And these two samples match the DNA of Samuel
8 Burnside.

9 Q When you say "match," what does that mean
10 particularly?

11 A In my -- if the statistical [phonetic] number is one
12 in 300 billion or more is a match. So even though the
13 number is much more higher on this, we just call it a
14 match. Because it is higher than that number. Because
15 the population of the world is at only seven billion. And
16 here, in particular, the U.S. population is 340 million.

17 MR. MORONEY: Thank you, Dr. Kandala.

18 Please answer any questions Mr. Gibson has.

19 MR. GIBSON: No questions, Your Honor.

20 THE COURT: Thank you.

21 You may step down.

22 THE WITNESS: Thank you.

23 MR. MCCOLLUM: The State calls Tyler Bucholtz.

24 (WHEREUPON, State's Exhibit Nos. 32, 33, and 34 were
25 marked for identification only.)

1 WHEREUPON,

2 TYLER BUCHOLTZ,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Please take a seat.

5 And state your name.

6 THE WITNESS: Tyler Bucholtz.

7 DIRECT EXAMINATION

8 BY MR. MCCOLLUM:

9 Q Good afternoon, Mr. Bucholtz.

10 Where are you employed?

11 A Greenville County Department of Public Safety in the
12 forensic division.

13 Q And how long have you been there?

14 A I've been there for 11 years.

15 Q And what's your official title?

16 A I'm a latent print examiner and a crime scene
17 technician.

18 Q What are your official duties?

19 A I accept evidence from our crime scene unit and
20 conduct analysis on it. So I look at footwear, tire
21 tracks, fingerprint evidence from the scene. And then I
22 make comparisons and examinations. And I issue reports
23 based on my findings.

24 Q What specialized education or training do you have
25 with respect to fingerprint analysis?

1 A I have over 457 hours of classroom training -- formal
2 classroom training dealing with comparing fingerprint
3 evidence, as well as processing surfaces for fingerprints.

4 Q And then do you receive any continuing education
5 training with respect to fingerprint analysis?

6 A Yes. When I first started with the latent print
7 division, I had a year of apprentice-style training to
8 begin with. So when I was in the crime scene unit, I
9 transferred over to the latent print unit.

10 Once I was in the latent print unit, I had to be
11 trained in the fingerprint comparison. So that was a year
12 long thing before all of the other classroom -- formal
13 classroom training.

14 And can you ask me what you just asked again?

15 Q Do you have -- do you do any continuing education
16 credits or continuing training with respect to fingerprint
17 analysis?

18 A Yes. Each year, we attend a conference -- usually, a
19 conference or a class that's a week long. And then we,
20 also, keep up with the Journal of Forensic Identification
21 and other publications relative to the field.

22 Q And do you hold any certifications?

23 A Yes. I'm a certified latent print examiner since
24 2015 through the International Association for
25 Identification.

1 Q And have you been qualified as an expert in court
2 before?

3 A Yes. Eight times in state court and once in federal
4 court.

5 MR. MCCOLLUM: Your Honor, at this time, the State
6 moves to qualify Mr. Bucholtz as an expert in latent print
7 examination.

8 MR. GIBSON: No objection.

9 THE COURT: Okay. Without objection.

10 BY MR. MCCOLLUM:

11 Q What do you -- what equipment do you use in
12 comparison of fingerprints, and how is it used?

13 A We -- most of the time, we just simply use a
14 magnifier called a loupe. And it's designed,
15 specifically, for looking at fingerprint impressions.

16 Q And what is a latent print, and how are they
17 developed?

18 A A latent print is a fingerprint that's left on a
19 surface. Latent means hidden or unknown. So it's a
20 fingerprint that has to be developed on the surface. So
21 when somebody touches it, they leave the fingerprint
22 behind.

23 If you look at your hands and your fingers, you'll
24 see lines on them. And those lines are unique on each
25 individual. All 10 fingers on your finger are

1 different -- on your hands are different. And your hand
2 and fingers act like a stamp. So when you touch a
3 surface, you leave that stamp behind. And the ink for
4 that stamp is either oils from your body or perspiration
5 that comes from the pores on your hands.

6 And when you touch a surface, you leave that
7 impression behind. It's -- like I said, it's not visible
8 to the naked eye because it's usually perspiration or some
9 other form of liquid.

10 So when the crime scene evidence technician's come
11 out, they have to process it with fingerprint powder. If
12 it's on a paper, they'll put various chemicals on it to
13 make it visible. And then they have to capture it and
14 submit it to us.

15 Q And what is an ink or known print?

16 A An ink or known print is a fingerprint or set of
17 fingerprints that are taken in a controlled environment
18 where you record the person's name, any identifiers like
19 their date of birth, social security number, height,
20 weight, those type of things so that you know where that
21 set of prints came from, the source of those prints.

22 Q And are fingerprints unique to each individual in the
23 world?

24 A Yes.

25 Q Is there any way that two people could have the same

1 set of fingerprints?

2 A No, not even identical twins.

3 Q Did you have occasion to examine fingerprints in this
4 case?

5 A Yes.

6 Q Who submitted these prints?

7 A There were three envelopes submitted. And I believe
8 Officer Hempel submitted one envelope, Technician Ellison
9 submitted another envelope, and Sergeant Shaw submitted an
10 envelope.

11 Q And how were these prints provided to you?

12 A The crime scene technicians, when they get them from
13 the scene, they record all the information of what item
14 they lifted that fingerprint off of or captured it from.
15 They fill out the case number, the date, all that
16 information. They initial and sign them. And then they
17 stick them in an envelope. And that envelope has all the
18 case information and a bar code on it.

19 They scan that bar code showing it was in their
20 possession and drop it in a locked box over at the crime
21 scene unit office. And every morning, someone from our
22 office in latent prints goes over and picks those
23 envelopes up. We then scan them showing they're in our
24 possession and then bring them to our office. And that's
25 when -- that's how we receive the case.

1 Q Mr. Bucholtz, I'm going to show you what's been
2 pre-marked as State's Exhibit Nos. 32, 33, and 34. Would
3 you identify them, please?

4 A All right. State's Exhibit No. 32 is an envelope,
5 item FEL. That's an envelope of latent prints from
6 Officer Forrester Ellison. And it has three -- three
7 latent prints in it. State's Exhibit No. 33 is an
8 envelope from Officer Hempel. And it has one latent in
9 it. It's item number RAHL. And State's Exhibit No. 34 is
10 a latent print envelope from Sergeant Shaw with five
11 latents in it. And it's item DSL.

12 Q Okay. And how are you able to identify those
13 envelopes as latent print cards -- or containing latent
14 print cards?

15 A Well, they have that written on the back of them,
16 what they are and what they contain. And then I've, also,
17 dated and initialled them on the dates that I received
18 them.

19 MR. MCCOLLUM: Your Honor, at this time, the State
20 moves to put State's Exhibit Nos. 32, 33, and 34 into
21 evidence.

22 MR. GIBSON: No objection, Your Honor.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit Nos. 32, 33, and 34 were
25 admitted into evidence.)

1 BY MR. MCCOLLUM:

2 Q Mr. Bucholtz, did you have occasion to compare the
3 prints on the latent print cards to the Defendant in this
4 case?

5 A Yes, I did.

6 Q As a result of your examination, what was your
7 conclusion?

8 A On State's Exhibit No. 33, the latent submitted from
9 Officer Hempel, there was one latent. And it is from the
10 rear top of a McDonald's receipt collected from inside a
11 black purse, which was item SEM1. And that was identified
12 as being made by the left palm of Samuel Lamar Burnside.

13 State's Exhibit No. 32 submitted by Sergeant Ellison,
14 there are three latents in this case. And latent lift
15 number three of three from item FE1 is an opened Glaceau
16 smart water 20-ounce fluid bottle taken from the table at
17 the scene that he processed -- he processed this at our
18 crime scene office. And it was -- the impression on that
19 water bottle was identified as being made by the number
20 eight, the left middle finger of Samuel Lamar Burnside.

21 And State's Exhibit No. 34 contains five latents.
22 Latent lift number one from the interior side of the rear
23 passenger door glass of a 2000 Buick was made by the left
24 palm of Samuel Lamar Burnside. And latent lift number
25 three of five is from the interior side of the rear

1 passenger door glass of a 2000 Buick made by the number
2 nine and 10, the left ring and left middle -- or left
3 little finger of Samuel Lamar Burnside. Those are all the
4 identifications.

5 MR. MCCOLLUM: Thank you.

6 Please answer any questions that Mr. Gibson has for
7 you.

8 CROSS-EXAMINATION

9 BY MR. GIBSON:

10 Q Mr. Bucholtz, have you ever heard of a technique
11 or -- for finding fingerprints called brass rubbing?

12 A I'm sorry.

13 Q Brass rubbing.

14 A No, I haven't.

15 Q Okay. If I told you that was a procedure whereby you
16 could get prints from a spent cartridge -- firearm
17 cartridge, would you have any reason to disbelieve me?

18 A No. I do know -- is that the same as acid etching?

19 Q Possibly, yes, sir.

20 A Okay. I am familiar with that on spent firearms --
21 casings.

22 Q All right. Were -- as part of this investigation --
23 let me back up. And through that process, you can find
24 fingerprints on a spent cartridge?

25 A I never have. But that is one process you can use on

1 that, yes.

2 Q Are there other processes you can use?

3 A There are.

4 Q What are those other processes?

5 A One's called vacuum metal deposition. If you have
6 the -- if you have the equipment to do that, you can do
7 that. It is very rare to get fingerprints off of spent
8 cartridge casings due to the heat, and friction, and from
9 them being ejected from a firearm.

10 Q But there are methods by which you can --

11 A There are methods to process them, yes. It's very
12 rare.

13 Q As part of this case, were you asked to do
14 fingerprint analysis on any spent cartridges?

15 A No.

16 Q So the only fingerprint analysis you were asked to do
17 was on bottles and receipts?

18 A And a vehicle, yes.

19 MR. GIBSON: And a vehicle.

20 Okay. Thank you.

21 MR. MCCOLLUM: Quick redirect, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. MCCOLLUM:

24 Q Mr. Bucholtz, the process that Mr. Gibson just
25 described to you, is it a known reliable process?

1 A The -- the one he, specifically, mentioned?

2 Q Yes.

3 A I -- I've not heard of brass rubbing. However, the
4 gun glue or etching -- acid etching is very familiar. And
5 the conferences I've been to and talking with other people
6 who -- who do this, it is very rare to get a fingerprint
7 off of a fired cartridge casing. And that's kind of --
8 there's, actually, classes, specifically, on that, how to
9 improve it. But it is very rare. And it's a very
10 difficult surface to get a fingerprint off of.

11 Q And that's why you didn't do that in this case?

12 A And that's why I what?

13 Q That -- that's why this didn't occur in the case?

14 MR. GIBSON: Objection. Calls for speculation.

15 THE COURT: No. He can testify to what he knows.

16 THE WITNESS: I don't -- I don't know what all was
17 processed in the case. But I -- I just know that it is
18 very rare to, actually, get fired cartridge casing prints.
19 Most of the time when we get fingerprints on cartridge
20 casings, it's ones that were still in the magazine. And
21 it's because they were pressed into the magazine with a
22 thumb. Once they're fired, it's very difficult, very rare
23 in my experience and others I've talked to.

24 MR. MCCOLLUM: Thank you.

25 MR. GIBSON: Just very quickly, Your Honor. One

1 question.

2 RE CROSS-EXAMINATION

3 BY MR. GIBSON:

4 Q Just to be very clear, though, you guys didn't even
5 try in this particular case; correct?

6 A I have no knowledge of what else was processed. I
7 only received the -- the impressions that were developed.

8 MR. GIBSON: Thank you.

9 THE COURT: Okay. You can step down.

10 Thanks.

11 MR. MORONEY: The State calls Kara Bennick.

12 WHEREUPON,

13 KARA BENNICK,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Please take a seat.

16 And state your name.

17 DIRECT EXAMINATION

18 BY MR. MORONEY:

19 Q Good afternoon.

20 Could you, please, state where you're employed?

21 A I'm employed with the Greenville County forensics
22 unit in the property and evidence section.

23 Q And what is your role there?

24 A I'm the supervisor of the unit.

25 Q Okay. And could you, please, describe what your

1 duties are and responsibilities?

2 A Well, basically, the in -- the intake of all evidence
3 that's coming in, as well as supervising the
4 administrative parts of the day.

5 Q Okay. And what's the general purpose of your
6 department?

7 A The care, custody, and control of all incoming
8 property and evidence for the city and county of
9 Greenville.

10 Q And could you speak to that care, and custody, and
11 control emphasis that you place on --

12 A Well, it's -- there's a lot of security measures that
13 go into it. Nobody is allowed access to it, except for
14 the five technicians that work in there.

15 Q And what happens to evidence when an officer brings
16 it into property and evidence?

17 A It depends on what kind of evidence is being brought
18 in. Some of it goes directly into storage. And some of
19 it is staged to go out to lab services if a lab request
20 comes in with it.

21 Q And where is the evidence physically stored?

22 A In the basement of the law enforcement center. We
23 have buildings set up throughout the law enforcement
24 center that house it.

25 Q And how is the evidence identified as it's stored?

1 A It's all tagged by a -- a bar code system and
2 tracking.

3 Q If someone gains access to evidence, is it recorded
4 through some kind of documentation?

5 A Yes. There's cameras. It's all controlled by
6 cameras, swipe cards, and key control.

7 Q And as evidence is entered and checked out, it's all
8 logged and secured --

9 A It is.

10 Q Could you briefly describe how -- that process of how
11 custody is documented?

12 A We have two -- two ways that stuff could come into
13 our custody. One is through the drop box and after hours
14 lockers, and one is across the counter directly into our
15 custody. It is then cataloged into the bar code system
16 and sent to its perspective areas.

17 Q I'm going to hand you a mass of items. I just ask
18 you to identify them if you can. First is DLS6, second is
19 DSL1, DSL3, and DLS4. If you could take a look at those
20 and let me know if you recognize those items that would
21 have come through property and evidence at Greenville
22 County.

23 A They have.

24 Q And have you had the opportunity with respect to this
25 case to review the chain of custody forms?

1 A I have.

2 Q Okay. And those chain of custody forms, do they
3 provide an accurate detail of when evidence is entered,
4 checked out, testing, etc.?

5 A Yes.

6 Q Okay. And have those items been securely stored, and
7 have they been accurately documented with respect to those
8 items in front of you right now?

9 A They have.

10 Q Next, I'm going to hand you what's been pre-marked as
11 State's Exhibit No. 10, evidence SEM1. Can you recognize
12 that?

13 A I do.

14 Q Okay. And is that one of the items that you have
15 reviewed already that was stored securely at your
16 facility?

17 A Yes.

18 MR. MORONEY: At this time, Your Honor, the State
19 would move this exhibit into evidence.

20 MR. GIBSON: I think they're already in. But no
21 objection, Your Honor.

22 THE COURT: All right. Without objection.

23 MR. GIBSON: Without objection, Your Honor.

24 (WHEREUPON, State's Exhibit No. 35 was marked for
25 identification only.)

1 BY MR. MORONEY:

2 Q I'm, also, going to hand you what's been pre-marked
3 as State's Exhibit No. 35, items A, B, C, D, and E. Take
4 a look at that. Do you recognize those?

5 A I do.

6 Q And those are items that were securely stored at your
7 facility as well?

8 A Yes, sir, they were.

9 Q Okay. Similarly, I hand you State's Exhibit No. 12,
10 and ask you to identify that.

11 A That's ours.

12 Q Thank you.

13 And that's an item, also, that was stored securely at
14 your facility?

15 A Yes, sir.

16 MR. MORONEY: Your Honor, at this time, with respect
17 to State's Exhibit No. 12, the State would put it into
18 evidence.

19 MR. GIBSON: No objection, Your Honor.

20 THE COURT: Okay.

21 BY MR. MORONEY:

22 Q I'm going to hand you a few more items here just to
23 identify. This is State's Exhibit Nos. 25, 26, 27, and
24 28. Do those markings indicate they've been all securely
25 stored at your facility?

1 A Yes.

2 MR. MORONEY: Your Honor, with respect to State's
3 Exhibit Nos. 25, 26, 27, and 28, the State would move
4 these into evidence as well.

5 MR. GIBSON: No objection, Your Honor.

6 THE COURT: Okay.

7 (WHEREUPON, State's Exhibit Nos. 25, 26, 27, and 28
8 were admitted into evidence.)

9 (WHEREUPON, State's Exhibit Nos. 36 and 37 were
10 marked for identification only.)

11 BY MR. MORONEY:

12 Q And, finally, I'll hand you State's Exhibit Nos. 36
13 and 37. Do you recognize those?

14 A I do, yes. They're ours.

15 Q And these were, also, securely stored at your
16 facility?

17 A Yes, sir.

18 MR. MORONEY: Thank you.

19 Please answer any questions that Mr. Gibson may have
20 for you.

21 MR. GIBSON: No questions, Your Honor.

22 THE COURT: Okay. Let me talk to the lawyers for a
23 second up here.

24 Yeah, Ms. Bennick, you're released. Sorry.

25 THE WITNESS: Okay.

1 TUESDAY, JANUARY 7, 2020

2 (WHEREUPON, State's Exhibit Nos. 38, 39, 40, 41, 42,
3 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56,
4 57, 58, 59, 60, 61, 62, 63, 64, and 65 were marked for
5 identification only.)

6 THE COURT: Are you all ready to go?

7 MR. GIBSON: Yes, Your Honor.

8 MR. MORONEY: Yes, Your Honor.

9 THE COURT: Bring the jury in.

10 (WHEREUPON, the jury came into open court at
11 approximately 9:41 a.m.)

12 THE COURT: All right. Ladies and gentlemen, welcome
13 back. I hope you had a pleasant evening. And we are
14 ready to resume.

15 MR. MORONEY: Your Honor, the State calls Dar Shaw.

16 WHEREUPON,

17 DARWIN SHAW,

18 after first having been duly sworn, testified as follows:

19 THE CLERK: Please take a seat.

20 And state your name for the record.

21 THE WITNESS: Darwin Shaw, S-H-A-W.

22 DIRECT EXAMINATION

23 BY MR. MORONEY:

24 Q Good morning, Mr. Shaw.

25 Could you, please, state your current place of

1 employment?

2 A Actually, I retired. Next month will be two years
3 since I retired from the forensics division.

4 Q And were you employed with the Greenville County
5 forensics division back in August of 2017?

6 A I was.

7 Q Did you have the opportunity to become involved in a
8 case involving Defendant Sam Burnside?

9 A I did.

10 Q And did you respond to 12 Impact Drive in reference
11 to a search warrant?

12 A Yes, I did.

13 Q Could you briefly tell us some of your duties in your
14 role there in the forensics department?

15 A As a technician, we respond to crime scenes for the
16 sheriff's office, the police department, all the
17 municipalities assisting them with work in their crime
18 scenes, which included taking photographs, collecting
19 evidence, doing a report for -- for court purposes, and
20 other testing that is done in relation to evidence that
21 had been collected.

22 Q And in your response to 12 Impact Drive, could you
23 tell the jury what your role was in that capacity?

24 A I had been contacted by the investigator for the
25 sheriff's office, asked to respond to 12 Impact Drive. I

1 was advised there was a vehicle that was parked out in
2 front of one of the rooms that he was wanting to have
3 processed at a later time, and asked that that vehicle be
4 photographed, the doors sealed, then the vehicle taken to
5 our office at the crime scene office, which is at
6 Greenville Tech campus. And then he, also, had a search
7 warrant for room 214, and wanted photographs of that room
8 and then, also, any evidence to be collected that related
9 to this investigation.

10 Q With respect to that vehicle, do you recall what kind
11 of vehicle that was?

12 A It was a 2000 Buick. I'd have to look at my report
13 to tell you the tag number on it.

14 Q I'm going to hand you some items that have been
15 pre-marked as State's Exhibit Nos. 45, 46, 47, 48, 49, and
16 50. These are photographs. I'll have you take a look at
17 those, and let me know if you recognize those.

18 A I do.

19 Q What do those photographs depict?

20 A It's photographs of the vehicle. It's a 2000 Buick
21 with a South Carolina tag, [REDACTED]. I photographed the
22 exterior first. Then I opened the doors and photographed
23 the interior, and then sealed the doors where it was later
24 transported to our office.

25 MR. MORONEY: Thank you.

1 Your Honor, at this time, the State would move
2 State's Exhibit Nos. 45 through 50 into evidence.

3 MR. GIBSON: No objection, Your Honor.

4 THE COURT: Okay.

5 (WHEREUPON, State's Exhibit Nos. 45, 46, 47, 48, 49,
6 and 50 were admitted into evidence.)

7 BY MR. MORONEY:

8 Q Mr. Shaw, I'm going to place these photographs on the
9 projector. And if you could, as we go through, identify
10 what we're looking at and, specifically, what you
11 processed with respect to this vehicle.

12 A This is the 2000 Buick that was parked in front of --
13 I believe it was room 208 at the Southern Suites.
14 Basically, it's a photograph of the left front. Normally,
15 what I would do is I would start on one corner, photograph
16 it, go down along the side, photograph the back, the
17 trunk, and then go around the exterior of the vehicle to
18 photograph the exterior.

19 Q Okay. And we'll look at this -- these other photographs.

20 A Again, this is just another photograph at a different
21 angle or different view. Again, just an overall
22 photograph of the vehicle.

23 Q This is more of the same.

24 A It is. And, again, it's -- and, also, it's a better
25 photograph showing the tag on the vehicle.

1 This was the console inside of the vehicle. And
2 there was a cartridge -- an unfired cartridge that was
3 found in the console.

4 Q Do you recall what caliber cartridge that was?

5 A It was a nine millimeter.

6 Q Okay.

7 A All right. This was a Bi-Lo receipt. And, again, I
8 don't have the date. But it had the date and time on it.
9 That was found in the door pocket on the -- in the
10 driver's door. I just took it out and photographed it to
11 document the date and time that was on the receipt.

12 Q Okay.

13 A I believe this was a -- from Southern Suites just
14 showing a contract where the room had been rented.

15 Q Okay. Thank you.

16 Specifically, with items that were collected from the
17 vehicle, I'm about to hand you some items. I'm going to
18 ask you to identify them. I'm, first, handing you what's
19 been pre-marked as State's Exhibit No. 36 for
20 identification purposes. Can you take a look at that and
21 let me know if you recognize it?

22 A I do.

23 Q And how do you recognize what it is?

24 A There's a bar code on the front indicating item
25 number DLS7, which in collecting evidence, I would use my

1 initials, which, typically, is DS. I would use DS and
2 then put the number of piece of evidence. If I went to
3 multiple scenes, I couldn't use the DS. I would use my
4 middle initial.

5 In this case, it was DLS. And this is showing a
6 Bi-Lo receipt dated 8/5/17 from the driver's door pocket.
7 And on the back it is sealed with a piece of evidence tape
8 with my initials on it.

9 Q I'm just going to hand you what's been pre-marked as
10 State's Exhibit No. 58. If you can identify that, can you
11 tell the jury what that is?

12 A This is DLS6, which is a live cartridge head stamped
13 Winchester nine-millimeter Luger. And, again, it's in
14 a -- just in a coin envelope. And it's sealed with my
15 initials on the evidence tape.

16 Q Now, shifting gears to the processing of the room
17 that you mentioned. Could you tell the jury about that?

18 A Again, once I was -- got the -- did photographs of
19 the interior of the room. And then there were
20 investigators that were assisting with searching the room
21 for potential evidence. At the foot of the bed was a --
22 like, a desk. And inside of the desk drawer, some
23 ammunition was found.

24 Q Mr. Shaw, I'm going to hand you multiple exhibits
25 pre-marked as State's Exhibit Nos. 62, 60, 61, and 59.

1 Could you take a look at those? And if you can identify
2 them, can you, please, tell the jury what those are?

3 A Yes. This -- the first one is a Phoenix Arms
4 25-caliber semi-automatic pistol that was found between
5 the mattress and the box spring in that room. It was --
6 the item number was DLS5. It was placed in this box by
7 me. And there's evidence tape on it with my initials on
8 the evidence tape.

9 Q If you could go to the next item.

10 A This item was DLS1, which is a Springfield magazine
11 containing -- there were 13 cartridges inside of the --
12 inside of the magazine, 11 were Remington Peters and the
13 other two were Federal Ammunition. This was found in the
14 desk drawer at the foot of the bed.

15 Q Okay.

16 A State's Exhibit No. 59 is DLS2, which is a cartridge
17 head stamped Winchester nine millimeter. And that was
18 from the -- also, from the drawer. And then, also, in the
19 same package, DLS3 was a cartridge with a head stamp. It
20 was NFCR, a nine millimeter, which was, also, from that
21 same drawer.

22 DLS4 is a box of Winchester 25-caliber ammunition.
23 It was a box of 50. There were only 43 in the box. And
24 this was found in the nightstand next to the bed
25 furthest from the -- from the doorway.

1 Q And these are all items that you collected and
2 entered into evidence?

3 A I did.

4 MR. MORONEY: Your Honor, at this time, the State
5 would move for State's Exhibit Nos. 62, 60, 59, and 61 to
6 be admitted into evidence.

7 MR. GIBSON: No objection.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Nos. 59, 60, 61, and 62
10 were admitted into evidence.)

11 BY MR. MORONEY,

12 Q Mr. Shaw, again, I'm going to hand you some pictures.
13 They're State's Exhibit Nos. 38, 39, 40, 41, 42, 43, and
14 44. If you could recognize those, please, tell the jury
15 what those are.

16 A These are photographs that I took in the -- in the
17 hotel room. One in the -- the first one is an envelope
18 with the name Samuel Burnside with an address of 12 Impact
19 Drive, Greenville, South Carolina.

20 The additional -- the other photographs were items
21 that were inside the desk drawer, which included the gun
22 magazine and the ammunition that was found in that desk
23 drawer, also, photographs of the 25-caliber box of
24 ammunition that was in the nightstand next to the bed.

25 And then the last ones are of the firearm, that

1 Phoenix Arms 25-caliber that was found between the
2 mattress and the box spring.

3 MR. MORONEY: Your Honor, at this time, the State
4 would move for State's Exhibit Nos. 38 through 44, as well
5 as State's Exhibit Nos. 36 and 58 to be entered into
6 evidence.

7 MR. GIBSON: No objection.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit Nos. 36, 38, 39, 40, 41,
10 42, 43, 44, and 58 were admitted into evidence.)

11 THE WITNESS: Again, this is a photograph of an
12 envelope to the name -- and to the name Samuel Burnside,
13 which was the name provided to me as the Defendant in this
14 case.

15 And, again, this is a photograph of a desk drawer
16 when it was pulled open. There is the -- that Springfield
17 magazine with the cartridges intact inside the magazine
18 inside that same drawer.

19 It is -- this is a close up -- a close-up photograph
20 of the magazine. You can, also, see that there's a
21 cartridge -- unfired cartridge that is behind it inside of
22 that same desk drawer.

23 BY MR. MORONEY:

24 Q And with respect to this magazine, what caliber
25 ammunition is loaded into it?

1 A Nine millimeter.

2 Q And if you need to reference your report, how was the
3 ammunition loaded into it, number of rounds, and types of
4 head stamp?

5 A I'd have to look at my report. There were a total of
6 13 rounds. 11 -- 11 were -- had a head stamp of RP, which
7 is Remington Peters. And two of them were the NFCR, which
8 is Federal Ammunition. It'd be like this. And it's
9 aluminum. So you can't reload those. It's not something
10 that -- that can be done. But those are the 13 that were
11 in that magazine.

12 Q Okay. Thank you.

13 A This is a photograph of the 25-caliber ammunition in
14 the box that was in the nightstand next to the bed. This
15 is just a close-up photograph showing the -- what was
16 supposed to be in that box. Again, that was in the
17 nightstand on the right side of the bed.

18 And officers and deputies picked the mattress up.
19 This firearm was found between the mattress and box
20 spring. It was photographed with that placard in place
21 just indicating a piece of evidence that was collected.

22 Q With respect to this weapon, was there any kind of
23 testing attempted?

24 A There was. Because of the texture of the firearm, I
25 felt it more likely -- hopefully, to get DNA results from

1 the weapon. So later at our office, I swabbed for DNA. I
2 swabbed the trigger, the trigger guard, the grip, and then
3 the slide as well. Because of the texture, I didn't feel
4 that it'd be viable to get latent fingerprints from it.

5 Q And were there any results that you were able to
6 obtain from that?

7 A No.

8 Q Is that a common thing that you run into in your
9 training experience?

10 A You never know from one to the next if -- any firearm
11 that's collected, we do the same test. We do the trigger
12 and, also, the grip in an effort to -- at least, make an
13 effort to obtain some type of DNA.

14 Q Okay.

15 A And, again, this is just -- this is the bottom of the
16 barrel of the -- of that 25 caliber showing the -- the
17 serial number.

18 Q Thank you.

19 Mr. Shaw, did you, also, have the opportunity to
20 respond to the autopsy of the victim, Catherine Clark, in
21 this case?

22 A I did.

23 Q And could you detail your involvement when you
24 responded to the autopsy?

25 A When I got to the morgue, I photographed the -- the

1 victim as she was in the body bag. I, also, photographed
2 the X-rays showing any possible projectiles that might be
3 within the body. The clothing was all collected from her.
4 And then photographs were taken of the body, along with
5 any projectile holes that were found and identified by the
6 pathologist, Dr. Ward.

7 And then any projectiles and fragments that were
8 found in the body were collected by Dr. Ward and released
9 to me on a property and evidence sheet.

10 Q Mr. Shaw, I'm handing you what's been pre-marked as
11 State's Exhibit Nos. 37 and 35. If you could take a look
12 at those, and identify them if you can.

13 A DS6 is identified as a piece of clothing, a pair of
14 panties that was taken off of the victim. And, again,
15 this is in an envelope -- or in a paper bag sealed with my
16 initials on the back.

17 At the autopsy, the projectiles and fragments that
18 were collected by the pathologist, they were photographed
19 by me. They were individually put into plastic
20 containers. I identified the first one as item A, which
21 were three metal fragments from the left side of the
22 victim's head. Item B is a projectile from the victim's
23 head. C is a lead core projectile from the victim's head.
24 Item D is a copper jacket and a copper jacket fragment.
25 And item E is a copper jacket fragment from the victim's

1 left arm. These are all items that were collected by
2 Dr. Ward, given to me, photographed. And then I -- I
3 collected them from a property and evidence sheet from
4 Dr. Ward.

5 MR. MORONEY: Your Honor, at this time, the State
6 would move for State's Exhibit Nos. 37 and 35 to be
7 admitted into evidence.

8 MR. GIBSON: No objection.

9 THE COURT: Okay.

10 (WHEREUPON, State's Exhibit Nos. 35 and 37 were
11 admitted into evidence.)

12 BY MR. MORONEY:

13 Q With respect to the projectiles that you recovered,
14 Mr. Shaw, if you could open that bag and detail, please,
15 specifically, what's in there and how you have it marked.

16 A In this container is labeled A, which was the
17 projectile, three metal fragments from the left side of
18 the head. There was a piece of tape put on it. Dr. Ward
19 initialed the -- the evidence when it was given to me.
20 And then I, also, put my initials on the tape as well.

21 Item B was a projectile from the head. And the same
22 here, a piece of tape put around, signed by Dr. Ward, and
23 initialled by myself.

24 Item C is a lead core from the head. And, again, it
25 was taped, written by Dr. Ward on the top as far as where

1 the -- that lead core came from. It was signed by
2 Dr. Ward -- or initialed by Dr. Ward, as well as my initials.

3 D was a jacket -- jacket fragment from the head.
4 Again, this was initialled by Dr. Ward and initialed by
5 myself.

6 And item E is a -- a portion of the jacket and lead
7 core from the left arm. And, again, it's with Dr. Ward's
8 initials as well as my own.

9 Q And, finally, Mr. Shaw when you attended the autopsy,
10 did you, separate from the projectile injuries, observe
11 and document any abrasions with respect to the victim?

12 A I did. There was an abrasion -- I'd say once the
13 body was cleaned up, there was an abrasion, I believe, on
14 the left chest area. It looked to be about three to four
15 inches in length. That was photographed. And then a
16 scale was put beside it and photographed just to show the
17 location and, also, to give an idea as to the -- the
18 length of the -- the abrasion.

19 MR. MORONEY: Thank you.

20 Please answer any questions Mr. Gibson might have for
21 you.

22 CROSS-EXAMINATION

23 BY MR. GIBSON:

24 Q Mr. Shaw, all right. So -- I'll wait until he
25 finishes.

1 Just to be clear, you searched Mr. Burnside's car and
2 you searched his hotel room?

3 A Correct.

4 Q And in processing those scenes, you found a
5 25-caliber auto -- or a 25-caliber weapon; correct?

6 A At the hotel room, yes.

7 Q Did you find a nine-millimeter caliber weapon at the
8 hotel or in his car?

9 A No, sir, I did not.

10 Q The -- the ammo, and the magazines, and even the
11 25-caliber weapon that you found, was there anything
12 around them to indicate when they were placed there?

13 A No, sir.

14 Q So -- so it is possible, based upon what you found,
15 that the nine-millimeter ammo was there long before this
16 situation and long before your search; is that not
17 correct?

18 A That would be speculation. I wouldn't have any idea.

19 MR. GIBSON: Okay. Thank you.

20 MR. MORONEY: No additional questions for this
21 witness, Your Honor.

22 THE COURT: All right. Thank you, sir.

23 You may stand down.

24 THE WITNESS: Thank you, sir.

25 MR. MORONEY: The State calls Clinton Johnson.

1 THE CLERK: Please raise your right hand.

2 WHEREUPON,

3 CLINTON JOHNSON,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Please take a seat.

6 And state your name for the record.

7 THE WITNESS: Clinton Johnson.

8 DIRECT EXAMINATION

9 BY MR. MORONEY:

10 Q Good morning, Mr. Johnson.

11 Were you formerly employed as a manager at the Dollar
12 General store at 5922 Augusta Road?

13 A I was.

14 Q And could you briefly detail what some of your
15 responsibilities there are as manager?

16 A My details [sic] were to watch after the store, watch
17 our closed circuit TV, review video, assist customers.

18 Q Okay. And are you familiar with the security system
19 there and, specifically, the surveillance video system, if
20 there is one?

21 A I am.

22 Q Okay. Could you speak generally -- is that stored
23 securely on a computer disk onsite or offsite?

24 A It's stored on the DVR system onsite.

25 Q And you know how to operate that system and have --

1 A Right.

2 Q -- during your time of employment there?

3 I'm going to hand you what's been pre-marked as
4 State's Exhibit No. 65. I'll have you take a look at
5 that, and see if you can recognize it.

6 A I do. It's the CD that you showed me to verify that
7 it was from the store.

8 Q Okay. And how do you know that that disk is the one
9 that I showed you?

10 A It has the initials that I made on the disk and the
11 copy.

12 Q Okay. And what you observed on that video, is that
13 an accurate depiction of the store at 5922 Augusta Road,
14 and the surveillance angles that you saw?

15 A It is.

16 MR. MORONEY: Your Honor, at this time, the State
17 would move State's Exhibit No. 65 into evidence.

18 MR. GIBSON: No objection.

19 THE COURT: Okay.

20 (WHEREUPON, State's Exhibit No. 65 was admitted into
21 evidence.)

22 MR. MORONEY: Please answer any questions Mr. Gibson
23 may have for you.

24 MR. GIBSON: No questions.

25 THE COURT: Thank you, sir.

1 You may stand down.

2 MR. MORONEY: Your Honor, the State calls Ronnie
3 Duncan.

4 THE CLERK: Please place your left hand on the Bible
5 and raise your right hand.

6 WHEREUPON,

7 OLIN RONALD DUNCAN,
8 after first having been duly sworn, testified as follows:

9 THE CLERK: When you take a seat, please, state your
10 name for the record.

11 THE WITNESS: It is Olin Ronald Duncan.

12 DIRECT EXAMINATION

13 BY MR. MORONEY:

14 Q Good morning, Mr. Duncan.

15 Could you, please, state your current place of
16 employment?

17 A I work for Southeastern Grocers, which is Bi-Lo here
18 in this location.

19 Q And how long have you worked for them?

20 A 44 years.

21 Q And what is your current role there?

22 A I am a regional asset protection manager.

23 Q Could you speak to some of the details and
24 responsibilities as an asset manager -- protection
25 manager?

1 A Okay. I do internal and external investigations. I
2 train stores on safety and safety measures. I'm
3 responsible for alarms in the stores and all the
4 maintenance there. And I'm, also, responsible for our
5 CCTV, which is our camera systems in our stores.

6 Q With respect to those camera systems, are they -- the
7 footage stored securely and it cannot be edited, or
8 altered, and it's an accurate representation of what is
9 recorded?

10 A Correct.

11 Q I'm going to hand you what's been pre-marked as
12 State's Exhibit No. 63. And I'd ask you to take a look,
13 and let me know if you can identify it.

14 A Yes. This is a video that came out of store 5563,
15 which is on South Pleasantburg Drive.

16 Q Okay. Would that be at 1315 South Pleasantburg
17 Drive?

18 A Correct.

19 Q Okay. How do you know that that's the video you
20 watched previously?

21 A It has my initials, and my signature, and it's dated.

22 Q With respect to the footage on this video, is there
23 anything of note with respect to the time stamp that is
24 viewed on the video?

25 A Yes. All of -- all of our video has the store

1 number, the date, and a time stamp. Now, when these are
2 sometimes played on different devices that are outside of
3 our company -- we have a program called Network Client
4 that's loaded on our laptops. And when you play it on
5 another device, it can be off. The time stamp can be off,
6 sometimes six hours, sometimes four. But, typically, it's
7 six hours difference.

8 Q And this is something you've run into previously?

9 A Yes.

10 MR. MORONEY: Your Honor, at this time, the State
11 would move State's Exhibit No. 63 into evidence.

12 MR. GIBSON: No objection.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit No. 63 was admitted into
15 evidence.)

16 MR. MORONEY: No further questions, Your Honor.

17 MR. GIBSON: No questions.

18 THE COURT: Thank you.

19 You may stand down.

20 THE WITNESS: Thank you.

21 MR. MORONEY: The State calls Kiki Peoples.

22 WHEREUPON,

23 KIKI RENEE PEOPLES,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Please stake a seat.

1 And state your name.

2 THE WITNESS: Kiki Renee Peoples.

3 DIRECT EXAMINATION

4 BY MR. MORONEY:

5 Q Good morning, Ms. Peoples.

6 A Good morning.

7 Q Could you, please, state your current place of
8 employment?

9 A It's McDonald's on Augusta Road.

10 Q And what is your occupation there?

11 A General manager.

12 Q And as general manager, are you responsible or
13 familiar with the surveillance system there?

14 A Yes, sir.

15 Q Okay. And is that surveillance system stored
16 on-site?

17 A Yes, sir.

18 Q And is it an accurate representation of anything
19 that's stored on those computers of what the video cameras
20 are recording?

21 A Yes, sir.

22 Q I'm going to show you what's been pre-marked as
23 State's Exhibit No. 64 for identification purposes. Can
24 you take a look at that, and let me know if you recognize
25 it?

1 A Yes, sir. That's our disk with my initials on it.

2 Q Okay. Have you had the opportunity to view the
3 contents of that disk before?

4 A Yes.

5 Q And those are an accurate representation of the
6 McDonald's store located at 2200 Augusta Road?

7 A Yes, sir.

8 MR. MORONEY: Your Honor, at this time, the State
9 would move for State's Exhibit No. 64 to be in evidence.

10 MR. GIBSON: No objection.

11 THE COURT: Okay.

12 (WHEREUPON, State's Exhibit No. 64 was admitted into
13 evidence.)

14 MR. MORONEY: Thank you.

15 No further questions, Your Honor.

16 MR. GIBSON: No questions, Your Honor.

17 THE COURT: Okay. Thank you, ma'am.

18 You may step down.

19 THE WITNESS: Thank you.

20 MR. MCCOLLUM: Your Honor, the State calls Susan
21 Johnson Kania.

22 WHEREUPON,

23 SUSAN JOHNSON,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Please take a seat.

1 Q As part of your job, do you have access to cell tower
2 data, subscriber information --

3 A Yes.

4 Q -- and any additional records?

5 A Yes, I do.

6 Q I'm going to show you what's been marked as State's
7 Exhibit Nos. 54, 55, and 56. Do you recognize these?

8 A Yes, I do.

9 Q What are they?

10 A Subscriber information.

11 Q And can you go through and see -- tell the jury what
12 number is subscribed to what person?

13 A Sure. So the first one labeled State's Exhibit No.
14 54 is -- the phone number is 864-349-6303. And the
15 subscriber name is Samuel L. Burnside.

16 The second number listed as State's Exhibit No. 55,
17 the phone number is 864-747-1366. The name associated
18 with the account is Catherine Clark.

19 And then the third one labeled State's Exhibit
20 No. 56, the phone number is 864-346-3047. And the name on
21 the account is Adrienne Kerlee.

22 Q And when T-Mobile received search warrants in this
23 case, would you have provided those subscriber records?

24 A Yes.

25 Q Would you have provided something else as well?

1 A Yes.

2 Q And what would that be?

3 A Call detail records with cell site information.

4 Q And can you explain what call detail records are?

5 A Call detail records are incoming and outgoing phone
6 calls or text messages made or received by the cellular
7 telephone.

8 Q I'm going to show you what's been marked as State's
9 Exhibit Nos. 53, 52, and 51. Do you recognize these
10 items?

11 A Yes, I do.

12 Q What are they?

13 A CDs that contain records.

14 Q And how do you know that they're CDs that contain
15 records?

16 A My initials and yesterday's -- yesterday's date are
17 on each of the CDs.

18 Q And have you had a chance to review these records?

19 A Yes.

20 Q Can you, please, explain to the jury how a cell or
21 telephone call works?

22 A Sure. So when your phone is turned on, it reaches
23 out to the tower with the strongest signal, which is not
24 necessarily the closest tower. From that point, it gets
25 transferred into our switch. And our switch is what

1 records all of the information such as the date, time,
2 duration, the phone number that you're calling or that's
3 calling into you.

4 At that point, it gets transferred to a landline
5 company. And it's the landline company that, actually,
6 delivers the call.

7 Q And what is the maximum distance you can be away from
8 a tower for it to pick up?

9 A So the general rule of thumb is that the engineer
10 team sets the towers so that it picks up a mile -- up to
11 two miles. So it's a mile and a half to two miles.

12 Q And is it possible for two people to be standing next
13 to each other, as myself and Mr. Moroney are, and our cell
14 phones hit on different towers?

15 A Yes.

16 Q And why is that?

17 A It depends on the type of phone that's being used
18 and, also, basically, the coverage, where the coverage
19 starts and begins on one tower versus another tower. They
20 would be picking up on possibly two different sides of a
21 cell site.

22 Q And have you had a chance to review these records?

23 A Yes.

24 Q If I can draw your attention to the screen. Can you
25 see that screen, or do you need to step down off the

1 podium?

2 A Yes. I need to --

3 MR. MCCOLLUM: Your Honor, can --

4 THE COURT: You can stand down.

5 THE WITNESS: Okay.

6 BY MR. MCCOLLUM:

7 Q There's a laser pointer. You can just come to the
8 screen, if you need to and step closer.

9 A Okay.

10 Q Ms. Johnson, can you explain what this is?

11 A This would be the call detail records with cell site
12 information.

13 Q And who do these call detail records respond to?

14 A I can't see the --

15 Q You can step closer, if you need to.

16 A 864-349 -- I'm sorry -- 6303.

17 Q And what number -- whose number is that?

18 A I'd have to refer back to my --

19 Q You can refer back to it.

20 A 6303 belongs to Sam -- Samuel L. Burnside.

21 Q And when you reviewed these records, were you able to
22 notice who Mr. Burnside was making calls to, and who he
23 was receiving calls from?

24 A Yes.

25 Q Did he receive calls from the number associated -- or

1 make calls to the number associated with the victim in
2 this case, Catherine Clark?

3 A Yes.

4 Q Was it more than one phone call?

5 A Yes.

6 Q Several calls, you'd say?

7 A Yes.

8 Q I'm, also, going to draw your attention to a
9 different set of call detail records. Ms. Johnson, who --
10 who do these call detail records belong to?

11 A These call detail records belong to Catherine Clark.

12 Q Did you have a chance to review these records?

13 A Yes.

14 Q And when you reviewed these records, was there any
15 contact between Ms. Clark's phone number and the Defendant
16 Samuel Burnside's?

17 A Yes.

18 Q When you, also, reviewed these records, were there
19 any contacts between this number and the number belonging
20 to Adrienne Kerlee?

21 A No.

22 Q There were no contacts at all?

23 A Correct.

24 Q And upon your review of these records -- or I'll take
25 you back one step. When you were looking at these

1 records, did it come in local time?

2 A No.

3 Q What kind of time do they come in?

4 A They're listed in coordinated universal time, which
5 is UTC time.

6 Q What does that mean?

7 A So that means in order to arrive at east coast time,
8 depending on what time of the year it is, you would have
9 to subtract either four or five hours from the time that
10 you see reflected in the records in order to arrive at
11 east coast time.

12 So the records that we're looking at are in August of
13 2017. So you would have to subtract four hours in order
14 to arrive at east coast time.

15 Q And when you reviewed these records, did you notice
16 anything unique about the victim's call records after the
17 time of her death?

18 A That there was only incoming phone calls coming into
19 the phone.

20 Q And what does that mean?

21 A That means that the phone calls weren't being
22 answered. They were going to voicemail.

23 Q And, now, Ms. Johnson, I will point you to the
24 records responding to Adrienne Kerlee. When you're
25 looking at these records and you look at the call type,

1 what do you see?

2 A Text messages.

3 Q And how can you determine that they're text messages?

4 A Under the call type, it's listed as MS terminating
5 SMSINMSC, which means it's an incoming text message.

6 Q And that would differentiate from a phone call, which
7 would have a different unique identifier?

8 A Correct. A phone call would be either MTC for mobile
9 terminating call, which is an incoming call or MOC, which
10 is mobile originating call, which is an outgoing call.

11 Q Ms. Johnson, if you'd, please, take a seat back on
12 the stand.

13 A Sure.

14 Q With respect to cell phone records and call detail
15 history, would you be able to track a phone in real time,
16 live time? Is that possible?

17 A Yes.

18 Q Would that -- would that have been done in this case?

19 A No.

20 Q Why not?

21 A Because we did not receive an order to go up on the
22 phone lifetime.

23 Q So when you receive -- when law enforcement receives
24 call detail records, they are, essentially, just calls
25 that hit on towers?

1 A Correct. It's what's called historical cell site
2 information.

3 MR. MCCOLLUM: I beg the Court's indulgence, Your
4 Honor.

5 (Pause.)

6 MR. MCCOLLUM: Ms. Johnson, please, answer any
7 questions Mr. Gibson has for you.

8 THE WITNESS: Sure.

9 CROSS-EXAMINATION

10 BY MR. GIBSON:

11 Q Ms. Johnson, do you guys maintain text message --
12 text messages?

13 A Not the content, no.

14 Q Okay. So all you have is, basically, a text message
15 was sent or a text message was received at a certain time
16 frame; correct?

17 A Correct.

18 Q All right. You talked about how cell phones hit on
19 towers. Do you remember that?

20 A Correct.

21 Q And -- and the Prosecutor asked you is it possible
22 for two people to be next to each other, but be connected
23 to two separate towers. Do you remember that?

24 A Yes, sir.

25 Q And you said there was. But you, also, said that it

1 depends upon how they came through the towers. Do you
2 remember that? Or whether -- how they got to the location
3 that they were?

4 A Correct.

5 Q All right. Can you further explain what that means?

6 A So, for example, there could be a tower on top of a
7 building. There could be one down the street. However,
8 the tower down the street might have the stronger signal,
9 so it would pick up that phone call.

10 There's various factors that play a part in it. It
11 could be the type of device that's being used. It could
12 be the technology, such as 2G, 3G, or even 5G technology
13 on the tower. So there's a couple of factors that play in
14 part to that.

15 Q All right. I want to, actually, address a different
16 aspect of that. Let's say that I and Mr. Moroney are
17 meeting for lunch. Okay. And I'm coming from one part of
18 town and he's coming from the other part of town. All
19 right. Isn't it true that as I travel through town, my
20 phone will go from cell tower to cell tower to cell tower
21 on my way towards where we're meeting for lunch? Isn't
22 that correct?

23 A Yes.

24 Q And in the proces, him coming from the other side of
25 town, his phone will -- will bounce from cell tower to

1 cell tower to cell tower as he comes to my direction?

2 A Correct.

3 Q Now, if we get there about the same time, it is
4 possible for my cell phone to still be connected to a
5 tower, say, a mile or two miles away from the location
6 that we're in; correct?

7 A It's possible, yes.

8 Q And it's possible for his phone to be connected to a
9 cell tower that's one and a half to two miles away from
10 the location that we're at; correct?

11 A Correct.

12 Q And that is what you mean when you say that two
13 people can be right next to each other, but connected to
14 separate towers; correct?

15 A Correct.

16 Q All right. But if two people -- let's say
17 Mr. Moroney and I are going to lunch and we're going in
18 the same car across town. Okay. You would expect that
19 our cell phones would bounce from the same cell towers,
20 wouldn't you?

21 A Not necessarily, no.

22 Q All right. Why wouldn't they?

23 A Because you're both sitting on two separate sides of
24 the car. So the signal on the right is coming in from the
25 right. The signal from the left is coming in from the

1 left. Each cell tower has, generally, three sectors on
2 a -- on a site. So it depends on, again, you know, you're
3 both sitting on two separate sides of the vehicle.

4 Q Okay. What if we're on the same side of the vehicle?

5 A Then you would -- yes. Generally, it should pick up
6 from the same sector.

7 MR. GIBSON: Okay. Thank you.

8 THE WITNESS: Sure.

9 THE COURT: Anything?

10 MR. MCCOLLUM: Yes, Your Honor. Short redirect.

11 REDIRECT EXAMINATION

12 BY MR. MCCOLLUM:

13 Q Ms. Johnson, isn't it possible that different types
14 of phones will hit on different towers based on
15 technology?

16 A Yes.

17 Q Different models of phones, et cetera?

18 A Yes.

19 MR. MCCOLLUM: Your Honor, at this time, the State
20 would move State's Exhibit Nos. 53, 52, 51, 56, 54, and 55
21 into evidence.

22 MR. GIBSON: No objection, Your Honor.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit Nos. 51, 52, 53, 54, 55,
25 and 56 were admitted into evidence.)

1 MR. MCCOLLUM: No further questions, Your Honor.

2 THE COURT: Is that it?

3 (WHEREUPON, there was no response.)

4 THE COURT: All right. Thank you, ma'am.

5 You may step down.

6 THE WITNESS: Thank you.

7 THE COURT: Okay. Next witness.

8 MR. MCCOLLUM: The State calls Dan Kelly, Your Honor.

9 WHEREUPON,

10 DANIEL PAUL KELLY,

11 after first having been duly sworn, testified as follows:

12 THE CLERK: Please take a seat.

13 And state your name.

14 THE WITNESS: Daniel Paul Kelly.

15 DIRECT EXAMINATION

16 BY MR. MCCOLLUM:

17 Q Sergeant Kelly, where are you employed?

18 A I work for the Greenville County Sheriff's Office.

19 Q And what division of the sheriff's office do you work
20 in?

21 A I'm in the public affairs division of the technical
22 services unit.

23 Q And what are your duties in the technical services
24 unit?

25 A We have numerous duties, but our primary duty is to

1 assist in major investigations.

2 Q All right. And do you participate in investigations
3 such as murder?

4 A Yes, sir.

5 Q Excuse me. What's your role when you get involved in
6 a murder investigation?

7 A Usually, specifically, they'll ask us for -- they'll
8 supply us with phone records via search warrant. And
9 we'll analyze phone records.

10 Q Did you have occasion to analyze cell phone records
11 from an incident stemming on August 5th, 2017?

12 A Yes, sir.

13 Q I'm going to show you what's been marked as State's
14 Exhibit No. 57. Do you recognize it?

15 A Yes, sir, I do.

16 Q What is it?

17 A It's the phone records for -- with the annual -- or
18 animations that I created with the Defendant's phone
19 records on there as well.

20 Q And how do you recognize it?

21 A I put those on there and created it.

22 MR. MCCOLLUM: Your Honor, at this time, the State
23 would move State's Exhibit No. 57 into evidence.

24 MR. GIBSON: No objection, Your Honor.

25 THE COURT: Okay.

1 (WHEREUPON, State's Exhibit No. 57 was admitted into
2 evidence.)

3 BY MR. MCCOLLUM:

4 Q Investigator Kelly, when you received these phone
5 records in this investigation, did you assign them names?

6 A I did.

7 Q And how did you know what names to assign them?

8 A When I was given the records from the lead
9 investigator, I -- once I bring them into the software
10 that we use called GeoTime, I assign them a name per the
11 record that they were received from the phone company. So
12 that way, we know who they are. Because trying to
13 remember phone numbers is kind of crazy sometimes.

14 Q And what names did you assign in this case?

15 A There were three sets of phone records from Catherine
16 Clark, Samuel Burnside, and Rovillie Williams.

17 Q And how did you determine the phone number that
18 belonged to Rovillie Williams?

19 A Based on the phone records the day that it was given
20 to me from the phone companies, it had the subscriber
21 listed on there.

22 Q When you got the phone records from T-Mobile, did
23 you -- what program do you use to analyze the data?

24 A We use a program called GeoTime. It's -- GeoTime's a
25 big -- one of the best ways to describe it is it's like a

1 coin sorter. You can take a bunch of different types of
2 coins, dump them into a coin sorter, and it will sort
3 everything out nice and neat and easy for you to see.
4 GeoTime does the same thing with phone records. And it
5 puts it in a visual, graphic display that we can see on a
6 map through space and time.

7 Q And how many animations did you make with respect to
8 the phone records you received in this case, Sergeant
9 Kelly?

10 A Three animations.

11 Q Do you recognize this animation, Sergeant Kelly?

12 A I do.

13 Q What is it?

14 A It shows the specific locations that were requested,
15 including the incident location where the victim was
16 found, and several stores. And it shows -- you'll see two
17 items on there or objects. Those are -- in the blue is
18 Samuel Burnside, and in the yellow is Catherine Clark.

19 Q And as we play this animation, what will it show?

20 A It's going to show their movement from tower to tower
21 based on phone calls that were made. So when the cell
22 records -- we receive those cell records, they all have a
23 geo location associated with them, which is latitude and
24 longitude. Once that latitude and longitude is placed on
25 the map, it shows the point where the tower is. So the

1 dots where you see the circle is where the tower is.

2 Q And to clarify, is this realtime tracking?

3 A It's not realtime tracking. This is historical data,
4 historical data from their phone records.

5 Q And it's based on cell phone calls that were being
6 made and those calls hitting towers; is that correct?

7 A Cell phones, or text messages, SMS, that's what it
8 is.

9 Q And what is it showing?

10 A It's showing their movement between towers between
11 calls. So if it shows a straight line, that's only
12 because it's going from tower to tower. It's not
13 really -- location services showing exactly where they
14 are. It's not hitting [phonetic] data, or anything like
15 that. So it's showing the movement from tower to tower in
16 the areas that they were.

17 Q And what's the time frame that this animation covers?

18 A I believe it was from 6:24 p.m. until about
19 21:00 hours.

20 Q And what is 21:00 hours?

21 A Sorry. That's 9:00 p.m.

22 Q Sergeant Kelly, you, also, made another animation; is
23 that correct?

24 A Yes, sir.

25 Q What does this animation show?

1 A I'm having a tough time seeing that.

2 Q You can --

3 MR. MCCOLLUM: Your Honor, may he stand down?

4 THE COURT: You can stand down. Just keep your voice
5 level up.

6 THE WITNESS: Okay. This is the animation showing
7 the travel time between and the -- the two -- the two
8 identities between -- of Catherine Clark and Samuel
9 Burnside between 8 Cartee Avenue and Stables Road and
10 Sagittarius Way.

11 BY MR. MCCOLLUM:

12 Q Sergeant Kelly, finally, you made one final
13 animation; is that correct?

14 A Yes, sir.

15 Q What does this animation show?

16 A It shows the same two subjects, their phones, where
17 they were hitting, it has the incident location on there.
18 And then it depicts the movement of those two subjects.

19 Q Sergeant Kelly, with respect to the path associated
20 with Ms. Clark, what is that doing?

21 A It's showing Catherine Clark's phone heading north.
22 And there's no data associated with it at this time. So
23 before it makes it's next connection -- so from the last
24 place that she had a phone call till the next place where
25 she receives one, it's hitting that tower. So it's

1 showing a slow track north, to the northern part of
2 Greenville County.

3 Q And, again, this wouldn't be realtime tracking?

4 A No, sir.

5 Q It's just a program creating the distance between the
6 last phone call and the next phone call received; is that
7 correct?

8 A Correct.

9 Q Sergeant Kelly, did you receive phone records for a
10 number associated with Rovillie Williams?

11 A Yes, sir.

12 Q Were you able to apply points for that number?

13 A Not at first, no. There was no location to be
14 associated with it.

15 Q And why would you need location data to apply points?

16 A That's how the points are applied. It automatically
17 is through geo location, which is lat and long.

18 Q At a later date, were you able to retrieve that
19 location -- some of the location data?

20 A Yes. I was sent location data from y'all that I was
21 able to locate and apply it -- probably close to about 40
22 points on that.

23 Q And what was your finding --

24 A He stayed in -- just in Greenville County, the lower
25 portion by the city and south.

1 MR. MCCOLLUM: I beg the Court's indulgence, Your
2 Honor.

3 (Pause.)

4 MR. MCCOLLUM: Please answer any questions Mr. Gibson
5 has for you.

6 THE WITNESS: Yes, sir.

7 MR. GIBSON: No questions.

8 THE COURT: Thank you, sir.

9 You may stand down.

10 THE WITNESS: Thank you, sir.

11 MR. MORONEY: The State would call Tina Henderson.

12 WHEREUPON,

13 TINA HENDERSON,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Please take a seat.

16 And state your name.

17 THE WITNESS: Tina Henderson.

18 DIRECT EXAMINATION

19 BY MR. MORONEY:

20 Q Good morning, Ms. Henderson.

21 A Good morning.

22 Q Were you formerly the girlfriend of the Defendant in
23 this case, Samuel Burnside?

24 A I was.

25 Q How long were y'all together and from approximately

1 what time?

2 A Five years.

3 Q And when did that relationship start approximately?

4 A It's been a while.

5 Q Okay. Were you boyfriend and girlfriend in August of
6 2017?

7 A Yes.

8 Q Okay. And did you remain boyfriend and girlfriend
9 for sometime thereafter?

10 A We did.

11 Q Okay. Did you have the opportunity to speak with
12 Greenville County Sheriff's Office investigators in a
13 death investigation, a murder case, and they spoke to you?

14 A I did.

15 Q Do you remember giving statements to law enforcement?

16 A (There was no verbal response.)

17 Q And did those statements detail your recollection of
18 events on August 5th, 2017?

19 A Yes.

20 Q And did those events that you relayed to the
21 investigators detail where you were and where the
22 Defendant was?

23 A Yes.

24 Q Do you remember, specifically, what happened that day
25 starting in the morning?

1 A Not specifically, because it's been a while, but I
2 remember.

3 Q Okay. Did you ever leave from the Southern Suites
4 hotel that morning?

5 A Yes.

6 Q Okay. About what time did you leave from the hotel?

7 A I left probably about 12:30, maybe 12:00, 12:30.

8 Q Do you recall speaking to investigators previously
9 saying that that was about 9:30 in the morning when you --

10 A When I left?

11 Q From the Southern Suites hotel.

12 A I don't remember.

13 Q Okay. And was Sam Burnside present at the hotel at
14 the time --

15 A When I left?

16 Q -- you left?

17 A Yes.

18 Q And what was he doing?

19 A He was on the computer.

20 Q Okay. And what vehicle did you know Sam to drive and
21 operate?

22 A His Buick.

23 Q And he was using that Buick that day?

24 A Yes.

25 Q Which vehicle were you using on that day?

1 A My Dodge Charger.

2 Q Did you have somewhere to go that day?

3 A Yes.

4 Q Would you tell me where you were going and what your
5 plans were?

6 A I went to a wedding.

7 Q Okay. And when was that wedding supposed to start?

8 A It started at, I think, about 1:00 -- 12:00, 1:00.

9 Q Okay. Was Samuel supposed to attend that wedding
10 with you?

11 A Yes.

12 Q Was the reception afterwards?

13 A Yes.

14 Q Was Samuel supposed to attend that reception with you
15 as well?

16 A Yes.

17 Q Did Samuel attend the wedding or reception with you?

18 A No.

19 Q Why didn't he come?

20 A Because he said he had other things to do.

21 Q Okay. Did you know Sam Burnside's phone number at
22 the time to be 349-6303?

23 A Yes.

24 Q How long were you at the wedding approximately and
25 when did you return to your hotel?

1 A From that morning to about 9:30, 9:45 that night.

2 Q Okay. Did you come back to the hotel by yourself?

3 A I came back with a coworker.

4 Q And was Mr. Burnside back at the hotel?

5 A No.

6 Q About what time would you say that that was?

7 A It was about 9:30, 9:45.

8 Q Did you know Mr. Burnside to wear glasses at all?

9 A Just fashion.

10 Q Okay. Well, could you describe those kind of glasses
11 that he wore?

12 A Well, he had different ones. That day, he had,
13 like -- like, nerd glasses.

14 Q Okay. Where did Mr. Burnside tell you he was that
15 day while he was unable to meet you at the wedding and
16 reception?

17 A At his mom's.

18 Q And where is that located?

19 A Fountain Inn.

20 Q Have you ever known the victim in this case,
21 Catherine Clark?

22 A No.

23 Q Had you seen her previously?

24 A One time before.

25 Q And when was the last time you saw her?

- 1 A That morning.
- 2 Q The morning of August 5, 2017?
- 3 A (There was no verbal response.)
- 4 Q Could you describe to the jury what you saw that day?
- 5 A She just pretty much just spoke to us.
- 6 Q And what did she say? Do you recall what she said?
- 7 A Hi. And she was asking for a ride.
- 8 Q Okay. Did Samuel Burnside know this individual?
- 9 A I don't know.
- 10 Q Are you still in contact with Samuel Burnside's
- 11 family to this day?
- 12 A Yes.
- 13 Q Would you consider yourself to have a close
- 14 relationship with them?
- 15 A Yes. I look at his mom like my mom.
- 16 Q Okay. And with respect to Rovillie Williams, who is
- 17 that?
- 18 A Samuel's friend.
- 19 Q And how long had they known each other?
- 20 A I don't know, several years.
- 21 Q Several years. And did you know Rovillie Williams
- 22 nickname's?
- 23 A Yes.
- 24 Q What does he go by?
- 25 A Rosey [phonetic].

1 MR. MORONEY: Please answer any questions Mr. Gibson
2 may have for you.

3 THE WITNESS: Okay.

4 CROSS-EXAMINATION

5 BY MR. GIBSON:

6 Q Did you know Rovillie Williams?

7 A I knew him through Samuel.

8 Q Was he the type of person that someone would be
9 afraid of?

10 A Yes.

11 Q Is he the type of person that you would be afraid to
12 cross?

13 A Yes.

14 Q Is he the type of person that if you knew something
15 about him, for instance, that he had committed a crime,
16 you would be afraid to go to the police and tell them?

17 A Yes.

18 Q Even if it meant that you would be held responsible
19 for the crime?

20 A Yes.

21 Q All right. And -- and what do you know about
22 Rovillie Williams that made you think that he's that type
23 of person?

24 A Well, he's -- I don't know if he's still in a gang,
25 but he was a gang banger. I've known about just different

1 conversations where he talked about when he first got out
2 of jail with attempted murder, and all that.

3 Q So he talked about an attempted murder charge that he
4 had?

5 A Previously, yes.

6 Q And --

7 MR. MORONEY: Objection, Your Honor. We were talking
8 about a criminal conviction here.

9 MR. GIBSON: I'm not interested for credibility
10 purposes, Your Honor. It's not under that rule.

11 THE COURT: Okay. I think I'm going to overrule your
12 objection.

13 Go ahead.

14 BY MR. GIBSON:

15 Q And it's -- it was known on the street that Rovillie
16 Williams would shoot you?

17 A Uh-huh.

18 MR. GIBSON: Thank you.

19 THE COURT: Any redirect?

20 MR. MORONEY: No redirect, Your Honor.

21 THE COURT: All right. Thank you, ma'am.

22 You may stand down.

23 All right. Ladies and gentlemen, we've been going
24 pretty hard. We're going to take a short morning break.
25 Please don't discuss the case. We'll get back with you in

1 10 or 15 minutes.

2 Thank you.

3 (WHEREUPON, the jury was excused from open court at
4 approximately 10:49 a.m.)

5 THE COURT: Okay. We will just take a short break.

6 (WHEREUPON, a break was taken.)

7 THE COURT: Are y'all ready to go?

8 MR. MORONEY: Yes, sir.

9 MR. GIBSON: Yes, Your Honor.

10 THE COURT: Okay. Bring the jury in.

11 (WHEREUPON, the jury came into open court at
12 approximately 11:13 a.m.)

13 THE COURT: All right. Call your next witness.

14 MR. MORONEY: Your Honor, the State calls Rovillie
15 Williams.

16 WHEREUPON,

17 ROVILLIE WILLIAMS,

18 after first having been duly sworn, testified as follows:

19 THE CLERK: Please take a seat.

20 And state your name.

21 THE WITNESS: Rovillie Williams.

22 DIRECT EXAMINATION

23 BY MR. MORONEY:

24 Q Good morning, Mr. Williams.

25 Just to start off, briefly, I notice an injury there.

1 You happened to mentioned to me that you have some trouble
2 with your vision. How did that injury occur?

3 A A car wreck.

4 Q Okay. And when did that occur?

5 A A couple weeks ago.

6 Q Okay. Just to get things straight, were you ever
7 convicted of attempted murder?

8 A No.

9 Q Have you been convicted of assault and battery in the
10 first degree, possession of a weapon, possession of a
11 stolen vehicle, failure to stop for a blue light, and
12 possession of cocaine base before?

13 A Yes, sir.

14 Q Okay. Do you know the Defendant in this case, Sam
15 Burnside?

16 A Yeah.

17 Q How do you know him? Does he have a nickname that he
18 goes by?

19 A Yeah, Scortch [phonetic].

20 Q How long have you known Sam Burnside?

21 A I've known him for some years. I grew up around him.

22 Q Did you know each other since you were children?

23 A No, not since we were children, a little older.

24 Q Okay.

25 A As teenagers.

1 Q Did you know the Defendant, Sam Burnside, to be
2 staying at the Southern Suites hotel at 12 Impact Drive?

3 A Yeah.

4 Q Who was he staying there with?

5 A With his girl, Tina.

6 Q And did you know what she drove and what he drove as
7 vehicles?

8 A Yes.

9 Q What did they drive respectively?

10 A I think it was a -- she drove a white Challenger or
11 Charger. And he drove a -- I think it was a silver -- a
12 gray Buick.

13 Q Okay. Do you remember meeting up with Sam Burnside
14 on August 5th, 2017?

15 A Yes.

16 Q And what was the purpose of meeting up with Sam
17 Burnside?

18 A To get a ride.

19 Q And could you explain how you ended up meeting up
20 with Sam Burnside?

21 A I called him for a ride. And he was -- like, he was
22 on the other side of town and he would meet me. And he
23 met me at the McDonald's to get a ride to my car. Because
24 I was trying to get out of the car with the people I was
25 in the car with. They was intoxicated.

1 Q Okay. Was that the McDonald's on Augusta Road?

2 A Yes.

3 Q Okay. And where did you meet him at the McDonald's?

4 A Right by the -- at the front, like, towards the front
5 entrance in the middle of the parking lot.

6 Q And when you met him, did you get in the vehicle with
7 him?

8 A Yes.

9 Q Where did you go from there?

10 A Through the drive thru.

11 Q Why did you make the decision -- or why did
12 Mr. Burnside make the decision to go to the drive thru?

13 A To get something to eat.

14 Q Who was in the vehicle at that time when you were in
15 the drive thru?

16 A A female. I don't know -- I didn't know her name.

17 Q Did you know her at all? Had you seen her before?

18 A No.

19 Q Where was she seated?

20 A The passenger side.

21 Q Was that in the front or rear of the vehicle?

22 A The front.

23 Q And where were you seated in the vehicle?

24 A Behind the driver.

25 Q And who was the driver?

1 A Sam.

2 Q Do you see Sam Burnside in the courtroom today?

3 A Yes.

4 Q Could you point him out and describe where he is?

5 A Right there.

6 Q After McDonald's, where did you go next?

7 A We rode -- we went towards the hotel -- well, no. We

8 rode -- we went from there towards the -- like, towards

9 the district.

10 Q And when you say "towards the district," what does

11 that mean?

12 A Like the -- district 25.

13 Q Okay. What was the purpose of traveling that way?

14 A I asked him to -- I asked him to take me somewhere.

15 Q Okay. And what was the nature of going there?

16 A To pick up some money.

17 Q Okay. And what was that money for?

18 A A loan.

19 Q After that visit, where did you go to?

20 A Before we went to -- before we made it there, we had

21 stopped by the store a minute. That was beforehand --

22 before we ever made it there.

23 Q Okay. If you can -- it might just help if you just

24 tell us from McDonald's, if you could describe to the jury

25 where you traveled to. And just tell us your trip where

1 you went to.

2 A We went down Augusta Road -- down Augusta Road. We
3 took -- took the highway and got off on White Horse.

4 Q Did you ever happen to make one of your stops at a
5 hotel in -- near the Powdersville area?

6 A No. That was -- that was after.

7 Q Okay.

8 A I think -- hold up. Yeah, you're right.

9 Q And if you could just tell me what the nature of that
10 visit was?

11 A For -- to pick up some money that I had loaned
12 someone.

13 Q After you picked up the money, where did you head to
14 next?

15 A Back towards White Horse Road --

16 Q Okay.

17 A -- and up by the storage building.

18 Q Okay. And what was going on at the time when you
19 were heading near the storage building? Did you observe
20 or hear anything inside the vehicle?

21 A Yes. They were arguing.

22 Q Okay. When you say "they were arguing," who was
23 arguing?

24 A Him and her.

25 Q What were they arguing about?

1 A About she wouldn't do stuff for him, and all that.

2 Q Okay. And we're going to need to be specific. When
3 you say that "she wouldn't do stuff for him, and all
4 that," what do you mean? If you could explain it.

5 A Like, she couldn't have sex.

6 Q And why was that? What was the discussion about?

7 A Her menstrual going on.

8 Q And, specifically, was Samuel Burnside wanting to
9 have sex with this victim?

10 A No.

11 Q Can you explain that, please?

12 A You said explain. Like, no, she -- he wasn't
13 trying -- they wasn't trying -- he wasn't trying to have
14 sex with her. He was trying to get her to have sex with
15 other people.

16 Q Okay. And what was the victim saying back to Sam
17 Burnside?

18 A Basically, she couldn't do nothing because of her
19 menstrual. It's not her fault. It was just a bunch of
20 bickering and arguing going back and forth. I really
21 wasn't trying to hear it.

22 Q And was that a quick argument, or did it last for a
23 long time?

24 A It was on and off.

25 Q Did that argument begin to escalate?

1 A Yes.

2 Q You mentioned the storage facility, would that be a
3 storage facility on Cartee Avenue?

4 A Cartee?

5 Q Cartee Avenue in Greenville County.

6 A That's White Horse Road?

7 Q Near that general vicinity.

8 A Yeah.

9 Q You mentioned you stopped at a storage facility.
10 What happened when you got to the storage facility?

11 A They got in an argument. And she snatched the keys.
12 And he -- and then he snatched her phone. And they was,
13 basically, arguing with one another and one another --
14 facing [phonetic] stuff about it.

15 Q Okay. If we could just do this step by step for the
16 jury's benefit. Was the vehicle stopped at some point?

17 A Yes.

18 Q Okay. Was the vehicle stopped near the storage
19 facility?

20 A Yes.

21 Q Were you in the middle of the road, or was it off to
22 the side?

23 A Off to the side.

24 Q And what happened when the vehicle was stopped off to
25 the side of the road, specifically?

1 A They got to arguing about what was going on -- why
2 she couldn't do nothing. And she stated -- he was like he
3 was going to take her and drop her off. And she was like,
4 No, you're taking me to this place. And she snatched the
5 keys.

6 Q Okay. Did Samuel Burnside snatch anything from her?

7 A The phone.

8 Q Was there any discussion or argument about a phone?

9 A Yeah. She was like, Give me my phone back. He was
10 like, Give me my keys.

11 Q Were they outside of the vehicle --

12 A Yes.

13 Q -- when this argument was ensuing?

14 A Yes.

15 Q Were you saying anything, or were you doing anything
16 at this time when this argument was going on?

17 A Yeah. I had got out of the car. I had started
18 walking away.

19 Q Okay. And why were you starting to walk away?

20 A Because I was fixing to call -- I was fixing to go
21 sit at the store and try to find me a ride. Because I
22 didn't want to be in the middle of what was going on.

23 Q Did you, ultimately, decide to stay?

24 A Yes. I turned back around. And I was like, Man, let
25 me try to dissolve this.

1 Q What did you do next?

2 A I was like, Man, please, just give him his keys.

3 Please just give him his keys. Y'all chill out. Please
4 just give him his keys. And he'll get a -- he'll give you
5 your phone. And she was like, Okay, if you give me my
6 phone. And he gave her her phone. And she gave him the
7 keys.

8 Q Was Samuel Burnside attempting to get the victim out
9 of the vehicle?

10 A Yeah. He said he was going to get her out of the
11 vehicle.

12 Q And was the victim wanting to stay in the vehicle at
13 this time?

14 A Yeah.

15 Q Did you, ultimately, retrieve the keys?

16 A Yeah. She gave them back.

17 Q What happened next?

18 A We rode on. And after that, they still were arguing.
19 And I don't know -- at some -- what point the phone got
20 throwed [sic] out.

21 Q You said -- you just mentioned a phone got thrown
22 out?

23 A Uh-huh.

24 Q Could you explain that?

25 A They were arguing, and stuff, and -- and still in the

1 car. Like, a couple minutes later, they got back into it.
2 They were arguing in the car. And he snatched her phone
3 and threw it out.

4 Q Are you saying that Sam Burnside --

5 A Yes.

6 Q -- snatched the phone and threw it out?

7 A Yes.

8 Q When you say the "phone," are you saying the victim's
9 phone?

10 A The victim's phone.

11 Q And what happened next?

12 A We kept on riding. And we -- that's when we went
13 towards -- what is it? -- towards Sagittarius.

14 Q I'm going to show you a couple aerial maps and ask
15 you if you recognize them to help describe what you
16 remember. When you left the storage facility, did you --
17 do you remember which highway you headed towards?

18 A 20.

19 Q Okay. How do you know that was towards 20? Are you
20 familiar with that area?

21 A Yes. I stay down through there.

22 Q Just for demonstrative purposes, Rovillie, this is an
23 aerial of the storage facility area. Does this accurately
24 depict that there's only one way out from the storage
25 facility towards Highway 20?

1 A Uh-huh.

2 Q Are there dead ends there that only allow you to go
3 out towards Highway 20?

4 A Yes.

5 Q And immediately after going onto Highway 20, is it
6 your testimony that you proceeded towards Sagittarius Way?

7 A Correct.

8 Q Could you, using that pointer, describe the route
9 that you took from your recollection?

10 A This way ain't -- this way.

11 Q And is there any notable stores or gas stations that
12 you pass along the way there?

13 A The Citgo.

14 Q Okay.

15 A I think it's a Citgo.

16 Q And then when you -- do you recall turning off of
17 that highway?

18 A Yes.

19 Q Okay. Do you remember having to cross over railroad
20 tracks?

21 A Yes.

22 Q How many sets of railroad tracks did you have to
23 cross?

24 A I think it was one.

25 Q Okay. And what happened next when you were driving

1 out to this direction?

2 A We went down Sagittarius.

3 Q Okay. And if you can tell for the jury's benefit,
4 what happened next? What were you observing and hearing?
5 And what took place?

6 A They was getting into it. He was like, She's going
7 to get out.

8 Q Okay. Did the victim --

9 A Because she kept talking about --

10 Q -- ever get out of the car?

11 A Yeah.

12 Q How did the victim get out of the car?

13 A He was asking her to get out of the car. And then he
14 had to force her out of the car.

15 Q Where were you or what road, if you recall, when this
16 happened, when she was forced out of the car?

17 A That's Sagittarius, ain't it?

18 Q This demonstrative exhibit right here.

19 A Okay. Like, right here she got out of the car, right
20 here.

21 Q So right there where that laser pointer is?

22 A Yes, about right there.

23 Q Is that the point you're saying she was forcibly
24 removed from the vehicle?

25 A Yes.

1 Q What happened after she was removed from the vehicle?

2 A We drove on up the street towards the stop sign.

3 What's that? Old Grove -- the apartments.

4 Q Okay. Go on and just tell the jury what happened.

5 A Well, we drove toward the apartments. And at the
6 stop sign, I got in the front passenger. And we rode back
7 down. And we rode past her.

8 Q Rovillie, I'm going to ask you to step down because I
9 know it's difficult with your eye, and the distance, and
10 the lighting in here. It might be easier for the jury's
11 benefit to walk down here. You can get close.

12 If you could just -- starting at the point where she
13 got out of the vehicle, describe --

14 A Right here.

15 Q -- where the vehicle went next.

16 A She got out of the vehicle right here. We went up
17 this way.

18 Q And who's driving the vehicle at this point?

19 A Samuel.

20 Q Where are you?

21 A I'm in the passenger seat on the driver's side.

22 Q So you had switched seats from the rear to the front
23 then?

24 A Yeah.

25 Q And was the victim out of the vehicle at this point?

1 A Yes.

2 Q Where did Samuel Burnside drive to?

3 A Back down this way.

4 Q Did Samuel Burnside go to the end of the road and
5 turn around?

6 A Yes.

7 Q Okay. And what did you observe next? Did you see
8 the victim when you came back?

9 A Yeah.

10 Q Was the victim's back facing you or was her front
11 facing you?

12 A Her back.

13 Q Was the victim walking or standing still?

14 A Walking.

15 Q And what happened next? Was the vehicle stopped at
16 any point?

17 A Yeah, about -- we stopped about right here.

18 Q Had you passed the victim --

19 A Yes.

20 Q -- when you stopped --

21 A Yes.

22 Q And the victim, when you passed her, where would she
23 have been approximately located on that road?

24 A We passed her and she was about right in here,
25 somewhere right in there.

1 Q You can have a seat.

2 A (Witness complied.)

3 Q After you passed the victim, the vehicle was stopped
4 on the road; is that correct?

5 A (There was no verbal response.)

6 Q What happened next?

7 A You said after the vehicle stopped?

8 Q After the vehicle was stopped, what happened next?

9 A Oh, he jumped out. He was like, Hold up. And the
10 music was loud. And I was on the phone. He turned the
11 music up. I was on the phone. And he jumped out of the
12 car real quick. And then a couple minutes -- like, a
13 couple minutes later, he jumped back in the car.

14 Q When he jumped out of the car, did you observe that
15 the Defendant was armed in any way?

16 A Yes.

17 Q How was the Defendant armed?

18 A On his -- on his -- right -- like, right there on his
19 side.

20 Q Was the gun in a holster?

21 A No.

22 Q Could you describe where the gun was?

23 A Right here on the side, on the right side.

24 Q Okay. Was the gun in his waistband?

25 A Yes.

1 Q What kind of gun was it? Can you describe it?

2 A It was black.

3 Q Was it a revolver, or was it a semiautomatic handgun?

4 A Automatic.

5 Q Did he say anything when he got out of the vehicle?

6 A No. He was just like, basically, Hold on. I started
7 going through my phone messing with my phone. I was
8 trying to call my fiancée.

9 Q And why were you trying to call your fiancée?

10 A To see where she was located.

11 Q Had you been trying to get dropped off and get out of
12 the vehicle the entire time?

13 A Yes.

14 Q And what happened next after Sam Burnside got out of
15 the vehicle?

16 A He was out for a couple minutes. Then he ran -- he
17 came running back towards the car.

18 Q Did you see a weapon at that point when he came back
19 to the car?

20 A Yes.

21 Q Did he get in the driver's seat again?

22 A Yes.

23 Q Did he say anything?

24 A He was like, Fuck her.

25 I was like, What you mean?

1 He was like, Man, fuck her. I ain't fucking with
2 her. Fuck that bitch, whatever.

3 Q Did you ask him what happened?

4 A Yeah, I asked. He was just like, Don't worry about
5 it, you know. Come on. Let's go. I'm fixing to drop you
6 off.

7 Q Did you ask any other questions after that about what
8 had happened?

9 A No.

10 Q Did you ever see any gunshots?

11 A No.

12 Q When Mr. Burnside got out of the vehicle, which
13 direction on foot did he proceed?

14 A Backwards.

15 Q When you say "backwards," what --

16 A Behind -- towards the back of the car.

17 Q Okay. Did you ever hear anything?

18 A No.

19 Q Did you ever hear any gunshots?

20 A No.

21 Q What happened after you left -- or what happened next
22 once he got back in the vehicle?

23 A He took me home.

24 Q Where is home for you?

25 A █ Piedmont Highway.

1 Q About how far of a drive away is that from that area
2 of town?

3 A Not far, probably five minutes, at the most.

4 Q At any point, did you go back towards the storage
5 facility?

6 A Yes.

7 Q Can you explain that?

8 A I was going towards one of my friend's house. And I
9 rode back. When I rode back through there, I looked where
10 they was arguing at to see was her pocketbook out there.

11 Q Had a pocketbook been left behind previously at the
12 storage facility?

13 A Yes.

14 Q Did that occur during the altercation between Samuel
15 Burnside and the victim?

16 A Yes.

17 Q Why did you go back over there?

18 A I was riding towards my partner's house. And I go
19 through that way because it come out straight in front of
20 the McDonald's. It's a straight shot, straight across,
21 basically, like, a quick left and right.

22 Q And did you see the purse there?

23 A No. If I had seen it, I was going to give it to
24 Samuel to give back to her.

25 Q The cell phone number 346-3047, was that your phone

1 number back in August of 2017?

2 A Yes.

3 Q Would that have been a phone number in your name?

4 A No.

5 Q Whose name would that phone have been in?

6 A My fiancée.

7 Q And what is her name?

8 A Adrienne Kerlee.

9 Q Was there any point after this incident that you
10 spoke with Sam Burnside?

11 A Yes.

12 Q When was that?

13 A I think it was the next day.

14 Q Tell me about that, please.

15 A He had come to borrow my car.

16 Q And what did you hear -- or what was the discussion?

17 A He was arguing with somebody about something, about a
18 poster, something.

19 Q And when you say "about a poster, something," if you
20 could be specific --

21 A Something was posted on Facebook about he supposed to
22 have done -- I guess done something to -- to the victim.

23 Q Are you testifying that he was talking about a post
24 that he had seen about him being involved with the murder
25 of the victim?

1 A Yes.

2 Q And what was Samuel Burnside saying?

3 A He was, like, basically, saying, like, that was some
4 BS. He didn't do it. I know what they've got going on.

5 Q And was he talking to you about this or you
6 overheard?

7 A I just heard it.

8 Q And do you --

9 A And once he got off, he had told me.

10 Q I'm sorry.

11 A Once he got off, he was saying, like, That's some
12 bull, BS.

13 Q Did he say anything additional about the victim after
14 that?

15 A Nah. He was just like, bump her. You know what I'm
16 saying? F her, and stuff like that, just babbling on.

17 Q In your initial -- have you given a statement to law
18 enforcement?

19 A Yes.

20 Q In your initial statement to law enforcement, did you
21 tell them that you were present at Stables Road --
22 Lakeside Road known as Sagittarius Way?

23 A Yes.

24 Q In your very first statement to law enforcement --

25 A No. You said -- no.

1 Q In your very first statement with law enforcement,
2 did you tell them that you were present in the car?

3 A No. No, sir.

4 Q Explain to the jury why that is.

5 A Because I didn't want -- I did not want no
6 involvement in the situation. And I have -- I got a prior
7 record.

8 Q And what made you, finally, tell the truth and say
9 that you were in the car?

10 A My momma told me that if you ain't done nothing, you
11 might as well tell the truth. Because they're going to
12 look at you like you done something because of your
13 record. So just tell them what you know.

14 Q And what were you, ultimately, charged with after
15 speaking with investigators with the Greenville County
16 Sheriff's Office?

17 A After speaking with them, they -- they let out a
18 charge of murder.

19 Q And related to this case, have you pled guilty to
20 anything prior to today?

21 A Yes. I pled guilty to a lesser charge.

22 Q Do you recall what that charge was?

23 A I think miss -- what? -- misprison of a felony.

24 Q Okay. And have you been sentenced in any way on that
25 charge?

1 A No, sir.

2 Q Is sentencing deferred for a later date by a Judge?

3 A Yes.

4 Q Were any promises made to you in any way as a result
5 of your guilty plea?

6 A No, sir.

7 Q Had you ever known the victim in this case, Catherine
8 Clark, before August 5th, 2017?

9 A No, sir.

10 Q Had you ever talked with her on the phone before at
11 all?

12 A No, sir.

13 Q Did you just happen to get a ride that day?

14 A Yes.

15 Q Was there any reason for you to harm the victim,
16 Catherine Clark, in any way?

17 A No, sir. I never knew her.

18 MR. MORONEY: Please answer any questions Mr. Gibson
19 has for you.

20 CROSS-EXAMINATION

21 BY MR. GIBSON:

22 Q Mr. Williams, you are a liar, are you not?

23 A A liar?

24 Q A liar, someone who tells lies. You lied in this
25 case, didn't you?

1 A Did I lie in the case?

2 Q Did you lie? Did you tell lies to law enforcement?
3 Did you tell lies to Investigator Picone in this case?

4 A At first.

5 Q So if the definition of a liar is someone who tells
6 lies, you are, in fact, a liar, are you not?

7 A Correct.

8 Q You are, also, a criminal, are you not?

9 A Correct.

10 Q You have been convicted of a number of offenses?

11 A Correct.

12 Q Resisting arrest, failure to stop for a blue light,
13 possession of a stolen vehicle, possession of a fire --
14 multiple counts of possession of -- unlawful carrying of a
15 firearm; is that all correct?

16 A I don't recall no -- both of them counts of no
17 firearm.

18 Q Have you ever been convicted of unlawful carry of a
19 firearm?

20 A Yes, sir.

21 Q But, sir, you have been convicted of that?

22 A Yes, sir.

23 Q Thank you.

24 You've also -- one of the first questions that
25 Mr. Moroney asked you was that you had never been

1 convicted of an attempted murder.

2 A No, I haven't.

3 Q All right. But isn't it, in fact, true that the only
4 reason why you weren't convicted was because both the
5 victim and the witness in the case refused to cooperate?

6 A No. They -- they cooperated. They wrote a statement
7 and testified that I wasn't the one that done it --
8 initially, done it.

9 Q This is a tracking sheet showing the reason why your
10 case was dismissed. Do you see that?

11 A Yes.

12 Q And what does it say as the reason?

13 A Cannot locate victim.

14 Q And pursuant to the warrant in your case, there was
15 both a victim and eyewitness; isn't that correct?

16 A Yes.

17 Q And according to the -- the arrest warrant, you got
18 into an argument with a female in a parking lot. You
19 pulled out a firearm and you tried to kill her.

20 MR. MORONEY: Your Honor, we're going to object to
21 the specific details --

22 THE COURT: Yeah. Sustained.

23 BY MR. GIBSON:

24 Q But neither the victim nor the eyewitness to this
25 event made themselves available to testify against you?

1 MR. MORONEY: Again, I'm going to object, Your Honor.
2 It's inconsistent with what was just read into the record
3 from the tracking sheet.

4 THE COURT: Well --

5 MR. GIBSON: Actually, that question is not --

6 THE COURT: You can impeach him with the evidence of
7 a prior conviction. Okay.

8 BY MR. GIBSON:

9 Q Now, you're, also, a gang member, are you not?

10 A No.

11 Q You are not a member of Folk Nation?

12 A No.

13 Q And if someone said that you were, they'd be lying?

14 A Yes.

15 Q Why -- do you know any reason why anybody would tell
16 that lie on you?

17 A Probably because I've been seen in pictures with --
18 with a couple family members.

19 Q And you never told Tina Henderson that you were a
20 member of a gang?

21 A No.

22 Q Now, in this case, you were, initially, charged with
23 murder; correct?

24 A Yes.

25 Q And a murder charge carries a mandatory minimum

1 sentence of 30 years; is that not correct?

2 A I -- I can't tell you. If I tell you yeah, I'd be
3 lying because I --

4 MR. MORONEY: Objection, Your Honor.

5 THE COURT: Yeah. I'm going to sustain it. We don't
6 get into the sentencing.

7 MR. GIBSON: Your Honor, there is case law that says
8 that I'm allowed to impeach a witness with the specifics
9 of what he's charged with. If we -- if you can, Your
10 Honor, if it's that important, I can break, find the case
11 for you. But there is specific state case law that
12 allows --

13 THE COURT: You've asked the question. Now, move
14 forward.

15 BY MR. GIBSON:

16 Q But you are not facing that now, are you?

17 A No. No, sir.

18 Q Your murder charge has been dismissed; correct?

19 A Yeah. I don't know about dismissed, dropped to a
20 lower charge.

21 Q Isn't it, in fact, true that both the murder charge
22 and the possession of a weapon during the commission of a
23 violent crime in your case was dismissed?

24 A I didn't say that it wasn't dismissed.

25 Q Say it again.

1 A It wasn't dismissed.

2 Q It was not dismissed?

3 A It was dropped to a lower charge.

4 Q So you pled guilty to misprison of a felony?

5 A Yes.

6 Q What is that? What does that mean?

7 A That means what -- well, it's like you can witness
8 something, but you don't have to -- you don't have to call
9 it in or be a witness to what's going on, I think.

10 Q Okay. And that's what you pled guilty to?

11 A Yes, sir.

12 Q And how many years does that carry?

13 A I think it carries up to 10 years.

14 Q So you have 10 years hanging over your head on a
15 deferred sentencing; correct?

16 A Correct.

17 Q And in exchange for your testimony here today, you
18 are anticipating that the State is going to put in a good
19 word for you at sentencing; correct?

20 A No.

21 Q You're not anticipating that?

22 A No.

23 Q You're not hoping for that?

24 A No.

25 Q Okay. So you're just here testifying why?

1 A Because I was just telling what -- what went on when
2 I was in the presence.

3 Q All right. So let's talk about your story -- or the
4 stories that you've given. The first time you talked
5 to -- the first time in this case, you were called by
6 Investigator Picone; correct?

7 A Correct.

8 Q And when he asked you what happened, you told him
9 that you were -- that they dropped you off prior to any of
10 this stuff happening; correct?

11 A Repeat it.

12 Q You told Investigator Picone that they had dropped
13 you off prior to any of this stuff happening; correct?

14 A Yeah, after we had several conversations.

15 Q You had -- in the first conversation, that's what you
16 told Investigator Picone; correct?

17 A Right.

18 Q All right. Then you had another conversation with
19 Investigator Picone on the 11th of August. Do you
20 remember that conversation?

21 A No.

22 Q That was a telephone conversation. And in that
23 conversation, you, also, still told him again, no, I was
24 not there. You stuck with that same story. Do you
25 remember that?

1 A I don't remember the dates. I remember the first
2 conversations we had.

3 Q So you had two conversations where you told lies in
4 this case?

5 A Correct.

6 Q All right. Then during that second conversation --
7 but then you came back -- I'm sorry. You came back three
8 days later. And that's when you came down to the law
9 enforcement center and you first implicated Sam Burnside
10 in this case. Do you remember that?

11 A Yes. I think I came down -- what? -- I think a
12 couple days after -- before -- the day before I had,
13 initially, got -- I came to see him because he asked me to
14 come down.

15 Q All right. So you came down. And that's when you,
16 first, said -- told a version of this story that you're
17 telling today; correct?

18 A Yes.

19 Q All right. And -- and in that story that you told on
20 the 14th, you told him that you had no idea what they were
21 arguing about, didn't you?

22 A The first conversation me and him had on the phone?

23 Q I'm talking about when you came down on the 14th and
24 supposedly decided to tell the truth because your mom had
25 convinced you to do so. You told him during that

1 conversation that you had no idea what they were talking
2 about or what they were arguing about, didn't you?

3 A No. I told him what they were arguing about.

4 Q You told him that they were arguing about that that
5 day?

6 A Yeah.

7 Q All right. Now, you said that the reason why you
8 decided to come down and tell the truth now -- or on that
9 day, on the 14th, was because your mom had talked to you;
10 is that correct?

11 A Yes.

12 Q During that conversation -- that second conversation
13 with Investigator Picone, though, you, also, had an
14 exchange with him where he told you, listen, I'm talking
15 to both sides on this. And if they come down and
16 implicate you first, you're going to be in trouble. Do
17 you remember him telling you that?

18 A No. I don't remember that.

19 Q You don't remember that. But three days after having
20 that conversation with him, that's when you came down and
21 you pointed the finger at Sam Burnside?

22 A No. He called me down to his office.

23 Q And you came to his office?

24 A Yes.

25 Q All right. So is there anything that you have that

1 proves that what you're saying is true?

2 A Yeah, my testimony.

3 Q Other than your testimony, is there anything that you
4 have that proves that what you're saying is true?

5 A No, sir, not to my -- I don't understand what you --
6 what you're getting at.

7 Q Can you prove what you're saying is true?

8 A No more than me verbally saying it, no, sir.

9 Q All right. So, basically, what you're asking is for
10 the Court to take the word of a liar and a criminal in
11 this particular case?

12 A Correct.

13 Q All right. Now, when you got in the car with her --
14 or when you got back in the car after Cartee, you say that
15 they were -- they continued to argue; correct?

16 A You said "Cartee"?

17 Q The storage facility.

18 A Yes.

19 Q All right. And you say they continued to argue;
20 correct?

21 A (There was no verbal response.)

22 Q But, in fact, you, also, started to argue as well,
23 didn't you?

24 A With who?

25 Q With Sam --

1 A Telling them -- yeah, telling them to chill out.

2 Q With both Sam and Catherine?

3 A Yeah.

4 Q And Catherine began to argue back with you, didn't
5 she?

6 A No. I was arguing with them.

7 Q And she began to argue back with you, didn't she?

8 A For what?

9 Q So you were arguing with her and she was just saying
10 nothing?

11 A No. I was arguing with Mr. Burnside.

12 Q Well, you just said that you were arguing with both
13 of them.

14 A I said I was arguing with Mr. Burnside, with him.

15 Q So after that, in fact, what happened was she started
16 arguing with you and you didn't like that, did you?

17 A She had no reason to argue with me.

18 Q And then after she continued to argue with you, you
19 told Sam to stop the car, didn't you?

20 A No.

21 Q And you pulled her out of the car and you shot her
22 dead in the street, didn't you?

23 A No, sir.

24 Q Now, you said that after this was all over, you
25 decided to go back to the storage facility to check and

1 see if her purse was there?

2 A Yes. Correct.

3 Q And --

4 A I didn't say I went. That was my objective, to go
5 right back to see about her purse. I was on my way to my
6 homeboy's house.

7 Q And then you went back to see if you could find her
8 purse?

9 A It's on the right.

10 Q Okay. And this is somebody who you just met that
11 day?

12 A Correct.

13 Q You did not know; correct?

14 A Correct.

15 Q There was no way that you know of that you could get
16 back in touch with her; correct?

17 A Correct.

18 Q But you were all of the sudden going to go by and go
19 out of your way to -- to go by the storage facility to see
20 if her purse was there?

21 A I was riding on my way to my homeboy's house --

22 Q Isn't it --

23 A -- and I --

24 Q Isn't it, in fact, true that you went back that way
25 because you knew you had shot her dead in the street and

1 THE CLERK: Please take a seat.

2 And state your name.

3 THE WITNESS: Charles Moore.

4 DIRECT EXAMINATION

5 BY MR. MORONEY:

6 Q Good morning, Charles Moore -- Mr. Moore.

7 Will you, please, state your place of employment?

8 A Greenville County Detention Center.

9 Q And what's your occupation there?

10 A I'm the custodian of records of jail calls, a
11 detention officer.

12 Q When you say "jail calls," could you speak to that
13 system and how it operates?

14 A The way the system works is whenever anyone is booked
15 in to be taken or released to the jail, they're given a
16 six-digit number, a pack number, which is used as an
17 account number for the system. They then enroll their
18 voice. They go on a phone, they talk to a -- it records
19 their voice.

20 And from thereon, they access the phone system with
21 their voice and their credentials and their calls are
22 recorded. All calls are recorded, except for approved
23 calls that are attorney calls, private calls.

24 Q And what kind of details are recorded in the system
25 each time a call is made?

1 A Their first and last name, the details regarding
2 their accounts. It would be their first, last name, date
3 of birth, ethnicity, housing location, all that.

4 Q Are there any security measures with respect to
5 individual inmate accounts when they --

6 A Yes.

7 Q Could you speak to that?

8 A The security measures would be their individual
9 voice. It's recorded whenever they're booked in, whenever
10 they, initially, enroll in the system. It's their
11 personal voice, the six-digit pac number they're issued by
12 booking staff, and the four-digit code they're given by
13 the system.

14 Q And how do you access these stored jail calls?

15 A The -- we use a program called Secure Call Platform
16 created by Securus Technologies.

17 Q And is that a web-based program?

18 A Yes.

19 Q And where -- are those calls all stored off site?

20 A They're stored off site in Atlanta and Dallas, Texas.

21 Q Are all calls searchable?

22 A Yes.

23 Q And are they able to be edited or altered in any way?

24 A No.

25 Q Okay. Did you have the opportunity to review jail

1 calls related to this case?

2 A Yes.

3 Q I'm going to hand you what's been pre-marked as
4 State's Exhibit No. 66. I'll ask you to take a look at
5 that, if you can identify it?

6 A Yes. I can identify it.

7 Q How can you identify it, and what is it?

8 A These are recorded calls -- they're calls of Samuel
9 Burnside. I initialed the disk.

10 MR. MORONEY: Your Honor, at this time, the State
11 would move for -- State's Exhibit No. 66 into evidence.

12 MR. GIBSON: No objection, Your Honor.

13 THE COURT: Okay.

14 (WHEREUPON, State's Exhibit No. 66 was admitted into
15 evidence.)

16 MR. MORONEY: No further questions.

17 Please answer any questions Mr. Gibson has.

18 THE COURT: Okay.

19 CROSS-EXAMINATION

20 BY MR. GIBSON:

21 Q Does that disk include all of his phone calls?

22 A No. Only certain calls that were requested to be
23 recorded.

24 Q Okay. So there are other calls out there that may
25 say entirely different things that you were not asked

1 to -- to put on the disk; correct?

2 A It's entirely possible. I didn't review any other
3 calls other than those requested of me.

4 MR. GIBSON: Okay. Thank you.

5 MR. MORONEY: No redirect, Your Honor.

6 THE COURT: All right. Thanks.

7 You can step down.

8 MR. MCCOLLUM: Your Honor, the State calls James
9 Armstrong.

10 WHEREUPON,

11 JAMES WILLIAM ARMSTRONG,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Please take a seat.

14 And state your name.

15 THE WITNESS: James William Armstrong.

16 DIRECT EXAMINATION

17 BY MR. MCCOLLUM:

18 Q Good morning, Mr. Armstrong.

19 A Morning.

20 Q Where are you employed?

21 A I'm employed at the Greenville County Department of
22 Safety Forensics Division Crime Laboratory.

23 Q What's your role?

24 A I am a principle criminalist where I have the dual
25 responsibility as a forensic drug chemist and a forensic

1 firearm examiner.

2 Q And how long have you done firearm identification?

3 A I've been involved -- heavily involved in firearm
4 identification right at 20 years.

5 Q Do you participate in any additional on-the-job
6 training or continuing education with respect to
7 firearm --

8 A Yes, sir, I do.

9 Q And how many firearm analyses have you conducted in
10 your career?

11 A Thousands.

12 MR. MCCOLLUM: All right. Your Honor, at this time,
13 we'd move to admit James Armstrong as an expert in firearm
14 identification.

15 MR. GIBSON: No objection, Your Honor.

16 THE COURT: Okay.

17 MR. MCCOLLUM: Thank you.

18 BY MR. MCCOLLUM:

19 Q Mr. Armstrong, did you have occasion to examine shell
20 casings recovered in this case?

21 A Yes, I did.

22 Q I'm going to show you what's been pre-marked -- or
23 what's in evidence as State's Exhibit No. 12. Do you
24 recognize it?

25 A Yes, sir, I do.

1 Q What are they?

2 A These are items DK3, DK7, DK8, and DK9, which are
3 nine-millimeter caliber fired cartridge casings.

4 Q And did you perform testing on these shell
5 cartridges -- shell casings?

6 A Yes, sir, I did.

7 Q What type of testing did you perform?

8 A I did a microscopic comparison to compare the casings
9 to each other to determine if they were fired in the same
10 firearm.

11 Q And what did -- what resulted from that testing?

12 A That these four fired cartridge casings were fired in
13 the same firearm.

14 Q And are they all the same type of cartridge casing?

15 A They're all the same caliber. They are two different
16 manufacturers.

17 Q What are those two different manufacturers?

18 A I had Federal and Remington.

19 Q And what type of -- what millimeter is the cartridge?

20 A They're nine millimeter.

21 Q All four shell casings?

22 A Yes, sir.

23 Q Mr. Armstrong, can you approximate how many -- the
24 different type of head stamps for nine-millimeter shell
25 casings?

1 A There are hundreds of different head stamps.

2 Q So the likelihood of two head stamps being in -- two
3 head stamps being at the crime scene and then another at a
4 hotel room is similar?

5 MR. GIBSON: Objection. Calls for speculation.

6 THE COURT: Well, don't speculate.

7 MR. MCCOLLUM: I beg the Court's indulgence.

8 (Pause.)

9 MR. MCCOLLUM: Please answer any questions Mr. Gibson
10 has for you.

11 CROSS-EXAMINATION

12 BY MR. GIBSON:

13 Q Mr. Armstrong, were you -- were you -- do you have
14 any information about who, actually, shot Catherine Clark?

15 A No, sir.

16 MR. GIBSON: Thank you.

17 Nothing further.

18 THE COURT: Okay.

19 MR. MCCOLLUM: No redirect, Your Honor.

20 THE COURT: You may step down.

21 Thank you, sir.

22 THE WITNESS: Thank you.

23 MR. MORONEY: Your Honor, I think our next witnesses
24 are a little bit more lengthier.

25 THE COURT: Well, y'all come up here then.

1 (WHEREUPON, a bench conference was held.)

2 THE COURT: All right. Ladies and gentlemen, we just
3 had one of those bench conferences. We're not trying to
4 hide anything from you. We talked about logistics. And
5 we think that now is a good time to break for lunch. So
6 we'll see you back at 1:30.

7 Don't discuss the case. Don't go visit any scene.
8 Don't do any kind of research. We'll see you back at
9 1:30.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 12:03 p.m.)

12 THE COURT: Okay. Anything before we break?

13 MR. MORONEY: Nothing further, Your Honor.

14 MR. GIBSON: No, Your Honor.

15 THE COURT: Here's a cite for you.

16 MR. GIBSON: I'm ready.

17 THE COURT: 403 SC 270.

18 MR. GIBSON: 403 SC 270?

19 THE COURT: Yeah.

20 MR. GIBSON: Is that SC Second?

21 THE COURT: No, SC.

22 MR. GIBSON: SC. Okay.

23 Thanks, Judge.

24 THE COURT: Southeastern 743 98 Second.

25 All right. See y'all at 1:30.

1 (WHEREUPON, a lunch break was taken.)

2 (WHEREUPON, State's Exhibit Nos. 67, 68, 69, 70, 71,
3 72, 73, and 74 were marked for identification only.)

4 THE COURT: Are y'all ready to go?

5 MR. GIBSON: Yes, sir.

6 MR. MORONEY: Yes, Your Honor.

7 THE COURT: Okay. Bring the jury in.

8 (WHEREUPON, the jury came into open court at
9 approximately 1:40 p.m.)

10 THE COURT: Okay. Ladies and gentlemen, welcome
11 back. We're ready to resume.

12 MR. MORONEY: Your Honor, the State calls Chad
13 Maltby.

14 WHEREUPON,

15 CHAD MALTBY,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: Please take a seat.

18 And state your name.

19 THE WITNESS: My name is Chad Maltby.

20 DIRECT EXAMINATION

21 BY MR. MORONEY:

22 Q Mr. Maltby, what's your current place of employment?

23 A I'm employed with the Greenville County Sheriff's
24 Office.

25 Q And what is your current role there?

1 A Currently it's sergeant assigned to the uniform
2 patrol division.

3 Q And how long have you been with the Greenville County
4 Sheriff's Office?

5 A I've been here 11 years, but in law enforcement for
6 about 15.

7 Q In August of 2017, what was your current assignment
8 at the sheriff's office?

9 A At that time, I was assigned as an investigator with
10 the homicide unit.

11 Q And as an investigator in the homicide unit, did you
12 become involved in a case involving the Defendant, Sam
13 Burnside?

14 A Yes, sir.

15 Q What was your role in that case?

16 A I was in an assist role assisting the lead
17 investigator.

18 Q During the course of that investigation, was there an
19 interview that was conducted with the Defendant, Sam
20 Burnside?

21 A Yes, sir, there was.

22 Q What was your role in that interview?

23 A My role, again, was an assist role. I was,
24 initially, tasked with informing him of his Miranda rights
25 prior to questioning.

1 Q And could you speak to that, the Miranda rights you
2 just mentioned, how that's accomplished?

3 A Yes. So we have a standard operating procedure. We
4 have a form that's just a Waiver of Miranda Rights form.
5 All that's required is that they understand their rights.
6 And we make sure of that. So we go over that form line by
7 line and ask them to initial it.

8 Q Was there a Waiver of Rights form that was used in
9 this case?

10 A Yes, sir.

11 Q During the interview which you had with Sam Burnside?

12 A Yes, sir.

13 Q Mr. Maltby, I'm handing you what's been pre-marked as
14 State's Exhibit No. 3. Do you recognize that?

15 A I do.

16 Q And could you tell the jury what that is, please?

17 A This is the Waiver of Miranda Rights form used on
18 August 7th for the interview.

19 Q And particular to Sam Burnside?

20 A Yes, sir.

21 Q And is it the same form that's identical to any other
22 kind of advisement of rights that you would use?

23 A Yes, sir. It's a standard form.

24 MR. MORONEY: Your Honor, at this time, the State
25 would move to admit State's Exhibit No. 3 into evidence.

1 MR. GIBSON: No objection, Your Honor.

2 THE COURT: Okay.

3 (WHEREUPON, State's Exhibit No. 3 was admitted into
4 evidence.)

5 MR. GIBSON: Excuse me, Your Honor. May we approach
6 very quickly?

7 THE COURT: Yeah. Sure.

8 (WHEREUPON, a bench conference was held.)

9 THE COURT: Okay.

10 BY MR. MORONEY:

11 Q Could you, please, detail to the jury now that we
12 have the Waiver of Rights form published what we're
13 looking at here?

14 A Yes, sir. That's the actual form. At the top right,
15 you have the case number, which is, specifically, assigned
16 to this incident. You, also, have the date, the time, and
17 then subsequent lines, which are, actually, the waiver of
18 rights under Miranda.

19 Q And advising the Defendant of his rights, can you
20 tell the jury how that transpired and, ultimately, he
21 waived his rights to speak with law enforcement?

22 A Yes, sir. So we, first, initially, started going
23 over this form. And as I do every time, I had the
24 Defendant, actually, read each line. The Defendant got to
25 the part -- I think it's the fourth line where it speaks

1 about having an attorney. At that time, he expressed that
2 he would like an attorney. And I ceased the interview at
3 that time.

4 I, actually, immediately stood up and walked out of
5 the interview room. While we were completing other parts
6 of the investigation, I went back into the interview room.
7 As soon as I opened the door, I didn't mention a word to
8 him and he immediately engaged me back in the conversation
9 without provocation. And he continued to -- I explained
10 to him, I can't talk to you at this time. You -- you
11 mentioned you would like an attorney.

12 And he began to mention numerous times almost to the
13 point where he was begging to speak with me and saying
14 that he would like to speak without his attorney present.

15 Q Was this interview in the -- was this interaction and
16 the subsequent interview captured on any kind of video
17 recording equipment?

18 A Yes, sir. In our interview room, there's an audio
19 and video recorder that captured the entirety of the
20 conversation.

21 Q I'm handing you what's been pre-marked as State's
22 Exhibit No. 1. Do you recognize that?

23 A Yes, sir.

24 Q And what is that?

25 A This is a DVD that captured the audio and video from

1 that interview.

2 Q Okay. And you've viewed this previously?

3 A Yes, sir.

4 MR. MORONEY: Your Honor, at this time, the State
5 would move State's Exhibit No. 1 into evidence.

6 THE COURT: All right. Subject to all the
7 previous...

8 (WHEREUPON, State's Exhibit No. 1 was admitted into
9 evidence.)

10 BY MR. MORONEY:

11 Q Mr. Maltby, for clarities sake, were there times that
12 you intermittently walked in and out of the interview
13 room?

14 A Yes, sir. There was a few times where I walked out.

15 Q And would Mr. Burnside just have been sitting there
16 left alone in the room?

17 A Correct. He was.

18 MR. MORONEY: For efficiencies sake, I'm going to
19 fast-forward here.

20 (WHEREUPON, State's Exhibit No. 1 was played in open
21 court.)

22 BY MR. MORONEY:

23 Q Investigator Maltby, is this the point where you
24 would have left and then returned at a later time?

25 A Yes, sir.

1 MR. MORONEY: I'm going to fast-forward for
2 efficiencies sake.

3 (WHEREUPON, State's Exhibit No. 1 continued to be
4 played in open court.)

5 BY MR. MORONEY:

6 Q And at this point, Investigator Maltby, did the
7 interview commence?

8 A Yes, sir, it did.

9 Q Okay. Briefly just a couple points. With the
10 advisement of rights form, the last line, there was some
11 conversation about not wanting to sign that line. Could
12 you explain to the jury what was going on there?

13 A Yes, sir. So the last line as it was read in here
14 is -- is speaking -- the context meaning of that line is
15 to make sure that no promises or threats -- meaning
16 coercive promises or threats. And so he took that out of
17 context. He was told that he was going to be detained
18 regardless. And that was the problem that got -- that got
19 him held up out of context.

20 Q Did that refusal just to sign this internal document
21 for the sheriff's office at all minimize his awareness of
22 his rights?

23 A No, sir. It's -- it's our requirement to advise him.
24 And we thoroughly did so.

25 MR. MORONEY: Thank you.

1 Q During this interview, did he ever say that he killed
2 Catherine Clark?

3 A He did not.

4 Q Okay. And, in fact, he, specifically, said as a part
5 of what you heard, I didn't kill nobody, though; correct?

6 A He stated he didn't kill her, yes.

7 MR. GIBSON: Nothing further.

8 THE COURT: Anything else?

9 MR. MORONEY: No further questions, Your Honor.

10 THE COURT: All right. Thank you.

11 You can step down.

12 Thank you.

13 MR. MORONEY: The State calls Investigator David
14 Picone.

15 WHEREUPON,

16 DAVID DANIEL PICONE,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Please state your name for the record.

19 THE WITNESS: David Daniel Picone.

20 DIRECT EXAMINATION

21 BY MR. MORONEY:

22 Q Mr. Picone, what is your current place of employment?

23 A Greenville County Sheriff's Office.

24 Q And what is your occupation?

25 A I am assigned to the criminal investigation division

1 as a homicide investigator.

2 Q And were you working as a homicide investigator in
3 August of 2017?

4 A I was.

5 Q Did you have the occasion to become involved in a
6 case involving the Defendant, Samuel Burnside?

7 A Yes.

8 Q Could you detail how you became involved in this
9 investigation?

10 A Yes. At the time of this, there was five homicide
11 investigators within our unit. So every five weeks, you
12 are on call for a week at a time from Sunday -- or excuse
13 me, Monday to Monday from 8:30 to 8:30, going into the
14 following Monday at 8:30 in the morning.

15 During that time when you're on call, you're
16 basically -- you're getting any kind of calls from drug
17 overdoses, sometimes natural deaths, depending on the
18 seriousness of a shooting, and murders. So I'm,
19 basically, going to be a lead investigator on any kind of
20 serious shooting or death that week.

21 Q And on August 5th, 2017, did you have the occasion to
22 respond to Sagittarius Way and Stables Road in Greenville
23 County?

24 A Yeah. I received a phone call from the on-call
25 sergeant that was working with me. We have a sergeant

1 that's, also, on call. He advised that there had been a
2 female located at Sagittarius -- at Sagittarius Way and
3 Stables Road, which is in Greenville County. It's kind of
4 an isolated road. There's -- there's nothing around it.

5 It appeared that she had been shot, at least, one
6 time, but multiple times most likely. And I was asked to
7 respond to the scene. And this was about -- I think I got
8 the phone call around 9:30 at night, somewhere around
9 there.

10 Q Upon arrival, what did you observe?

11 A When I arrived, there was several medical -- or
12 several law enforcement deputies were on scene. They had
13 secured the perimeter of the scene so we can maintain the
14 integrity of the crime scene and nobody will disturb the
15 evidence.

16 And I met with a sergeant on scene -- uniform patrol
17 sergeant who provided me with the information that he had
18 already obtained up to that point to kind of give me a
19 direction of what was going on. I was notified there was
20 some witnesses on scene that had come across the body that
21 called 911. We obtained statements from them and let them
22 leave.

23 And then we contacted forensics to come out there and
24 process the scene, which is standard protocol for us.

25 Q Immediately surrounding the victim, what did you

1 observe?

2 A I'm sorry. I -- I couldn't hear you.

3 Q Immediately surrounding the victim there at the crime
4 scene --

5 A Yeah.

6 Q -- what did you observe?

7 A So the victim was a black female. She was wearing
8 a -- kind of like a multi-colored sundress. She had no
9 shoes on. She was laying dead smack in the middle of
10 Sagittarius Way, which is -- the intersection is right
11 there -- she's almost right in the middle of the
12 intersection. She was laying on her back.

13 I observed several areas of blood coming from her
14 person, particularly her head. I observed a puddle of
15 blood that had come out of her and was running down the
16 roadway. I observed some droplets of blood that looked
17 like somebody had been walking or -- I wasn't sure if that
18 was the victim's blood or the suspect's blood at that
19 time.

20 She wasn't wearing any shoes. I don't remember if I
21 covered that. And I noted -- I -- I observed that she had
22 been shot. And, also, I observed four shell casings on
23 the ground right around her body.

24 Q Specifically, do you recall what caliber shell
25 casings they were?

1 A Yes. All four shell casings were nine millimeter.

2 Q And did they have any identifying head stamps or
3 markings on them?

4 A Yeah. Three of them had the same head stamp as --
5 there was three with the same head stamp, and then there
6 was one with a different one. I believe the three head
7 stamps were NFCR nine millimeter. And I believe one head
8 stamp was an RP nine millimeter. And I can't remember
9 what -- three of them were gold, I believe, and one was
10 silver, or it might have been the other way around. But
11 they were the same ammunition caliber, just different head
12 stamps.

13 Q Did you direct crime scene technicians to collect all
14 the evidence on scene there for this case?

15 A Yes. I did there as well as another crime scene on
16 this night.

17 Q There is a laser pointer there, Investigator Picone.
18 If you could just detail what we're looking at here with
19 respect to -- of the roadway.

20 A Okay. So this road right here is Sagittarius Way.
21 And if you keep going down there, it's a dead-end road.
22 There's -- if you go down a little bit further, there's
23 some barricade blocking it. Like I said, it's a very
24 light traveled road. It's very dark. There's not much
25 around there. There's no houses.

1 So that's where we're at. It's a road that connects
2 between Piedmont Highway, which is Highway 20, and
3 Lakeside -- or Staunton Bridge Road. So it's a -- it's
4 kind of a connecting road. And it leads to an apartment
5 complex. If you go this way, that's Stables Road.

6 So, obviously, you see the -- the marking in the
7 roadway. You can tell where the roads connect. That is
8 Catherine Clark. We identified her on scene as Catherine
9 Clark. She's laying in the roadway on her back. When
10 deputies first arrived on scene, she was, actually, laying
11 down on her face. But she was flipped over to see if they
12 could perform any kind of life saving measures. But they
13 were unable to. She was already deceased.

14 And these chalked outlines are outlines of blood. I
15 think they talked about it's reflective so we can tell
16 where it's at and, also, so nobody kind of walks in. Like
17 I said, there wasn't much light out. We had to, actually,
18 get the fire department to come up there with these big
19 strobe lights to help us see.

20 And then I believe right here -- I believe that's one
21 shell casing. And then I believe there's -- these three
22 right here somewhere along those lines are shell casings.
23 So she had three shell casings above her head, and one
24 shell casing below her head.

25 Q Thank you.

1 While on scene, did you take any statements from any
2 witnesses?

3 A Yes. The person who called 911, we obtained a
4 statement from him. The passenger in his vehicle, we
5 obtained a statement from him. And then I believe there
6 was two other people that had come upon the body as they
7 were waiting for law enforcement to arrive. So there was
8 a total of four people on scene that we collected
9 statements from about what they observed and what they
10 came upon.

11 Q And while on scene, did you learn any information
12 about another 911 call at another incident?

13 A Yeah. So when I got there as I'm being briefed about
14 witnesses and things that are going on to -- to my
15 arrival, I was notified of a 911 call that came in on
16 Cartee Avenue.

17 And I was informed that a witness had observed -- had
18 observed two black males arguing with a black female. He
19 was driving -- the vehicle they were riding in was a --
20 was described as a white in color Oldsmobile at that time,
21 an older model. And that the female was being described
22 as wearing the same kind of dress as this female right
23 here.

24 I, also, found out that the purse was found at that
25 site and some sandals. And I -- a deputy had collected

1 those items. So I instructed forensics to go over to that
2 area and collect those items so we can document that.

3 So based on the witnesses statement, and this victim
4 not having any shoes on, and the type of dress she's
5 wearing, I was believing that these two incidents were
6 connected. Not only that, but Cartee Avenue was
7 probably -- just guess -- guesstimating is less than a
8 mile -- less than two miles, I mean, from the crime scene.
9 And the 911 calls between each other, I believe, are,
10 like, only 14 minutes apart.

11 So we had a lot of things that were kind of tying
12 these two together. So that's where my investigation
13 started at that point.

14 Q Was there anything of particular note that you
15 focused on inside that purse?

16 A Yeah. So forensics brought that purse over there. I
17 looked through the purse. The -- the one -- one item that
18 I was very interested in was a receipt from McDonald's.
19 The receipt from that McDonald's was for McDonald's on
20 Augusta Street, which is not too far from this location.
21 But the biggest thing is it had a time stamp on there.
22 And it was about -- I think it was about an hour or so
23 before Ms. Clark was found in the roadway.

24 So I knew with that time stamp, that was going to
25 give me my first look of who she was with, and who all was

1 in that vehicle, what type of vehicle we had possibly
2 involved in this murder investigation.

3 Q And what did you do next?

4 A We finished processing the scene. Once the scene was
5 processed, obviously, we left. There was another
6 investigator out there with me. He was my backup. I
7 asked him to go to the McDonald's and see if we can get
8 video so we can start our investigation. This is
9 around -- I think he went over there about 11:00 at night.
10 He'd been informed that the manager had already gone home
11 for the day. So we wouldn't be able to get the video
12 until the following morning. So, obviously, we couldn't
13 do anything having to do with that at that time.

14 Then he went with the coroner's office to Ms. Clark's
15 mother's house, notified her of the death. And while he
16 was there, he obtained some information. We had learned
17 that she was possibly staying at a motel near Burger King
18 down off Augusta. And I knew that to be the Southern
19 Suites. Just working in this agency for 13 years, I knew
20 that just -- the hotel described was most likely the
21 southern seats -- the Southern Suites.

22 We went to that location and attempted to locate what
23 room she was in. But at -- that night, there was a mixup
24 in names. And it wasn't underneath Catherine Clark. So
25 we didn't identify the room she was staying in at that time.

1 So after that, we stopped our investigation for that
2 night and picked it up the following morning.

3 Q And upon picking it up the following morning, did
4 you, eventually, confirm that Catherine Clark --

5 A Yeah.

6 Q -- was staying at the Southern Suites?

7 A Yeah. So we received a phone call from her family
8 once again, notifying us that she was, actually, staying
9 in Room 270, I believe it is, at the Southern Suites. So
10 we went back out there. We verified that room was in her
11 sister's name. And we obtained a search warrant for that
12 room.

13 And the reason for obtaining that search warrant,
14 obviously, the crime wasn't committed there. But we don't
15 know what kind of evidence we could locate in that room
16 that could help us link to the killer.

17 Q What happened when the search warrant was executed?

18 A We went inside the room. We found a -- there was,
19 actually, a dog in there. And we took forensics out there
20 and we processed the room. We collected certain items
21 that we thought were of evidentiary value that we could
22 probably get DNA from, as well as fingerprints. And, like
23 I said, that was -- we were hoping that maybe the suspect
24 was in the room with her prior to this. We didn't know at
25 that time.

1 And we, also, were able to verify that was her room
2 by identifying documents inside there that had her name on
3 there, such as her birth certificate and her driver's
4 license, as well as her dog.

5 Q I'm handing you multiple photographs, State's Exhibit
6 Nos. 67 through 74. If you could take a look at those.
7 And if you recognize them, please, tell the jury what they
8 are.

9 A Yes. These are -- these are photographs that
10 forensics took from Catherine Clark's hotel room at
11 Southern Suites. And these are what we believed at that
12 time might be items that would help us with this
13 investigation. So these items were photographed, as we
14 always do, and documented where they were at. And then
15 forensics collected them so they could be processed at a
16 later time.

17 MR. MORONEY: Your Honor, at this time, the State
18 moves State's Exhibit Nos. 67 through 74 into evidence.

19 MR. GIBSON: Can I see them?

20 Thanks.

21 (Pause.)

22 MR. GIBSON: No objection, Your Honor.

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit Nos. 67, 68, 69, 70, 71,
25 72, 73, and 74 were admitted into evidence.)

1 BY MR. MORONEY:

2 Q Investigator Picone, I'll put these up on the
3 projector. And if you need to come down to describe what
4 they are, that's fine.

5 A Yeah. Sure.

6 Q If you could just explain to the jury what we're
7 looking at.

8 A Obviously, you can see at the bottom, it's a smart
9 water bottle collected from her room. It looks like it
10 had -- still had some liquid in there.

11 Q And was any testing described to be done on this --

12 A Yeah, it was. Testing was done on that. Usually,
13 they'll do DNA swabs. A lot of times when they do DNA --
14 obviously, your mouth contains DNA. You're going to drink
15 out of that bottle. So that's where they're going to swab
16 for DNA.

17 Q Were there DNA results particularly to this smart
18 water bottle that --

19 A Yes. I believe the DNA came back to Samuel Burnside.

20 Q And where -- again, for clarities sake, what room
21 were we inside right now?

22 A I'll stress it. And it's going to be important later
23 on as well. This is Catherine Clark's room.

24 Q And this item?

25 A A Fanta two-liter soda bottle. It's in the small

1 refrigerator in the -- in the motel room. And --

2 Q Would this have been tested and any results from
3 that --

4 A Yeah. It came back to Catherine Clark, the victim.

5 A Paul Masson Brandy mini bottle. Obviously, as it
6 was collected, you can see there's liquor in the bottom
7 there still. That was tested and came back to Samuel
8 Burnside, I believe. I believe it was his fingerprints
9 and DNA or just his DNA. I can't remember. But one or
10 the other came back to Sam Burnside.

11 Q Let me show you a zoomed-out picture.

12 A That ends up being a receipt for Dollar General,
13 which is important, as we'll talk about shortly. But
14 that -- that was a Dollar General receipt with the time
15 stamp of the same date she was murdered. And it puts on
16 there that she bought a pack of maxi pads.

17 As already discussed, she was on her menstrual cycle.
18 And these are the maxi pads that were found in her
19 bedroom. As you can tell, we noticed it's from Dollar
20 General because there's Dollar General right there. So
21 that's -- that's what we're looking at.

22 And this is a MasterCard debit card for Catherine
23 Clark, once again, identifying her in the room. And
24 Catherine's birth certificate that was found in the room
25 as well.

1 Q As a result of speaking with the victim's family,
2 were you able to confirm that the victim's phone number
3 was 747-1366?

4 A That is correct. Yes.

5 Q Was the phone with that number ever located during
6 your investigation during this case?

7 A That phone was never located.

8 Q Did you ever follow-up on that McDonald's receipt and
9 take any action with respect to that receipt?

10 A Absolutely. Like I mentioned, that was an important
11 piece of evidence being that the time was so close to her
12 death and being the -- the first piece of evidence we can
13 have where we can see Ms. Clark, hopefully, on the video.

14 So we went to the Burger King [sic]. We met with the
15 manager, who provided me with a copy of the video
16 surveillance footage that matched the time of the receipt
17 to -- to the time of the video. So we knew that was --
18 when that occurred. So we had exact times.

19 Q Investigator Picone, I'm showing you what's marked
20 and in evidence as State's Exhibit No. 64.

21 A All right.

22 Q And as we queue this up and play it, once it starts
23 playing, if you could tell the jury what you took note of
24 and documented as it pertained to your investigation.

25 A All right. This is the McDonald's video; correct?

1 Yeah. This is going to be the McDonald's from
2 Augusta Street. This is the McDonald's where the receipt
3 came back to. So you're looking -- the camera is there.
4 They don't have many outside, but luckily they had the
5 ones I needed. So this is going to be the drive thru.

6 So I don't know if anybody knows where this
7 McDonald's is at, but you have -- it's on Augusta Street.
8 And you have an entrance coming here and exit going out.
9 So you'll be coming in this way to go through the drive
10 thru. That's the backside of the McDonald's.

11 (WHEREUPON, State's Exhibit No. 64 was played in
12 open court.)

13 THE WITNESS: And as you can see, the time is down
14 here. And we're at 19:31. When that is converted to
15 normal time, instead of military time, that is 7:31. So
16 it's 7:31 at night.

17 (WHEREUPON, State's Exhibit No. 64 continued to be
18 played in open court.)

19 BY MR. MORONEY:

20 Q I'm trying to save time by skipping to the right
21 spot?

22 A There, that's it right there. Just back it up a
23 little bit.

24 All right. So we're at 7:40 -- I think it's after
25 this car. So we're at 7:40 on August 5th, 2017. You're

1 going to see a silver Buick LeSabre pulling into the drive
2 thru.

3 Can you stop it right there or back it up just a
4 little bit?

5 There's two important things on this vehicle that I'm
6 going to point out that later on are ways to identify his
7 car as being the car in the video. They stand out
8 tremendously, so you have to look at it. It's all on the
9 front of it.

10 So right here, if you look at this car, the front
11 driver's side tire looks different than this one. I noted
12 in my report that it appeared extra dirty. So that was
13 something that stood out to me with the car. And as you
14 can tell, that is -- it definitely looks different than
15 that. At that time, I didn't know if it was dirty or a
16 different rim. But I probably called it a dirty rim.
17 It's probably from brake dust.

18 Okay. So they're going to order their food. And
19 then we're going to see the drive-thru camera. And we'll
20 be able to see in the car. All right. So this is the
21 drive thru. It's the camera pointing out. They've
22 ordered their food. They're about to come up. All right.
23 So here they are.

24 If you'll just pause it for just a minute.

25 So, obviously, you've got the lady who's serving them

1 at the window. You have a black male driver wearing a
2 black shirt. I noted -- noticed that he had some sort of
3 glasses on, black rimmed glasses. He appeared kind of
4 small in stature.

5 I couldn't tell who was in the passenger seat at that
6 time. And as the video goes on, you'll see there's a
7 heavier-set black male. And I could tell he was heavy set
8 by his -- by his stomach sitting in the backseat. I
9 couldn't see his face at that time. I had no idea who he
10 is.

11 Q And for clarities sake, Investigator Picone, at this
12 stage, did you have any suspects? Did you only have a
13 dead victim?

14 A A dead victim and a receipt, that's it.

15 The second thing I want to show you that stuck out
16 big time in this case is when the car pulls off, there's
17 going to be a piece of trim at the back of the car that is
18 missing. And that was a huge piece of evidence to
19 identify that vehicle. And now that you look back -- I
20 don't know. You might be able to tell that she has that
21 sundress that we saw in the video. But it's hard to tell.

22 Just go back just a little bit.

23 All right. So right there, if you look, the silver
24 trim around the window is missing from here to here.
25 That's going to play out later on to be a key in the car

1 when we find it. So now, I know I'm looking for a Buick.
2 I didn't know if it was a LeSabre, a Park Avenue, or what,
3 an older model Buick, dirty right rim -- or left front
4 rim, and the missing trim.

5 And that's also -- I mean, you -- you're looking --
6 it's 7:41. I believe the -- the other 911 call comes in
7 within, like, 50-something minutes of that. So it's --
8 it's pretty time -- we -- now, I'm -- now, I'm really
9 knowing that this is connected to the Cartee and the
10 murder.

11 Q Okay. You testified earlier about a receipt that was
12 recovered from the victim's room?

13 A Yes.

14 Q And what did you do with that receipt?

15 A Just like this, I wanted to see who she was hanging
16 out with all day long. I tracked her backwards to see
17 what her habits were that day, see if there was anybody
18 else with her, you know. Obviously, we have two people
19 in this video. So I needed to see if these two people
20 were with her or if one of these people were with her at
21 all.

22 So we went to the Dollar General and we obtained the
23 video footage just like we did from McDonald's.

24 Q When we play this video, if you could just describe
25 to the jury what we're watching.

1 (WHEREUPON, State's Exhibit No. 65 was played in
2 open court.)

3 THE WITNESS: Yeah. That's the -- that's the doorway
4 coming into Dollar General. This Dollar General is in
5 that same vicinity as the McDonald's kind of.

6 This is around 6:20 p.m., according to this. And
7 it's on the same day. That would be Catherine Clark. And
8 I could tell that by -- obviously, her hair stood out and
9 then as well as the time stamps on the receipt. She's
10 walking in. She's with a black male. As you saw, they
11 walked in the door.

12 Throughout the camera, you're going to see they're
13 with each other pretty much the entirety of the video.
14 They're walking. They're talking. They're communicating.
15 So there's no -- there's nothing that's showing me that
16 these people aren't there together.

17 BY MR. MORONEY:

18 Q And in this course of the investigation when you were
19 first looking at this footage --

20 A Yes.

21 Q -- did you know about Samuel Burnside?

22 A I had no idea.

23 Q But after your detailed investigation, which you're
24 about to go into, were you able to identify this
25 individual as Samuel Burnside?

1 A Yes. And, also, you see in the video he's wearing
2 those black rimmed sunglasses -- or eye glasses, as well
3 as a black shirt. And based off that, I believed that
4 this subject was the same subject that was driving the
5 Buick that we saw at McDonald's.

6 So now I know we have the McDonald's. We have the
7 incident at Cartee, as well as this video. So I'm putting
8 these two together for a -- for an extended period of time
9 throughout that day -- or that evening.

10 Q And with respect to the item that was just selected
11 by Mr. Burnside --

12 A Yeah.

13 Q -- can you speak to that?

14 A Maxi pads, as I talked about, was on the receipt.
15 That's all they bought. And we'll -- I think we've talked
16 about that. During autopsy, they located a maxi pad in
17 her underwear, which was collected. And that'll play into
18 a role as statements go on later on in the investigation.

19 If I might add, I believe Samuel Burnside's
20 fingerprint was found on the Dollar General receipt that
21 we collected as well.

22 Q Was it evident to you from observing this video that
23 the victim, Catherine Clark, and Samuel Burnside arrived
24 together and, ultimately, left together?

25 A Yeah. I mean, I -- to me, it looks like they're --

1 obviously, I find out they're not. But it appears that
2 they're a couple, or they're pretty friendly with each
3 other, know each other. I mean, they're walking around.
4 They ride together. They purchase the items together.
5 He's even walking around with the maxi pads in his hand.

6 So there's no question to me that they're together.
7 It's not just like they ran across each other and were
8 like, hey, how's it going?

9 He walks out before her. And she purchases the maxi
10 pads. And she, actually, forgets the bag. So she has to
11 turn around and retrieve it. And then they leave.

12 There's no exterior video cameras, if you're
13 wondering about that. So we weren't able to see the
14 vehicle or the exterior.

15 Q Investigator Picone, with respect to locating that
16 silver Buick LeSabre that you saw in the drive thru, what
17 steps happened next?

18 A So I sent a BOLO out, which is a be on the lookout
19 for that specific vehicle. We took a -- we took a
20 snapshot of that car once we got back to the office and
21 put it on a flier. We sent that out to our agency, as
22 well as other agencies in Greenville County to be on the
23 lookout. And, obviously, we noted the specific tire and
24 the trim, which would stand out.

25 While we were continuing our investigation, I believe

1 the next day, which was a Monday -- so the shooting was on
2 Sunday. It ran into Sunday morning -- or Saturday night
3 and went into Sunday morning. Now, we're at Monday
4 continuing our investigation. An investigator came across
5 a vehicle that looked similar to the one in the McDonald's
6 video at Southern Suites where Catherine Clark was,
7 actually, staying.

8 Q And then what did you do, based on him locating that
9 vehicle that fit the description?

10 A So for that, I verified it was missing the trim in
11 the exact same spot. The rim appeared to be the same.

12 You were able to see through the windows. In the
13 car, there was a high school diploma, I believe it was,
14 for Samuel Lamar Burnside. The car came back registered
15 to -- I think it was Danzetter Burnside. And then after
16 further research, we found out that Sam -- that Samuel
17 Lamar Burnside had the same address as Danzetter Burnside.
18 So I believed this car belonged to Samuel Burnside.

19 And then manage -- management verified that further
20 with us and told us that Samuel Burnside was staying in
21 Room 214 with his girlfriend, Tina Henderson. At that
22 point, we didn't know who was in the room, what was going
23 on. We obtained search warrants to lawfully enter that
24 room -- for the hotel Room 214, as well as that vehicle,
25 that Buick LeSabre.

1 Q And what were your findings of note from the search
2 warrant of that room?

3 A Yeah. So, obviously, we made entry into the room.
4 Tina Henderson was there. Samuel Burnside was not. She
5 did verify that Samuel Burnside was living with her and
6 that was his vehicle out there.

7 Q Did you find any ammunition?

8 A We did. Is there -- I'm just going to try to find in
9 my report exactly what we found in that hotel room.
10 Because there were -- there were several different things.
11 Just bear with me a second.

12 All right. So, once again, forensics came out there.
13 We got Ms. Henderson out of the room so we could conduct
14 our search. We found nine-millimeter ammunition in the --
15 in the hotel room with the same head stamp -- head stamps
16 as the nine-millimeter ammunition that was found at the
17 crime scene. And these were -- these weren't fired
18 rounds. They were live bullet. So there's a difference
19 between a spent shell casing and a live round.

20 We found a 25-caliber pistol stuffed underneath the
21 mattress. At that time, I knew that the gun wasn't
22 involved in the crime. That was obvious because it wasn't
23 a nine millimeter. But we still seized that for the
24 investigation. And we found -- it's a receipt -- a
25 receipt to -- well, I take that back. We found a receipt

1 in the car.

2 Q And with respect to any magazines, did you locate any
3 magazines?

4 A Yeah. I believe there was a nine-millimeter magazine
5 with nine-millimeter ammunition within the -- the
6 magazine.

7 Q And the ammunition that was contained within that
8 magazine, was it loaded in a manner that drew your
9 attention in this investigation?

10 A Yeah. As I noted at the crime scene, there was two
11 different kinds of spent shell casings. In that magazine,
12 there were different kinds of live rounds with head
13 stamps.

14 Q Were --

15 A So --

16 Q -- the head stamps in that magazine the same exact
17 head stamps as the two found on the scene next to
18 Catherine Clark's body?

19 A Do we have that by any chance that I can look at it?

20 Q If you need to refresh your recollection with the
21 report.

22 MR. GIBSON: And just for the record, what report is
23 he looking at to refresh his recollection?

24 THE WITNESS: This is my supplemental reports for
25 my -- my investigation.

1 MR. GIBSON: Thank you.

2 THE WITNESS: I don't have it noted in my -- my -- in
3 my incident --

4 BY MR. MORONEY:

5 Q Okay.

6 A -- report about which kind were in there. Because
7 usually forensics will take it and they'll note in theirs.
8 So I usually -- sometimes, I go off what they put in
9 theirs. Because they -- they'd have to pull the
10 ammunition out and look at it. And a lot of times, we
11 don't do that at the crime scene.

12 Q That's fine.

13 Can you detail the search warrant of the vehicle that
14 he drove?

15 A Yeah.

16 Q Was anything of note recovered from there?

17 A I'm sorry.

18 Q Was anything of note recovered from inside the
19 vehicle?

20 A Yeah. There was a live nine-millimeter round, which
21 we already talked about. It was transported to a secure
22 location. We usually like to search vehicles at a secure
23 spot, not out in public, so we can do -- there's a lot of
24 different things that need to be done. It's time
25 consuming. And it's -- it's just safer to do that -- and

1 weather conditions, and things like that.

2 But there was a nine-millimeter live round found, I
3 believe, in the center console, as well as a Bi-Lo receipt
4 that was found in the door of the vehicle, which is going
5 to be of note when I explain that here in a second.

6 Q And why is that Bi-Lo receipt important? What did
7 you do with it?

8 A Once again, time stamped. It was around the same
9 time, I believe, as the Dollar General, maybe a little bit
10 earlier or a little bit after.

11 So, once again, I'm going to use this to go to that
12 location. Because I know that, hopefully, we have video
13 here. And this is going to give me another eye in the sky
14 of -- if this person -- if Catherine Clark was here and
15 who she was with. And now, we know who this car belongs
16 to. So we're wanting to see if they're together.

17 And while she's getting that, also, something I think
18 that's probably important is I noted that Samuel
19 Burnside's girlfriend, when we showed her a picture of the
20 subject in the car at the McDonald's drive-thru window,
21 she verified to me that was him.

22 Q Did you make contact with an employee from Bi-Lo and
23 obtain the surveillance footage?

24 A We did.

25 Q I'm going to show this video to you and ask you to

1 explain what we're viewing here.

2 (WHEREUPON, State's Exhibit No. 63 was played in
3 open court.)

4 THE WITNESS: Okay. Same as the others. It's the
5 Bi-Lo on 291, which was really close to the hotel they
6 were staying, as well as the Dollar General. This appears
7 to be the checkout line. Right here, that's Catherine
8 Clark. And we later found out that's Samuel Burnside at
9 the checkout counter purchasing items.

10 BY MR. MORONEY:

11 Q Is this the last video footage --

12 A It is --

13 Q -- that you obtained of the victim while she was
14 alive?

15 A That is the last video footage. And as you can tell,
16 too, in the store, she's wearing the same item -- clothing
17 items. He's wearing the same clothing items.

18 But these are the three videos -- the only three
19 videos I know of Catherine Clark when she was still alive.

20 Based on what I'm seeing, it appears that Sam
21 Burnside was the one purchasing whatever is being
22 purchased in that -- I'd have to look at the receipt to
23 see what it was. But he looks like he's the one
24 purchasing the item in that video.

25 That's them coming in together. Once again, you

1 know, any reasonable person would look at -- well, they're
2 leaving. Excuse me. Any reasonable person could look at
3 this video, law enforcement or not, and tell these two are
4 together.

5 Q Skipping ahead to August 7th. Did the Defendant come
6 to the law enforcement center to speak with you?

7 A Yeah. After we -- obviously, when we enter a room,
8 we have to have a search warrant. In my search warrant,
9 it's pretty -- it's got to be pretty detailed as to why
10 we're going into that room to search so a Judge will issue
11 that search warrant and gives me probable cause to do
12 such.

13 After we execute a search warrant, we have to by law
14 leave a copy of the search warrant at that location. Sam
15 Burnside wasn't there. His girlfriend was there.
16 Obviously, she had read over it. She probably notified
17 him and told him, the cops are here looking for you. And
18 he showed up later on that evening. When I was at home, I
19 got a phone call that said he had showed up. And I came
20 into the law enforcement center.

21 Q Did you assist in the advisement of rights to the
22 Defendant?

23 A Eventually, I did, yes. Investigator Maltby started
24 it. At this time, I had already obtained warrants for his
25 arrest for murder, based on the totality of everything I

1 had. And when he showed up, he was placed under arrest.

2 So we have to advise him that whether or not he
3 voluntarily showed up, he's in custody. So we have to
4 advise him of his Miranda rights by law, which we -- we
5 did.

6 Q And was his subsequent interview with you and
7 Investigator Maltby recorded?

8 A It was audio and video recorded.

9 (WHEREUPON, State's Exhibit No. 1 was played in open
10 court.)

11 BY MR. MORONEY:

12 Q Investigator Picone, did this conclude the
13 substantive part of your interview with Samuel Burnside?

14 A It did.

15 Q And what would have happened after this?

16 A He was transported to the Greenville County Detention
17 Center where he was booked in on charges for murder and
18 possession of a weapon during a violent crime.

19 Q And at this point, although you had identified that
20 there was an individual seated in the backseat of the
21 vehicle, did you know who that individual was?

22 A At this point, no.

23 Q Okay. How did you learn who that individual was?

24 A Actually, I received a phone call from Mr. Burnside's
25 brother. He called me out of the blue. I had never

1 talked to him before. He identified himself as Allen, as
2 Samuel Burnside's brother.

3 And somewhere along the line, he said he knew who the
4 person was. Then I received a voicemail from
5 Mr. Burnside's mother who said the same exact thing. And
6 at that point, I was provided with -- I, eventually, got
7 Rovillie Williams as the person who was in the backseat of
8 that car.

9 Q Once you learned that name from Sam Burnside's
10 family, what'd you do next?

11 A I looked up Rovillie's name through the sheriff's
12 office database. I did some research. I found out who I
13 believed he was. I found a phone number for his
14 girlfriend. I called her. And she provided me with his
15 phone number, which then I turned around and called him
16 and had a phone conversation with him.

17 Q Did -- during that phone conversation, was he
18 completely truthful, ultimately?

19 A He was not.

20 Q And how did you learn that, ultimately, he was not
21 completely truthful? Did he later come in?

22 A Yeah. So I had two phone call conversations with
23 him. He stuck to his story the second time. I asked him
24 to come in and talk with me. I had done some other
25 investigating things to disprove what he had told me. He

1 came in. And I, at that point, conducted an interview
2 with him face-to-face. At that time, he said he wanted to
3 tell me what happened.

4 Q And after the face-to-face interview, did Rovillie
5 Williams admit that he was in the car near the location of
6 where this murder occurred?

7 A Yes, he did.

8 Q And that was the -- the point that he, initially, had
9 been deceptive on the phone call?

10 A Yeah. He put himself, Samuel Burnside, and Catherine
11 Clark as the three people in that vehicle.

12 Q After your interview with Rovillie Williams, did you
13 decide to charge Mr. Williams?

14 A I did.

15 Q And what was that charge?

16 A Same as Mr. Burnside.

17 Q And could you go into your decision-making process on
18 that --

19 A Yeah --

20 Q -- as to why you charged -- charged Rovillie
21 Williams?

22 A Based on the investigation, the totality of him as
23 well being in the vehicle at McDonald's, I believe, as you
24 can hear in the interview, I had found some video footage
25 of the Buick LeSabre three minutes before the 911 call on

1 Cartee, which we're unable to show you because it --
2 something happened to the video. It messed up. But I did
3 document that. I observed it. So we had that, his
4 lying -- inconsistent lies to me. So at that time, I -- I
5 charged him as well.

6 Q And --

7 A And also -- I'm sorry -- one more thing. Also, being
8 that there was four -- four shell casings and I knew that
9 two of the shell casings were different -- at that time, I
10 didn't know if she'd been shot by two different guns, one
11 gun. That -- so I -- I wasn't quite sure up to that point
12 if they'd both shot or one shot.

13 Q In that regard, had any testing been done, whether
14 DNA, forensics, any kind of testing?

15 A No. One thing about a homicide investigation, it is
16 tedious and a lot of work put into it. Sometimes, you're
17 at the will of other people, such as cell phone companies
18 like T-Mobile. T-Mobile, they -- they take a little bit
19 of time to get records back to you.

20 So, you know, if I sent off a subpoena, I'd have to
21 do it through e-mail. And then they're going to get it.
22 They're going to process it. It usually takes a couple
23 weeks to get that.

24 So, at that time, I didn't have full -- everything
25 processed. I didn't have -- the DNA stuff wasn't done.

1 That takes time, things like that. So I had -- later on
2 down the line, I got results back on different things that
3 I wasn't aware of at the time that both were charged.

4 Q After the cell phones, DNA, fingerprints, and the
5 ballistics confirming there was just one gun fired, how
6 did that affect your investigation?

7 A Well, it affected it. Everything pointed toward Sam
8 Burnside as being the trigger man. You're -- you're
9 talking about communication and cell phones, staying at
10 the same motel, him having the car, the witness seeing the
11 smaller man being the -- the more aggressive person at
12 Cartee, Rovillie Williams' statement, the nine-millimeter
13 rounds being found with the same head stamp in his hotel
14 room. There's a list of things.

15 And when you take everything and put it together --
16 Rovillie Williams had never met this female in her life up
17 to this point. He had no -- there's no history of any
18 kind of communication with each other. There's no reason
19 for Rovillie Williams to kill this -- this female. He
20 doesn't have a motive like Sam Burnside does.

21 Q And did Rovillie Williams in his interview give you
22 any information that was something you hadn't heard before
23 with respect to that Dollar General purchase?

24 A Yeah. So up to that point, all I had was the witness
25 at Cartee saying that he heard them arguing over a cell

1 phone. During that, I learned -- the reason why the
2 argument was going on is because Sam Burnside -- he
3 referred to him as a pimp. And that he was, basically,
4 using women, pimping them out to other people for sex.

5 And this argument stemmed from her being on her
6 period and not being able to perform those sexual acts.
7 And we did confirm that by a video at Dollar General. She
8 was buying maxi pads. And, B, at the autopsy when we
9 found a maxi pad in her pants.

10 Q And in your view of an NCIC search of Rovillie
11 Williams, is he documented as a gang member?

12 A No, not -- not from my knowledge. I haven't seen any
13 documentation. NCIC is a database. If you're documented
14 as a gang member, it's a -- there's a -- I don't know the
15 whole circumstances behind it. But from my understanding,
16 there's forms you've got to fill out to validate somebody.
17 And he hasn't been listed on any kind of law enforcement
18 gang member database that I know of.

19 Q Just shifting gears. As a homicide investigator, are
20 jail calls a good tool?

21 A Absolutely, they are.

22 Q Could you briefly tell how you use jail calls as a
23 homicide investigator?

24 A Yeah. Any investigation, people like to talk.
25 Sometimes people forgot that you're being recorded. And

1 sometimes people make statements that are incriminating to
2 themselves on jail phone calls. Everybody knows they're
3 recorded.

4 So periodically, we'll go through these things and
5 listen. Or I might be made aware of a jail phone call and
6 I'll listen to it. And there was some jail phone calls
7 that Mr. Burnside made with his mom that relate to this
8 case and, to me, are pretty incriminating to his
9 involvement in this crime.

10 Q In particular -- if you need to reference your notes,
11 that's fine.

12 A All right.

13 Q Were there jail calls that were of particular note
14 that drew your attention?

15 A Yes.

16 Q And for the jury's benefit, in chronological order if
17 you could explain.

18 A All right. So about a week after he's charged with
19 this murder, there's a phone call. And during that phone
20 call, that's one of the first times Rovillie Williams is
21 mentioned in that phone call.

22 Q I'll play the phone call.

23 A Okay. There's a -- another -- after that one -- I
24 believe during that phone call it's found out that maybe
25 his mom had tipped me off on the name of Rovillie

1 Williams. And the phone call ends. And then a short
2 period later, he calls right back. And he, basically,
3 tells his mom, Take notes. This is what I need you to
4 tell them because our alibis are not going to match up.

5 All right. So then --

6 Q And --

7 A Go ahead.

8 Q Of all the jail calls of note, who is Sam Burnside
9 speaking to in these jail calls?

10 A His mom. And, I mean, he -- without a doubt, momma
11 this, momma that. I mean, there's no doubt who he's
12 talking to.

13 Q I'm going to play the jail call and have you listen
14 to it.

15 A Are you going to play these -- this one right here?

16 (WHEREUPON, there was no verbal response.)

17 (WHEREUPON, State's Exhibit No. 66 was played in
18 open court.)

19 BY MR. MORONEY:

20 Q And after this, Investigator Picone, what was the
21 next call of note for you?

22 A That's the one when he calls back and, basically,
23 tells her to, Take note. This is what I need you to tell
24 Tina to tell Rovillie to tell law enforcement so our
25 alibis can match up.

1 Q Did Sam Burnside know that Rovillie Williams had just
2 been booked in that day?

3 A At that point, I don't think he did.

4 Q We'll play the next video -- or call.

5 A I think -- can I say something about that last one?

6 Q Sure.

7 A I think there's something important in there, too. I
8 picked up that he mentions he's the only one who knew. So
9 take that however you want. But I believe he's saying
10 he's going to tell on me.

11 (WHEREUPON, State's Exhibit No. 66 continued to be
12 played in open court.)

13 BY MR. MORONEY:

14 Q And was there another call after that?

15 A Yes.

16 Q The date -- could you state the date of that?

17 A I believe it was August 25th, 2017. And it's
18 importance is, as you can tell in that last call, he says
19 he doesn't know this guy at all. Never met him a day in
20 my life besides two times I gave him the Uber. He flagged
21 me down. I don't know who he is. But his girlfriend
22 testified that he knows him as -- she knows him as Rosey.
23 That's -- to know somebody's nickname, to me, you know
24 them.

25 And then Rovillie Williams testified that he's known

1 him for a while. He's going to tell -- he's going to
2 refer to Rovillie Williams as Rosey in this phone call.

3 Q We'll play the next call.

4 (WHEREUPON, State's Exhibit No. 66 continued to be
5 played in open court.)

6 BY MR. MORONEY:

7 Q And explain --

8 A Yeah. And I forgot two -- two big things. One is he
9 references him as Rosey. He's talking about they've been
10 in jail. They've been talking since then. And then not
11 once, not twice -- I mean, I can't count how many times he
12 tells his mom, I'm telling you, momma, he didn't do
13 anything. He's telling us in this video [sic] not to law
14 enforcement, but to his mom, Rosey, Rovillie Williams, did
15 not -- was not involved in this.

16 Q After this call, what date did you take note that was
17 relevant to the investigation?

18 A I believe on November 7th of 2019. So, obviously, a
19 short time before the trial begins, once again, a phone
20 call between him and his mother. I believe during that
21 phone call, there's some conversation about the reason why
22 he's here.

23 He finds out that his mom told us who Rovillie
24 Williams is. And that's the reason why we're going to
25 trial. He gets mad at his mom. And that's at the time

1 that she tells him, Yes, I did give them the name. And
2 there's some conversation that goes on.

3 (WHEREUPON, State's Exhibit No. 66 continued to be
4 played in open court.)

5 BY MR. MORONEY:

6 Q And after this, Investigator Picone, what's the next
7 jail call that you have documented?

8 A December 29th, 2019. Once again, a conversation
9 between him and his mom. And in this phone call, I
10 believe he's talking about, once again, Rovillie had
11 nothing to do with this.

12 Q So this jail call is from about a week ago?

13 A Yeah.

14 (WHEREUPON, State's Exhibit No. 66 continued to be
15 played in open court.)

16 BY MR. MORONEY:

17 Q And what's the next call of note?

18 A It's on the 29th. Once again, this phone call is --
19 he calls his mom up. And this is when I find out that his
20 mom is, actually, in possession of his cell phone the
21 entire time. And he tells his mom he needs to charge the
22 phone up. And there's some messages she wants him -- he
23 wants her to pull up as well as a contact for a Cat,
24 C-A-T.

25 Q Before hearing this call, did you have any idea where

1 Sam Burnside's phone was?

2 A No.

3 Q We'll play the call.

4 (WHEREUPON, State's Exhibit No. 66 continued to be
5 played in open court.)

6 THE WITNESS: Then there's a follow-up call a short
7 time later where it appears she's charged the phone. You
8 can, actually, hear the phone turn on in the phone call.

9 And then they talk. He mentions about the name Cat
10 saved in his phone, C-A-T. My assumption of that Cat is a
11 short term for Catherine, and -- being Catherine Clark.
12 And that he wants to make sure there was a message that
13 was deleted. Because he feels like if law enforcement
14 found it, it would have been incriminating. And, of
15 course, I never found that.

16 BY MR. MORONEY:

17 Q Is this call we're about to listen to, also, on
18 December 29th, about a week ago?

19 A I get mixed up --

20 Q I'm just clarifying.

21 A I think --

22 Q Is this call that we're about to listen to about a
23 week ago, December the 29th?

24 A Yeah, yeah, yeah. I think I got the 29th and 31st
25 mixed up. Yeah. This is where she does charge the phone

1 and then there's talk about some messages he had saved.
2 And he talks about deleting the contact information.

3 (WHEREUPON, State's Exhibit No. 66 continued to be
4 played in court.)

5 BY MR. MORONEY:

6 Q Investigator Picone, after a review of the records in
7 this case, did Sam Burnside message the victim after she
8 was murdered?

9 A I don't believe so, no. And -- and --

10 Q Is there one more call of note in this investigation?

11 A I believe we looked at them all. But I -- I want to
12 say on that last one --

13 Q And when did the last call occur?

14 A The 31st of December. And --

15 Q Of 20 -- of what year?

16 A 2019. And the importance of that, to me, is he's
17 maintained through the investigation when I talked to him
18 that he had no idea who this female was. The first time
19 he ever met her was when he was outside smoking a
20 cigarette. And for that to happen, I find -- I find it
21 odd that he has a phone number saved in his phone, as well
22 as he sent her text messages and asked where she's at.

23 Q I'm going to play the last one.

24 (WHEREUPON, State's Exhibit No. 66 continued to be
25 played in open court.)

1 MR. MORONEY: No further questions.

2 THE COURT: Okay. I'll tell you, we've been going
3 for a while. Let's take an afternoon break.

4 Please don't discuss the case.

5 Thank you.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 3:48 p.m.)

8 THE COURT: All right. Anything before we break?

9 MR. GIBSON: No, Your Honor.

10 MR. MORONEY: Not from the State, Your Honor.

11 THE COURT: All right. Officer, you can stand down.
12 Please don't discuss your testimony with anybody.

13 THE WITNESS: Yes, sir.

14 (WHEREUPON, a break was taken.)

15 THE COURT: Are you all ready?

16 MR. GIBSON: Yes, sir.

17 THE COURT: Okay. Bring the jury in.

18 (WHEREUPON, the jury came into open court at
19 approximately 4:11 p.m.)

20 THE COURT: All right. Cross-examination.

21 MR. GIBSON: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. GIBSON:

24 Q All right. So it's Investigator Picone; right?

25 A Yes, sir.

1 Q Okay. Investigator Picone, you are the lead
2 investigator on this case; correct?

3 A That's correct.

4 Q That means that every aspect of it, you are
5 responsible for overseeing, and coordinating, and all of
6 those things; correct?

7 A Yes.

8 Q All right. So any evidence that was found, any
9 evidence that was -- was tested, came -- has come across
10 your desk at some point or another?

11 A Yes.

12 Q All right. With all of that that you found, did you
13 find any evidence whatsoever, any physical or forensic
14 evidence that conclusively proves that Rovillie Williams
15 did not shoot Catherine Clark?

16 A No.

17 Q Did you find any forensic or physical evidence that
18 conclusively proves that Samuel Burnside shot Catherine
19 Clark?

20 A No.

21 Q All right. Now, let's get to these -- these phone
22 calls, the jail calls because that's what you guys ended
23 on. Based upon the time frames of the jail calls, it's
24 fair to assume that Sam has been in jail since August of
25 2017; correct?

1 A That's correct.

2 Q All right. And over that two years and four months,
3 those are the phone calls that you believe are the ones
4 that most help your case.

5 A Yes.

6 Q Is that fair to say?

7 A That's fair.

8 Q Now, in those phone calls, does he ever say he killed
9 Catherine Clark?

10 A He doesn't, specifically, say I killed Catherine
11 Clark, no.

12 Q Does he say anything that -- that generally says I
13 killed Catherine Clark?

14 A Let me look through these notes real quick and see if
15 there's anything that stands out.

16 No. The only -- the only thing that -- I guess you
17 could take it however you wanted it as, but he does make a
18 statement that he's the only person who knows what
19 happened, referring to Rovillie.

20 Q Okay.

21 A Witnessed what happened.

22 Q All right.

23 A I mean, he doesn't say that he was the one who pulled
24 the trigger. But you can spin it for that if you wanted
25 to.

1 Q Couldn't that just mean that he's afraid of Rovillie
2 and he doesn't want Rovillie involved in this thing?

3 A No. He never says that.

4 Q He never says that?

5 A He never says that.

6 Q Throughout all those phone calls, the ones that you
7 have -- in search of a better term -- cherry picked over
8 this two -- two years and four months, in all those phone
9 calls, he seems to be struggling to keep Rovillie out of
10 this. Is that fair to say?

11 A No. I -- I -- from what I've taken out of these
12 phone calls, it appears that his mother's trying to push
13 that on him saying, Rovillie -- I know Rovillie's done
14 that. And his response to her every time is, I'm telling
15 you, he had nothing to do with it.

16 Q Okay. And then he goes on to say in the context of
17 that, no, he didn't have anything to do with it because I
18 dropped him off before all of this happened?

19 A He does say that as well, yes.

20 Q Okay. And we know that to be false; correct?

21 A Yes, we do.

22 Q All right. So -- so is it possible that when he says
23 he didn't have anything to do with it, the statement that
24 he says that statement is, also, false?

25 A I don't believe that's -- I mean, he -- if you go

1 back to the beginning, he talks about -- tells his mom
2 exactly what to tell Rovillie. So he's trying to -- to
3 tailor his -- he's trying to tailor a statement for
4 Rovillie to give law enforcement so his alibi matches.
5 I -- I don't think he's trying to lie to his mother and
6 say he didn't have anything to do with it. I mean, I
7 would think he would probably more or less say, yeah, he
8 did have something to do with it than, no, he didn't.

9 Q But that would make sense, wouldn't it?

10 A It would make sense.

11 Q I mean, and, quite frankly, based upon the evidence,
12 it would make all the sense in the world to say that
13 Rovillie was the person who shot -- shot Catherine
14 Clark --

15 A No. Based on the evidence, I believe what he's
16 saying is true. Because the evidence points towards him
17 as the one who shot her.

18 Q And I know that's -- that's the -- that's the
19 decision that you guys have made for this trial. Okay.
20 And y'all made that decision around December 9th, about a
21 month ago; correct?

22 A What do you mean by that?

23 Q Well, that's when you guys dismissed the murder
24 charge against Rovillie and had him plead to misprison of
25 a felony; isn't that correct?

1 A He did plead to misprison of a felony, yes, sir.

2 Q And during that whole time up until December 9th, you
3 guys allowed that murder charge to remain on him, did you
4 not?

5 A He did have a murder charge. But that's not to say,
6 like, we didn't have the evidence up to that point.

7 That's just when they came to -- to terms with him and
8 whatever he wanted to plead to.

9 Q All right. Well, why would you need to come to terms
10 with somebody who, based upon his statement, is really no
11 more than a witness to all of this?

12 A Because he failed to report truthfully at first.
13 Misprison of a felony is, basically, like an accessory.
14 He failed to report information that he had. And that's
15 what he's been charged with.

16 Q So that's what you guys believe he did. You believe
17 the only thing he did in this case was misprison of a
18 felony?

19 A Absolutely.

20 Q All right. And so why did it take you until
21 December 9th, a month before this trial, in order to
22 dismiss the murder charge and charge him with that? You
23 didn't, actually, have to have him agree to plead to it.
24 You could have dismissed the murder charges against him,
25 charged him with what you -- what you're claiming today is

1 what you think he did. But you didn't do that, did you?

2 A I didn't dismiss any charges.

3 Q Okay. The State did not dismiss any charges until
4 December 9th; correct?

5 A I don't know the exact date. But if you're saying
6 December 9th, then I guess so.

7 Q Okay. Now, when Sam first came to see you, he came
8 in voluntarily; correct?

9 A Yes.

10 Q All right. And in that interview, you've -- I
11 presume, as the lead investigator, you have reviewed that
12 video?

13 A Yes.

14 Q He says, I am drunk; correct?

15 A That's what he says at first.

16 Q And he -- and in your report, you indicate that he
17 smelled of alcohol; correct?

18 A He did, yes.

19 Q And then he goes on to give the craziest story ever.
20 Is that fair to say?

21 A I don't know if it's crazy. I mean, the lies he gave
22 are crazy, yeah. But the story -- that's the story he
23 gave. I don't say it's crazy because he's drunk.

24 Q Well, I'm not saying he's crazy. I'm saying the
25 story itself, I mean, is it believable?

1 A No, not at all.

2 Q All right. And, based upon all the evidence that
3 you've seen, it's absolutely unbelievable; right?

4 A Absolutely.

5 Q And during this time frame, he would have been given
6 evidence showing that it was unbelievable; correct?

7 A What do you mean "given evidence"?

8 Q Discovery, reports, all of the things that you guys
9 have presented here today.

10 A Are you talking about when he came to talk to me?

11 Q No. I'm talking about since he gave that
12 interview --

13 A Yeah.

14 Q -- and in between him giving that interview and him
15 giving -- and having this trial; correct?

16 A Yes.

17 Q All right. But still, in those phone conversations,
18 he still seems to stick to that story?

19 A That Rovillie didn't do anything?

20 Q That Rovillie was not even there.

21 A I don't know if there was any part that said
22 Rovillie -- I mean, at first, he -- he changes his story
23 when he tells his momma to write pen and pad down and --
24 and this is where he dropped him off. But I think he
25 mentions that Rovillie -- the reason why he's going to

1 trial is because Rovillie gave a statement against him.

2 Q Okay. When he tells you -- or when he's talking to
3 his mother and his mother is saying, That boy is
4 crooked --

5 A Yeah.

6 Q -- and he's like, No, he didn't do anything. I
7 dropped him off at Grove Station. That I dropped him off
8 at Grove Station is a lie; correct?

9 A That is correct, yes.

10 Q Okay. But what -- for the purposes of today, you're
11 choosing to believe the first part of that statement, but
12 disbelieve the second part?

13 A What do you mean by that? Whose statement are you
14 talking about?

15 Q You're choosing to believe the part where he says
16 Rovillie didn't have anything to do with it --

17 A Yeah.

18 Q -- but you're choosing to disbelieve the part where
19 he says, I dropped him off at Grove Station?

20 A Yeah. I mean, I can prove that didn't drop him off
21 at Grove Station.

22 Q It's kind of convenient, though, as far as you're
23 concerned. I mean, couldn't he be on both?

24 A I'm kind of confused about what you're saying. I
25 don't --

1 Q Withdrawn.

2 All right. So let's get to your investigation in
3 this.

4 A All right.

5 Q All right. So we talked about Sam coming in. And we
6 talked about his statement. You, actually, talked to
7 Rovillie Williams about three times; correct?

8 A That's correct.

9 Q And that's not including whatever interview you had
10 with him in preparation for this trial?

11 A I haven't talked to him at all for his trial.

12 Q All right. Cool. The -- what's the first time you
13 talked to Rovillie?

14 A It was a couple days before the 14th, I think. It
15 was, like, maybe the 9th -- 9th or 10th.

16 Q Does the 10th sound right?

17 A Yeah, of August by telephone.

18 Q All right. Tell me about that conversation.

19 A I called him up and, basically, asked him if he was
20 in the vehicle at McDonald's.

21 Q And what'd he tell you?

22 A He was.

23 Q Okay. And what else did he tell you?

24 A He said that he was in the vehicle at McDonald's and
25 that he got dropped off at his house.

1 Q Okay. And when did he say he got dropped off at his
2 house?

3 A I'm pretty sure right after that, the McDonald's
4 visit.

5 Q So he told you that he was not in the car when all
6 this happened; correct?

7 A Yes. That's correct.

8 Q And that was a lie; correct?

9 A That was a lie.

10 Q All right. Then you talked to him again the next
11 day; correct?

12 A Yeah.

13 Q And what'd he tell you that day?

14 A I believe he --

15 Q And this was the 11th.

16 A I believe he stuck with most of it. I believe he
17 admitted to being at Cartee Avenue with -- in the -- in
18 the vehicle when the witness saw him at the storage unit.

19 Q Okay.

20 A And then he got dropped off at his house.

21 Q And that was a lie as well; correct?

22 A That was. Yeah.

23 Q And you called him on that because you had --

24 actually, by this point, you had -- you had ridden

25 through -- you had driven the routes for which he said and

1 you knew that time wise they didn't make sense?

2 A That's right.

3 Q All right. And you confronted him on that?

4 A Yeah.

5 Q And, yet, he still stuck to that same story, did he
6 not?

7 A He did. And then he said he -- I asked him to come
8 in and talk to me. And he agreed to come in and talk to
9 me.

10 Q All right. Now, during that -- during that
11 conversation, you say to him -- at some point you say, I'm
12 talking to both sides here. And if they come with their
13 lawyer and they implicate you before you implicate him,
14 that's going to be trouble for you, or that's going to be
15 bad for you, or something to that effect. Do you remember
16 saying that?

17 A Yes.

18 Q All right. And after you said that, he tells you,
19 Okay, I'll see you on Monday.

20 A Okay.

21 Q All right. Does that sound right?

22 A I know I said that to him. I don't know if that's
23 what talked him into coming on Monday. But, yeah, he came
24 on Monday.

25 Q Okay. So he told you during that conversation that

1 you had what -- you told him he needed to implicate him
2 before Samuel implicated him, that he was going to come
3 see you on Monday; correct?

4 A Yes.

5 Q All right. Now, he was supposed to come that
6 morning?

7 A I don't remember what time he was supposed to come.
8 I just know he was supposed to come that day.

9 Q Okay. Did he come that day?

10 A Yeah.

11 Q He did come that day?

12 A I believe so.

13 Q Y'all didn't have to pick him up? Y'all didn't have
14 to arrest him because he didn't come?

15 A I thought he showed up. But maybe --

16 Q Why don't you look at your -- why don't you look at
17 your report and refresh your recollection.

18 A Yeah. You're correct. I had signed warrants on him.
19 And based on the conversation I had with him and evidence
20 I had -- like you said, traveled the route, video
21 evidence, things like that. He didn't show up. So our --
22 one of our warrant units went out to his house and located
23 him at his residence and then brought -- brought him in.

24 Q So you had to pick him up, arrest him, and bring him
25 in?

1 A Yes.

2 Q And then that's when he came in and he first
3 implicated Sam Burnside; correct?

4 A Yes.

5 Q All right. Now, during that conversation, he talked
6 to you about -- you asked him about the argument; correct?

7 A Yes.

8 Q And at that point, he said the argument was about
9 money?

10 A Yes.

11 Q All right. Now, what else did he tell you during
12 that conversation that he didn't testify on the stand to
13 today?

14 A Good question. I mean, you're going to have to be
15 more specific. There's a lot of -- there's a lot of stuff
16 in here. I don't have his testimony word for word
17 documented in my report. I paraphrased what I believe are
18 important parts of the -- the interview. So I -- if you
19 tell me something or point something out to me, I'll --
20 I'll --

21 Q I understand. Withdrawn. We'll move on.

22 A Okay.

23 Q So he tells you at this point that the argument was
24 about money. Okay. Did he tell you anything about him --
25 him -- strike that.

1 After that conversation, he's, basically, told you a
2 story where he's merely a witness to this case; correct?

3 A That's correct.

4 Q All right. And, yet, you still arrest him on the
5 charge, don't you?

6 A At that time, yes.

7 Q So you don't, actually, believe his story at this
8 point?

9 A I believed parts of it. But as I testified earlier
10 about evidence -- phone evidence, forensic evidence, DNA,
11 things like that, as the -- as the time elapsed and I got
12 my results back on different things, it pointed toward Sam
13 being the shooter, not him.

14 Q Okay. Does it -- does all the evidence really point
15 towards Sam being the shooter, or does it really point to
16 just Sam knowing her and being with her during these time
17 frames?

18 A Both.

19 Q Well, how's that?

20 A Ammunition in his room, same head stamps. You've got
21 DNA showing he was with her all the time, phone records
22 that showed they talked. I mean, obviously, it points
23 towards they were together. But it, also, points to me
24 towards that he had the motive and the ammunition.
25 That's, to me, kind of odd.

1 Q Okay. The ammunition that you found --

2 A Yes.

3 Q -- it was Federal and was it RP?

4 A Yes.

5 Q All right. Those are fairly common brands of
6 ammunition, aren't they?

7 A Yes.

8 Q All right. And they're sold pretty much at Wal --
9 any Walmart you go to throughout the country; correct?

10 A At Walmart or any store, I'm sure. I don't know.

11 Q And it's fairly cheap ammunition; isn't that correct?

12 A I don't know the price. But if you're saying so,
13 probably so.

14 Q Okay. So is there -- are you aware of anything that
15 would keep Rovillie Williams from going to a Walmart?

16 A No. But we did do a search warrant at Rovillie's
17 house. And during the search warrant at Rovillie's house,
18 we did not locate any items such as we did at Sam
19 Burnside's hotel room.

20 Q Okay. So -- so let me get this straight. So Sam
21 left ammunition at his room that you believe implicates
22 him in his crime -- in this crime?

23 A As one of the key -- key evidences, yes, I do.

24 Q All right. Did you find a nine-millimeter handgun?

25 A No. Because -- we never found it. I don't know what

1 he did with it.

2 Q Okay. So -- so you think he got rid of the nine
3 millimeter, but some -- for some reason kept the
4 ammunition?

5 A Yes.

6 Q Okay. Why would he be so stupid?

7 A Because you can't compare the unshot ammunition to
8 the firearm. But if we had the firearm, we'd be able to
9 compare the firearm to the shell casings on the crime
10 scene and say that is the specific gun.

11 So not only that, but DNA from the gun would have
12 been crucial as well. So --

13 Q He what?

14 A DNA that we could obtain from the -- the nine
15 millimeter used in the crime. So you have DNA we could
16 have obtained, shell -- firearm comparison where we would
17 have been able to say this gun is involved in that
18 compared to this, you know, live rounds at the -- at the
19 hotel room. That's not going to -- that's not going to
20 say that that particular gun was the one that killed her.
21 But it -- they -- but they do match the bullets that were
22 found on the crime scene.

23 Q Okay. So -- so what you're saying is you think he's
24 dumb enough to -- to get rid of the gun, but keep the
25 ammo?

1 A Yeah.

2 Q All right. So did you try to do any type of test to
3 link the spent casings to who the actual shooter was?

4 A I did not.

5 Q All right. So -- and you heard Mr. Bucholtz testify
6 that there are methods by which you can get fingerprints
7 off of shell casings?

8 A From my understanding, our methods -- from my
9 experience, 13 years in law enforcement, three years in
10 homicide, that's not something that we particularly do. I
11 don't know if anybody's ever done it. We haven't had any
12 results that I know of at the Greenville County Sheriff's
13 Office that have come back positive. And the crime lab
14 says that the -- the percentage of getting either DNA or
15 fingerprints on it is so minute that it's not done.

16 Q Okay. So -- so in -- here's a murder investigation
17 where somebody is, you know, looking at a very serious
18 charge and you guys don't even try?

19 A You're correct.

20 Q Okay. Now, Sam told you during the initial interview
21 that he had a nine millimeter, but that nine millimeter
22 was confiscated by the police; correct?

23 A That's correct.

24 Q Did you do anything as part of your investigation, as
25 the lead investigator, to confirm whether or not that was

1 a fact?

2 A I know there's an incident report, I believe, showing
3 that a nine millimeter was seized, yeah.

4 Q Okay. And that was a Smithfield nine millimeter;
5 correct?

6 A I don't know what the brand is.

7 Q Well, let me show you. If you would, take a look at
8 this document that I have up. Scroll down as you need to.
9 And then once you have had a chance to review it, please,
10 tell the Court what that document is.

11 A The actual document is a property and evidence
12 report.

13 Q Okay. Does that appear to be the property and
14 evidence report that -- that related to the incident in
15 April -- April of 2017 where Sam's nine millimeter was
16 confiscated by the police?

17 A Yes. April 7, 2017 for a narcotics investigation by
18 Greenville PD.

19 Q Okay. And what is the make of the nine-millimeter
20 firearm that was confiscated?

21 A Springfield XD nine millimeter.

22 Q All right. And the -- the magazine that you guys
23 found in his room, that was the same model -- same make
24 magazine; correct?

25 A I believe so.

1 Q All right. Do you have any record of Sam buying
2 another nine-millimeter firearm?

3 A No.

4 Q Do you have any evidence that shows that he obtained
5 a nine-millimeter firearm after this one was confiscated
6 in April of 2017?

7 A No. But it's -- it's not uncommon for people to buy
8 firearms off the street as well, or from other people.
9 And there wouldn't be any record of it.

10 Q But, again, you have no evidence of that; correct?

11 A That's correct, I don't.

12 Q Did I leave something up here?

13 A No.

14 Q Oh, here. I'm sorry. Brain dead. Now, you said on
15 the stand in earlier testimony that -- that you believed
16 Sam had motive, but Rovillie Williams did not. What
17 exactly is Sam's motive in this case?

18 A Sam's motive is the pimping out of Catherine and her
19 not being able to perform sex acts that he wants her to do
20 where now he can't make money off that, which, as I
21 mentioned, that was part of the story I got for -- as to
22 why this argument started. And we have testimony.
23 Obviously, he said there was an argument about a phone.
24 We've, also, heard that that phone argument was over
25 because she had keys, he had a phone, and that's why they

1 were arguing. So I believe there's plenty motive there.
2 If -- if he's her pimp and she's not performing her acts,
3 then...

4 Q How would killing her resolve that?

5 A You'd have to ask him.

6 Q I mean, doesn't that -- I'm asking you. I mean,
7 you're the one who's saying this is the motive.

8 A I don't know why -- I don't know his thoughts. But
9 the motive is he's -- he's mad and he's --

10 Q Let me ask you this then. If he's her pimp and he's
11 supposedly making money off of her, how does killing her
12 make him money?

13 A It doesn't.

14 Q Okay.

15 A But she's not making any money that day.

16 Q Do you have any evidence whatsoever that would
17 suggest that Catherine Clark was the type of woman to
18 prostitute herself?

19 A I don't.

20 Q And based upon the time frame from which she moved
21 into Southern Suites, that's about a two-day period;
22 correct?

23 A Yes.

24 Q So -- and let's go back to where you heard this story
25 from. That was from Rovillie Williams; correct?

1 A That's correct.

2 Q All right. So Rovillie Williams tells you, hey,
3 they're arguing because he's her pimp. And then he tells
4 you -- then he tells us, you know, hey, whatever. Then he
5 tells us today that he's -- they're arguing because she
6 can't perform sex acts; correct? But he tells you during
7 that third interview that they're, actually, arguing over
8 money?

9 A I have documented in my report that he told me that
10 it was over -- let me see here.

11 Q He, actually, tells you -- what you have documented
12 in your report is, actually, him saying he thinks that's
13 why it is.

14 A He said -- he, eventually, stated the argument was
15 over money. He stated that Burnside is known to pimp out
16 women for sex. And that's what he was possibly doing
17 for -- with the victim.

18 Q So he doesn't, actually, tell you during that third
19 interview that this is why the -- why the argument was;
20 correct?

21 A No.

22 Q And he doesn't say anything whatsoever about her
23 being on her period and not being able to perform --
24 perform a sex act; correct?

25 A I believe there's a mention about the period, which

1 is knowledge that --

2 Q Is that in your report?

3 A Not in -- not in here. I don't know if he said that
4 in the interview. But that -- that would -- that would be
5 knowledge that only a person in the car and Sam Burnside,
6 those two, would know. And, obviously, when we were in
7 our autopsy, we found a maxi pad and the receipt at the
8 Dollar General, which shows that she's buying maxi pads as
9 well.

10 Q You said in your report you put things that you think
11 are important; correct?

12 A Yeah.

13 Q So if he had said that during that third interview,
14 it should be in your report, shouldn't it?

15 A I mean, I miss things as well.

16 Q Okay. So -- so --

17 A I mean, how -- it's recorded. If you want to play
18 the whole thing, you can listen to it.

19 Q If you would like to play it, I'm, certainly, fine to
20 hear it. I mean, if you want to play it to refresh your
21 recollection --

22 THE COURT: He -- he doesn't get to decide what --
23 what evidence is presented.

24 BY MR. GIBSON:

25 Q But it's not in your report; correct?

1 A It's not in here, no.

2 Q All right. And there are other ways that he could
3 have found out that she was on her period; correct?

4 A Unless she told him, yeah.

5 Q Yes. She could have told him?

6 A She could have.

7 Q She could have said, hey, I need to stop to change my
8 pad. And he would know it from that, would he not?

9 A Yeah. But that wasn't brought up, so.

10 Q But he, also, didn't bring up the whole period thing
11 either, at least, until he got on the stand today?

12 A I don't know.

13 Q All right. Have you -- did you uncover any
14 evidence -- let me back up. There are no witnesses that
15 you guys have presented at this trial that confirms
16 that -- that Sam Burnside ever engaged in that type of
17 activity; correct?

18 A No.

19 Q All right. So let's go back to what you say the
20 motive is. Do you believe that someone cannot know
21 someone for a long period of time, but over the course of
22 them being together get into an argument or a fight and,
23 therefore, they end up having a motive to kill them?

24 A I mean, that's possible. Yeah.

25 Q Okay. So -- so the fact that Sam knows her for,

1 what, two days prior to this isn't really a definitive
2 motive in this particular case, is it?

3 A I mean, I don't know if it matters how many days. He
4 could have known her for one day or five hours, I mean.

5 Q And -- and who knew her for about two hours?

6 A Rovillie.

7 Q All right. So we talked about -- you talked about --
8 you said that the things that led you to believe that he
9 was guilty was the ammo. We talked about the fact that
10 the ammo is fairly common. And Rovillie Williams would
11 have access to that type of ammo as well. You said the
12 DNA. What DNA did you find?

13 A Well, like I -- like he said, he -- he didn't know
14 this girl previous to picking her up on the side of the
15 road. DNA in the room. He'd been drinking with her or he
16 was, at least, drinking. Video surveillance footage that
17 puts them together all day long. It's just not like --
18 this wasn't a chance encounter that day that they just
19 came upon each other.

20 Q Okay. So that proves that, like Rovillie, he lied
21 about his relationship with Catherine Clark?

22 A Yeah.

23 Q Okay. It doesn't prove that he shot her, though,
24 does it?

25 A That doesn't prove it. But I believe the ammunition

1 as well as the total -- totality of everything I've
2 testified to, yes, it does.

3 Q Okay. When you guys make a decision to, actually, go
4 to trial on someone, one of the things that you want to do
5 is to get a conviction; correct?

6 A Absolutely.

7 Q Okay. So -- so when you're answering these
8 questions, you're answering them in a way where you think
9 that it will help you get a conviction, aren't you?

10 A No. I answer it the way that I believe and --

11 Q Okay.

12 A -- from my investigation into it.

13 Q All right. And -- and, again, you're telling me that
14 you guys came to this conclusion some time ago. But for
15 whatever reason, you never dismissed the murder charge
16 against Rovillie Williams until you guys were placed in
17 the situation where you had to put the case on trial?

18 A I never -- I never dismissed any charge. That's --
19 that's done between the solicitor's office and -- and the
20 client.

21 Q Did the solicitor's office dismiss the charge prior
22 to a month before trial?

23 A Yes.

24 Q They did dismiss it prior to a month before trial?

25 A They pled him down, I guess, is what you're telling

1 me.

2 Q All right. And that was in December 9th -- that was
3 on December 9th; correct?

4 A I don't know the date.

5 Q Now, I want to ask you some -- well, let me ask you
6 this, you said that there's no record of Rovillie being
7 affiliated with a gang?

8 A Yes.

9 Q Is it possible that he's affiliated with a gang, but
10 there's just no record of it?

11 A It could be possible.

12 Q Okay. How would there become a record of his
13 affiliation with a gang?

14 A People -- other people getting arrested that might be
15 within a gang, gang investigators doing their
16 investigation with those -- those subjects and thereby
17 implicating Rovillie Williams as so and so in this gang.
18 There might be a picture that might point something out
19 saying this person's in a gang.

20 Q Okay.

21 A There could be a multitude of things I'm missing.

22 Q All right. So those things would have to exist and
23 then a gang coordinator would have to think enough of them
24 to, actually, put them in a record and designate him as a
25 gang member; correct?

1 A There's a possibility if they come across it, yeah.

2 Q All right. Do you have any reason to disbelieve Tina
3 Henderson when she says that he told her he was in a gang?

4 A I don't have any reason to disbelieve her, no.

5 Q All right. Now, Mr. Llewellyn said that he saw the
6 smaller guy, presumedly Sam Burnside, beating and kicking
7 on -- on Ms. Clark?

8 A Yes.

9 Q Correct?

10 A Yes.

11 Q Now, but the -- but the -- but Dr. Ward in his
12 autopsy, he says that he saw no trauma -- significant
13 trauma, other than the gunshot wounds; is that correct?

14 A That's correct. But you might not -- I mean, you can
15 hit somebody and it doesn't mean it's going to show up at
16 autopsy. I mean, you can kick somebody and it doesn't
17 mean it's going to leave a mark. I mean, it could and
18 couldn't. It depends how many times, how rough. There --
19 there could be different aspects of it. That's not to say
20 that it wasn't -- it didn't happen. He did witness it.

21 Q But, again, Dr. Ward, the individual who did the
22 autopsy and who is -- his -- part of his job is looking
23 over the body and -- and noticing anything that might be
24 wrong, noted that there was no significant trauma, other
25 than the gunshot wound; correct?

1 A Yeah. I don't think kicking would cause significant
2 trauma.

3 Q Now, you talked about all these videos that you have
4 with them together. Okay. There's a McDonald's video.
5 There's the Bi-Lo video. There's the Dollar General
6 video. In any of these videos, are they fighting and
7 arguing?

8 A No.

9 Q In any of these videos, is there any indication
10 whatsoever that -- that Sam Burnside is angry with
11 Ms. Clark?

12 A Not in those clips I don't see it.

13 Q Is there any indication in any of those videos that
14 Sam -- that Samuel Burnside has done any violence or even
15 intends to do any violence toward Ms. Clark?

16 A Not in those clips.

17 Q And during all of those video clips all of this time
18 that they're together in all of these clips throughout the
19 day, is there any indication that Ms. Clark was not
20 willingly with him?

21 A No. I don't think there's been any testimony that
22 she was ever forced into the car or not willingly in the
23 car.

24 Q All right. And in the Dollar General video, who is
25 carrying the maxi pads?

1 A She is.

2 Q Who else is carrying the maxi pads?

3 A He is.

4 Q He is. All right. So he knows that she's on her
5 period?

6 A That's correct.

7 Q But somehow another, four or five hours later, this
8 whole period issue becomes such a hot button that he
9 decides to kill her about it?

10 A That's correct.

11 Q Do you have any proof of that, other than the
12 testimony of Rovillie Williams?

13 A Proof of?

14 Q Proof that that's the way this occurred, that this --
15 that there was this hot button issue of her being on her
16 period and it became such a -- such a problem that he
17 decided to kill her about it?

18 A No.

19 Q All right. Now, again, how did you get the name of
20 Rovillie Williams?

21 A That would be from Mr. Burnside's mom.

22 MR. GIBSON: Just a second.

23 (Pause.)

24 BY MR. GIBSON:

25 Q And just, again, to reiterate, as the lead

1 investigator in this case, you found no conclusive -- no
2 forensic or physical evidence which conclusively proved
3 that Rovillie Williams did not shoot Ms. Clark; correct?

4 A No.

5 Q And as the lead investigator in this case, you found
6 no forensic or physical evidence which conclusively proved
7 that Sam Burnside did; correct?

8 A Correct.

9 MR. GIBSON: Thank you.

10 THE COURT: All right. Any redirect?

11 MR. MORONEY: No redirect, Your Honor.

12 The State rests.

13 THE COURT: Thank you.

14 You may stand down.

15 THE WITNESS: Thank you.

16 THE COURT: All right. Mr. Foreman, and, ladies and
17 gentlemen, it's -- this is going to be -- the State has
18 rested. So this will be a good time for us to break for
19 the evening. You've heard quite a bit of information.

20 And I -- as we talked about yesterday, the temptation
21 to discuss it with someone who you love, trust, like to
22 get their advice has got to be great. But you have given
23 your oath not to do that. And, please, protect the
24 integrity of this trial by holding true to your oath.

25 And I will see you tomorrow morning at 9:30.

1 trial and -- which is the -- which are the closing
2 arguments of these attorneys. And I -- I have watched you
3 all play -- pay close attention throughout the course of
4 the trial. And I ask you to continue to do that through
5 the arguments of these fine attorneys. Okay.

6 MR. MORONEY: May it please the Court, Your Honor.

7 THE COURT: Yes, sir.

8 CLOSING ARGUMENTS

9 MR. MORONEY: Good morning, ladies and gentlemen.

10 I appreciate your attention throughout the duration
11 of this trial and your patience. I know particularly at
12 times in the trial, it may not be as exciting as we get
13 through chain evidence, and things like that. But we
14 appreciate your attentiveness. And it's been noted and
15 appreciated.

16 I want to briefly go into the law and the two charges
17 the Defendant in this case, Sam Burnside, is facing,
18 murder and possession of a weapon during a violent crime.
19 The Judge after I close, the Defense attorney, Ken Gibson,
20 closes will charge you on the law. And you're to follow
21 his direction as to what he charges you on the law. But I
22 want to do a brief overview of what the Defendant is
23 facing and what the standards are here.

24 First, the Defendant, of course, is charged with the
25 offense of murder. Simply put, it's the killing of any

1 person with malice aforethought either expressed or
2 implied. And what does that mean? Without getting too
3 technical, malice aforethought -- malice is a wicked heart
4 or wickedness. And aforethought does not mean that you
5 have to premeditate, plan. Malice can happen in a moment.
6 That wicked heart can generate at any moment. And that's
7 exactly what happened in this case.

8 Of course, we've heard the testimony of how the
9 argument was escalating over time. And it ultimately,
10 unfortunately, for Catherine Clark resulted in her death
11 at the hands of Sam Burnside.

12 Malice is the doing of a wrongful act intentionally
13 and without just cause or excuse, a wicked heart, folks.
14 A wicked heart as in shooting an individual three times at
15 close range in the face, back of the ear, through the
16 chest. Brutal conduct, use of a deadly weapon being a
17 firearm, the nine millimeter that you've heard about in
18 this case.

19 And, as I mentioned previously, aforethought, not
20 meaning aforethought in the sense of planning. But at
21 that moment when Sam Burnside decided to pull that
22 trigger, it's aforethought.

23 Other than murder, the Defendant is charged with
24 possession of a weapon during the commission of a violent
25 crime, which is very straightforward. It's, essentially,

1 in the title there. The Defendant was possessing a weapon
2 during the commission of a murder, which is, in fact, a
3 violent crime in the State of South Carolina. He is
4 guilty of such. Possession of a weapon is he shot
5 Catherine Clark in cold blood.

6 Folks, at the outset of this trial, Defense Counsel
7 mentioned to you -- and I took some notes throughout this
8 trial and was taking some notes from the opening -- that
9 Sam Burnside is living the greatest nightmare that anyone
10 could ever imagine, the greatest nightmare anyone could
11 ever imagine.

12 Well, what about Catherine Clark's nightmare at
13 Sagittarius Way? She was brutally assaulted at the
14 storage facility on Cartee Avenue, loaded back up in the
15 car and driven a short distance away to a desolate part of
16 Greenville County, no houses, no businesses around, a dark
17 area as she's crossing over railroad tracks with Sam
18 Burnside, who's armed. She's kicked out of that vehicle.
19 And, ultimately, as he comes back for her to finish her
20 off, she is shot not once, twice, but three times and left
21 in the roadway like an animal.

22 What about Catherine Clark's nightmare? Catherine
23 Clark can't tell about her nightmare that she lived
24 through because that was it for her. She's not here to
25 tell that story.

1 Remember, during the course of this case, we saw this
2 overhead shot of the crime scene area. We've talked about
3 what Catherine Clark's last moments were like. Sam
4 Burnside chose this location for a reason. There's
5 nothing around there. That's a lightly traveled road.
6 There's a deliberate reason for that. There's no lights
7 out there. And it must have been terrifying in those last
8 moments for Catherine Clark.

9 You have all this evidence to take back in with you
10 at the conclusion of this trial. And in this photograph,
11 it's hard to see on a little washed out projector, but in
12 this area here, there's blood droplets. And you heard
13 some testimony in this case about what those blood
14 droplets meant to investigators on scene. That likely she
15 was shot first. Most likely from the testimony of
16 Dr. Ward, that chest shot where she was bleeding out and
17 was stumbling, that wouldn't have been an immediate death
18 shot.

19 But where Sam Burnside finished her off is where she
20 lies. And that's where the head shots occurred. And
21 that's where her final place of rest was. This is the
22 nightmare that Catherine Clark endured.

23 And remember that testimony from Dr. Ward, the
24 stippling, the soot burns, the closeness, how angry Sam
25 Burnside was with her, how personal this was for him.

1 And we heard the short duration of the 911 call.
2 It's important in this case. Very important is Jeff
3 Llewellyn's testimony. He has no interest in this case
4 whatsoever. He's just an innocent bystander who happened
5 to be in the wrong place at the right time, but,
6 fortunately, to tell his story for Catherine Clark in the
7 right place.

8 And at 8:56 p.m., a 911 call comes in. And he relays
9 the assault that he just witnessed. And important in that
10 description, what's he describing? The -- the size
11 difference, which is -- there's no doubt the size between
12 Rovillie Williams and Sam Burnside, not only in stature,
13 but in weight as well.

14 The smaller guy, Sam Burnside, is assaulting the
15 victim, Catherine Clark. And when he hollers out, hey,
16 stop, stop. I'm calling the police. Who turns around --
17 although he didn't see a gun, but he knows what this means
18 and what he interpreted it as, back off, go inside, mind
19 your own business. And that's what he did. But he didn't
20 leave it there. He called 911 at 8:56 p.m.

21 And after -- he viewed that assault where he didn't
22 see Rovillie Williams touch the victim at all. He was
23 just stuck in the wrong place at the wrong time himself as
24 Sam Burnside was losing it. They get loaded back in the
25 car, leaving the purse behind. This purse that's in

1 evidence has all the belongings of Catherine Clark inside
2 it. He collects that and gives it to law enforcement.

3 And as you remember from the testimony, that was an
4 important piece to get the investigation started. Because
5 that receipt was in there. And it started investigators
6 down the trail of checking surveillance footage and
7 piecing this together. They knew nothing about what had
8 happened to Catherine Clark, other than she was just
9 laying there at that time.

10 Subsequent to that -- and the receipt was the first
11 piece of that puzzle. You heard the testimony of how the
12 multiple items were collected, the search warrants. There
13 were different receipts that were found, the surveillance
14 footage. That all helped put this case together and
15 linked that Sam Burnside had been with Catherine Clark.
16 And that was an important piece.

17 Also, in these search warrants, they do a search of
18 the Defendant's residence, essentially. He had been
19 living there a year, a year at the Southern Suites motel.
20 And remember this crime scene here, there were four
21 ejected shell casings, four shots fired. He only hit her
22 three times. He missed once.

23 But, importantly, you heard time and time again the
24 markings on these two shell casings left behind and the
25 descriptions of them, silver and gold, the RP nine

1 millimeter and NFCR nine millimeter. It's very important
2 because when they do a search of his residence,
3 essentially, what's in the drawer right next to where he's
4 been sleeping for a year and -- and comes in and out of?
5 And this was on -- a day after.

6 And not only is there ammunition that's RP nine
7 millimeter, NFCR nine millimeter, but those two types of
8 rounds are loaded in a magazine. Although he has three
9 types of nine-millimeter ammunition, just those two with
10 those matching are what's on the scene loaded into that
11 magazine in the same way as if he would have the night
12 that he shot Catherine Clark.

13 And we know that although there's two different shell
14 casings, they were fired from the same gun. You heard
15 from the ballistics expert, James Armstrong, that they
16 were fired from the same gun. Sam Burnside got rid of the
17 gun. He was smart in that respect. But he didn't count
18 on James Armstrong being able to do that testing on the
19 ejected left behind shell casings that could show Rovillie
20 Williams had nothing to do with this. It was Sam
21 Burnside. He was the trigger man.

22 Importantly, too, there were DNA matches and
23 fingerprint matches. Because it's important, as you heard
24 in Sam Burnside's own words, he didn't know the victim. I
25 don't know. She just came up saying she wanted a ride to

1 meet with her people. He was distancing himself a little
2 bit. But we know why he was distancing himself from the
3 victim. But those became important in the investigation.

4 Is Sam Burnside's DNA at the crime scene next to her
5 body? No, it's not. We don't have that. We don't need
6 that. These are all pieces of the puzzle that you look at
7 in a wide spectrum.

8 The fingerprint match as well is telling. Because,
9 remember, we have all this benefit of knowledge now. But
10 the investigators did not have all that knowledge at the
11 time they were piecing this altogether. And that
12 fingerprint match was important because it showed that he
13 knew the victim. He knew her well. He was in her hotel
14 room. He was drinking with her, spending time with her.

15 We saw it on the surveillance footage. This person
16 who he had never known before, they were going in store
17 after store together. And, again, he denies that, too. I
18 didn't go with her to the Dollar General. I didn't go
19 anywhere with her. You see him at the Bi-Lo with her.
20 Just lie after lie after lie.

21 There's, also, the ammunition and the search of Sam
22 Burnside's Buick LeSabre. Conveniently, a nine millimeter
23 round unfired. And remember, also, that other piece of
24 evidence is there when investigating this case, the
25 telephone contacts, where those phones went to. You heard

1 about the numerous contacts, although Sam Burnside just
2 knew her, according to the Defense, just two days, between
3 the victim and Sam Burnside. They knew each other very
4 well.

5 And how many contacts were between Rovillie Williams
6 and the victim? Zero. He did not know her. He did not
7 know her at all. The first time that he came in contact
8 with her was the day that he got a ride from Sam Burnside.

9 And remember the victim's phone, Catherine Clark's
10 phone was never retrieved. There's a phone inside her
11 purse here. But you heard the testimony from Investigator
12 Picone, her actual phone with that number we heard the
13 testimony about was never recovered. And from that cell
14 phone tracking -- although that line that goes up was not
15 a GPS real-time tracking -- that means it was hitting the
16 next point, that doesn't mean real-time tracking. It,
17 ultimately, ends up well north of Greenville County
18 towards North Carolina somehow. That's where her phone
19 ended up.

20 You know, also, I've been taking notes and I've
21 written here from the beginning of the opening with the
22 Defense, Rovillie Williams has lied and gotten away with
23 murder. And during the course of this trial, you will
24 hear the motive. What motive did Rovillie Williams have?
25 What -- what motive did we hear from Rovillie Williams?

1 There's no motive for Rovillie Williams. He did not know
2 this woman. He had no reason to kill this woman.

3 And, importantly, although the Defense brings up,
4 look, Rovillie Williams, you know, he was not forthcoming
5 with law enforcement. Did he ever deny the existence of
6 Catherine Clark or knowing her? Never, not once.

7 From the get-go, in those -- even in those informal
8 phone interviews that he was just talking to them, yeah,
9 yeah, I was with that woman. That's the difference
10 between his dishonesty and Sam Burnside's dishonesty. He
11 never distanced himself from Catherine Clark because he
12 had nothing to hide. He didn't even know her. He knew he
13 had no ill will towards her.

14 But who was the person who time and time again in the
15 interviews you've heard, I don't know her at all. I don't
16 know her at all. Why is that? Because he knew that he
17 had murdered her. Of course, he wants to distance himself
18 from her. He had left her there in the roadway shot three
19 times dead. That lie is more telling. That's because Sam
20 Burnside killed Catherine Clark.

21 You know, touching on this two-day discussion of --
22 of Sam Burnside only knowing Catherine Clark for two days
23 is simply not true. From all the testimony that we heard,
24 from Catherine Clark's sister, the reason that the victim,
25 Catherine Clark, said she wanted to go to the Southern

1 Suites outside from the other hotels out in
2 Simpsonville -- she wanted to go to the other side of the
3 county because of a dog. There's numerous motels and
4 hotels in Greenville County. She wanted to pick the
5 Southern Suites motel because it takes pet. But they
6 don't accept pets. That was a little lie. And she didn't
7 want to tell her sister she knew Sam Burnside. She was
8 going over there to meet up with him.

9 And how do we know she was going over there to meet
10 up with him? Because remember, from the property
11 manager's testimony, right when Catherine Clark was
12 checking in, who calls the property manager saying, hey,
13 has Catherine Clark checked in? Sam Burnside. He knew
14 Catherine Clark.

15 There's, also, been discussion of Sam Burnside being
16 stupid enough to discard the firearm that he killed
17 Catherine Clark with, but that he kept the ammunition.
18 Would he be so stupid? Yes, he was so stupid. And that's
19 because he had concocted this story and these lies that he
20 thought he was smarter than everybody else. And you saw
21 it on the video yesterday in the interview room. He
22 thought he had it figured out and those lies were going to
23 work. He was going to stick to his story no matter what,
24 no matter how irrational. And that was his story and he
25 was sticking to it.

1 But he didn't take into account the immense amount of
2 work that not only investigators put into this, but
3 Greenville County forensics, and all of that work and the
4 pieces of the puzzle that you've heard about over the past
5 couple of days here that were still pending, processing,
6 and were going to be reviewed and analyzed. He didn't
7 count on that.

8 Importantly, he didn't count on, as I mentioned just
9 previously, James Armstrong. And he was going to test
10 these casings that were left behind. Yeah, he got rid of
11 the murder weapon. He -- he did -- he did his part on
12 that. But he left these behind. They were fired from one
13 weapon, Sam Burnside's nine millimeter.

14 Though this -- this notion and suggestion by the
15 Defense that he could kill someone and discard the firearm
16 and then it's not captured on video surveillance, you
17 can't -- can't convict somebody of murder. It's
18 preposterous. This is common sense, folks. And that's
19 what this is about.

20 And you can't look at this case in a vacuum. You
21 can't look at just -- there's all this evidence and the
22 testimony you've heard. You can't look at just one piece.
23 Although, the Defense would like you to look at one piece
24 and focus on what possibilities there might be. We look
25 at everything in the aggregate altogether. We consider

1 it. We use our common sense. That common sense
2 determination proves that Sam Burnside was the murderer.

3 Sam Burnside, also, was stupid enough to leave the
4 ammunition behind. Because he didn't count on his own
5 family member, his mother telling law enforcement who that
6 mysterious man in the backseat was. Law enforcement did
7 not know who was back there until she relayed it to them.
8 And why was that important? We heard why it was important
9 from the jail call. Let's get a listen.

10 (WHEREUPON, a portion of State's Exhibit No. 66 was
11 played in open court.)

12 MR. MORONEY: That's what's going to get me, when my
13 alibi doesn't match up with his. That's what we hear.
14 And he didn't count on that. He didn't count on his own
15 mother giving the name of Rovillie Williams. Because he
16 knew that Rovillie Williams was the only person in the
17 world -- he had gotten rid of the murder weapon. He had
18 not gotten rid of Rovillie Williams. He's the only person
19 who could provide perspective and color [phonetic] to
20 this. Because he happened to be in the vehicle and
21 observed what was leading up to this brutal murder.

22 And even later, in November of 2019, a couple months
23 before this trial, as the trial date is approaching, you
24 hear that jail call discussion with his mother where he's,
25 again, essentially, chastising, yelling at his mother for

1 giving the name because this has messed me up. His
2 mother's had it. And in that call, even his own mother
3 mentions several times -- you heard you her say it in the
4 call, There's a woman who will never see her children
5 again. And that's the absolute truth. Even his mother at
6 that point had had it. And that is the sad truth.
7 Catherine Clark is a mother of five. And she will never
8 see her children again.

9 Now, this discussion of Rovillie Williams, of course,
10 he's no saint. But he happened to be in that vehicle and
11 he gave you his testimony. And the decision for him to,
12 ultimately, be charged with murder, you heard that
13 testimony from Investigator Picone. And then you heard
14 that, based on the totality of the circumstances, after
15 all the evidence came in and was processed, that's what
16 led to a fuller perspective and understanding of what
17 Rovillie's true involvement was. And that's what that is
18 about.

19 And, furthermore, the charge that Rovillie pled to,
20 misprison of a felony, once he [inaudible] charges
21 defendants. He has nothing to do with that. The
22 solicitor's office handles pleas, jury trials, those kind
23 of things. He has nothing to do with that.

24 There was mention about if you watch the surveillance
25 footage throughout the day with Sam Burnside and Catherine

1 Clark together that he was never angry. They were never
2 arguing. We didn't get it on video surveillance the
3 argument, even though there's about an hour from that
4 McDonald's footage to when she was, ultimately, killed,
5 when -- the first 911 call, the assault happened.

6 And use common sense, folks, of course, things can
7 escalate. And the argument was escalating. And over the
8 course of the hour, anything could happen. And over the
9 course of that hour, you heard the testimony that the
10 argument ensued, that Sam Burnside was angry that she
11 wasn't falling in line and doing what Sam Burnside wanted.

12 And she was a strong personality. And she was
13 fighting back. She wasn't just letting him yell at her.
14 She was giving it to him right back saying, I'm not doing
15 this. And that's what cost her her life.

16 You -- you heard Sam Burnside's own words in the
17 interview. And what's telling -- and you will have the
18 interview in evidence to listen to -- is how he refers to
19 the victim even in the interview. I dropped that bitch
20 off at Grove Station. That's how Sam Burnside views the
21 victim, Catherine Clark, as, just an animal that he can
22 leave discarded in a roadway on a desolate Greenville
23 County street, drive away, not a care in the world,
24 discard the murder weapon, concoct a story, stick to it.
25 Out of sight, out of mind, good to go.

1 Folks, there's a lot to this case. Again, I
2 appreciate your attentiveness. And I just ask you to use
3 your common sense. If you're firmly convinced that Sam
4 Burnside killed the victim based on the -- all of the
5 evidence here, not looking at things in a vacuum. If
6 you're firmly convinced that the Defendant's guilty, I'm
7 asking you to return a verdict of guilty for both murder
8 and possession of a weapon during a violent crime.

9 Thank you.

10 MR. GIBSON: May it please the Court.

11 THE COURT: Yes, sir.

12 MR. GIBSON: Ladies and gentlemen, there is a saying
13 in the Bible that says, The truth will set you free. But
14 what happens when you believe, and for very good reason,
15 that that same truth that might set you free may, also,
16 get you killed. You get this case.

17 You get a scared, but innocent young man clinging to
18 a story that makes no sense to anyone whatsoever, clinging
19 to that story even when evidence is presented to him of
20 its untruth. Clinging to that story even when his family
21 members tell him to tell the truth and point the finger at
22 the right person, Rovillie Williams. Clinging to that
23 story because he believes in his heart that this is the
24 only story that he can tell that will keep him from having
25 to spend time in jail for something that he did not do,

1 but, also, not run afoul with a very, very, very bad man
2 that will probably kill him if he points the finger at
3 him.

4 And you, also, get an exasperated State that says
5 that after two years and four -- if you're going to spend
6 two years and four months in jail and refuse to help us
7 get the very bad man that, actually, did this, you're
8 going to have to go down for it yourself.

9 Now, before we talk about the evidence in this case,
10 ladies and gentlemen, I want to talk to you about what
11 your role is and about the oath you took. You did not
12 take an oath to convict someone of murder. You took an
13 oath to follow the evidence. You took an oath to hold the
14 State to its burden of proof. You took a state -- you
15 took an oath to force the State to prove its case beyond a
16 reasonable doubt. And we're going to talk about that in a
17 little bit. You took a -- you took an oath to protect the
18 liberty of all of us by protecting the liberty of Sam
19 Burnside.

20 Now, our system of justice or -- or the justice that
21 we have in this country was not always like it is right
22 now. Back in the 1700s and before that even, when England
23 ran the colonies, we didn't have due process like we have
24 now. We had kings who would, basically, put people in
25 jail and hold them there for almost no reason whatsoever.

1 We had liberty and our freedom taken from us. And we
2 decided that we were not going to have that any more. And
3 we followed war with it. And we shed bloodshed. And when
4 we finished that war, we decided we were going to
5 institute a process, a criminal justice system in a
6 country that made sure that the Government could not take
7 away your freedom so -- so easily.

8 So that's why we have the system that we have today.
9 That's why the burden of proof is on the Government.
10 That's why there are jurors in this -- as opposed to some
11 judge who has no connection whatsoever to any of this.
12 That's why the State has to prove its case beyond a
13 reasonable doubt.

14 Now, if we wanted to do something else, if we wanted
15 you guys to be a sword-seeking vengeance, and punishment,
16 and retribution, as opposed to the shield that you're
17 designed to be, we'd have a totally different system. We
18 wouldn't require verdicts to be unanimous. We'd say, you
19 know, if more than half of you think it's -- think it's
20 proper, then convict. We wouldn't say that we have jurors
21 of -- of someone's peers to decide the case. We'd have
22 some judge somewhere who had no connection to any of this
23 to come in and say, okay, you are guilty or you are
24 innocent.

25 But the reason why we have peers, ladies and

1 gentlemen, is because our founding fathers understood that
2 the people who would most protect liberty for all of us
3 are a person's peers. Because they would understand that
4 one day, some day, they might be in the same place. And
5 if they don't give the proper attention, the proper --
6 proper consideration, and the proper caution to finding a
7 verdict of guilty, the same thing might happen to them.

8 Now, as I told you, ladies and gentlemen, the burden
9 of proof is on the State. And that burden is an extremely
10 high burden. It is a burden of beyond a reasonable doubt.

11 Now, what does that mean? And the Judge is going to
12 explain it to you. But all of us, the lawyers and the
13 Judge, we went to law school for about three years. And
14 for me, it took about two or three weeks to fully
15 understand what burdens of proof are.

16 So I'm going to try to capsulize that for you in a
17 way you can understand. Basically, what a burden of proof
18 is is how certain you have to be to come to a result.
19 Okay. For various things, we require that you be more
20 certain than not.

21 Because liberty is at stake in a criminal trial, it
22 is the highest burden that we have. The lowest burden
23 that we have is, generally, what's called a preponderance
24 of the evidence. And what that is is if you're in a car
25 accident, say, you get rear-ended by a tractor trailer and

1 decide to file a lawsuit on it, if you go to court, the
2 burden of proof is a preponderance of the evidence, which
3 means more likely than not. If it's more likely than not
4 that that -- that tractor trailer that T-boned you was
5 negligent, then you are entitled to be compensated for it.

6 The next step along the way is for punitive damages.
7 If you say, hey, that tractor-trailer that T-bone'd me,
8 they were drunk, and they were reckless, and there should
9 be punitive damages that are assessed to them. There's a
10 next standard up, and that's called clear and convincing
11 evidence. Okay. That's higher than -- than preponderance
12 of the evidence. But both of those standards, ladies and
13 gentlemen, are less than beyond a reasonable doubt.

14 You have to be firmly, firmly convinced that it is
15 the truth. You have to be -- the way it's been explained
16 to me is you have to be sure enough about the result that
17 you would need to be in order to take something that
18 affected you.

19 For instance, you would have to be as sure as you
20 would be if you decided to take some elective, but
21 possibly life threatening surgery. You would have to be
22 sure enough that you would invest in some plan or scheme
23 that would put your entire life savings at risk. And if
24 you're not that certain, if you're not that sure, it is
25 incumbent upon you to come back with a verdict of not

1 guilty.

2 Now, in this case, the question that you have to ask
3 yourself is whether or not the State has conclusively
4 proven that Sam Burnside shot Catherine Clark and that
5 Rovillie Williams did not.

6 And I can tell you right now, ladies and gentlemen,
7 you can look to the first question -- the first questions
8 and the last questions of my cross-examination of
9 Investigator Picone to find that answer. I asked him, Did
10 you find any evidence, forensic evidence, physical
11 evidence which conclusively proves that Rovillie Williams
12 did not shoot Catherine Clark and that Sam -- or that Sam
13 Burnside did? His answer to both of those questions was,
14 No. And I submit to you, ladies and gentlemen, if he has
15 not found such evidence, I don't believe that you can say
16 that you have either.

17 Now, I want to talk about -- let's go through a
18 number of things in this case. And I want to start off
19 with what they claim is the motive. And, supposedly, this
20 motive that they're telling you the reason why Samuel
21 Burnside killed Catherine Clark was because she had agreed
22 to prostitute herself for him, but she was on her period.
23 And because she couldn't do it while she was on her
24 period, he got so angry that he killed her.

25 Now, first off, ladies and gentlemen, I don't blame

1 them for arguing that to you. Because they're stuck with
2 that because their witness, Rovillie Williams, that's what
3 he has said.

4 But I'm going to tell you, ladies and gentlemen, that
5 is incredibly disrespectful to the memory of Catherine
6 Clark. To say that this is a woman who was of such low
7 moral character that she would allow herself to be
8 prostituted by -- by Samuel Burnside or anyone else
9 without any evidence that supports that whatsoever, as
10 Investigator Picone told you, is, like I say, incredibly
11 disrespectful. Moreover, Your Honor -- moreover, ladies
12 and gentlemen, that motive doesn't make sense.

13 Now, here -- here is a person who -- who if you
14 believe what they're saying that Sam Burnside has
15 cultivated this -- this relationship whereby she is
16 willing to prostitute herself for him to make money for
17 him, but because she cannot do it that particular day, he
18 can't wait a day or two for her period to pass in order
19 for her to -- to engage in this type of activity. Nobody
20 kills someone in that situation, nobody. It just does not
21 make sense. It's a lie that was made up by Rovillie
22 Williams to try to taint Mr. Burnside and make him look
23 like more of a bad guy than Rovillie Williams is.

24 Now, the thing is we know, though, that Rovillie
25 Williams is a much worse guy than Samuel Burnside. He is

1 a liar by his own admission. He is a criminal by his own
2 admission. He is a gang member, a member of the Folk
3 Nation, a criminal street gang. He has a history of
4 violence. He has been charged with attempted murder. And
5 the only reason why he got out of it was because the
6 victim in the case refused to cooperate. And the reason
7 why that victim didn't cooperate is because Rovillie
8 Williams is not the type of person that you cross. And
9 even if the truth frees you, it could get you killed.

10 They talk about the ammunition that they found in
11 Samuel -- Samuel Burnside's room. The problem with that
12 is twofold. First, the ammunition that they're talking
13 about, ladies and gentlemen, is not that uncommon. It's,
14 in fact, extremely common. That ammunition is available
15 just about anywhere.

16 But, more importantly, ladies and gentlemen, that
17 ammunition was found in a magazine that matched a brand of
18 weapon that had been confiscated by the police four months
19 prior to that. That magazine -- that ammunition came from
20 a weapon that the police took four months before.

21 So to say now that, oh, yeah, this weapon -- this
22 magazine that we found, this magazine without a firearm
23 that we found is indicative of Samuel Burnside's guilt is
24 ludicrous.

25 They spent a lot of time talking about all the lies

1 that Samuel Burnside told.

2 And can we take that down?

3 MR. MORONEY: Sure.

4 MR. GIBSON: And I'm not saying he didn't. He told a
5 lot of lies. I mean, there -- there is one thing that I,
6 generally, tell clients, and that is the worst thing you
7 can do is if you are suspected of a crime to go down and
8 talk to police without a lawyer. This case has forced me
9 to amend that. The worst thing you can do is if you are
10 suspected of a crime to go down to the police department
11 and talk to officers while you're drunk. And that's
12 exactly what Sam Burnside was.

13 Investigator Picone told you that he smelled alcohol
14 on him. Sam Burnside himself from the video that you saw,
15 he tells you, I'm drunk, I'm tipsy. Okay. And that's
16 what happens when you take a drunk man -- a drunk, scared
17 man and put him in an interrogation room with seasoned
18 investigators. You get that kind of result.

19 But despite through that entire time, there was no
20 point whatsoever where Sam Burnside indicated that he was
21 guilty of killing Catherine Clark. There was no point in
22 that interview or all the jail calls that they tell you
23 about or that they played for you that indicates where Sam
24 Burnside says, I killed Catherine Clark. Yes, he sticks
25 to his story that makes no sense whatsoever. But that's

1 because he's afraid. That's because he's scared. That's
2 because he doesn't want to implicate Rovillie Williams,
3 the guy who, actually, killed her.

4 Now, Mr. Moroney says that there was no motive talked
5 about in this case as far as Rovillie Williams. He did
6 talk about a motive when he was on the stand. And I
7 confronted him with that motive. And I confronted him
8 with what, actually, happened in this particular case.
9 And just like he said, ladies and gentlemen, Catherine
10 Clark was a strong personality. And she fought and she
11 got in an argument with Sam Burnside.

12 But as this argument went on, Rovillie Williams
13 started to get upset about it. And he told you on the
14 stand, I got involved with it. I started arguing back
15 with both of them, not Sam, both of them. And Catherine
16 Clark argued back. And just like Rovillie Williams tried
17 to kill that woman in that parking lot, he pulled her out
18 of that -- he pulled Catherine Clark out of that vehicle
19 and he shot her dead in the street.

20 And I wish that Sam Burnside had the courage to tell
21 you what happened. He says that he wishes Catherine Clark
22 was here. I wish Catherine Clark was here as well, not
23 just because I wish that she was alive. But I know that
24 if Catherine Clark was here, given the strong personality
25 that she is, she wouldn't be afraid to tell you that it

1 was Rovillie Williams who pulled her out of that car. And
2 it was Rovillie Williams that shot her dead and then left
3 her in the middle of the street.

4 Now, they, also, played for you a number of jail
5 calls. And in two years and four years -- and four
6 months -- two years and four months in jail, Investigator
7 Picone told you those -- those were the worst of the
8 worse. Of all the calls that they had, those were the
9 ones that most helped their case.

10 And in not one of those calls, ladies and gentlemen,
11 does he indicate that he killed Catherine Clark. Yes, he
12 sticks to a story that doesn't make sense. Yes, he tries
13 to -- to set up an alibi that gets him free. But at no
14 point whatsoever does he say, I killed Catherine Clark.

15 Now, what you did not hear, though, you didn't hear
16 all the conversations that he had before he turned himself
17 in, the conversations where his family members found out
18 about Rovillie Williams.

19 So the question is, why would they tell the police
20 that Rovillie Williams was in the car with him if they
21 thought he was guilty? Why would they -- why would his
22 family members provide the police with a witness to his
23 crime? And the reason is because they knew from his --
24 their conversations with Sam before he went into jail,
25 before they were recording everything that he said that

1 Rovillie Williams was the bad guy in this.

2 And -- and if you listen to those conversations and
3 really listen to those conversations, you can hear his
4 mother imploring him to tell the truth and point the
5 finger at the right guy. And when she's talking about the
6 fact that -- that there's a mother out there who will
7 never see her daughter again, their children again, she's
8 telling you that -- she's telling Sam that in the context
9 of Rovillie Williams.

10 Now, again, I want to come back to the way that
11 the -- the State presented this case. Now, they're
12 telling you today that, well, we charged both of them with
13 murder. But we really didn't know the extent of it. So
14 that's why we kept these charges on Rovillie Williams for
15 this long. Ladies and gentlemen, most of this evidence
16 came in long before they made the decision to drop the
17 charges against Rovillie Williams, long before.

18 But, yet, still they kept those charges pending right
19 up until, basically, the eve of trial when they had to
20 make a decision if we want to get a conviction on this,
21 which way is the best that we go? Do we go with -- do we
22 go with the guy who we think may not be guilty, but won't
23 help us, or do we go against the bad guy who we think
24 might be guilty, but everyone is afraid to implicate? And
25 they decided to go with the case against Sam Burnside.

1 I can tell you this, ladies and gentlemen, they have
2 no more idea of what happened in that car than anybody
3 else. They flipped a coin, basically, and decided to come
4 down one way in this particular case.

5 Now, ladies and gentlemen, the only thing that Sam
6 Burnside has in his favor in this particular instance
7 right now are the 12 of you who will, ultimately, decide
8 this case. As I told you, ladies and gentlemen, you are
9 supposed to -- you are designed to be a shield. You are
10 designed to -- to protect the liberty of all of us by
11 protecting the liberty of the accused. And in order to do
12 that, you have to take your burden seriously. You have to
13 hold them to their burden. You have to make sure that
14 there's evidence that conclusively proves that Sam
15 Burnside was the killer of Catherine Clark.

16 And when you're making that decision, I ask you
17 again, refer back to the first two -- the first and last
18 questions of my cross-examination of Investigator Picone
19 where I asked him, As the lead investigator in this case,
20 did you find any physical or forensic evidence which
21 conclusively proves that Sam Burnside shot Catherine
22 Clark?

23 And his answer was, No.

24 Did you find any evidence, as the lead investigator
25 in this case, any physical or forensic evidence which

1 conclusively proves that Rovillie Williams did not kill
2 Catherine Clark?

3 And his answer again was, No.

4 Thank you.

5 CHARGE ON THE LAW

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, during this trial, you and I have certain duties to
8 perform. As the trial judge, it is my responsibility to
9 preside over the trial of the case and to rule on the
10 admissibility of the evidence offered during the trial.
11 It is, also, my duty to charge you the law -- the law
12 applicable to the case.

13 And it is your duty, as jurors, to accept and apply
14 the law as I now state it to you. If you think you have
15 any idea as to what the law is or what the law ought to be
16 and it differs from what I now tell you the law is, you
17 have sworn an oath to set aside your own opinion and apply
18 the law precisely as I state it to you.

19 I would, also, remind you that in every case tried in
20 this Court before a jury, the jury is the sole and
21 exclusive judges of the facts. So, please, don't think by
22 anything I may have said or done throughout the course of
23 the trial that I have an opinion about the facts. It is
24 up to you all to be the judge of the facts.

25 I, again, instruct you that the fact that the

1 Defendant was arrested, charged, and indicted in the case
2 is not evidence of guilt, nor does it create any
3 presumption or inference of guilt. These documents are
4 simply the formal written instruments which contain the
5 charge made against a defendant. And they serve as the
6 formal documents by which a case is processed and brought
7 into court for a resolution.

8 Now, the indictment in this case alleges two
9 different offenses against the Defendant. And they are
10 murder and possession of a weapon during the commission of
11 a violent crime. Each count charges a separate and
12 distinct offense. And you must decide each count
13 separately on the evidence and the law applicable to it.

14 Now, necessarily, you must determine the credibility
15 or believability of the witnesses who have testified. And
16 it becomes your duty, as jurors, to evaluate the evidence
17 and determine which evidence convinces you that it is
18 true.

19 And in determining the believability of the
20 witnesses, you may believe one witness over several or
21 several over one. You may believe a part of the testimony
22 of a witness and reject the remaining part. You may
23 believe the testimony of a witness in its entirety or
24 reject that same testimony in its entirety.

25 And you may consider whether the witness has an

1 interest in the result of the trial, whether the witness
2 is prejudiced towards either the State or the Defendant,
3 the opportunity for the witness to have seen the matters
4 and things about which the witness has testified, and the
5 way the witness acts on the witness stand or what we call
6 a witnesses demeanor.

7 Now, I instruct you and emphasize that the fact that
8 the Defendant did not testify is not a factor to be
9 considered by you in any way in your deliberations on the
10 question of the guilt or innocence of the Defendant. It
11 must not be considered by you in any manner whatsoever.
12 Every citizen has the Constitutional right to remain
13 silent. And the assertion of this right must not be
14 considered by you, the jury, in your deliberations.

15 Now, a person who has a past criminal record is
16 competent to testify during a trial. A past record does
17 not affect the ability of that witness to testify. The
18 past record may be considered by you, if at all, in
19 determining the witnesses credibility or believability.
20 Remember, you are the sole judges of the facts in the case
21 and of the believability of any and all of the witnesses
22 who have testified.

23 The rules of evidence ordinarily do not permit
24 witnesses to testify to opinions or conclusions. However,
25 an exception to this rule exists for witnesses that we

1 call experts. So a witness who by education and
2 experience has become an expert in some art, science, or
3 profession may give an opinion as to the subject the
4 witness has been qualified as an expert in and may, also,
5 give the reasons for that opinion.

6 The Defendant has pled not guilty to this indictment.
7 And that plea puts the burden on the State to prove the
8 Defendant guilty. A person charged with committing a
9 criminal offense in South Carolina is never required to
10 prove themselves innocent.

11 So I charge you that it is a cardinal and a signal
12 rule of the law that the Defendant in a criminal trial
13 will always be presumed to be innocent of the crime for
14 which an indictment has issued, unless guilt has been
15 proven by evidence satisfying you, the jury, of guilt
16 beyond a reasonable doubt.

17 Now, a reasonable doubt is the kind of doubt which
18 would cause a reasonable person to hesitate to act. And
19 reasonable doubt may arise from the evidence which is in
20 the case or from the lack or absence of evidence in the
21 case. And you, the jury, must determine whether or not
22 reasonable doubt exists as to the guilt of this Defendant.
23 The State has the burden of proving each and every element
24 of a crime beyond a reasonable doubt.

25 Now, there are two types of evidence which are,

1 generally, presented during a trial. And they are direct
2 evidence and circumstantial evidence. Direct evidence
3 directly proves the existence of a fact and does not
4 require deduction.

5 Circumstantial evidence is proof of a chain of facts
6 and circumstances indicating the existence of a main fact.
7 Crimes may be proven by circumstantial evidence. The law
8 makes no distinction between the weight or value to be
9 given to either direct or circumstantial evidence.

10 However, to the extent the State relies on
11 circumstantial evidence, all of the circumstances must be
12 consistent with each other and when taken together point
13 conclusively to the guilt of the accused beyond a
14 reasonable doubt. If the circumstances merely portray the
15 Defendant's behavior as suspicious, the proof will have
16 failed.

17 The State has the burden of proving the Defendant
18 guilty beyond a reasonable doubt. And it rests with the
19 State regardless of whether the State relies on direct
20 evidence, circumstantial evidence, or some combination of
21 the two.

22 The first count of the indictment charges the
23 Defendant with murder. The State must prove beyond a
24 reasonable doubt that the Defendant killed another person
25 with malice aforethought. Malice is hatred, ill will, or

1 hostility towards another person. It is the intentional
2 doing of a wrongful act without just cause or excuse and
3 with an intent to inflict an injury or under circumstances
4 that the law will infer an evil intent.

5 Malice aforethought does not require that malice
6 exists for any particular length of time before the act is
7 committed. But malice must exist in the mind of the
8 Defendant just before and at the time the act is
9 committed.

10 Therefore, there must be a combination of the
11 previous evil intent and the act. And malice aforethought
12 may be expressed or inferred. These terms expressed and
13 inferred do not mean different kinds of malice, but merely
14 the manner in which malice may be shown to exist. That is
15 either by direct evidence or by inference from the facts
16 and circumstances which are proved.

17 Expressed malice is shown when a person speaks words
18 which express hatred or ill will for another, or when the
19 person prepared beforehand to do the act which was later
20 accomplished. Malice may, also, be inferred from conduct
21 showing a total disregard for human life.

22 Now, if facts are proved beyond a reasonable doubt
23 sufficient to raise an inference of malice to your
24 satisfaction, this inference would be simply an
25 evidentiary fact to be considered by you, along with all

1 the other evidence in the case, and you give it the weight
2 that you decide it should receive.

3 The Defendant is, also, charged with possession of a
4 weapon during the commission of or attempt to commit a
5 violent crime. The State must prove beyond a reasonable
6 doubt that the Defendant was in possession of a firearm or
7 visibly displayed what appeared to be a firearm during the
8 commission of a violent crime. And a firearm means any
9 machine gun, automatic rifle, revolver, pistol, or any
10 weapon which will -- is designed to or may be readily
11 converted to expel a projectile.

12 In order to define -- to find the Defendant guilty of
13 possession during -- of a weapon during the commission of
14 a violent crime, you must, first, find the Defendant
15 guilty of either committing a violent crime or attempting
16 to commit a violent crime. And I would tell you that
17 murder is a violent crime under the laws of our state.

18 So in order for you -- you must first consider the
19 murder. If you find the Defendant not guilty of murder,
20 you're done. If you find him guilty of murder, then you
21 proceed to the second count of the indictment. Okay.

22 Now, there are two possible verdicts which you may
23 reach on each of the two counts. There is no significance
24 whatsoever in the order in which I state them. One has to
25 be said first. The two choices are guilty or not guilty.

1 I will tell you that your verdict must be unanimous. All
2 12 of you must agree.

3 Your verdict cannot be based on sympathy, passion,
4 prejudice, emotion, or any other circumstance which is not
5 in evidence in this case.

6 We have prepared a verdict form which we'll send back
7 into the jury room with you. I think it's
8 self-explanatory. But if you have questions about it,
9 please, just let me know and I'll try to explain as best I
10 can.

11 At this time, ladies and gentlemen, I'm going to
12 excuse the 12 of you back to your jury room and ask you
13 not to begin your deliberations just yet. I need to go
14 over my charge to you on the law to make sure that I did
15 not misstatement something or omit something.

16 But when the verdict form comes back, along with all
17 the evidence, then you all can begin your deliberations.

18 So at this time, I will excuse everyone except for
19 Ms. Carlson and Ms. Kirtz.

20 (WHEREUPON, the jury was excused from open court at
21 approximately 10:41 a.m.)

22 THE COURT: It seems unfair to me that I made you all
23 sit up here for three days and participate in the trial
24 with all those 12, and then I can't allow you to go back
25 and deliberate. It's -- the law only allows 12.

1 So you're finished with your service on this case.

2 And I thank you for that service.

3 And I'm not sure --

4 Should they --

5 THE CLERK: They go downstairs.

6 THE COURT: If you would, please, return downstairs
7 to the jury assembly room.

8 Thank you all very much.

9 (WHEREUPON, the alternate jurors exited the courtroom.)

10 THE COURT: All right. Any exception or objection to
11 the charge from the State?

12 MR. MORONEY: No, Your Honor.

13 THE COURT: Defense?

14 MR. GIBSON: No, Your Honor.

15 THE COURT: Y'all go -- do you want to take a look at
16 this and go through the evidence with the court reporter.

17 (Pause.)

18 MR. MORONEY: Thank you.

19 MR. GIBSON: It looks fine, Your Honor.

20 Thank you.

21 THE COURT: All right. You guys make sure all the
22 evidence -- you're satisfied with the evidence.

23 All right. We'll be at ease.

24 (WHEREUPON, the proceedings were recessed at
25 approximately 10:42 p.m.)

1 (WHEREUPON, Court's Exhibit No. 2 was marked for
2 identification and admitted into evidence.)

3 QUESTIONS FROM THE JURY

4 THE COURT: Okay. I've got a note. "We need a
5 laptop to be able to open .XLS .DOCX documents that the
6 phone records are saved."

7 Does that mean anything to anybody?

8 MR. MORONEY: That -- that would be the phone
9 records, Your Honor, I believe, that are on the disks.
10 And they just need to have a laptop to be able to view
11 them.

12 THE COURT: Okay.

13 THE BAILIFF: Your Honor, they have a laptop, but
14 it's not Excel accessible.

15 THE COURT: Oh, they want to watch the animation.

16 MR. MORONEY: I think the Excel spreadsheet is just
17 the phone records that were the spreadsheets that are
18 entered into evidence that the T-Mobile technician
19 testified to.

20 THE COURT: Okay. Do you have a laptop that would do
21 that?

22 MR. MCCOLLUM: This laptop can do it, Your Honor.

23 MR. MORONEY: We can send this one back that has
24 Excel.

25 THE COURT: No. We're not going to send it back.

1 MR. GIBSON: Yeah. I don't want to send it back.

2 THE COURT: We're going to -- I'm going to clear the
3 courtroom.

4 Do you know how to work it?

5 MR. MCCOLLUM: We can show him, Your Honor, with
6 Mr. Gibson how to work the phone records.

7 THE COURT: And we'll --

8 Well, Ms. Barringer, do you know how to work it?

9 MS. GRACE BARRINGER: Yes.

10 MR. GIBSON: Well, Judge, my only concern is I don't
11 know what else is on that laptop, so.

12 THE COURT: Well, she's going to make sure nothing
13 else is looked at.

14 MR. GIBSON: Okay.

15 THE COURT: She's -- she's my law clerk. She has
16 stepped aside. She's been upstairs with Judge Verdin so
17 far this week.

18 All right. So we're going to clear the courtroom.
19 She will stay in here. She knows not to discuss anything
20 with the jury.

21 I will tell her that I'm going to allow them to ask
22 her what it is they want.

23 Okay. I'll tell you what, before y'all leave, let me
24 bring them out and tell them what we're doing.

25 MR. GIBSON: Okay.

1 (WHEREUPON, the jury came into open court at
2 approximately 12:54 p.m.)

3 THE COURT: All right. Mr. Foreman, ladies and
4 gentlemen, I've got -- you -- you don't have to stand.
5 Thank you.

6 I've got your note. And we're going to -- what I'm
7 going to do is empty the courtroom. This computer will
8 play what it is you want to have played.

9 My law clerk, Ms. Grace Barringer, is going to be in
10 here. She is not to discuss anything with you all.
11 And -- but she will -- you all tell her what you want to
12 see, and hear, and all that. And she'll do it. But y'all
13 will be in here alone. So y'all feel free to carry on
14 your discussions, whatever you want to -- want to do. I
15 just wanted to bring you out and tell you that's what
16 we're doing.

17 Okay. So with that, I'm going to empty the
18 courtroom.

19 UNIDENTIFIED JUROR: And we can get up and go look
20 closer and --

21 THE COURT: Yes, ma'am. Y'all can --

22 UNIDENTIFIED JUROR: Okay.

23 THE COURT: -- but don't -- please don't -- she's not
24 going to be allowed to talk to you.

25 UNIDENTIFIED JUROR: Got you.

1 THE COURT: Okay.

2 (WHEREUPON, the proceedings were recessed at
3 approximately 12:55 p.m.)

4 THE COURT: We've got another note, "Can we, please,
5 have a hard copy of each call log for all three phones,
6 also, a highlighter?"

7 None of that is in evidence; am I right?

8 MR. MORONEY: No, Your Honor.

9 THE COURT: Okay. Ms. Barringer, do you know if they
10 were done listening to all that?

11 MS. GRACE BARRINGER: They were not done.

12 THE COURT: Okay. I'm going to bring them back and
13 tell them that we can give them a highlighter.

14 Do you have a highlighter, Tatyana?

15 THE CLERK: Yeah, we do.

16 THE COURT: But we can't give them anything else.

17 Well, actually, we can't even give them a highlighter. I
18 don't want them to mark the evidence.

19 So we'll bring them back. I'll tell them they have
20 all the evidence. We cannot produce anything else. And
21 then we'll clear the courtroom and let them work again.

22 (WHEREUPON, the jury came into open court at
23 approximately 1:24 p.m.)

24 THE COURT: Okay. I've got your note, which reads,
25 "Can we, please, have a hard copy of each call log for all

1 three phones, also, a highlighter?"

2 I would tell you that you have all of the evidence.
3 And everything that's going to be produced has been
4 produced. And the case is closed with respect to that and
5 you -- your decision must be based on what's in evidence
6 now.

7 Okay. Are you all -- would you all like to continue
8 to listen to the -- or use the computer?

9 UNIDENTIFIED JUROR: Yes.

10 JUROR #20, JEREMY BRIDGES: Yes.

11 THE COURT: All right. Then we will clear the
12 courtroom. Ms. Barringer will be at your beck and call.

13 (WHEREUPON, Court's Exhibit No. 3 was marked for
14 identification and admitted into evidence.)

15 (WHEREUPON, the proceedings were recessed at
16 approximately 1:25 p.m.)

17 THE COURT: This one is pretty simple, "May we open
18 evidence packets?" Yes.

19 MR. MCCOLLUM: Yes.

20 THE COURT: I'm just going to write it on there and
21 send it back to them.

22 MR. GIBSON: Yes, sir.

23 Thank you.

24 (WHEREUPON, Court's Exhibit No. 4 was marked for
25 identification and admitted into evidence.)

1 (WHEREUPON, the proceedings were recessed at
2 approximately 2:28 p.m.)

3 THE COURT: Okay. I understand there's a verdict. I
4 don't know what it's going to be. But I'll just caution
5 everyone that no outbursts when the verdict is read.

6 Bring the jury in.

7 (WHEREUPON, the jury came into open court at
8 approximately 4:51 p.m.)

9 THE COURT: All right. Ladies and gentlemen, welcome
10 back.

11 I understand that you all have reached a verdict.

12 JUROR #20, JEREMY BRIDGES: Yes, sir, we have.

13 THE COURT: Okay. Would you hand it to the bailiff
14 for me?

15 All right. Madam Clerk, would you publish, please?

16 VERDICT

17 THE CLERK: In the case of State of South Carolina v.
18 Samuel Lamar Burnside, as to indictment number
19 2019-GS-23-08759, count one, the charge of murder, we, the
20 jury, find the Defendant guilty.

21 As to indictment 2019-GS-23-08759, count two, the
22 charge of possession of a weapon during the commission of
23 a violent crime, we, the jury, find the Defendant guilty.

24 THE COURT: Okay. If this is your verdict and
25 remains your verdict, please, signify by raising your

1 right hand.

2 (WHEREUPON, all jurors raised their right hand.)

3 THE COURT: All right. Thank you very much.

4 Anything further from the jury from the State?

5 MR. MORONEY: No, Your Honor.

6 THE COURT: From the Defense?

7 MR. GIBSON: No, Your Honor.

8 THE COURT: All right. Mr. Foreman, and, ladies and
9 gentlemen of the jury, I want to thank you for your
10 service. You all clearly are a very conscientious,
11 responsible, hardworking group. And this matter couldn't
12 have been resolved in any fashion other than to ask you
13 all to come up and do this very difficult job.

14 I hope that you will look back on your service with
15 great satisfaction and pride. You don't get to wear a
16 badge, or anything. But the rest of the citizens of our
17 state and our county should be very grateful to the hard
18 work that you've done.

19 So with that, ladies and gentlemen, you are excused
20 for the day and excused for the week. And we thank you
21 for your service. Y'all are free to stay, go, talk about
22 it, whatever you want to do.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 4:54 p.m.)

25 THE COURT: Okay. Motions.

1 possible, Your Honor.

2 THE COURT: All right. Thank you.

3 Anything from the victim's family?

4 MR. MORONEY: Yes, Your Honor. It's my understanding
5 that the victim's sister, Teresa Chandler, would like to
6 address the Court.

7 MS. TERESA CHANDLER: Thank you, Your Honor.

8 I'm Teresa Chandler. Again, my name is Teresa
9 Chandler.

10 And on August the 5th of 2017, our lives changed and
11 will never be the same. Our sister, our aunt, a daughter
12 and, most importantly, a mother of five children was taken
13 from us. Anyone who has never experienced a family member
14 being murdered by a coldhearted individual will never
15 understand our pain.

16 Although nothing can bring her back to us, we're
17 thankful and we're grateful for the sentence that was
18 received today. We'd, also, like to thank Brian and his
19 investigative team for the countless hours dedicated to
20 this case to bring an ultimate conviction.

21 THE COURT: Thank you, ma'am.

22 Anything you want to tell me?

23 DEFENDANT BURNSIDE: I'm not guilty, Your Honor.

24 I -- I'm sorry for the victim's families loss. I'm not
25 guilty. That's it.

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SENTENCING

THE COURT: Okay. Well, you understand that you have a right to appeal this. You need to let your lawyer know as quickly as possible.

45 years and five years. Credit for any time he's entitled to.

*****END OF TRANSCRIPT OF RECORD*****

Greenville County Courthouse

337
Guilty

Roll call list for Jurors Present

Filtered by: Panel ID, Court Agency Code

Miller 1/6/20

Sorted by: Juror Name

SEQ#	SSN	NAME	JUR#	RACE	SEX	DOB	#XFER	DEFERRED	DTE	CMNT/PAY
6	█	Anderson, Sara G	7814	W	F	█/1973	0	/	/	
20	█	Bridges, Jeremy A	37709	W	M	█/1975	0	/	/	
29	█	Brown, Taylor G	42398	B	F	█/1995	0	/	/	
34	█	Cameron, Rhonda R	51380	W	F	█/1961	0	/	/	
38	█	Carlson, Ashley K	54267	W	F	█/1997	0	/	/	
61	█	Dawkins, Stephanie	84410	B	F	█/1974	0	/	/	
75	█	Garcia, Tatiana	119984	H	F	█/1994	0	/	/	
90	█	Gregg, Allison E	134419	W	F	█/1998	0	/	/	
101	█	Hilbert, Alex M	155620	W	M	█/1986	0	/	/	
110	█	Humphrey, Alex B	165881	W	M	█/1996	0	/	/	
117	█	Kirtz, Allison A	188941	B	F	█/1986	0	/	/	
154	█	Mullan, Carol H	243335	W	F	█/1964	0	/	/	
163	█	Page, Ellen S	257767	W	F	█/1976	0	/	/	
197	█	Spillers, Joseph B	310937	W	M	█/1980	1	/	/	

Total Number of Jurors: 14

Greenville County Courthouse

Roll call list for Jurors Present

Filtered by: Panel ID, Court Agency Code

Miller

Sorted by: Juror Name

SEQ#	SSN	NAME	JUR#	RACE	SEX	DOB	#XFER	DEFERRED	DTE	CMNT/PAY
6	█	Anderson, Sara G	7814	W	F	█/1973	0	/	/	
7	█	Annone, Michael A	8598	W	M	█/2001	0	/	/	
20	█	Bridges, Jeremy A	37709	W	M	█/1975	0	/	/	
22	█	Brooks, Kristin L	39493	W	F	█/1989	0	/	/	
23	█	Brooks, Marietta D	38173	W	F	█/1958	1	/	/	
29	█	Brown, Taylor G	42398	B	F	█/1995	0	/	/	
34	█	Cameron, Rhonda R	51380	W	F	█/1961	0	/	/	
37	█	Carlen, Meredith T	54171	W	F	█/1955	0	/	/	
38	█	Carlson, Ashley K	54267	W	F	█/1997	0	/	/	
39	█	Carter, Audrey B	55846	W	F	█/1957	0	/	/	
40	█	Carver, Stacey H	56608	W	F	█/1974	0	/	/	
41	█	Cash, Nicholas J	56969	W	M	█/1987	0	/	/	
47	█	Clendenin, Jasmine L	62920	W	F	█/1984	1	/	/	
60	█	Davis, William J	84187	W	M	█/1973	0	/	/	
61	█	Dawkins, Stephanie	84410	B	F	█/1974	0	/	/	
67	█	Dwyer, Robert J	96946	W	M	█/1970	0	/	/	
71	█	Fite, Laurie M	109328	W	F	█/1950	0	/	/	
75	█	Garcia, Tatiana	119984	H	F	█/1994	0	/	/	
90	█	Gregg, Allison E	134419	W	F	█/1998	0	/	/	
91	█	Grissop, Travis L	136238	W	M	█/1979	0	/	/	
101	█	Hilbert, Alex M	155620	W	M	█/1986	0	/	/	
110	█	Humphrey, Alex B	165881	W	M	█/1996	0	/	/	
116	█	Key, Susan R	186212	W	F	█/1975	0	/	/	
117	█	Kirtz, Allison A	188941	B	F	█/1986	0	/	/	
134	█	Mastin, Cathy Ann	217381	W	F	█/1960	0	/	/	
135	█	Matthew, Mary D	217993	W	F	█/1965	0	/	/	
138	█	Mccraw, Nicholas C	215126	W	M	█/1992	1	/	/	
139	█	Mcdowell, Lawrence T	224289	B	M	█/1993	0	/	/	
154	█	Mullan, Carol H	243335	W	F	█/1964	0	/	/	
163	█	Page, Ellen S	257767	W	F	█/1976	0	/	/	
180	█	Rosemond, Pamela D	293142	B	F	█/1956	0	/	/	
181	█	Ross, Jordan K	293521	W	M	█/1990	0	/	/	
191	█	Smith, Sabrina F	318191	W	F	█/1976	0	/	/	
193	█	Smith, Thomas D	318690	W	M	█/1959	0	/	/	
197	█	Spillers, Joseph B	310937	W	M	█/1980	1	/	/	
206	█	Tavarez, Celestina	334868	H	F	█/1988	0	/	/	
225	█	Whildin, Kevin M	363061	W	M	█/1979	0	/	/	
236	█	Young, Joseph E	379085	W	F	█/1971	0	/	/	

Greenville County Courthouse

339

Roll call list for Jurors Present

Filtered by: Panel ID, Court Agency Code

Sorted by: Juror Name

SEQ#	SSN	NAME	JUR#	RACE	SEX	DOB	#XFER	DEFERRED	DTE	CMNT/PAY
237	████	Young, Lance E II	379182	B	M	████2001	0	___/___/___	_____	_____
238	████	Youngblood, Claude R	366508	W	M	████1955	1	___/___/___	_____	_____

Total Number of Jurors: 40

**Greenville County Courthouse
RANDOM STRIKE SHEET**

JUDGE NAME : Miller Edward W.
TRIAL TYPE : Criminal
PANEL ID : MILLER 1-6-20
COURTROOM 101

State vs. Samuel Lamar Burnside Sorted by: Random Nbr
DESCRIPTION : MILLER 1-6-20 Trial
2019 052308759

NAME	JUROR NBR	RACE	SEX	ST/PLTF	DEF	CRT	REMARKS
1 Brooks, Kristin L	22	W	F	()	(1)	()	
2 Young, Lance E II	237	B	M	(1)	()	()	
① 3 Dawkins, Stephanie	61	B	F	()	()	()	
② 4 Bridges, Jeremy A	20	W	M	()	()	()	
5 Key, Susan R	116	W	F	()	(2)	()	
③ 6 Anderson, Sara G	6	W	F	()	()	()	
7 Medowell, Lawrence T	139	B	M	(2)	()	()	
8 Smith, Sabrina F	191	W	F	()	(3)	()	
9 Young, Joseph E	236	W	F	()	(4)	()	
④ 10 Page, Ellen S	163	W	F	()	()	()	
⑤ 11 Humphrey, Alex B	110	W	M	()	()	()	
12 Brooks, Marietta D	23	W	F	()	(5)	()	
13 Matthew, Mary D	135	W	F	()	(6)	()	
⑥ 14 Hilbert, Alex M	101	W	M	()	()	()	
15 McCraw, Nicholas C	138	W	M	()	(7)	()	
⑦ 16 Garcia, Tatiana	75	H	F	()	()	()	
⑧ 17 Cameron, Rhonda R	34	W	F	()	()	()	
⑨ 18 Mullan, Carol H	154	W	F	()	()	()	
19 Dwyer, Robert J	67	W	M	()	(8)	()	
⑩ 20 Brown, Taylor G	29	B	F	()	()	()	
⑪ 21 Gregg, Allison E	90	W	F	()	()	()	
⑫ 22 Spillers, Joseph B	197	W	M	()	()	()	
23 Davis, William J	60	W	M	(1)	()	()	
24 Youngblood, Claude R	238	W	M	()	(1)	()	

Greenville County Courthouse RANDOM STRIKE SHEET

JUDGE NAME : Miller Edward W.
 TRIAL TYPE : Criminal
 PANEL ID : MILLER 1-6-20
 COURTROOM 101

Sorted by: Random Nbr
 Trial

DESCRIPTION : MILLER 1-6-20

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
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25 Fite, Laurie M	71	W	F	()	()	()	
26 Carlson, Ashley K	38	W	F	()	()	()	
27 Kirtz, Allison A	117	B	F	()	()	()	
28 Rosemond, Pamela D	180	B	F	()	()	()	
29 Carter, Audrey B	39	W	F	()	()	()	
30 Whildin, Kevin M	225	W	M	()	()	()	
31 Smith, Thomas D	193	W	M	()	()	()	
32 Annone, Michael A	7	W	M	()	()	()	
33 Clendenin, Jasmine L	47	W	F	()	()	()	
34 Carver, Stacey H	40	W	F	()	()	()	
35 Cash, Nicholas J	41	W	M	()	()	()	
36 Ross, Jordan K	181	W	M	()	()	()	
37 Mastin, Cathy Ann	134	W	F	()	()	()	
38 Grissop, Travis L	91	W	M	()	()	()	
39 Tavaréz, Celestina	206	H	F	()	()	()	
40 Carlen, Meredith T	37	W	F	()	()	()	
Total Number of Jurors:		40					

** END OF REPORT **

Greenville County Courthouse
RANDOM STRIKE SHEET

JUDGE NAME : Miller Edward W.
TRIAL TYPE : Criminal
PANEL ID : MILLER 1-6-20
COURTROOM 101

DESCRIPTION : MILLER 1-6-20

Sorted by: Random Nbr
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Brooks, Kristin L	22	W	F	()	()	()	
2 Young, Lance E II	237	B	M	()	()	()	
3 Dawkins, Stephanie	61	B	F	()	()	()	
4 Bridges, Jeremy A	20	W	M	()	()	()	
5 Key, Susan R	116	W	F	()	()	()	
6 Anderson, Sara G	6	W	F	()	()	()	
7 Mcdowell, Lawrence T	139	B	M	()	()	()	
8 Smith, Sabrina F	191	W	F	()	()	()	
9 Young, Joseph E	236	W	F	()	()	()	
10 Page, Ellen S	163	W	F	()	()	()	
11 Humphrey, Alex B	110	W	M	()	()	()	
12 Brooks, Marietta D	23	W	F	()	()	()	
13 Matthew, Mary D	135	W	F	()	()	()	
14 Hilbert, Alex M	101	W	M	()	()	()	
15 Mccraw, Nicholas C	138	W	M	()	()	()	
16 Garcia, Tatiana	75	H	F	()	()	()	
17 Cameron, Rhonda R	34	W	F	()	()	()	
18 Mullan, Carol H	154	W	F	()	()	()	
19 Dwyer, Robert J	67	W	M	()	()	()	
20 Brown, Taylor G	29	B	F	()	()	()	
21 Gregg, Allison E	90	W	F	()	()	()	
22 Spillers, Joseph B	197	W	M	()	()	()	
23 Davis, William J	60	W	M	()	()	()	
24 Youngblood, Claude R	238	W	M	()	()	()	

**Greenville County Courthouse
RANDOM STRIKE SHEET**

343

JUDGE NAME : Miller Edward W.
TRIAL TYPE : Criminal
PANEL ID : MILLER 1-6-20
COURTROOM 101

DESCRIPTION : MILLER 1-6-20

Sorted by: Random Nbr
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
25 Fite, Laurie M	71	W	F	()	()	()	_____
26 Carlson, Ashley K	38	W	F	()	()	()	_____
27 Kirtz, Allison A	117	B	F	()	()	()	_____
28 Rosemond, Pamela D	180	B	F	()	()	()	_____
29 Carter, Audrey B	39	W	F	()	()	()	_____
30 Whildin, Kevin M	225	W	M	()	()	()	_____
31 Smith, Thomas D	193	W	M	()	()	()	_____
32 Annone, Michael A	7	W	M	()	()	()	_____
33 Clendenin, Jasmine L	47	W	F	()	()	()	_____
34 Carver, Stacey H	40	W	F	()	()	()	_____
35 Cash, Nicholas J	41	W	M	()	()	()	_____
36 Ross, Jordan K	181	W	M	()	()	()	_____
37 Mastin, Cathy Ann	134	W	F	()	()	()	_____
38 Grissop, Travis L	91	W	M	()	()	()	_____
39 Tavarez, Celestina	206	H	F	()	()	()	_____
40 Carlen, Meredith T	37	W	F	()	()	()	_____

Total Number of Jurors: 40

** END OF REPORT **

DOCKET NO. 2019-GS-23- **008759**
BJM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS
November TERM 2019

THE STATE

vs.

SAMUEL LAMAR BURNSIDE

WITNESSES

David D. Picone

Greenville County Sheriff's Office

8/5/2017 *ee*
8/7/2017

David Picone

ARREST WARRANT NUMBER

2017A2330207314 and 2017A2330207315

ACTION OF GRAND JURY

TRUE BILL

[Signature]
FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

COUNT 1 - GUILTY

COUNT 2 - GUILTY

[Signature] 1/8/2020
Foreperson of Petit Jury
Date:

Indictment for

0116 and 0549

MURDER and POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME

VIOLATION § 16-03-0010 and § 16-23-0490

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 MURDER and POSSESSION OF A WEAPON
 DURING THE COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on

2017 8 20 11:00 AM

the Grand Jurors of Greenville

County present upon their oath:

COUNT 1 -- MURDER

That SAMUEL LAMAR BURNSIDE did in Greenville County, on or about the 5th day of August, 2017, unlawfully and with malice aforethought kill CATHERINE CLARK by means of shooting her with a handgun, and that CATHERINE CLARK died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT 2 -- POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That SAMUEL LAMAR BURNSIDE did in Greenville County, on or about the ^{5th} 7th day of August, 2017, possess or visibly display a handgun during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR

BAR # 101614

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville
STATE VS.

Samuel Lamar Burnside

INDICTMENT/CASE#: 2019GS238759
A/W#: 2017A2330207314
Date of Offense: 8/5/2017
S.C. Code § : 16-03-0010, 0020
CDR Code #: 0116

AKA:

Race: BLACK Sex: M Age: 30

DOB: SS#:

Address: 12 Impact Drive Rm: 412

City, State, Zip: Greenville, SC 29605

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: MURDER

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Moroney, Brian SC Bar# 101814 Defendant GIBSON, KENNETH C SC Bar# 69288 Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 45 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135. Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly prnts. of \$ beginning \$ paid to Public Defender Fund

Recipient:

Table with 2 columns: Description and Amount. Rows include various assessment fees, surcharges, and a total amount.

Other:
Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk
Court Reporter: Paul B. Wicencsmer
SCCA/217 (04/2018) Jenkins

Presiding Judge
Judge Code: 21700
Sentence Date: 1/8/2020

COUNTY OF Greenville
STATE VS.

Samuel Lamar Burnside

AKA:

Race: BLACK Sex: M Age: 30

DOB: SS#

Address: 12 Impact Drive Rm: 412

City, State, Zip: Greenville, SC 29605

DL#: SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: POSSESSION OF A WEAPON DURING A VIOLENT CRIME

INDICTMENT/CASE#: 201965238759

A/W#: 2017A2330207315

Date of Offense: 8/5/2017

S.C. Code § 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: 101814 69288

Moroney, Brian

SC Bar#

Defendant

GIBSON, KENNETH C
Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund Other:

Set by SCDPPPS

Recipient:

Table with 3 columns: Description, Amount, Total. Rows include various assessment fees like §14-1-206, §14-1-211(A)(1), §14-1-211(A)(2), §56-5-2995, §56-1-286, Proviso, §14-1-212, §14-1-213, §50-21-114, §56-5-2942(J), and 3% to County.

TOTAL \$

Clerk of Court/ Deputy Clerk Paul B. Wiercunseimer
Court Reporter: Jenkins

Presiding Judge [Signature]
Judge Code: 21907
Sentence Date: 1/8/2020

Jul 26 2021

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of July, 2021.