

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

Jul 07 2023

Appeal from Horry County

Honorable D. Craig Brown, Circuit Court Judge **SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

DARRELL D. LAND,

APPELLANT

APPELLATE CASE NO. 2022-001086

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3727

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JULY 25-28, 2022.....	1
COLLOQUY WITH THE DEFENDANT REGARDING PLEA OFFER	36
OPENING STATEMENT BY MS. WALTER	53
OPENING STATEMENT BY MR. LUCAS	65
TESTIMONY	
SIERRA FUGATE.....	69
EARNESTINE GREEN.....	77
QUINTARD TUCKER.....	82
STEWART STEVENSON	87
KERRY AIESI.....	93
TONY HUMES	102
PETER CESTARE.....	114
PATTY BELLAMY	145
SUZANNE ABEL	154
LAYNE STYRON	176
STEVEN MORGAN	202
MICHAEL LEAHY	241
BRITT TRULUCK	247
JILL DOMOGAUER.....	252
SEAN WYDRA	308
KEVIN HOLT	319

FRED RASH.....	324
LORI DUDLEY	331
JOHN ALLAN JAMIESON	336
VERONA HERRERA	359
CATHERINE LEISY	365
JESSE SMITH	401
STEPHEN DONAHUE	420
KEN MARCUS	436
THE STATE RESTS	495
MOTION FOR DIRECTED VERDICT.....	495
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	500
RULING OF THE COURT	506
CHARGE ON THE LAW	510
CLOSING ARGUMENT BY MS. WALTER.....	524
CLOSING ARGUMENT BY MR. LUCAS.....	538
VERDICT	547
SENTENCING	555
INDICTMENTS AND SENTENCE SHEETS.....	558
STATE’S EXHIBIT #16 (EVIDENCE OF RECORD).....	566
STATE’S EXHIBIT #32 (CHAIN OF CUSTODY)	567
STATE’S EXHIBIT #33 (CORONER’S REPORT).....	639
STATE’S EXHIBIT #34 (DR. ABEL’S REPORT).....	643
STATE’S EXHIBIT #41 (QUESTIONED DOCUMENT REPORT).....	647

STATE’S EXHIBIT #42 (QUESTIONED DOCUMENT REPORT).....	652
CERTIFICATE OF COUNSEL	658

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBITS #1-#15, #17, #30-#31, #36-#40,
#50-#53, #58-#59, #61-#73, #84-#85 (PHOTOS)**

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2020-GS-26-02425 & 02427

State of South Carolina,)

Plaintiff,)

Transcript of Record

vs.)

JULY 25 - 28, 2022

Darrell Demarcus Land,)

Defendant.)

B E F O R E:

Honorable D. Craig Brown
Horry County Courthouse
Conway, South Carolina

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

Mary Ellen Walter, Esquire
Attorney for State

Jeffrey Lucas, Esquire
Attorney for Defendant

Sallie Beth Todd
Circuit Court Reporter

1			<u>I N D E X</u>		
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	SIERRA FUGATE				
4	By Ms. Walter	69			
5	By Mr. Lucas		76		
6					
7	EARNESTINE GREEN				
8	By Ms. Walter	77		81	
9	By Mr. Lucas		81		
10					
11	QUINTARD TUCKER				
12	By Ms. Walter	82			
13					
14	STEWART STEVENSON				
15	By Ms. Walter	87			
16	By Mr. Lucas		92		
17					
18	KERRY AIESI				
19	By Ms. Walter	93			
20	By Mr. Lucas		99		
21					
22	TONY HUMES				
23	By Ms. Walter	102			
24	By Mr. Lucas		110		
25					

State vs Land

3

2020-DR-26-02425 & 02427

	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
1	PETER CESTARE				
2					
3	By Ms. Walter	114		144	
4	By Mr. Lucas		141		
5					
6	PATTY BELLAMY				
7	By Ms. Walter	145			
8					
9	DR. SUZANNE ABEL				
10	By Ms. Walter	154		175	
11	By Mr. Lucas		174		
12					
13	LAYNE STYRON				
14	By Ms. Walter	176			
15	By Mr. Lucas		197		
16					
17	STEVEN MORGAN				
18	By Ms. Walter	202			
19	By Mr. Lucas		235		
20					
21	MICHAEL LEAHY				
22	By Ms. Walter	241			
23	By Mr. Lucas		246		
24					
25					

State vs Land

4

2020-DR-26-02425 & 02427

	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
1	BRITT TRULUCK				
2					
3	By Ms. Walter	247			
4	By Mr. Lucas		251		
5					
6	JILL DOMOGAUER				
7	By Ms. Walter	252			
8	By Mr. Lucas		300		
9					
10	SEAN WYDRA				
11	By Ms. Walter	308			
12	By Mr. Lucas		318		
13					
14	KEVIN HOLT				
15	By Ms. Walter	319			
16					
17	FRED RASH				
18	By Ms. Walter	324			
19	By Mr. Lucas		329		
20					
21	LORI DUDLEY				
22	By Ms. Walter	331			
23					
24					
25					

State vs Land

5

2020-DR-26-02425 & 02427

	WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
1					
2	JOHN JACK JAMEISON				
3	By Ms. Walter	336		357	
4	By Mr. Lucas		352		
5					
6	VERONA HERRERA				
7	By Ms. Walter	359			
8					
9	CATHERINE LEISY				
10	By Ms. Walter	365			
11	By Mr. Lucas		398		
12					
13	JESSE SMITH				
14	By Ms. Walter	401		415	
15	By Mr. Lucas		415		416
16					
17	STEPHEN DONAHUE				
18	By Ms. Walter	420			
19	By Mr. Lucas		432		
20					
21	KEN MARCUS				
22	By Ms. Walter	436			
23	By Mr. Lucas		477		
24	-----				
25	Certificate of Court Reporter.....				557

1	<u>E X H I B I T S</u>				
	2	NO.	DESCRIPTION	ID	EV PAGE
3	ST1		Photo - victim		X 71
4	ST2		Photo - victim's truck		X 85
5	ST3		Photo - victim's truck		X 85
6	ST4		Photo - victim's truck		X 72
7	ST5		Photo - dump site		X 120
8	ST6		Photo - dump site		X 91
9	ST7		Photo - view from recovery area		X 125
10	ST8		Photo - recovery area		X 124
11	ST9		Photo - bones		X 92
12	ST10		Photo - bones		X 92
13	ST11		Photo - bones		X 127
14	ST12		Photo - lower jaw		X 127
15	ST13		Photo - long bone		X 127
16	ST14		Photo - skull showing GSW		X 127
17	ST15		Photo - skull showing exit wound		X 127
18	ST16		Evidence record from bone recovery		X 133
19	ST17		Photo - casing		X 108
20	ST18		Swabs - driver handle victim's truck		X 108
21	ST19		Swab - rear driver door victim's truck		X 108
22	ST20		Swab - front pass. door victim's truck		X 108
23	ST21		Swab - rear pass. door victim's truck		X 108
24	ST22		Swab - interior driver door handle		X 108
25	ST23		Swab - interior rear driver door handle		X 108

	NO.	DESCRIPTION	ID	EV	PAGE
1					
2	ST24	Swab - interior pass. front door handle	X		108
3	ST25	Swab - interior rear pass. door handle	X		108
4	ST26	Swab - gear shifter		X	108
5	ST27	Swab - steering wheel		X	108
6	ST28	Swab - tailgate handle		X	108
7	ST29	Photo - dump site		X	89
8	ST30	Photo - casing		X	135
9	ST31	Photo - aerial of Livingston Circle		X	84
10	ST32	SLED Chain of Custody		X	343
11	ST33	HC Coroner's Report		X	150
12	ST34	Dr. Abel's Report		X	162
13	ST35	Photo - front of [REDACTED] Sandridge		X	177
14	ST36	Photo - side door of Sandridge		X	177
15	ST37	Photo - other side of Sandridge		X	177
16	ST38	Photo - side view of defendant's car		X	140
17	ST39	Photo - tiger rug		X	193
18	ST40	Photo - another rug		X	193
19	ST41	Questioned Document Report 8/10/20		X	344
20	ST42	Questioned Document Report 3/1/21		X	344
21	ST43	DNA Swab - Cori Slocum		X	311
22	ST44	DNA Swab - Camille Bennett		X	311
23	ST45	DNA Swab - Steven Morgan		X	314
24	ST46	Morgan's phone		X	315
25	ST47	DNA Swab - Darrell Land		X	318

1	NO.	DESCRIPTION	ID	EV	PAGE
2	ST48	Land's phone		X	328
3	ST49	Cutting from white tshirt		X	364
4	ST50	Photo -  Sandridge hole in wall		X	264
5	ST51	Photo - Sandridge with wall removed		X	264
6	ST52	Photo - Sandridge floor fluorescing		X	267
7	ST53	Photo - Sandridge tile removed		X	267
8	ST54	Swab from tile		X	271
9	ST55	Swab from tile seam		X	272
10	ST56	Swab from subfloor		X	273
11	ST57	Swab from master sink		X	273
12	ST58	Photo - part of rug fluorescing		X	279
13	ST59	Photo - part of rug cut out		X	279
14	ST60	Swab from Layne Styron		X	314
15	ST61	Photo - front of Crown Victoria		X	282
16	ST62	Photo - passenger side of Crown Vic		X	282
17	ST63	Photo - rear of Crown Victoria		X	282
18	ST64	Photo - filled trunk of Crown Victoria		X	285
19	ST65	Photo - showing cut liner		X	286
20	ST66	Photo - piece of liner with marker		X	286
21	ST67	Photo - second view of liner		X	286
22	ST68	Photo - portion of trunk after LCV		X	289
23	ST69	Photo - swab 1 from trunk		X	289
24	ST70	Photo - swab 2 from trunk		X	289
25	ST71	Photo - swab 3 from trunk		X	289

	NO.	DESCRIPTION	ID	EV	PAGE
1					
2	ST72	Photo - swab 4 from trunk		X	289
3	ST73	Photo - swab 13 from trunk		X	289
4	ST74	Swab 1 from trunk		X	292
5	ST75	Swab 2 from trunk		X	293
6	ST76	Swab 3 from trunk		X	293
7	ST77	Swab 4 from trunk		X	294
8	ST78	(78 skipped)			
9	ST79	Drain plug from trunk		X	296
10	ST80	Drain plug from trunk		X	296
11	ST81	Swab from interior trunk lip		X	295
12	ST82	Swab from rubber seal of trunk		X	299
13	ST83	Black plastic molding from trunk		X	287
14	ST84	Photo - trunk plug driver's side		X	289
15	ST85	Photo - trunk plug pass. Side		X	289
16	ST86	Swab - black molding from trunk		X	299
17	ST87	Morgan proffer letter		X	456
18	ST88	CD - Sprint cell records (victim)		X	419
19	ST89	CD - Verizon cell records (defendant)		X	419
20	ST90	CD - AT&T cell records (Morgan)		X	419
21	ST91	Verizon cell records (Styron)		X	419
22	ST92	Evidence record - victim's room		X	443
23	ST93	Evidence record - 1 st search of Sandridge	X		449
24	ST94	PP Presentation		X	458
25	ST95	Decoded letters		X	435

1	NO.	DESCRIPTION	ID	EV	PAGE
2	ST96	Aerial showing all 3 locations		X	476
3	ST97	White t-shirt		X	362
4	ST98	Letter - "Feds caught"		X	224
5	ST99	Letter - "Jesse - call ur mother"		X	351
6	ST100	Letter - "Jesse, I'm just making"		X	351
7	ST101	Letter - "I, Darrell Land"		X	234
8	ST102	Envelope "Donna Rolfe"		X	351
9	ST103	Letter - "I need you to know"		X	351
10	ST104	Def's handwriting standard		X	345
11	ST105	Letter - "I was thinking"		X	351
12	ST106	Letter - "This one to your"		X	228
13	ST107	Letter - "Dear Mom GUARD"		X	351
14	ST108	Letter - "H-FZNEG"		X	226
15	ST109	Letter - "DEB-ZRZORE"		X	226
16	ST110	Letter - "LBB-V-JNF"		X	227
17	ST111	Note - "Mother's name"		X	351
18	ST112	Note - "FB Charles McKinney"		X	351
19	ST113	Letter - "Yooo"		X	351
20	ST114	Letter - "Yo Jesse"		X	351
21	ST115	Letter - "Yo Bro"		X	351
22	ST116	Cellebrite CD (defendant)		X	332
23	ST117	Cellebrite CD (Morgan)		X	323
24	ST118	Cellebrite CD (Styron)		X	457
25					

State vs Land

11

2020-DR-26-02425 & 02427

1	NO.	DESCRIPTION	ID	EV	PAGE
2	CRT1	Note from juror #163			
3	CRT2	ALT 2 - Juror			
4	CRT3	ALT 1			
5	CRT4	Foreperson			
6	CRT5	Original 2 nd page of ST EX 95			
7	CRT6	Original ST EX 108			
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					

1 **THE COURT:** Good morning, ladies and gentlemen. My name
2 is Craig Brown. I had the pleasure of driving down to Conway
3 this morning from Florence, South Carolina, and I will be
4 commuting back and forth this week as we hold this one week
5 term of General Sessions, also known as Criminal Court in
6 South Carolina. I apologize for both the delay in getting you
7 all in here and me coming out. I appreciate your patience.

8 What we're getting ready to do is select a jury. Before
9 we do that, I want to introduce you to a couple of people.
10 Seated immediately in front of me is Ms. Todd; she is my court
11 reporter this week. This is a court of record and everything
12 that is said in here is taken down and a transcript can be
13 produced at a later time if need be.

14 Over my right shoulder here is Ross Scarborough. He is
15 my law clerk. He has graduated from law school, taken and
16 passed the bar. I tell everyone that he is my lawyer. He's
17 here to aid and assist me in the carrying out of my job
18 responsibility. He's a short timer at this point. His
19 clerkship is about to come to an end, he's fixing to move on.
20 I'll have a new clerk coming on next month. So you'll see him
21 in and out of the courtroom with me. Years ago when I was
22 elected as a Judge, when Judges in this state are elected by
23 our General Assembly we have to go sit for two weeks in
24 criminal court with another judge who's been on the bench.
25 Then we have to go sit a couple week in Common Pleas or Civil

1 Court as well. And the Judge at that time, one of the judges
2 that I sat with was actually sitting in Georgetown, he told
3 me: "Craig, just because you're a Judge now doesn't mean some
4 special light has shown down upon you that you're expected to
5 know everything as a Judge." Hence they give us law clerks
6 because they know more about the law when they get out of law
7 school then they'll ever know at any point in their career.
8 So they are -- we have law clerks that aid and assist us. And
9 Ross has done a very good job for me and I hate to see him go
10 in the next month, but that's part of it, you know, that's
11 part of it.

12 At this time having said that, I'm going to recognize the
13 state to call its case. And this is Brianna, she's with the
14 Clerk's Office, so you'll see her up here this week as well.
15 Okay.

16 **MS. WALTER:** Thank you, Your Honor. May it please the
17 Court?

18 **THE COURT:** Yes, ma'am.

19 **MS. WALTER:** The State of South Carolina calls State of
20 South Carolina, County of Horry versus Darrell Demarcus Land.
21 He is charged in true bill of indictment 2020-GS-26-02425 with
22 murder and indictment 2020-GS-26-02427 with possession of a
23 weapon during a violent crime. The state is ready to proceed,
24 Your Honor.

25 **THE COURT:** All right. Ladies and gentlemen, the state

1 has called the case the State of South Carolina versus Mr.
2 Darrell Demarcus Land. He's charged by two separate
3 indictments, one with the offense of murder, and one being
4 possession of a weapon during the commission of a violent
5 crime.

6 Under the indictment for murder that indictment reads as
7 follows: That Darrell Demarcus Land did in Horry County on or
8 about August 4th, 2019 willfully, feloniously, and
9 intentionally killed the victim, Arnold Bennett, with malice
10 aforethought either express or implied either by means of
11 shooting and the victim did die as a proximate result thereof
12 on or about August 4, 2019 in Horry County in violation of
13 Section 16-3-10 of the South Carolina Code of Laws.

14 In addition, the defendant is charged by indictment with
15 the offense of possession of a weapon during the commission of
16 a violent crime. That particular indictment reads as follows:
17 That Darrell Demarcus Land did in Horry County on or about
18 August 4th, 2019 possess a firearm or visibly displayed what
19 appeared to be a firearm or visibly displayed a knife during
20 the commission or attempted commission of a violent crime in
21 violation of Section 16-23-490 of the South Carolina Code of
22 Laws.

23 Now, ladies and gentlemen, I've read the indictments as
24 it relates to this case, and let me tell you all that the
25 indictment in this case are not evidence in the case. They

1 are simply the charging documents which bring this case into
2 this court. The defendant, Mr. Darrell Demarcus Land, has
3 plead not guilty to these charges, therefore, the State of
4 South Carolina bears the burden of proving his guilt beyond a
5 reasonable doubt.

6 Now, before we move forward with selecting a jury in this
7 case, there's certain questions I must ask you all to
8 determine your qualification to serve on this particular jury.

9 First of all, is there any member of the jury panel
10 that's ever been related by blood, connected by marriage, had
11 a close personal, business, or social relationship with Mr.
12 Darrell Demarcus Land or Mr. Arnold Bennett? If so, please
13 stand.

14 All right. The following, ladies and gentlemen, is a
15 list of potential witnesses. This list is quite lengthy, and
16 I say potential, it doesn't mean that all of them are going to
17 be called. They're a list of potential witnesses in this
18 case. So please listen very carefully to these names:

19 Brendan ---

20 **MS. WALTER:** Basye, Your Honor.

21 **THE COURT:** --- Basye B-A-S-Y-E, Mark Conner, Peter
22 Cestare, Jill Domogauer, David Dudley, Lori Dudley, Drew
23 Edwards, Merrill Hawkins, Josh Johnson, Ken Marcus, Fred Rash,
24 John Sotile, Daniel Spencer, Quintard Tucker, Brian Wilson,
25 Heather Wilson, Sean Wydra, Eric Zink. And if I'm reading

1 this correctly, each of those individuals that I just listed
2 are employed with the Horry County Police Department. Is
3 there any member of the jury panel that's ever been related by
4 blood, connected by marriage, had a close personal, business,
5 or social relationship with any of those potential witnesses?
6 If so, please stand.

7 All right. Continuing this list of potential witnesses:
8 Patty Bellamy with the Horry County Coroner's Office; Doctor
9 Suzanne Abel, Charleston County Coroner's Office; Kerry Aiesi
10 ---

11 **MS. WALTER:** Aiesi.

12 **THE COURT:** ---Aiesi, Andrew Curry, Tony Humes, Thomas
13 Knapp, Cameron Warren, those individual with the Myrtle Beach
14 Police Department. Kevin Holt formerly with the 15th Circuit
15 Solicitor's Office Drug Enforcement Unit. The 15th Circuit is
16 comprised of Horry and Georgetown County. Steven Donahue,
17 Horry County Sheriff's Office, and Joseph Smith, Horry County
18 Sheriff's Office. Officer Michael Leahy, Richland County
19 Sheriff's Office; Britt Truluck formerly with the Richland
20 County Sheriff's Department. Is there any member of the jury
21 panel that's ever been related by blood, connected by
22 marriage, had a close personal, business, or social
23 relationship with any of those particular witnesses? If so,
24 please stand.

25 All right. Continuing this list of potential witnesses,

1 these individuals are with the South Carolina Law Enforcement
2 Division also known as SLED. They include: Julia Begeman,
3 Olivia Cartwright, Bethany Davidson, Jackie Davis, Anglika
4 Dodwani, Jamie Hall, Bailey Haynes, Gaile Heath, Verona
5 Herrera, John Jack Jamieson, Hannah Jefferson, Catherine
6 Leisy, Vera Martinez, Jennifer Nates, Charlotte Pitts, Laurie
7 Shacker, Doris Yarbrough. Is there any member of the jury
8 panel that ever been related by blood, connected by marriage,
9 had a close personal, business, or social relationship with
10 any of those potential witnesses? If so, please stand.

11 All right. Continuing: Michael Bellamy, Walter Bennett,
12 Sierra Fugate, Earnestine Green, Freddie Green, Anthony
13 Massey, Steven Morgan, David Pinkerton, Cori Slocum, Jesse
14 Smith, Haley Steinburg, Stewart Stevenson, Layne Styron,
15 Crissy Taylor, Antonia Williams. Is there any member of the
16 jury panel that's ever been related by blood, connected by
17 marriage, had a close personal, business, or social
18 relationship with any of those potential witnesses? If so,
19 please stand.

20 All right. Does the state or defense counsel have any
21 additional witnesses?

22 **MS. WALTER:** No, Your Honor.

23 **THE COURT:** Defense counsel?

24 **MR. LUCAS:** No, no additional witnesses from the defense,
25 Your Honor.

1 **THE COURT:** Thank you, sir.

2 All right. At this time, I would ask that the attorneys,
3 the state followed by defense counsel, would stand and
4 introduce themselves, please.

5 **MS. WALTER:** Good afternoon. I'm Mary Ellen Walter and
6 I'm a senior assistant solicitor for the 15th Circuit, and I'll
7 be prosecuting the case today. Seated next to me is Detective
8 Ken Marcus who is the lead investigator.

9 **MR. LUCAS:** Good morning, ladies and gentlemen. My name
10 is Jeffrey Lucas. I am an attorney in Myrtle Beach. I own
11 and operate Lucas Law in Myrtle Beach. I've been doing it for
12 ten years now I believe. And just I hope that once all of
13 this is said and done, I hope that we come out of this good.
14 And thank you again for showing up today.

15 **THE COURT:** All right. Is there any member of the jury
16 panel that's ever been related by blood, connected by
17 marriage, had a close personal, business, social relationship
18 or ever been represented by any of the attorney involved in
19 this case? If so, please stand.

20 All right. Is there any member of the jury panel that's
21 ever served on a criminal jury before? If so, please stand.

22 Tell me your name and number, please, sir.

23 **JUROR 136:** I'm not sure of my number. My name is Robert
24 Flick, F-L-I-C-K.

25 **MS. WALTER:** 136, Your Honor, and number 21 on the list.

1 **THE COURT:** Thank you.

2 With regards to your service on that jury, Mr. Flick,
3 were you all able to reach a verdict in the case?

4 **JUROR 136:** We were.

5 **THE COURT:** Thank you, sir. You may be seated.

6 All right. Is there any member of the jury panel -- let
7 me ask this, you all may think this is kind of a silly
8 question, but let me ask this question. Does any member of
9 the jury panel know any other members that are in this panel
10 as well? If so, please stand.

11 In the purple, tell me your name and number, please,
12 ma'am.

13 **JUROR 294:** Sharon Nye, 294.

14 **THE COURT:** And who do you know Ms. Nye?

15 **JUROR 294:** Kara Keith.

16 **THE COURT:** And your juror number? What is your name and
17 number?

18 **JUROR 232:** Kara Keith, number 232.

19 **THE COURT:** All right. Thank you all. You may be
20 seated.

21 Tell me your name and number, please, ma'am.

22 **JUROR 275:** Alayna Mincey, 275.

23 **THE COURT:** And who do you know, ma'am?

24 **JUROR 275:** Ms. Mary.

25 **THE COURT:** Tell me your name and number, please.

1 **JUROR 6:** Mary Altman, number 6.

2 **THE COURT:** All right. You ladies may be seated.

3 Does the state have any additional voir dire?

4 **MS. WALTER:** No, Your Honor.

5 **THE COURT:** Defense counsel?

6 **MR. LUCAS:** None, Your Honor.

7 **THE COURT:** All right. Is has any member of the jury
8 panel, ladies and gentlemen, formed or expressed an opinion
9 about any issue or matter involved in this case? If so,
10 please stand.

11 All right. Is any member of the jury panel aware of any
12 bias or prejudice towards either the state or the defendant in
13 this case? If so, please stand.

14 All right. Is there any member of the jury panel that is
15 a member of or contributor to any group which has its primary
16 concern with promotion of law enforcement? Those groups might
17 include MADD, SADD, or CAV, citizens against violent crime.
18 If so, please stand.

19 All right. Does any member of the jury panel know of any
20 reason, any reason whatsoever why he or she should not serve
21 as a juror in this case with particular emphasis being placed
22 upon your ability to be fair and impartial to both the state
23 and the defense? If so, please stand.

24 Tell me your name and number, please, sir.

25 **JUROR 38:** John Brewer, 38.

1 **THE COURT:** Could you approach, please, sir?

2 Mr. Lucas, you want to come up?

3 **REPORTER'S NOTE:** (Whereby bench conference was held.)

4 **MR. LUCAS:** Yes, Your Honor, sorry.

5 **JUROR 38:** I'm nervous.

6 **THE COURT:** Don't be. If you were chosen as a juror
7 (inaudible).

8 **JUROR 38:** I don't feel that I can put another man's life
9 in my hands.

10 **THE COURT:** Okay. We'll sit you aside for the trial of
11 this case. Tell me your name and number.

12 **JUROR 38:** John Brewer, 38.

13 **THE COURT:** Any objection?

14 **MS. WALTER:** No, Your Honor.

15 **THE COURT:** I'm going to set you aside for the trial of
16 this case. If you would, just go back and have a seat. And
17 don't discuss what we've discussed up here.

18 **JUROR 38:** Sure.

19 **THE COURT:** Any objection?

20 **MR. LUCAS:** No objection.

21 **THE COURT:** All right. Does the state have any
22 additional voir dire?

23 **MS. WALTER:** None, Your Honor.

24 **THE COURT:** Defense counsel?

25 **MR. LUCAS:** None, Your Honor.

1 **THE COURT:** All right. We're ready to move forward with
2 selecting the jury. I remind the parties that the state has
3 five strikes, defense counsel has ten. Once the jury is
4 seated we will then move forward with selecting two
5 alternates, one and two on the strikes.

6 All right. Madam Clerk.

7 **THE CLERK:** When I call your name and juror number,
8 please come to the front of the courtroom bringing any
9 belongings with you, turn and face the back of the courtroom.

10 Juror number 16, Elizabeth Baker.

11 What say the state?

12 **MS. WALTER:** Please present Ms. Baker.

13 **THE CLERK:** Defense?

14 **MR. LUCAS:** Please excuse the juror.

15 **THE CLERK:** You're excused from this particular case.

16 Juror number 6, Mary Altman.

17 What say the state?

18 **MS. WALTER:** Please present Ms. Altman.

19 **THE CLERK:** Defense?

20 **MR. LUCAS:** Please strike the juror.

21 **THE CLERK:** You're excused from this particular case.

22 Juror number 3, Amber Alford.

23 What say the state?

24 **MS. WALTER:** Please present Ms. Alford.

25 **THE CLERK:** Defense?

1 **MR. LUCAS:** Please present Ms. Alford.

2 **THE CLERK:** Please be seated in the jury box.

3 Juror number 93, Joseph Dabrowski.

4 What say the state?

5 **MS. WALTER:** Please present Mr. Dabrowski.

6 **THE CLERK:** Defense?

7 **MR. LUCAS:** Please seat the juror.

8 **THE CLERK:** Please be seated in the jury box.

9 Juror number 200, Jessica Hogan.

10 What say the state?

11 **MS. WALTER:** Please excuse Ms. Hogan.

12 **THE CLERK:** You're excuse from this particular case.

13 Juror number 106, Anthony Divincent.

14 What say the state?

15 **MS. WALTER:** Please present Mr. Divincent.

16 **THE CLERK:** Defense?

17 **MR. LUCAS:** Please excuse the juror.

18 **THE CLERK:** You're excused from this particular case.

19 Juror number 390, Cory Uram.

20 What say the state?

21 **MS. WALTER:** Please present Mr. Uram.

22 **THE CLERK:** Defense?

23 **MR. LUCAS:** Please present the juror.

24 **THE CLERK:** Please be seated in the jury box.

25 Juror number 53, Jeffrey Campbell.

1 What say the state?

2 **MS. WALTER:** Please present Mr. Campbell.

3 **THE CLERK:** Defense?

4 **MR. LUCAS:** Please excuse the juror.

5 **THE CLERK:** You're excused from this particular case.

6 Juror number 54, Tracy Campbell.

7 What say the state?

8 **MS. WALTER:** Please excuse Ms. Campbell.

9 **THE CLERK:** You're excused from this particular case.

10 Juror number 29, Amanda Blomquist.

11 What say the state?

12 **MS. WALTER:** Please present Ms. Blomquist.

13 **THE CLERK:** Defense?

14 **MR. LUCAS:** Please present the juror.

15 **THE CLERK:** Please be seated in the jury box.

16 Juror number 115, Karen Dussault-Prochilo.

17 What say the state?

18 **MS. WALTER:** Please present Ms. Dussault-Prochilo.

19 **THE CLERK:** Defense?

20 **MR. LUCAS:** Please excuse the juror.

21 **THE CLERK:** You're excused from this particular case.

22 Juror number 163, Shynice Gore.

23 What say the state?

24 **MS. WALTER:** Please present Ms. Gore.

25 **THE CLERK:** Defense?

1 **MR. LUCAS:** Please seat the juror, Your Honor.

2 **THE CLERK:** Please be seated in the jury box.

3 Juror number 241, Lawrence Kreissl.

4 What say the state?

5 **MS. WALTER:** Please excuse this juror.

6 **THE CLERK:** You're excused from this particular case.

7 Juror number 265, Donna Mann.

8 What say the state?

9 **MS. WALTER:** Please present Ms. Mann.

10 **THE CLERK:** Defense?

11 **MR. LUCAS:** Please present the juror.

12 **THE CLERK:** Please be seated in the jury box.

13 Juror number 117, Louis Ecker.

14 What say the state?

15 **MS. WALTER:** Please present Mr. Ecker.

16 **THE CLERK:** Defense?

17 **MR. LUCAS:** Please present the juror.

18 **THE CLERK:** Please be seated in the jury box.

19 Juror number 275, Alayna Mincey.

20 What say the state?

21 **MS. WALTER:** Please present Ms. Mincey.

22 **THE CLERK:** Defense?

23 **MR. LUCAS:** Please excuse the juror.

24 **THE CLERK:** You're excused from this particular case.

25 Juror number 219, Toni Johnson.

1 What say the state?

2 **MS. WALTER:** Please present Ms. Johnson.

3 **THE CLERK:** Defense?

4 **MR. LUCAS:** Please excuse the juror.

5 **THE CLERK:** You're excused from this particular case.

6 Juror number 325, John Riggs.

7 What say the state?

8 **MS. WALTER:** Please present Mr. Riggs.

9 **THE CLERK:** Defense?

10 **MR. LUCAS:** Please excuse the juror.

11 **THE CLERK:** You're excused from this particular case.

12 Juror number 263, Ursula Lyle.

13 What say the state?

14 **MS. WALTER:** Please present Ms. Lyle.

15 **THE CLERK:** Defense?

16 **MR. LUCAS:** Please present the juror.

17 **THE CLERK:** Please be seated in the jury box.

18 Juror number 136, Robert Flick.

19 What say the state?

20 **MS. WALTER:** Please present Mr. Flick.

21 **THE CLERK:** Defense?

22 **MR. LUCAS:** Please excuse the juror.

23 **THE CLERK:** You're excused from this particular case.

24 Juror number 294, Sharon Nye.

25 What say the state?

1 **MS. WALTER:** Please present Ms. Nye.

2 **THE CLERK:** Defense?

3 **MR. LUCAS:** Please excuse the juror.

4 **THE CLERK:** You're excused from this particular case.

5 Juror number 15, Tricia Bailey.

6 What say the state?

7 **MS. WALTER:** Please present Ms. Bailey.

8 **THE CLERK:** Defense?

9 **MR. LUCAS:** Please excuse the juror.

10 **THE COURT:** Hold on a minute, hold on a minute. The

11 state -- defense counsel has already exercised ten ---

12 **MS. WALTER:** Yes, Your Honor.

13 **THE COURT:** --- ten strikes, do you wish to challenge

14 this juror for cause?

15 **MR. LUCAS:** I do not wish to challenge it.

16 **THE COURT:** All right. Ma'am, if you'll have a seat in

17 the jury box, please.

18 **THE CLERK:** Juror number 232, Kara Keith.

19 What say the state?

20 **MS. WALTER:** Please present Ms. Keith.

21 **THE CLERK:** Defense?

22 **MR. LUCAS:** Please present.

23 **THE CLERK:** Please be seated in the jury box.

24 Juror number 376, Austin Strickland.

25 What say the state?

1 **MS. WALTER:** Please present Mr. Strickland.

2 **THE CLERK:** Defense?

3 **MR. LUCAS:** Please present.

4 **THE CLERK:** Please be seated in the jury box.

5 Juror number 409, Elizabeth Williams.

6 What say the state?

7 **MS. WALTER:** Please present Ms. Williams.

8 **THE CLERK:** Defense?

9 **MR. LUCAS:** Please present.

10 **THE CLERK:** Please be seated in the jury box.

11 **THE COURT:** All right. We'll now move forward with
12 selecting two alternates, one and two as to each alternate.

13 **MS. WALTER:** Yes, Your Honor.

14 **THE CLERK:** Juror number 369, Kristy Stalvey.

15 What say the state?

16 **MS. WALTER:** Please present Ms. Stalvey.

17 **THE CLERK:** Defense?

18 **MR. LUCAS:** Please present.

19 **THE CLERK:** Please be seated in the jury box.

20 Juror number 197, Krista Hill.

21 What say the state?

22 **MS. WALTER:** Please excuse Ms. Hill.

23 **THE CLERK:** You're excused from this particular case.

24 Juror number 17, Donna Bandura.

25 What say the state?

1 **MS. WALTER:** Please present Ms. Bandura.

2 **THE CLERK:** Defense?

3 **MR. LUCAS:** Please present.

4 **THE CLERK:** Please be seated in the jury box.

5 **THE COURT:** All right. Are there any matter of law that
6 need to be taken up with regards to jury selection from the
7 state?

8 **MS. WALTER:** None from the state, Your Honor.

9 **THE COURT:** Defense counsel?

10 **MR. LUCAS:** None from the defense, Your Honor.

11 **THE COURT:** Can the lawyers approach a minute, please?

12 **REPORTER'S NOTE:** (Whereby bench conference was held.)

13 **THE COURT:** All right. Ladies and gentlemen, those of
14 you that are seated out in the audience, you all were not
15 selected to serve on this particular jury. That doesn't mean
16 you're not going to get picked on a jury this week. I know
17 it's kind of short. What I've been told is you all are
18 supposed to go back downstairs to wherever you came in to, the
19 jury assembly room. We need you to be back down there at
20 1:30. It doesn't give you a whole lot of time, but you can
21 grab something. You can take food in there. If somebody says
22 something to you, tell them that Judge Brown told you, you
23 didn't get cut loose up here until about 10 til. Blame it me,
24 Judge Brown, Craig Brown from Florence if anybody says
25 anything to you so y'all can at least get you something to

1 eat. I don't know -- we'll break here shortly as well to eat,
2 but I want to give you all an opportunity to get you something
3 to eat. But be back downstairs at 1:30. Okay. You in the
4 audience are free to go. Thank you.

5 **REPORTER'S NOTE:** (Remaining jury panel is released at
6 12:50p.m.)

7 **THE COURT:** All right. Ladies and gentlemen, those of
8 you that are seated in the jury box, you all have been
9 selected to serve as fair and impartial jurors in this case.
10 I'm going to give you a few instructions and then I'm going to
11 release you all for the balance of the day. There's some
12 matters that we need to take up outside of your presence this
13 afternoon and rather than have you all sit back in the jury
14 room, not knowing how long they may take, I'm just going to
15 let you go for the balance on the day.

16 As the Presiding Judge, you can rest assured that I'm
17 going to do everything within my power to make sure that as
18 you serve up here that your time is as efficiently used as
19 possible. Okay. I will say that there may be some time that
20 you're having to sit back there, but if you're sitting back
21 there waiting, I promise you we're out here doing some work.
22 Okay. We're not -- I will not be sitting back in my office
23 back there drinking coffee and eating donuts while y'all are
24 sitting back there too waiting. Okay.

25 I want to give you a few instructions before I release

1 you for the balance of the day. As I said before, you all
2 have been selected as fair and impartial jurors in this case.
3 You are to decide this case, ladies and gentlemen, based
4 solely, solely upon the evidence and testimony that's
5 presented in this courtroom and nowhere else. All right.

6 During your service as jurors, you are not to do any
7 independent research about this case. You're not to talk to
8 anyone about this case. That includes your fellow jurors,
9 family members, friends, etcetera. You're not to talk about
10 this case at all until you're instructed to do so. Once
11 you're instructed to do so, the instruction will be that you
12 are only to discuss it with your fellow jurors until you all
13 reach a verdict. Okay.

14 Now, as I've told you all not to talk to anybody about
15 this case, by the same measure or the same token so to speak,
16 no one is to talk to you about this case outside of this
17 courtroom. If anyone tries to talk to you about this case,
18 please let my bailiff, Mr. Bobby, know immediately upon your
19 return so that can be taken care of. During your service, and
20 I tell juries this all the time, during your service as jurors
21 either stay to yourself or with your fellow jurors. Okay.
22 The attorneys, they are not, and nobody outside of this
23 courtroom is to talk to you at all. So if you see attorneys
24 out that are involved in this case outside of this courtroom
25 and they don't speak to you, they're not being unfriendly.

1 Okay. They're following the Court's instructions. It's
2 important that you understand innocent, innocent conversations
3 could be misconstrued and don't want to take that chance.
4 Okay. You'll hear me say over and over and over throughout
5 the course of this trial when I release you for lunch or
6 overnight not to discuss the case, don't do any independent
7 investigation. You are to decide this case based solely upon
8 the evidence and testimony presented in this courtroom.

9 Now, for planning purposes for you all, we will typically
10 start in the morning around 9:30, around 9:30. We typically
11 go for about an hour and a half to two hours, take a
12 midmorning break and resume until sometime between 12 and 1.
13 I can't give you a specific time. I don't sit up here and as
14 soon as that clock strikes 12 or 12:30 break for lunch. Okay.
15 I kind of give us that leeway in there because it all depends
16 on the witness on the stand. If there's a witness on the
17 stand it will be my intention to finish that witness before we
18 break for lunch. Okay. And depending upon what time we break
19 for lunch, I typically give you about an hour and a half for
20 lunch so you're not rushed like that group that just left here
21 being rushed at this point. I'll typically give you about an
22 hour and half for lunch, which will give you time to get out
23 of here and get back here in a timely fashion. Typically,
24 depending obviously on what time we'll break for lunch, we'll
25 start sometime between 1 and 2, resume between 1 and 2. We'll

1 typically go for about another hour and a half, take an
2 afternoon break, and then go to somewhere between 5 and 6.
3 Now again, I'm kind of giving some leeway in there. I don't
4 sit up here and as soon as that clock strikes 5 say all right
5 we're stopping for the day. Again, if there's a witness on
6 the stand, it will be my intention to finish that witness for
7 the day. Okay. Under very, very rare circumstances would you
8 be here beyond 6 o'clock. I've been on the bench now a little
9 over about 12 and a half years, I don't ever remember keeping
10 a jury beyond 6. Now, as soon as I say that it will happen
11 this week. Okay. But I'll do everything to keep that from
12 happening. But typically we'll have you out of here by 6
13 o'clock in the evening. Okay.

14 Now, as you serve this week I don't know if some of you
15 are hot natured, some of you are cold natured. Quite frankly
16 I'm hot natured, and to me it feels wonderful in this
17 courtroom right now. They could actually drop the temperature
18 a little bit more and I'd be fine as well. Okay. I see a
19 couple of you shaking your heads no please don't. Please
20 understand I mean I sit up here, you know heat rises, so I sit
21 up here elevated a little bit. But in addition to the
22 elevation where I sit, I have an undershirt on, a dress shirt,
23 a tie, and this robe that's wrapped around me like a blanket.
24 Okay. And I'm hot natured. Okay. I want you to be
25 comfortable as you serve. If you're cold natured, my wife and

1 I have been married 28 years and we still go back and forth
2 over the thermostat in the house. Okay. But years ago when I
3 went to college at the Citadel, we didn't have air conditioner
4 down there when I was there. Okay. And I promised myself
5 when I left there that I would never go without it as long as
6 I had the ability. And I learned down there that when you're
7 hot you can't take off but so much clothes, but when you're
8 cold you can layer up. So having said that, I want you to be
9 comfortable in here. If you're cold in here, please bring a
10 jacket because I don't want you sitting in that jury box so to
11 speak with your teeth chattering because you're cold. Okay.
12 I don't think airlines give out blankets anymore, but we don't
13 give our -- the court doesn't give out blankets up here if you
14 get cold. Okay.

15 I'm trying to think if there's anything else.

16 Anything further that I may have left out from the state?

17 **MS. WALTER:** No, Your Honor.

18 **THE COURT:** Defense counsel?

19 **MR. LUCAS:** Nothing from defense, Your Honor.

20 **THE COURT:** Okay. All right. I'm going to let you go at
21 this time. Mr. Bobby, my bailiff, he will show you where you
22 need to come back to tomorrow morning.

23 Let me say this, okay. I told you to be back here at
24 9:30 in the morning, if something arises where you get caught
25 in traffic or whatever the case may be, please make sure you

1 call the clerk's office and let somebody know what's going on.
2 If one of you is not here, then that holds up the entire
3 process. Okay. So if one of you is not here when I've asked
4 you to be back here and we haven't heard from you, I'm going
5 to send law enforcement looking for you. Okay. So make sure
6 that you be in communication with us if there's something that
7 comes up that we need to be aware of. You all have a nice
8 afternoon. I will see you tomorrow morning at 9:30 and we'll
9 start the trial of this case. Okay. You all are free to go.

10 **REPORTER'S NOTE:** (Jury released for the day at 1:00p.m.)

11 **THE COURT:** All right. Now, at this time before we break
12 for lunch, we're getting ready to break for lunch and we'll
13 come back at 2:30. It's my understanding that the state,
14 again on the record, wanted to advise the defendant in this
15 case, Mr. Darrell Demarcus Land, I guess of the plea offer
16 that was made in this case. Is that right?

17 **MS. WALTER:** Yes, Your Honor. And I'm sorry, I'm just
18 trying to let Ms. Pratt know, you said 2:30?

19 **THE COURT:** Yes, ma'am.

20 **MS. WALTER:** Okay. I'm sorry. She had texted me.

21 Yes, Your Honor. I just wanted to make sure that it was
22 on the record that last Monday, I believe it was, the state
23 learned that Mr. Morgan was going to cooperate and testify
24 against Mr. Land. Mr. Land had previously been offered a
25 straight up plea to voluntary manslaughter, which he flatly

1 rejected in court, was arraigned. Once we learned that Mr.
2 Morgan was going to cooperate, Mr. Lucas actually called to
3 see if we would extend another offer. The state offered
4 voluntary manslaughter for 30 years, understanding that that
5 would be served at 85 percent versus murder where the minimum
6 would be 30 years day for day.

7 It is my understanding from Mr. Lucas that he has fully
8 explained this to Mr. Land including the details of Mr.
9 Morgan's proposed testimony and that Mr. Land still does not
10 wish to accept that plea.

11 **THE COURT:** All right. Mr. Lucas.

12 **MR. LUCAS:** That is, that is my understanding of it, Your
13 Honor. I have discussed all of this pretty extensively with
14 Mr. Land, and he insists that based on some of the things that
15 you will see in this trial, specifically from Steven Morgan,
16 that he did not do this and he's not willing essentially to
17 plead to anything.

18 **THE COURT:** Okay. Very well. All right.

19 Mr. Land, if you'd stand, please, sir. Raise your right
20 hand.

21 **DARRELL DEMARCUS LAND, HAVING BEEN**
22 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

23 **THE COURT:** All right. You can put your hand down, sir.
24 You're Mr. Darrell Demarcus Land?

25 **MR. LAND:** Yes, sir.

1 **THE COURT:** All right. You've heard what the solicitor
2 prosecutor in this case has conveyed or told me here in court
3 today with regards to the offer in this case; is that correct?

4 **MR. LAND:** Yes, sir, Judge.

5 **THE COURT:** And that offer being a plea to voluntary
6 manslaughter of 30 years, you heard that?

7 **MR. LAND:** Yes, sir.

8 **THE COURT:** And it's my understanding that you have
9 rejected that plea offer?

10 **MR. LAND:** Yes, sir.

11 **THE COURT:** And that you wish to go forward with your
12 trial?

13 **MR. LAND:** Precisely.

14 **THE COURT:** All right.

15 Anything else, Ms. Walter?

16 **MS. WALTER:** No, Your Honor.

17 **THE COURT:** Thank you, Mr. Land, you may be seated, sir.

18 **MR. LAND:** Thank you, sir.

19 **THE COURT:** All right. Before we break at this time for
20 lunch, anything from the state?

21 **MS. WALTER:** No, Your Honor.

22 **THE COURT:** Defense counsel?

23 **MR. LUCAS:** Nothing from the defense, Your Honor.

24 **THE COURT:** All right. 2:30.

25 **MS. WALTER:** Thank you, Your Honor.

1 **THE COURT:** Thank you.

2 **(COURT IS IN RECESS)**

3 **REPORTER'S NOTE:** (Codefendant Steven Morgan's guilty
4 plea was held. After that is when the following conversation
5 took place.)

6 **MS. WALTER:** So, Your Honor, I believe, or we can put it
7 on the record again tomorrow, but the photos and documents
8 that have been premarked, Mr. Lucas has indicated that he is
9 not going to object to the admission of any of them. And I'm
10 happy to show him the rest of what we have premarked and
11 hopefully that can streamline things a little bit.

12 **THE COURT:** Okay.

13 **MR. LUCAS:** That is correct, Your Honor.

14 **(COURT IS IN RECESS)**

15 **THE COURT:** All right. Before we broke yesterday, after
16 the jury had been selected, I received a note that one of the
17 jurors had given to my bailiff, the bailiff in turn passed it
18 on to me. The note was from juror number 163, Ms. Shynice
19 Gore. I shared that note with the solicitor as well as
20 defense counsel. She indicated that there were a couple of
21 witnesses, possibly two or three, that she may know as well as
22 a medical condition which she has of which the attorneys have
23 been made aware of. This note has been marked as court's
24 exhibit number 1. What I'm going to do is have my bailiff
25 bring her out here at the bench here with the lawyers present

1 and speak with her briefly and then make a decision on what to
2 do as it relates to that.

3 Can you have Mr. Bobby bring Ms. Gore in, please?

4 **REPORTER'S NOTE:** (Juror number 163, Shynice Gore, enters
5 the courtroom. Bench conference is held.)

6 **THE COURT:** The lawyers may approach.

7 Hey, Ms. Gore. How are you doing this morning?

8 **JUROR 163:** My anxiety.

9 **THE COURT:** Ma'am?

10 **JUROR 163:** My anxiety. I don't feel comfortable.

11 **THE COURT:** I need you to speak where she can hear you.

12 **COURT REPORTER:** I can't hear her.

13 **THE COURT:** She indicated she's familiar with a couple of
14 the witnesses.

15 Do you remember who they might be? Turn around. I don't
16 want you to have to look out in the audience. Stand over here
17 by my court reporter. Stand right here beside her.

18 **JUROR 163:** Okay. Antonia Williams.

19 **THE COURT:** Let ask you this, Ms. Gore, do you believe it
20 will affect your ability to be fair and impartial?

21 **JUROR 163:** (Inaudible)

22 **THE COURT:** And anxiety attack? But you do believe it
23 will affect your ability to be fair and impartial to both the
24 state and defense?

25 **JUROR 163:** Yes. I don't feel comfortable.

1 **THE COURT:** Step over here just a minute, Ms. Gore.

2 **REPORTER'S NOTE:** (Conference with attorneys.)

3 **THE COURT:** Ms. Gore, I'm going to excuse you from the
4 trial of the case. I've instructed the deputy to let Mr.
5 Bobby know that you're free to go. You will be excused for
6 the balance of the week. Okay.

7 **JUROR 163:** Am I in trouble?

8 **THE COURT:** No, no. You're not in trouble.

9 **JUROR 163:** Who is Bobby?

10 **THE COURT:** She'll walk you back.

11 Now, the next issue ---

12 **MS. WALTER:** Judge, Sallie Beth has hers if you want it.

13 **THE COURT:** I know, but I think the statute says you have
14 to draw it out of a hat, so what I'll do it I'll write both of
15 the alternates names on a piece of paper, put it in a hat or
16 whatever, and let the clerk draw one out as to which alternate
17 to be seated.

18 **MS. WALTER:** Okay. Thank you.

19 **REPORTER'S NOTE:** (End of bench conference.)

20 **THE COURT:** All right. For reasons stated up here at the
21 sidebar with the attorneys, Ms. Gore was excused from this
22 jury. Specifically when I asked her if her medical condition,
23 of which is specified in that note that's been marked as
24 court's exhibit number 1, I specifically asked her whether or
25 not it would impact her ability to be fair and impartial to

1 both the state and the defense. She indicated that it would
2 affect her ability to be fair and impartial to the state and
3 fair and/or impartial to the defense. Pursuant to such
4 response the Court excused her from service. Therefore, one
5 of the alternates will be seated. I have written each of the
6 alternates names on two separate pieces of paper, which I've
7 put in this cup. The alternate that is seated is not
8 necessarily the order in which they are selected during the
9 jury selection. That's not the case in civil court, but it is
10 the case in criminal court. So I've written each of these
11 jurors names on two pieces of paper which I've folded and
12 placed them in a cup. I'll give it to the clerk over here and
13 let her pick one of the names out.

14 **REPORTER'S NOTE:** (Whereby clerk pulls name from the cup)

15 **THE CLERK:** Juror number 17, Donna Bandura.

16 **THE COURT:** All right. Donna Bandura who was the second
17 alternate selected will be seated on this jury. That will be
18 marked as court's exhibit number 2 to reflect the fact that I
19 wrote both of these alternates names on two separate pieces of
20 paper, the one that was not selected was juror number 369,
21 Kristy Stalvey. That will also be marked as court's exhibit
22 number 3 reflecting the fact that both of the names were
23 written on separate pieces of paper. Both of those pieces of
24 paper are pretty close to the exact same size. I wrote them
25 on a notepad piece of paper split in half, so they should have

1 been about the same size and dimensions, etcetera.

2 Anything from the state at this point before I bring the
3 jury out?

4 **MS. WALTER:** Your Honor, and we can address it at another
5 time, although I was going to mention cell phone records in my
6 opening. The state had earlier submitted a motion to be
7 allowed to proceed under statute 19-5-520 allowing us to
8 proceed by way of that statute to enter cell phone records. I
9 do have the requisite notarized acknowledgments from each of
10 the four cell phone providers.

11 **THE COURT:** All right. Mr. Lucas.

12 **MR. LUCAS:** Your Honor, I know we talked about this in
13 the status conference. But, Your Honor, I can say that based
14 on this I do object under the hearsay rule. There's a lack of
15 foundation and it is a clear violation of Mr. Land's rights
16 under the confrontation clause, Your Honor. So I do object on
17 those grounds.

18 **THE COURT:** All right. Well your objection is so noted
19 for the record, however, I believe statute 19-5-520 simply
20 allows for such, which in turn does not violate the
21 defendant's confrontation clause. They are business records,
22 kept in the regular course of business without the
23 individual's personal opinions. So it couldn't -- if they
24 were then that certainly would be hearsay exception or a
25 hearsay violation. But in light of what's been conveyed to me

1 here today, I believe that the admission of such, provided
2 that the state has the records notarized statement, so they
3 would be admissible, but your objection is so noted for the
4 record.

5 **MR. LUCAS:** All right. Thank you, Your Honor.

6 **MS. WALTER:** And as I noted in my motion -- I'm just
7 showing copies of the acknowledgments. As I noted in my
8 motion, the records were provided to the defense well over two
9 years ago.

10 **THE COURT:** Okay. All right. Anything else before I
11 bring the jury out? From the state?

12 **MS. WALTER:** Nothing, Your Honor.

13 **THE COURT:** Defense counsel?

14 **MR. LUCAS:** Nothing, Your Honor.

15 **THE COURT:** All right. Bring me the jury, please, ma'am.

16 **REPORTER'S NOTE:** (Jury enters courtroom at 9:58a.m.)

17 **THE COURT:** All right. Ladies and gentlemen, thank you
18 for your patience. I apologize for you all waiting back there
19 this morning. I will make a confession, I told you yesterday
20 if you were sitting back there, I wasn't going to be sitting
21 in my office eating a donut and drinking coffee. Well I did
22 eat a donut this morning and I did drink some coffee, before
23 9:30, okay, it was before 9:30. But there were some other
24 matters that we had to deal with before you all came out here.

25 Before I go any further, I'm going to ask the clerk if

1 she'll go ahead and swear the jury.

2 **REPORTER'S NOTE:** (Whereby the jury is sworn in.)

3 **THE COURT:** Now, it was conveyed to me earlier, ladies
4 and gentlemen, that a couple of you, a few of you, I don't
5 know how many of you had an inquiry about note taking. If
6 this was some long, it was going to be a multiweek type trial,
7 I'd certainly allowing notes to be taken in that situation.
8 But if there's testimony during the course of the trial that
9 you all need to hear again, you can certainly hear it again.
10 I know in taking notes sometimes when individuals are writing
11 notes, me included, that I may miss what is said next because
12 I'm focused on taking my notes. You'll hear me in my
13 instructions, I'm going to give you an introductory, some
14 introductory instructions here in just a minute, that it's
15 your duty as jurors to pay close attention to these witnesses
16 and to observe the witnesses and sometimes when you're taking
17 notes you can deviate from that instruction. So that's one of
18 the reasons note taking is not allowed or I'm not going to
19 allow it. Like I said, if this was a multiweek situation,
20 then I may revisit that, but this is not going to be the case.

21 In addition, you will notice that one of the jurors is no
22 longer with you due to some health issues. That juror was
23 excused and the way that process works from there is the two
24 alternates selected, under our law and by statute, in General
25 Sessions Court or criminal court the order in which alternates

1 are selected does not mean that that's the order in which they
2 fill an open slot. What happens pursuant to statute, and what
3 I did is I wrote both alternates names down on separate pieces
4 of paper, folded those pieces of paper up, put them in a cup,
5 and the alternate to be seated was drawn out. That alternate
6 will be seated now that juror number 163 has been released is
7 now juror number 17, Ms. Donna Bandura. You are now seated on
8 the jury. Ms. Stalvey is still an alternate at this point in
9 the case.

10 All right. Now, I'm going to give you some introductory
11 instruction here. And we're about to try the case, ladies and
12 gentlemen, of the State of South Carolina versus Mr. Darrell
13 Demarcus Land. And before we begin this trial, I want to tell
14 you that this trial will probably be different from what you
15 might expect. Many people do not have the chance to attend
16 actual court sessions as you're doing now and may think from
17 watching television, or movies, or reading books that trials
18 are always full of high drama, intense action, and riveting
19 circumstances. Now, while all of those things may be true at
20 times, this trial, ladies and gentlemen, is not for
21 entertainment. It's a fundamental part of our democracy.
22 It's an effort to make sure that justice is done between these
23 parties and before the Court. Now, in making sure that
24 justice is done between the parties, the process is often
25 slow, deliberate, and repetitive and it might be the opposite

1 of what you may have seen on television, in movies, or read in
2 books. This courtroom is a place of honor dedicated to the
3 protection and preservation of citizen's rights through what
4 many have called the greatest system of justice ever created.

5 Now, the attorneys appearing before you are advocates for
6 the parties they represent, but first and foremost they are
7 officers of this court sworn to uphold the integrity and the
8 fairness of our judicial system. You should expect them to be
9 professional, competent, and ethical in their representation
10 of their client's interests.

11 Now, what I will now say is intended to serve as an
12 introduction to the trial of this case. These remarks that
13 I'm about to give you are not a charge on the law in this
14 case. I will instruct you on the law applicable in this case
15 at the end of the trial before you retire to consider your
16 verdict. This, ladies and gentlemen, is merely an explanation
17 of the procedure that we will follow in the trial of this case
18 so that you may better understand what may be happening.

19 Now, the defendant in this case, ladies and gentlemen, is
20 charged by an indictment with the offense of murder and
21 possession of a weapon during the commission of a violent
22 crime, the elements of which will be explained to you all
23 later. Now as I told you before, the indictments in this
24 case, ladies and gentlemen, is simply the charging document
25 which brings this case into this Court. And it is not in any

1 sense evidence of any of the allegations that it contains.
2 The defendant in this case has plead not guilty, and therefore
3 the State of South Carolina has the burden of proving each of
4 the elements of the indictment beyond a reasonable doubt.

5 It will be your duty, ladies and gentlemen, to decide
6 whether the state has met that burden. Your purpose as jurors
7 is to find and determine the facts. You are the sole and
8 exclusive judge of the facts, and if at any time I make any
9 comment regarding the facts, you must disregard that. You are
10 to determine the facts from the testimony you hear and the
11 other evidence that may be introduced during the course of
12 this trial. It's up to you to determine the inferences which
13 you feel may properly be drawn from the evidence. It is
14 especially important that you perform your duty of determining
15 the facts diligently and conscientiously because ordinarily
16 there is no way to correct an erroneous determination of the
17 facts by a jury.

18 Now on the other hand, and with equal emphasis, the same
19 law that makes you the judge of the facts, makes me the judge
20 of the law. The law as given by the Court is the only law
21 that you can consider. You must accept and follow it even
22 though you may disagree with it. I cannot, I cannot tell you
23 all, ladies and gentlemen, what the facts are, and you cannot
24 disagree with me about what the law is or should be. Your job
25 is to take the law as I give it to you and apply it to the

1 facts as you find them from the testimony of the witnesses and
2 any other evidence that is introduced. After doing that you
3 will render your verdict under the solemn oath that you just
4 took as jurors.

5 Now, until I tell you to begin your deliberations you
6 must not discuss the case with anyone including your fellow
7 jurors, friends, family members, and anyone involved in the
8 case. Attorneys and parties, as I told you yesterday, are
9 instructed not to speak to you outside of this courtroom. So
10 if you see anyone involved in this case outside of this
11 courtroom and they don't speak to you, they are not being
12 unfriendly. They are simply following the Court's
13 instructions.

14 Now, during your deliberations, ladies and gentlemen, you
15 may only discuss the case in the jury room with your fellow
16 jurors because they have seen and heard the same evidence that
17 you have. You must not discuss the case with anyone other
18 than your fellow jurors until you all have returned a verdict
19 and the case is at an end.

20 I remind you that you must decide this case based solely
21 on the evidence presented here in this courtroom. This means
22 that during the trial you must conduct any independent
23 research about this case, the facts of the case, the evidence
24 presented in the case, or the people or organizations involved
25 in any way in this case. Please do not try to find out

1 information from any source outside of this courtroom. In
2 other words, you must not look at dictionaries or other
3 reference materials, search the internet, websites, or blogs,
4 or use any other electronic tools to get information about
5 this case to help you to decide this case. You may not use
6 computers, telephones, cell phones, smart phones, smart
7 watches, tablets, the internet, or other tools of technology
8 with communication capabilities at any time while you are in
9 the courtroom or during your deliberations. Now, during you
10 breaks for meals or overnight if necessary you may use those
11 devices, however, you must not use those devices to
12 communicate with anyone about the case until the case is over.
13 This means you must not use phone calls, emails, text
14 messages, instant messages, Twitter, or any blog, chatroom, or
15 website, including Facebook, Google plus, Myspace, Linked,
16 Youtube, or any social media websites to send or receive
17 information about this case. This includes information about
18 a party, a witness, an attorney, or court officer, new
19 accounts about the case, research on topics raised, any topics
20 you may think would be helpful in deciding the case or any
21 testimony presented by any witness. During the trial do not
22 read, listen to, or watch any news reports about the case if
23 there are any. This includes anything that may be in the
24 newspapers or on the internet, radio, or television. You must
25 not, ladies and gentlemen, as I've told you before, consider

1 anything outside of this courtroom, you must not consider
2 anything that you may read or hear about the case outside this
3 courtroom whether it be before or during the trial.
4 Information on television, radio, the internet, or from other
5 sources might be wrong or incomplete and in our judicial
6 system it is important that you are not influenced by anything
7 or anyone outside of this courtroom.

8 If you become aware of another juror's violation of these
9 instructions, please inform the Court immediately. It is
10 important that you keep an open mind and not decide any issue
11 in this case until all of the evidence has been presented, the
12 parties have made their closing arguments, and I have
13 instructed you on the law in this case.

14 It's your solemn responsibility to determine whether the
15 state has proven the defendant guilty beyond a reasonable
16 doubt; and your verdict must be based solely on the evidence
17 as it is presented to you in this trial and on the law as I
18 instruct you during and at the close of the trial.

19 Now, in just a moment, ladies and gentlemen, the
20 solicitor or prosecutor will make what is called an opening
21 statement in which the solicitor will explain to you the
22 issues in this case or at least what they believe the issues
23 are in this case. The attorney for the defendant may also
24 make an opening statement, although he is not required to do
25 so. What the attorneys tell you during their opening

1 statements is not evidence in this case. It's only their
2 contention as to what the issues. Now, the evidence in this
3 case, ladies and gentlemen, will be presented to you by the
4 testimony of sworn witnesses from the witness stand and/or by
5 exhibits that may be introduced during the course of the
6 trial.

7 All right. Now, ladies and gentlemen, during the trial
8 from time to time you may hear one of the lawyers say
9 something like, Your Honor, I believe that we have a question
10 of law or a matter of law to discuss with you, or they may
11 request permission to approach the bench. Or sometimes I
12 myself might find it necessary to excuse you all from the
13 courtroom while the attorneys and I discuss a matter of law.
14 Now, the reason that I will excuse you all from the courtroom
15 is because you, ladies and gentlemen, as I've told you before,
16 you're the judge of the facts in this case and sometimes when
17 I am discussing matters of law with the attorneys it may be
18 necessary for me to make some comment as to the facts in
19 connection with ruling wither or not a particular law applies.
20 I am not, I am not supposed to tell you all what the facts, or
21 what I think the facts are in this case so I will excuse you
22 all from the courtroom while these discussions take place so
23 that in no way, in no way will you be influenced by anything
24 that I might say or do in connection with the facts.

25 Now, in determining the facts in the case, ladies and

1 gentlemen, you must decide whether or not the testimony of the
2 witnesses is believable. It will be my responsibility to rule
3 as a matter of law as to whether certain testimony is
4 admissible or not. But once the testimony is admitted whether
5 or not you believe it is solely for you to determine. Now, in
6 deciding whether to believe a witness, you have the right to
7 consider the interest of any witness, the bias of any witness,
8 the prejudice of any witness, the opportunity for the witness
9 to have seen the matters and the things about which the
10 witness may testify, and the way the witness acts on the
11 witness stand. You have the right, ladies and gentlemen, to
12 consider anything that is in the record that will help you
13 evaluate the testimony of the witnesses. That means that it
14 is your duty to pay close attention to the witnesses, to
15 observe these witnesses, to listen the witnesses, and to pay
16 close attention to the attorneys and to the Court. Please do
17 not let your thoughts wonder, but give strict attention to the
18 testimony in this case so that at the end of all of the
19 testimony, after the arguments of counsel, and the charge on
20 the law by the Court you will then be in a position to
21 determine what the facts are and to apply the law to those
22 facts and thus render a verdict.

23 Now, later in the case, ladies and gentlemen, a
24 foreperson will be selected to preside over deliberations in
25 the jury room. It will be the foreperson's added duty to be

1 the jury's spokesperson here in court. It will also be the
2 foreperson's duty to write the verdict on the verdict form
3 when you all have reached a verdict. But I will give the
4 foreperson further instructions about that at the conclusion
5 of the case.

6 Now, in order to preserve everybody's rights, I will give
7 the parties an opportunity to object to anything that I have
8 said to you all.

9 Any exception or objection to anything that I have said
10 to the jury from the state?

11 **MS. WALTER:** None, Your Honor.

12 **THE COURT:** Defense counsel?

13 **MR. LUCAS:** No objection, Your Honor.

14 **THE COURT:** Ladies and gentlemen, we will now begin the
15 trial of this case. The state is recognized for opening
16 statement.

17 **MS. WALTER:** Thank you. May it please the Court?

18 **THE COURT:** Yes, ma'am.

19 **MS. WALTER:** August 4th of 2019 started as a normal happy
20 day for Arnold Jamal Bennett. He was known as either AB or
21 Jamal or Juice to his friends and his loved ones. That
22 morning he spent time with Sierra Fugate, who was his
23 girlfriend at the time, and the mother of his week-old son,
24 Arnold. After spending some time with them he was going to
25 help his father, Walter Bennett, who was undergoing cancer

1 treatment. And Jamal would split his time between the two
2 homes. While he was visiting with his father, he was also
3 going to get time with his young daughter. But the plans for
4 the night, he would return home to Sierra.

5 That is what Jamal's life is about, caring for his
6 children, caring for his father. He would play basketball.
7 He might play video games sometimes. He earned a living doing
8 some car detailing and selling marijuana on the side. We're
9 not hiding that. But unfortunately for Jamal, the defendant
10 was one of his clients. And Jamal was going to meet up with
11 the defendant that day to sell him marijuana. And that is the
12 step that led to Jamal's death, because while Jamal was going
13 to sell marijuana to the defendant, the defendant had
14 different ideas. The defendant thought, hey, he'll have
15 money; he'll have drugs. I can rob him; I can kill him and
16 take the money and the drugs.

17 And so Jamal was never able to return home to Sierra that
18 night. She grew worried because they were very good at
19 keeping in contact with each other. She was expecting him to
20 come and he didn't come home. She went to Mr. Bennett's
21 house, have you seen him? Where is he? No sign. So she
22 began that process of reporting him missing to the Myrtle
23 Beach Police Department because that's where Jamal lived. And
24 as that is going on, and the Judge frankly said this is not
25 like TV or even a True Crime Podcast. Things don't -- the

1 evidence won't be presented in a nice neat chronological order
2 because that's just not how investigations unfold.

3 So while Sierra is going through the process of going
4 through reporting Jamal missing, his car, and she's testify
5 it's a truck actually, a Chevy Avalanche. He loved that
6 truck, wouldn't let anyone else drive it. Well his car is
7 found abandoned on a little dirt road, but no one thinks
8 anything of it at that point because that is reported to Horry
9 County Police Department. So as the process goes on and
10 Myrtle Beach Police Department is entering Jamal as a missing
11 person, one of the things that they do is they enter
12 information about Jamal and about his vehicle. And then they
13 do sort of an inquiry to see if any other law enforcement
14 agencies had gotten a hit or made an inquiry on the truck.
15 And lo and behold they find out that on August 5th Horry County
16 ran the trucks plate through what we call NCIC, a law
17 enforcement database. And this is about a week after the
18 truck is found, this is about a week later. They call Horry
19 County for assistance; they go out and the truck is still
20 there. And you'll hear about that also from one of the
21 residents in the area who saw the car there, truck there,
22 first that morning of the 5th and the door was open, which was
23 why she called the police. She'll say it was there about a
24 week later. So Myrtle Beach calls Horry County, they have --
25 lo and behold the truck is still there. They bring dogs.

1 They look around in this wooded area to see if they can tell
2 where is the owner of this truck, but they don't find
3 anything. At this point it is still a Myrtle Beach case. And
4 so Myrtle Beach has the truck towed down to their crime scene
5 where it is processed.

6 As the investigation goes on, they start the process of
7 getting cell phone records. It become clear that this case
8 belongs more squarely in the jurisdiction of Horry County
9 Police Department. And then once it's assigned to the Horry
10 County Police Department it becomes clear because there are no
11 signs of life from Jamal. He hasn't been in touch with anyone
12 he loves, he's never seen, there's no activity on his cell
13 phone. It becomes a homicide investigation, and that's when
14 Detective Marcus becomes involved.

15 As they analyze the phone records they start narrowing
16 down who was Jamal in touch with that last day of his life?
17 And that leads them to the defendant. And again, they start
18 tracking -- Detective Marcus is far more well versed about
19 cell phone records and what they can do than I am, but he'll
20 teach you a little bit about it. They're able to see that
21 Jamal's cell phone and the defendant's cell phone are in the
22 same area at a number of times. They are able to retrieve
23 text message conversations that show that they are going to
24 meet up for this marijuana deal.

25 And so they narrow down where they believe Jamal was last

1 alive, and it leads them to [REDACTED] Sandridge Road in the Little
2 River section of Horry County. That used to be the home of
3 Steven Moran and Layne Styron. Now, Steven Morgan was
4 originally charged in this case as an accessory before the
5 fact, and I'll tell you why in a minute, but you should be
6 hearing from him because he has agreed to testify for the
7 state. He and Layne were living at that house; Layne will
8 also testify. And eventually, they tell the police what
9 happened that day.

10 Layne was working at the Bojangles at North Myrtle Beach.
11 She had left for work. Steven Morgan drove her to work. He
12 was supposed to pick her up at 7. While he's waiting to pick
13 up his girlfriend the defendant texted, and you will see texts
14 to corroborate this, hey buddy, can I come over? Steven
15 Morgan gives him his address. Lo and behold the defendant
16 shows up. Steven Morgan will tell you that they were just
17 sort of sitting there, playing games, smoking weed, talking
18 when the defendant said to him, I'm going to have this guy
19 come over. He's going to have money and drugs and I'm going
20 to rob him. A little bit more involved than that, but that's
21 sort of the gist of it. Steven Morgan is like I want nothing
22 to do with this, don't get me involved in it. The defendant
23 persists and eventually Steven Morgan says I'm going to go
24 pick up my girl, be gone when I get back.

25 So he and Layne, and you'll see again cell phone records

1 will corroborate this, he and Layne go from Bojangles where
2 she was working to the Fuji Japanese Restaurant, again still
3 in North Myrtle Beach. And as they're driving there Steven
4 Morgan's phone dies. That will become important in just a
5 moment.

6 They were supposed to meet another friend of theirs,
7 David Pinkerton, for dinner and then all go back to their
8 home. David Pinkerton goes to the wrong restaurant, but they
9 eventually all end up back at the Sandridge home. And Layne
10 and Steven will both tell you that when they got there the
11 defendant's car was pulled up to their side door. And then
12 there was this truck, this Avalanche, parked in the driveway.
13 The defendant was locked in their home to the point that Layne
14 is pounding on the door, let me in it's my home.

15 When they eventually get inside the home the defendant is
16 using their towels to clean up blood on the floor of their
17 living room. He takes those towels -- and remember that his
18 car was kind of pulled up, excuse me, to the side door. The
19 truck is open, he takes those towels and throws them in the
20 trunk and eventually leaves. They never look in the trunk.
21 Before the defendant leaves, he's trying to get them to help
22 him move what we now know is the victim's truck; they don't
23 want to get involved. So the truck, the victim's truck stays
24 there; the defendant leaves.

25 Now you will see text conversations again between the

1 defendant and Steven Morgan where the defendant is saying, I
2 hope you're up bro, I'm coming back, I'm coming back to the
3 house. And this is very early morning hours of the 5th.
4 Steven Morgan may not remember that day as clearly as
5 possible, but we know that the truck was found on the 5th,
6 Steven Morgan thinks maybe it was a day later, but we can see
7 the text message conversations. So Steven Morgan sees the
8 defendant pull up, get into the victim's truck, and drive it
9 away. Someone, he didn't see who, was in the car that dropped
10 the defendant off, and that car also left.

11 That's the truck, the Avalanche truck, that was found the
12 day after Jamal was killed. But it was still a missing person
13 at this point. Until on August 30th, Stuart Stevenson, a
14 worker with North Myrtle Beach, is taking care of his regular
15 duties and nature calls and he goes back into the woods sort
16 of off of Robert Edge Parkway and Old Sanders Road. If you've
17 ever driven there, you know sort of that wooded area. And
18 they walk, he and his co-worker walk a little way into the
19 woods and come upon a pile of bones still laid -- still mostly
20 together, clearly human. They call their supervisor and then
21 the police and Horry County responds.

22 We're starting to put the pieces together, but obviously
23 it's hard to identify a skeleton. But it's clear from the
24 bones that whomever that is had been killed with a gunshot
25 wound to the head. And you'll hear, excuse me, from the crime

1 scene personnel, how they searched that scene and gathered the
2 bones and what they did with them. They sent them to the
3 Charleston County Coroner's Office because Doctor Suzanne Abel
4 works there and she is what we call a forensic anthropologist,
5 and she's able to look at bones and give us some rough idea of
6 race, age, height, maybe how long the person has been dead.
7 So she does that work and gathers a few of the bones which are
8 sent to SLED, South Carolina Law Enforcement Division. And
9 that's where the DNA testing is done. And that testing
10 reveals what we all now know, that those bones in the woods,
11 the victim who was discarded like trash was Jamal.

12 Now, I told you that the police had sort of zeroed in on
13 ■ Sandridge. So they went there as all of this other
14 information is coming in. They just want to look around, it's
15 no crime scene yet. There's nothing obvious at the location.
16 No big sign saying Jamal was killed here. But the fact that
17 they were there starts this other ball rolling because one of
18 Layne Styron's friends calls her up and says, hey, are you
19 okay? I see the police are at your house. And the police had
20 started talking to people. They had talked to Steven Morgan.
21 So Layne was like I remember this time in August when
22 something really weird happened at the house. She's looking
23 at the missing person's report and that missing person's
24 report had a picture of Jamal's Avalanche. And that's what
25 lead Layne to reach out to the police and the investigation

1 really takes shape at that time.

2 So based on that interview with Layne and with Steven
3 Morgan, Horry County Police, this time with Crime Scene, go
4 back to ■■■ Sandridge. And you'll here from, she's now a
5 Corporal, but then Investigator Domogauer, how they process
6 the scene and how they sprayed special chemicals to see if
7 blood will show up, fluoresce. And lo and behold, there was a
8 section of the floor at ■■■ Sandridge that fluoresced, that
9 changed color. And that portion of the floor was removed, and
10 Investigator Domogauer swabbed it. What do you know? It's
11 Jamal's blood.

12 Again, Detective Marcus has been speaking with Layne and
13 with Steven Morgan. He now knows about the defendant's car.
14 So he sends members of Horry County, hey, can you get help
15 from the Richland County Sheriff's Office so you see this
16 there are a lot of moving parts here. So they say Richland
17 County Sheriff's Office can you keep a look out for this car
18 because that's where the defendant was living. They find the
19 defendant's car with the defendant in it. They secure the car
20 and they tow it back to their headquarters. Now retired, then
21 Investigator Pete Cestare goes up seals all of the doors, the
22 trunk, everything to make sure that everything stays in tack
23 and the car is transferred back to Horry County where it is
24 processed. I will cut to the chase, the victim's blood is
25 found in the trunk of the defendant's car.

1 Now, normally that would sort of be where this case ends,
2 right, because we now have proof that the defendant killed the
3 victim, dumped him in the woods. However, there is this sort
4 of added almost TV like quality to this murder. The defendant
5 and Steven Morgan were both arrested. They are both housed at
6 J Reuben Long Detention Center. Now, the defendant had been
7 charged with murder. Steven Morgan was charged as an
8 accessory because just before he got home you see text
9 messages sent from the defendant to Steven Morgan, I'm almost
10 done, I'm cleaning up, about 30 minutes. But remember I told
11 you that Steven Morgan's phone has died, so he didn't get
12 those, but that's the basis of his charge.

13 So now they're in jail together and the defendant has
14 this plan. And try as I may, I still haven't quite made sense
15 of it, but this is what he came up with. He convinces Steven
16 Morgan to confess to the crime because if Steven Morgan
17 confesses to the crime then Darrell Land will be able to get
18 out. And to ensure Steven Morgan's cooperation, Darrell Land
19 also writes a confession to the crime. And there maybe
20 something about bringing chickens to voodoo priests, but the
21 idea was that the defendant would get Steven Morgan to confess
22 to the crime and that way it would just sort of muddy the
23 waters. Except for one thing, they use an intermediary, Jesse
24 Smith.

25 Now is sort of a good time to pause, just also like it's

1 not a TV show, there are not actors who audition for these
2 parts. The state did not go out and say, hey, you look like
3 you'd be a great witness for me. Our witnesses are our
4 witnesses because of what the defendant did and who he
5 associated with. So you will hear Jesse Smith if he is able
6 to get here. You will hear that he has a record. You will
7 hear and you have already heard that Steven Morgan was
8 arrested in this case.

9 But Jesse Smith was asked to be the go-between between
10 the defendant and Steven Morgan and pass what we call kites or
11 letters back and forth between the two co-defendants. Because
12 J Reuben, as most detention centers have, a no contact policy.
13 Co-defendants are not allowed to interact with each other, so
14 they have to use kites. And Jesse Smith went to Detective
15 Marcus and said, hey, I think you guys need to know what's
16 going on. The right person needs to be held accountable for
17 this man's murder. And through a series of both jail cell
18 searches and letters surrendered to investigators, that's how
19 we learn about this scheme. And Steven Morgan will tell you
20 about it too because the defendant, and he regrets his
21 decisions to this day, but the defendant had offered to pay
22 him \$39,000 if he would falsely confess to killing Jamal so
23 then Darrell Land could get out, work whatever magic he could
24 work, and then the case would all go away. But because Jesse
25 Smith decided to do the right thing, that plan was foiled.

1 And then Steven Morgan as the trial approached, as
2 defendant's sometimes do, said you know what? I'm done. I'm
3 ready to put this behind me. I'll take responsibility for
4 what I did. I will testify for the state and I will tell you,
5 I will tell the jury what the defendant had me do, what I know
6 the defendant did, and what I did as a part of this whole
7 scheme.

8 So the opening, as the Judge said, is sort of what I
9 expect to present to you. It is a way for me to put what you
10 will hear in context because again we are dependent on
11 people's schedules, on flights, people are coming in from out
12 of town in traffic. So it doesn't come in all nice and neat
13 like a book, or like Law and Order, or Blue Bloods, or a crime
14 podcast. It will come in in bits and pieces. But this
15 opening hopefully should help you say okay, I remember her
16 saying this in her opening, this is how this witness fits in,
17 this is how this piece of evidence fits in. And at the end at
18 the close of all of the evidence, at the close of all of the
19 testimony, the state will have proven beyond a reasonable
20 doubt that the defendant did, in fact, commit murder and he
21 possessed a weapon during the commission of a violent crime.
22 And we will ask that you find him guilty of those charges.
23 Thank you.

24 **THE COURT:** Mr. Lucas.

25 **MR. LUCAS:** Thank you, Your Honor.

1 Ladies and gentlemen, I know I introduced myself to you
2 guys yesterday, but again I'm attorney Lucas. I represent not
3 the defendant. Obviously the solicitor calls him the
4 defendant ---

5 **THE COURT:** I'm sorry. Can y'all please go see what that
6 -- where that noise is coming from? It's affecting my court
7 reporter from being able to hear what Mr. Lucas is saying.

8 All right. Mr. Lucas, I'll let you go ahead. Go ahead
9 again. I'm sorry.

10 **MR. LUCAS:** Okay. I think I can pick up where I was.

11 The solicitor in this case who just talked to you, she is
12 going to give you a lot. A lot of cell phone records that
13 show the communication between Darrell Land and Steven Morgan
14 and Layne Styron and David Pinkerton. There's going to be
15 communication between these guys or between these people, but
16 that is nothing more than them communicating because they want
17 to go to dinner, and they want to ultimately meet up at Steven
18 Morgan's house on August the 4th.

19 One thing she does leave out, she left out is that
20 Darrell Land also met with Arnold Bennett prior to about 4
21 o'clock in the afternoon on August 4th at a studio in the
22 Socastee area of Horry County, right near Market Common
23 actually. They were recording music. That could be, if the
24 state seeks to introduce it, could be supported by a guy named
25 Jeremy Davis, who works at the studio.

1 And then they go from the studio to Steven Morgan's
2 house. Prior to getting to Steven Morgan's house, Darrell
3 Land stops at his friend Bigs house and plays basketball, and
4 then goes to Steven Morgan's house.

5 Now, as the solicitor indicated there is a lot of things
6 happening. Steven Morgan and his girlfriend Layne Styron went
7 to dinner that night. David Pinkerton was supposed to be
8 there too but he went to the wrong restaurant. So then
9 ultimately David Pinkerton goes to Steven Morgan's house and
10 actually gets there before Layne and Steven get there. So
11 when David Pinkerton approached the house and knocks on the
12 door, he runs into Darrell Land. At that point David
13 Pinkerton really says nothing more. He talks to Darrell Land,
14 but there's nothing about blood or anything else, or cleaning
15 up. Nothing was there. In fact, it only comes up later when
16 Steven Morgan and Layne Styron get to the house, go inside the
17 house, and then allegedly see Darrell Land cleaning blood on
18 the floor.

19 Blood which can't be supported by the idea of -- because
20 Darrell Land sold Steven Morgan his dog, Steven Morgan and
21 Layne Styron's dog. And Darrell Land has a history of dogs,
22 right, selling dogs, buying dogs. That whole type portion of
23 like his career, dealing with kennels and everything else and
24 Steven Morgan knows that. Steven Morgan knows that that was
25 their connection. So much so that Steven Morgan and Layne

1 Styron actually bought a dog from Darrell Land.

2 And Steven Morgan in one of his many, many, many
3 statements, Steven Morgan tells story after story after story
4 about what happened in August 4th. One of which is that there
5 was blood in the floor and that Darrell told him there was
6 blood in the floor because the dogs were fighting so he had to
7 clean that up before Layne and Steven got back home, so that
8 is there, that's there.

9 There are multiple, lots and lots of people that talked
10 in this. You know you have Layne Styron, you have David
11 Pinkerton, you know, you have Bigs who is not really there at
12 the time, but his name is involved. And there are phone
13 records to support all of this. But that's all it is, the
14 solicitor will throw all of this stuff at you guys, but
15 there's one thing I can, I can promise you. No one, no one is
16 going to say that Darrell Land hurt anyone, especially didn't
17 kill anyone. No one is going to say that at all. They will
18 say that he was cleaning up something out of the floor. Okay.
19 Was it the dogs from the dogs fighting before Steven and Layne
20 got home? Possibly. Was it from something else?

21 Did he have -- there's also the allegation which the
22 solicitor brought up to you guys previously, there was an
23 allegation of Mr. Land having a girl at Steven's house. And
24 possibly they were, you know, having relations or whatever
25 while Steven was away. Maybe that's what he was cleaning up.

1 Maybe the dog blood from the fight is what he was cleaning up.
2 There's lots of different things that he could be cleaning up.
3 And there's lots of different people who could have been
4 involved in this. But at the end of the day after you guys
5 see all of this stuff, cell phone records of a group of
6 friends talking to each other, and everything else, no one,
7 not one person is going to say that Darrell Land did anything
8 anywhere close to murder in this case. There's a gun
9 involved. There's all kinds of stuff that the state is
10 claiming, but there's nothing to support it. And for that
11 reason, ladies and gentlemen, I would say I know it's a
12 handful, it's a lot for you guys to take in. But I believe
13 if, as I have, after you look at everything you will see that
14 there's not enough there to prove Mr. Land guilty of what he's
15 charged, the murder or the possession of a weapon during a
16 violent crime, none of those things. The evidence just isn't
17 there, ladies and gentlemen. Thank you.

18 **THE COURT:** Call your first witness, please.

19 **MS. WALTER:** Thank you, Your Honor.

20 The state calls Sierra Fugate.

21 **THE CLERK:** Please raise your right hand, place your left
22 hand on the Bible.

23 **SIERRA FUGATE, HAVING BEEN**

24 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

25 **THE CLERK:** Please state your name and spell it for the

1 Court.

2 **MS. FUGATE:** My name is Sierra, S-I-E-R-R-A.

3 **DIRECT EXAMINATION OF MS. FUGATE BY MS. WALTER:**

4 Q: And how do you spell your last name?

5 A: Fugate, F-U-G-A-T-E.

6 **MS. WALTER:** Your Honor, may I approach? I'm just going
7 to adjust the microphone.

8 **THE COURT:** Yes, ma'am.

9 **BY MS. WALTER:**

10 Q: I just want to make sure that you speak into this. It's
11 very important that the jury can hear what you say, okay?

12 A: Okay.

13 Q: Did you know a man named Arnold Jamal Bennett?

14 A: Yes.

15 Q: And how did you know him?

16 A: He's my baby father.

17 Q: Okay. What did you call him?

18 A: We called him Juice.

19 Q: Okay. And how long were you and Jamal dating?

20 A: Yes.

21 Q: And how long had you been dating?

22 A: About two years.

23 Q: You said that he was your baby's father, a boy or a girl?

24 A: A boy.

25 Q: And how old is your son now?

1 A: He's two, he will be three Friday.

2 Q: And what's his name?

3 A: Arnold Bennett.

4 Q: Now, during those two years that you and Juice or Jamal

5 were dating, how would he make a living?

6 A: He sell -- he actually details cars.

7 Q: Okay. Did he do anything else?

8 A: Yeah, he sold weed sometimes.

9 Q: A lot, a little?

10 A: Just a little bit.

11 Q: And you have a son with him. Did he have any other

12 children?

13 A: Yes.

14 Q: How many children did he have?

15 A: He just had one daughter.

16 Q: And how old was that daughter?

17 A: She was two at the time, well three at the time.

18 Q: Okay. Do you know her first name?

19 A: Camille.

20 Q: And where was Jamal or Juice living at this point?

21 A: He was living with his dad, but he was going back and

22 forth from me and his house.

23 Q: Okay. Where were you living?

24 A: I was living on the beach.

25 Q: And do you know where his father was living?

State vs Land

71

2020-DR-26-02425 & 02427

1 A: Yes, in Surfside.

2 Q: Okay. Now, do you remember --- actually ---

3 MS. WALTER: May I approach, Your Honor?

4 BY MS. WALTER:

5 Q: I'm showing you what's been marked state's exhibit 1. Do
6 you recognize the person in this photo?

7 A: Yes.

8 Q: Who is that?

9 A: Arnold Bennett.

10 Q: And you actually provided this photo to me?

11 A: Yes.

12 MS. WALTER: Your Honor, I would ask that state's exhibit
13 1 be admitted and published to the jury.

14 THE COURT: Any objection?

15 MR. LUCAS: No objection, Your Honor.

16 THE COURT: Without objection, so admitted.

17 (STATE'S EXHIBIT NUMBER 1

18 IS ADMITTED INTO EVIDENCE.)

19 BY MS. WALTER:

20 Q: So you testified that Jamal or Juice did car detailing.
21 How did he get around? Did he have a car, a truck, what kind
22 of vehicle?

23 A: He had a truck; he had an Avalanche.

24 MR. LUCAS: No objection, Your Honor.

25 BY MS. WALTER:

1 Q: I'm showing you state's exhibit 4.

2 A: That's his car.

3 Q: Okay.

4 **MS. WALTER:** Your Honor, I would ask that state's exhibit
5 4 be admitted and published.

6 **THE COURT:** All right. Admitted without objection. You
7 may publish it.

8 **(STATE'S EXHIBIT NUMBER 4**
9 **IS ADMITTED INTO EVIDENCE.)**

10 **BY MS. WALTER:**

11 Q: How did he feel about that truck?

12 A: He loved that truck. He wouldn't even let you put your
13 feet up in that truck. He loved that truck.

14 Q: Did he ever let you drive it?

15 A: No, only his dad.

16 Q: Okay. Do you remember the last day you saw or talked to
17 Jamal, Juice?

18 A: Yes.

19 Q: What day was that?

20 A: It was August 4th in the morning time.

21 Q: Okay. What were you guys doing?

22 A: He was going on his way to his dad's house so he could
23 get his daughter and spend time with his daughter.

24 Q: Okay. Did you guys have plans to meet up later that day?

25 A: Yes, he was going to go play ball with my other two kids.

1 Q: And then so that would have been later on that day?

2 A: Yes.

3 Q: Now, you told us that he would sell marijuana from time
4 to time. So thinking of August 4th, the last day you saw or
5 talked to him, do you know when the last time before that was
6 that he had been resupplied with marijuana?

7 A: It was the day before.

8 Q: Do you know how much he had?

9 A: No, I'm not sure what he had.

10 Q: When you last saw him on the 4th, do you recall
11 approximately what time that was?

12 A: It was 8:30 in the morning.

13 Q: When he left to go to his father's, did he drive his
14 Avalanche?

15 A: From my house, yes.

16 Q: Okay. Do you know if he had any money on him that day?

17 A: Yes, he did have money on him.

18 Q: Do you know how much he had?

19 A: It was a couple hundred dollars he had in his pocket.

20 Q: Okay. Did you -- did the two of you talk or text
21 throughout the day?

22 A: Yes, I did.

23 Q: How was he about responding if you texted or called?

24 A: He would always respond. If he sees the text message and
25 he knows it's me or his dad, he would text us right back or

1 he'd get on the phone and call us.

2 Q: At some point that day did Jamal stop responding?

3 A: Yes.

4 Q: Okay. Tell us about the last couple of communications
5 leading up to when he stopped responding.

6 A: Well at like 4 o'clock me and my son had called him, at
7 4p.m. we called him. He said something about a studio, but it
8 was kind of fishy with me because he never talked about
9 nothing about a studio down here. So then about maybe 6 I
10 texted him again and he said he was waiting for a young man to
11 come, I guess to get the weed. So after that I didn't hear
12 nothing else from him. At like 7 something the calls just
13 stopped, like the text messages, the calls, everything just
14 stopped.

15 Q: What did you do?

16 A: Well I said men going to be men, so I said okay well
17 maybe he's going to call me, but I never received a call. I
18 kept blowing up his phone, calling him, and that's when I just
19 got real scared and I headed to his dad's house and I asked
20 him did he see him and he told me no.

21 Q: Do you remember when you went to his father's house?

22 A: Yes. It was August 5th, the next morning I went to his
23 house.

24 Q: When you got to his father's house, did you see the
25 Avalanche there?

1 A: No.

2 Q: Was there any sign of Juice there?

3 A: No.

4 Q: What did you do after that?

5 A: I knocked on the door and I told Mr. Walter did he see
6 Jamal? And he said, no, the last time he said he was coming
7 to your house. And that's when I told him I said, I don't
8 know where he's at.

9 Q: Did you ever reach out to the police about this?

10 A: Yes. I told Mr. Walter, I said, I'm going to the police
11 station because I haven't got in contact with him so I'm going
12 to the police. And he met me down there, we both went
13 together.

14 Q: Okay. Which police department did you report it to?

15 A: Myrtle Beach Police.

16 Q: And did you give them information about Juice and about
17 the car, the truck?

18 A: I gave them everything.

19 MS. WALTER: Court's indulgence.

20 **BY MS. WALTER:**

21 Q: And when was the next, I guess, information you received
22 about Juice?

23 A: It was August 13th when they told me they found his truck.

24 Q: After you were told that they found his truck, did you
25 get any other information?

1 A: No. I told the detective, I said, if you found his truck
2 then where is he because he's not going to leave that truck.

3 Q: And then other than sort of giving us an idea of who
4 Juice was, did you have anything else to do with the
5 investigation other than obviously just following along with
6 it?

7 A: No.

8 **MS. WALTER:** Court's indulgence.

9 Your Honor, I have no further questions for this witness.

10 **BY MS. WALTER:**

11 Q: Sierra, if you'd just answer any questions from defense
12 counsel.

13 **THE COURT:** Cross examination.

14 **MR. LUCAS:** Thank you, Your Honor.

15 **CROSS EXAMINATION OF MS. FUGATE BY MR. LUCAS:**

16 Q: You testified that Arnold sold drugs, correct?

17 A: Yes.

18 Q: He did. Okay. But he did not have \$10,000 on him on
19 August 4th, right?

20 A: No.

21 Q: He had a few hundred dollars?

22 A: Yes.

23 Q: Okay. And you are aware of the studio, right?

24 A: No.

25 Q: Well the fact that Arnold was going to the studio, you

1 were aware of that, right?

2 A: Yeah, that's where he told me he was going.

3 Q: Okay. That's where he said he was going. Okay. And
4 that was on August 4th, correct?

5 A: Yes.

6 Q: Okay.

7 **MR. LUCAS:** I have no further questions, Your Honor.

8 **THE COURT:** Any redirect?

9 **MS. WALTER:** None, Your Honor.

10 **THE COURT:** Ma'am, you may step down. Thank you.

11 **MS. WALTER:** Your Honor, the state next calls Earnestine
12 Green.

13 **THE CLERK:** Please raise your right hand, place your left
14 hand on the Bible.

15 **EARNESTINE GREEN, HAVING BEEN**
16 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

17 **THE CLERK:** Please state your name and spell it for the
18 Court.

19 **MS. GREEN:** My name is Earnestine Wilson Green, E-A-R-N-
20 E-S-T-I-N-E W. G-R-E-E-N.

21 **MS. WALTER:** May I, Your Honor?

22 **THE COURT:** Yes, ma'am.

23 **MS. WALTER:** Thank you.

24 **DIRECT EXAMINATION OF MS. GREEN BY MS. WALTER:**

25 Q: Ms. Green, without giving us your full address, can you

1 tell us what part of Horry County you live in?

2 A: Little River.

3 Q: Do you live in the general vicinity of the [REDACTED] block of
4 Livingston Circle?

5 A: I do.

6 Q: Now I want you to think back to August 5th of 2019. Do
7 you recall seeing something in the area of [REDACTED] Livingston
8 Circle that caused you to call the police?

9 A: Yes.

10 Q: Okay. So now let's back up to that morning. What was
11 your normal routine in the morning? When would you get up?
12 What would you do?

13 A: I am retired, so I go to the gym three days a week, prior
14 to the pandemic. And I normally go between 7:15 - 7:30 so
15 that I can get back home by 8:30 because my husband gets up at
16 9. And this particular morning, it was a Monday morning, I
17 left my house going out, and I noticed a vehicle pulled up in
18 this little road right beside the road that I'm traveling on
19 with the door open. It kind of concerned me because I thought
20 well somebody must have jumped out of their truck and had to
21 go to use the bathroom or whatever. And I just kind of went
22 on to the gym.

23 Q: Was the truck still there when you got home from the gym?

24 A: Yes, it was.

25 Q: And now let me back up just for one minute. Had you seen

1 the truck the day before?

2 A: No, because the day before was Sunday and we had gone to
3 church and it was not there.

4 Q: Okay. So the first time you saw it was Monday morning
5 August 5th when you left for the gym?

6 A: Yes.

7 Q: You said the door was open. Was the -- the truck was
8 still there when you got home from the gym?

9 A: Yes, it was.

10 Q: Was the door still open?

11 A: Yes, it was.

12 Q: Okay. At some point that day did you call the police to
13 report it?

14 A: Yes, because I went back out about midday for something
15 and then I came back I told my husband about it, and he said,
16 you know when I went to my doctor's appointment this morning
17 it was there too. He had noticed it. But when I came back
18 that second time, that's when we started actually talking
19 about the truck being there and we both being concerned, and
20 later on we called 911.

21 Q: Do you know if Horry County came out that day?

22 A: I don't know.

23 Q: Okay. Did you -- did the truck leave at some point?

24 A: It stayed there several days because Wednesday went I
25 went back to the gym, Monday, Wednesday, and Friday, it was

1 still there. And by now though, all of us that live there on
2 the little street there we were concerned and talking among
3 ourselves about it being there and wondering if somebody was
4 out in the woods or something in distress and couldn't get out
5 or something.

6 Q: So approximately how long did the truck stay there?

7 A: I think almost a week.

8 Q: All right. Did you ever see anyone approach the truck,
9 go to it or from it?

10 A: No, I did not.

11 May I have some water, please?

12 Q: Oh, absolutely. Do you have a cup there? Do you need a
13 cough drop?

14 A: Yes. Thank you.

15 Q: You're welcome.

16 Okay. So I think you said that the truck stayed there
17 for about a week?

18 A: Yes. Uh-huh. (Affirmative response)

19 Q: And other than that and having to respond to my subpoena,
20 is that the extent of your involvement in this case?

21 A: That was it because by the end of the week I started
22 hearing and seeing some news on the TV ---

23 Q: And you don't have to tell us what was in the news.

24 A: Okay.

25 Q: But that's about it other than testifying?

1 A: That would be it. I just saw it there and was concerned
2 and it stayed there about a week.

3 Q: Okay. Thank you. I have nothing further. If you could
4 answer any questions Mr. Lucas has.

5 **THE COURT:** Mr. Lucas.

6 **MR. LUCAS:** Thank you, Your Honor.

7 **CROSS EXAMINATION OF MS. GREEN BY MR. LUCAS:**

8 Q: So as you testified to, you didn't see anyone in the
9 truck, right?

10 A: No, sir. I did not.

11 Q: You didn't see anyone get out of the truck?

12 A: No, sir.

13 Q: Okay. Thank you.

14 **MR. LUCAS:** No further questions, Your Honor.

15 **THE COURT:** Anything, Ms. Walter?

16 **MS. WALTER:** Your Honor, just with the Court's
17 indulgence, I neglected to show Ms. Green state's exhibit 4
18 which is already admitted.

19 **REDIRECT EXAMINATION OF MS. GREEN BY MS. WALTER:**

20 Q: Does that look like the truck even though the doors are
21 closed?

22 A: I was going to say that looks like it, but the doors are
23 closed.

24 Q: Okay. Thank you.

25 **THE COURT:** All right. Anything else, Mr. Lucas?

25 A: Supervise the ladies and gentlemen are under me, beneath

1 me, underneath me, sorry, as well as their duties.

2 Q: So would that include just responding to calls for
3 service?

4 A: I do respond to calls for service.

5 Q: How long have you been in that position?

6 A: Two years.

7 Q: What was your position immediately before that?

8 A: I was a patrol officer in the North Precinct.

9 Q: And where is the North Precinct? What area does that
10 cover?

11 A: It covers from the North Carolina border to Highway 501
12 from the ocean to, I believe it's Loris.

13 Q: Would Little River fall in that North Precinct?

14 A: Yes, it does.

15 Q: So now, directing your attention to August 5th of 2019,
16 did you receive a call for service that took you to the area
17 of [REDACTED] Livingston Circle?

18 A: Yes, ma'am.

19 Q: Is that in Little River in Horry County?

20 A: It is.

21 Q: Okay. And I'm going to show you ---

22 **MS. WALTER:** Your Honor, I've shown the defense counsel,
23 if I may approach?

24 **THE COURT:** Yes, ma'am.

25 **BY MS. WALTER:**

1 Q: State's exhibit 31, do you recognize that area?

2 A: I do.

3 Q: And is that the area that you responded to?

4 A: Yes, it is.

5 **MS. WALTER:** Your Honor, I would ask that exhibit 31 be
6 admitted and published.

7 **THE COURT:** Any objection?

8 **MR. LUCAS:** No objection, Your Honor.

9 **THE COURT:** Without objection, so admitted.

10 **(STATE'S EXHIBIT NUMBER 31**
11 **IS ADMITTED INTO EVIDENCE.)**

12 **BY MS. WALTER:**

13 Q: And when you got to that location, what did you see?

14 A: As I found the address I was directed to a dirt road off
15 to the right of Livingston Circle. There was a Chevrolet
16 Avalanche parked down the roadway. The call was actually a
17 suspicious vehicle.

18 Q: And you said when you eventually found a location. What
19 was the issue there?

20 A: It was a wooded area. The address I was given was not
21 documented, so therefore, I actually had to find the drive
22 itself.

23 Q: Okay. And so you said you saw this truck on that wooded
24 drive?

25 A: It was a dirt road. Yes, ma'am.

1 **MS. WALTER:** Your Honor, if I may approach?

2 **BY MS. WALTER:**

3 Q: I'm approaching with state's exhibits 2 and 3, and also
4 admitted exhibit 4. So without telling the jury, first, if
5 you'll look at exhibits 2 and 3. Does that represent roughly
6 where the truck was when you saw it?

7 A: Yes, ma'am.

8 Q: Is there anything -- when you saw the truck there, were
9 the doors open or closed?

10 A: The door was open.

11 Q: All of the doors, one of the doors?

12 A: One of the doors was open.

13 Q: Which door? Do you recall?

14 A: I believe it was the driver door.

15 Q: Okay. And are exhibits 2 and 3 fair and accurate
16 representations of what you saw that day?

17 A: Yes, ma'am.

18 **MS. WALTER:** Your Honor, the state would move to admit
19 and publish exhibits 2 and 3.

20 **THE COURT:** Any objection?

21 **MR. LUCAS:** No objection, Your Honor.

22 **THE COURT:** So admitted without objection.

23 **(STATE'S EXHIBIT NUMBERS 2 AND 3**
24 **ARE ADMITTED INTO EVIDENCE.)**

25 **BY MS. WALTER:**

1 Q: So once you saw the truck down this little dirt lane with
2 the door open, what did you do?

3 A: Then I pulled in behind that truck. I did run the
4 license plate, which I don't remember the license plate number
5 at this time, however, I did run the license plate and it did
6 come back to whomever the owner was, but it wasn't listed as
7 NCIC stolen or anything of that nature.

8 Q: Okay. So you're saying NCIC and you ran the truck, just
9 for the jury who doesn't do that every day, can you just in
10 laymen's terms explain what you were doing.

11 A: I ran the license plate on my laptop basically to find
12 out whether it's been listed as stolen or anything else wrong
13 with the truck.

14 Q: Nothing sort of out of the ordinary came back?

15 A: Not at that time. No, ma'am.

16 Q: Did you do anything else at that time?

17 A: After I ran the vehicle I did get out and I did look
18 around the perimeter of the vehicle and also the inside, as
19 the door was ajar, for anything out of the ordinary.

20 Q: Were there any immediate signs of foul play at that
21 point?

22 A: No, ma'am.

23 Q: So what did you do after that?

24 A: After that I spoke to one of the neighbors who came out
25 and began to tell me that the truck was parked there and it

1 needs to be moved and a few other things.

2 Q: Okay. Did you in fact have the truck towed that day?

3 A: I did not.

4 Q: And why not?

5 A: Because it was parked on private property, and at that
6 point in time it wasn't an obstruction that needed to be
7 moved.

8 Q: And other than that and testifying here today, does that
9 conclude your involvement in this case?

10 A: Yes, ma'am.

11 Q: Okay. I have no further questions. Just answer any
12 questions Mr. Lucas has, please.

13 **THE COURT:** Cross examination.

14 **MR. LUCAS:** I have no further questions for this witness,
15 Your Honor.

16 **THE COURT:** All right. Sir, you may step down. Thank
17 you.

18 **MS. WALTER:** And, Your Honor, with the Court's permission
19 I'm going to call a civilian out of order just so I can get
20 him on his way. So the state will call Stewart Stevenson.

21 **THE CLERK:** Please raise your right hand, place your left
22 hand on the Bible.

23 **STEWART STEVENSON, HAVING BEEN**
24 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

25 **THE CLERK:** Can you please state your name and spell it

1 for the Court.

2 **MR. STEVENSON:** My name is Stewart Stevenson, S-T-E-W-A-
3 R-T S-T-E-V-E-V-S-O-N.

4 **DIRECT EXAMINATION OF MR. STEVENSON BY MS. WALTER:**

5 Q: And, Mr. Stevenson, I'm going to ask for the court
6 reporter's sake just to slow down just a little bit because
7 she's trying to take down everything that you say, okay.

8 A: Okay.

9 Q: And just remember you have to say yes or no, you can't
10 shake your head.

11 A: Yes, ma'am.

12 Q: Okay. Thank you.

13 So where do you work?

14 A: I work at the City of North Myrtle Beach.

15 Q: And how long have you worked there?

16 A: Ten years.

17 Q: What do you do?

18 A: I'm was parks and grounds maintenance.

19 Q: So what does that mean? What was part of your daily
20 duties?

21 A: Cleaning up like the walkways over the bridges, cutting
22 the grass, planting flowers, putting out mulch.

23 Q: Okay. So were you in that position, I would imagine, on
24 August 30th of 2019?

25 A: Yes, ma'am.

1 Q: Do you recall something happening that day that forces
2 you into court today?

3 A: Um.

4 Q: Do you recall something happening that made you call the
5 police?

6 A: Yes.

7 Q: Okay. So now let's back up a little bit. At some point
8 during your work that day, did you stop off at the area sort
9 of on the Robert Edge Parkway and what we call Old Sanders
10 Road?

11 A: Yes, ma'am.

12 Q: And if you don't mind, what were you doing there?

13 A: We had stopped because me and my buddy was riding in the
14 same truck, and he had use the bathroom.

15 **MS. WALTER:** Your Honor, if I may approach with state's
16 exhibit 29.

17 **BY MS. WALTER:**

18 Q: So I'm showing you state's exhibit 29. Is this a fair
19 and accurate aerial photograph of the area where you stopped?

20 A: Yes, ma'am.

21 **MS. WALTER:** Your Honor, I would ask that state's exhibit
22 29 be admitted and published.

23 **THE COURT:** Any objection?

24 **MR. LUCAS:** No objection, Your Honor.

25 **THE COURT:** Without objection, so admitted.

1 (STATE'S EXHIBIT NUMBER 29
2 IS ADMITTED INTO EVIDENCE.)

3 BY MS. WALTER:

4 Q: So you stopped off there because your partner needed to
5 use the bathroom.

6 A: Yes.

7 Q: Where did you guys go?

8 A: Repeat that?

9 Q: Where did you go; I mean let me show you the aerial? So
10 did you just sort of stand on the road or did you try walking
11 into the woods?

12 A: Well we turned off the main highway onto the little dirt
13 road to go across to the other side. And at the time he had
14 to use the bathroom, so we stopped in the little wooded area
15 there, parked on the shoulder of the road, got out, and he
16 went walking down in the woods. At the time I said while he's
17 using the bathroom, I'm going to get out and go ahead and use
18 the bathroom too. And that's when he spotted the bones on his
19 way out and he called me back to show me the body. He said,
20 that's a body, that's not no dog. I said, well I don't know.
21 So I walked down until I sent it. When I saw it I quit what I
22 was doing and went back to the truck.

23 Q: And what did you do after you saw the bones?

24 A: I called my supervisor at first. And at the time he
25 didn't really show up right then, so I called the county

1 police.

2 Q: Did you and your partner stay on scene until the police
3 arrived?

4 A: Yes, ma'am.

5 Q: Were you there -- how many officers showed up at first?

6 A: It was, it started off with like three.

7 Q: And then more officers arrived?

8 A: About 15 more.

9 Q: Okay. While you were waiting there, did anyone else
10 other than the police officers go back into that wooded area?

11 A: No, ma'am.

12 Q: Okay.

13 **THE COURT:** So now, Your Honor, I'm going to approach
14 with exhibits 6, 9 and 10.

15 **BY MS. WALTER:**

16 Q: Start with exhibit 6. Is this kind of the area where you
17 walked back into the woods?

18 A: Yes, ma'am.

19 **MS. WALTER:** Your Honor, I would ask that state's exhibit
20 6 be admitted and published.

21 **THE COURT:** Any objection?

22 **MR. LUCAS:** No objection, Your Honor.

23 **(STATE'S EXHIBIT NUMBER 6**
24 **IS ADMITTED INTO EVIDENCE.)**

25 **BY MS. WALTER:**

1 Q: And then while I'm showing this to the jury, do you want
2 to look at those and make sure that you recognize those?

3 A: Uh-huh. (Affirmative response.) Yes, ma'am. I do
4 recognize them.

5 Q: Okay. So is that a fair and accurate representation of
6 what you saw that day?

7 A: Yes, ma'am.

8 MS. WALTER: Your Honor, I would ask that state's 9 and
9 10 be admitted and published.

10 THE COURT: Any objection?

11 MR. LUCAS: No objection, Your Honor.

12 THE COURT: Without objection, so admitted.

13 (STATE'S EXHIBIT NUMBERS 9 AND 10
14 ARE ADMITTED INTO EVIDENCE.)

15 BY MS. WALTER:

16 Q: And so would state's exhibit 10 just be sort of --
17 state's exhibit 10 is just sort of a closer view?

18 A: Yes, ma'am.

19 Q: And that's how -- did either you or your partner move the
20 bones, disturb them in any way?

21 A: No, ma'am.

22 Q: And other than having to testify here in court today, did
23 you have any other involvement in this case?

24 A: No, ma'am.

25 Q: I have no further questions, but Mr. Lucas may.

25 Q: Thank you. Where do you work?

1 A: I work with Myrtle Beach Police Department.

2 Q: How long have you worked there?

3 A: Almost 20 years.

4 Q: What is your current position?

5 A: I am a Corporal in the Investigative Division. I'm a
6 detective for Myrtle Beach.

7 Q: And how long have you been in that position?

8 A: For about five years now.

9 Q: So it's safe to say you were in that position in 2019?

10 A: Yes.

11 Q: Okay. What are some of your duties and responsibilities?

12 A: Oh my gosh.

13 Q: You don't have to give us all, just some.

14 A: I'm actually assigned as a shirt detective, so I'm
15 currently assigned to nighttime bracket. And I work alongside
16 my whole shift for the 12-hour shift, so we develop a rapport
17 with the actual police officers. So whatever arises that day
18 and at that time, we work through as the detective on scene
19 with them so as not to have to call somebody in.

20 Q: At some point, directing your attention back to August of
21 2019, did you become involved in an investigation into a
22 missing person, Arnold Jamal Bennett?

23 A: Yes.

24 Q: Can you tell us how you became involved?

25 A: I received a phone call, I know -- I believe that we put

1 a BOLO out, a department had taken a report for a missing
2 person prior to my involvement. On the date in question, I
3 believe it was the 13th, we got a phone call that the vehicle
4 of the missing person had been located up in the Little River
5 area, North Myrtle Beach area.

6 Q: So I want to back you up a little bit, and you may know
7 what the term is from TV, but what do you mean a BOLO?

8 A: I'm sorry. It's a flyer that's normally put out to media
9 or internally to police to be on the lookout. Obviously, this
10 is for a missing person with his photo, his descriptors, those
11 sorts of things.

12 Q: Would you include vehicle information with that if you
13 had it?

14 A: Yes.

15 Q: To your knowledge, was the vehicle information included
16 in this report?

17 A: Yes.

18 Q: Did Myrtle Beach at some point try to determine whether
19 any other law enforcement agency had run, for lack of a better
20 word, the vehicle associated with the missing person?

21 A: I believe Officer Paitsel, she works in our missing
22 person's unit, she had followed up with our NCIC entry, which
23 is our National Crime Information Center, which is a database,
24 to see if the missing person had still been entered in as
25 missing or see if his vehicle was still listed as missing

1 under his entry. And at that time, I believe on the 13th, she
2 learned that they had actually located the vehicle prior.

3 Q: Okay. So then after learning the Horry County had found
4 the truck prior, what did you guys do?

5 A: We responded to where the vehicle was located.

6 Q: So it was still there?

7 A: Yes, it was.

8 Q: And that was in the Little River section?

9 A: Yes, it was.

10 Q: Who all went out there at that time?

11 A: It was myself, and I was working with another detective,
12 Detective Cameron Warren. I believe Sergeant Smith was there
13 as well, and I believe one of our K9 officers was there as
14 well.

15 Q: So when you got to that location, did you actually see
16 the truck?

17 A: Yes, I did.

18 Q: Okay. When you saw it, were the doors open or closed?

19 A: They were closed.

20 **MS. WALTER:** Your Honor, if I may approach? These are
21 all admitted exhibits.

22 **THE COURT:** Yes, ma'am.

23 **BY MS. WALTER:**

24 Q: So I'm showing you first state's exhibit 31. Is that the
25 location you responded to?

1 A: Yes.

2 Q: Okay. When you got to that location, how was the truck
3 situated on the road?

4 A: It wasn't in the road. It was actually, from what I
5 remember, off the road in the beginning of what seemed to be a
6 driveway or a road going up to ---

7 Q: I'm showing you state's exhibit 2.

8 A: Yes, that's correct.

9 Q: That's how it was situated when you got there?

10 A: Yes.

11 Q: And so just so we're complete, 3 and 4, was that the
12 truck that was there?

13 A: Yes, it is.

14 Q: Okay. Now I believe that you said you guys had a K9 with
15 you. What all did you do once you saw the truck?

16 A: Well my partner and I started canvassing the area, tried
17 to talk to neighbors. We tried to figure out how long it had
18 been there, if anybody had seen maybe who had parked it. As
19 far as what the K9 did, I'm not sure if they did an article
20 tracker. But my partner and I did walk, because where the
21 Avalanche was parked back to what we thought was a building
22 that appeared to be abandoned. But we checked the whole
23 surrounding area there. I know some of the officers went into
24 the woods, you know, to do a cursory search to make sure
25 nobody was, you know, within the vicinity that we could see.

1 Q: Did you find any sort of indications of foul play, anyone
2 who was in distress, or ---

3 A: No. No, we did not.

4 Q: And what was done with the Avalanche at that point?

5 A: We had the Avalanche towed to our Crime Scene Unit, our
6 secured crime scene bay pending a search warrant for
7 processing.

8 Q: Was that because it was a Myrtle Beach case at this
9 point?

10 A: Yes.

11 Q: Did it stay a Myrtle Beach case?

12 A: No, it did not.

13 Q: At what point -- at some point was it transferred to
14 another agency?

15 A: Yes, it was.

16 Q: To whom was it transferred.

17 A: The Horry County Police Department.

18 Q: Do you know approximately when that was done?

19 A: I believe it was the very next morning, the 14th. I
20 learned from -- well Cameron and I, throughout our
21 investigation we determined jurisdiction and the very next day
22 my sergeant had advised that she had to transferred to the
23 Horry County Police Department that day, the 14th.

24 Q: Okay. So then after that, did that essentially conclude
25 your involvement in this case?

1 A: Yes.

2 Q: Nothing further at this time. Mr. Lucas may have some
3 questions.

4 **THE COURT:** Cross examination.

5 **MR. LUCAS:** Thank you, Your Honor.

6 **CROSS EXAMINATION OF MS. AIESI BY MR. LUCAS:**

7 Q: Hey Detective. You responded to the truck, correct?

8 A: That's correct.

9 Q: All right. And then beyond responding to the truck, your
10 investigation didn't really go any further, correct?

11 A: We conducted several interviews as well.

12 Q: Okay. Understood. But then you ultimately turned that
13 over to Horry County?

14 A: Yes, sir.

15 Q: Okay.

16 **MR. LUCAS:** I have no further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MS. WALTER:** No, Your Honor.

19 **THE COURT:** You may step down. Thank you.

20 All right. We've been going about an hour and a half,
21 we're going to take a short break at this time. I'll ask you
22 to step to the jury room, do not discuss the case. I'll get
23 you back out here in a few minutes. Okay.

24 **REPORTER'S NOTE:** (Jury exits courtroom at 11:28a.m.)

25 **THE COURT:** All right. We'll stand down for a few

1 minutes. Anything before we stand down from the state?

2 **MS. WALTER:** No, Your Honor.

3 **THE COURT:** Defense counsel?

4 **MR. LUCAS:** Nothing, Your Honor.

5 **THE COURT:** All right. We'll stand down just a few
6 minutes.

7 **(COURT IS IN RECESS)**

8 **THE COURT:** Anything from the state before we bring the
9 jury out?

10 **MS. WALTER:** Your Honor, the next witness I expect to be
11 relatively short and nothing that I need to have published to
12 the jury. The witness after that is one of the crime scene
13 investigators and so to keep from having to do the Vanna White
14 walk, which I call it, what I will do, with Your Honor's
15 permission, is I have a jump drive that has all of the
16 pictures on it and if we can put the TV here, that way when
17 something is published it just goes up, they can all look at
18 it, and we're not wasting time marching back and forth.

19 **THE COURT:** How long do you expect that witness to be?

20 **MS. WALTER:** Pete will be longer, so if Your Honor wants
21 -- I'm sorry, Lieutenant Cestare. The next witness is the
22 Myrtle Beach Crime Scene Investigator, really I'm just getting
23 from him that he processed the victim's truck. If Your Honor
24 wanted to break for lunch after that, and then we can set up
25 the TV over lunch.

State vs Land

101

2020-DR-26-02425 & 02427

1 **THE COURT:** Okay. So after this next witness you want to
2 break?

3 **MS. WALTER:** That'll be fine, yes. I think that's a good
4 spot.

5 **THE COURT:** Is that alright with you, Mr. Lucas?

6 **MR. LUCAS:** No objection, Your Honor.

7 **THE COURT:** Bring me the jury please.

8 I should y'all called y'all up for sidebar before I sent
9 them out for their break and asked that question. My mistake,
10 I apologize.

11 **MS. WALTER:** Your Honor, I can also call a witness out a
12 order, it would be shorter if you want, so we use a little bit
13 more time before we break for lunch.

14 **THE COURT:** That's fine.

15 **REPORTER'S NOTE:** (Jury enters courtroom at 11:52a.m.)

16 **THE COURT:** All right. We have all of the jurors back in
17 the courtroom. We're ready to proceed at this time.

18 Call your next witness, please.

19 **MS. WALTER:** Thank you, Your Honor. The state called
20 Tony Humes.

21 **THE CLERK:** Please raise your right hand, place your left
22 hand on the Bible.

23 **TONY HUMES, HAVING BEEN**
24 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

25 **THE CLERK:** Please state your name and spell it for the

1 Court.

2 **INVESTIGATOR HUMES:** Anthony Humes, H-U-M-E-S.

3 **MS. WALTER:** May I, Your Honor?

4 **THE COURT:** Yes, ma'am.

5 **MS. WALTER:** Thank you.

6 **DIRECT EXAMINATION OF INVESTIGATOR HUMES BY MS. WALTER:**

7 Q: Where do you work?

8 A: City of Myrtle Beach Police Department.

9 Q: And how long have you worked there?

10 A: Fourteen years.

11 Q: What is your assignment there?

12 A: I'm assigned to the Crime Scene Unit.

13 Q: Do you have a particular title?

14 A: Crime Scene Specialist.

15 Q: So what does a crime scene specialist do?

16 A: We respond to a wide variety of calls. It could be just
17 taking pictures, collecting evidence, things of that nature.

18 Q: Do you ever process evidence or help execute search
19 warrants?

20 A: Yes, ma'am.

21 Q: Okay. What do you do? Tell us a little bit about those
22 duties and responsibilities.

23 A: Taking pictures of whatever the items are or the scene,
24 and then collecting whatever potential evidence that could be
25 there and then either fingerprinting it or things of that

1 nature.

2 Q: Okay. What training, if any, have you had to become a
3 crime scene specialist?

4 A: Numerous basic crime scene processing classes,
5 fingerprint classes, advanced shooting reconstruction, cell
6 phone analysis and extraction, video acquisition to name a
7 few.

8 Q: A little of everything.

9 A: Yes, ma'am.

10 Q: Okay. So I am directing your attention to somewhere
11 around August 13th of 2019.

12 A: Yes, ma'am.

13 Q: Did you receive, as a crime scene specialist, a truck
14 that needed to be processed?

15 A: Yes, ma'am.

16 Q: Okay. So I am approaching you with what's been admitted
17 as state's exhibit 4.

18 A: Yes, ma'am.

19 Q: Is that the truck you processed?

20 A: Yes.

21 Q: Or you received, excuse me.

22 A: Yes.

23 Q: And to be fair, that's not a photo that you took,
24 correct?

25 A: No, ma'am.

1 Q: Okay. So tell us what you did when you first received
2 the truck?

3 A: The truck was brought in, it was secured in the lab, and
4 that's the only thing I did at that point. I was waiting on a
5 search warrant to be executed on the vehicle.

6 Q: You were waiting for someone else to get a search
7 warrant?

8 A: Yes, ma'am.

9 Q: Okay. Was a search warrant obtained at some point?

10 A: Yes, ma'am.

11 Q: Do you recall when that was?

12 A: It was some time that evening, that same evening, on
13 August 13th.

14 Q: Okay. And so then once the search warrant was obtained,
15 did you in fact process the truck?

16 A: Yes, ma'am.

17 Q: Tell us what you do when you process a truck.

18 A: Initially I took pictures of the vehicle and the search
19 warrant. And then worked my way around the outside of the
20 vehicle, and then took pictures of the inside of the vehicle
21 as well just to document how things were as I received them.

22 Q: After you took these overall exterior and interior
23 pictures, what do you do next to start sort of looking for
24 evidence?

25 A: In this instance I processed the items that are commonly

1 touched for touch DNA.

2 Q: Like what -- parts of what that are commonly touched?

3 A: The doorhandles of all four doors, inside and outside,
4 the gearshift, the steering wheel, and on this vehicle the
5 tailgate and the latch.

6 Q: Okay. So it may be self-evident, but you say places that
7 are commonly touched, but how do you determine on that truck
8 where you are going to process for evidence?

9 A: I'm misunderstanding.

10 Q: Did you select those areas simply because that is where
11 you would most expect to find something?

12 A: Yes, ma'am.

13 Q: And when you say you processed it what do you mean? What
14 did you do?

15 A: For touch DNA we use a sterile cotton swab, which is
16 basically like a Q-tip, it's a long stick with cotton on the
17 end and it has a cap on the top. You open the cap, add a
18 couple drops of water to it, and use two of the swabs, and
19 scrub the area in question. Once you're done, you put the cap
20 back on, put it in an envelope, and mark it where it was from.

21 Q: All right. Did you wear gloves when you did this?

22 A: Yes, ma'am.

23 Q: So you processed, I think you said, all four doorhandles
24 inside and out?

25 A: Yes, ma'am.

1 Q: Gearshifter.

2 A: Yes.

3 Q: Steering wheel?

4 A: Yes.

5 Q: And tailgate handle.

6 A: Yes, ma'am.

7 Q: Okay. What was done with -- did you use a separate set
8 of swabs for each area that you swabbed?

9 A: Yes, ma'am.

10 Q: What was done with the swabs once you finished that part
11 of the processing?

12 A: Once each specific area was done, I put it in its own
13 envelope and marked it as where it was from, so if it was the
14 exterior driver's door I would mark on the envelope from
15 exterior driver's door and put that inside that envelope.

16 Q: Once you were done with all of the swabs, and I'm kind of
17 going to jump ahead a little bit at the end of the processing,
18 what do you do with those swabs? Where are they kept?

19 A: They would be placed into a secure storage facility.

20 Q: At Myrtle Beach Police Department?

21 A: Yes, ma'am.

22 Q: Now we've already heard testimony that this investigation
23 was transferred to Horry County. Do you know if those swabs
24 were in fact also transferred to Horry County?

25 A: They were.

1 **THE COURT:** Your Honor, I've shown these to defense
2 counsel. I'm approaching with state's exhibits 18 through 28.

3 **BY MS. WALTER:**

4 Q: So I'm showing you state's exhibit 18. Do you recognize
5 that?

6 A: That's the exterior driver door handle.

7 Q: So these would be the swabs that you took?

8 **MS. WALTER:** Your Honor -- well I'll do it at the end,
9 that's fine.

10 **BY MS. WALTER:**

11 Q: And 19?

12 A: That's the swabs from the exterior rear driver's handle.

13 Q: Okay. State's exhibit 20?

14 A: Exterior front passenger door handle.

15 Q: Twenty-one?

16 A: Exterior rear passenger door handle.

17 Q: Twenty-two?

18 A: Interior driver door handle.

19 Q: Twenty-three?

20 A: Interior rear driver door handle.

21 Q: Twenty-four?

22 A: Interior passenger front door handle.

23 Q: Nearing the end. Twenty-five?

24 A: Interior passenger rear door handle.

25 Q: Twenty-six?

1 A: That's from the gearshift.

2 Q: Twenty-seven?

3 A: The steering wheel.

4 Q: And twenty-eight?

5 A: The tailgate.

6 **MS. WALTER:** Your Honor, I would ask that exhibits 18
7 through 28 be admitted.

8 **THE COURT:** Any objection?

9 **MR. LUCAS:** No objection, Your Honor.

10 **THE COURT:** Without objection, so admitted.

11 **(STATE'S EXHIBIT NUMBERS 18 THROUGH 28**
12 **ARE ADMITTED INTO EVIDENCE.)**

13 **MS. WALTER:** Thank you, Your Honor.

14 **BY MS. WALTER:**

15 Q: And now, the packaging that these are in now, this is not
16 the way you packaged them, correct?

17 A: No.

18 Q: Do they in fact have an Horry County evidence sticker on
19 them?

20 A: Yes, ma'am.

21 Q: Are you familiar with SLED or the South Carolina Law
22 Enforcement Division?

23 A: Yes.

24 Q: And are you familiar with the packaging that they use?

25 A: Somewhat?

1 Q: Okay. So are these items with the yellow labels, do those
2 appear to have been sent to SLED?

3 A: Yes.

4 Q: But that's something that Horry County did and not Myrtle
5 Beach?

6 A: That's correct. Horry County would have done that.

7 Q: In addition to processing the victim's Chevy Avalanche
8 for touch DNA, what else did you do to process that truck?

9 A: I took an inventory of the contents inside. I also used
10 a Bluestar chemical to spray the inside of the vehicle looking
11 for any types of blood that may be not seen visibly by the
12 eye.

13 Q: Okay. So let me first back you up to the inventory. Was
14 there anything significant to this investigation in the
15 inventory of that truck?

16 A: No, ma'am.

17 Q: Now you said that you used Bluestar. Can you explain to
18 us how that works?

19 A: Bluestar is a spray chemical that once sprayed if it
20 reacts with blood it will glisten like a bluish sparkle color.
21 You use it with like dim lighting so as it's sprayed and it
22 lays on -- if it finds blood or whatever it will sparkle.

23 Q: Does it detect blood from anything like people, animals?

24 A: Yes, ma'am. Both.

25 Q: Does it tell you anything other than blood potentially is

1 present there?

2 A: That's it.

3 Q: Did -- so what, if any, items or areas of the truck did
4 you process?

5 A: I sprayed the interior cab area, the front and the back,
6 and the bed area.

7 Q: Did any areas fluoresce?

8 A: A small portion of the rear passenger seat did fluoresce.

9 Q: But no place else?

10 A: No, ma'am. That was it.

11 Q: Did you try to lift any latent fingerprints from the
12 truck?

13 A: I did process the exterior of the vehicle and no latent
14 prints were found.

15 Q: Okay. How do you process it for prints?

16 A: I used, on that vehicle I used a black silk powder and
17 (inaudible) and just wipe over the vehicle to see if there's
18 any prints there, and I didn't observe any.

19 Q: So other than that initial processing of the victim's
20 truck, did you have any other involvement in this case?

21 A: No, ma'am.

22 Q: Nothing further at this time. Mr. Lucas may have some
23 questions for you.

24 **THE COURT:** Mr. Lucas.

25 **MR. LUCAS:** Thank you, Your Honor.

1 CROSS EXAMINATION OF INVESTIGATOR HUMES BY MR. LUCAS:

2 Q: Mr. Humes.

3 A: Yes.

4 Q: Beyond what you originally testified to, you have no
5 training for any of this stuff beyond that, correct?

6 A: I'm not understanding what you're asking.

7 Q: Well like formal training.

8 A: In crime scene processing I do.

9 Q: Yes. Okay. And what was that? Can you explain that?

10 A: The crime scene processing training? I've taken various
11 classes and teaches you how to start a scene, process it, what
12 you're kind of looking for, and collecting evidence, packaging
13 of evidence.

14 Q: Okay. But you also testified to according to your
15 investigation the car or the truck was sprayed, correct

16 A: Yes, sir.

17 Q: And it reacted to their being some blood present,
18 correct?

19 A: Yes.

20 Q: But based on that reaction, you cannot tell what type of
21 blood it is, right?

22 A: No, sir.

23 Q: Okay. And it could have been any blood, right?

24 A: That's true, yes.

25 Q: It could have been animal blood.

1 A: That's true.

2 Q: Okay. It just could have been any blood at all, right?

3 A: Yes.

4 Q: Okay.

5 **MR. LUCAS:** Thank you, Your Honor. I have no further
6 questions.

7 **THE COURT:** Any redirect?

8 **MS. WALTER:** No, Your Honor.

9 **THE COURT:** Sir, you may step down. Thank you.

10 **INVESTIGATOR HUMES:** Thank you.

11 **MS. WALTER:** Your Honor, may we approach on scheduling?

12 **REPORTER'S NOTE:** (Whereby bench conference was held.)

13 **THE COURT:** All right. Ladies and gentlemen, what we're
14 going to do at this juncture, I'm going to go ahead and send
15 you to lunch. I'm going to ask you to be back here, be back
16 here at 1:30. Do not discuss the case, do not do any
17 independent investigation. As I have told you from the
18 outset, you are to decide this case -- and y'all are going to
19 get tired of hearing me say this -- you are to decide this
20 case based solely upon the evidence and the testimony
21 presented in this courtroom. Y'all have a nice lunch and I'll
22 see you back here at 1:30.

23 **REPORTER'S NOTE:** (Jury exits courtroom at 12:07p.m.)

24 **THE COURT:** All right. Anything from the state before we
25 break for lunch?

State vs Land

113

2020-DR-26-02425 & 02427

1 **MS. WALTER:** No, Your Honor.

2 **THE COURT:** Defense counsel?

3 **MR. LUCAS:** Nothing, Your Honor.

4 **THE COURT:** All right. We'll break until 1:30.

5 **(COURT IS IN RECESS)**

6 **THE COURT:** All right. Anything from the state before I
7 bring the jury out?

8 **MS. WALTER:** No, Your Honor.

9 **THE COURT:** Defense counsel?

10 **MR. LUCAS:** Nothing, Your Honor.

11 **THE COURT:** Mr. Lucas, when the state is questioning its
12 witnesses, I notice the state's brought a TV or video screen
13 in here, when the state is questioning witnesses and going
14 through the photographs, please feel free to move wherever you
15 need to move to see. You don't have to ask permission to do
16 it.

17 **MR. LUCAS:** Okay. And well, one thing I probably would
18 need permission for, if I were to move over there in those
19 seats, right, so I can view this, can I have Mr. Land with me
20 as well?

21 **THE COURT:** No, sir.

22 **MR. LUCAS:** No?

23 **THE COURT:** You will be able to move, but he will not.

24 **MR. LUCAS:** Okay. That's understood, Your Honor.

25 **THE COURT:** Okay.

1 **MR. LUCAS:** Thank you.

2 **THE COURT:** All right. Bring me the jury, please.

3 **REPORTER'S NOTE:** (Jury enters courtroom at 1:39p.m.)

4 **THE COURT:** All right. We have all of the jurors back in
5 the courtroom. I hope you all had a nice lunch and are ready
6 to proceed this afternoon.

7 State, call your next witness, please.

8 **MS. WALTER:** Thank you, Your Honor. The state calls
9 Lieutenant Pete Cestare.

10 **THE CLERK:** Please raise your right hand, place your left
11 hand on the Bible.

12 **PETER CESTARE, HAVING BEEN**
13 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

14 **THE CLERK:** Please state your name and spell it for the
15 Court.

16 **LIEUTENANT CESTARE:** Peter Cestare, C-E-S-T-A-R-E.

17 **MS. WALTER:** May I, Your Honor?

18 **THE COURT:** Yes, ma'am.

19 **DIRECT EXAMINATION OF LIEUTENANT CESTARE BY MS. WALTER:**

20 Q: And we've been through this before, but I'm still going
21 to ask you the question that makes me jealous. Are you
22 currently working?

23 A: No, ma'am. I am retired and enjoying it.

24 Q: I'm sure you are. Where did you retire from?

25 A: I retired from the Horry County Police Department roughly

1 two years ago.

2 Q: How long had you been with Horry County Police
3 Department?

4 A: About 17 and a half years, and I had previously retired
5 from the New York City Police Department.

6 Q: How long were you with the New York City Police
7 Department?

8 A: Twenty years.

9 Q: Well thank you for your service to both departments.
10 When you last left Horry County Police Department, what was
11 your position? What was your assignment?

12 A: I was a lieutenant in charge of basically what you would
13 consider their forensic services section, which encompasses
14 the crime scene response personnel, the property and evidence
15 personnel, the drug lab testing facility. You know quite a
16 large span of items.

17 Q: And over your, if I added correctly, 37-year career, what
18 type of training did you have, let's deal specifically right
19 now with crime scene investigation?

20 A: I have been trained through Searchy (ph) Crime lab.
21 Searchy (ph) is probably one of the leading agencies that
22 produces crime scene processing equipment, chemicals and
23 technology and all behind it. In addition, I've been trained
24 by the FBI. I have been trained by the New York City Office
25 of the Chief Medical Examiner, the New York City Police

1 Department, SLED. All of my people were certified through
2 SLED as crime scene investigators. And a host of various
3 Department of Justice training programs over the years.

4 Q: Okay. And even though you were a lieutenant over sort of
5 the forensics department, did you still also respond to scenes
6 at times?

7 A: Yes, ma'am. I responded mostly on major incidents.

8 Q: So specifically, thinking back to this case, State versus
9 Darrell Land, did you -- and now I'm directing your attention
10 to August 21st of 2019, did you begin your involvement with
11 this case on that date?

12 Q: I did. I was informed that a vehicle was found abandoned
13 in the county jurisdiction, and that Myrtle Beach Police had
14 responded out to the location to look at the vehicle as it
15 pertained to one of their cases as well. And they had
16 subsequently towed the vehicle back to the Myrtle Beach Police
17 facility to process it.

18 Q: Did you yourself go out to the scene where the truck had
19 been recovered?

20 A: Yes, ma'am. I did on several occasions.

21 Q: Okay.

22 MS. WALTER: If I may approach, Your Honor.

23 **BY MS. WALTER:**

24 Q: I'm showing you what's been admitted as exhibit 31.

25 A: Yes.

1 Q: Okay. Is that the scene where you responded, where the
2 truck had been originally seized?

3 A: Yes, ma'am. State's exhibit 31 is Livingston Circle, or
4 a section of Livingston Circle.

5 Q: Okay. What did you do when you got to that location?

6 A: The truck was not there. I pretty much walked most of
7 the area there, through the wooded area and so forth. At the
8 time that I was notified of the vehicle being towed, I was
9 also advised that there was a person missing who was the owner
10 or occupant of that vehicle. So I conducted a brief
11 investigation through the wood line, through the roadway,
12 through some of the vacant areas there behind the field, the
13 homes that were there. Just kind of looking to see if anybody
14 -- I could find anything that would relate to that incident.
15 In addition, I walked that area and the two streets that lead
16 to it looking for cameras on homes or businesses that might
17 provide me with some information as to how the vehicle got
18 there or whatever.

19 Q: Did you find anything useful during that brief
20 investigation?

21 A: I did not, no. I did, however, go back again on August
22 28th of 2019 with a search and recovery crew, a volunteer
23 organization that helps us immensely on cases. They brought,
24 at my request, a couple of cadaver dogs out and did a thorough
25 search of the woods within about a quarter of a mile of where

1 the truck was located in hopes of trying to find some
2 information or evidence. They also turned up nothing.

3 Q: Now turning away from the truck for a moment, did you
4 also receive information and a search warrant that led you to
5 a music studio?

6 A: Yes. I was asked by the sergeant of the detectives at
7 the time, James Chatfield, if I would accompany them to a
8 music studio in the Myrtle Beach area. They had -- the
9 detectives had information that that may have been the last
10 place that the owner of the truck, or occupant of the truck,
11 had been visiting prior to not being seen again after that.
12 So they had gone and did a search warrant on that location
13 looking for any potential information or evidence that would
14 lead them to that person's whereabouts.

15 Q: And once you got there, were you able to find anything
16 that was useful in this case?

17 A: No, ma'am. There was nothing there that was of any help
18 to us.

19 Q: Okay. And, I'm sorry, was that music studio near the, I
20 guess we'll call it a club, The Clocker's?

21 A: Yes. For those of you familiar with the bypass area in
22 and around what would be called the backgate area or the
23 Farrow Parkway area, just south of that is an entrance on one
24 side going into The Palmetto Pointe Subdivision. And then
25 across the street from that is a couple of liquor

1 establishments, Remedies, Clocker's Club and so forth. And
2 this particular studio, recording studio, was in the adjacent
3 buildings to Clocker's.

4 Q: Okay. But again, nothing was found during your search of
5 that studio?

6 A: Correct. Nothing was found.

7 Q: Now, directing your attention to August 30th, did you
8 respond to another scene?

9 A: Yes, ma'am. On August 30th, about 8:10a.m. in the
10 morning, again, I was notified by Sergeant James Chatfield
11 from the detectives that human remains were found in a dirt
12 road wooded area off of Old Sanders Road and Robert Edge
13 Parkway going up towards the North Myrtle Beach section of the
14 beach area. At that time, I told them I would be responding,
15 I had just been leaving my house and would have been the
16 closest responding unit to get there. So I notified one of my
17 sergeants, Sergeant Heather Wilson, to respond to that
18 location to assist me as well, and I proceeded there. I got
19 there at about 8:30 in the morning.

20 Q: Okay. And before we go into what you did at the scene,
21 at some point did you pull up, I guess aerial views of that
22 location?

23 A: Yes. While I was in route, I was bringing up like GPS
24 Google Maps of the area so I had an idea of where -- I knew
25 where Old Sanders Road was, and I obviously knew where Robert

1 Edge Parkway was, but I was not completely familiar with the
2 dirt road that he was talking about, that the sergeant had
3 explained to me. So I was looking at that as I was responding
4 so I know the best course to get into it.

5 Q: Did you take two different, or did you pull up two
6 different aerials, one sort of more distant, one closer in?

7 A: Yes, I did.

8 **MS. WALTER:** If I may approach, Your Honor, with state's
9 exhibit 5? This has not yet been admitted.

10 **BY MS. WALTER:**

11 A: Yes. That's a map that I printed off of Google Maps,
12 state's exhibit 5.

13 Q: Okay.

14 **MS. WALTER:** Your Honor, I would ask that state's exhibit
15 5 be admitted and published.

16 **THE COURT:** Any objection?

17 **MR. LUCAS:** No objection, Your Honor.

18 **THE COURT:** So admitted without objection.

19 **(STATE'S EXHIBIT NUMBER 5**
20 **IS ADMITTED INTO EVIDENCE.)**

21 **BY MS. WALTER:**

22 Q: So I'll leave you with the hard copy. It's a little hard
23 to read the writing. What is this main road that sort of cuts
24 from the upper left corner to the lower right corner?

25 A: That's the Robert Edge Parkway. It cuts from Main Street

1 in North Myrtle Beach over the Intercoastal Waterway and
2 connects into Highway 90 a little further back, so it's kind
3 of a major thoroughfare coming in and out of North Myrtle
4 Beach.

5 Q: Okay. And then there's another road that sort of cuts
6 across the middle of the photo. What road is that?

7 A: That's Old Sanders Road.

8 Q: So does Robert Edge Parkway pass over Old Sanders Road?

9 A: That's correct. And there is no exit ramp off of the
10 highway, specifically right at that area, to come into it.
11 You have to go up a little further, there's a stop light that
12 allows you to go back in there to get to additional housing
13 subdivisions.

14 Q: Okay.

15 MS. WALTER: And just, this has been admitted and
16 published, Your Honor.

17 BY MS. WALTER:

18 Q: But if we can go to exhibit 29, I believe this might be
19 just a closer view.

20 THE COURT: What number?

21 MS. WALTER: Exhibit 29, Your Honor. I believe that was
22 admitted through Mr. Stevenson.

23 THE COURT: Yes, ma'am.

24 BY MS. WALTER:

25 Q: Okay. So this is another one of the maps that you pulled

1 up?

2 A: Yes. That's correct. That's also from the exhibit 5, I
3 then zoomed in on a target area once I knew what I was looking
4 at to get a better look at what Google Maps had showed me, you
5 know, what was there on the ground location.

6 Q: Okay. So when you first got to that location, what did
7 you see?

8 A: When I arrived on scene, the sergeant was there, one or
9 two detectives were there, and there were a couple of -- I'm
10 not sure if they were state or utility workers that had
11 actually been working in that area and found what they
12 believed were human remains and then obviously called police.
13 The first officers that got on the scene kind of closed off
14 the area once they verified that, yeah, that looks like human
15 remains. They put up crime scene tape and kind of backed out
16 a secure perimeter trying to keep the best potential evidence
17 to be collected.

18 Q: And we can see a little bit from the aerial, but can you
19 before we go into some of your other pictures, can you just
20 sort of describe generally what this area looks like?

21 A: Sure. There's a dirt road, as I mentioned, that connects
22 off of Old Sanders there. And when you come in on that dirt
23 path, there are several areas to the right which have a heavy
24 tree line, but there's a couple of spots where there's like
25 paths through the tree line. And they directed my attention

1 to come up the dirt road, go into the first path, and to walk
2 up about a hundred, a hundred fifty feet into that path where
3 what they believed were human remains. So I began
4 photographing as I walked in to document anything before I
5 potentially stepped on it or could, you know, in any way
6 contaminated the scene the way it looked. I wanted to try and
7 secure it the best I could with photography. When I got up
8 inside there, I did observe several human bones and a skull
9 and some clothing in that area.

10 Q: Okay. So you said you were taking pictures as you
11 approached where the bones eventually were located?

12 A: That's correct, yes.

13 Q: So, okay, I'm going to show you what's been admitted as
14 state's exhibit 6. Do you recognize that area?

15 A: Yes. State's exhibit 6 is a photograph that I took as I
16 was walking up into that wood line. That would be the
17 clearing between two heavily treed areas. To the left of
18 that, just off camera view is that sandy dirt path, and that
19 would be the first clearing in the tree line where you could
20 walk back, you know, a good hundred feet, hundred fifty feet
21 to where I found -- to where I documented the human remains.

22 Q: Okay. I'm showing you -- it has not yet been admitted -
23 - state's exhibit 8. Is that a closer view?

24 A: Yes, ma'am. This is -- state's exhibit 8 is the next
25 progression of photographs coming there. Part of documenting

1 the scene, you take long range photographs of the area as
2 you're looking at it, seeing it, and then you begin to zoom in
3 and take closer photographs which are helpful later on to go
4 back and look at to make sure that you covered everything.
5 And, you know, just as a good point of reference to go back to
6 if you need to revisit that scene.

7 **MS. WALTER:** Your Honor, I would ask that state's exhibit
8 be admitted and published.

9 **THE COURT:** Any objection?

10 **MR. LUCAS:** No objection, Your Honor.

11 **THE COURT:** So admitted.

12 **(STATE'S EXHIBIT NUMBER 8**
13 **IS ADMITTED INTO EVIDENCE.)**

14 **BY MS. WALTER:**

15 Q: Okay. And so then you talked about a clearing. Is that
16 what we see here, this little bit if a break in the trees?

17 A: That's correct.

18 Q: In the middle of the photograph.

19 Did you also take just, I guess for perspectives sake, a
20 picture from this area back towards the road?

21 A: I believe I did. Yes, ma'am.

22 Q: I'm showing you what has not been admitted yet, state's
23 exhibit 7.

24 A: Yes. That's from in there looking back to where my
25 vehicle was parked along that dirt road where the other

1 detectives and state workers had parked their vehicles as
2 well.

3 **MS. WALTER:** And, Your Honor, I would ask that state's
4 exhibit 7 be admitted and published.

5 **THE COURT:** Any objection?

6 **MR. LUCAS:** No objection, Your Honor.

7 **THE COURT:** So admitted without objection.

8 **(STATE'S EXHIBIT NUMBER 7**
9 **IS ADMITTED INTO EVIDENCE.)**

10 **BY MS. WALTER:**

11 Q: So pointing up kind of between the trees, is that a
12 police vehicle there?

13 A: Yes, ma'am. I believe that may even be my vehicle parked
14 there, I'm not quite sure, but I know I was parked right in
15 that general area.

16 Q: Okay. You said that you walked to the location where you
17 identified some human remains. Can you tell us, first,
18 describe what you saw and then I'll let you describe the area
19 itself.

20 A: Okay. From obviously as you can see from where my
21 vehicle is parked, if you were walking along that dirt path,
22 you would not have a line of sight or visibility to see human
23 remains laying back there. This was a good bit back in the
24 woods in a heavily wooded area. So when I got back in that
25 area, I started to observe some clothing, obviously weathered

1 and dirty clothing that had been laying there for some period
2 of time. I observed bones scattered about in probably about a
3 25-to-50-foot radius. And I observed several of the bones
4 that I could identify quickly as human remains, and then
5 obviously saw a skull laying there that I could also identify
6 as a human skull.

7 Q: Did you also take what you've described as sort of long
8 range, mid-range, and then close up photos of the bones?

9 A: Yes, I did.

10 Q: So showing you state's exhibit 9 and 10, which have been
11 admitted.

12 A: Okay.

13 Q: So if we could go to, is that 9?

14 A: Okay. State's exhibit 9, which is what you're looking at
15 on the screen there, is from the edge of where I'm standing at
16 the wood line a good hundred, hundred fifty feet in there.

17 This was the general pattern that I saw initially, and you can
18 see there are several bones there, there are several articles
19 of clothing there as well. So at that point, that really
20 became the focal point, although in addition to that area I
21 walked the entire wood line around and had some of the
22 officers and detectives walk that wood line with me to make
23 sure that everything we were looking for was contained in one
24 area or did we need to process several different areas.

25 Q: Okay. And then state's exhibit 10.

1 A: State's exhibit 10 is simply a close up of that same area
2 where you can see, you know, better through this photograph
3 some articles of clothing, some human remains, and obviously a
4 skull about, you know, mid-center towards the top of that
5 photograph.

6 Q: And I'll do this just sort of as a batch and then we'll
7 go through individually. I am approaching with Your Honor's
8 permission, with state's exhibit 11, 12, 13, 14, 15, there we
9 go, 16, 17 and 30. We'll save this one. So if you could look
10 at all of those and sort of tell me if you recognize them and
11 then we'll get them admitted and go through them one by one.

12 A: Okay. I'm looking at state's exhibit 11, 12, 13, 14, 15,
13 17, and 30, and these are all photographs that I took that
14 morning documenting the bones and the immediate area. Now
15 these will be a little bit closer photographs because now I'm
16 standing right upon that actual scene. So but, yes, these are
17 all photographs that I took.

18 Q: Okay.

19 MS. WALTER: Do you need me to repeat the numbers, Your
20 Honor? I would ask that they be admitted and published.

21 Sixteen is separate, I'll get to that in just a moment.
22 Do you need me to go through these exhibit numbers?

23 THE COURT: Eleven through 15 and 17 is what he just went
24 through.

25 MS. WALTER: Yes. Thank you. I would ask that they be

1 admitted and published.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **(STATE'S EXHIBIT NUMBERS 11 THROUGH 15 AND 17**
5 **ARE ADMITTED INTO EVIDENCE.)**

6 **BY MS. WALTER:**

7 Q: Okay. If we can start then with exhibit 11.

8 A: Okay. Exhibit 11 is a photograph, as I mentioned, that I
9 took. You can see that there are -- you can see the obvious
10 is the skull at the top just off center. There are a couple
11 of bones next to the skull. There are, towards the bottom of
12 the photograph, several rib bones, the spinal column
13 basically. Then where that blue band wraps around that's
14 basically hip bones and the band of what I believe was a pair
15 of underwear.

16 Q: Okay. And exhibit 12?

17 A: Twelve is a closeup of the lower jaw from the skull which
18 was separated from the skull at that time.

19 Q: Okay. And so we saw in the earlier exhibits that there
20 was sort of one main area where there were some bones, but
21 where there other bones that had been moved somehow away from
22 that sort of central area?

23 A: Yes. And it's common to find bones away from that
24 general area, particularly if time has passed. You get a lot
25 of animal activity and so forth that are in the woods, and

1 it's not uncommon for animals to kind of scatter the bones
2 about.

3 Q: Okay. So we can move to exhibit 13.

4 A: Yes. Exhibit 13, again, is a photograph that I took, and
5 it's just a close up of another human bone.

6 Q: Okay. And exhibit -- so you said that you saw a skull
7 which was immediately identifiable to you as a human skull.
8 Was there anything remarkable or of evidentiary value when you
9 looked at that skull?

10 A: There was. Initially I photograph the skull, you know,
11 from the distances that you saw. When I was able to get up
12 closer on the skull, I did notice that the lower jaw was
13 missing which then corresponds to the other photograph that I
14 saw. But probably the most significant fact to the skull was
15 a hole in the top of the skull and a hole at the base of the
16 skull which in my prior experience has been caused by a
17 gunshot wound. It's the type of a gunshot wound where that
18 wound would indicate that the rounds, the bullet went
19 completely through the person's head, so I did not recover a
20 bullet to go along with it, but the skull did indicate that
21 there was a bullet hole entirely through the skull from top to
22 bottom.

23 Q: Okay. So if we can go to exhibit 14.

24 A: Exhibit 14 is the top of the skull, and if you look at
25 about the center of the screen towards what would be the right

1 side of the skull you can see a perfectly cylindrical hole and
2 that's indicative of a gunshot wound.

3 Q: Is that what you're referring to?

4 A: Yes, ma'am.

5 Q: Okay. And based on your experience is that what we would
6 call an entrance wound or an exit wound?

7 A: That would be an entrance.

8 Q: And what is it about this particular wound that would --
9 that gives you that impression?

10 A: The size and the way the bone fragmented would tell me
11 that it was an entrance wound into the skull versus the other
12 corresponding hole at the base of the skull which is a little
13 bit larger and more indicative of an exit wound of a bullet.

14 Q: Okay. So, I'm sorry, if we can go to exhibit 17.

15 A: And now on 17 you can see, or 15? That's 15.

16 Q: That is 15, oh, I'm sorry. Fifteen, right.

17 A: On state's exhibit 15 that's looking at the bottom of the
18 skull photographing up from it, and you can see that's the
19 upper jaw that's in there, you can see the teeth in there.
20 The lower jaw, again, is missing that I found separately. The
21 large hole in the center of the base of the skull is where
22 your spinal cord comes up into. Just above that you'll see a
23 more fragmented hole, that's indicative of an exit wound from
24 a bullet. You know, again, just to think back to the photo
25 before, that hole was pretty much almost perfectly circular

1 where this one is more jagged. It's an exit wound coming out
2 that takes more of the skull or more of the bone out with it
3 when it comes out.

4 Q: So the call initially started as possible human remains
5 found.

6 A: Right.

7 Q: Did your observations of the skull, and wounds that
8 you've just described, change the nature of your
9 investigation?

10 A: It most certainly did. Obviously when you get a call for
11 a body found, or in this case bones found, it may not be
12 uncommon if you had somebody living in the woods, a homeless
13 person or whatever, to expire in the woods. But when you come
14 upon something like this and you see a perfect hole in the top
15 of the skull and a corresponding hole at the base of the skull
16 showing, you know, more or less indicating there was a gunshot
17 wound involved, it turns the dynamics of the case from a
18 recovered human remains to this is going to be a homicide
19 case.

20 Q: Now, could you, since the skull was sort of on its side,
21 can you just point on your own head approximately where that
22 entrance wound was?

23 A: The entrance wound, as you can see that circular -- right
24 there where that pointer is, that would be at the right side
25 of the skull right around this area here.

1 Q: You in one of -- in exhibit 10 and a later exhibit you
2 talked about sort of this blue band that was around the hips.

3 A: Right.

4 Q: And what do you see in this portion of the photograph?

5 A: Let me see what I marked that as. All right. In
6 addition to the fruit of the loom underwear band that you saw
7 around the pelvic region of the bones, I also found blue
8 bathing trunks, size medium, in the area with the bones; and a
9 t-shirt that had been frayed, obviously from being in the
10 woods for a period of time that was also there with the bones.
11 So I recovered those articles of clothing as well, a t-shirt,
12 a bathing suit, and the underwear band and fragments of the
13 underwear.

14 Q: And you're referring, I think now, to exhibit 16?

15 A: Yes, ma'am.

16 Q: Is -- can you tell us what exhibit 16 is?

17 A: Exhibit 16 is a evidence record. Any time we collect a
18 piece of evidence, or something that we believe is a piece of
19 evidence, or even a piece of property that we're going to hold
20 and try to identify an owner of, or pursue and investigation
21 with, we fill out what's called an evidence record. And that
22 state's exhibit 16 is an evidence record that I filled out
23 that morning listing four items of evidence that I collected
24 in that immediate area.

25 Q: Okay.

1 **MS. WALTER:** Your Honor, at this time I'd ask that
2 exhibit 16 be admitted and published.

3 **THE COURT:** Any objection?

4 **MR. LUCAS:** No objection, Your Honor.

5 **THE COURT:** Without objection, so admitted.

6 **(STATE'S EXHIBIT NUMBER 16**
7 **IS ADMITTED INTO EVIDENCE.)**

8 **BY MS. WALTER:**

9 Q: And you have detailed a number of items that are on
10 there. Item number 4, can you tell us what that is?

11 A: Item number 4 was a .40 caliber Smith and Wesson shell
12 casing. It's the part of the bullet that's left after the
13 bullet's been fired. It's an empty casing that a projectile
14 has left from. And obviously because of what I saw in the
15 skull, collecting the casing seemed extremely relevant, you
16 know, you've got what appears to be a gunshot wound in the
17 skull. The only thing that appears to be a little bit unusual
18 about it was the location of it. The casing was about 50 feet
19 away from where the remains were found, so I wasn't quite sure
20 if it was going to be part of this investigation or not, and
21 at that time there's no way for me to know. All I know is
22 I've got a casing that appears to be on the ground for some
23 time and I've got a human skull with what appears to be a
24 gunshot wound through it.

25 The other thing that's not unusual is that it's a wooded

1 area, and as we all know in Horry County, you are permitted to
2 fire a gun under certain conditions. So you've got hunters
3 out all of the time, you've got people out there that own guns
4 that test fire them and stuff. So it's not always easy to
5 tell if it's relevant to your case or not, but in either event
6 there was only once casing and the bones and the clothing, I
7 felt it was important enough that even though it was 50 feet
8 away that it was collected.

9 Q: And if you can look at state's exhibit 17, I believe it
10 should be.

11 A: Yes.

12 Q: All right. I'm going to have you look at 17 and 30.
13 Seventeen has been admitted, so if we can show that. Is that
14 the casing that you recovered?

15 A: That's correct. And as you can see from it, it's fairly
16 aged looking. Casings for those caliber guns generally are
17 either brass in color or silver in color. This casing, in
18 fact I almost walked right past it initially because it's
19 almost like a blackish in color casing. Now it is another
20 common form of casing, there is ammunition that comes in a
21 black or a dark smoke grey casing, but it just appeared to me
22 to be aged, so I wasn't quite sure if it was relevant to the
23 case or not. However, I collected it just to make sure that I
24 potentially had any good evidence that may be possible to get
25 from that.

State vs Land

135

2020-DR-26-02425 & 02427

1 Q: And if you look at state's exhibit 30, is that just a
2 closer view of it?

3 A: State's exhibit 30, yes, is just a closer photograph than
4 what state's exhibit 17 was.

5 Q: Okay.

6 MS. WALTER: And I'd ask that exhibit 30 be admitted in
7 and published.

8 THE COURT: Any objections?

9 MR. LUCAS: No objection, Your Honor.

10 THE COURT: Thirty is so admitted without objection.

11 (STATE'S EXHIBIT NUMBER 30

12 IS ADMITTED INTO EVIDENCE.)

13 BY MS. WALTER:

14 Q: So that's just a closer view of that casing?

15 A: That's correct.

16 Q: And again, how far away from of remains was that casing
17 found?

18 A: Roughly 50 feet away from where the remains were, and it
19 was going back towards where my vehicle was parked. So it's
20 more at the entrance area like coming into that wooded path,
21 if you will.

22 Q: Okay. Once you had documented the scene and collected
23 the physical evidence that you needed to collect, what happens
24 with the actual human remains?

25 A: Right. I had notified the Horry County Coroner's

1 Office, that's standard procedure when you have a body or any
2 type of investigation, death investigation, they are called to
3 handle the remains. I also contacted a forensic
4 anthropologist that I had used several times in the past on
5 prior cases, a Doctor Suzanne Abel. She comes out of the
6 Charleston County Coroner's Office and she's probably the
7 closest forensic anthropologist that we have. And my intent
8 behind that was to have her map the bones out and to be able
9 to tell what we have, what race, what age, what potential
10 height, sex, and so forth and all of that can be determined
11 from the bones. And she's been very helpful in the past with
12 other cases.

13 Q: Okay. So, and I'm sorry if you just said this, did a
14 member of the Horry County Coroner's Office respond to the
15 scene?

16 A: Yes. I called -- Deputy Coroner Patty Bellamy responded
17 to the scene. She walked through the scene with me, you know,
18 to view all of the evidence once it was all documented and so
19 forth. The next step would be to bring the case agent
20 detective in to the scene and the coroner and show them
21 basically what you're finding so that we're all on the same,
22 you know, page when it comes to what we're looking at and
23 where we're going to proceed from there.

24 Q: So did Deputy Coroner Bellamy actually take possession of
25 the human remains?

State vs Land

137

2020-DR-26-02425 & 02427

1 A: Yes, ma'am. She did.

2 Q: And was it your intention that she would then transport
3 the remains to Doctor Abel?

4 A: That's correct, yes.

5 Q: Okay. And in your position overseeing property and
6 evidence in Horry County, did Horry County typically store
7 human remains in property and evidence?

8 A: No, ma'am. All human remains are transferred over to the
9 coroner's office. And then from there if there's additional
10 work or so forth that needs to be done with it, then it's
11 transported somewhere else. In this case it was Doctor
12 Suzanne Abel in Charleston.

13 Now, there may be times when something comes back, either
14 from Doctor Abel or from the coroner's office that may have to
15 go to the state lab for processing. SLED is the State Law
16 Enforcement Agency and they are the folks that do all of the
17 laboratory, or most of the laboratory processing for the
18 police agencies throughout the state. So DNA and things like
19 that would be send to SLED for additional documentation in a
20 case like this. There are other people that may be brought
21 in, forensic odontologist to map the teeth and try and make
22 determinations from there. So it's really a joint effort by a
23 number of professionals to try and identify the person.

24 Q: Okay. So after you documented the scene, collected the
25 evidence that you were going to keep, and transfer the remains

1 to Deputy Coroner Bellamy, did that conclude your work at the
2 scene that day?

3 A: Yes. For me that concluded everything. Once everything
4 was removed, again, I do a final sweep of the area just to
5 make sure that we didn't overlook anything. You know as you
6 move remains and things like that or evidence, you want to
7 make sure that there's no additional evidence underneath, you
8 know, where that would have been. I did, after everything was
9 removed, take a metal detector and run over, you know, cover
10 over the entire area potentially looking for a projectile or
11 another casing or any other like articles of jewelry or
12 anything that may have, you know, come off at that point and I
13 did not find anything additional.

14 Q: Now, directing your attention forwards toward October
15 18th, 2019. Did you -- were you called upon to go to the
16 Richland County Sheriff's Department?

17 A: I was, yes.

18 Q: Can you tell us about that?

19 A: I was notified that Richland County Sheriff's Office had
20 recovered a car that the Horry County Police had wanted in
21 reference to this investigation. I was actually in route to
22 SLED that morning to drop evidence in another case, and as you
23 know the distance between Horry County and Columbia is about
24 two and a half to three hours, so it's a good ride to get
25 there. They told me that a vehicle was recovered. I

1 instructed them to hold the vehicle there. We sent our own
2 contract tow, contracted by Horry County Police, to Columbia
3 to pick the vehicle up to secure it. This way you want to
4 make sure that when you collect a vehicle somewhere else, you
5 want to make sure that the vehicle is secured, that it can't
6 be tampered with in the time that it's picked up until the
7 time it's delivered back to the police department where we're
8 going to forensically process that vehicle. So I had the tow
9 truck driver stand by and wait for me, I guess probably about
10 30 minutes before I got to where he was. I photographed the
11 vehicle. I put evidence security tape across all of the door
12 jams, you know, like if you open the door you break that
13 security seal. I put it across the trunk, the hood, and so
14 forth. I photographed the vehicle, had it loaded up onto the
15 flat bed, the contract wrecker for the county and transported
16 back to Horry County Police headquarters.

17 **MS. WALTER:** If I may approach, Your Honor, I'm showing
18 state's exhibit 38, not admitted yet.

19 **BY MS. WALTER:**

20 Q: Is that the car that you secured and had towed?

21 A: Yes, ma'am. In my notes from that day I recorded the car
22 as a 2003 Ford Crown Victoria with a South Carolina license
23 plate on it. I photographed the vehicle in place, like I
24 said, with security tape on it, and you can see security seals
25 in place on the vehicle in this photo.

1 **MS. WALTER:** So, Your Honor, I would ask that exhibit 38
2 be admitted and published.

3 **THE COURT:** Any objection?

4 **MR. LUCAS:** No objection, Your Honor.

5 **THE COURT:** So admitted without objection.

6 **(STATE'S EXHIBIT NUMBER 38**
7 **IS ADMITTED INTO EVIDENCE.)**

8 **BY MS. WALTER:**

9 Q: And so this is just one view of the car, but is this that
10 security tape that you're talking about?

11 A: Yes, ma'am. Right there at the door where the front and
12 rear door would connect there's a piece of security tape there
13 that if either of those doors were open from the time that I
14 sealed them until the time that we processed the vehicle it
15 would break that tape and we would know that somebody tampered
16 with it. That just controls the integrity of the evidence so
17 you know you're going to now process the same thing that you
18 saw and collected at the time you recovered it.

19 Q: Did you also put your initials on that tape?

20 A: I did. I dated it and put my initials on that tape.

21 Q: And we'll have Corporal Domogauer testify she did the
22 actual processing; you may have been present I believe.

23 A: That's correct. Corporal Domogauer at that time worked
24 for me. She was one of my crime scene investigators.

25 Obviously, since I run pretty much a division, I then turned

State vs Land

141

2020-DR-26-02425 & 02427

1 the processing of the vehicle over to her to handle so I could
2 continue on with the rest of my supervisory duties.

3 Q: I don't believe I've got any further questions for
4 Lieutenant Cestare, but if you could just answer any questions
5 from Mr. Lucas.

6 A: Thank you.

7 **THE COURT:** Mr. Lucas.

8 **MR. LUCAS:** Thank you, Your Honor.

9 **CROSS EXAMINATION OF LIEUTENANT CESTARE BY MR. LUCAS:**

10 Q: Lieutenant Cestare, in your investigation of the truck,
11 you didn't find anything, right?

12 A: Of the truck?

13 Q: Of the truck?

14 A: No, sir. I never even saw the truck.

15 Q: Okay. Or of the studio, you didn't find anything of
16 evidentiary value at the studio?

17 A: No. As I mentioned, we didn't find anything in the
18 studio.

19 Q: So you -- I mean I don't know what you've researched and
20 what you've looked into, but you don't have any information
21 about this case specifically, right?

22 A: The only specifics I can attest to is what I actually
23 performed, and that was the photographs and the collection of
24 the human remains and other evidence there that day. And as
25 well as the vehicle in Columbia and having it transported back

1 to Horry County.

2 Q: Now, Lieutenant Cestare, you are not a medical examiner,
3 correct?

4 A: That's correct.

5 Q: Okay. And you've never been trained to do stuff like
6 that, right?

7 A: To do stuff like what, sir?

8 Q: Like stuff that a medical examiner would be trained to
9 do.

10 A: I have been trained by the Office of the Chief Medical
11 Examiner in New York City, so to some degree, I don't know
12 exactly what your question is, but yes, I do have training in
13 a good bit of that information.

14 Q: But based on your testimony earlier about the gunshot
15 wound to the skull ---

16 A: Uh-huh. (Affirmative response)

17 Q: --- you do not truly know about that gunshot wound, you
18 just go off what the pictures show, right?

19 A: No, sir. I have over the course of 37, 38 years
20 encountered quite a few gunshot wounds, so when you see that
21 pattern in bones, you immediately know what it is. I mean I
22 couldn't tell you what the caliber was that fired it, you
23 know, or what the handgun was that caused it, if it is a
24 handgun or whatever the case may be, but I can tell you with
25 certainty that that was a gunshot wound to the skull.

1 Q: Now, moving on to the casing, you can't confirm, and I
2 believe you testified to this, whether or not the casing was
3 involved at all, right?

4 A: That's correct.

5 Q: All right. And the bullet casing was most likely not
6 involved given the space between the body and the bullet
7 casing, correct?

8 A: I can't -- I can't say that that's a fact either because
9 as I mentioned, several things occur in the wood line that
10 could cause a casing to be moved. I mean, you know, we've had
11 casings that are kicked by people walking through a wood line
12 or a scene accidentally, you know, sent from here to 20 feet
13 over there. So it just appeared to me that it was relevant to
14 collect because it was a single casing sitting in the woods.
15 If it was somebody who was out there target practicing, you
16 would expect to find more than one casing. You know, I know
17 myself when I go out for target practice I'm going to shoot at
18 least 50 or 100 bullets target practicing, so it would be
19 unusual to find one and that's what struck me as odd with it.
20 So again, I can't say with certainty whether that casing is
21 associated to that case or not, it just seemed relevant
22 because it was one casing and one hole in the skull.

23 Q: But overall you can't confirm that it was connected at
24 all, right?

25 A: I can't confirm that the casing, you know, that it had

1 anything to do with it. No, sir.

2 Q: Okay. Thank you.

3 **MR. LUCAS:** No further questions, Your Honor.

4 **THE COURT:** Any redirect?

5 **MS. WALTER:** Just very briefly.

6 **REDIRECT EXAMINATION OF LIEUTENANT CESTARE BY MS. WALTER:**

7 Q: So over your career how many, in New York City and then
8 Horry County, approximately how many times have you had an
9 opportunity to see a gunshot wound in to a part of the skull?

10 A: More than a thousand times.

11 Q: And through that experience have you learned, I guess
12 sort of what you explained before, the different between an
13 entrance wound versus an exit wound?

14 A: Yes, ma'am. And I was also certified through the New
15 York City Office of the Chief Medical Examiner in documenting
16 and determining gunshot wounds, entrance wounds and exit
17 wounds, and the paths and patterns that they would take, and
18 the characteristics that they would present when it occurs.

19 **MS. WALTER:** Nothing further at this time.

20 **THE COURT:** Any recross?

21 **MR. LUCAS:** No recross, Your Honor.

22 **THE COURT:** Sir, you may step down. Thank you.

23 **LIEUTENANT CESTARE:** Thank you, Your Honor.

24 Thank you, folks.

25 Your Honor, am I released?

State vs Land

145

2020-DR-26-02425 & 02427

1 **MS. WALTER:** He is for the state's purposes, Your Honor.

2 **THE COURT:** Yes, sir. You're released from -- any
3 objection from defense counsel of him being release?

4 **MR. LUCAS:** No. No objection, Your Honor.

5 **THE COURT:** Yes, sir, you are released. Have a nice day.

6 **LIEUTENANT CESTARE:** Thank you.

7 **THE COURT:** Call your next witness.

8 **MS. WALTER:** Thank you, Your Honor.

9 The state calls Patty Bellamy.

10 **THE CLERK:** Please raise your right hand, place your left
11 hand on the Bible.

12 **PATTY BELLAMY, HAVING BEEN**
13 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

14 **THE CLERK:** Please state your name and spell it for the
15 Court.

16 **MS. BELLAMY:** Patty Bellamy, B-E-L-L-A-M-Y.

17 **MS. WALTER:** Thank you, Your Honor.

18 **DIRECT EXAMINATION OF MS. BELLAMY BY MS. WALTER:**

19 Q: Can you tell us where you work, please?

20 A: I'm currently employed at the Horry County Coroner's
21 Office as a Deputy Coroner.

22 Q: Okay. What -- how long have you been in that position?

23 A: Four years.

24 Q: And you said that you are a deputy coroner, so let's
25 start with what does the coroner's office do?

1 A: So we respond to death calls that occur within the county
2 to establish the manner and cause of death.

3 Q: When you say manner and cause of death, let's start with
4 manner. What do you mean by manner of death?

5 A: So homicide, suicide, natural, unnatural, and
6 undetermined.

7 Q: And then cause of death, there may be too many to
8 mention.

9 A: Yes.

10 Q: But just give us a general description of what you mean
11 by cause of death.

12 A: It's a broad range really, I mean it's ---

13 Q: Can you give us some examples?

14 A: So whether it be ---

15 Q: Would stabbing be one?

16 A: Yes.

17 Q: Would a gunshot wound be one?

18 A: Yes.

19 Q: Drowning?

20 A: Yes.

21 Q: Okay. So it's sort of how the person actually died?

22 A: Correct.

23 Q: And the manner of death, those terms that you just used,
24 are those terms that are used by both forensic pathologists
25 and the coroner's office?

1 A: That is correct.

2 Q: What do you use to determine the manner and cause of
3 death, just in sort of general terms. What type of
4 information do you look at?

5 A: So we look at postmortem examinations, along with
6 toxicology, and autopsies that may be involved in the
7 postmortem examination. We also review medical records and
8 interview family members.

9 Q: Do you speak with other witness if necessary?

10 A: That is correct.

11 Q: And is it the coroner's determination whether or not a
12 body will be subjected to, you call it I think a postmortem
13 examination, probably most of us think of it as an autopsy.

14 A: That is true. A lot of times, you know, even if we
15 decide not to do an autopsy we have to examine the body
16 ourselves, different things that we look for to see if an
17 autopsy is necessary or if a toxicology is necessary if this
18 person died of anything other than a natural death by medical
19 records.

20 Q: Okay. So it might actually be a deputy coroner who
21 examines a body?

22 A: Yes.

23 Q: Okay. And if -- skip that. So directing your attention
24 to August 30th of 2019, were you asked to respond to a scene
25 off of Robert Edge Parkway and Old Sanders Road?

1 A: Yes.

2 Q: Did you in fact respond to that scene?

3 A: I did.

4 Q: What did you see when you got there? What did you do?

5 A: When I got there I was briefed by the detective on scene,
6 Horry County Crime Scene was on scene and we went to a wooded
7 area where skeletal remains were recovered.

8 Q: What was your roll there? Did you help in processing the
9 scene, or what was your purpose in being there?

10 A: So basically what I did from that point is once crime
11 scene had finished their process I transported the body, the
12 skeletal remains, to the Horry County Coroner's Office to the
13 morgue.

14 Q: Where were they kept in the morgue?

15 A: Inside the morgue at the Horry County Coroner's Office.

16 Q: Who had access to that morgue?

17 A: Only our employees.

18 Q: At some point did you take those remains to Doctor Abel
19 down in Charleston?

20 A: I did.

21 Q: And what was the purpose of that?

22 A: The purpose of that was to establish, I mean at the time
23 this was an unknown individual, so she was to establish
24 gender, age, race, and cause of death.

25 Q: Okay. And actually I forgot one thing, so prior to you

State vs Land

149

2020-DR-26-02425 & 02427

1 transporting them down to Doctor Abel, did there come a time
2 when you received some additional bones from Investigator
3 Domogauer?

4 A: I believe so.

5 Q: Okay. And those would have been stored in the morgue as
6 well?

7 A: Yes.

8 Q: So did you in fact take all of those bones to Doctor
9 Abel?

10 A: To my knowledge, yes.

11 Q: And that would have been ---

12 A: It think it was September the 11th of 2019.

13 Q: Okay. And I'm going to show you state's exhibit 33.

14 **MS. WALTER:** If I may approach, Your Honor?

15 **THE COURT:** Yes, ma'am.

16 **BY MS. WALTER:**

17 Q: I'm showing you state's exhibit 33. Did you document
18 your involvement in this case in a report?

19 A: I'm sorry, repeat the question.

20 Q: Did you document your involvement in this case in a
21 report?

22 A: Yes.

23 Q: And is that what you have in front of you?

24 A: That is correct.

25 Q: Is that a fair and accurate copy of your report?

1 A: Yes, it is.

2 MS. WALTER: So, Your Honor, I would ask that state's
3 exhibit 33 be admitted.

4 THE COURT: Any objection?

5 MR. LUCAS: No objection, Your Honor.

6 THE COURT: Without objection, so admitted.

7 (STATE'S EXHIBIT NUMBER 33
8 IS ADMITTED INTO EVIDENCE.)

9 MS. WALTER: Thank you.

10 BY MS. WALTER:

11 Q: So you took the remains to Doctor Abel on September 11th
12 of 2019. What happened next?

13 A: So when she completed her examination I went and picked
14 up the skeletal remains, transported them back to the Horry
15 County Coroner's Office to be held at the morgue until a
16 positive identification was made.

17 Q: How in this case were you hoping to make a positive
18 identification?

19 A: Through DNA.

20 Q: Had Doctor Abel separated out certain parts of the
21 remains?

22 A: Yes.

23 Q: Okay. And then once she separated those out, what did
24 you do with that?

25 A: So those were transported to SLED for DNA analysis.

1 Q: When you take remains to SLED is there a process by which
2 you submit evidence?

3 A: So we have to enter it into what we call iLab, and once
4 that's submitted then it's transported to SLED in Columbia.

5 Q: And in this case did you in fact transport the bones?

6 A: Yes.

7 Q: Or the teeth I think it actually was?

8 A: Yes.

9 Q: When you submit things to SLED are you asked to sign
10 something showing that you've submitted items?

11 A: That is correct. So the individual who actually does the
12 transportation to SLED is the person who signs the report on
13 the iLab report.

14 Q: Then if you were the person who picks, and in your case,
15 the remains back up from SLED, do you sign to show that you've
16 received those back?

17 A: That is correct.

18 Q: So I'm showing you what's been marked state's exhibit 32.
19 This is Page 9, 10, 11, 12, 13, and 14. First of all, do you
20 know what this document is?

21 A: This is a iLab (inaudible) from SLED. It's a chain of
22 custody.

23 Q: Okay. So does that show that you in fact submitted items
24 and then picked them back up?

25 A: That is correct.

1 Q: Okay. So then you transported a portion of the remains
2 that Doctor Abel had set aside to SLED. At some point were
3 you notified to pick those remains back up from SLED?

4 A: Yes.

5 Q: Did you in fact do that?

6 A: Yes.

7 Q: What happens with the human remains at that point?

8 A: So it's kept in the morgue until it is positively
9 identified and until, you know, then we can release that to
10 the family.

11 Q: And were the remains in this case released to the
12 victim's family?

13 A: At some point, yes.

14 Q: Now, you said earlier that one of your duties is to
15 determine manner and cause of death. Did you do that in this
16 case?

17 A: I left that to the forensic anthropologist, but some of
18 it was obvious.

19 Q: I'm showing you your report which has been admitted,
20 exhibit 33.

21 A: Yes.

22 Q: In your position as deputy coroner did you have to list
23 manner and cause of death?

24 A: That is correct.

25 Q: And what was it determined to be?

1 A: So the manner of death was homicide, and the cause of
2 death was gunshot wound to the head.

3 Q: When you were on scene where the bones were recovered,
4 did you have an opportunity to look at the skull that was
5 found there?

6 A: I did.

7 Q: Did that manner and cause of death in part flow from the
8 condition of the skull that you observed?

9 A: Yes.

10 Q: I have no further questions at this time.

11 **THE COURT:** Cross examination.

12 **MR. LUCAS:** No cross examination, Your Honor.

13 **THE COURT:** Ma'am, you may step down. Thank you.

14 **MS. WALTER:** Your Honor, the state would next call Doctor
15 Abel, and then depending on what Your Honor wants, do you want
16 to take a break after that or before it?

17 **THE COURT:** All right. Why don't we go ahead and take a
18 short break right now. Let's take a short break. I'll ask
19 you to step to the jury room, do not discuss the case. I'll
20 have you back in a few minutes, okay.

21 **REPORTER'S NOTE:** (Jury exits courtroom at 2:41p.m.)

22 **(COURT IS IN RECESS)**

23 **THE COURT:** All right. Anything from the state before I
24 bring the jury out?

25 **MS. WALTER:** No, Your Honor.

1 **THE COURT:** Defense counsel?

2 **MR. LUCAS:** No, Your Honor.

3 **REPORTER'S NOTE:** (Jury enters courtroom at 2:59p.m.)

4 **THE COURT:** All right. We have all of the jurors back
5 and we're ready to proceed.

6 At this time the state is recognized, call your next
7 witness, please.

8 **MS. WALTER:** Thank you, Your Honor. The state calls
9 Doctor Suzanne Abel.

10 **THE CLERK:** Please raise your right hand, place your left
11 hand on the Bible.

12 **SUZANNE ABEL, HAVING BEEN**
13 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

14 **THE CLERK:** Please state your name and spell it for the
15 Court.

16 **DOCTOR ABEL:** Suzanne Abel, S-U-Z-A-N-N-E A-B-E-L.

17 **MS. WALTER:** May I, Your Honor?

18 **THE COURT:** Yes, ma'am.

19 **MS. WALTER:** Thank you.

20 **DIRECT EXAMINATION OF DOCTOR ABEL BY MS. WALTER:**

21 Q: Doctor Abel, where do you work?

22 A: I am a forensic anthropologist for coroners across the
23 State of South Carolina. I'm focused, my lab is based at the
24 Charleston County Coroner's Office, and I am also on the
25 faculty at the College of Charleston.

1 Q: How long have you taught at the College of Charleston?

2 A: Since 2013.

3 Q: Do you have other teaching experience?

4 A: I do.

5 Q: Can you tell us about that?

6 A: It goes back all of the way to grad school, if I can
7 refer to my notes here?

8 Q: Yes.

9 **THE COURT:** Yes, ma'am.

10 **BY MS. WALTER:**

11 A: Let's see. I began teaching at the University of Florida
12 College of Medicine in the Department of Anthropology as a
13 graduate student from 2001 to 2003. I moved on to Trident
14 Technical College from 2003 to 2009 teaching anthropology.
15 Also online Ashford University for three years, 2009 to 2012.

16 Q: And you said that you are a forensic anthropologist for
17 coroners throughout South Carolina. How long have you been
18 doing that?

19 A: For South Carolina since 2004.

20 Q: Did you do any case work or field recoveries prior to
21 becoming a consultant for South Carolina?

22 A: Yes, all the way back through my master's degree starting
23 in 1987 when I started field work overseas. It's a domestic
24 international field work. I worked cases for Miami Dade as a
25 graduate student at the University of Florida, all the way

1 until today since 2004.

2 Q: What is -- you've mentioned a little bit of your
3 education, but can you tell the jury what your educational
4 background is?

5 A: Sure. I have a bachelor's degree, a master's degree, and
6 a doctoral degree all in anthropology.

7 Q: And we've thrown this term about, forensic anthropology.
8 What does a forensic anthropologist do?

9 A: A forensic anthropologist is a consultant. The coroner's
10 or the medical examiners will call us in on cases where the
11 pathologist can't really do much to help. And in these
12 instances a lot of times the decedents, or the people who have
13 died, are beyond visual recognition. So there's not a lot of
14 soft tissue there to help or that a forensic pathologist can
15 really do anything with. That's when we come in to help the
16 coroners and medical examiners find out who the person is and
17 what happened to them.

18 Q: What types of things can you determine from (inaudible)?

19 A: Again, the two main things that we do for the coroners or
20 the medical examiners, first thing is help them find out who
21 the person is and what happened to them. So when finding out
22 who the person is we draw up what is called a biological
23 profile, meaning looking at the skeleton we can look at things
24 like is this a biological male or female just based on certain
25 skeletal traits. We can develop an age range of how old this

1 person would have been at death. We can look at certain parts
2 of the body and estimate possibly where in the world their
3 ancestors would have come from, where they originated. We can
4 look at stature, we can see how tall that person may have been
5 in life. We can look at how well built they were. That
6 answers that first question of who that person is through that
7 biological profile. The second part is what happened to them
8 and that's looking at trauma analysis on the skeleton.

9 Q: So does part of your analysis, and are you often called
10 upon by law enforcement agencies, to determine whether
11 skeletal remains are actually human or animal?

12 A: Yes.

13 Q: I would say approximately 75 percent of my cases are not
14 even human. About 75 percent are animal bones that people
15 find out in the woods, that their dog brings home, a lot of
16 stuff is deer. You name it, every species that you can
17 imagine I've looked at.

18 Q: But you are able to tell based on your background and
19 your experience whether it is a human bone or not?

20 A: Yes.

21 Q: Okay. And so how are you able to determine whether
22 remains are human or not?

23 A: It goes back to if you are an expert in skeletal anatomy
24 then you know what's normal and what's not normal, what
25 doesn't look like human isn't human. It just basically comes

1 down to knowing your osteology, knowing your anatomy.

2 Q: How are you able to tell, you said one way you might be
3 able to determine that biological profile would be biological
4 sex, biological male or female. How do you determine that?

5 A: Well we can look at various parts of the skeleton to
6 determine if a person was biologically male or female. The
7 most anatomically accurate area for that is in the pelvis
8 because you think of the female capacity for child birth,
9 whether women have babies or not, their pelvis is still shaped
10 as a female which looks different than a male.

11 Q: And are there other parts of the skeleton that you look
12 at?

13 A: Yes. And again, the pelvis is going to be the most
14 accurate, but sometimes you don't have the pelvis. In that
15 case you go to different body parts. You can look at long
16 bones. You can do measurements of the long bones. But we can
17 also look at the cranium, the skull, and see certain features
18 on the skull that will suggest whether it's male or female,
19 but the pelvis is the most accurate.

20 Q: How are you, and I think you also said, are you able to
21 approximate at times when a person died?

22 A: Do you mean the postmortem interval?

23 Q: Yes.

24 A: Yes. And that's a difficult thing for the anthropologist
25 to get accurate. In the absence of soft tissue, when you're

1 just looking at the skeleton it's pretty hard to come up with
2 a really tight, what we call a postmortem interval. So it's
3 that time that says when the person died to when they were
4 found, that's the postmortem interval. And law enforcement
5 wants that for investigation, we understand that, but it's
6 difficult. If there's a lot of soft tissue, you can get a
7 more accurate postmortem interval, but when it comes from the
8 skeleton it's necessarily a wide interval that you give law
9 enforcement.

10 Q: And you said that sometimes you would be able to look at
11 stature. How are you able to approximate height from a
12 skeleton?

13 A: Yeah. So again stature is two things, it's estimating
14 living height of the person and how well built they are. So
15 to estimate living height we look at the long bones, in
16 particular the bones of the legs are the most accurate. So we
17 take measurements of those long bones and we insert them into
18 equations that are appropriate for the ancestry of a person
19 and the sex, okay, so you have to use the right equation. But
20 once you figure out the population infinity or the ancestry of
21 a person and you know if it's a male or female, you can choose
22 the appropriate equation. You insert the number into the
23 equation and out spits a nice interval. We can't tell you
24 exactly how tall somebody is, we can't tell you exactly how
25 old they are because some people don't (inaudible) right,

1 there's human variations. So we give them a range and we're
2 usually accurate within two to three inches.

3 Q: And are the methods that you've been describing to us new
4 methods, or have they been around for a while?

5 A: These are established methods.

6 Q: So they are used by other forensic anthropologists?

7 A: Yes.

8 Q: And they're widely accepted in your field?

9 A: Yes. Yes, they are.

10 Q: How many cases, and let's confine it since you said 75
11 percent are non-human remains, how many cases would you say
12 you've reviewed that involved human remains?

13 A: Actual forensic cases that involve, you know, report
14 writing for coroners and/or medical examiners, I haven't kept
15 a strict count, but I was just thinking maybe around 75.

16 Q: Have you ever testified as an expert in forensic
17 anthropology?

18 A: Yes.

19 Q: How many times?

20 A: Once, just once before.

21 Q: Okay. And what court was that in?

22 A: Charleston County.

23 Q: Okay.

24 **MS. WALTER:** Your Honor, at this time I would offer
25 Doctor Abel as an expert in forensic anthropology.

State vs Land

161

2020-DR-26-02425 & 02427

1 **THE COURT:** Anything ---

2 **MR. LUCAS:** No objection, Your Honor.

3 **THE COURT:** All right. Ladies and gentlemen, let me tell
4 you that normally a person cannot give opinion testimony.
5 Normally when a person testifies, they must testify as to what
6 they saw, heard, sensed by smell or something of that nature.
7 However, there is an exception when an individual is qualified
8 because of education and experience. Those individuals are
9 permitted to give opinion testimony in certain areas if the
10 Court qualifies them to do so. This individual is being
11 qualified as an expert in the field of forensic anthropology
12 to give opinion testimony in that area. That does not mean
13 that you must accept the opinion, but it is evidence for you
14 to use in any way that you see fit and give it the weight and
15 credibility that you believe is appropriate.

16 You may continue.

17 **MS. WALTER:** Thank you, Your Honor.

18 **BY MS. WALTER:**

19 Q: Doctor Abel, were you asked to examine remains in this
20 case?

21 A: I was.

22 Q: After your examination did you reduce your findings to a
23 report?

24 A: I did.

25 **MS. WALTER:** If I may approach, Your Honor.

1 **THE COURT:** Yes, ma'am.

2 **BY MS. WALTER:**

3 Q: I am approaching with state's exhibit 34. Is that a true
4 and accurate copy of your report?

5 A: Yes, it is.

6 **MS. WALTER:** Your Honor, I would ask that state's exhibit
7 34 be admitted.

8 **THE COURT:** Any objection?

9 **MR. LUCAS:** No objection, Your Honor.

10 **BY MS. WALTER:**

11 Q: And, Doctor Abel, do you have a copy of your report?

12 A: I do.

13 Q: All right. Thank you.

14 **THE COURT:** Thirty-four is admitted without objection.

15 **MS. WALTER:** Thank you, Your Honor.

16 **(STATE'S EXHIBIT NUMBER 34**
17 **IS ADMITTED INTO EVIDENCE.)**

18 **BY MS. WALTER:**

19 Q: So how is it that you got involved in this case?

20 A: I was contacted by the Horry County Coroner's Office to
21 examine the remains that they had previously recovered.

22 Q: Were those remains brought to you by Deputy Coroner
23 Bellamy?

24 A: Yes.

25 Q: Okay. Once you received the remains, well I'll

1 generalize it first, once you receive remains is there some
2 sort of standard procedure that you follow?

3 A: Yes. Once any case comes in, especially that I'm going
4 to be looking at, the very first thing that we do is we assign
5 a case number of course. Then everything is immediately x-
6 rayed. Sometimes it's not laid out nice and pretty and
7 perfect, sometimes it's just bones in boxes or bags, things
8 like that, but the very first thing we do is x-ray. And
9 that's important because we're trying to make sure we don't
10 lose any evidence; we don't want to lose any kind of ballistic
11 evidence or anything. We want to see what's in the pockets,
12 sometimes there's clothing, so we need to see what's in the
13 pockets. Before anything is touched it's x-rayed.

14 Q: What else is done?

15 A: Once it's x-rayed and we sort of know what we're getting
16 into, then we can open the box, we can open up the bag and
17 sort of assess what the game plan is going to be. Every case
18 is different and unique. If there is any kind of remnant soft
19 tissue then often times it needs to be removed just because we
20 need to actually see the bone surfaces to look at the anatomy,
21 the texture, things like that. So in those cases where there
22 is soft tissue adhering, we would remove it. We would
23 sometimes clean the bones in water. We try not to use any
24 kinds of solvents, or detergents, or bleach, or anything like
25 that that's damaging. And then we'll lay them out in what we

1 call anatomical position, so it's like a skeleton laying on
2 the table. We allow it to thoroughly air dry because we don't
3 want the bones to be warped. Once it's airdried then we can
4 start the actual examination.

5 Q: So did you follow that procedure in this case?

6 A: I did.

7 Q: Were you able to determine, well first of all, were you
8 able to confirm that the remains in fact were human remains?

9 A: They were human, yes.

10 Q: Were you able to determine the biological sex of the
11 remains?

12 A: Yes.

13 Q: And how -- what do you determine them to be?

14 A: And looking back at the really accurate part of the
15 skeleton is going be the pelvis, okay. So we had the pelvis
16 in this case, and this individual had all of the traits that
17 are sort of classic textbook traits for being a male
18 individual.

19 Q: Were you able to determine approximate age for the
20 remains?

21 A: Approximate age, yes. Just looking at the various
22 features on the skeleton there's no one area on the skeleton
23 that you want to look at for that, you need to take in the
24 entire skeleton to sort of see everything. But the range
25 which I think was appropriate for this individual is 25 to 35

1 years old.

2 Q: Okay. Were you able to estimate the victim's height?

3 A: Yes. Living height I think we estimated at 70.4 inches
4 plus or minus 2.6 inches.

5 Q: So that's somewhere around 5'10?

6 A: A little shy of 6 feet, yes.

7 Q: All right. And your report has a section for antemortem
8 condition/individualizing traits. Can you tell us about that?

9 A: Yes. Those are the unique traits every skeleton has.
10 Every person has something unique about their skeleton, which
11 makes every case a challenge and different. But everybody has
12 something about their skeleton that makes it unique. So this
13 is the section of the report that I always include for law
14 enforcement because it helps in the identification process.
15 At the time that I wrote this report he was unidentified, so I
16 included that in there. I included the rhomboid fascia, if
17 you want me to get involved in that?

18 Q: Sure.

19 A: Okay. So these are an indentation on your clavicle or
20 your collarbone, and this individual had bilateral, so on both
21 sides there's an indentation on that clavicle where it met the
22 sternum. It's not traumatic, it doesn't really mean anything.
23 The individual probably didn't even know he even had it. It's
24 one of those individualized and unique things that if there
25 were x-rays before he died, they would have probably showed up

1 on the x-ray, the radiologist would have maybe commented on
2 them in the radiologist's report which may have helped
3 identify him.

4 Q: All right. And then did you also look at perimortem
5 skeletal trauma?

6 A: I did.

7 Q: And so what do you mean by perimortem?

8 A: Perimortem is sort of a generalized frame of time meaning
9 at or around the time of death.

10 Q: So what if anything did you see when looking for
11 perimortem skeletal trauma?

12 A: I saw a perforated projectile wound on the cranium.

13 Q: Can you -- and you said perforated, what do you mean?

14 A: Perforated means it goes all the way through.

15 Q: Okay.

16 A: So if the bullet enters the body but doesn't exit, it is
17 penetrating. If it goes all the way through, it is
18 perforating.

19 Q: And so was there -- did you also call it a perpendicular
20 entry?

21 A: Yes. That's looking, yeah, the entrance wound was very
22 circular, round, which to me indicates that the projectile
23 came at a nice 90-degree angle. It didn't come in at an
24 angle, it was perpendicular 90-degrees.

25 Q: Where on the skull was that entrance wound?

1 A: Around the top a little bit to the right.

2 Q: And so you're just pointing sort of to the right midline
3 of your skull?

4 A: Correct.

5 Q: And so you said because of the roundness of the hole you
6 believe it was perpendicular?

7 A: Yes.

8 Q: What would happen if the gun had been angled?

9 A: If the gun were at an angle coming at the skull you would
10 either have an oval shaped entrance wound or something we call
11 a keyhole entrance wound which is a really tight angle, like a
12 plane landing on a runway. If a bullet came in that way it
13 would produce a keyhole defect which he didn't have, and it
14 wasn't oval which means it came in at a slight angle, but it
15 was completely round which meant the bullet came in straight
16 on.

17 Q: So other significance does that have with respect to how
18 the victim might have been positioned with an assailant.

19 A: It's difficult to recreate what actually happened in
20 death, I wasn't there, I didn't see it. But when you do have
21 a really round entrance hole with the internal beveling and
22 the external beveling this tells you entrance versus exit, it
23 can sometimes paint a picture of maybe the position the victim
24 relative to the assailant. And in order for a perpendicular
25 shot to come in this way, this is a tough thing to happen

1 accidentally, and it's a very tough thing to be self-
2 inflicted. It's not my place to say cause and manner of
3 death, but oftentimes these coroner's ask for that opinion and
4 when they do I give them.

5 Q: Were you asked in this case?

6 A: Yes.

7 Q: And what did you find?

8 A: I said homicide.

9 Q: Okay. Was that in part based on the fact that it was
10 this perpendicular entrance?

11 A: Yes.

12 Q: All right. Now based on the entrance and the exit wound,
13 you're not able to tell anything about whether it was fired
14 close range, far range, or anything like that?

15 A: No. No.

16 Q: And so we've talked about the entrance wound, where was
17 the exit wound?

18 A: The exit wound was also slightly to the right and at the
19 base of the skull.

20 Q: And you're just pointing for the record to the back right
21 side of your neck kind of underneath right at the bottom of
22 the skull.

23 A: Yes.

24 Q: You've talked a little bit I think about internal or
25 external beveling, but how -- can you give us a little more

1 detail on how you determine which is an entrance wound and
2 which is an exit wound?

3 A: Yeah, sure. That's -- the entrance wound in this case
4 again was round, again talking about a perpendicular entry,
5 and we can tell that that was the entrance wound because if
6 you look at the inside of the entrance would we saw what's
7 called beveling and it's internal beveling. So when a
8 projectile hits the skull, and going to talk about the
9 mechanics of this, it pushes a little plug or bone into the
10 brain area and that round plug pretty much represents the
11 cross section of a projectile, okay. But as the bone is being
12 pushed into the brain, at the same time on the inside surface
13 of the skull little flakes of bone are also coming off. So
14 what happens with that is the inside part of the entrance
15 wound has more bone less than the outside part, so this
16 results in like a funnel shaped defect. When you think of a
17 funnel the narrow end of the funnel is where the bullet
18 originally entered the skull, the wider part of the funnel is
19 on the other side of the entrance wound. So the entrance
20 wounds and the exit wounds are pretty much going through the
21 same mechanics. As the bullet travels through, it wants to
22 exit the skull, it has enough velocity to get out, it pushes a
23 plug a bone out, but at the same time more flakes are coming
24 off the outside of the skeleton before it exits the skull. So
25 entrance wounds in projectiles are internally beveled and exit

1 wounds in projectiles are externally beveled or towards the
2 outside.

3 Q: Now, taking all of this into account, so the position,
4 the perpendicular entry, all of that, are you able to tell us
5 anything in relation to how the victim might have been
6 positioned?

7 A: And again I wasn't there to actually see the position of
8 the victim, but to me what we commonly see in these types of
9 cases where the bullet hole is located where it was in this
10 individual, more often than not the victim was on their knees
11 either facing the assailant or facing away from them.

12 Q: Were you able -- are you able to tell anything about the
13 track that the bullet would have taken through the victim's
14 skull?

15 A: Yes. The trajectory is pretty straight forward. The
16 bullet comes straight down and down this way and slightly to
17 the back, just like that.

18 Q: Okay.

19 A: Which to me means, and again I wasn't there, but if you
20 track the trajectory of that bullet, it would be difficult to
21 get that trajectory in any other position.

22 Q: Okay. Does the size of the entry or the exit wound give
23 you any information about the size of the bullet that might
24 have made the hole?

25 A: Yes. And I think we had it was about 10 millimeters

1 wide, but you take a minimum measurement of the entrance
2 wound, and you can only do this if it's a round entrance
3 wound. You can't do it with keyhole or oval, but if you have
4 a nice round entrance wound you can measure that. So we
5 measured it, it was about 10 millimeters. And you apply that
6 to some established published standards and it gives you sort
7 of a vague estimation of whether the bullet was low caliber or
8 high caliber, and this was I think it came out to a .38, which
9 the 10 millimeter measurement is sort of in between small
10 caliber and large caliber bullets, but heading more towards
11 large caliber.

12 Q: We've talked about the entrance and the exit wound; did
13 you notice any other perimortem trauma?

14 A: Let's see. No, I did not.

15 Q: Was there anything with the vertebrae?

16 A: Oh, that's right. Yeah. The C1, the very first cervical
17 vertebrae, which is the topmost one so it's really, really
18 deep in your neck and it surrounds your spinal cord, so it's
19 very, very deep in there. So the exit wound, as the
20 projectile is passing through exiting the skull, it also put
21 enough forces on that soft tissue around his very first
22 cervical vertebrae to fracture it incompletely.

23 Q: Now you said sometimes that it's tough to do, but you
24 might be able to determine an approximate, and I want to get
25 the language right, antemortem period?

1 A: Postmortem interval?

2 Q: Postmortem interval, there you go.

3 A: Yeah. That's a tough one to do and especially in cases
4 where I haven't gone out to the scene. I didn't go out to the
5 scene on this one. I'm just relying on the remains themselves
6 at that point. Sometimes you get photographs from law
7 enforcement, but really just relying on the skeleton it's
8 tough to come up with a postmortem interval that's of any use
9 to law enforcement. Using published standards for the
10 southeastern United States, if the body is skeletonized it's
11 okay to tell law enforcement that that body has been out there
12 anywhere from weeks up to ten years. But that just doesn't
13 help anybody, so we look at a lot of things. We look at the
14 state of the remains, the odor and any kind of associated
15 insects, and that really does give you some kind of clue as to
16 how long they've been out there. I think with this individual
17 I said weeks to months.

18 Q: Did you also in this case have the crime scene
19 photographs?

20 A: I did.

21 Q: Okay. Was there anything specifically that you noted
22 about where the bones were recovered that factored into your
23 determination of that weeks to months?

24 A: The remains were located outside adjacent to a wooded
25 area. They were just scattered on the surface and there was

State vs Land

173

2020-DR-26-02425 & 02427

1 some clothing involved. I don't think I got that clothing,
2 but there were crime scene photos. But the individual was
3 laying on the surface and the woods were nearby, but he wasn't
4 in the woods.

5 Q: Did you notice a presence or a lack of vegetation on the
6 bones?

7 A: I did. Individuals that are outside, you can sort of
8 help law enforcement come up with a postmortem interval, again
9 how long the victim's been deceased, by examining is it
10 covered in leaves, is it covered in pine needles or something
11 like this. This individual was not covered in any leaves or
12 pine needles and there was actually some soft tissue adhering
13 to the bones, what we call the periosteum. It's really the
14 last thing to decompose.

15 Q: Did you notice a presence or absence of animal activity?

16 A: Let's see, I don't believe there was any animal activity
17 on this individual, which again tells me that he wasn't out
18 there for very long.

19 Q: Now as part of your work on this case, do you do any of
20 the DNA testing to determine actual identification?

21 A: No. We send that to labs.

22 Q: So in this case is it part of your responsibilities to
23 select portions of the remains to send for DNA testing?

24 A: Yes.

25 Q: And did you do that in this case?

1 A: I did. I selected teeth and some metacarpals that were
2 nice and intact for the lab.

3 Q: So what goes into your determination of what to send for
4 DNA testing?

5 A: It's SLED depended. We usually call the lab and find out
6 what they want. Every lab has something different.

7 Q: Okay. And so after your conversation with SLED you
8 separated out the teeth and metacarpals?

9 A: I think that I usually put that on the deputy to do, the
10 deputy coroner, to be in contact with DNA and then tell me
11 what they want.

12 Q: Okay. So then based on that you separated these teeth
13 and the metacarpals for further testing by SLED?

14 A: Yes.

15 Q: And then the other remains, are they just returned to the
16 deputy coroner?

17 A: Yes.

18 Q: Now -- actually, I don't have any further questions for
19 you at this time, but Mr. Lucas may.

20 **THE COURT:** Cross examination.

21 **MR. LUCAS:** Thank you, Your Honor.

22 **CROSS EXAMINATION OF DOCTOR ABEL BY MR. LUCAS:**

23 Q: So based on everything that you just testified, you
24 cannot tell me anything about who or how Arnold Bennett was
25 killed, correct?

1 A: I can't tell you he was.

2 Q: Or who killed him?

3 A: No.

4 Q: Okay. And you don't know, technically you don't know how
5 he was killed, correct?

6 A: Correct.

7 Q: Okay.

8 MR. LUCAS: No further questions, Your Honor.

9 THE COURT: Redirect?

10 MS. WALTER: Thank you, Your Honor.

11 **REDIRECT EXAMINATION OF DOCTOR ABEL BY MS. WALTER:**

12 Q: Doctor Abel, I believe you testified that the coroner
13 asked you to determine a cause of death?

14 A: They asked me for an opinion, which I rendered.

15 Q: And?

16 A: Homicide by gunshot wound.

17 Q: Okay. And that would be based on the fact that there was
18 a perpendicular trajectory wound from the top of the head out
19 through the bottom?

20 A: Yes.

21 Q: Okay.

22 MS. WALTER: Nothing further.

23 THE COURT: Any recross?

24 MR. LUCAS: No recross, Your Honor.

25 THE COURT: Doctor, you may step down. Thank you.

1 Call your next witness, please.

2 MS. WALTER: Thank you, Your Honor. The state calls
3 Layne Styron, please.

4 THE CLERK: Please raise your right hand, place your left
5 hand on the Bible.

6 LAYNE STYRON, HAVING BEEN
7 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 THE CLERK: Please state your name and spell it for the
9 Court.

10 MS. STYRON: My name is Layne Styron, L-A-Y-N-E S-T-Y-R-
11 O-N.

12 MS. WALTER: May I, Your Honor?

13 THE COURT: Yes, ma'am.

14 MS. WALTER: Thank you.

15 DIRECT EXAMINATION OF MS. STYRON BY MS. WALTER:

16 Q: Good afternoon. How are you?

17 A: Good.

18 Q: Do you know a man named Steven Morgan?

19 A: I do.

20 Q: How do you know him?

21 A: He is my ex-boyfriend.

22 Q: When did you guys date?

23 A: In the years of probably like 2018 to 2020.

24 Q: Did you live together at some point?

25 A: Yes, ma'am.

State vs Land

177

2020-DR-26-02425 & 02427

1 Q: Did you ever live together in the Little River section of
2 Horry County?

3 A: Yes, ma'am.

4 Q: Do you recall your address?

5 A: I do not recall the exact address.

6 Q: Does [REDACTED] Sandridge Road sound familiar?

7 A: Yes, ma'am.

8 Q: Okay.

9 MS. WALTER: And, Your Honor, I would like to approach
10 with exhibits 35, 36, and 37.

11 BY MS. WALTER:

12 Q: Do you recognize that as the home you shared with Steven
13 Morgan?

14 A: Yes, ma'am.

15 MS. WALTER: Your Honor, I'd ask that 35, 36, and 37 be
16 admitted and published.

17 THE COURT: Any objection?

18 MR. LUCAS: No objection, Your Honor.

19 (STATE'S EXHIBIT NUMBERS 35, 36 AND 37

20 IS ADMITTED INTO EVIDENCE.)

21 BY MS. WALTER:

22 Q: So if we could start with 35. So is this the front of
23 your house?

24 A: Yes, ma'am.

25 Q: And that's [REDACTED] is the address. Was there an entrance on

1 either side?

2 A: No, ma'am, just the front and then the side.

3 Q: Okay. So which side, where my right hand is or my left
4 hand?

5 A: Right hand.

6 Q: So we can go to 36 it should be. Is this that side
7 entrance?

8 A: Yes, ma'am.

9 Q: Where in your house did that door lead?

10 A: That leaded straight into the kitchen.

11 Q: Okay. And then 37, so this would be the other side of
12 your home?

13 A: Yes, ma'am.

14 Q: Okay. Now during your relationship with Steven Morgan,
15 did you come to know Darrell Land?

16 A: Yes.

17 Q: How often would you see him?

18 A: Not very often.

19 Q: Was he primarily Steven's friend or your friend?

20 A: Steven's friend.

21 Q: Okay. What types of -- well strike that. Can you tell
22 us approximately how many times you saw the defendant Darrell
23 Land before what we're about to talk about?

24 A: I would say maybe once a month.

25 Q: Okay. Did you -- what types of things would you do or

1 talk about when you were with the defendant and Steven Morgan?

2 A: Can you reword the question?

3 Q: Sure. Let me go at it this way, thinking back to August
4 pf 2019, did you and Steven Morgan have any pets?

5 A: Yes, ma'am.

6 Q: Okay. What did you have?

7 A: We had a dog.

8 Q: What was your dog's name?

9 A: Her name is Prada.

10 Q: Okay. Where did you get Prada?

11 A: He had already had her prior to me being with him.

12 Q: Okay. And so when you say he, just so we're clear ---

13 A: Steven Morgan.

14 Q: Okay. Do you know where Steven got Prada from?

15 A: He had got her from Darrell.

16 Q: Okay. Did you ever -- did you and Steven ever purchase
17 anything else from the defendant?

18 A: We used to purchase marijuana from him.

19 Q: Okay. And then did you ever go to the defendant's home?

20 A: No, ma'am.

21 Q: Did he every come to your home?

22 A: Yes, ma'am.

23 Q: Okay. So how many times would you say he came to your
24 home?

25 A: That address specifically?

1 Q: Yes.

2 A: Just the one time I believe, no sorry, two times.

3 Q: What was the other time besides what we're about to talk
4 about?

5 A: We were dog sitting for him, so he came and picked up the
6 dog.

7 Q: Okay. Now let's think specifically to August of 2019.
8 That's when you were living at the Sandridge home?

9 A: Yes, ma'am.

10 Q: Were you working at the time?

11 A: Yes, ma'am.

12 Q: Where were you working?

13 A: I was working at Bojangles.

14 Q: And I'm sorry, I should have asked this before. We said
15 that this was in Little River, right?

16 A: Yes, ma'am.

17 Q: And you were working at the Bojangles in?

18 A: North Myrtle.

19 Q: North Myrtle Beach. Was Steven working at the time?

20 A: Yes, ma'am.

21 Q: Where was he working?

22 A: Longhorn in North Myrtle.

23 Q: Okay. Do you remember a day in early August, sometime
24 around August 4th of 2019 that something happened and it sort
25 of stuck out in your head?

State vs Land

181

2020-DR-26-02425 & 02427

1 A: Yes, ma'am.

2 Q: Okay. I want us to talk specifically about that day.

3 Did you work that day?

4 A: Yes, ma'am.

5 Q: Do you recall what shift you worked?

6 A: I believe it was like the middle shift, so like lunch

7 kind of, lunch to early dinner.

8 Q: Okay. How would you get to work?

9 A: Either I would drive or Steven would drop me off.

10 Q: Did you guy have one car or more than one car?

11 A: We just had one car.

12 Q: Okay. And then if Steven dropped you off, is it safe to

13 say he would pick you up?

14 A: Yes, ma'am.

15 Q: So on this day August 4th of 2019, when you left for work

16 who all was in your home?

17 A: When I left for work it was just Steven and I.

18 Q: Okay. Did you have plans to do anything after work?

19 A: Yes, ma'am. One of his other friends was coming to the

20 house.

21 Q: And what's that other friend's name?

22 A: His name is Dave. I do not remember his last name.

23 Q: That's okay. So around what time would you have gotten

24 off that day?

25 A: I believe around 7.

1 Q: Did Seven come and pick you up that day?

2 A: Yes, ma'am.

3 Q: What did you guys do after he picked you up?

4 A: We went to go have dinner at a hibachi place down the
5 road.

6 Q: Is that -- what was the name of that restaurant?

7 A: Fuji or Figi.

8 Q: Okay. And is that still in North Myrtle Beach?

9 A: I do not know. I have not been to North Myrtle Beach in
10 a while.

11 Q: Okay. Is there another big store in that parking lot?

12 A: Wal-Mart.

13 Q: Okay. A Wal-Mart and a Home Depot?

14 A: Yes.

15 Q: Is that -- how far was that from the Bojangles where you
16 were working?

17 A: Not even three minutes.

18 Q: Okay. Perfect. Did you have a working phone at that
19 time?

20 A: Yes, ma'am.

21 Q: And was it with you this night as Steven is picking you
22 up?

23 A: Yes, ma'am.

24 Q: Did Steven have a phone?

25 A: Yes, ma'am.

1 Q: Was his phone working this entire time?

2 A: Yes, ma'am.

3 Q: Did it -- and while you were going to dinner or while you

4 were eating dinner, did anything happen with his phone?

5 A: The phone had died while we were eating dinner.

6 Q: Was your phone still working?

7 A: Yes, ma'am.

8 Q: Okay. Now were there -- you had said that Dave, this

9 other friend, was going to come over to your house. Was he

10 supposed to join you at all earlier in the evening?

11 A: Yes, ma'am. He was supposed to join us for dinner, but

12 he ended up getting held behind, so he was just going to meet

13 us at the house.

14 Q: Did you and Steven in fact eat at the hibachi restaurant?

15 A: Yes, ma'am.

16 Q: And do you have any idea how long you were there?

17 A: No, ma'am. I do not.

18 Q: Okay. And while you were eating -- and I guess one of

19 you communicated with Dave to find out that he wasn't coming,

20 wasn't going to be at the restaurant?

21 A: Yes, ma'am.

22 Q: Did he know where you lived?

23 A: Yes, ma'am.

24 Q: Okay. Did -- where did you go and Steven go after having

25 dinner at the Fuji restaurant?

1 A: We had stopped by a Wells Fargo ATM.

2 Q: And why were you stopping there?

3 A: Just to get out some cash.

4 Q: Okay. Was that Wells Fargo ATM in that same area?

5 A: No, ma'am. It's about a block down.

6 Q: Okay. After you went to the Wells Fargo ATM, where did
7 you go?

8 A: Straight to the house.

9 Q: How far did that -- how long did that take you?

10 A: From the ATM to the house?

11 Q: Yes.

12 A: About ten minutes.

13 Q: When you got to the house, what did you see?

14 A: What did I see when I got to the house?

15 Q: Yes. So, okay, you got to the house -- let's start this
16 way. Were there any cars in the driveway?

17 A: Yes, ma'am. There were two cars.

18 Q: Okay.

19 A: Or three, I'm sorry.

20 Q: I'll just come back to exhibit 35. I guess you can see
21 sort of a little bit of a path here. Was there a driveway?

22 A: Yes, ma'am. The driveway stopped about where the house
23 was.

24 Q: So you said there were three cars there. Tell us what
25 you remember about the cars and where on the property they

1 were.

2 A: So there was Dave's car who was pulled up behind a truck
3 that was closest to the house.

4 Q: Okay.

5 A: So there was a truck, and then Dave's car, and then there
6 was another car that was kind of pulled up to the back -- to
7 the side door.

8 Q: And were you able to see the car and the truck? So let's
9 put aside Dave's car for a minute, were you able to get a good
10 look at the truck that was in the driveway and the car that
11 was pulled up alongside of your house?

12 A: Yes, ma'am.

13 **MS. WALTER:** Your Honor, if I may approach. These I been
14 admitted, I believe, exhibits 4 and 38.

15 **BY MS. WALTER:**

16 Q: So let's first look at exhibit 4. Is that the truck that
17 you saw there?

18 A: Yes, ma'am.

19 Q: Had you ever seen that truck before?

20 A: No, ma'am.

21 Q: And then showing you exhibit 38.

22 A: Yes, ma'am.

23 Q: Is that the car that you saw pulled up to your side door?

24 A: Yes, ma'am.

25 Q: Did you know who owned that car

1 A: Yes.

2 Q: Who owned that?

3 A: Darrell.

4 Q: Okay. When it was pulled up to the side door, were the

5 doors opened or closed?

6 A: The car doors were closed, but the trunk was open.

7 Q: Was the car backed in or was is front in?

8 A: No, it was backed in.

9 Q: Okay. So we've talked about the cars that you saw.

10 Where -- was Dave on your property when you guys got there?

11 A: Yes, ma'am.

12 Q: Where was he? Was he inside or outside?

13 A: no, he was standing in the front yard.

14 Q: Did you go up to your front door?

15 A: Yes, ma'am.

16 Q: Did you try and get in your house?

17 A: Yes, ma'am.

18 Q: Okay. So tell us what happened then.

19 A: I went to go open my front door. When I had heard that

20 somebody was in there I knocked because it was locked. And at

21 that point he opened the door to let me in.

22 Q: Okay. When you say he opened the door?

23 A: Darrell.

24 Q: Okay. Can you describe what he looked like at that time?

25 A: At that time he was shirtless, sweaty, just kind of

1 looked like he was in a panic.

2 Q: Okay. You said that the door was locked. Did you -- how
3 did that make you -- what did that make you think?

4 A: I was pretty mad already because I was told that he had a
5 female in my house.

6 Q: Okay. So once you -- you said he opened the door. Did
7 he eventually let you into your own house?

8 A: Yes, ma'am.

9 Q: Okay. What did you see when you got inside?

10 A: Well I didn't pay much attention until I took a couple of
11 steps forward and I kind of looked down and at that point I
12 had seen blood all on our floor.

13 Q: So if you walk in your front door, let's describe the
14 layout of your house a little bit. So this is your front
15 door, you said if you walk in the side door you walk into the
16 kitchen. So what would be this room where the double windows
17 are?

18 A: That room is the living room.

19 Q: Okay. And then these two windows, I'm guessing the one
20 closest to the edge would be the kitchen?

21 A: The one above the sink in the kitchen, and then that's
22 the dining room.

23 Q: Okay. What is sort on the other side of the house?

24 A: On the other side would be the two bedrooms and two
25 bathrooms.

1 Q: So when you saw blood on the floor, where in the house
2 was the blood?

3 A: It was kind of like somewhat in the living room, but
4 mostly through the kitchen.

5 Q: Through the kitchen did it lead in any particular
6 direction?

7 A: Towards the side door.

8 Q: How would you describe the amount of blood that you saw?

9 A: I wouldn't describe it as pooling, but more of like
10 streaks.

11 Q: Streaks. When you noticed the blood, what if anything
12 did you do?

13 A: I kind of got a little irate because I was very panicked
14 at that point, I didn't know what had gone on.

15 Q: Okay. What -- did you make any effort to clean up the
16 blood?

17 A: No, ma'am.

18 Q: Did anyone make any effort to clean up the blood?

19 A: Yes, ma'am.

20 Q: Who did?

21 A: Darrell.

22 Q: How was he cleaning it up?

23 A: With my towels.

24 Q: Did that make you more irate?

25 A: Yes.

1 Q: How long did it take him to clean up the blood?

2 A: I would say about an hour.

3 Q: An hour. Did you see what he did -- did he leave you the
4 towels to clean?

5 A: No, ma'am. He took the towels.

6 Q: What did he do with them?

7 A: He threw them in his trunk.

8 Q: Did you ever look to see if anything else was in the
9 trunk?

10 A: No, ma'am. I never walked through the kitchen myself.

11 Q: What did you do as the defendant was cleaning up the
12 blood on your floor?

13 A: I stood outside and smoked because I was pretty mad.

14 Q: Understandable. When the defendant was done, well how
15 did you know the defendant was done cleaning up the blood?

16 A: He had came out to the front in the driveway and just
17 started conversating with us.

18 Q: Did he say anything in particular?

19 A: He was asking Steven to drive the truck himself to
20 Socastee.

21 Q: What did -- did Steven do that?

22 A: No, ma'am. I -- at that point Steven didn't have a
23 license and I didn't want to drive to Socastee myself to have
24 to go pick him up, so I just said that that wasn't a good
25 idea.

1 Q: At any point did you ask the defendant where the blood
2 came from?

3 A: Yes, ma'am.

4 Q: What did he say?

5 A: He had told me it came from dogs.

6 Q: Dogs doing what?

7 A: He said he was breeding two dogs and the female had
8 gotten aggressive and attacked the male.

9 Q: Were there any dogs in your house when you got there?

10 A: No, ma'am.

11 Q: Okay. Did -- was there anything else that you notice
12 that might suggest that there were in fact dog fighting or
13 breeding around there?

14 A: No, ma'am. My dog was perfectly safe in her kennel in my
15 room, and other than that there was no other signs of dogs.

16 Q: So after you said it wouldn't be a good idea for you or
17 Steven to drive the truck, did the defendant leave at that
18 point?

19 A: Yes, ma'am.

20 Q: Did you ever ask him whose truck it was?

21 A: Yes, ma'am.

22 Q: And what did he say?

23 A: He had said that it was his truck.

24 Q: Had you ever -- you previously said that you knew the car
25 was his, had you ever seen him in that truck?

1 A: No, ma'am.

2 Q: So when he left what happened to the truck?

3 A: The truck sat there for a couple of days.

4 Q: Okay. Were you aware of when the -- did the truck get
5 moved at some point?

6 A: It did at some point. I do not know when.

7 Q: So it wasn't something that you saw?

8 A: No, ma'am.

9 Q: So we've talked about him using your towels to clean up
10 with. Did you ever see if there was anything else missing
11 from your house?

12 A: I believe the only thing missing was the towels and a
13 blanket.

14 Q: Okay. Was there anything out of place in your house?

15 A: No, ma'am. Not that I had seen.

16 Q: Okay. After -- did you tell anyone that night what you
17 had seen?

18 A: Just me, Steven, and Dave.

19 Q: Did you think it was normal or odd?

20 A: I thought it was a little odd, but I didn't think too far
21 into it.

22 Q: Did you and Steven -- how long did you and Steven stay at
23 the Sandridge house?

24 A: In total or after that?

25 Q: After that, after that.

1 A: A couple of months.

2 Q: During that time, did -- we'll start with you, did you
3 have any contact with the defendant?

4 A: No, ma'am.

5 Q: Do you know, were you present for Steven having any
6 contact with the defendant?

7 A: Yes, ma'am.

8 Q: Can you tell us about that?

9 A: They were video chatting, I believe, a couple of times.

10 Q: When they were video chatting, you mean like using
11 Snapchat or Facebook or something?

12 A: I believe it was Facetime, so through iPhone.

13 Q: Okay. Were -- was there anything unusual about that
14 conversation?

15 A: The conversation wasn't actually used words, Darrell was
16 writing things down on a piece of paper to show Steven and
17 then Steven was answering with words.

18 Q: Okay. So Darrell, the defendant was writing and Steven
19 was speaking?

20 A: Yes, ma'am.

21 Q: Were you in a position where you were able to see what
22 Darrell was writing?

23 A: Only one time.

24 Q: Okay.

25 A: And he had wrote couch with a question mark.

1 Q: Were you in a position where you could hear what Steven
2 was saying in response to those questions ---

3 A: Yes, ma'am.

4 Q: --- that were written? And what was the subject of the
5 conversation?

6 A: He was just asking -- he asked about a couch, which I saw
7 that, and Steven answered we sold it, and it was just that we
8 had sold all of our furniture.

9 Q: Did you have any rugs in the home in Sandridge?

10 A: Yes, ma'am.

11 MS. WALTER: Your Honor, if I may approach with state's
12 exhibit 39 and 40.

13 BY MS. WALTER:

14 Q: Do you recognize those?

15 A: I do. That's my living room rug and that is actually a
16 blanket.

17 Q: Okay.

18 MS. WALTER: Your Honor, I'd ask that 39 and 40 be
19 admitted into evidence.

20 THE COURT: Any objection?

21 MR. LUCAS: No objection, Your Honor.

22 THE COURT: Without objection, so admitted.

23 (STATE'S EXHIBIT NUMBERS 39 AND 40
24 ARE ADMITTED INTO EVIDENCE.)

25 BY MS. WALTER:

1 Q: Okay. So if we can start with 39, what I called a rug,
2 but was that a blanket?

3 A: Yes, ma'am.

4 Q: And where was that normally kept?

5 A: Honestly on the floor. That's where Prada would sleep.

6 Q: Okay. So I wasn't that wrong. And then if we can look
7 at exhibit 40. Is that what you've said is your living room
8 rug?

9 A: Yes, ma'am.

10 Q: Now, at some point after this incident with the defendant
11 cleaning up blood before you moved out of Sandridge, did you
12 ever notice anything about this rug?

13 A: I had just found some blood underneath it, underneath one
14 of the corners of it.

15 Q: Okay. Did you ever -- had you ever bleed on that room?

16 A: No, ma'am.

17 Q: That you know of, had Prada ever bleed on that rug?

18 A: It was a possibility, but not very likely at that point
19 in time.

20 Q: If Prada had bleed on the rug, is that something that you
21 would have cleaned up?

22 A: Absolutely.

23 Q: And what about were you ever aware of Steven bleeding on
24 that rug?

25 A: No, ma'am.

1 Q: Now you said that night basically you, Steven, and Dave
2 sort of talked about what was going on?

3 A: Yes, ma'am.

4 Q: At some point were detectives coming around to speak with
5 either you or Steven?

6 A: We didn't see them. They had left their number in the
7 door.

8 Q: In what door?

9 A: In the door of the Sandridge house.

10 Q: Okay.

11 A: And at that point we had contacted them.

12 Q: Were you ---

13 A: Well Steven had contacted them.

14 Q: Were you living at Sandridge at the time?

15 A: No, ma'am.

16 Q: So how did you know that they had been there?

17 A: I believe my mom had went there to get like our mail or
18 something and just seen it in the door.

19 Q: Okay. So once Steven started talking to the detectives,
20 did you do anything to kind of figure out what was going on?

21 A: Not at that point, no.

22 Q: At some point in the future did you?

23 A: Yes, ma'am.

24 Q: What did you do?

25 A: I had gotten a phone call from a friend down the street,

1 and she was asking me what was going on at the house, and I
2 told her that I didn't live there anymore so I didn't really
3 know what was going on.

4 Q: Did you ever look online to see if you could figure out
5 what the police were asking about?

6 A: Yes, ma'am.

7 Q: Tell us about that.

8 A: I had looked up the name Jamal for -- because that was
9 the name that they had asked Steven about and I had never
10 heard that name before, so I had looked it up. And at that
11 point I found like a flyer kind of looking thing with his
12 picture and the day that he went missing and his vehicle.

13 Q: Okay. So a picture of that truck that you identified
14 earlier?

15 A: Yes, ma'am.

16 Q: When you saw that flyer did you recognize that truck as
17 the truck that was at your home?

18 A: Yes, ma'am.

19 Q: Was there anything about the date that he went missing
20 that stuck out in your mind?

21 A: The date -- I had looked back on some pictures that I
22 took of me and Steven and the date lined up the exact date of
23 that situation going down at my house and the situation of him
24 being last seen.

25 Q: Okay. So the situation going down at your house, is that

1 what we've been talking about?

2 A: Yes, with the cleaning of the blood.

3 Q: After you found this flyer and recognized the truck, what
4 did you do?

5 A: I called my mom.

6 Q: Okay. And based on your conversation with your mother,
7 did you end up speaking with the police?

8 A: Yes, ma'am.

9 Q: Did you -- what did you tell them at that point?

10 A: Just everything that I had seen that one night and that
11 was about it. That's all I really could tell them.

12 Q: Okay. Did they also ask you for a sample of your DNA,
13 like a swab of your mouth?

14 A: I think so.

15 Q: Okay. And you gave that to them?

16 A: Yeah, absolutely.

17 **MS. WALTER:** Court's indulgence.

18 **BY MS. WALTER:**

19 Q: I don't have any further questions for you at this time,
20 but Mr. Lucas may have a couple.

21 **THE COURT:** Cross examination.

22 **MR. LUCAS:** Thank you, Your Honor.

23 I am going to -- I was talking to -- can I have that
24 podium pulled up front there so I can be in front of her?

25 **THE COURT:** That's fine.

1 **MR. LUCAS:** Thank you, Your Honor.

2 **CROSS EXAMINATION OF MS. STYRON BY MR. LUCAS:**

3 Q: Good afternoon, Ms. Styron. As you discussed with the
4 solicitor, once you were picked up by Steven at work, correct,
5 on August the 4th.

6 A: Yes, sir.

7 Q: Okay. And at that point you planned to go to dinner at
8 Fuji Hibachi, right?

9 A: Yes, sir.

10 Q: Okay. And also with David Pinkerton, correct?

11 A: Yes, sir.

12 Q: And he was never able to make it, right?

13 A: Yes, sir.

14 Q: For some reason, I think you testified earlier that
15 something came up with him and he couldn't make it.

16 A: Yes, sir.

17 Q: And you only saw him again once you got back to your
18 house?

19 A: Yes, sir.

20 Q: He was there.

21 A: Uh-huh. (Affirmative response)

22 Q: Okay. Also from your testimony, when you entered your
23 house you saw Mr. Land cleaning something up, right?

24 A: Yes, sir.

25 Q: At that point you didn't know what he was cleaning up,

1 just that he was cleaning?

2 A: No, sir. I knew what he was cleaning up because I was
3 standing in my living room.

4 Q: Okay. Well I understand that you know something that you
5 think he was cleaning up, but you had no way to know exactly
6 what he was cleaning up.

7 A: Okay.

8 Q: And you didn't contact police for sometime after this,
9 right?

10 A: Yes, several months.

11 Q: Several months, that's a long time if you see something
12 that you believe was blood in your house and you didn't
13 contact the police.

14 A: I had believed it was dog blood.

15 Q: Dog blood.

16 A: Yes, sir.

17 Q: Well that is, that is what I was illuding to because you
18 also testified that you knew Darrell. I mean you had known
19 him previously primarily because of dogs, right?

20 A: No, sir.

21 Q: Okay. Well you bought the dog from ---

22 A: I did not, sir.

23 Q: Okay. Steven bought a dog from ---

24 A: Yes, sir.

25 Q: Your boyfriend, Steven. Okay. And as far as you know,

1 it sounds like you have dogs, I have dogs, dogs make messed,
2 right?

3 A: Yes, sir.

4 Q: So it would be completely understandable if Mr. Land
5 wanted to clean that up before you got home from dinner,
6 right?

7 A: Sure.

8 Q: Okay. And you knew of Arnold Bennett before this,
9 correct?

10 A: No, sir. No, sir.

11 Q: You had never met Arnold Bennett before?

12 A: No, never.

13 Q: There was never, there was never any possibility that, as
14 far as you know, Steven may have been in contact with Arnold
15 about drugs?

16 A: No, sir.

17 Q: No?

18 A: Uh-uh. (Negative response)

19 Q: You never heard that?

20 A: No, sir.

21 Q: Okay. But that -- but your boyfriend Steven Morgan, he
22 does smoke a lot of pot, correct?

23 A: He used to.

24 Q: He used to. Okay. And shortly after this happened, you
25 and Steven fled to North Carolina, correct?

State vs Land

201

2020-DR-26-02425 & 02427

1 A: We moved to North Carolina. Yes, sir.

2 Q: Okay. Okay. Well and is this before or after you talked
3 with police?

4 A: This was before.

5 Q: Before you talked with police. Okay. And what you saw,
6 you saw Darrell cleaning something up when you got home,
7 correct?

8 A: Yes, sir.

9 Q: But you did not see Darrell do anything wrong to Arnold
10 Bennett, correct?

11 A: Correct, I did not.

12 Q: Okay.

13 MR. LUCAS: I have no further questions, Your Honor.

14 THE COURT: Any redirect?

15 MS. WALTER: No, Your Honor.

16 THE COURT: Ma'am, you may step down. Thank you.

17 MS. STYRON: Thank you, sir.

18 THE COURT: Call your next witness.

19 MS. WALTER: Your Honor, the state's next witness will be
20 Steven Morgan who is being brought from custody.

21 THE CLERK: Please raise your right hand, place your left
22 hand on the Bible.

23 STEVEN MORGAN, HAVING BEEN

24 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: Please state your name and spell it for the

1 Court.

2 **MR. MORGAN:** My name is Steven Morgan, S-T-E-V-E-N M-O-R-
3 G-A-N.

4 **MS. WALTER:** May I, Your Honor?

5 **THE COURT:** Yes, ma'am.

6 **DIRECT EXAMINATION OF MR. MORGAN BY MS. WALTER:**

7 Q: Mr. Morgan, let's just first of all address the obvious.
8 You are currently in custody, correct?

9 A: Correct.

10 Q: Are you in custody because of this case?

11 A: Correct.

12 Q: Were you in fact charged originally with accessory before
13 the fact of murder?

14 A: Yes, ma'am.

15 Q: Are you represented by an attorney?

16 A: Yes.

17 Q: Do you see her in court today?

18 A: Yes.

19 **THE DEPUTY:** I think his attorney is outside, Judge.

20 **MS. WALTER:** Oh, I'm sorry. I'll start over when he
21 comes back in.

22 **THE COURT:** He didn't ask if he could leave. I didn't
23 know he was out. I thought he had been sitting over there.

24 **MS. WALTER:** I'll start again.

25 **THE COURT:** Okay. Thank you.

1 **MS. WALTER:** Thank you.

2 **BY MS. WALTER:**

3 Q: I'm going to have to repeat a few things. So you are
4 currently in custody, correct?

5 A: Correct.

6 Q: Where are you being housed?

7 A: J Reuben Long.

8 Q: Are you in custody because of this case?

9 A: Yes, ma'am.

10 Q: Were you originally charged with accessory before the
11 fact of murder?

12 A: Correct.

13 Q: And I think we had gotten to the point of, are you
14 represented by an attorney?

15 A: Yes, ma'am.

16 Q: Do you see her in court?

17 A: Yes, ma'am.

18 Q: Is that Ms. Pratt sitting right here?

19 A: Yes, ma'am.

20 Q: Okay. So if you need, and I'm sure that the Judge will
21 tell you this, but if you need to speak with Ms. Pratt just
22 let the Judge know and I'm sure he would give you that
23 opportunity.

24 Last week did you meet with both Ms. Pratt, Detective
25 Marcus, and myself and agree to testify for the state in this

1 case?

2 A: Yes, ma'am.

3 Q: And I am going to approach with state's exhibit 87. Do
4 you recognize this document?

5 A: Yes, ma'am.

6 Q: And is that your signature there?

7 A: Yes, ma'am.

8 Q: So is this -- does this -- is it your understanding that
9 this is sort of the agreement reached between you and the
10 state?

11 A: Yes.

12 Q: Did you plead guilty yesterday to accessory after the
13 fact to murder?

14 A: Yes, ma'am.

15 Q: Is that -- does that give you some benefit?

16 A: Yes.

17 Q: Has there been agreement as to what your sentence will
18 be?

19 A: No.

20 Q: What is your understanding of what you must do here in
21 court?

22 A: Tell the truth.

23 Q: And are you prepared to tell the truth?

24 A: Yes.

25 Q: I would like you -- first, do you know the defendant

1 Darrell Land?

2 A: I do.

3 Q: How long have you known him?

4 A: About seven years now.

5 Q: How did you first meet him?

6 A: He was my co-worker at Burger King.

7 Q: How long did you guys work together at Burger King?

8 A: Less than a year.

9 Q: What else did you do besides work together?

10 A: We played basketball every now and then. I'd come over
11 to his house and play video games, listen to music, that type
12 of thing.

13 Q: Okay. Did you ever smoke marijuana with him?

14 A: Yes.

15 Q: Okay. And you said that sometimes you would go over to
16 his house?

17 A: Right.

18 Q: Did he ever come over to your house?

19 A: When I got my house in Little River, he was over twice.
20 That was not to hang out, that was just I would dog sit for
21 him, so he's been to and from for that.

22 Q: Okay. And I'm going to ask you to kind of speak up a
23 little bit and make sure that the jury can understand you.

24 A: Yes, ma'am.

25 Q: So would you, let me back up a minute. Do you know Layne

1 Styron?

2 A: Yes.

3 Q: Okay. How do you know Layne?

4 A: She's my ex-girlfriend.

5 Q: Okay. I'm sorry, do you see her in court today?

6 A: Yes, ma'am.

7 Q: Okay. Would Layne be with you when you would hang out
8 with the defendant?

9 A: No.

10 Q: So let's now focus on that time in the Sandridge house.
11 You said he was there twice?

12 A: Two or, yeah, two or three times at least.

13 Q: And I believe you said you dog sat for him?

14 A: Yes.

15 Q: So let's now talk about did something -- did the
16 defendant come over to your house in early August of 2019?

17 A: Yes, ma'am.

18 Q: Where was Layne when the defendant came over?

19 A: She was at work.

20 Q: How did you and the defendant make plans for him to come
21 over?

22 A: I was off that day from work. I was just hanging around
23 the house and he texted me around 5 o'clock asking me if I was
24 home. I said yeah. He told me he was in the area and to send
25 him my address. I did and then about 5:40 he showed up.

1 Q: When he showed up was he driving a car?

2 A: Yes.

3 Q: Had you seen him in that car before?

4 A: Yes.

5 Q: Yes?

6 A: Yes.

7 Q: So I'm showing you state's exhibit 38. Is that the car
8 that he drove up in?

9 A: Yes, ma'am.

10 Q: When he came up to your house, were there any other cars
11 with him?

12 A: Yeah, there was a, I believe, it was gold truck I'd never
13 seen before.

14 Q: I'm going to show you what's been admitted as state's
15 exhibit four.

16 A: Yeah.

17 Q: Is that the truck that showed up?

18 A: Yes, ma'am.

19 Q: You said you had never seen this truck before?

20 A: Not before that.

21 Q: Okay. When the defendant and that truck pulled up, where
22 did they park on your property?

23 A: I believe Darrell parked next to our car that was in the
24 driveway and the truck was directly behind my car.

25 Q: I'm sorry.

1 A: Directly behind my car.

2 Q: Okay. Did you ever see who was in the truck?

3 A: The windows were tinted, so no.

4 Q: Did the defendant come inside your house?

5 A: He did.

6 Q: What did you guys do once you were inside?

7 A: He came over. I asked who was that in the truck. He
8 said it's his friend. I asked him if he was going to come in,
9 he said, no, he's good. I said, okay, whatever. He came in,
10 sat down. We started listening to some music, we smoked a
11 little but of marijuana, played some video games. It was
12 pretty much casual. Then as time went on really just out of
13 nowhere, he started whispering about he asked me if I'd ever
14 seen that truck before, I said no. He said do you know who's
15 inside of it? I said no. And then after that he kind of just
16 looked away and we went back listening to music. A couple of
17 minutes after that he says if I ever had to rob somebody,
18 where would I do it at. I was just kind of lost for words at
19 first because, you know, he knows I don't do that type of
20 thing. So I was like I don't know what you mean. He asked
21 the question again, and I was like you're asking me about
22 something like this like you're asking me about selling life
23 insurance. I don't know.

24 Q: Let me just stop you there. So prior to being arrested
25 in this case, have you ever been arrested before?

1 A: Uh-uh. (Negative response)

2 Q: And you're mentioning life insurance, why are you
3 mentioning ---

4 A: Because at the time I was a licensed life insurance
5 agent.

6 Q: Okay. And so you said to the defendant -- I want to make
7 sure I understand this -- that him asking you about robbing
8 someone was like you asking him about life insurance?

9 A: Yes.

10 Q: Okay. So he asked you if you had to rob someone where
11 would you do it. What happened next?

12 A: I told him I didn't know and he asked me again. I was
13 just like I mean the obvious would be somewhere where no one
14 is around without cameras or anything, I don't know. He said
15 you don't know like anywhere specific. I said no. Then so he
16 kind of said okay and stopped talking for a bit. And at this
17 time I'm on Youtube I'm trying to find a song or something and
18 his questions hit me so like out of left field that I couldn't
19 really think. So I was scrolling just randomly and he was
20 like the dude in the truck has \$10,000 cash on him. And I
21 looked back at him and was like, okay, that's good for him.
22 And he's like, yeah. And I looked back at the TV and I would
23 say from 30 seconds to a minute later he's like he's got some
24 weed on him as well. Once again I was like, okay, like good
25 for him. Then some more time goes by in silence and he's like

1 man, I mean basically he's trying to get it from him. And I'm
2 like what do you mean you're trying to get it from him
3 (inaudible)? Once again I was just like why? Things were
4 taking a turn for the worse. He asked me again if I know
5 where he could do it at, I'm like no. Some more silence, some
6 more time goes by. He's basically just like what if I did it
7 here? I'm like -- at this time we've been whispering and when
8 he asked me that question I remember like raising my voice and
9 I was like, no, what do you mean do it here? What do you mean
10 do it at my house? And he starts shhing me, telling me to be
11 quiet, but you know I'm in my house and another man is telling
12 me to be quiet. So I was like what do you mean (inaudible).
13 He's like no one will ever know about it. You won't have
14 anything to do with it. You don't have to do anything, just
15 it will only take me like 30 minutes. I start telling him
16 like no, you know, I'm not involved in things like this. And
17 he's like you don't have to be, you won't have anything to do
18 with it. I'm like well it's my house so obviously if
19 something comes back it's going to come back to me. He's like
20 nah, nothing will come back, I'll handle everything and things
21 of that nature.

22 Then I remember just that day just when he asked me if he
23 could do it at my house, I said no. He answered with why, you
24 know, it's like because it's the wrong thing to do. I
25 remember every reason and excuse I gave him, you know, he just

State vs Land

211

2020-DR-26-02425 & 02427

1 wasn't taking no for an answer. And then it got to a point
2 where my head was spinning, I'd never been put in that
3 situation before. Eventually I got up from the couch and I
4 don't remember where I was going, I didn't know where I was
5 going at that time. He got up right behind me and stopped and
6 he just started saying again, you know, he's going to do it.
7 Pretty much he needs the money or whatever. And he just
8 basically was trying to get me to let him do it and I keep
9 telling him no, but I can't him to listen to different
10 reasons. And it got to a point where he was like listen man,
11 I'll do everything, you don't have anything to worry about,
12 and I'll split everything 50/50 with you, which would be
13 \$5,000 cash and some weed. I was like, bro, I definitely
14 don't want money, I don't want the weed. I don't want you to
15 do it period.

16 And then the whole thing had me feeling crazy because I'd
17 never been put in that situation before. When he mentioned
18 the money for some reason that just struck me even worse
19 because, you know, I'm thinking in my head like this guy is
20 really expecting me to -- I don't know why he chose me in the
21 first place because, you know, he knows me at least well
22 enough to know that I'm not involved in stuff like this. But
23 the fact that he would just expect to come over to my house
24 and for me to give him permission to rob someone at my house.
25 So he offers me the money or whatever and I told him no, I

1 don't want the money, man. I don't want nothing to do with
2 it. He keeps on, you know, telling me well I need to do it.
3 So eventually I pretty much just panicked and my brain was
4 telling me you've got to leave, you've got to get out of here,
5 you need to leave and figure things out. So I told him,
6 listen, just be gone by the time I get back and I left.

7 Q: Okay. So let me stop you there. You said -- where were
8 you going to go?

9 A: I was going to pick up Layne from work.

10 Q: Okay. You testified earlier the truck that you had never
11 seen before was parked behind the car that you and Layne
12 shared?

13 A: Yes, ma'am.

14 Q: How was it that you were able to get out to go pick up
15 Layne?

16 A: When I got outside, the truck was still running. It had
17 tinted windows, so I didn't see who was inside, but I can tell
18 from the features of his face it looked like a black male.
19 And when I got to the car door I looked at the driver and
20 pretty much ---

21 Q: Just kind of gave him a shake of the head?

22 A: Yes, like to please move. The truck backed up and I
23 left.

24 Q: Okay. Did you in fact go to pick Layne up?

25 A: Yes.

1 Q: Where did you guys go after you picked her up?

2 A: We went out to eat to Fuji Hibachi in North Myrtle Beach.

3 Q: Okay. And let me back up one step, where was she working
4 at that time?

5 A: Bojangles in North Myrtle Beach.

6 Q: By the -- in the Publix Shopping Center?

7 A: Yes.

8 Q: Okay. And how far away was the Fuji restaurant?

9 A: Less than five minutes.

10 Q: Was anyone else supposed to join you for dinner?

11 A: Yes. I had a friend, Dave, that was supposed to meet us
12 there. He ended up going to the wrong one and by the time --
13 my phone had died so he was actually texting Layne's phone and
14 by the time he texted her saying that I'm going to the wrong
15 one, I just told him well you might as well just meet me at
16 the house, we'll meet you there.

17 Q: When you and Layne finished dinner, did you in fact go to
18 your house?

19 A: Yes, ma'am.

20 Q: When you got back to your house what did you see?

21 A: Well before I got back, Dave actually beat us to the
22 house and you know we were about two or three minutes away
23 from the house ---

24 Q: And let me just stop you. You can't tell us what Dave
25 said to you.

1 A: Okay.

2 Q: So if you -- let's just start with what you saw when you
3 got to the house.

4 A: Okay. When we got back Dave was standing by his car. I
5 saw that same truck, it was actually backed in so the front
6 was facing the road which wasn't like that when I left. Then
7 Darrell's car was parked at my side door of my house with the
8 trunk open. It was like you know that's weird. Then we go to
9 the door and the door is locked, and obviously we have a key
10 to our house but we know that Darrell's inside so we start
11 knocking on the door. He answered the door, but when he
12 opened the door he only like opened it slightly and peeped his
13 head through. He was like, yeah, what's up. Me and Layne
14 looked at each other and was like let us in our house.

15 So we go in the house and then starting from the living
16 room leading towards the dining room and the kitchen there
17 was, I mean there wasn't like pools of blood or anything like
18 that, but there was on the floor. We're just like mad and
19 wondering what's going on. What happened? Why is there blood
20 on the floor? He starts saying that he was breeding dogs and
21 they attacked each other and stuff like that. I went to the
22 back room and checked on my dog and she was where I left her
23 in the kennel. I go back out to where he was at and you know
24 Layne was still really upset about everything. She was
25 picking up around the house. And when I came back from my

1 bedroom that's when I noticed the gun that was on the dining
2 room table.

3 Q: Okay. What kind of gun was it?

4 A: It was a silver revolver.

5 Q: As silver revolver?

6 A: Yes, ma'am.

7 Q: Had you ever seen that gun before?

8 A: No, ma'am.

9 Q: Did you have any guns in the house?

10 A: I did.

11 Q: How many guns did you have?

12 A: I had one.

13 Q: Was it in the house when you left to pick Layne up from
14 work?

15 A: No.

16 Q: Where was it?

17 A: It was in the car.

18 Q: Okay. So you came back from checking on, I think the
19 dog's name is Prada, right?

20 A: Yes, ma'am.

21 Q: So you came back from checking on Prada, what's the
22 defendant doing?

23 A: He was still just explaining, like trying to explain to
24 Layne about what happened. He was still cleaning up the
25 blood. And then I saw the gun and like in my head I'm

1 wondering how things just went so wrong. Basically he just
2 kept on apologizing and saying I'm sorry for bringing dogs.
3 It got to the point where it was like all right, man, just
4 hurry up and clean up and just get out of here. That's when
5 we went outside and 10 or 15 minutes later I went back in to
6 see if he was about done, what's going on. At this time I
7 went in he still had his shirt off and this time the gun was
8 in his waistband behind his back. He still was bending down
9 and cleaning up blood with our towels. And I asking him, man,
10 what happened? What's going on? He's like, man, things just
11 took a turn for the worse, things went south, or something
12 along those lines. I was like what do you mean? He just gave
13 me a look and said the same thing again. I didn't ask for
14 details. I didn't ask exactly what happened. I just figured
15 out what happened, but I still to this day don't necessarily
16 know why or if that was the whole plan from the beginning. I
17 don't know. I just told him again -- he asked me if Layne was
18 asking questions. I told him, yeah, she just walked in and
19 there's blood in the floor, of course she's asking questions.
20 He was wondering if she was going to call the police, I told
21 him if they do, I'm not going to stop them. He just was
22 pretty much telling me to try to get them not to call the
23 police. I just told him before I left to go back outside, I
24 said just remember I don't have anything to do with this. If
25 things come back, the come back to you. He was like, yeah,

1 bro. Don't worry about it, I've got everything. I went back
2 outside.

3 I don't know, it could have been another 10 or 15 minutes
4 and he had ended up exiting my house through the side door
5 near his car. He was putting the towels into the trunk and
6 everything.

7 Q: Did you ever look in the trunk?

8 A: No, I did not.

9 Q: After he put the towels in the trunk, what did he do?

10 A: He walked up towards my driveway and Layne asked him
11 whose truck is that. He responded that it was his. After he
12 said that he asked Layne if she would drive the truck back to
13 his house. She said no. Then he asked me if I could drive
14 back to his house and before I could say no, she said no for
15 me. Then he got on the phone, I don't know if he was talking
16 to his wife or someone else, but he was yelling and real mad.
17 He was trying to get someone to pick up the truck for him I
18 guess. Eventually he just said that he would have his wife
19 come by later and pick it up.

20 Q: Did -- at that point did the defendant leave?

21 A: Yes.

22 Q: Which car did he leave in?

23 A: He left in his Crown Vic.

24 Q: What did you and Layne do?

25 A: We went back in the house. Things were still -- the

1 blood was mostly cleaned up, but things were not how I left
2 them like the couches were moved. There was like a little
3 wicker basket where we kept our shoes at, that was moved and a
4 couple of other things. We just picked up around the house
5 and talking a little bit about what happened and what we're
6 going to do. We ended up not calling the police. And
7 throughout the night me and Layne and Dave just sat around
8 hanging out, smoking marijuana throughout the night.

9 Q: Why didn't you call the police that night?

10 A: I didn't call the police that night because I just felt
11 like I knew that I didn't kill him or that I didn't want him
12 killed or robbed or anything like that. But I just felt like
13 since I left -- when I left to pick Layne up and I didn't call
14 the police that my involvement was already too deep and I
15 figured I'd be going to jail as well. I just made a mistake.

16 Q: Okay. So when the defendant left the Avalanche was still
17 outside in your driveway?

18 A: Yes, ma'am.

19 Q: How long did it stay there if you remember?

20 A: I remember it -- I thought it stayed throughout the night
21 and into like the next day.

22 Q: Was there any conversation between you and the defendant
23 about him coming to your house to pick it up?

24 A: Yes. Throughout the day he had been in contact saying
25 that he was going to come that night to pick it up.

1 Q: So those were text messages between the two of you?

2 A: Yes, ma'am.

3 Q: And have you actually seen copies of those text messages
4 in the discovery for your case?

5 A: Yes, ma'am.

6 Q: Okay. Were you at the house when he came to pick up the
7 truck?

8 A: Yes, ma'am.

9 Q: Tell us about what you saw.

10 A: When he texted and said he was close I was sitting on the
11 couch and so I could see whenever someone arrives at my house.
12 I saw him arrive in a different car, so I went outside. He
13 actually left the keys on my table to the truck, so I went
14 outside and gave him the keys. He asked me if everything was
15 good; I'm like you tell me. (inaudible) He gets into the
16 truck. I thought he came by himself. I didn't see anyone
17 else in the car. I went back inside. That's when I saw the
18 car he pulled up in started to leave as well.

19 Q: Okay. So were you able to see who was in the car he
20 pulled up in?

21 A: No.

22 Q: Okay. Was that the last time you saw the truck?

23 A: Yes.

24 Q: Okay. At some point after that, did you and Layne move
25 out of the Sandridge home?

1 A: I didn't hear you.

2 Q: I'm sorry. At some point after that, did you and Layne
3 move out of the Sandridge home?

4 A: Yes, ma'am.

5 Q: Where did you move?

6 A: To Charlotte, North Carolina.

7 Q: Was that because of this?

8 A: No, it wasn't.

9 Q: Okay. About how long after Darrell cleaning up blood did
10 you guys move?

11 A: I believe that happened on August 4th, I believe we moved
12 in the middle September, so it was a little bit more than a
13 month later.

14 Q: After that, well let's go to after the defendant picked
15 up the truck from your driveway, did you continue to speak
16 with him?

17 A: I did.

18 Q: Did you guys ever have a conversation over either
19 Snapchat, or Facetime, or Facebook video or something?

20 A: Yes.

21 Q: Can you tell us about that conversation?

22 A: Well after I moved to Charlotte, he called me on Snapchat
23 video one night. I was talking to him and he was asking me
24 about everything and if I'd heard anything from police or
25 anything. I said no. Then he started holding up flashcards

1 with words on them and asking -- and Layne was with me too,
2 she saw everything as well. He asked me what we did with the
3 couches and the rugs, I said we sold them. I asked him why?
4 He said no reason. Then he continued to say that he was only
5 breeding dogs and that story.

6 Q: Okay. At some point did the police start reaching out to
7 speak with you?

8 A: Yes, ma'am.

9 Q: Did you in fact speak with the police a couple of times?

10 A: Yes, ma'am.

11 Q: Did you immediately tell them what you have told us here
12 today?

13 A: I did not.

14 Q: Why not?

15 A: I was just scared because I didn't call the police that
16 same day. I made a mistake. I should have just told the
17 truth and taken responsibility, but I didn't.

18 Q: Okay. During one -- did one of those conversations with
19 the detectives take place in Charlotte?

20 A: Yes.

21 Q: Did the detectives ask you to give a sample of your DNA?

22 A: Yes.

23 Q: Did you give it?

24 A: Yes.

25 Q: Did they also ask for your phone?

1 A: Yes.

2 Q: Did you give them your phone?

3 A: Yes, ma'am.

4 Q: Did you provide them your password?

5 A: Yes, ma'am.

6 Q: Now at some point obviously you were arrested for this

7 case. When -- at some point did you become aware that the

8 defendant was also being housed at J. Reuben Long?

9 A: Yes.

10 Q: How was that? Did you see him? Did you hear what ---

11 A: Yeah, I saw him like after the classification point I saw

12 him.

13 Q: Did -- while you guys were housed at J. Reuben, did you

14 have any sort of communication?

15 A: Yeah, I was in a different pod, he was in a pod that was

16 adjacent to mine, and we started passing kites back and forth.

17 Q: When you say kites, what do you mean?

18 A: Just like letters.

19 Q: How would you pass these letters or notes back and forth?

20 A: Through the rec door.

21 Q: Through the rec door?

22 A: Yeah.

23 Q: Okay. Did anyone ever help you pass notes between the

24 two of you?

25 A: Yes, Jesse.

State vs Land

223

2020-DR-26-02425 & 02427

1 Q: Jesse who?

2 A: Smith.

3 Q: Okay. Who was he?

4 A: At the time I didn't know him. There was just one day I
5 was sitting down watching TV and then I'd seen him around but
6 I'd never talked to him. He brings me a letter and he's like
7 this is from D. I'm like alright and I read it. Eventually
8 he started passing kites between us back and forth.

9 Q: What -- were not going to go into each and every note,
10 but sort of tell us what these notes were about.

11 A: Well the first one was like -- at this time I'm in Pod
12 D4. I was in D1 before, and I got moved because apparently he
13 turned in kites to his attorney and they searched my cell and
14 I got moved to lock up in D4. They moved him to D3 which is
15 adjacent to D4. The first letter I received from Jesse it was
16 saying that I was snitching on him and that I'm the one
17 turning kites in, which at the time Jesse was snitching on him
18 (inaudible). So I knew Jesse already read the letters, so I
19 told him you know he's lying. He's not telling the truth,
20 whatever. And I asked him to send once back to me, or back to
21 him, which he did. And eventually you know things calmed down
22 a bit and we started writing in code.

23 Q: All right. Let me stop you there, you said you started
24 writing in code?

25 A: Yes, ma'am.

1 Q: Okay. Did -- whose idea was it to write in code?

2 A: It was actually my idea.

3 Q: Okay. How did you communicate to the defendant that you
4 were going to start writing in code?

5 A: I figured that he already knew it, so I sent a letter in
6 code.

7 Q: Okay.

8 MS. WALTER: If I can approach, Your Honor.

9 BY MS. WALTER:

10 Q: I'm showing you what's been marked as state's exhibit 98.
11 Is that your writing?

12 A: Yes, ma'am.

13 Q: And what does that say?

14 A: It says Feds caught the kites (inaudible).

15 Q: So how did you come up ---

16 MS. WALTER: I'm sorry, Your Honor. I'd ask that 98 be
17 admitted.

18 THE COURT: Any objection?

19 MR. LUCAS: No objection, Your Honor.

20 THE COURT: Without objection, so admitted.

21 (STATE'S EXHIBIT NUMBER 98

22 IS ADMITTED INTO EVIDENCE.)

23 BY MS. WALTER:

24 Q: How did you know how to write in code?

25 A: My roommate in D1 was like in blood and he saw me, before

1 I was moved out of that pod, he saw me passing kites back and
2 forth and he taught me the code and said to use that.

3 Q: So what was the code? What did you have to do?

4 A: I believe it's (inaudible), pretty much you substitute
5 letters in the alphabet.

6 Q: Did you and the defendant in fact start sending letters
7 back and forth in code?

8 A: Yes, ma'am.

9 MS. WALTER: If I may approach, Your Honor?

10 BY MS. WALTER:

11 Q: I'll start with state's exhibit 108. Do you recognize
12 that?

13 A: Yes, ma'am.

14 Q: It's actually like two sides. Who wrote this? Did you
15 write this or did the defendant write that?

16 A: The defendant.

17 Q: And how is it that you know that he wrote that?

18 A: It's his handwriting and there was no one else I was
19 communicating with.

20 Q: So you weren't communicating with anyone other than the
21 defendant?

22 A: Right.

23 Q: Okay.

24 MS. WALTER: Your Honor, I would ask that 108 be
25 admitted.

1 **THE COURT:** Any objection?

2 **MR. LUCAS:** No objection, Your Honor.

3 **MS. WALTER:** And I will ask that it be published to the
4 jury once we set everything back up.

5 **THE COURT:** All right.

6 **(STATE'S EXHIBIT NUMBER 109**
7 **IS ADMITTED INTO EVIDENCE.)**

8 **BY MS. WALTER:**

9 Q: And then I'm showing you exhibit 109. That's just one
10 sided. Is this one of the kites that you guys were passing?

11 A: Yes, ma'am.

12 Q: And who wrote this one?

13 A: He did.

14 **MS. WALTER:** Your Honor, I would ask that 109 be
15 admitted.

16 **THE COURT:** Any objection?

17 **MR. LUCAS:** No objection, Your Honor.

18 **THE COURT:** So admitted.

19 **(STATE'S EXHIBIT NUMBER 109**
20 **IS ADMITTED INTO EVIDENCE.)**

21 **MS. WALTER:** Thank you.

22 **BY MS. WALTER:**

23 Q: And then lastly 110. And who wrote this one?

24 A: He did.

25 Q: Okay.

1 **MS. WALTER:** Your Honor, I would ask that 110 be
2 admitted.

3 **THE COURT:** Any objection?

4 **MR. LUCAS:** No objection.

5 **MS. WALTER:** Can ---

6 **THE COURT:** So admitted.

7 **(STATE'S EXHIBIT NUMBER 110**
8 **IS ADMITTED INTO EVIDENCE.)**

9 **MS. WALTER:** --- sorry, I apologize, Your Honor.

10 **BY MS. WALTER:**

11 **Q:** Do you know how it is that those kites came to be in the
12 state's possession?

13 **A:** Initially I did not. I learned that, I believe, Jesse
14 Smith turned them in or they were found in his cell.

15 **Q:** Were letters ever found in your cell?

16 **A:** Yes.

17 **Q:** Was that during a time that you were being moved from a
18 pod?

19 **A:** Yes.

20 **Q:** Okay. What is the conversation about in those coded
21 letters?

22 **A:** One day he approached me with an idea about basically
23 voodoo. He was saying if I do a false confession they would
24 drop his charges and then after that when he gets out, he will
25 go see a voodoo priest and perform some kind of ritual and

1 both of charges would be dropped and he would give me \$40,000.

2 Q: Did he use the term specifically \$40,000?

3 A: I believe it was \$39,000.

4 Q: Did he use dollars or did he use another term?

5 A: Dollars.

6 Q: Okay.

7 MS. WALTER: If I may approach with state's exhibit 106.

8 BY MS. WALTER:

9 Q: Do you recognize that?

10 A: Yes.

11 Q: And what do you recognize it to be?

12 A: It was his instructions to be about what to do.

13 Q: Okay.

14 MS. WALTER: Your Honor, I would ask that 106 be
15 admitted.

16 THE COURT: Any objection?

17 MR. LUCAS: No objection, Your Honor.

18 THE COURT: Without objection so admitted.

19 (STATE'S EXHIBIT NUMBER 106
20 IS ADMITTED INTO EVIDENCE.)

21 BY MS. WALTER:

22 Q: So based on that letter and this scheme of the voodoo,
23 what did you do?

24 A: I told him to junk it, it's not going to work. I believe
25 it God and the Bible, and the possibility that voodoo does

1 exist, but I've never practiced it. I knew that I've done
2 some idiotic things, but I knew that that -- that one, even if
3 I fill out the false confession, I feel like the state knows
4 that I couldn't have been the one that murdered Mr. Bennett.
5 That coupled with the fact that even if I did write the false
6 confession, they're not just going to drop the charges and if
7 he does get out and does go to the voodoo priest, this isn't
8 going to work regardless.

9 Q: Well you said you've done some idiotic things, so was one
10 of those idiotic things confess to the crime?

11 A: Yes.

12 Q: Okay. Tell me about that.

13 A: Basically he pretty much talked me into going along with
14 it and then so I told him that, you know, to write the
15 confession letter. Like I don't even know what really
16 happened that day so, and I don't know any of the actual
17 circumstances, so I don't know what to say. So he gave me the
18 instructions. He actually gave me a letter and basically told
19 me to write the same thing in my handwriting, which I did.

20 Q: Okay. And so is this the letter that he gave you?

21 A: It's one of them, yes.

22 Q: Okay. So can you read -- and is this all in his writing?

23 A: Yes.

24 Q: Okay. Where -- did he tell you in this how to submit
25 this false confession?

1 A: Yes.

2 Q: How were you to do it?

3 A: I was supposed to write one to my lawyer and write in the
4 kiosk.

5 Q: What do you mean by a kiosk?

6 A: Jail kiosk where we file grievances and commissary.

7 Q: So it kind of looks like an ATM and you just type notes
8 that go in?

9 A: Right. Yes, ma'am.

10 Q: Okay. So can you read this portion, just read the first
11 couple of lines underneath that line. And this is all written
12 by the defendant?

13 A: Right.

14 Q: Okay. Just read the first couple of lines.

15 A: It says, "On August 4th, 2019, I, Steven Morgan, killed
16 Arnold Bennett who I knew by Juice at the time. He stopped by
17 daily for a little over a year without me contacting him, and
18 vice versa since I met him at the gas station."

19 Q: Okay. That's good. Now, let's start with the easier
20 one, had you known Arnold Jamal "Juice" Bennett prior to
21 August 4th?

22 A: No.

23 Q: Had you ever met him?

24 A: No.

25 Q: Did you ever meet him?

State vs Land

231

2020-DR-26-02425 & 02427

1 A: No.

2 Q: Did you have any -- did you kill Arnold Jamal Bennett?

3 A: No.

4 Q: Looking back, why would you confess to a crime you did
5 not do?

6 A: There was mainly two reasons. One was because like I
7 said, the first letter that Jesse approached me with, he was
8 trying to say that I was ratting on him and stuff like that
9 which wasn't true. I know that he is a gang member or at
10 least a former gang member, and I was in a pretty bad pod at
11 the time, and I didn't want that rumor getting out, you know,
12 to his other gang members and have a problem in my own pod.

13 Q: Well what would -- let's just talk about just in general,
14 not about any particular groups. What happens if you're known
15 as a snitch at J Reuben?

16 A: You can get jumped or beat up pretty much.

17 Q: Okay. So one reason was that you were afraid. What was
18 the other reason?

19 A: Basically just to pretty much just get him off my back
20 just so he sees that I'm not cooperating with the state, at
21 the time I wasn't. Your know, just pretty much to get him off
22 my back.

23 Q: Did he ever give you any money?

24 A: No.

25 Q: Not even the \$39,000?

1 A: No, no.

2 Q: Did he ever pay you back for your towels or your
3 comforter?

4 A: No.

5 MS. WALTER: Court's indulgence.

6 BY MS. WALTER:

7 Q: And when did you decide to cooperate and testify for the
8 state?

9 A: After all of the letters got turned in and (inaudible) I
10 got most of my discovery back and I could see something was
11 really going on. But basically from the start of it he was
12 trying to frame me for this murder and pin everything on me.
13 I finally got some of the statements back that he wrote to the
14 solicitors, and I felt like that coupled with the fact that
15 I've been guarding this for about three years now, I hadn't
16 told anyone until that moment. I just felt like it was the
17 right thing to do to finally tell the truth and get everything
18 off my chest.

19 Q: Okay.

20 MS. WALTER: Court's indulgence.

21 BY MS. WALTER:

22 Q: I think when you talked about this scheme that the
23 defendant came up with, he had said that you would confess and
24 then he would confess, right?

25 A: Right.

1 Q: And that's what would cause all of the confusion? Do you
2 know if he ever did write a confession letter?

3 A: Yes.

4 Q: Did you see it?

5 A: Yes.

6 Q: Okay. How did you see it?

7 A: Jesse got it from him, Jesse got it to show me.

8 Q: Was there anything about the original -- that suggests
9 the answer. Did the confession letter that you first saw, was
10 there anything about it that caused you concern?

11 A: It had -- it was written in a different handwriting. It
12 wasn't dated or signed.

13 Q: What did you do based on that?

14 A: I told him to write a different one and have someone
15 witness it and sign it and date it.

16 Q: So you've identified the defendant's handwriting before.
17 Does he typically print or write what we call cursive or
18 script?

19 A: Print.

20 Q: Okay.

21 **MS. WALTER:** Your Honor, we might have a matter of law to
22 take up with you.

23 **THE COURT:** All right.

24 **REPORTER'S NOTE:** (Whereby bench conference is held.)

25 **MS. WALTER:** Your Honor, if I may approach the witness

1 with exhibit 101.

2 **BY MS. WALTER:**

3 Q: Do you recognize the letter in this exhibit?

4 A: Yes, ma'am.

5 Q: What do you recognize this to be?

6 A: It's Darrell's confession letter.

7 Q: Where did you see this?

8 A: In pod D4 at J Reuben.

9 Q: How did you see it?

10 A: Jesse Smith brought it to me.

11 Q: Do you recognize the writing in this letter?

12 A: Yes.

13 Q: What do you -- whose handwriting do you believe it to be?

14 A: Darrell's.

15 Q: And then if you can read just the first two lines, right
16 up to there.

17 **THE COURT:** Mr. Lucas, your objection is so noted for the
18 record.

19 **(STATE'S EXHIBIT NUMBER 101**
20 **IS ADMITTED INTO EVIDENCE.)**

21 **MR. LUCAS:** Thank you, Your Honor.

22 **THE COURT:** Okay. You may proceed.

23 **MS. WALTER:** Thank you.

24 **BY MS. WALTER:**

25 Q: If you would just read the first two lines and that part

1 of the third line.

2 A: It says, "I, Darrell Land, take full responsibility of
3 the case involving Arnold J. Bennett. Steven nor Layne had
4 nothing to do with it.?"

5 Q: And you said that -- so was that the letter the Jesse
6 came back to you with after you noted that the first one was
7 in script and not dated?

8 A: Yes, ma'am.

9 Q: And then if we turn that over, is this letter signed by
10 anyone?

11 A: Yes, ma'am.

12 Q: Who is it signed -- what signature does it contain?

13 A: Chad Upton and Darrell's.

14 Q: What's the word after Chad Upton?

15 A: Witness.

16 **MS. WALTER:** I don't have any further questions for Mr.
17 Morgan at this time.

18 **THE COURT:** Cross examination.

19 **MR. LUCAS:** Thank you, Your Honor.

20 **CROSS EXAMINATION OF MR. MORGAN BY MR. LUCAS:**

21 Q: Mr. Morgan, you've told multiple stories since you first
22 got involved in this, correct?

23 A: Yes.

24 Q: Yes. And beyond that, you are aware of the kiosk at J
25 Reuben, correct?

1 A: Right.

2 Q: Okay. And you have the ability to send messages on that
3 kiosk?

4 A: Right.

5 Q: Right. Okay. Now, on May 27th of 2020 you actually used
6 the kiosk to confess to the murder of Arnold Bennett, right?

7 A: Yes.

8 Q: And you sent that message, it was addressed directly to
9 Captain Safford at J Reuben, correct?

10 A: Correct.

11 Q: And you specifically say no one is forcing me to do this.
12 I killed Arnold Bennett, who I knew as Juice. I acted alone
13 before and after. I don't want to see anyone else being
14 punished for what I did. I am so sorry. I just want to have
15 peace with God and put this behind me. Please have mercy on
16 me for confessing. Did you -- you said that?

17 A: Yes.

18 Q: Okay. Also on July 22nd you did an interview with
19 Detective Marcus, correct?

20 A: Correct.

21 Q: And this interview contained additional information that
22 you hadn't said before; is that correct?

23 A: Correct.

24 Q: Okay. Also this interview was a part of a proffer
25 agreement, wasn't it, which is the exact reason why you're

1 here today, right?

2 A: In July 2020?

3 Q: No, it was July 22nd of '22.

4 A: Oh, yeah.

5 Q: That's right. Awesome. Now, you agreed to testify here
6 right now because there's a possibility that you could get
7 less time for what you did, right?

8 A: I agreed to testify because it is the right thing.

9 Q: It's the right thing to do. But again, in this
10 interview, well the interview that -- on July 22nd, it
11 contained different information and you explained how you had
12 known Darrell Land and that Darrell Land had dogs, right?

13 A: Correct.

14 Q: And you bought one of your dogs, Prada, from Darrell
15 Land.

16 A: Correct.

17 Q: And you had actually sat those dogs for an extended
18 period of time, right?

19 A: It was two or three months.

20 Q: Two or three months. So much so that I would assume that
21 Layne was kind of getting on you, she was like why is Darrell
22 not coming and getting these dogs, right?

23 A: Well actually when we agreed that the dog (inaudible)
24 yeah, we were waiting for him to come pick the dogs up.

25 Q: And it is a possibility that something may have happened

1 with a dog, even your dog, on the night of August 4th, correct?

2 A: A small possibility.

3 Q: And that blood, or what appeared to be blood, that
4 Darrell Land was cleaning up, could have possibility come from
5 a dog, right?

6 A: It's possible.

7 Q: Or he could have been cleaning up something else, right?

8 A: What would something else be?

9 Q: That's the question. He could have been cleaning up
10 anything.

11 A: From his own words he said he was breeding dogs and they
12 attacked each other and that's the reason for the blood on the
13 floor. He specifically said blood.

14 Q: Okay. All right. I understand. But through all of
15 these stories, all of the stories that you've told over the
16 past going on three years now, you never saw or at least you
17 never said that you saw Darrell do anything, much less murder
18 someone, correct?

19 A: Right.

20 **MR. LUCAS:** I have no further questions, Your Honor.

21 **THE COURT:** Any redirect?

22 **MS. WALTER:** No, Your Honor.

23 **THE COURT:** All right. You can step down.

24 **MS. PRATT:** Your Honor, may I walk back with my client,
25 please?

1 **THE COURT:** That's up to the detention center. I'm not
2 sure how they -- I'm from Florence, I don't know how they do
3 things over here.

4 **MS. PRATT:** Well we welcome you here to Horry County,
5 sir.

6 **THE COURT:** I don't do anything that steps on the toes of
7 what they do. That's up to them. All right.

8 **MS. WALTER:** I just wanted to know if you wanted to
9 discuss some scheduling?

10 **THE COURT:** Yes, if y'all would approach.

11 **REPORTER'S NOTE:** (Whereby bench conference was held.)

12 **THE COURT:** All right. Ladies and gentlemen of the jury,
13 we're going to go ahead and break for the day. I'm going to
14 let you go home for the balance of the day. I'm going to ask
15 that you be back here tomorrow morning at 9:30. We will
16 resume the trial of the case at 9:30 tomorrow morning. Like
17 I've told you, do not discuss this case with anyone, do not do
18 any independent investigation. You are to decide this case
19 based solely upon the testimony and the evidence presented in
20 this courtroom and nowhere else. Y'all have a nice evening.
21 I'll see you tomorrow.

22 **REPORTER'S NOTE:** (Jury released for the day at 4:51p.m.)

23 **THE COURT:** All right. Anything from the state before we
24 break?

25 **MS. WALTER:** No, Your Honor. And I don't want to speak

1 for the deputies, there may just -- they may need some time
2 because Mr. Morgan needs to be kept separate from Mr. Land,
3 but there's nothing from the state, Your Honor.

4 **THE COURT:** Defense counsel?

5 **MR. LUCAS:** Nothing from the defense, Your Honor.

6 **THE COURT:** We'll stand down until 9:30 in the morning.

7 **MS. WALTER:** Thank you, Your Honor.

8 **MR. LUCAS:** Thank you, Your Honor.

9 **(RECESS)**

10 **THE COURT:** All right. Anything from the state before I
11 bring the jury out?

12 **MS. WALTER:** I don't believe so, Your Honor.

13 **THE COURT:** Defense counsel?

14 **MR. LUCAS:** Nothing from the defense, Your Honor.

15 **THE COURT:** All right. Bring me the jury, please.

16 **REPORTER'S NOTE:** (Jury enters courtroom at 9:40a.m.)

17 **THE COURT:** All right. We have all of the jurors in the
18 courtroom. Good morning, ladies and gentlemen. I hope you
19 all had a nice evening yesterday and are ready to proceed
20 again today.

21 At this time I'll recognize the state to call your next
22 witness, please.

23 **MS. WALTER:** Thank you, Your Honor. The state calls
24 Officer Mike Leahy.

25 **THE CLERK:** Please raise your right hand and place your

State vs Land

241

2020-DR-26-02425 & 02427

1 left hand on the Bible.

2 **MICHAEL LEAHY, HAVING BEEN**
3 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

4 **THE CLERK:** State your name and spell it for the Court.

5 **OFFICER LEAHY:** Sure. Michael Leahy, L-E-A-H-Y.

6 **MS. WALTER:** May I, Your Honor?

7 **THE COURT:** Yes, ma'am.

8 **MS. WALTER:** Thank you.

9 **DIRECT EXAMINATION OF OFFICER LEAHY BY MS. WALTER:**

10 Q: Good morning, Officer Leahy.

11 A: Good morning.

12 Q: Thank you for coming here. Where do you work?

13 A: Richland County Sheriff's Department.

14 Q: Where is that located?

15 A: Central South Carolina, just -- capital county, right by
16 Columbia.

17 Q: Thank you. How long have you worked there?

18 A: Just under 20 years.

19 Q: What is your current position?

20 A: My current position is patrol in region three.

21 Q: So does region three cover a particular part of Richland
22 County?

23 A: Correct.

24 Q: How long have you been covering region three?

25 A: Approximately a year and short change.

1 Q: And you said you're a patrol officer, how many of your 20
2 years have you spent as a patrol officer?

3 A: Seventeen of the 20.

4 Q: What are some of the duties and responsibilities of a
5 patrol officer?

6 A: Respond to 911 calls, respond to calls for service,
7 traffic stops, check property, protect life.

8 Q: Do you -- are you ever called to come to assist other
9 agencies?

10 A: I am.

11 Q: For a wide variety of tasks?

12 A: Right, very wide variety of tasks.

13 Q: Okay. Were you acting as a patrol officer back in
14 October of 2019?

15 A: Yes, I was.

16 Q: Do you recall what region you were assigned to?

17 A: That would have been region six.

18 Q: Were you -- was the Richland County Sheriff's Department,
19 on that day, asked to assist the Horry County Police
20 Department in looking for a car?

21 A: Yes, we were.

22 Q: Do you recall what kind of car you were looking for?

23 A: It was a grey Crown Vic.

24 Q: Did your department locate that car?

25 A: It was located.

State vs Land

243

2020-DR-26-02425 & 02427

1 Q: Okay. Where was it found?

2 A: It was found at 2041 Blythewood Crossing Lane in
3 Blythewood, South Carolina.

4 Q: And exhibit 38, I believe, has been admitted. I going to
5 show you exhibit 38, let me get the hard copy for you. Do you
6 recognize that?

7 A: I do, yes.

8 Q: Is that the car that was found in Richland County?

9 A: Yes, ma'am.

10 Q: Okay. Once the car was located, what specifically did
11 you do?

12 A: I was tasked with getting a tow truck to tow the vehicle
13 to our compound for security purposes. Horry County was going
14 to come by and grab it for processing for evidence.

15 Q: When you first in fact saw the car, was there anyone in
16 it?

17 A: No. No there was not.

18 Q: Were you just kind of sitting there watching it when you
19 were waiting for the tow truck?

20 A: I was approximately maybe 20 yards away just watching the
21 car until the tow truck came and making sure that no one got
22 in or out.

23 Q: While you were waiting for the tow truck to arrive, did
24 someone in fact come in and get into the car?

25 A: Yes.

1 Q: Can you describe that person?

2 A: He was an African American gentleman approximately 6 feet
3 tall. I don't remember much other detail, I see hundreds of
4 faces a day and we're talking a couple of years ago.

5 Q: Absolutely, I understand. When this male got to the car,
6 what did he do?

7 A: He got to the car and began driving it out of the complex
8 towards Wilson Boulevard.

9 Q: What did you do?

10 A: I initiated a traffic stop on him so stop the vehicle and
11 him. I asked him to get out of the vehicle and I explained
12 why, what was going on, that the vehicle was going to be towed
13 to our compound and was going to be processed by Horry County.

14 Q: Did you tell him -- did you speak to him about anything
15 else?

16 A: No, I did not. I didn't want to offer information I did
17 not know 100 percent, so I just told him it was going to be
18 processed by Horry County but we're towing it because we're
19 the current jurisdiction that the vehicle is in.

20 Q: Did you refer that male to anyone else in your department
21 to speak with about the seizure?

22 A: Yes, Investigator Galenski (ph). He was the one
23 obtaining the warrant to get the vehicle to get it to our
24 compound.

25 Q: So I think that you said, did you have that male step out

State vs Land

245

2020-DR-26-02425 & 02427

1 of the car?

2 A: I did.

3 Q: And did you allow him to take anything out of the car?

4 A: No. Once he was out of the vehicle, whatever was in the
5 vehicle was remained inside the vehicle, which it did.

6 Q: Did you stay with the car until the tow truck company
7 arrived?

8 A: Yeah. I stayed with the vehicle until the tow truck
9 company arrived and Investigator Truluck arrived.

10 Q: Did you then pass custody of the car to Investigator
11 Truluck?

12 A: Yes, I did.

13 Q: While you were -- for the entire time that you were
14 watching the car, other than this male who you refer to
15 Investigator Galenski (ph), did anyone else get in the car,
16 touch anything, move anything?

17 A: No.

18 Q: Did anyone ever go into the trunk of the car?

19 A: No.

20 Q: Do you know whether anyone did in fact go to speak with
21 Investigator Galenski (ph) that day?

22 A: I am unsure. I told Mr. Land he was the one obtaining
23 the warrant. I told him where to meet Investigator Galenski
24 (ph) if he wanted to speak to him. I remember him saying he
25 wanted to speak to him, I don't know if he ever went down

1 there or not.

2 Q: Okay. Nothing further at this time. Mr. Lucas may have
3 some questions for you.

4 **THE COURT:** Cross examination.

5 **MR. LUCAS:** Thank you, Your Honor.

6 **CROSS EXAMINATION OF OFFICER LEAHY BY MR. LUCAS:**

7 Q: Did you -- did you talk at all with Darrell Land?

8 A: For a few moments, yes.

9 Q: Okay. And what did you say to him?

10 A: I explained to him about the vehicle, why it was being
11 towed. That we had a warrant coming to tow it to our compound
12 yard, and ultimately to be towed back to Horry County for
13 investigative purposes. Other than that, nothing specific,
14 just kind of shooting the wind.

15 Q: Okay. Cool. So you didn't talk about why?

16 A: I didn't want to speak to him. I didn't know the case in
17 general and I didn't want to speculate or give the wrong
18 answer, so I tend to stay away from that part because I don't
19 know all of the answers.

20 Q: I understand. No further questions, Your Honor.

21 **THE COURT:** Any redirect?

22 **MS. WALTER:** None, Your Honor.

23 **THE COURT:** Sir, you may step down. Thank you.

24 **OFFICER LEAHY:** Thank you, sir.

25 **MS. WALTER:** Your Honor, I'm sorry, may Officer Leahy be

1 released from him subpoena?

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** Yes, he's released from his subpoena.

5 **MS. WALTER:** Thank you.

6 **THE COURT:** Call your next witness.

7 **MS. WALTER:** Thank you, Your Honor. The state calls
8 former Investigator Truluck.

9 **THE CLERK:** Please raise your right hand, place your left
10 hand on the Bible.

11 **BRITT TRULUCK, HAVING BEEN**
12 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

13 **THE CLERK:** Please state your name and spell it for the
14 Court.

15 **MS. TRULUCK:** Britt Truluck. First name B-R-I-T-T; last
16 name Truluck, T-R-U-L-U-C-K.

17 **MS. WALTER:** May I, Your Honor?

18 **THE COURT:** Yes, ma'am.

19 **DIRECT EXAMINATION OF MS. TRULUCK BY MS. WALTER:**

20 Q: Where do you currently work?

21 A: I currently work for USAA.

22 Q: Where --- how long have you been at USAA?

23 A: June, the end of June of last year, so a little over a
24 year.

25 Q: Where did you work immediately prior to that?

1 A: Richland County Sheriff's Department.

2 Q: How long were you with the sheriff's department?

3 A: Eight years.

4 Q: And so is it safe to say you were working there in
5 October of 2019?

6 A: Yes.

7 Q: What was your position with the department at that time?

8 A: I was an investigator.

9 Q: What were some of your duties and responsibilities?

10 A: Well I was in the financial crimes unit, so investigating
11 financial crimes predominantly, except for every six week we
12 were on call.

13 Q: Okay. And were you also sometimes tasked with assisting
14 other agencies?

15 A: Yes.

16 Q: So thinking back to October 17th of 2019, were you tasked
17 with assisting in the securing of a car going to the Horry
18 County Police Department?

19 A: I was.

20 Q: Okay. And I'm going to show you exhibit 38. Do you
21 recognize that car?

22 A: Yes, ma'am. I do.

23 Q: Okay. So let's talk specifically about October 17th of
24 2019, were you directed to go to a particular location to to
25 secure the car?

State vs Land

249

2020-DR-26-02425 & 02427

1 A: I was.

2 Q: Was there any other member of the Richland County
3 Sheriff's Department there guarding the car when you got
4 there?

5 A: The deputy that just spoke.

6 Q: Officer Leahy?

7 A: Uh-huh. (Affirmative response.)

8 Q: Deputy Leahy, excuse me.

9 **THE COURT:** Is that a yes?

10 **MS. TRULUCK:** Yes. He was present at the vehicle when I
11 responded.

12 **BY MS. WALTER:**

13 Q: Okay. Once you got there, what happened?

14 A: He turned over custody of the vehicle to me and they just
15 requested that I maintain custody of the vehicle, follow the
16 tow truck to our tow yard.

17 Q: Was the tow truck on scene when you got there?

18 A: You're talking a couple of years ago now, um ---

19 Q: And if you don't know, you can say you don't recall.

20 A: I don't recall, but I don't think the tow truck was there
21 just yet.

22 Q: Okay. Was either -- were I guess it would be -- were
23 either you or Deputy Leahy present with the car the entire
24 time until the tow truck got there?

25 A: Yes.

1 Q: Once the tow truck did get there and load the truck up,
2 did you maintain at least visual contact with it until it was
3 taken back to your department?

4 A: Yes.

5 Q: Once it was taken back to your department where would it
6 have been stored?

7 A: We have a secure tow yard that's fenced in where we store
8 the vehicles that we seize.

9 Q: And you say secured so is it closed to the public?

10 A: Yes, correct. So we have to go to -- there's an office
11 building that's across the street. We have to go into that
12 office building, which is only entered by using the keypad,
13 and then go in there and grab the key to go over to the
14 secured facility, disarm the alarm, unlock the padlock, and
15 enter. And then of course in reverse, lock and rearm.

16 Q: During the time that you had visual contact with the car
17 did anyone other than the towing company have any contact with
18 the car?

19 A: No.

20 Q: Did anyone, including the towing company, go inside of
21 the car?

22 A: I don't recall anyone going in the car while it was under
23 my care.

24 Q: Including the trunk, did you ever see anyone going into
25 the trunk?

State vs Land

251

2020-DR-26-02425 & 02427

1 A: No.

2 Q: So once the car was taken to your department's secured
3 fenced in yard, did you then follow the procedure that you
4 just described and lock it in the yard?

5 A: Correct. Yeah, you have to disable the alarm or it will
6 set it off, unlock the padlock, and then we put the vehicle in
7 there; and then working backwards, relock the padlock, arm it,
8 and then go secure the key back at the building.

9 Q: And you followed that in this case?

10 A: Correct.

11 Q: Okay. Nothing further at this time, but Mr. Lucas may
12 have some questions.

13 **THE COURT:** Cross examination.

14 **MR. LUCAS:** Thank you, Your Honor.

15 **CROSS EXAMINATION OF MS. TRULUCK BY MR. LUCAS:**

16 Q: Investigator, other than -- you didn't have any other
17 involvement in this case other than simply just following the
18 car, the car being stored, you locking the car, and that's it?

19 A: Yes. I had very minimal involvement, but that was my
20 involvement.

21 Q: Very minimal.

22 A: Very minimal.

23 Q: All right. Thank you.

24 **MR. LUCAS:** No further questions, Your Honor.

25 **MS. WALTER:** Nothing from the state. I would ask that

1 she be released from her subpoena so she can go back to work.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** Ma'am, you may step down. You are released
5 from your subpoena and you're free to go. Have a nice day.

6 **MS. TRULUCK:** Thank you, Your Honor.

7 **MS. WALTER:** Thanks for coming in.

8 **THE COURT:** Call your next witness, please.

9 **MS. WALTER:** Thank you, Your Honor. The state calls
10 Corporal Jill Domogauer.

11 **THE CLERK:** Please raise your right hand, place your left
12 hand on the Bible.

13 **JILL DOMOGAUER, HAVING BEEN**
14 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

15 **THE CLERK:** Please state your name and spell it for the
16 Court.

17 **CORPORAL DOMOGAUER:** Corporal Jill Domogauer, D-O-M-O-G-
18 A-U-E-R.

19 **MS. WALTER:** May I, Your Honor?

20 **THE COURT:** Yes, ma'am.

21 **DIRECT EXAMINATION OF CORPORAL DOMOGAUER BY MS. WALTER:**

22 Q: Good morning, Corporal Domogauer.

23 A: Good morning.

24 Q: I know you just got off work, so thank you for being
25 here. Where do you work specifically?

State vs Land

253

2020-DR-26-02425 & 02427

1 A: I am currently employed with the Horry County Police
2 Department.

3 Q: How long have you been with the county?

4 A: I believe roughly a little bit over 12 years now.

5 Q: Did you have any law enforcement experience before
6 joining the county?

7 A: Yes. I was an officer with the City of Conway Police
8 Department. I've got about 22 and a half, 23 years of law
9 enforcement.

10 Q: Thank you. What is your current position with Horry
11 County Police Department?

12 A: Currently I'm a Patrol Corporal. My responsibilities are
13 to assist the shift, supervise the shift, teaching, answering
14 calls for service, backup, report documentation, checking
15 report documentation and so forth.

16 Q: How long have you been a corporal in that position?

17 A: A year and a half now currently.

18 Q: What was your assignment immediately before that?

19 A: For approximately ten years before that I was a Crime
20 Scene Investigator with the Crime Scene Unit Division with the
21 Horry County Police Department.

22 Q: What are the duties, what were your duties and
23 responsibilities as a Crime Scene Investigator?

24 A: As a Crime Scene Investigator my responsibilities were to
25 be on call, answer calls of service where a crime scene is

1 called out to process items. My job is to collect evidence,
2 identify evidence, process evidence, photograph evidence,
3 complete reports, go to secondary scenes, document the scene
4 via reports, sketches, photographs, further process things if
5 I need to in the lab, and courtroom testimony.

6 Q: And that's -- you said that you had done ten years with
7 the Crime Scene Unit in Horry County Police Department. Did
8 you also have Crime Scene Investigation experience when you
9 were with Conway?

10 A: Yes, I did. So approximately maybe about 15 to 16 years
11 roughly of my career has been crime scene investigation.

12 Q: With those same basic extensive duties and
13 responsibilities?

14 A: Yes. I also have attended various schools. I've got an
15 Associates of Applied Science in Criminal Justice. I've
16 attended various schools, University of West Virginia and took
17 forensic classes. I went to the National Forensic Institute
18 in Florida and completed crime scene classes there. I went to
19 the Federal Law Enforcement Training Center for photography.
20 I've done several courses in DNA collection, processing of
21 evidence. I've given lectures on disciplines within evidence
22 using particular crime scene tools. I've also taught and
23 trained, not only new crime scene agents, but our department
24 as a whole. So I've got -- I also did an internship with the
25 New York Medical Examiners Office. So that's just a little

1 brief synopsis of me.

2 Q: Not everything, right?

3 A: Yeah.

4 Q: So thinking back to October of 2019, we'll start there,
5 were you assigned a number of tasks related to this
6 investigation?

7 A: Yes, I was.

8 Q: Directing your attention first to October 30th, I believe,
9 of 2019; did you go to an area -- I'm sorry, October 10th of
10 2019. October 10th of 2019, did you go to an area off Robert
11 Edge Parkway and Old Sanders Road?

12 A: If I may refer to my notes, I do apologize. I'm sorry.
13 Yes, I did.

14 Q: Okay. What was your task at that location on October
15 10th?

16 A: On October 10th I was tasked to go there by the Lieutenant
17 over the Criminal Investigation Division at the time,
18 Lieutenant Boner. Previous to that date human remains were
19 found at a location that they made me respond to, and when I
20 responded to that location it's called a secondary search.
21 After the initial scene remains were collected and then
22 they'll send someone back sometimes to excavate the grounds of
23 which the remains were found or use metal detectors or other
24 forms of photographing and seeing if there's anything else to
25 be collected. Due it being outside and the remains and the

1 conditions, you usually send people back just to make sure
2 everything is there. By that time whatever activity, insect
3 or animal related during the initial scene, is no longer
4 present.

5 Q: So can you -- let me first show you exhibit 5.

6 THE COURT: What exhibit is that?

7 MS. WALTER: Exhibit 5, Your Honor.

8 THE COURT: Okay. Thank you.

9 BY MS. WALTER:

10 Q: Is that the general area that you went to?

11 A: I'm looking at state's exhibit number 5, that's an
12 overhead like Google Map of the location where I was at,
13 generally that area.

14 Q: Okay. Can you describe that location, just sort of where
15 you went in particular to excavate.

16 A: I would describe that location as probably an old access
17 road. Once 31 and Robert Edge was built, some of those old
18 roads that used to be old Highway 90 had little turn offs and
19 access roads. This particular road, I can't recall if the
20 street is before it, but you can turn down that road and you
21 can kind of access this little area. It's kind of like a
22 semi-wooded area. It's got some dirt trails. When I went to
23 this particular scene and this area, I would describe it as
24 pretty much a dumping ground, people's trash and other
25 miscellaneous items in that area.

1 Q: And how did you conduct this secondary search in that
2 location?

3 A: The secondary search of the location, I was given points
4 to where the initial scene was. I was briefed -- the only
5 thing I was briefed upon was where the initial scenes were,
6 but other than they found human remains that's all I was told
7 to keep me pure for my secondary search.

8 So I went to the location in which they said the remains
9 were found and I started to photograph the scene. I
10 photographed everything the minute I got out of my vehicle, my
11 entry, what I saw on the way to approach this. Where the
12 remains were found was kind of in a -- kind of off the beaten
13 path kind of thing where it's a little bit of wood and brush,
14 I guess you wouldn't be able to be seen by the highway per se.
15 It's down like a little dirt sand path. I did notice the
16 ground was kind of dirt and sandy, loose.

17 Once I'm there, after I collected my photography, I did a
18 quick, what's called a grid search, to see if there's anything
19 right there on the surface. Then after that I used the metal
20 detector and searched the general area of where I was told
21 remains were found, and then I extended it beyond until I got
22 to areas where I could no longer physically walk myself. I
23 located some items of evidentiary value during that particular
24 search.

25 Q: And what did you locate?

1 A: I located small bones. Through my training, like I said
2 I've worked with the forensic anthropologists, and I also
3 worked -- did an internship at the New York Medical Examiner's
4 Office, these small bones are human. They were collected,
5 they were documented. I did have to dig some of them up.

6 Without trying to be disrespectful, when you have an
7 outdoor scene like that you have scavengers, so it's not
8 uncommon to have small bones and such to be carried away
9 shortly, and that's what I saw at this particular time.

10 Q: Did you then turn those small bones over to Deputy
11 Coroner Bellamy?

12 A: Yes.

13 Q: Did you do -- at that point after you collected what you
14 deemed to be of evidentiary value, did you leave the scene at
15 that point?

16 A: I went back up towards the roadway, I guess, like I told
17 you it's like a dumpsite. I noticed a blue tote with some
18 remains in it, but I could clearly tell that those were animal
19 remains, they appeared to be dog to me. Unsure with the
20 situation, I do know that previously we were investigating a
21 potential missing person, that person had animals, so I
22 collected the bin and the animal remains as well that day.

23 Q: And now directing your attention to October 16th of 2019,
24 were you tasked that day with processing some evidence?

25 A: Yes. Evidence was turned into our evidence department.

1 Like I told you, when you're in a crime scene you do several
2 things, it's not like you see on TV, I wish. But part of my
3 job is to work in the lab, and when officers or detectives
4 collect pieces of evidence, if we can process them in our
5 department we try to do that for your preservation of chain
6 and also for, you know, it's done right then and there and
7 don't have to send it off to the state lab and have to wait.

8 That particular day I was processing a green Papa John's
9 t-shirt.

10 Q: And how did you process it?

11 A: If I can refer to my processing notes, I apologize.

12 **MS. WALTER:** Your Honor, may I approach? And I'll show
13 defense counsel.

14 **BY MS. WALTER:**

15 A: I found it.

16 Q: Okay.

17 A: I'm sorry.

18 Q: No, you're fine. So can you tell us how you processed
19 that green Papa John shirt?

20 A: Yes. I processed the green Papa John shirt by conducting
21 a visual examination. I noticed some kind of reddish stains
22 on the particular shirt. I did swab those shirts, right
23 sleeve, neck, left sleeve and using Leucomalachite solution,
24 layman's terms True Green, which is presumptive for blood. I
25 tested the swabs, and the swabs came back negative.

1 Q: And just so we're clear, when you say presumptive for
2 blood that just means that you were looking to see if it was
3 possible that blood was there?

4 A: Yes. The particular test that we use, the
5 Leucomalachite, is specific for presumptive for blood but it
6 reacts by doing a color change, and I think the color change
7 is evidence of the proteins found and it turns it bright
8 green. That's why we call it True Green. And then if that
9 would be the case if it was positive through color change,
10 then you would either swatch the area or turn the entire item
11 or do another swab of that substance and then send it in for
12 further testing.

13 In this particular matter, while processing this
14 particular shirt, stains that were reddish in color, rusty in
15 color I did this procedure on and there was no color change.
16 So before we do this procedure I quality test my chemicals to
17 make sure they're accurate and they work. We do the testing
18 and then I test chemicals again and then we'll do it one more
19 time, and I do that will all of my testing. And in this
20 particular case, again, it was negative.

21 Q: Okay. So no reason to send it for further testing at
22 that point?

23 A: Absolutely not.

24 Q: And continuing on that day, your tasks were not done.
25 Were you also asked to execute a search warrant at [REDACTED]

1 Sandridge Road in Little River?

2 A: Yes, I was.

3 Q: Can you tell us how you -- do you have sort of a standard
4 procedure that you follow when you're executing a search
5 warrant?

6 A: Well mostly in all of my scenes -- when I'm called to do
7 it, depending on the kind of scenes that's presented, this was
8 a residence. So when I get to the residence, I get on scene,
9 I look at the search warrant and make sure everything is
10 squared away with that and then I proceed by processing the
11 scene. This particular scene I processed at first taking
12 overall photographs to show geographically the residence and
13 what I'm doing. And then you go step by step photograph
14 overall pictures of the residence, rooms, and then you pretty
15 much go to work for what you're there for.

16 This particular residence we were going there to see if
17 there was any kind of DNA evidence or any evidence of a crime
18 in reference to the remains there were located.

19 Q: Okay.

20 MS. WALTER: If I may approach, Your Honor.

21 BY MS. WALTER:

22 Q: I'm showing -- we'll start with exhibit 35 which has
23 already admitted. Was that the home you went to that day?

24 A: Yes. I'm looking at state's exhibit 35 and this would be
25 what's called an overall picture of the residence to show

1 where I'm at and what it looks like.

2 Q: And you took a lot of photographs that day, right?

3 A: I always do. Yes, ma'am.

4 Q: So I'm showing you state's exhibit 36 and 37 which have
5 also been admitted. Are those also pictures that you took
6 just to show the outside of the house?

7 A: State's exhibit 36 and state's exhibit 37 are -- 36 is
8 the corner of the house, 37 is the side of the house.

9 Generally when I'm documenting the structure on a serious
10 case, I will do a front view, I will go to each corner, side
11 view. Basically you're walking around the entire house taking
12 a whole bunch of pictures of the actual house.

13 Q: So once you take your overall pictures then you start
14 moving inside to try and collect -- see if there's any
15 evidence to collect. So tell us what you saw when you went
16 into this home.

17 A: When I went into this home it was, I don't know whether
18 you want to call it abandoned or people just left in a hurry.
19 There was a smell to it, rotten food in the refrigerator, some
20 miscellaneous items just scattered about. It looked like
21 somebody (inaudible). I saw tile floors. Like I said, a few
22 miscellaneous items, really not much furniture or anything
23 like that I don't recall.

24 So I'll go in and I'll start taking photographs of the
25 initial layout. I'll complete a sketch of the actual floor

1 plan. And then depending on what I'm there for, I'll go in
2 and process it in that particular fashion. And I was there
3 for a specific reason, and that day was to try to identify or
4 look for any kind of fluids or anything of that nature with
5 DNA to tell me if a crime may have occurred in this residence.

6 Q: Before we get to DNA, were you also looking for any signs
7 or defects in the house of criminal activity?

8 A: Yes.

9 Q: Directing your attention specifically to the walls of the
10 home, did you notice anything that sort of piqued your
11 interest?

12 A: I saw a hole that I was interested in, and I do recall
13 that to me it looked as if it was a bullet hole. Upon further
14 examination, and when I mean further examination, you
15 photograph it, you look at it, and then you start working that
16 piece of evidence. I remember this one because I was on top
17 of the ladder and lost my balance. I cut the swatch around
18 the wall from this particular, what I assumed was a bullet
19 hole, and observed that it was like a screw stud or something,
20 but it did give the appearance of a bullet hole.

21 Q: And you photographed that both before and after you took
22 the swatch out of the drywall?

23 A: Absolutely, yes.

24 **MS. WALTER:** Your Honor, I am approaching with exhibits
25 50 and 51.

1 **BY MS. WALTER:**

2 A: Yes. Exhibit 50 and 51, 50 is what I initially saw. And
3 like I said, it was above my head a little bit and you can see
4 how that light shines in the center. It looks kind of
5 suspicious. You can see metal coloring inside this hole.
6 I've also done ballistic training ---

7 Q: Okay. I'm going to stop you there for one second. Are
8 those photos that you took that day?

9 A: Oh, yes, absolutely. I'm sorry.

10 Q: No, you're good.

11 **MS. WALTER:** Your Honor, I would ask that exhibits 50 and
12 51 be admitted.

13 **THE COURT:** Any objection?

14 **MR. LUCAS:** No objection, Your Honor.

15 **BY MS. WALTER:**

16 Q: This way the jury can see what you're describing.

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

18 **THE COURT:** Admitted without objection.

19 **(STATE'S EXHIBIT NUMBERS 50 AND 51**
20 **ARE ADMITTED INTO EVIDENCE.)**

21 **MS. WALTER:** Thank you, Your Honor. I apologize for
22 interrupting.

23 If we could show -- okay.

24 **BY MS. WALTER:**

25 Q: The jury is looking at exhibit 50 now.

1 A: So exhibit 50 is basically a close up of what I knew that
2 day. It looks and give all appearance of a bullet hole. I'm
3 trained in that aspect of ballistics as well. And you can
4 also see what appears to be some kind of metal or shrapnel at
5 the edge a little bit just beyond that drywall, so I do
6 photograph that. I want to photograph it how I originally saw
7 it. And then like I said, I climbed the ladder, I cut the
8 swatch, I'm now investigating what that is behind it.

9 Q: Okay. So if you can turn to state's exhibit 51.

10 A: You see my hands wearing black gloves. You can see me
11 holding up the piece of wall that I cut. You can see the
12 marking that you originally saw, and then you can then see
13 this screw. That was another piece of the drywall.

14 Q: Thank you. Okay. Now let's turn to processing for DNA.
15 How did you go about doing that?

16 A: Now there's several ways that you can process for DNA.
17 I'm sure everyone is more familiar with the TV version of a
18 luminescent where you spray it in the dark and it glows.
19 That's a great chemical to use, however, you need complete
20 darkness and sometimes it's not the best chemical to use.

21 We went out to this scene, it was daylight. You're
22 talking about a very large house; I can't black it out. As a
23 crime scene officer, like I said, I've been doing this for
24 about 15 plus years, you tend to find something in your
25 toolbox that you like better than others. For me Leuco

1 Crystal Violet is a stain that doesn't require things to be
2 dark. And Leuco Crystal Violet, and for all intents and
3 purposes we'll just call it LCV, is a stain that actually is
4 considered a presumptive for blood. Unlike other stains, this
5 actually stains the hemoglobin found in blood and it stains it
6 like a violet color. So once it stains it that sample is
7 there, and it's considered presumptive like we talked before,
8 that tells me there is hemoglobin found in blood present where
9 the stain has turned violet. And it is also a chemical that
10 doesn't degrade or damage the DNA it identifies, the substance
11 it identifies. So at that point when you spray that, you
12 don't need daylight, you do have to vent the house because it
13 smells very vinegary. And generally it's within seconds of a
14 reaction, once you spray it's either going to react or it's
15 not going to react.

16 Q: And so if it doesn't react there's just no color change
17 whatsoever.

18 A: Oh, no, if it doesn't react all you do is basically make
19 a wet, you know, it's just a wet spot. If it reacts, you're
20 going to see that violet hue.

21 Q: Did any areas of the home react?

22 A: Several.

23 Q: Okay. Let's talk first about the floor. Did any areas
24 of the floor react?

25 A: I processed the living room, the entire living room area

1 of this residence. It's very methodical, you spray inch by
2 inch by hand and I sprayed the entire surface. There was some
3 of the flooring and the tile that started to give you that
4 color change violet in the seams. At that point I ripped up
5 the tile, and the subflooring also had the stain of the violet
6 color.

7 **MS. WALTER:** Your Honor, if I may approach with state's
8 exhibits 52 and 53.

9 **THE COURT:** All right.

10 **BY MS. WALTER:**

11 Q: And before we talk about them, I just want to ask you if
12 those are photographs that you took and are they -- are they
13 photographs you took?

14 A: Yes, they are photographs that I took, and they are what
15 I saw that day.

16 **MS. WALTER:** Your Honor, I would ask that state's
17 exhibits 52 and 53 be admitted.

18 **THE COURT:** Any objection?

19 **MR. LUCAS:** No objection, Your Honor.

20 **THE COURT:** So admitted without objection.

21 **(STATE'S EXHIBIT NUMBERS 52 AND 53**

22 **ARE ADMITTED INTO EVIDENCE.)**

23 **MS. WALTER:** Thank you, Your Honor.

24 **BY MS. WALTER:**

25 Q: So if we could start with exhibit 52, can you tell the

1 jury what we're looking at in exhibit 52?

2 A: The living room of the residence. Now, in my previous
3 photographs, like I told you, we photograph everything before
4 we do anything. So the previous photographs you're just going
5 to see this tile floor. But if you look, I guess the second
6 row from the wall, you can see a violet discoloration within
7 the seams and on the tile. This is after I sprayed it with
8 the Leuco Crystal Violet, the LCV.

9 Q: Okay. And then I think you testified after you saw the
10 LCV staining that you removed part of the floor?

11 A: Well when you see it, in my experience when you see it in
12 that tile flooring, there's like no grout so you always want
13 to take that floor up. Obviously in this particular picture
14 you can't see anything that was there prior to, so if
15 something was cleaned up you're not going to see that with the
16 naked eye. That's why we use these kinds of chemicals and
17 things. So when you see it in the seams around it, then yes,
18 you want to pop up that tile to see what you have underneath
19 and in the subflooring, and I did that in this particular
20 case.

21 Q: And so then if we can turn to exhibit 53. Can you
22 describe what the jury is seeing now?

23 A: In state's exhibit 53 that center removal is where I
24 removed that particular tile that we saw before. You can also
25 see that it is really dark with the stain going along the seam

1 lines of the subflooring and other tiles around it.

2 Q: And did you in fact collect that tile and put it into
3 evidence?

4 A: I collected I believe several tiles from that area.

5 Q: Okay. Did you also do any sort of swabbing of those
6 areas?

7 A: Yes.

8 Q: Okay. Can you tell us about that?

9 A: When I swab for evidence, again I was trained to swab and
10 collect DNA type of evidence and that's what this would be
11 considered would be some form of DNA type of evidence. When I
12 collect that, for every collection you use sterile gloves, a
13 new set of gloves, we at Crime Scene for Horry County use the
14 rule of two, I double glove. So you take your initial swab, I
15 inspect my swabs, two swabs in a carton. My swabs are sterile
16 so they're sealed. I can look at them, make sure the seal's
17 integrity is good on them.

18 Now, with this particular case I put liquid, the LCV is
19 wet, on the particular surface. So for this surface I'm not
20 going to use sterile water, it's already wet. I'm just going
21 to take the swabs and swab one side of the cotton. Basically
22 it's a fancy Q-tip. And I just rub that area and collect some
23 of the sample, and then I'll put it in a swab carton, poke a
24 hole so it airdries. That swab carton I then tamperproof
25 tape the -- I seal it and put my initials on it.

1 Q: So what areas -- just dealing with this portion of the
2 floor, did you swab -- first, did you swab the tile?

3 A: I identified three tiles I was very interested in. I
4 identified them as tile from living room floor number 1, tile
5 from living room floor number 2, tile from living room floor
6 number 3. I collected those tiles and each of those tiles
7 that I told you. The swab from the tile living room floor 1 I
8 collected a swab from that. I collected a swab from the tile
9 seams in the living room floor, what you see there is what I
10 call seams. I also collected a swab from the subflooring,
11 that's the concrete. And there was another area of the
12 residence that I collected a swab from.

13 Q: Okay. And we'll get to that.

14 MS. WALTER: Your Honor, I'm approaching with state's
15 exhibits 54, 55, and 56.

16 THE COURT: All right.

17 BY MS. WALTER:

18 Q: So I'm going to give you a chance to look at them and
19 then we'll just go through them one by one.

20 A: Okay. I'm good. I'm sorry.

21 Q: No, you're good. So let's start with state's exhibit 54.
22 If you could look at that and tell me if you recognize it.

23 A: Yes, ma'am. I do recognize it.

24 Q: What do you recognize it to be?

25 A: It is a swab from the tile floor and it's dated October

State vs Land

271

2020-DR-26-02425 & 02427

1 16th, 2019, 9:30. It's got a case number 19073896. It's got
2 initials where it's been sealed. That's the tamperproof tape
3 that I talked about. It also has what appears and what I know
4 as a SLED number, and it's got the barcode, and the
5 description is also with the same case number. The
6 description is swab from tile labeled number 1.

7 Q: So is that the swab in fact that you took from the tile
8 that you labeled number 1?

9 A: Yes. I shook it to see if it's in there. I'm sorry.

10 Q: No, you're okay.

11 **MS. WALTER:** Your Honor, I would ask that state's exhibit
12 54 be admitted.

13 **THE COURT:** Any objection?

14 **MR. LUCAS:** No objection, Your Honor.

15 **THE COURT:** So admitted without objection.

16 **(STATE'S EXHIBIT NUMBER 54**
17 **IS ADMITTED INTO EVIDENCE.)**

18 **MS. WALTER:** And I'm just -- Your Honor, may I just show
19 the jury very briefly.

20 **BY MS. WALTER:**

21 Q: And you've already looked at the others, but if you would
22 start looking at state's exhibit 55. State's exhibit 55, do
23 you recognize that?

24 A: Yes. State's exhibit 55 I do recognize. Again, with the
25 barcode and the case number that is specific to this

1 particular case for my documentation. The description is
2 labeled swab from the tile seam. Again, when looking at the
3 actual swab carton I see the same thing, it's my handwriting
4 with the case number. You can only get the printed a certain
5 way so it says patient's name, but obviously the tile seam is
6 not a patient, but that's where you put where you're
7 collecting the swab from. It has the date of October 16th,
8 2019, of course my name and the time. This one is 7:31. It
9 has the evidence tamperproof seals. And I can see what I
10 recognize in my training as SLED numbers.

11 Q: So is that, and you can shake it if you want. Is that
12 the swab that you took from the tile seam that day?

13 A: Yes, it is.

14 **MS. WALTER:** Your Honor, I would ask that state's exhibit
15 55 be admitted and published.

16 **THE COURT:** Any objection?

17 **MR. LUCAS:** No objection, Your Honor.

18 **THE COURT:** Admitted without objection.

19 **(STATE'S EXHIBIT NUMBER 55**
20 **IS ADMITTED INTO EVIDENCE.)**

21 **BY MS. WALTER:**

22 Q: And now if we can go to state's exhibit 56. Do you
23 recognize that?

24 A: Yes. I recognize state's exhibit 56. It has the
25 evidence identification label on it with the case number

State vs Land

273

2020-DR-26-02425 & 02427

1 assigned to this case. The description is swab from subfloor
2 after tile number 1 was removed, which we've seen a picture of
3 that area. Again, it's my handwriting, case number,
4 identified as subfloor, October 16th, 2019 and this one was
5 collected at 7:39. I see the tamper proof seals, and I also
6 see what appears to be SLED markings.

7 Q: So is that the swab you took from the subfloor?

8 A: Yes, it is.

9 **MS. WALTER:** Your Honor, I would ask that state's exhibit
10 56 be admitted and published.

11 **THE COURT:** Any objection?

12 **MR. LUCAS:** No objection, Your Honor.

13 **THE COURT:** So admitted without objection.

14 **(STATE'S EXHIBIT NUMBER 56**
15 **IS ADMITTED INTO EVIDENCE.)**

16 **BY MS. WALTER:**

17 Q: And I think you said that there was another area that you
18 swabbed; where was that?

19 A: Yes. When you do these kinds of cases there's other
20 surfaces of the residence that you spray. I sprayed several
21 areas of the residence, but one of the key areas that you also
22 want to swab are where people would clean themselves, sinks,
23 tubs, toilets, those kinds of things. So in this particular
24 residence the sinks, kitchen sink, bathroom sinks, any sink
25 was done, washbasin, tubs, toilets those were also all

1 sprayed. And I did have what we would call a hit
2 confirmation, the stain appearing, in the master bedroom sink.

3 Q: Did you follow the same procedure and swab that area?

4 A: Absolutely, yes. Each time we do a swab, and the reason
5 why you'll see times changing, like I said I wear a fresh set
6 of gloves, so I wear two gloves. So the initial glove I will
7 remove between each swabbing. So everything -- I can tell you
8 there's no cross contamination is the best way to describe it.

9 MS. WALTER: And, Your Honor, I'm approaching with
10 state's exhibit 57.

11 BY MS. WALTER:

12 A: I do recognize state's exhibit 57.

13 Q: What do you recognize it to be?

14 A: It's got the evidence label with the case number. The
15 description is swab from master bedroom sink. When looking at
16 the actual piece of evidence I see it as a swab carton with a
17 case number written in my handwriting, the description of the
18 master bathroom sink dated October 16th, 2019, my name, and the
19 time of 7:56, 19:56. I can see the tamperproof seals with my
20 initials, and what appears to be in my training a SLED lab
21 number.

22 Q: So that is the swab that you took from the master bedroom
23 sink?

24 A: Yes.

25 MS. WALTER: Your Honor, I would ask that state's exhibit

State vs Land

275

2020-DR-26-02425 & 02427

1 57 be admitted.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** Without objection, so admitted.

5 **(STATE'S EXHIBIT NUMBER 57**
6 **IS ADMITTED INTO EVIDENCE.)**

7 **BY MS. WALTER:**

8 Q: All right. So you've talked about removing the tiles,
9 the swabs. Did you collect any other evidence from that home?

10 A: Yes. In particular evidence, like I said we stay away
11 from members of the Criminal Investigation Division. I'm
12 tasked with doing the physical evidence and forensic aspects
13 of it, and the criminal investigative detectives talk to
14 people.

15 We did not force entry into this home. We had keys
16 provided to us by, I believe, either the maintenance man or
17 the landlord. We were instructed that a maintenance gentleman
18 had come there previously and removed items such as furniture,
19 carpeting, and things of that nature. We contacted him to see
20 where those items were, and he still had them in the trailer
21 that he had loaded up. He hadn't hauled it off to a dump or
22 anything yet. And his residence was down the road, so when I
23 finished with my scene here I traveled there. But before I
24 got there a member of CID was sent there to watch the trailer
25 with trash in it.

1 Q: So in between leaving Sandridge Road and going to where
2 this other -- these other items were located, what did you do
3 with the swabs that we just looked at, state's exhibits 54
4 through 57?

5 A: They stay in my custody. My crime scene vehicle is an
6 F150. It has vaults inside with a separate key, side panels
7 with a separate key, the car key. It's pretty much a mobile
8 safe.

9 Q: So did you put the swabs in one of those locked ---

10 A: Yes. It was put in a locked compartment where only I
11 have access to. But also again, the swabs were sealed with
12 tamperproof. Like I told you before, it has SLED numbers on
13 it. When you collect evidence and you put it in tamperproof
14 tape over it, and you want to submit it to an outside lab like
15 SLED, it is their procedure that they will inspect it and if
16 it has been tampered with in any way, shape, or form they
17 reject it. In this particular case there's lab numbers on
18 those items, it was not rejected. I tamperproof sealed those
19 cartons on the scene before putting them in my vehicle.

20 Q: Okay. And then I'll get back to the rugs, but at some
21 point did you take those swabs out of your truck and submit
22 them to evidence?

23 A: When I was done that evening they get submitted and
24 locked up at the police department.

25 Q: Once something is submitted to the Property and Evidence

1 Department do you have access to it anymore?

2 A: Well it depends. If it's put into a crime scene locker,
3 that locker is locked. It's in a secured facility within our
4 crime scene lab and the only people that have access to that
5 are the evidence staff and crime scene, nobody else. You
6 might have life a chief, but you are key-carded so it
7 timestamps who and what goes in there. So in this particular
8 matter if you are going throughout the night, before you go
9 home you lock up your evidence in that crime scene locker, and
10 our particular procedures where you would lock it up and
11 remove the key and I keep custody of the key. Now no one else
12 has custody of that particular key. So once I'm ready to turn
13 it into crime scene evidence, I unlock it and then I transfer
14 it to the evidence and property section. After that point in
15 time I don't even have access to it unless I ask for it.

16 Q: And that's all documented as well?

17 A: Yes, absolutely.

18 Q: All right. So let's go back. You left Sandridge Road
19 and you went to this other location where there were some
20 other items from the home. What if anything did you collect
21 there?

22 A: When I went to that location, I'll try to give you an
23 address if I can. I believe it was [REDACTED] Evans Estate Drive,
24 which really was not that far, and that was the residence of
25 what you would call the groundskeeper, the maintenance man for

1 that building on Sandridge.

2 I met the detectives who were present on scene standing
3 over what I needed. We were told that thankfully the
4 groundskeeper was waiting for the Solid Authority Waste (sic)
5 to open up again. He had missed it that day, the timeframe.
6 He identified the items in the trailer as items he removed
7 from that residence. I noticed in that area there was
8 carpeting. He was asked where that carpeting came from, I was
9 told living room.

10 Q: Okay. So I'm going to show you exhibit 40. This has
11 already been admitted.

12 MS. WALTER: Your Honor, I'm approaching with previously
13 admitted state's exhibit 40.

14 THE COURT: Okay.

15 BY MS. WALTER:

16 Q: Is that one of the items that you examined that day?

17 A: Yes. This is what I would call, I mean there was like a
18 throw rug, throw blanket, I don't know what you would want to
19 call it. I called it, I think, a throw blanket or throw rug,
20 but this is actually like that hard carpeting, state's exhibit
21 40. And this is the carpeting -- once it's identified by the
22 groundskeeper as coming from that residence I collected it
23 that day, and those stayed in my custody until I could process
24 it at a further date.

25 Q: So dealing just specifically with state's exhibit 40, how

1 did you process that?

2 A: The photograph that you're looking at there actually is
3 in our secured facility impound lot. It is key coded and
4 guarded with gates, barbwire, electronic access. So the day I
5 processed it, I have to get it from the property and evidence
6 section and bring it out there because I have to spread it
7 out. And for this particular case, again I'm going outside,
8 I'm using LCV. Leuco Crystal Violet can be sprayed on any
9 surface so it's a good tool to use, and I pretty much hose
10 that down with LCV.

11 Q: Okay.

12 **MS. WALTER:** Your Honor, I'm approaching with state's
13 exhibits 58 and 59. So these have not yet been admitted, so
14 I'm just first going to lay the foundation.

15 **BY MS. WALTER:**

16 Q: Do you recognize those two photos?

17 A: Yes, I do. These are photos I took during the processing
18 of that carpet.

19 Q: Are they fair and accurate representations of what you
20 did and what you saw that day?

21 A: Yes.

22 **MS. WALTER:** Your Honor, I would ask that state's
23 exhibits 58 and 59 be admitted.

24 **THE COURT:** Any objection?

25 **MR. LUCAS:** No objection, Your Honor.

1 **THE COURT:** Without objection, so admitted.

2 **(STATE'S EXHIBIT NUMBERS 58 AND 59**

3 **ARE ADMITTED INTO EVIDENCE.)**

4 **BY MS. WALTER:**

5 Q: Okay. So let's first deal with exhibit 58. Can you tell
6 the jury what they're seeing in exhibit 58?

7 A: Fifty-eight, if you turn the carpet over you have that
8 weaving siding. When you spray it down, you spray enough of
9 that for it to soak through the carpet. When I flip over the
10 carpet I notice some stains on the carpet visually when I
11 first visually examined it prior to any kind of processing. I
12 then sprayed it, noticed some stain. But you can see the
13 pattern in the front you've got black swivels and (inaudible).
14 So then we'll flip it over to that cream colored weaving and
15 as you can see, this is staining violet.

16 Q: All right. What did you do once you noticed that
17 staining?

18 A: Once I documented it by taking photographs, in this
19 particular case I cut it.

20 Q: Okay. Is that what's seen in exhibit 59?

21 A: Yes.

22 Q: Okay. Did you then preserve that cutting of the rug?

23 A: The cutting was preserved. Nothing else on the rug
24 stained. When you're using chemicals like Leuco Crystal
25 Violet, LCV, like I told you, you have to wear a mask, the

1 smell is pungent, and it could be toxic. You use a lot of
2 chemicals on this particular rug, so due to those reasonings
3 the rest of the rug was now considered a health hazard,
4 biohazard, so it was then destroyed. The swatch, however, was
5 collected. It was a small piece. We had to go through the
6 process of heat-sealing it so it didn't expose anybody to any
7 kind of fumes.

8 Q: Okay. I'd like you now to think back to October 18th of
9 2019. Did you process a Chevy Avalanche?

10 A: On October 18th, 2019 I received and executed a search
11 warrant for a 2003, I'm sorry, I did two cars that day. I
12 apologize.

13 At 10:51 I did process through a search warrant a 2009
14 grey in color Chevy Avalanche.

15 Q: Okay. So I'm showing you what's already been admitted as
16 exhibit 4. Not a photograph that you took, but do you
17 recognize that truck as the truck that you processed that day.

18 A: It appears to be the truck that I processed that day.

19 Q: To your knowledge had that truck already been processed
20 by another law enforcement agency?

21 A: Myrtle Beach Police Department recovered this truck as I
22 later identified as the victim's. Myrtle Beach processed the
23 vehicle prior to us.

24 Q: And you said you processed two cars, or two vehicles that
25 day. So if I can show you, I think 38 has already been

1 admitted. So let's start with 38 to make sure that this is
2 the car that you in fact processed.

3 A: Thirty-eight, this is my picture, and this is a car that
4 I processed. This is part of the pictures that we take when
5 we process vehicles.

6 Q: Okay. So you have told us before that when you do a
7 search you start by taking sort of overall exterior photos.
8 Do you do that for cars as well?

9 A: Absolutely, yes, ma'am.

10 **MS. WALTER:** Your Honor, if I may approach with state's
11 exhibits 61, 62, and 63.

12 **BY MS. WALTER:**

13 Q: And so we'll just start with do you recognize those
14 photos as photos that you took?

15 A: Yes, I do.

16 Q: Are they fair and accurate representations of what you
17 saw that day?

18 A: Yes, they are.

19 **MS. WALTER:** Your Honor, I would ask that 61, 62, and 63
20 be admitted.

21 **THE COURT:** Any objection?

22 **MR. LUCAS:** No objection, Your Honor.

23 **THE COURT:** So admitted.

24 **(STATE'S EXHIBIT NUMBERS 61, 62, AND 63**
25 **ARE ADMITTED INTO EVIDENCE.)**

1 **MS. WALTER:** Thank you. And may I publish them, Your
2 Honor.

3 **THE COURT:** Uh-huh. (Affirmative response.)

4 **MS. WALTER:** Thank you.

5 **BY MS. WALTER:**

6 Q: So if we can start with 61, and just -- these should be
7 fairly self-explanatory, but why don't you tell us what we're
8 seeing.

9 A: In crime scene you do things a certain way just to make
10 sure nothing is missed and everything is done properly. When
11 I process and search a vehicle in a crime scene related case I
12 do it the same every time. I start with my overall
13 photographs of the front of the vehicle, and that is what you
14 are seeing in exhibit 61.

15 Q: And what about 62?

16 A: State's exhibit 62, I'm walking around the car taking
17 pictures, passenger's side, driver's side. This is the
18 passenger's side of the vehicle that I processed prior to
19 processing it.

20 Q: Okay. And then 63, I think you have.

21 A: Sixty-three is the rear-end view trunk and identifying
22 tag, make, model of the vehicle, and that's state's exhibit
23 63.

24 Q: To your knowledge had then Lieutenant Cestare done
25 anything to secure the car in any way prior to your search?

1 A: The vehicle was secured in our impound.

2 Q: Was there any tamperproof evidence seals on the doors?

3 A: Yes. Actually this vehicle was brought to us by
4 Squeaky's, it's a wrecker service we use for crime scene
5 collection of vehicles. Squeaky's picked it up at the
6 Richland County Sheriff's Department in the presence of
7 Lieutenant Cestare, who prior to removal from Richland did put
8 evidence tamperproof tape on the vehicle where the vehicle
9 would open, trunk, doors, hood, those kinds of areas.

10 Q: Prior to beginning your search of the interior of the
11 car, do you ensure that that tamperproof tape was intact?

12 A: The tamperproof tape was in fact intact. It is dated
13 with his initials.

14 Q: So let's -- after you took the overall photos and ensured
15 that the tamperproof tape was intact, did you begin a search
16 of the interior compartments including the trunk of the car?

17 A: I photographed the interior and then, yes, I began my
18 search.

19 Q: So let's start with the trunk. Was the trunk full or
20 empty?

21 A: The trunk was quite unique.

22 **MS. WALTER:** And I'm going to, Your Honor, if I may
23 approach with state's exhibit 64.

24 **BY MS. WALTER:**

25 Q: And this has not yet been admitted, so first I'll have

1 you just authenticate it.

2 A: This is a photograph I took, state's exhibit 64, of the
3 trunk when I opened it.

4 Q: So prior to removing anything?

5 A: This is the way I found it once I opened the lid.

6 **MS. WALTER:** Your Honor, I would ask that state's exhibit
7 64 be admitted and published.

8 **THE COURT:** Any objection?

9 **MR. LUCAS:** No objection, Your Honor.

10 **THE COURT:** So admitted without objection.

11 **(STATE'S EXHIBIT NUMBER 64**

12 **IS ADMITTED INTO EVIDENCE.)**

13 **BY MS. WALTER:**

14 Q: After you photographed the trunk as you found it when you
15 opened it, what did you do?

16 A: You document with photography and then you go through it.
17 You can see fishing poles, blankets, suitcase, some other
18 miscellaneous items. I believe there was like a work vest and
19 baseball cap. I have a sheet where I inventoried it. And
20 then once it's emptied I looked at the trunk again and I
21 noticed something unique with this particular trunk.

22 Q: Okay. And as you're inventorying the trunk -- let's take
23 these a little bit out of order. So all of these items in the
24 trunk, was there anything that struck you immediately as being
25 evidentiary in nature?

1 A: Nothing that I can recall.

2 Q: Okay.

3 MS. WALTER: Your Honor, if I may approach with state's
4 exhibit 65, 66, and 67.

5 BY MS. WALTER:

6 Q: Although, I'm going to take them out of order and have
7 you look at 67 first.

8 A: Yes.

9 Q: Are those photographs that you took during your search of
10 the trunk?

11 A: Yes, it is.

12 Q: Fair and accurate representations?

13 A: Yes, it is.

14 MS. WALTER: Your Honor, I would ask that state's 65, 66,
15 and 67 be admitted and published.

16 THE COURT: Any objection?

17 MR. LUCAS: No objection, Your Honor.

18 THE COURT: So admitted without objection.

19 (STATE'S EXHIBIT NUMBERS 65, 66, AND 67

20 ARE ADMITTED INTO EVIDENCE.)

21 BY MS. WALTER:

22 Q: Let's start with state's exhibit 67.

23 A: Earlier you heard me say I found this trunk to be unique.
24 It's a Crown Victoria, police cars in my career have been
25 Crown Victorias. They have a kind of carpeted kind of trunk

1 area. I noticed in this particular vehicle that the trunk
2 didn't have that, however, I could see something sticking out
3 of what would be the latch molding and I observed that to be a
4 cut piece of the substance that usually binds the trunk. So I
5 popped that molding off and this is what I found, normally it
6 would have that liner but the liner has been removed and
7 that's the only piece I was able to locate from the trunk.
8 And like I said, the molding was covering it, I just saw a
9 little bit of it as I was going through the trunk and emptying
10 the items out of the trunk.

11 Q: Since you're talking about the molding let's ---

12 **MS. WALTER:** Your Honor, if I may approach with state's
13 exhibit 83.

14 **THE COURT:** Yes, ma'am.

15 **BY MS. WALTER:**

16 A: I do recognize this.

17 Q: What do you recognize it to be?

18 A: It is the molding from the trunk?

19 Q: Is that the molding that you were just referring to that
20 you removed?

21 A: I removed it. Yes, ma'am.

22 **MS. WALTER:** Your Honor, I would ask that state's exhibit
23 83 be admitted and published.

24 **THE COURT:** Any objection?

25 **MR. LUCAS:** No objection, Your Honor.

1 **THE COURT:** So admitted without objection.

2 **(STATE'S EXHIBIT NUMBER 83**

3 **IS ADMITTED INTO EVIDENCE.)**

4 **BY MS. WALTER:**

5 A: Sorry.

6 Q: No, you're fine. And while I'm showing this to the jury,
7 if we can have state's exhibit 65 up.

8 A: State's exhibit 65, like you said earlier these are kind
9 of out of order. State's exhibit 65, if you notice in the
10 molding that you have that's where the latch is. Once the
11 molding is removed, this is what you see. You can see the
12 carpet or the lining that would be underneath the molding and
13 just a little bit of the stuff, the sides, of what should have
14 been in the trunk where the lip of the molding covers
15 somewhat. And that's state's exhibit 65.

16 Q: And what about state's exhibit 66?

17 A: State's exhibit 66 is again the molding. The molding has
18 been removed so this is the area where you would have seen the
19 liner naturally throughout the trunk. And this is where that
20 piece, the only piece I could find, was located was underneath
21 that molding. And that's what you're seeing here is what
22 would be it's original positioning with the bright yellow
23 number five, that's my marking. That's the fifth piece of
24 evidence that I collected from this vehicle during my search.
25 And that's state's exhibit 66.

1 Q: Thank you. After you emptied the trunk and noticed the
2 absence of the liner, did you do anything else to process the
3 trunk?

4 A: Yes. Again, I used LCV, Leuco Crystal Violet. Again,
5 this is a good surface to use it on. It's a Crown Vic and we
6 removed everything out of it. You pretty much spray it down,
7 I sprayed down the entire trunk, I sprayed down the molding,
8 sprayed down everything with the exception of the stuff that
9 was inside the trunk.

10 Q: Okay.

11 **MS. WALTER:** I just want to get my numbers right here.
12 There's some gaps in these so, Your Honor, I'm approaching
13 with state's exhibits 68, 69, 70, 71, 72, 73, and then 84 and
14 85. And these have not yet been admitted.

15 **BY MS. WALTER:**

16 Q: So I'll just have you do this as a group. Let me know if
17 those are photographs that you took while you were processing
18 the car?

19 A: These are photographs that I took that day of processing.

20 Q: Fair and accurate representations of what you saw?

21 A: Yes.

22 Q: And again, you took far more photos than this, correct?

23 A: Yes.

24 Q: Okay.

25 **MS. WALTER:** Your Honor, I would ask that state's 68

1 through 73 and 84 and 85 be admitted and published.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** So admitted.

5 **(STATE'S EXHIBIT NUMBERS 68 THROUGH 73, 84 AND 85**
6 **ARE ADMITTED INTO EVIDENCE.)**

7 **BY MS. WALTER:**

8 Q: So let's start with exhibit 68 and I'll leave these so
9 you can follow along. Can you tell the jury what we're
10 looking at in this picture?

11 A: Imagine you're standing on the outside of the trunk with
12 the trunk open and this is the interior of the trunk. You can
13 see the raised wheel well, so to speak, and that is how the
14 trunk presented itself to me in that metal form. You can see
15 the glowing of it being wet. If you look kind of where the
16 wheel well is, in that little curvature area, you will see
17 pooling and staining of a violent color. You will also see a
18 circle in an area ---

19 Q: The bottom center of the photo?

20 A: Yes. One thing law enforcement love about Crown Vics is
21 they have a drain plugs. It's a drain plug where you can
22 pretty much wash out or clean out your trunk and you pop the
23 drain plus and all of the water or whatever goes out.

24 Q: So when you emptied the trunk of its contents, this is
25 without the LCV, that's how you found the trunk, that's

1 whitish metal?

2 A: Yes.

3 Q: Okay. Once you noticed this area of fluorescence, what
4 did you do?

5 A: Collected a swab of that area.

6 Q: Okay. Did you collect a number of swabs from the trunk

7 A: Yes.

8 Q: Okay. So when you swabbed the trunk, how did you
9 identify which areas you were swabbing?

10 A: I used the same method of swabbing like I did in the
11 residence, double gloved, changing out gloves in between each
12 swab. I would photograph the area without a tag, and then I
13 would photograph the area with a number so it would indicate
14 what number of evidence that swab is.

15 Q: So if you can go to, and again you took far more pictures
16 than are in front of you, exhibit 69. Do you recognize that?

17 A: State's exhibit 69 is a closeup of the area that we just
18 saw. You'll notice those three little indentions on that one
19 piece of metal. You can see some of the residual violet
20 staining. And the yellow number 1 with the swab carton
21 indicates that I took a swab from that location.

22 **MS. WALTER:** Your Honor, if I may approach with state's
23 exhibit 74.

24 **BY MS. WALTER:**

25 Q: Take a look at that. Look at that and tell me if that's

1 the swab that corresponds with exhibit 69.

2 A: Yes.

3 Q: Okay. So that is the swab that you collected from that
4 area?

5 A: Yes, it is. It's got a case number. It has a trunk
6 (inaudible), my name, the date of processing, the time
7 collected. I indicate that LCV was used, presumptive
8 positive. And also it has a number V1. When I collect
9 evidence and I process things, I'll give it a letter. I'm
10 processing a vehicle, so it's V, and this is number 1, so that
11 is on this particular piece.

12 **MS. WALTER:** Your Honor, I would ask that state's exhibit
13 74 be admitted.

14 **THE COURT:** Any objection?

15 **MR. LUCAS:** No objection, Your Honor.

16 **THE COURT:** So admitted without objection.

17 **(STATE'S EXHIBIT NUMBER 74**
18 **IS ADMITTED INTO EVIDENCE.)**

19 **BY MS. WALTER:**

20 Q: If we can go to exhibit 70. What does exhibit 70 show?

21 A: Exhibit 70 is an area of the trunk where it is labeled
22 with the swab carton and the number 2 indicating that I
23 collected a swab in this location.

24 Q: I'm showing you state's exhibit 75.

25 A: State's exhibit 75, I wrote the case number, the

State vs Land

293

2020-DR-26-02425 & 02427

1 description is swab from passenger's side interior back trunk
2 floor. It has the case number on the carton, trunk passenger
3 back, my name, the date, the time of collection, and it has
4 the number V2 which would indicate what you're seeing on the
5 photograph.

6 Q: So that's the swab you took ---

7 A: Yes, ma'am.

8 **MS. WALTER:** Your Honor, I would ask that state's exhibit
9 75 be admitted.

10 **THE COURT:** Any objection?

11 **MR. LUCAS:** No objection, Your Honor.

12 **THE COURT:** Admitted without objection.

13 **(STATE'S EXHIBIT NUMBER 75**
14 **IS ADMITTED INTO EVIDENCE.)**

15 **BY MS. WALTER:**

16 Q: Exhibit 71, we'll just go through the same thing. I'm
17 showing you state's exhibit 76. Is that the swab represented
18 in -- is that the swab that you took in the area that you
19 labeled three?

20 A: Yes. Without being redundant, the evidence swab has the
21 case number label with it on the evidence tag, the description
22 is swab from back wall in front trunk floor, and I'm looking
23 at state's exhibit 76 for reference. And the carton is filled
24 out with the description trunk back wall, my name, the date
25 October 18th, 2019, time 14:25, the case number, and also the

1 indication V3 which means vehicle evidence collected three.

2 **MS. WALTER:** Your Honor, I'd ask that state's exhibit 76
3 be admitted.

4 **THE COURT:** Any objection?

5 **MR. LUCAS:** No objection, Your Honor.

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

7 **(STATE'S EXHIBIT NUMBER 76**
8 **IS ADMITTED INTO EVIDENCE.)**

9 **BY MS. WALTER:**

10 Q: So if we can go to 72, I think we can just -- if you
11 would look at this and tell me if that's the swab that
12 corresponds with the photo in state's exhibit 72?

13 A: Yes.

14 Q: So that's the swab you took there?

15 A: Yes. Same thing identifying as the rest of them. My
16 indication V4, case number, location, description, this one is
17 from the (inaudible) driver's side trunk.

18 **MS. WALTER:** Your Honor, I would ask that state's exhibit
19 77 be admitted.

20 **THE COURT:** Any objection?

21 **MR. LUCAS:** No objection, Your Honor.

22 **THE COURT:** So admitted.

23 **(STATE'S EXHIBIT NUMBER 77**
24 **IS ADMITTED INTO EVIDENCE.)**

25 **BY MS. WALTER:**

State vs Land

295

2020-DR-26-02425 & 02427

1 Q: And then lastly, exhibit 73.

2 MS. WALTER: And, Your Honor, I'm showing state's exhibit
3 81 which has not yet been admitted.

4 BY MS. WALTER:

5 Q: Is that the swab that corresponds to the marker 13 in
6 exhibit 73?

7 A: Yes.

8 Q: Okay.

9 MS. WALTER: Your Honor, I would ask that exhibit 81 be
10 admitted.

11 THE COURT: Any objection?

12 MR. LUCAS: No objection, Your Honor.

13 THE COURT: Eighty-one?

14 MS. WALTER: Yes, Your Honor.

15 THE COURT: So admitted.

16 (STATE'S EXHIBIT NUMBER 81
17 IS ADMITTED INTO EVIDENCE.)

18 BY MS. WALTER:

19 Q: Did you also collect the drain plugs from the trunk of
20 the Crown Victoria?

21 A: Yes, I did.

22 MS. WALTER: Your Honor, I'm approaching with state's
23 exhibits 79 and 80.

24 THE COURT: All right.

25 BY MS. WALTER:

1 Q: If you could just look at those and tell me if you
2 recognize them.

3 A: Yes, I do.

4 Q: What do you recognize them to be?

5 A: The drain plugs that, excuse me, the drain plugs I
6 removed from the vehicle, the Crown Victoria, the day of
7 processing.

8 **MS. WALTER:** Your Honor, I would ask that state's
9 exhibits 79 and 80 be admitted.

10 **THE COURT:** Any objection?

11 **MR. LUCAS:** No objection, Your Honor.

12 **THE COURT:** So admitted.

13 **(STATE'S EXHIBIT NUMBERS 79 AND 80**
14 **ARE ADMITTED INTO EVIDENCE.)**

15 **BY MS. WALTER:**

16 Q: And if we can just show exhibit 84 first. Is that one
17 area where you removed a drain plug?

18 A: Yes. If you look at the photograph, you can see the
19 drain plug after I popped it out and you can see the hole of
20 the drain. The yellow indicator is number 6 showing that that
21 particular drain will be numbered V6 or number 6.

22 Q: So that would correspond to state's exhibit 79?

23 A: Yes.

24 Q: Okay. And then if we could look at state's exhibit 85.
25 And would state's exhibit 80 be the drain plug that is

1 pictured in state's exhibit 85?

2 A: Yes. Same principal behind it, you'll see the plug,
3 you'll see the hole, the number 7 indicating this is the 7th
4 piece of evidence I collected during this vehicle search.

5 Q: Thank you.

6 A: You forgot one. Sorry, I was keeping it.

7 Q: That's okay. Thank you.

8 Now, directing your attention to October 21st of 2019, did
9 you process any evidence relevant to this case, or for the
10 investigation of this case?

11 A: Yes. Evidence was turned in in this particular case by
12 another unit. It was a 9-millimeter handgun and I was tasked
13 with processing this weapon for DNA type of processing.

14 Q: How did you process that?

15 A: Basically the same techniques as the LCV, but this time
16 it's a little bit different. You wear the gloves; you make
17 sure you have a sterile swab. This is a dry piece of
18 evidence, so I would use sterile water and each swab gets a
19 fresh water, they're little capsules. And each swabbing is
20 two parts, two swabs. So I went the swab with a few drops of
21 the sterile water and then I would swab the area of which I am
22 trying to collect a sample from and then after that swab is
23 collected that's called a wet swab. Then after that, you will
24 use the dry Q-tip and match it, just go behind it and collect
25 any of the wetness or moisture that you already put on there.

1 And both of those swabs get put in the swab carton as one
2 sample.

3 Q: Okay. And was there -- I'm sorry, I got distracted there
4 for a moment. Did you say that you processed this to see if
5 it was presumptive for blood?

6 A: Yes. In this particular case I will collect the samples
7 first, and then I will do what's called presumptive testing
8 after a sample is collected.

9 Q: Okay.

10 A: And you do that because you want to make sure that you
11 have a sample that can be tested if it tests positive for
12 presumptive. And in this particular case after the sample was
13 collected you then take another swab, because I used water
14 originally I put the swab -- I was processing the barrel of
15 this firearm, down the barrel, so I take the swab go down the
16 barrel of the weapon, kind of turn around and then I tested
17 presumptively using that TrueGreen method. This particular
18 area tested negative, there was no color change indicated on
19 the presumptive.

20 Q: Meaning no indication of blood might have been present?

21 A: At that time. Yes, ma'am.

22 Q: And I apologize, I need to go back to the search of the
23 car for one moment.

24 **MS. WALTER:** Your Honor, I'm approaching with state's
25 exhibits 82 and 86.

1 **BY MS. WALTER:**

2 Q: Let's start with 82. Is that a swab that you took from
3 that Crown Victoria?

4 A: Yes, it is.

5 Q: Where on the car?

6 A: This is going to be the passenger interior side rubber of
7 the trunk.

8 Q: And what about 86?

9 A: State's exhibit 86 was also from the trunk. This would
10 be the swab of the black clasp molding trunk passenger side.
11 So you see the molding, you're going to split it up in
12 sections where that square is. One side is going to be
13 driver's side, one side is going to be passenger's side, and
14 that's what this would be. This is the passenger's side black
15 plastic trunk molding swab.

16 **MS. WALTER:** Your Honor, I would ask that state's 82 and
17 86 be admitted.

18 **THE COURT:** Any objection?

19 **MR. LUCAS:** No objection, Your Honor.

20 **THE COURT:** So admitted.

21 **(STATE'S EXHIBIT NUMBERS 82 AND 86**

22 **ARE ADMITTED INTO EVIDENCE.)**

23 **BY MS. WALTER:**

24 Q: Lastly, directing your attention to October 22nd, 2019,
25 did you examine some furniture that you had removed from the

1 Sandridge Road residence?

2 A: Yes. Through the investigation detectives found out that
3 the furniture that was in the living room had been sold. I
4 responded to the people who purchased the couch and got their
5 consent to process and search the couch and love seat that
6 were removed from [REDACTED] Sandridge Road.

7 Q: Did you find anything of evidentiary value?

8 A: No, I didn't.

9 Q: And that's a lot, but did that essentially conclude the
10 major parts of the work that you did in this case?

11 A: I would say yes.

12 Q: Okay. Thank you. I have nothing further, but Mr. Lucas
13 may have some questions for you.

14 A: Sure.

15 **THE COURT:** All right. Go ahead, Mr. Lucas.

16 **MR. LUCAS:** Thank you, Your Honor.

17 **CROSS EXAMINATION OF CORPORAL DOMOGAUER BY MR. LUCAS:**

18 Q: Corporal, now I'm going to go back a little bit. Now,
19 the small bones that you found, right, those were completely
20 unrelated to this, right?

21 A: Um.

22 Q: Not the bones from like the recovery of the body or
23 anything like that, the other small bones in that area?

24 A: Where the body was, I'm not the forensic anthropologist,
25 but I do believe they might have been related. I'm not quite

1 sure.

2 Q: Okay. Now, that would be the same for like the animal
3 bones in the container that you found, correct? They were
4 completely unrelated?

5 A: I don't know if they were related or not, but yes, there
6 were animal bones there at that location.

7 Q: Okay. Now, the Papa John's shirt, there's no blood on
8 that shirt, correct?

9 A: No. My presumptive testing showed no indication of blood
10 on that surface.

11 Q: Okay. Now, it was pretty -- I know you were saying that
12 it appeared like the house had been abandoned, correct? The
13 house, not the other stuff that we were talking about, but the
14 house at Sandridge Road?

15 A: Yes.

16 Q: And that was a completely vacant house, right?

17 A: I would say it was vacant, but it's not vacant as it was
18 clean and I could re-rent. It was ---

19 Q: Ready to be cleaned?

20 A: So to speak, ready to be cleaned or in the process of
21 being cleaned out.

22 Q: Okay. Now, but it was pretty clear that whoever the
23 homeowners were, in this case we know who the homeowners were,
24 they weren't the homeowners, but they were the people renting
25 it, Layne Styron and Steven Morgan. Okay. They're not there

1 anymore?

2 A: Nobody was at the residence.

3 Q: And what was the date on this again?

4 A: That I went to the residence?

5 Q: Yes.

6 A: I'm just making sure I'm accurate. October 16th is when I
7 went out to that residence.

8 Q: October 16th. Okay.

9 Now, you also indicated that there was something that
10 appeared to be a bullet hole, but it wasn't, correct?

11 A: Correct.

12 Q: Not a bullet hole. Okay.

13 Now, talking about the DNA in the house, now, if Arnold
14 Bennett who is the victim in this case or any other person who
15 had been in the house, their DNA could be there, right?

16 A: Potentially, yes.

17 Q: Okay. Now, at what point or do you remember a specific
18 day that the DNA samples that you took from the house were
19 tested?

20 A: I don't know that information. I'm sorry.

21 Q: You don't know that. Okay.

22 A: No.

23 Q: But you turned it over at a later point obviously?

24 A: Well once I collect it, like I said, that evidence gets
25 brought back to the police department, it gets secured. In

State vs Land

303

2020-DR-26-02425 & 02427

1 this particular matter we do not have a DNA lab in Horry
2 County, so that would be something that would have to go to
3 SLED.

4 Q: Okay.

5 A: So it would be packaged and prepped and ready for SLED.
6 SLED is by appointment only nowadays, so you have to get an
7 appointment to turn in your evidence and get approval for when
8 you go. Our department generally tries to go at least once or
9 twice a month, but we're kind of at their mercy when it comes
10 to that. Once it goes into the SLED system it's pretty much
11 their time.

12 Q: Yeah, their time.

13 Now, shortly after examining the house you responded to,
14 I believe you said like the groundskeeper's house.

15 A: The groundskeeper, maintenance man.

16 Q: Okay. And you found a blanket or a throw or a rug or
17 those things there, correct?

18 A: Yes.

19 Q: Okay. And do you know how long he had had them?

20 A: He said he had them since the 15th.

21 Q: Okay. So anything could have happened to them during
22 that time?

23 A: They were folded and rolled and put actually under like
24 this little cover thing he had at his residence.

25 Q: Okay. But you cannot confirm that these things that the

1 groundskeeper had actually came from the Sandridge home,
2 correct?

3 A: He stated that's where they came from.

4 Q: Okay. He stated that's where they came from, but we
5 don't know that, correct?

6 A: I didn't see them in the building. I found them at his
7 residence.

8 Q: Okay. Understood. And it would have been different
9 though if say you walked into the house and you saw these
10 blankets or throws or rugs or whatever and you tested them
11 there?

12 A: I would have done the same procedure that I did at the
13 house, only would have been longer and I most likely would not
14 have tested the carpet there because that carpeting is not
15 wall to wall ---

16 Q: Uh-huh. (Affirmative response.)

17 A: --- I can move it. I would remove it and take it back to
18 our department and test it in that kind of location.

19 Q: Okay. But if the rug or the carpeting or throw or
20 whatever you called it, if it had been moved to the
21 groundskeeper's house or to anybody else's house anything
22 could have happened to it. So it could have been tampered
23 with, correct?

24 A: There's potential for that, yes.

25 Q: Okay. Now, moving to the car, Mr. Land's car, the Crown

1 Vic. There was no carpeting in the trunk of that car,
2 correct?

3 A: There was no carpeting. No, sir, except for that little
4 piece that was underneath the molding.

5 Q: The little tiny piece. Okay.

6 And it was a minimal amount of DNA that was in trunk, was
7 it not?

8 A: I can't quantify it, sir.

9 Q: Okay. But that DNA could have come from anywhere,
10 correct?

11 A: Like I said, the Leuco Crystal Violet is a presumptive
12 for the hemoglobin found in blood. So whatever would bleed I
13 guess would be your source of that particular piece of
14 evidence.

15 Q: Okay. And if someone was say cleaning Mr. Land's car or
16 washing it or detailing it or doing any of those things, that
17 could be a possibility that that person, or Mr. Land, or
18 anyone else could injure themselves to the point where their
19 DNA was in the car.

20 A: There were certain locations in the trunk, underneath the
21 molding, the molding itself on the underside that was snapped
22 down in place, those items tested positive with LCV. Also
23 there is a lip underneath the trunk that I had to bend and
24 contort myself in such a fashion to get to that swabbing area
25 that also tested, there was a big sample in that particular

1 area. But to answer your question again, anybody who could
2 bleed or who was bleeding is what left that sample because it
3 is the hemoglobin and it's specific for blood.

4 Q: Okay. So anyone cleaning or detailing a car could have
5 left that, correct?

6 A: Yes.

7 Q: Now, let's move to the gun. There was no blood on the
8 gun, correct?

9 A: Nothing that tested for me. No, sir.

10 Q: No. Okay.

11 **MR. LUCAS:** I have no further questions, Your Honor.

12 **THE COURT:** Any redirect?

13 **MS. WALTER:** No, Your Honor. I would ask that Corporal
14 Domogauer be allowed to leave.

15 **THE COURT:** You may step down. You're excused.

16 Any objection to her being excused?

17 **MR. LUCAS:** No objection, Your Honor.

18 **THE COURT:** You're free to go.

19 **CORPORAL DOMOGAUER:** Thank you, Your Honor.

20 **MS. WALTER:** Your Honor, may we approach on a scheduling
21 matter?

22 **THE COURT:** Yes.

23 **REPORTER'S NOTE:** (Whereby bench conference is held.)

24 **THE COURT:** Ladies and gentlemen, we're going to take a
25 short break right now. I'm going to ask you to step to the

State vs Land

307

2020-DR-26-02425 & 02427

1 jury room. Do not discuss the case. I'll get you back out
2 here in just a few minutes.

3 Hold on just a minute, ladies and gentlemen. When you
4 all go back there before you come back out, if you all would
5 select a foreperson. I will tell you that the foreperson
6 can't be the alternate. Select a foreperson and write that on
7 a piece of paper as to who your foreperson is along with their
8 juror number and give it to Mr. Bobby, he will in turn give it
9 to me. The foreperson, whoever you all select, the foreperson
10 will sit in this front chair closest to the witness stand
11 where this young lady in the tan sweater/sweatshirt is right
12 now. You all take a short break and we'll get you back out
13 here shortly.

14 **REPORTER'S NOTE:** (Jury exits courtroom at 11:16a.m.)

15 **THE COURT:** We're going to stand down a few minutes.

16 **MR. LUCAS:** Thank you, Your Honor.

17 **(COURT IS IN RECESS)**

18 **THE COURT:** All right. We have the attorneys and the
19 defendant back in the courtroom. Is there anything from the
20 state before I bring the jury in?

21 **MS. WALTER:** Nothing from the state, Your Honor.

22 **THE COURT:** Defense counsel?

23 **MR. LUCAS:** Nothing from the defendant, Your Honor.

24 **THE COURT:** Would you tell them to bring me the jury?
25 I'll get my law clerk to do it.

1 **REPORTER'S NOTE:** (Jury enters courtroom at 11:34a.m.)

2 **THE COURT:** All right. We've got all of the jurors back
3 in the courtroom. I note that Ms. Williams, Juror 407, has
4 been selected as the foreperson of this jury.

5 Ms. Williams, that will be your assigned seat, so to
6 speak, from now on.

7 All right. If the state is ready to proceed, call your
8 next witness, please.

9 **MS. WALTER:** Thank you, Your Honor. The state calls
10 Investigator Sean Wydra.

11 **THE CLERK:** Please raise your right hand, place your left
12 hand on the Bible.

13 **SEAN WYDRA, HAVING BEEN**
14 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

15 **THE CLERK:** Please state your name and spell it for the
16 Court.

17 **INVESTIGATOR WYDRA:** Sean Wydra, last name is W-Y-D-R-A
18 first name S-E-A-N.

19 **MS. WALTER:** May I Your Honor?

20 **THE COURT:** Yes, ma'am.

21 **DIRECT EXAMINATION OF INVESTIGATOR WYDRA BY MS. WALTER:**

22 Q: Where do you work?

23 A: Horry County Police Department.

24 Q: How long have you been with Horry County?

25 A: I've been with the Horry County Police Department

1 approximately ten years.

2 Q: Did you have any prior law enforcement experience?

3 A: I do. I worked for the Georgetown County Sheriff's
4 Office prior to that for approximately three years.

5 Q: What is your current assignment with the Horry County
6 Police Department?

7 A: I'm a homicide detective.

8 Q: How long have you been in that assignment?

9 A: About three or four years.

10 Q: What are some of the duties and responsibilities of a
11 homicide investigator?

12 A: We obtain arrest warrants, search warrants, investigate
13 cases, collect evidence, write reports, make arrests, process
14 various electronic pieces of evidence, cell phone records, we
15 do cell downloads, you know essentially anywhere a case leads
16 up. It just depends on the circumstances for each individual
17 case.

18 Q: So does each case tend to have one lead investigator?

19 A: It does.

20 Q: And if you're not the lead investigator on a case, are
21 you often called upon to help up whoever is the lead
22 investigator?

23 A: Sure. So I mean generally when working a case like a
24 homicide it's a team effort. We do have a lead investigator
25 that the case is typically assigned to, but we have a number

1 of detectives that will assist in various circumstances, again
2 it just depends on the circumstances.

3 Q: So were you asked to assist in the investigation of this
4 case?

5 A: I was.

6 Q: So directing your attention to October 7th of 2019, were
7 you asked to get DNA samples from Cori Slocum and Camille
8 Bennett?

9 A: Yes, ma'am.

10 Q: Do you know how they are related to this case?

11 A: From what I understand it was the deceased's child and
12 the mother of the child.

13 Q: So were you able to obtain DNA samples?

14 A: Yes, ma'am.

15 Q: Was that with their consent?

16 A: Yes, ma'am.

17 Q: And can you tell us just how you go about collecting a
18 DNA sample from a person?

19 A: So you know again I know other crime scene investigators
20 were up here and talked about it a little bit, but typically
21 you know we have something like a large Q-tip, it comes in a
22 sealed package, it's sterile. We open that package and then
23 we would rub the Q-tip on the inside of the mouth and it's
24 basically an oral swab. It then gets packaged in a sterile
25 box, a sterile container, and it has some ends that you seal,

State vs Land

311

2020-DR-26-02425 & 02427

1 and then you turn it in.

2 Q: Okay.

3 **MS. WALTER:** So if I may approach, Your Honor, with
4 state's exhibits 43 and 44?

5 **BY MS. WALTER:**

6 Q: So this is 43, that's 44. Let's start with exhibit 43;
7 do you recognize that?

8 A: Yes, ma'am. That's an evidence envelope.

9 Q: What evidence is contained in there?

10 A: Swabs from Cori Slocum.

11 Q: So would those be the swabs that you obtained that day?

12 A: Yes, ma'am.

13 **MS. WALTER:** Your Honor, I'd ask that state's exhibit 43
14 be admitted.

15 **THE COURT:** Any objection?

16 **MR. LUCAS:** No objection, Your Honor.

17 **THE COURT:** So admitted.

18 **(STATE'S EXHIBIT NUMBER 43**
19 **IS ADMITTED INTO EVIDENCE.)**

20 **BY MS. WALTER:**

21 Q: And then exhibit 44?

22 A: This would be the swab box container and it sounds like
23 it contains the swabs and the name labeled on it is Camille
24 Bennett. It is collected by myself.

25 Q: So that is the DNA sample you collected that day?

1 A: Yes, ma'am.

2 MS. WALTER: Your Honor, I'd ask that state's exhibit 44
3 be admitted.

4 THE COURT: Any objection?

5 MR. LUCAS: No objection, Your Honor.

6 THE COURT: So admitted.

7 (STATE'S EXHIBIT NUMBER 44
8 IS ADMITTED INTO EVIDENCE.)

9 BY MS. WALTER:

10 Q: Once you collected those DNA samples, what do you do with
11 them?

12 A: We would turn them in to be processed.

13 Q: Who do you turn them in to?

14 A: Evidence.

15 Q: Once you -- can you describe that process? How do you
16 turn something in to evidence?

17 A: So we fill out a form you know submitting the evidence.
18 We generally would have a locker or a drop slot, the drop slot
19 is secured so it goes to a drawer. We use the drop slot for
20 smaller items that can fit through the drop slot, and that is
21 something that is secure and we no longer have access to once
22 it goes in there. The locked lockers are the same way. You
23 put the evidence in the locker, the key gets dropped into a
24 small hole in the locker that goes into the locker and then
25 from there we no longer have access to the evidence. And

State vs Land

313

2020-DR-26-02425 & 02427

1 that's just basically so that way the evidence is secure, it
2 can't be tampered with or taken or anything like that.

3 Q: Okay. I'm going to ask you to slow down just a little
4 bit for the court reporter.

5 A: Sure.

6 Q: So now directing your attention to October 17th, were you
7 still helping with this investigation?

8 A: Yes, ma'am.

9 Q: Specifically, on that day did you accompany Detective
10 Marcus to North Carolina for some interviews?

11 A: I did.

12 Q: Who was being interviewed that day?

13 A: Steven Morgan and his girlfriend Layne.

14 Q: Were you present with Detective Marcus throughout that
15 entire interview?

16 A: Yes, ma'am.

17 Q: Were they in custody at the time of the interview?

18 A: No, ma'am.

19 Q: Did either you or Detective Marcus during that interview
20 ask for their consent to collect DNA swabs?

21 A: Yes, ma'am.

22 Q: Did they in fact agree to provide DNA?

23 A: Yes, ma'am.

24 Q: Was it done in the same process that you've just
25 described?

1 A: Yes, ma'am.

2 Q: Who did the actual swabbing?

3 A: I believe that was Detective Marcus.

4 Q: Okay. But you were present for it?

5 A: Yes, ma'am.

6 MS. WALTER: Your Honor, I'm approaching with exhibits 45
7 and 60.

8 THE COURT: All right.

9 BY MS. WALTER:

10 Q: So let's start with exhibit 45.

11 A: That appears to be the samples collected from Steven
12 Morgan, and it's written on there collected by Ken Marcus.

13 Q: Okay. And you saw him collect that sample?

14 A: Yes, ma'am.

15 MS. WALTER: Your Honor, I'd ask that state's 45 be
16 admitted.

17 THE COURT: Any objection?

18 MR. LUCAS: No objection, Your Honor.

19 THE COURT: So admitted.

20 (STATE'S EXHIBIT NUMBER 45
21 IS ADMITTED INTO EVIDENCE.)

22 BY MS. WALTER:

23 A: State's exhibit 60, again, it's a box of the swabs with
24 DNA, and it's labeled Layne Styron, and again collected by Ken
25 Marcus.

1 Q: in your presence?

2 A: Yes, ma'am.

3 MS. WALTER: Your Honor, I would ask that state's 60 be
4 admitted.

5 THE COURT: Any objection?

6 MR. LUCAS: No objection, Your Honor.

7 THE COURT: So admitted.

8 (STATE'S EXHIBIT NUMBER 60
9 IS ADMITTED INTO EVIDENCE.)

10 BY MS. WALTER:

11 Q: Now, during that interview with Steven Morgan and Layne
12 Styron, did you also -- did either you or Detective Marcus ask
13 Mr. Morgan for his phone?

14 A: Yes, ma'am.

15 Q: Did he give it to you voluntarily?

16 A: Yes, ma'am.

17 Q: Did either of you ask for a password?

18 A: Yes, ma'am.

19 Q: Did he provide a password?

20 A: Yes, ma'am.

21 MS. WALTER: Your Honor, I'm approaching with state's
22 exhibit 46.

23 BY MS. WALTER:

24 A: State's exhibit 46 appears to be the iPhone 6 belonging
25 to Steven Morgan that was collected by us.

1 **MS. WALTER:** Your Honor, I would ask that state's exhibit
2 46 be admitted.

3 **THE COURT:** Any objection?

4 **MR. LUCAS:** No objection, Your Honor.

5 **THE COURT:** So admitted.

6 **(STATE'S EXHIBIT NUMBER 46**
7 **IS ADMITTED INTO EVIDENCE.)**

8 **BY MS. WALTER:**

9 Q: What was the purpose of collecting Mr. Morgan's phone?

10 A: Generally, in an investigation --- people use their phone
11 every day, they use their phone all of the time. People make
12 phone calls, text messages, they research things online,
13 social media apps to communicate with people, so there's a lot
14 of evidence about one's daily activities and what is going on
15 in their life during that time on that phone. People
16 generally don't go anywhere without a phone.

17 Q: How is it in this particular case that this phone was
18 processed?

19 A: So when -- in order to process a phone, to search a
20 phone, we obtain a search warrant which I did due to this
21 case. The phone is then given to a person to download it and
22 that's what we did here.

23 Q: To whom did you give that phone?

24 A: It would have been Kevin Holt.

25 Q: Okay. Now let's fast forward, I'm sorry, it stayed in

State vs Land

317

2020-DR-26-02425 & 02427

1 either property and evidence or your custody and control until
2 it went to Investigator Holt?

3 A: Yes, ma'am.

4 Q: Now, let's fast forward to March 3rd of 2020, were you
5 tasked with obtaining a DNA sample from the Defendant Darrell
6 Land?

7 A: Yes, ma'am, I was.

8 Q: Was his attorney present with him during the obtaining of
9 that sample?

10 A: Yes, ma'am.

11 Q: Was it done using the same procedure you've described
12 already?

13 A: Yes, ma'am.

14 Q: Can you specifically what, if anything, happened as you
15 were obtaining the DNA sample in this case?

16 A: This was again a consent sample that he provided. His
17 attorney was there. We filled out the correct paperwork. I
18 then take two sterile swabs just like I described before,
19 they're removed from the sterile package, and I swab the
20 inside of his mouth. During the process when I did swab his
21 mouth, I noticed something that kept being brushed up against
22 the swabs, it felt like something was maybe in his mouth. So
23 I did ask him that question and he indicated that was some
24 sort of piece of candy in his mouth, which he was asked to
25 remove, and he did. Then I reswabed him again.

1 **MS. WALTER:** Your Honor, I'm approaching with state's
2 exhibit 47.

3 **BY MS. WALTER:**

4 Q: That appears to be the swabs taken from Darrell Land. It
5 was collected by myself, Detective Wydra.

6 **MS. WALTER:** Your Honor, I would ask that state's 47 be
7 admitted.

8 **THE COURT:** Any objection?

9 **MR. LUCAS:** No objection, Your Honor.

10 **THE COURT:** So admitted.

11 **(STATE'S EXHIBIT NUMBER 47**
12 **IS ADMITTED INTO EVIDENCE.)**

13 **BY MS. WALTER:**

14 Q: Did you -- with state's exhibit 47, the swabs from the
15 defendant, did you follow the same procedure of depositing
16 that with property and evidence?

17 A: Yes, ma'am.

18 Q: I have nothing further, but Mr. Lucas may have some
19 questions for you.

20 A: Thank you, ma'am.

21 **THE COURT:** Cross examination.

22 **MR. LUCAS:** Thank you, Your Honor.

23 **CROSS EXAMINATION OF INVESTIGATOR WYDRA BY MR. LUCAS:**

24 Q: Investigator Wydra, right? Is that how you pronounce
25 that?

State vs Land

319

2020-DR-26-02425 & 02427

1 A: Wydra, yes, sir.

2 Q: Wydra. All right. Now, you didn't have any direct
3 contact or communication with Darrell Land, correct?

4 A: No, sir.

5 Q: Okay. And the candy or whatever Mr. Land had in his
6 mouth, that didn't have any affect on the results of that
7 test, correct?

8 A: I would not know whether or not it had any affect or
9 didn't have any affect because I don't process the DNA, sir.

10 Q: And over all Mr. Land, other than the candy, was a good
11 guy, was a good person to get the sample from, correct? He
12 didn't give you any problems?

13 A: I can't comment on whether or not he was a good person,
14 but as far as the DNA goes, he voluntarily provided the sample
15 of his DNA.

16 Q: Okay. Thank you.

17 **MR. LUCAS:** No further questions, Your Honor.

18 **THE COURT:** Redirect?

19 **MS. WALTER:** None, Your Honor.

20 **THE COURT:** Sir, you may step down. Thank you.

21 **INVESTIGATOR WYDRA:** Thank you, Your Honor.

22 **THE COURT:** Call your next witness, please.

23 **MS. WALTER:** Thank you, Your Honor. The state calls
24 Kevin Holt.

25 **THE CLERK:** Please raise your right hand, place your left

1 hand on the Bible.

2 **KEVIN HOLT, HAVING BEEN**
3 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

4 **THE CLERK:** Please state your name and spell it for the
5 Court.

6 **MR. HOLT:** Kevin Holt, last name is H-O-L-T.

7 **MS. WALTER:** May I, Your Honor?

8 **THE COURT:** Yes, ma'am.

9 **DIRECT EXAMINATION OF MR. HOLT BY MS. WALTER:**

10 Q: Are you currently working?

11 A: I'm retired.

12 Q: And where did you work prior to retiring?

13 A: South Carolina Army National Guard assigned to the Drug
14 Enforcement Unit of the 15th Circuit right here in Horry
15 County.

16 Q: And what was your position with the Drug Enforcement Unit
17 here?

18 A: So I do intel analyst type work, anything to do with
19 basically researching of people, trying to find locations of
20 targets that the Drug Enforcement Unit happen to be trying to
21 do or conduct a case on, and also do cell phone analysis,
22 download cell phones using Cellebrite.

23 Q: So did you do this cell phone extraction just for the
24 Drug Enforcement Unit, or were you sometimes called upon to
25 help out other agencies?

1 A: No, because the Drug Enforcement Unit was compiled of all
2 agencies in Horry and Georgetown counties, we assisted or gave
3 the assistance to assist when needed to download cell phones
4 for any other agency that was in our jurisdiction.

5 Q: Okay. And you mentioned a program called Cellebrite.
6 Can you tell us what Cellebrite is?

7 A: So Cellebrite is a tool that basically you connect to a
8 cell phone and it downloads the cell phone content off of each
9 individual cell phone, you know, contact information, text
10 messages, you know, contact, history, location, all kind of
11 information that's stored on a phone.

12 Q: Is it what you would call like plug and play program, you
13 sort of just plug the phone in and it should work?

14 A: Yeah, you have to do a few things to kind of make sure
15 that you go through the procedure properly. But, yes, it's
16 just basically plug it up and it extracts the information from
17 the phone.

18 Q: Does the program alter any of the information that's in
19 the phone?

20 A: No. There's no altering of the information in the phone
21 whatsoever.

22 Q: Are you able to alter, delete, change any of the
23 information in the phone?

24 A: No, ma'am.

25 Q: Once Cellebrite is done with its extraction, what does it

1 produce?

2 A: It produces a report, either PDF or you can get it done
3 several different ways, but most of the time we just do a PDF
4 report, and we burn it to CD and then we give it to the
5 investigator that requested the information.

6 Q: Okay. In this case were you asked -- were you given a
7 phone by Detective Wydra who just got off the stand?

8 A: Yes.

9 Q: Did you in fact use Cellebrite on that phone?

10 A: Yes, I did.

11 Q: Did Cellebrite provide a report?

12 A: Yes, it did.

13 Q: And did you provide that to the police department and to
14 the state for use as discovery?

15 A: Yes, I did.

16 Q: Have you had a chance to ---

17 **MS. WALTER:** Well, I'll actually approach if I can, Your
18 Honor.

19 **THE COURT:** Yes, ma'am.

20 **MS. WALTER:** Forty-six is already admitted.

21 **BY MS. WALTER:**

22 Q: I'm showing you previously admitted state's exhibit
23 number 46. Is that the phone that Detective Wydra gave you?

24 A: Yes.

25 Q: And then I am showing you what has not yet been admitted,

State vs Land

323

2020-DR-26-02425 & 02427

1 state's exhibit 117. Do you recognize that disc?

2 A: Yes.

3 Q: And what does that disc contain?

4 A: It contains a report, the Cellebrite report of the Morgan
5 cell phone.

6 Q: And did you view this CD prior to testifying today to
7 ensure that that is in fact the Cellebrite report that was
8 generated?

9 A: Yes. I look at every one of them that I produce. I make
10 sure that the report is actually there and that all of the
11 content, well the major content that needs to be there, the
12 date time it's extracted, make sure my name is on there so
13 that whoever looks at this CD would know that I did the phone
14 dump.

15 Q: Did you mark this CD in any way to show that you had
16 actually verified that?

17 A: Yes, I did.

18 Q: Okay.

19 **MS. WALTER:** Your Honor, I'd ask that state's exhibit 177
20 be admitted.

21 **THE COURT:** Any objection?

22 **MR. LUCAS:** No objection, Your Honor.

23 **(STATE'S EXHIBIT NUMBER 117**
24 **IS ADMITTED INTO EVIDENCE.)**

25 **BY MS. WALTER:**

1 Q: And other than testifying here today, was that sort of
2 the extent of your involvement in this investigation?

3 A: Yes.

4 Q: I have nothing further. Mr. Lucas may have some
5 questions for you.

6 **THE COURT:** Cross examination?

7 **MR. LUCAS:** No questions for this witness, Your Honor.

8 **THE COURT:** Sir, you may step down.

9 Call your next witness.

10 **MS. WALTER:** Your Honor, the state calls Detective Rash,
11 Fred Rash.

12 **THE CLERK:** Please raise your right hand, place your left
13 hand on the Bible.

14 **FRED RASH, HAVING BEEN**
15 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

16 **THE CLERK:** Please state your name and spell it for the
17 Court.

18 **DETECTIVE RASH:** My name is Fred Rash, F-R-E-D, last name
19 R-A-S-H.

20 **MS. WALTER:** May I, Your Honor?

21 **THE COURT:** Yes.

22 **MS. WALTER:** Thank you.

23 **DIRECT EXAMINATION OF DETECTIVE RASH BY MS. WALTER:**

24 Q: And where do you work?

25 A: Horry County Police Department.

State vs Land

325

2020-DR-26-02425 & 02427

1 Q: How long have you been there?

2 A: Approximately 16 years.

3 Q: What is your current assignment?

4 A: Homicide.

5 Q: How long have you been in that assignment?

6 A: I've been there for about a month.

7 Q: Okay. What was your assignment before that?

8 A: Special Victims Unit.

9 Q: Can you tell us what the Special Victims Unit does?

10 A: We handle missing persons, sexual crimes, anything that
11 falls under your special victim, instead of a property crime
12 of a death, everything else in between would be us. We have
13 an advanced array of assignments that we do.

14 Q: And how long were you in that position?

15 A: I believe roughly ten years.

16 Q: So you would have been in that position in 2019?

17 A: Yes.

18 Q: Despite your assignment to the Special Victims Unit, did
19 you -- would you also be tasked with helping out other
20 detectives on other investigations?

21 A: Yes.

22 Q: You might have said this, the Special Victims Unit would
23 have included missing persons?

24 A: Yes.

25 Q: Okay. So were you asked to assist in this investigation

1 when it was still classified as a missing persons
2 investigation?

3 A: I was. I was asked to assist Detective Miller at the
4 time. She's since remarried and has a different name now, but
5 she was the missing persons detective. She handled most of
6 the ones that would last -- if it was more than a week or two
7 they would assign it.

8 Q: All right. Specifically, what were you asked to do in
9 this case?

10 A: To try and locate Darrell Land in order to interview him.
11 Detective Miller had told me he was the last one that we know
12 had contact with him. So myself and Detective Sotile made
13 attempts to locate him, did locate him at the apartment
14 complex where he resided.

15 Q: Based on your conversation with the defendant at that
16 point and the information that you had at that point, did you
17 obtain a search warrant and execute a search warrant at a
18 recording studio?

19 A: I did.

20 Q: Was that with the help of Lieutenant Cestare?

21 A: Yes. Lieutenant Pete Cestare and there were other
22 detectives that were present as well to assist with any kind
23 of evidence collection.

24 Q: Was there anything of evidentiary value collected at that
25 time?

1 A: There were items collected, they did not turn out to be
2 of evidentiary value in this case.

3 Q: Did you, after that search, interview the defendant
4 again?

5 A: I did.

6 Q: Tell us how that came to be.

7 A: I was asked to call him back in due to him being the last
8 known person to have spoke with the deceased, and he was not
9 being cooperative at the time. I ended up speaking with his
10 wife, who then called him and had him to the office by 2
11 o'clock in the afternoon. He came in voluntarily. We talked
12 for a good period of time in the interview room. At the end
13 of the interview his phone was seized.

14 Q: Okay. During that interview did you receive any
15 information as to what may have happened to the victim, the
16 missing person Arnold Jamal Bennett?

17 A: Nothing came directly. There were numerous stories that
18 went back and forth, the story didn't make sense with what we
19 had knowledge of otherwise. Nothing came directly out saying
20 I did it or I didn't do it or anything like that. I believe
21 towards the end of the interview he kind of felt a little
22 upset with me, he felt like I was being accusatory towards
23 him, but it is what it is, it's part of what we do.

24 Q: Okay. Now, you stated that his phone was seized. I'm
25 approaching with state's exhibit 48. Is that the phone that

1 was seized?

2 A: Yes.

3 Q: What was the purpose of seizing ---

4 **MS. WALTER:** I'm sorry, Your Honor. I would ask that
5 state's 48 be admitted.

6 **THE COURT:** Any objection?

7 **MR. LUCAS:** No objection, Your Honor.

8 **THE COURT:** So admitted without objection.

9 **(STATE'S EXHIBIT NUMBER 48**

10 **IS ADMITTED INTO EVIDENCE.)**

11 **BY MS. WALTER:**

12 Q: What was the purpose of seizing his phone?

13 A: As Detective Wydra stated earlier, everybody for the most
14 part that phone is their lifeline nowadays. They have it with
15 them all of the time. The data we receive off of downloads of
16 these phones can help us to exonerate suspects or develop
17 further leads. There are programs, I'm not an expert in the
18 programs, but there are others that do it, they can track the
19 phones, they can do numerous things with that phone data
20 information that is gained from downloads.

21 Q: So what did you do with that phone once you seized it?

22 A: I directly turned it into evidence. I would have to see
23 my chain of custody to tell you 100 percent, I do not have the
24 chain of custody in front of me. I'm sure you've got it in
25 the file.

1 Q: Did you manipulate the phone in any way?

2 A: No. Darrell actually unlocked it for us so that we could
3 do it.

4 Q: Once the phone is submitted to evidence are you ever able
5 to get it again without permission from evidence?

6 A: Not without permission. The only time I can get it after
7 a download is done, then I can request that I do what they
8 call manual download which is basically reviewing somebody
9 phone after our technician has downloaded it. We don't touch
10 it, regardless of search warrant or not, until the technician
11 is done.

12 Q: Okay. I have nothing further for Detective Rash. Mr.
13 Lucas may have some questions.

14 **THE COURT:** Cross examination.

15 **MR. LUCAS:** Thank you, Your Honor.

16 **CROSS EXAMINATION OF DETECTIVE RASH BY MR. LUCAS:**

17 Q: Detective Rash, going back to the phone issue, Darrell,
18 Darrell Land gave you his phone, correct?

19 A: Yes.

20 Q: Okay. And did you give him his phone back or did it just
21 go into evidence?

22 A: No, we ---

23 Q: What's that?

24 A: He never got the phone back.

25 Q: He never got the phone back.

1 A: No.

2 Q: Now you talked with Darrell Land, correct? You
3 interviewed him?

4 A: Twice.

5 Q: Twice. And I believe you testified that you found
6 nothing of evidentiary value from that, correct?

7 A: No.

8 Q: You got nothing from Darrell Land from the interview that
9 he voluntarily gave you?

10 **MS. WALTER:** Objection as to the form of the question.

11 **MR. LUCAS:** Okay.

12 **BY MR. LUCAS:**

13 Q: When you interviewed Darrell Land, did he tell you
14 anything related to this case?

15 A: He told me numerous things. I know on the body camera
16 video we talked about prior gang affiliations; I believe he
17 mentioned Steven. Without reviewing the interview I don't
18 want to go too far into the exact verbiage, but I believe it
19 was two to four hours long.

20 Q: So it was a long interview?

21 A: Yes.

22 Q: Okay. Cool. All right. Thank you.

23 **MR. LUCAS:** No further questions, Your Honor.

24 **THE COURT:** Any redirect?

25 **MS. WALTER:** No, Your Honor.

23 A: Care, custody, and control of all property that comes in
24 and evidence that comes in. Occasionally I do data extraction
25 through Cellebrite.

1 Q: And I believe you were present when Kevin Holt explained
2 Cellebrite. Can you just -- is that how you understand
3 Cellebrite, it's basically a plug and play program?

4 A: Yes. You plug the phone or the device into a port, the
5 port extracts the data and a physical analyzer puts it into a
6 readable format for the investigators to use.

7 Q: Does the program alter the information that's contained
8 on the phone at all?

9 A: No, it does not.

10 Q: Are you able to alter any of the information or data
11 that's on the phone?

12 A: No, I am not.

13 Q: Were you asked to do a Cellebrite extraction on a phone
14 in this case?

15 A: Yes, I was.

16 Q: I am showing you state's exhibit 48. Is that the phone
17 that you extracted?

18 A: Yes, it is.

19 Q: Did Cellebrite generate that report after the extraction?

20 A: Yes, it did.

21 **MS. WALTER:** And I'm showing, Your Honor, state's exhibit
22 116.

23 **BY MS. WALTER:**

24 Q: Is that -- have you had a chance to review this CD that's
25 in front of you?

State vs Land

333

2020-DR-26-02425 & 02427

1 A: Yes.

2 Q: How do you know that that's the CD you've reviewed?

3 A: It has my initials on it.

4 Q: Okay. What does that CD contain?

5 A: The Cellebrite report for the phone in front of me.

6 Q: For the defendant's phone?

7 A: Yes.

8 Q: And would that report have been given both to the

9 investigators as well as to the state?

10 A: Yes, it was.

11 **MS. WALTER:** Your Honor, I would ask that exhibit 116 be
12 admitted.

13 **THE COURT:** Any objection?

14 **MR. LUCAS:** No objection, Your Honor.

15 **THE COURT:** So admitted without objection.

16 **(STATE'S EXHIBIT NUMBER 116**

17 **IS ADMITTED INTO EVIDENCE.)**

18 **BY MS. WALTER:**

19 Q: As part of your duties for property and evidence do you
20 also take items to SLED and then pick them up?

21 A: I do.

22 Q: Pretty often, correct?

23 A: Yes. Actually we try to go at a minimum twice a month,
24 but regularly now it's been more like once a week.

25 Q: When you go to SLED to submit items for their testing,

1 can you describe that process?

2 A: They have a locker system at SLED where you take your
3 evidence in. We package it, obviously, in tamper resistant
4 packaging. We have to do another chain of custody for SLED.
5 It gets dropped into a locker and time and date stamped that
6 we are delivering it. Once you deliver the evidence you don't
7 have access to get it back.

8 Q: When you pick the evidence up what do you have to do?

9 A: The same general rule, but you do more hand to hand
10 transferring when you pick evidence up. An evidence
11 technician meets you at a window, you're not allowed to go in
12 their environment, and they hand you the evidence and you sign
13 for it.

14 Q: So did you, as part of your duties in property and
15 evidence, take a number of the items in this case to SLED and
16 also return them to Horry County?

17 A: Yes.

18 **MS. WALTER:** Nothing further for Ms. Dudley.

19 **THE COURT:** Cross?

20 **MR. LUCAS:** No questions for this witness, Your Honor.

21 **THE COURT:** Ma'am, you may step down. Thank you.

22 **MS. DUDLEY:** Thank you.

23 **THE COURT:** Will the lawyers approach a minute, please?

24 **REPORTER'S NOTE:** (Whereby bench conference is held.)

25 **THE COURT:** All right. Ladies and gentlemen, at this

1 time I'm going to go ahead and let you go to lunch. I'm going
2 to go ahead and break for lunch. I'm going to ask you to be
3 back here by 1:30, be back here by 1:30. As I've said
4 throughout, do not discuss this case at all. You are to
5 decide this case based solely upon the evidence and testimony
6 given in this courtroom. Y'all have a nice lunch. I'll see
7 you back at 1:30.

8 **REPORTER'S NOTE:** (Jury exits courtroom at 12:06p.m.)

9 **THE COURT:** All right. Anything from the state before we
10 break for lunch?

11 **MS. WALTER:** Nothing from the state, Your Honor.

12 **THE COURT:** Defense counsel?

13 **MR. LUCAS:** Nothing from defense, Your Honor.

14 **THE COURT:** All right. 1:30.

15 **(COURT IS IN RECESS)**

16 **THE COURT:** All right. Anything from the state before I
17 bring the jury out?

18 **MS. WALTER:** No, Your Honor.

19 **THE COURT:** Defense counsel?

20 **MR. LUCAS:** Nothing from the defense, Your Honor.

21 **THE COURT:** All right. Bring me the jury, please.

22 **REPORTER'S NOTE:** (Jury enters courtroom at 1:30p.m.)

23 **THE COURT:** All right. Do we have all of the jurors
24 present?

25 **THE BAILIFF:** Yes, sir.

1 **THE COURT:** Call your next witness, please.

2 **MS. WALTER:** Thank you, Your Honor. The state calls Jack
3 Jamieson.

4 **THE CLERK:** Please raise your right hand, place your left
5 hand on the Bible.

6 **JOHN ALLAN JAMIESON, HAVING BEEN**
7 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

8 **THE CLERK:** State your full name and spell it for the
9 Court.

10 **AGENT JAMIESON:** My full name is John Allan Jamieson, J-
11 O-H-N A-L-L-A-N, Jamieson is spelled J-A-M-I-E-S-O-N.

12 **MS. WALTER:** May I, Your Honor?

13 **DIRECT EXAMINATION OF MR. JAMIESON BY MS. WALTER:**

14 Q: Agent Jamieson, where do you work?

15 A: I work for the South Carolina Law Enforcement Division so
16 called SLED.

17 Q: And how long have you worked there?

18 A: A little over five years.

19 Q: What is your current position at SLED?

20 A: I'm a Questioned Document Examiner in the Questioned
21 Document Section.

22 Q: How long have you held that position, the entire five,
23 little over five years at SLED?

24 A: Yes, that's correct.

25 Q: How much experience do you have in total in being a

1 questioned document examiner?

2 A: I first started my training as a questioned document
3 examiner in June of 1981, so the math says about 41 years.

4 Q: Have you worked as a questioned document examiner for
5 that entire 41 years in some capacity?

6 A: Yes.

7 Q: And can you -- you don't have to go into super specific
8 detail, but just give us some of your background as a
9 questioned document examiner.

10 A: I started my training in Toronto, Canada as a questioned
11 document examiner in June of 1981. The training was a two-
12 year apprenticeship type program as there were no schools for
13 questioned document examination. And my training consisted of
14 doing cases under the tutelage of senior examiners performing
15 various readings, textbooks, and literature that had been
16 amassed throughout the years. It also included numerous
17 quizzes both oral and written. And at the one-year mark I
18 passed a mock trial which is where they gave me a case, I
19 examined it, another qualified examiner examined it, and they
20 had a mock trial situation where they had a prosecutor, a
21 Judge, and defense counsel.

22 Further from there, I have attended numerous scientific
23 meetings throughout the years. I am a member of the
24 Midwestern Association of Forensic Sciences, as well as the
25 Southern Association of Forensic Document Examiners. And

1 training is basically ongoing.

2 Q: Thank you. You anticipated my next question, so have you
3 continued to attend training throughout that 41 years to
4 maintain sort of your proficiency as a questioned document
5 examiner?

6 A: Yes.

7 Q: Okay. And what does, let's focus in on SLED right now,
8 what does a questioned document examiner do?

9 A: We perform examinations and comparisons on handwriting,
10 handprint, signatures. We also look at altered or obliterated
11 documents in order to determine what the original writing was.
12 We look at indented writing, indented writing occurs on a top
13 sheet of paper, you indent your writing on the sheets below it,
14 so we look for indented writing in some cases. We also
15 compare pens, papers, inks, and pencils.

16 Q: Okay. How much of your time now is devoted to questioned
17 document examination?

18 A: Time at SLED?

19 Q: Yes.

20 A: Well probably about 75 percent currently.

21 Q: Now, you clearly had a sense of experience before you got
22 to SLED. Did SLED have you take any sort of proficiency exam
23 before they authorized you to be able to report on cases?

24 A: Yes. When I first came onto SLED I had to perform
25 satisfactorily on a proficiency test where they gave me a case

1 and quizzed me and also graded some that (inaudible). I also
2 undergo proficiency testing every year while at SLED, once a
3 year I do a case that is sent in by an independent agency and
4 my results are matched against what the results should have
5 been.

6 Q: Have you always passed that proficiency testing?

7 A: Yes.

8 Q: And you may have said this, how often do you have to do
9 that proficiency testing?

10 A: At least once a year.

11 Q: Okay. And how do you go about conducting a handwriting
12 or hand printing comparison?

13 A: For this case or ---

14 Q: Just in general.

15 A: Generally what I'll do is go through the known documents
16 and I will look at the known documents to determine whether or
17 not they're original, whether or not they are freely and
18 naturally written, whether or not they contain individual
19 features, whether or not they contain sufficient individual
20 features for comparison, and I determine whether or not the
21 known documents were all written by one person or one person
22 per item.

23 Then I go through the questioned documents and I do the
24 same thing. Basically I go through and see if they are freely
25 and naturally written, whether or not they contain individual

1 features, whether these individual features are present and of
2 sufficient quality upon which to base a comparison. I also
3 then determine whether or not the questioned material was all
4 written by one writer.

5 Then I perform a one to one comparison between the known
6 and the questioned writings. The things I'm looking for are
7 letter formations, relative heights between letters, alignment
8 of the letters and words on the line, indentations and
9 formatting on the questioned documents versus the known.

10 Q: And is that a generally accepted method of handwriting
11 comparisons?

12 A: Yeah. That's about the only method.

13 Q: Okay. What types of conclusions are you able to make
14 after you do this comparison?

15 A: We have basically a spectrum of opinions. On either end
16 of the spectrum we have either the person did or did not write
17 the document. Right in the middle of spectrum we have I don't
18 know whether or not the person either did or did not write the
19 document. Moving slightly out from the center of the I don't
20 know is indications the person either did or did not write the
21 document, that means that there's a degree of probability that
22 the person either did or did not write the document. Then
23 moving up from indications we have probability that the person
24 either did or did not, that means there's a good high
25 likelihood the person either did or did not write the

State vs Land

341

2020-DR-26-02425 & 02427

1 document. Then moving further out to just below elimination
2 or identification we have strong probability which means
3 you're almost certain the person either did or did not write
4 the document but you may be missing a feature or two that were
5 not basically duplicated between the questioned and the know.

6 Q: Thank you. Can you estimate how many questioned
7 documents you have examined in your 41 years as a questioned
8 document examiner?

9 A: I've done over 3,500 cases, but to give you a number of
10 documents, no.

11 Q: That's fine. Have you ever been qualified as an expert
12 in questioned documents?

13 A: Yes, I have.

14 Q: How many times?

15 A: Over 250 times.

16 Q: Were any of those times in General Sessions Court like
17 we're in now?

18 A: Yes. I've actually testified in this courthouse.

19 Q: Okay. Approximately how many times were in General
20 Sessions Court?

21 A: Between 10 and 15.

22 Q: Okay.

23 **MS. WALTER:** Your Honor, at this time I would proffer
24 Agent Jamieson as an expert in forensic document examination.

25 **THE COURT:** Anything from the defense counsel?

1 **MR. LUCAS:** No objection, Your Honor.

2 **THE COURT:** All right. Without objection, ladies and
3 gentlemen, this individual has been charged -- been qualified
4 as an expert in forensic document examination. I gave you the
5 instruction yesterday as to expert testimony and I told you
6 yesterday that just because an individual is qualified as an
7 expert that does not mean that you must accept the opinion.
8 It is there for you to use in any way that you see fit and
9 give it the weight and credibility that you deem appropriate.
10 You may continue.

11 **MS. WALTER:** Thank you, Your Honor.

12 **BY MS. WALTER:**

13 Q: Before we get into the examination that did in this case,
14 does SLED as an agency has a method of tracking movement of an
15 item that's been submitted from the time it's taken in to SLED
16 until the time it leaves SLED?

17 A: Yes. They have a computerized system called Beast, B-E-
18 A-S-T and it's a tracking system for chain of custody.

19 **MS. WALTER:** Your Honor, I'm approaching with state's
20 exhibit 32.

21 **BY MS. WALTER:**

22 Q: If you could take a moment to look over that.

23 A: Yes. This appears to be the chain of custody records for
24 this case.

25 Q: Okay. And that's identified by the SLED lab number

State vs Land

343

2020-DR-26-02425 & 02427

1 L1918652?

2 A: Yes.

3 Q: And this is a document that SLED keeps in its regular
4 course of business?

5 A: Yes.

6 **MS. WALTER:** Your Honor, I would ask that 32 be admitted.

7 **THE COURT:** Any objection?

8 **MR. LUCAS:** No objection, Your Honor.

9 **THE COURT:** Without objection, so admitted.

10 **(STATE'S EXHIBIT NUMBER 32**
11 **IS ADMITTED INTO EVIDENCE.)**

12 **BY MS. WALTER:**

13 Q: And again, before we get into the specifics, when you --
14 were you asked to examine certain items for this case?

15 A: Yes.

16 Q: After your examination did you prepare actually two
17 reports of your conclusions?

18 A: Yes, I did.

19 **MS. WALTER:** Your Honor, I'm approaching with state's
20 exhibits 41 and 42.

21 **BY MS. WALTER:**

22 Q: If you could look at those. Are those copies of the
23 reports you prepared in this case?

24 A: Yes. Exhibits 41, 42 are copies of the reports.

25 **MS. WALTER:** Your Honor, I would ask at this time that

1 exhibits 41 and 42 be admitted.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** So admitted.

5 **(STATE'S EXHIBIT NUMBERS 41 AND 42**
6 **ARE ADMITTED INTO EVIDENCE.)**

7 **BY MS. WALTER:**

8 Q: Do you need copies of these?

9 A: No.

10 Q: Okay. So can you explain to us what, I think you
11 referred to it as a known document, right? What do you mean
12 by a known document?

13 A: It's a document that's been witnessed by somebody or that
14 you can prove the known provenance of the document, i.e it's
15 that somebody can be proven to have written it and that would
16 be a known document.

17 Q: Right. And when you conducted your first round of
18 examinations in this case, did you have any what you would
19 call known standards?

20 A: No, I did not.

21 **MS. WALTER:** Your Honor, I'm approaching with exhibit
22 104.

23 **THE COURT:** All right.

24 **AGENT JAMIESON:** Your Honor, may I refer to my notes,
25 please?

State vs Land

345

2020-DR-26-02425 & 02427

1 **THE COURT:** Yes, sir.

2 **BY MS. WALTER:**

3 A: Yes. In my report issued March 1st, 2021 this is your
4 exhibit number 104, but it was my item number 77. I know it's
5 my item 77 because I have written the case number, the item
6 number, and my initials on the item. And this was submitted
7 as the known writings of Darrell Land.

8 Q: And you bring up a good point, so when you -- when SLED
9 was given items from Horry County, were they then assigned
10 different item numbers for SLED?

11 A: Yes. The SLED numbers don't necessarily reflect those
12 given by Horry County.

13 Q: Okay. But you do in fact recognize state's exhibit 104,
14 which is SLED item number 77?

15 A: That's correct.

16 **MS. WALTER:** Your Honor, at this time I'd ask that 104 be
17 admitted.

18 **THE COURT:** Any objection?

19 **MR. LUCAS:** No objection, Your Honor.

20 **THE COURT:** 104 admitted without objection.

21 **(STATE'S EXHIBIT NUMBER 104**
22 **IS ADMITTED INTO EVIDENCE.)**

23 **BY MS. WALTER:**

24 Q: Now, you referenced that that was part of your second
25 report, I believe, the March 1st, 2021. Does that mean that

1 you did not have that known standard for the first round of
2 examinations that you did?

3 A: That's correct.

4 Q: So looking specifically at that first round of
5 examinations that you did, how many items did you examine for
6 that report?

7 A: For the first report?

8 Q: Yes. So that would be dated August 10th of 2020.

9 A: Twenty-eight in total.

10 Q: Were they all documents or was there one ---

11 A: I think there was one that was a plastic bag.

12 Q: So that obviously was not examined for handwriting
13 comparison purposes?

14 A: That's correct.

15 Q: Did some of those items contain a mixture of writing in
16 pen and then some writing in pencil?

17 A: Yes.

18 Q: What were you asked to determine in that first round of
19 examinations?

20 A: On the submission documents I was not asked for anything
21 really specifically other than to perform a handwriting
22 examination. So since there was no known document submitted,
23 I basically went through them all and grouped them according
24 to authorship. In other words, I believe I had at least three
25 writers for the three parts, so I put them into pile one, two,

1 or three and grouped them according to common authorship. So
2 group one was not written by the same author as two, not
3 written by the same author as three, but I don't know who
4 wrote groups one, two, or three.

5 Q: Okay. But you were able to determine at least three
6 authors?

7 A: That is correct.

8 Q: Were there a group of documents that you examined where
9 you were not able to make a comparison or come to any
10 conclusions?

11 A: Yes. There was items 38 through 40. They were written
12 in some sort of code or something block lettered and I wasn't
13 able to group those with any of the three sets of writings I
14 received. They simply weren't comparable.

15 Q: Is that just because they were in the block writing were
16 as the others were kind of, I'll call it standard writing?

17 A: Yeah. Primarily they were in some sort of code. Part of
18 my comparison is I look for things like spelling as an
19 individual characteristics and it being written in code I
20 didn't know if it was spelled properly or not.

21 Q: Okay. I'm going to show you, bear with me for one
22 moment, what I'm actually going to do and this may -- you've
23 had an opportunity to look at these exhibits before you
24 testified, correct?

25 A: Correct.

1 **MS. WALTER:** Your Honor, I am approaching with state's
2 exhibits 98 through 115 with the exception of 104 which we've
3 already discussed.

4 **BY MS. WALTER:**

5 Q: So if you could just take a look at those again, those
6 are all documents and between the two reports you've looked at
7 all of those writings, correct?

8 A: I'm sorry. I'm just double checking.

9 Q: Absolutely. I want you to be precise.

10 A: Yes. Each one of these documents I've looked at before,
11 I know that because it again has the case number, the item
12 number that's assigned by SLED, as well as my initials on each
13 and every one.

14 Q: Okay. And I'm sorry, I'm jumping around a little bit
15 here. You said for your first report that you were able to
16 identify at least three authors, so you have sort of three
17 piles of documents that were attributable to the same person?

18 A: Three different people.

19 Q: Three different people, right. One pile attributable to
20 one person, the next pile attributable to a second person, and
21 the third pile attributable to a third person?

22 A: That's correct.

23 Q: Okay. So if we can start with what I'll call group three
24 which I believe would be your SLED items 42, 43 and 49. I
25 just want to make sure I can get our exhibit numbers ---

1 **MS. WALTER:** Pardon me, Your Honor.

2 **BY MS. WALTER:**

3 Q: So if you look at our exhibit 102, is that your exhibit,
4 excuse me, your item 102?

5 A: No, that's your item that's 102.

6 Q: Right, and yours 42?

7 A: Mine is 42.

8 Q: Okay. And state's exhibit 107, is that SLED item 43?

9 A: That's correct.

10 Q: I'm trying not to dump it all. State's exhibit 112, is
11 that your item 49?

12 A: Yes, it is.

13 Q: Were those all attributed to the same author?

14 A: Yes, they were.

15 Q: So if you could look at our exhibit 102, your item 42,
16 that's the envelope.

17 A: Yes.

18 Q: And is there a return address on that envelope?

19 A: Yes, there is. It says Jesse Smith.

20 Q: If Jesse Smith at some point admits to having written
21 that envelope, would it be your opinion that he was then the
22 author of all three of those documents?

23 A: That's correct.

24 Q: Now, if we can turn to what I'll call group one and that
25 would be, I believe, your items 53 through 55. And this would

1 just be on the report, I don't think they're state's exhibits.

2 A: All right.

3 Q: And then your items 28 through 32 and 36 in the ballpoint
4 pen writings and then the pencil writings on your items 35 and
5 41, those are all attributable to one author, correct?

6 A: That's correct.

7 Q: So if Steven Morgan has testified and admitted to the
8 authorship of at least one of those documents, it's your
9 opinion that he authored all of those?

10 A: That's correct.

11 Q: All right. And then we'll return to group two. You've
12 identified exhibit 104 as something that was submitted as a
13 known standard. Did you use that in doing the examinations
14 for your second report?

15 A: Yes.

16 Q: And you've identified that -- you said it's identified as
17 a writing standard from Darrell Land. Did you receive
18 additional items for the second round of examinations?

19 A: Yes, I did.

20 Q: How many?

21 A: I received twenty in total additional items.

22 Q: And would that include the handwriting standard?

23 A: That's correct.

24 Q: So I'm showing you what's been admitted, well it has
25 been, as state's exhibit 106.

State vs Land

351

2020-DR-26-02425 & 02427

1 **THE COURT:** I'm sorry, Your Honor. Did I ask that -- I'm
2 sorry. I would ask that items 98 through 115 be admitted, and
3 I believe 104 has already been admitted.

4 **THE COURT:** Ninety-eight has already been admitted.

5 **MS. WALTER:** Okay. How about if I phrase it this way,
6 any of those that have not yet been admitted I would ask that
7 they be admitted?

8 **THE COURT:** Ninety-eight through 115?

9 **MS. WALTER:** Yes.

10 **THE COURT:** 104 has been admitted as well.

11 **MS. WALTER:** Yes. And I believe 108, 109 and 110 have
12 been.

13 **COURT REPORTER:** I have 98, 101, 104, 106, 108, 109, 110
14 are in previously.

15 **THE COURT:** Okay. All right. Any objections Mr. Lucas?

16 **MR. LUCAS:** Confused, but no objection.

17 **THE COURT:** Admitted.

18 **(STATE'S EXHIBIT NUMBERS 99, 100, 102, 103, 105, 107, 111**
19 **THROUGH 115 ARE ADMITTED INTO EVIDENCE.)**

20 **THE COURT:** Okay. Thank you.

21 **BY MS. WALTER:**

22 **Q:** All right. So this was ---

23 **A:** This is state's exhibit 106 and that's my item 48 and
24 that was identified as having being prepared by Darrell Land.

25 **Q:** Okay.

1 A: As part of my second set of authors.

2 Q: Okay. Very good. Of the 19 additional items that you
3 examined for the second report, was Darrell Land also the
4 author of in total I think 16 of them? I know, I'm making you
5 count. I'm sorry.

6 A: I'm running out of fingers and toes here. Are you
7 talking just the second report?

8 Q: Just those 19 additional items, yes.

9 A: The only new items in the second report were items 61
10 through 76, so that would be 60.

11 Q: And then the other three were all attributed to group,
12 sorry now I lost the group number, the one that I said Steven
13 Morgan adopted that writing, so it would be his. So what I
14 called group one which was your items 53 through 55, so it
15 would be your group one on the initial report. I'm sorry,
16 this is confusing.

17 A: Yes.

18 Q: Okay. I don't think I have any further questions. Mr.
19 Lucas may have some.

20 **THE COURT:** Cross examination.

21 **MR. LUCAS:** Thank you, Your Honor.

22 **CROSS EXAMINATION OF AGENT JAMIESON BY MR. LUCAS:**

23 Q: Mr. Jamieson, you deal with handwriting, correct?

24 A: Yes, sir.

25 Q: I think we've covered this for quite some time now. And

1 you don't deal with fingerprints or DNA?

2 A: No, sir.

3 Q: Correct. Okay. And DNA and fingerprints those are
4 pretty precise, almost certainties, right?

5 A: Well I believe DNA speaks in degrees of statistics.

6 Q: Okay.

7 A: And fingerprints is very similar to what I do when I say
8 identified ---

9 Q: Okay. But you would say that like your specialty, this
10 handwriting analysis or comparisons, it's not like DNA, it's
11 not like fingerprints, correct?

12 A: I wouldn't say that at all. I would say at least
13 comparing to fingerprints, with which I am much more familiar
14 with, they look at individual features and they assess whether
15 or not there's sufficient individual features present to
16 identify something, and that's exactly what I do.

17 Q: Okay. Now, as far as getting these handwriting samples,
18 in personal experience your handwriting can change over time,
19 correct?

20 A: Certainly.

21 Q: Okay. For example, is your handwriting the same as it
22 was when you were in eighth grade?

23 A: Likely not.

24 Q: Likely not. Mine either. Now, knowing things like that,
25 you cannot -- well I don't personally believe that you can

1 confirm with certainty that Darrell Land is the author of
2 these things, right?

3 A: Yes, I can confirm with certainty ---

4 Q: Okay.

5 A: --- based on my examination, my 41 years' experience.
6 I'm absolutely sure he's the writer who did it.

7 Q: Okay. Now, you would agree that inmates who are in jail,
8 in prison, whatever they have time to essentially copy or
9 mimic someone's handwriting, correct?

10 A: To a certain degree, yes.

11 Q: Okay. And it could appear to be the same handwriting?

12 A: No. That's why I go through the questioned documents or
13 the documents to determine whether or not they are written by
14 the same writer. So if somebody was trying to copy or
15 immitate someone else's, there would always be one or two
16 significant differences that would take them out of the pile
17 as having been written by the same author or same person.
18 Some of the hallmarks of copying are poor line quality and
19 dithering stroke because you're drawing someone else's
20 handwriting. Some people, depending on how good they are,
21 they actually build some of their own characteristics into the
22 writing and that does separate it apart, no matter what time
23 and how long they've had to do it.

24 Q: I understand. Now, with -- I believe you testified to --
25 may have just testified to that you placed these letters into

1 three separate piles, correct?

2 A: Yes.

3 Q: Now, would that not itself draw some confusion on what
4 you're doing because as an example everyone just got confused
5 on what exactly was going on. Is that not similar to what you
6 do when you put them into these piles and then want to base
7 your opinion on this is definitely Darrell Land or Steven
8 Morgan or anyone else?

9 A: Well the technicalities of my examination are that I take
10 one document, usually the first one, item one, I will then
11 compare it to another document and if it matches or it doesn't
12 then I place them separately, then I go one and two versus
13 number three, numbers one through three compared to number
14 four so I don't get confused. I've been doing cases, I'm not
15 bragging, but I've been doing inmate quote "kite" cases for at
16 least 35 years and there's often almost a dozen writers in
17 these prison kites because they are passing letters
18 anonymously and I am able to separate them without confusion.

19 Q: Okay. I got you. But in cases like this, this is a big
20 case, you agree that it's a little questionable, is it not?

21 A: What's questionable?

22 Q: To like you have all of these kites and then you compare
23 them in these piles and then you say okay well that's Darrell
24 and that's Steven and when in reality Steven could have been
25 copying Darrell and Darrell could have been copying Steven ---

1 A: No, because ---

2 Q: --- that is where the question comes?

3 A: I'm sorry, but I look to see if they are written by a
4 common author. So if Darrell had been copying Steven, those
5 ones would have been set aside probably as I don't know
6 whether or not they are written by the same writer. So when I
7 separate them into piles, I also go through that pile again to
8 make sure that they are all written by the one writer. Also,
9 my cases are peer reviewed by another examiner and that
10 examiner is in agreement with my three different piles. For
11 example, in the first submission, yes, I had three piles but
12 then I had the fourth pile of I don't know, the coded
13 documents, they were separated out. So I'm afraid there's,
14 with respect, no confusion on my part as to whether or not
15 they're written by different authors and which ones are group
16 one, which ones are group two, which ones are group three.

17 Q: Okay. But you do understand, I would assume, that like
18 from my perspective, from the solicitor's perspective, from
19 Darrell's perspective, from Steven Morgan's perspective that
20 is confusing. You agree that to say that he ---

21 **MS. WALTER:** Objection, Your Honor.

22 **THE COURT:** Let him finish his question first and if you
23 have an objection then you certainly can make it but let him
24 finish his question.

25 **MS. WALTER:** Yes, sir.

State vs Land

357

2020-DR-26-02425 & 02427

1 **BY MR. LUCAS:**

2 Q: Essentially what I'm saying is that you would agree that
3 based on everything that we've seen right here and the issue
4 with not being DNA, not being fingerprints, this handwriting
5 comparison thing appears to be a little bit questionable, does
6 it not?

7 A: No.

8 **MR. LUCAS:** No further questions, Your Honor.

9 **THE COURT:** Any redirect?

10 **MS. WALTER:** No, Your Honor -- just very briefly because
11 I would like just one exhibit published to the jury at this
12 time.

13 **REDIRECT EXAMINATION OF AGENT JAMIESON BY MS. WALTER:**

14 Q: So this would be state's exhibit 106, which is in very
15 small writing, your item 48, I believe. That is one that you
16 attributed to the defendant Darrell Land?

17 A: Yes.

18 **MS. WALTER:** Your Honor, I would ask that this previously
19 admitted exhibit be published to the jury.

20 **THE COURT:** 106?

21 **MS. WALTER:** Yes.

22 **THE COURT:** Okay.

23 **MS. WALTER:** I don't have any further redirect, Your
24 Honor.

25 **THE COURT:** Any recross?

1 **MR. LUCAS:** No. No recross, Your Honor.

2 **THE COURT:** Sir, you may step down. Thank you.

3 **AGENT JAMIESON:** Thank you. May I leave, Your Honor?

4 **THE COURT:** Any objection to him being excused from the
5 state?

6 **MS. WALTER:** No, Your Honor.

7 **THE COURT:** Defense counsel?

8 **MR. LUCAS:** None from the defense.

9 **THE COURT:** Sir, you're excused from your subpoena. You
10 are free to go. Have a nice day.

11 **AGENT JAMIESON:** Thank you, Your Honor.

12 **MS. WALTER:** And Your Honor, if we can just give the jury
13 a couple of minutes to look at that.

14 **THE COURT:** All right. While they're looking at that,
15 Ms. Todd.

16 **REPORTER'S NOTE:** (Bench conference with Court and court
17 reporter regarding exhibits.)

18 **MS. WALTER:** Your Honor, I'm going to see if it will show
19 up on the T.V. Sometimes with the plastic bag it might be
20 hard, but that way everyone can look at it at once.

21 Okay. We're just going to pass it around. And, Your
22 Honor, I believe that I'm correct that the jury will have
23 these exhibits in the jury room as well.

24 **THE COURT:** Call your next witness.

25 **MS. WALTER:** Yes, Your Honor. The state calls Verona

1 Herrera.

2 **THE CLERK:** Please raise your right hand, place your left
3 hand on the Bible.

4 **VERONA HERRERA, HAVING BEEN**
5 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

6 **THE CLERK:** Please state your name and spell it for the
7 Court.

8 **MS. HERRERA:** Verona Herrera, V-E-R-O-N-A H-E-R-R-E-R-A.

9 **MS. WALTER:** May I, Your Honor?

10 **THE COURT:** Yes.

11 **MS. WALTER:** Thank you.

12 **DIRECT EXAMINATION OF MS. HERRERA BY MS. WALTER:**

13 Q: Ms. Herrera, please tell the jury where you work.

14 A: I work at the South Carolina Department of Health and
15 Environment Control or DHEC.

16 Q: How long have you worked there?

17 A: A little over two and a half years.

18 Q: Where did you work prior to that?

19 A: SLED.

20 Q: How long were you at SLED?

21 A: Approximately twelve and a half years.

22 Q: What was your last assignment at SLED?

23 A: I was a forensic serologist in the DNA Section at SLED.

24 Q: What does a forensic serologist do?

25 A: There's basically two types of duties for forensic

1 serologists at SLED. The first is pieces of evidence coming
2 in from crime scenes, we process for possible blood, semen,
3 saliva, and touch DNA. Then if there was potential semen or
4 blood the further testing could identify whether that was
5 other blood or semen and that's the second set of testing.

6 Q: So can you tell us first about your educational
7 background?

8 A: I have two associates degrees, one in public health, and
9 a Forensic Certificate from Greenville Technical College, an
10 Associates of Science from Tri-County Technical College, and a
11 Bachelors of Science in Criminal Justice Forensic from Liberty
12 University.

13 Q: Did you receive any additional training to become a
14 forensic serologist at SLED?

15 A: Yes. SLED has an inhouse training program under court
16 qualified analysts, and then you have to pass a test, actually
17 it's multiple tests there's like five or six of them in order
18 to do work on your own.

19 Q: Did you complete that training?

20 A: Yes, I did.

21 Q: While you were at SLED did you also have to regularly
22 take proficiency or competency exams?

23 A: Yes. Those are required every year.

24 Q: Did you always pass them?

25 A: Yes.

1 Q: Have you ever been qualified to testify in court as an
2 expert in forensic serology?

3 A: Yes, ma'am.

4 Q: How many times?

5 A: In forensic serology itself without the evidence
6 processing, it's approximately ten times. If you include the
7 evidence processing and the forensic serology it's somewhere
8 around 25, I believe.

9 MS. WALTER: Your Honor, at this time -- I'm sorry.

10 BY MS. WALTER:

11 Q: Have any of those times been in General Sessions Court?

12 A: All of them.

13 Q: Okay.

14 MS. WALTER: Your Honor, at this time I would offer Ms.
15 Herrera as an expert in forensic serology.

16 THE COURT: Mr. Lucas.

17 MR. LUCAS: No objection, Your Honor.

18 THE COURT: Ladies and gentlemen, this individual has
19 been qualified as an expert in forensic serology to give
20 opinion testimony. The same charge that applies to experts
21 applies to this witness.

22 You may continue.

23 MS. WALTER: Thank you.

24 BY MS. WALTER:

25 Q: While you were employed by SLED, were you asked to

1 perform any casework on items for SLED lab number 19-18652?

2 A: I was, yes, ma'am.

3 MS. WALTER: Your Honor, I am approaching with state's
4 exhibit 49 and 97.

5 THE COURT: Forty-nine and ninety-seven?

6 MS. WALTER: Yes, Your Honor.

7 THE COURT: All right.

8 BY MS. WALTER:

9 Q: So if you'd look first at 97.

10 A: Yes, ma'am.

11 Q: Do you recognize that item?

12 A: I do. This is SLED item number 8, which was a white t-
13 shirt and I can tell that by -- I'm sorry, lab number, item
14 number, my initials, the date the box was sealed is here.

15 MS. WALTER: Your Honor, I would ask that item number,
16 excuse me, state's exhibit 97 be admitted.

17 THE COURT: Any objection?

18 MR. LUCAS: No objection, Your Honor.

19 BY MS. WALTER:

20 Q: When you received that item, what specifically did you
21 do?

22 THE COURT: So admitted.

23 (STATE'S EXHIBIT NUMBER 97
24 IS ADMITTED INTO EVIDENCE.)

25 MS. WALTER: Oh, I'm sorry, Your Honor. I keep doing

State vs Land

363

2020-DR-26-02425 & 02427

1 that.

2 **THE COURT:** All right. Go ahead.

3 **BY MS. WALTER:**

4 A: The request on the item was for alternate known standard,
5 so I evaluated the item to see if there may be any bodily
6 fluids available on the item. There was an area that tested
7 positive for the presumptive test for acid --- I'm sorry, let
8 me rephrase that. It tested for acid phosphatase which is a
9 component of semen, so it potentially could be a sample of
10 semen, so that area was cut out and forwarded to the DNA
11 section.

12 Q: Did you do the actual cutting from the t-shirt?

13 A: I did, yes.

14 Q: Did you then assign an, I call it a sub-item number to
15 that?

16 A: Right, and that is what we call it as well. So an item
17 comes in -- chronologically as the items come in they are
18 given the numbers 1, 2, 3, 4, 5. Any cuttings or swabs taken
19 from that item becomes .1, .2, .3, .4 with the parent number
20 there. So in this case it was item 8 for us, the cutting from
21 that is 8.1.

22 Q: What did you do once -- with both of those items once you
23 did the cutting and that became 8.1?

24 A: So the white shirt was repackaged, returned to our
25 evidence control room to be returned to the agency. Item 8.1,

1 the cutting, was sealed inside the envelope. This is my
2 identity, 8.1, the lab number, my initials, and the date are
3 on the back that I sealed it as well as my initials and the
4 date that I sealed the package are here. And this, because I
5 prepped it for DNA, which basically means I put a small
6 cutting of that in a tube that DNA analyst would further test,
7 it was put into a special location for DNA analyst to
8 retrieve.

9 **MS. WALTER:** Your Honor, I would ask that state's exhibit
10 49 be admitted.

11 **THE COURT:** Any objection?

12 **MR. LUCAS:** No objection, Your Honor.

13 **THE COURT:** Without objection, 49 is admitted.

14 **(STATE'S EXHIBIT NUMBER 49**
15 **IS ADMITTED INTO EVIDENCE.)**

16 **BY MS. WALTER:**

17 **Q:** And so just to be clear, all further testing was done by
18 the DNA analyst?

19 **A:** That is correct.

20 **Q:** So basically, other than testifying here today, did that
21 conclude your involvement in this case?

22 **A:** To my knowledge, yes.

23 **Q:** Okay. Thank you. I don't have any further questions,
24 but Mr. Lucas might.

25 **THE COURT:** Mr. Lucas, cross examination.

State vs Land

365

2020-DR-26-02425 & 02427

1 **MR. LUCAS:** No further questions for this witness, Your
2 Honor.

3 **THE COURT:** Ma'am, you may step down. Thank you.
4 Call your next witness.

5 **MS. WALTER:** Your Honor, the state calls Agent Catherine
6 Leisy.

7 **THE CLERK:** Please raise your right hand, place your left
8 hand on the Bible.

9 **CATHERINE LEISY, HAVING BEEN**
10 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

11 **THE CLERK:** Please state your full name and spell it for
12 the Court.

13 **AGENT LEISY:** Catherine Leisy, C-A-T-H-E-R-I-N-E, last
14 name is L-E-I-S-Y.

15 **MS. WALTER:** May I, Your Honor?

16 **THE COURT:** Yes, ma'am.

17 **MS. WALTER:** Thank you.

18 **DIRECT EXAMINATION OF AGENT LEISY BY MS. WALTER:**

19 Q: Where do you work?

20 A: I work for the South Carolina Law Enforcement Division
21 more commonly referred to as SLED.

22 Q: How long have you worked for SLED?

23 A: A little over 16 years.

24 Q: What is your current assignment?

25 A: I am a DNA analyst assigned to the DNA Casework Unit.

1 Q: What are your duties as we call you a forensic DNA
2 analyst?

3 A: Correct.

4 Q: Okay. What are your duties as a forensic DNA analyst?

5 A: My responsibilities include processing forensic cases,
6 generating reports based on the results and conclusions drawn
7 on those cases, and testifying to those reports as necessary.
8 I also assist in the training of less experienced analysts. I
9 also have quality control responsibilities within the
10 laboratory. I'm also what is referred to as the point of
11 contact for the team that handles homicides, violent crimes,
12 and property crimes which essentially means that I sort of
13 triage cases that are submitted to the laboratory and handle
14 any preliminary phone calls, conversations with submitting
15 agencies or solicitors prior to the assignment of those cases.

16 Q: Okay. How long of your I think you said 16 years at SLED
17 have you worked as a forensic DNA analyst?

18 A: That's been my entire time at SLED.

19 Q: So did you have any experience prior to joining SLED?

20 A: I did. Before I came to SLED I spent approximately four
21 years as a forensic DNA analyst at a private testing facility
22 that at the time was known as (inaudible) Cellmark located in
23 Germantown, Maryland and I preformed the same types of tests
24 and analysis there that I do here as well.

25 Q: What is your educational background?

1 A: I have a Bachelor Of Science degree in genetic
2 engineering from Cedarcrest College in Allentown,
3 Pennsylvania.

4 Q: Did you -- we just heard Agent Jamieson talk about some
5 inhouse SLED training. Did you receive inhouse, and actually
6 Herrera testified as well, did you receive any type of
7 training at SLED before you were certified to do casework?

8 A: I did. I was trained in every type of test and analysis
9 I am required to perform as part of my job duty by another
10 court qualified analyst. We are required to take competency
11 tests prior to beginning testing on our own cases within the
12 laboratory. I am also required to undergo proficiency testing
13 at least twice a year to show both that I am performing my job
14 correctly, and that the protocols that we follow work as we
15 expect them to. We also participate in continuing education
16 which consists of seven hours of training sessions that keep
17 us up to date in the most current available tests that
18 forensic analysts are using right now.

19 Q: Have you always passed the proficiency exams you have
20 taken?

21 A: I have.

22 Q: Okay. Now let's turn and talk a little bit about DNA.
23 What in simple terms is DNA?

24 A: DNA stands for deoxyribonucleic acid and it's the genetic
25 material found in all of our body cells with the exception of

1 our red blood cells. DNA is packaged into structures called
2 chromosomes which are in genes. And genes are simple strands
3 of DNA that code our physical characteristics such as our
4 height or our eye color. We inherit one copy of DNA from our
5 mother, and one from our father, and therefore have two copies
6 of every gene. Now, approximately 99.9 percent of the
7 individuals DNA is identical to that of everyone else's, so we
8 test that remaining .1 percent to help tell different people
9 apart.

10 Q: Okay. And you answered most of this, so different people
11 have different DNAs. Is there ever an instance where two
12 people would have the same DNA?

13 A: The only exception would be identical twins.

14 Q: All right. Does a person's DNA typically remain constant
15 throughout their life?

16 A: Yes.

17 Q: Is there any way that a person can change their DNA?

18 A: You can't change your overall DNA code, everyone can have
19 mutations, but you know one bodily fluid, one bodily tissue
20 you expect to see the same DNA profile throughout your body,
21 throughout your lifetime.

22 Q: And if you find DNA on an item are you able to tell us
23 anything about when it was left there or how it was
24 necessarily left there?

25 A: No. The type of testing that we perform does not tell us

1 exactly how or exactly when the particular sample was left.

2 Q: Just that it is present?

3 A: Correct. We're just determining that it is present at
4 the time of testing.

5 Q: What types of fluids or substances can you test for DNA?

6 A: The most common types that we see are obviously blood
7 samples, we test saliva, semen, we also test what we refer to
8 as touch DNA. Touch DNA is really just the DNA that's left as
9 cells are transferred through physical contact. So as you
10 walked through the door, when you touched the doorhandle if
11 you leave enough of your DNA on that handle to be detected,
12 that would be considered touch DNA. We can also run what we
13 refer to as ownership. So if we receive an article of
14 clothing we may test the inside of the collar or around the
15 wrist, something to tell us who may have been wearing a
16 particular item that has been submitted.

17 Q: The methods that you use in developing profiles and
18 coming to your conclusions, are those new methods?

19 A: No. This is standard testing that really has not changed
20 in the 20 plus years that I have been doing this. New kits do
21 become available. The kits have become more sensitive, so
22 we're able to develop profiles from smaller amounts of DNA,
23 and we can now test more locations than we could when I
24 started doing this, but the overall testing itself has been
25 well established and has been used for quite a long time.

1 Q: So it is used by laboratories other than SLED?

2 A: It is. It's common testing now really worldwide.

3 Q: Is there a specific process of DNA kind of the overall
4 analysis used at SLED, like a three-step process?

5 A: There is. So the first step in the process is what we
6 refer to as DNA extraction. So we're really just isolating or
7 collecting the DNA from the item of evidence that we're
8 interested in testing.

9 Once that DNA is isolated, we go onto the process called
10 amplification and with that we're simply making copies of the
11 locations and the DNA that we're interested in testing. Those
12 locations are known as short tandem repeats or STRs. And an
13 STR is just a location in our DNA where a short core unit of
14 DNA repeats a certain number of times. And by making copies
15 we can count the number of times that unit repeats.

16 So once we have that information these repeat units have
17 all of the locations tested, that's what we refer to as a DNA
18 profile. So we'll see variation at different locations
19 between individuals, so at a particular STR location my copies
20 might be 10 and 11 meaning one copy of my DNA has 10 repeats
21 and the other copy has 11. If I compare that to another
22 individuals DNA profile at that location, their DNA types
23 might be 13 and 14, meaning they have 13 repeat units of one
24 copy and 14 repeats of the other. So in doing a comparison I
25 can tell that it's not DNA from the same individual.

1 So once we have a DNA profile developed from an item in
2 evidence we can compare it to the DNA profile of a known
3 individual to determine whether or not that individual may
4 have contributed the evidentiary profile.

5 Q: Thank you. And is SLED accredited by any organizations?

6 A: We are accredited by the ANSI National Accreditation
7 Board otherwise known as ANAB. And accreditation is a
8 voluntary process that labs can go through to show that they
9 meet certain standards and guidelines that have been set forth
10 to help promote consistency and quality in forensic testing.

11 Q: Are there any quality insurance measures employed in, and
12 I'll focus just on the DNA casework section, are there quality
13 insurance measures employed there?

14 A: There are. All workspaces and instruments are cleaned in
15 between each use. We only open one item at a time as we're
16 processing or cutting the item, that item is then sealed
17 before we move on the next item to prevent any confusion or
18 cross contamination. We also use what we refer to as negative
19 and positive controls.

20 Negative controls are used throughout the process where
21 we are adding the chemicals that we add to the sample and it
22 goes through the same process as the sample, but at the end of
23 the process that negative control should have no DNA in it.
24 And that's an indication that we are not introducing a
25 contaminated material to the DNA that could cause a problem

1 with our end result.

2 We also use positive controls which are DNA samples with
3 a known DNA profile that also is carried through to show that
4 the instrumentation is working correctly, to show that the
5 software that we use is working correctly, and to show that
6 we're getting the answer that we expect when we're finished
7 with the process.

8 Q: Have you ever been called by to testify in court as an
9 expert in forensic DNA analysis?

10 A: I have.

11 Q: Approximately how many times?

12 A: On approximately 100 occasions throughout South Carolina
13 as well as in jurisdictions in California, Massachusetts, New
14 Jersey, Florida, the District of Columbia, United States
15 Federal Court in Florence, South Carolina, and a US Army Court
16 Marshall at Fort Jackson.

17 **MS. WALTER:** Your Honor, at this time I would proffer
18 Agent Leisy as an expert in forensic DNA analysis.

19 **MR. LUCAS:** No objection, Your Honor.

20 **THE COURT:** Same instruction remains as far as expert
21 testimony.

22 You may continue.

23 **MS. WALTER:** Thank you.

24 **BY MS. WALTER:**

25 Q: What do you do when a case is assigned to you?

1 A: Once a case is assigned and I'm ready to begin the
2 laboratory process I make the request to our evidence control
3 department to ask that they gather up all of the items of
4 evidence and any known standards that I may need for testing.
5 Once it's taken into my physical custody it's also transferred
6 to me in our electronic chain system so that we can track the
7 evidence as it travels through the laboratory. I then begin
8 the process of DNA extraction and try to develop a profile.

9 Q: Are you given any information about the case prior to
10 starting your examination?

11 A: That depends really on the submitting agency. Typically
12 we do require certain information we need, or would like to at
13 least have, the names of any victims or subjects that may be
14 involved in the case, we need item descriptions so that we
15 know exactly what it is that we're testing. Depending on what
16 the request and what the items are we may need some level of
17 incident report to know what items may be probative, and by
18 probative we mean what item may provide an informative link
19 between two people or between a person at a particular
20 location. So we do generally need the basics of what it is
21 we're testing and who or what may be probative in this.

22 Q: So you don't -- if an agency submitted 100 items to you
23 at once, would you guys test them all?

24 A: No. We do try to limit the number of items that come in
25 for the sake of efficiency, and honestly for the sake of

1 storage within the laboratory. So we need some information
2 about what it is that we're, you know, what questions are we
3 trying to answer and what exactly has been submitted to us.

4 Q: At the end of your examination what types of conclusions
5 are you able to draw?

6 A: With the type of analysis that we perform at this point
7 it is possible even after attempting to develop a profile that
8 no profile suitable for comparison has been developed, that
9 maybe because there's just not enough DNA present, it maybe
10 because there have been environmental factors applied to that
11 sample that have caused it to degrade or breakdown meaning
12 that we can't develop any profile that's suitable.

13 It's possible that we have really a profile that's too
14 complex. It might be too many individuals to get a good look
15 and to be comfortable or confident in determining who may have
16 contributed to that particular profile.

17 When we have profiles that are suitable for comparison we
18 do a type of analytical comparison and interpretation that's
19 known as a likelihood ratio, and a likelihood ratio is a
20 mathematical calculation that compares two possible
21 explanations for the deeming profile. The resulting LR or
22 likelihood ratio value provides support for which one of those
23 possible explanations is more likely. So we may have a
24 likelihood ratio that supports the possible explanation that a
25 particular individual is contributing to the item. We also

State vs Land

375

2020-DR-26-02425 & 02427

1 may have a value that provides support to the possible
2 explanation that that individual is not contributing to an
3 item and it is actually an unidentified, unrelated individual
4 that has not been submitted. We can see using that type of
5 calculation an uninformative result which basically means
6 there's equal support both for the explanation that that
7 individual is contributing and that they are not. So
8 essentially it's an inconclusive result, it just doesn't
9 provide us with really support either way. We can also
10 exclude individuals meaning that we are confident that they
11 are not contributing to the DNA profile that we've done a
12 comparison with.

13 Q: And then with these likelihood ratios are you also able
14 to attribute sort of a verbal score to that?

15 A: We do. So we have what we refer to as a verbal scale and
16 it just helps provide, give some level of confidence as to the
17 level of support. So the lower the LR value is the weaker the
18 score is, as that LR value gets larger it's providing stronger
19 support for the possible explanation that it provides support
20 for.

21 Q: Now, moving a little bit more to the analysis in this
22 case, what is a DNA standard?

23 A: When we reference a DNA standard that is a standard taken
24 from a known individual. We take that standard, we try to
25 develop a profile, and then we develop, excuse me, compare

1 their profile to a profile developed from an item of evidence.
2 A simple sample for us, what we most commonly see, are buccal
3 swabs, which are just sterile cotton swabs that look just like
4 a Q-tip that are rubbed against the inside of the cheek to
5 collect cells from the inside of someone's mouth, or we'll
6 receive a blood sample either liquid blood in a tube or blood
7 that's been dried on filter paper.

8 Q: If you don't have either one of those items, either the
9 buccal swabs or blood in some form, are there other ways to
10 develop a DNA standard?

11 A: There are. So when a more traditional standard is not
12 available to us, we can use what we refer to as an alternate
13 known standard. So typically alternate knowns are going to be
14 an intimate item that belonged to a particular individual or
15 could be attributed to someone, so what we commonly see are
16 items like toothbrush, hairbrush, or razor, something that
17 would have collected that individual's cells and then we can
18 develop a profile from that and essentially make an assumption
19 that that is their profile. The biggest difference between an
20 alternate known and a more standard known is that the standard
21 known will have been collected by or in the presence of law
22 enforcement so that it is properly sealed and a chain of
23 custody is begun immediately upon collection. With alternate
24 knowns it's really more of item typically you would find in
25 someone's home or in their belongings.

State vs Land

377

2020-DR-26-02425 & 02427

1 Q: Okay. So now let's get into this case, were you assigned
2 to perform some analysis in this case SLED item, excuse me,
3 SLED lab item 19-18652?

4 A: Yes, I was.

5 Q: And did you complete the report sort of in a couple of
6 stages?

7 A: There were reports written. Yes, ma'am.

8 Q: Okay. So let's talk first about the victim in this case
9 Arnold Jamal Bennett, did you have what we'll call a typical
10 DNA standard for him, either blood or buccal swabs?

11 A: No. For the profile for Mr. Bennett we did use an
12 alternate known standard.

13 Q: So I am going to -- hold on, here it is -- showing you
14 what's been admitted as state's exhibit 49. I believe that's
15 SLED item 8.1.

16 A: That's correct.

17 Q: Is that what you used to develop an alternate standard
18 for the victim in this case?

19 A: Yes, it is and I recognize it based on the SLED case
20 number, the item number, the description, as well as my
21 initials on the envelope. And this is a cutting that was
22 taken from a white t-shirt by Verona Herrera.

23 Q: All right. So were you in fact able to develop a DNA
24 standard?

25 A: I was able to develop a profile from this particular

1 item. It was a mixture of at least two individuals. Based on
2 our protocols in such situations, if we can determine that one
3 individual contributed significantly more DNA than the minor
4 second contributor, we can use that major DNA component as a
5 known standard. So for this particular mixture there was one
6 individual who contributed significantly more DNA. I did use
7 the major contributor as a known standard for Arnold Bennett
8 for comparisons to evidence in the case.

9 Q: Okay. And I'm now handing you state's exhibits 43 and 44
10 which have been admitted. After developing the alternate
11 standard from your item 8.1, did you then receive the items
12 I've just handed you which I believe would be your items 6 and
13 7?

14 A: That's correct.

15 Q: And that would be DNA standards from Camille Bennett and
16 Cori Slocum?

17 A: Yes, ma'am.

18 Q: So what was the purpose of having those standards? What
19 were you able to do with them?

20 A: This is another type of comparison that we can do in
21 cases where we don't necessarily have a traditional known
22 standard. It was identified to me that the profile from
23 Camille Bennett was the DNA standard from the biological
24 daughter of Arnold Bennett, and that Cori Slocum was the
25 biological mother of Camille Bennett. So we can use family

1 members essentially to perform paternity testing which can
2 help us to identify or confirm the individual that has
3 contributed a particular item.

4 Q: So based on your analysis of those two items were you
5 able to confirm that the alternate standard that you had
6 developed for the victim in this case was suitable for
7 comparison?

8 A: The paternity test or paternity comparison was actually
9 run against another item in the case, but it did provide
10 support and help confirm that the major contributor from the
11 cutting from the shirt was consistent with what we would
12 expect to see from the Arnold Bennett profile.

13 Q: Okay. And then were you also at some point given several
14 teeth and bones for DNA analysis.

15 A: I was. There were a total of three teeth submitted and
16 three bones.

17 Q: Did you examine all of them?

18 A: I tested one of the teeth and I scraped what was possible
19 tissue from the three bones that were submitted and then did
20 an extraction of both the tooth and the possible tissue in an
21 attempt to develop a profile from the remains.

22 A: So let's deal first with that tooth, which is SLED item
23 11. Did you develop a DNA profile from that tooth?

24 A: Yes, I did.

25 Q: And can you -- was it -- now we get into the scientific

1 lingo, but was it more likely that the DNA profile that you
2 developed for from that tooth that you would find that profile
3 if Arnold Jamal Bennett was the contributor to that single
4 source profile than if anyone else had been?

5 A: So when I did develop a profile from the tooth, it was
6 determined to be a single source profile which means we
7 believe it to be DNA from just one individual. I then
8 performed likelihood ratio calculation that I described
9 earlier. So just a general example of how the likelihood
10 ratio works when we're using it with DNA, my two possible
11 explanations first being that it is Arnold Bennett
12 contributing to the DNA profile. My second possible
13 explanation is that it is an unidentified, unrelated
14 individual contributing to the DNA profile. After performing
15 the calculation, it was determined that if the DNA profile
16 developed from the major contributor to the t-shirt is from
17 Arnold Bennett, then the DNA profile developed from the tooth
18 is approximately 170 octillion times more likely if Arnold
19 Bennett contributed the DNA profile than it is an
20 unidentified, unrelated individual. So that would provide
21 support for that first possible explanation.

22 Q: The first possible explanation being that Arnold Bennett
23 was the contributor to the DNA profile developed of the tooth?

24 A: Correct.

25 Q: And you used a number 170 octillion.

1 A: Correct.

2 Q: How many zeros in an octillion?

3 A: One octillion would have 27 zeros behind it.

4 Q: And so I think you said that you could do a verbal
5 support scale. What would the verbal support here be?

6 A: So for a number in the octillions it would be -- the
7 analysis would provide very strong support for the possible
8 explanation that it is Arnold Bennett contributing DNA to the
9 profile. Any value greater than 1 million we consider very
10 strong support, that's our highest category.

11 Q: Okay. Now, for other rounds of analysis that you did,
12 did you receive other DNA standards?

13 A: Yes, I did.

14 Q: From whom did you -- from whom were those standards
15 taken?

16 A: They were additional standards submitted from Albert
17 Chestnut, Michael Bellamy, Steven Morgan, Layne Styron,
18 Darrell Land, and Lakesha Land.

19 Q: And then were you also asked to try to develop DNA
20 profiles for a number of items of evidence?

21 A: Yes, I was.

22 Q: So I am approaching with state's exhibit 18, which looks
23 like SLED exhibit 1, and state's exhibit 22, SLED exhibit 2.

24 A: These items were submitted as SLED 1 was swabs from
25 exterior driver door handle, and 2 was swabs from interior

1 driver door handle.

2 Q: Were you able to develop a DNA profile from those items?

3 A: Yes, I was.

4 Q: Okay.

5 A: Excuse me, no. For SLED's items 1 and 2, I did attempt
6 to develop DNA profiles, but no profile was developed from
7 either item.

8 Q: Why might that be?

9 A: The request for these particular items was for touch DNA,
10 which I described earlier is DNA transferred through the
11 physical contact. So when you swab an item it could be that
12 the DNA that has been there has been removed. It can be wiped
13 away, it can be cleaned, environmental factors can act to
14 degrade it. And it is possible that where the swab was
15 collected there just was not sufficient material present to
16 develop a DNA profile.

17 Q: And I'm now approaching with state's exhibit 26, which is
18 SLED item 3, this would be a swab from the gearshift of the
19 victim's truck. I believe the first two were also from the
20 victim's truck. Were you able to develop a DNA profile for
21 that item?

22 A: Yes, I was. A DNA profile was developed from the swabs
23 from the gearshift, and it was interpreted as a mixture of two
24 individuals.

25 Q: And you told us earlier about these proposition sets that

1 you use after you are able to develop a profile. Was -- and
2 you said that it was a mixture of two individuals?

3 A: That's correct.

4 Q: So was the result the same for each sort of sets of
5 propositions that it was more likely that that DNA profile
6 would be developed if it was two unrelated, unidentified
7 individuals than any of those standards that you used?

8 A: That's correct. So when we have numerous standards we do
9 an individual comparison for each of those known individuals
10 and for each of those comparisons the likelihood ratio value
11 that was developed determined that there was more support that
12 it was two unidentified, unrelated individuals contributing to
13 the profile than that any of the individuals that I have known
14 standards for would have contributed.

15 Q: And so the known standards would have included the
16 victim's standard, right?

17 A: That's correct.

18 Q: So why might it be that if it's the victim's car that his
19 DNA wouldn't be say on the gearshift which you would expect
20 him to have touched.

21 A: Again, it could be an issue of the DNA being wiped away,
22 things be cleaned, someone else's DNA having been left. Touch
23 DNA there's a great variety in how much DNA a particular
24 individual can leave. I mean it can depend on how often you
25 touch an item, how long you touch it, do you sweat profusely,

1 how recently have you bathed. There are a lot of different
2 things that go into whether or not enough DNA will be left on
3 an item for touch DNA analysis.

4 Q: Now, your report notes that you submitted the DNA profile
5 that was developed here to CODIS. Can you explain what CODIS
6 is.

7 A: CODIS stands for Combined DNA Index System. It's an
8 electronic database that is maintained by the FBI. It
9 contains DNA profiles of known individuals, as well as DNA
10 profiles developed from items of evidence related to criminal
11 cases. When we develop essentially an unidentified profile or
12 a profile that we do have a standard that's consistent for it,
13 we can enter it into CODIS, have it run against all of the
14 profiles that are contained within that database to see if we
15 have any hits or any profiles in the database that are
16 consistent with what we entered and that can help us
17 potentially identify the contributor or at the very least link
18 possible related cases through those DNA comparisons.

19 Q: So when you entered this profile into CODIS did it
20 generate a hit or an investigative lead?

21 A: It did. The hits that we refer to as an identification
22 or investigatory leads are generated by our DNA Database
23 Department and this particular case provided the name of
24 Patrick Galuchi (ph).

25 Q: And that is not sort of a definitive conclusion, you

1 would still need a standard for Mr. Galuchi (ph) to confirm
2 for sure that it's him, correct?

3 A: That is correct. These letters go out and are considered
4 to be investigative leads. So when a name is provided to an
5 agency for us to really be able to do much with it they would
6 have to go secure a traditional known standard that we've been
7 discussing, a buccal swab or a source of blood, submit that to
8 the laboratory for direct comparison testing. So we would
9 then develop a profile from the standard, compare it to the
10 evidence to confirm that.

11 Q: Okay. Now I'm approaching with state's exhibit 27, which
12 is SLED item 4, and that would be a swab from the steering
13 wheel of the victim's truck. Were you able to develop a DNA
14 profile from this item?

15 A: Yes, I was.

16 Q: Was that a single source or a mixture?

17 A: The DNA profile developed from the steering wheel was
18 interpreted as a mixture originating from three individuals.

19 Q: Let's start first with exclusions, were you able to
20 exclude anyone?

21 A: I was able to exclude Albert Chestnut, Michael Bellamy,
22 Steven Morgan, Layne Styron, and Darrell Land as contributors
23 to the mixture.

24 Q: Were there any standards that you had at that point for
25 people you were not able to exclude?

1 A: There were two individuals from who I received a
2 likelihood ratio referred to as an inclusionary likelihood
3 ratio, so a ratio value that supports the possible explanation
4 that they were a contributor to the DNA profile developed. So
5 in regards to Arnold Bennett, if the DNA profile developed
6 from the major contributor to the shirt is from Arnold Bennett
7 then the DNA profile is approximately 260 times more likely if
8 Arnold Bennett and two unidentified, unrelated individuals
9 contributed to the mixture than if three unidentified,
10 unrelated individuals contributed to the mixture.

11 And in relation to Lakesha Land, the DNA profile is
12 approximately 93 times more likely that Lakesha Land and two
13 unidentified, unrelated individuals contributed than if three
14 unidentified, unrelated individuals contributed.

15 Q: Okay. Did you then create a proposition set to possibly
16 account for contributions by both Arnold Bennett and Lakesha
17 Land?

18 A: I did. Anytime that we have multiple individuals who
19 provide LR values that are supporting their possible
20 contribution to the mixture, we then run those individuals
21 together to compare to see if it's possible that they are both
22 contributing to this mixture. In doing that the possible
23 explanations then become, the first being Arnold Bennett,
24 Lakesha Land, and an unidentified, unrelated individual
25 contributed to the mixture. The second possible explanation

1 is that it is three unidentified, unrelated individuals
2 contributing to the mixture. And it was determined that if
3 the DNA profile developed from the major contributor to the
4 shirt is Arnold Bennett then the DNA profile cannot be
5 explained by a combination of DNA from Arnold Bennett and
6 Lakesha Land under the list of propositions.

7 Q: So how does that happen if you have some support for
8 Arnold Bennett contributing and some support Lakesha Land
9 being a contributor, how can it be that a combination couldn't
10 be explained?

11 A: Well for both Mr. Bennett and Ms. Land the likelihood
12 ratio values were much lower than we have discussed to this
13 point, so we have one likelihood ratio of 260 which we
14 consider to be moderate support for that possible explanation.
15 The other LR developed for Ms. Land was 93 which we actually
16 consider weak support. So we're not seeing the same level or
17 same strength of support in what we saw in what we previously
18 discussed. So when you try to run them together it could
19 possibly just mean that when you use the individual profiles
20 from both of those individuals compared to that mixture it
21 just doesn't make sense at that point. It doesn't fit with
22 both of them having contributed to that particular profile.

23 Q: Okay. So let's turn now to items from the Sandridge
24 home. So I am showing you state's exhibit 54, which I believe
25 was the swab from the tile labeled number 1. Were you able to

1 develop a DNA profile from that item.

2 A: I did attempt to develop a profile, but no profile was
3 developed from that particular item.

4 Q: And again, why might that be?

5 A: It could just be due to lack of DNA. There might not
6 have been enough DNA based on the testing that we're
7 performing to develop a profile. It could have been
8 chemically removed or degraded, washed away.

9 Q: I'm now showing you state's exhibit 55, which is a swab
10 from the tile seam. Were you equally unable to develop a DNA
11 profile from that item?

12 A: That's correct. I did attempt testing, but no DNA
13 profile was developed.

14 Q: And you may have mentioned this as one possibility why
15 that would happen, if someone had cleaned an area where DNA
16 once existed, might that prevent you from being able to
17 develop a profile?

18 A: It could. Items can be used to wipe away DNA, and again,
19 it can also be used to degrade or break down DNA to the point
20 that we are not able to develop a profile.

21 Q: And now I am showing you state's exhibit 56, which is a
22 swab from the subfloor. Were you able to develop a DNA
23 profile from that item?

24 A: Yes, I was. A profile suitable for comparison was
25 developed and it was determined to be a mixture originating

1 from two individuals.

2 Q: So let's deal first with the victim Arnold Bennett, what
3 conclusions were you able to reach as to whether he was a
4 possible contributor?

5 A: If the DNA profile developed from the major contributor
6 to the shirt is from Arnold Bennett, then the DNA profile
7 developed from the subfloor is approximately 800 billion times
8 more likely if Arnold Bennett and an unidentified, unrelated
9 individual contributed to the mixture than if two
10 unidentified, unrelated individuals contributed to the
11 mixture.

12 Q: And so what type of support is that for the proposition
13 that Arnold Bennett was one of the contributors to that DNA
14 profile?

15 A: That analysis would provide very strong support that
16 Arnold Bennett and an unrelated, unidentified individual
17 contributing to the mixture as compared to two unidentified,
18 unrelated individuals.

19 Q: Okay. I'm showing you state's exhibit 57, which is a
20 swab from the master sink at that home. Were you able to
21 develop profile from that item?

22 A: I was. From the master sink there was a DNA profile
23 suitable for comparison developed and that profile was
24 interpreted as a mixture originating from two individuals.

25 Q: Were you able to exclude, of the DNA standards that you

1 had, everyone but Steven Morgan and Layne Styron?

2 A: That's correct.

3 Q: If Steven Morgan and Layne Styron were the primary
4 residents of that home, would you expect to find their DNA in
5 the master sink?

6 A: I absolutely would. Any, you know, brushing your teeth,
7 washing your hands, anything like that could easily deposit
8 DNA in the area where an individual lives.

9 Q: Okay.

10 **MS. WALTER:** Court's indulgence for one moment.

11 **BY MS. WALTER:**

12 Q: I'm going to first approach with state's exhibit 81,
13 which is SLED item 23. Now we're on swabs taken from the
14 defendant's car. So state's exhibit 81, which is your 23, was
15 from the interior trunk lip. Were you able to develop a DNA
16 profile there?

17 A: I was not. I did perform testing, but no STR DNA profile
18 was developed. That is worded a little bit differently. The
19 tests that we run in addition to the STR locations also test
20 for gender markers. I did receive a very weak result in the
21 gender marker, but there was no profile developed that was
22 suitable for comparison.

23 Q: And when you say that you received some information on a
24 gender marker, can you describe that a little bit more?

25 A: We test for location that's known as (inaudible) which

1 gives us x and y, so females you see x, males you see x and y.
2 We also test for two locations that are male specific. So any
3 time we get an indication at one of those locations, but not
4 at the more STR locations, we would use the wording that
5 there's no STR DNA profile developed. Essentially it's just
6 that there is not a profile suitable for comparison.

7 Q: Are you able to say whether that gender marker was male
8 or female?

9 A: We don't report or use any type of interpretation with
10 such a weak reply.

11 Q: Okay. So now showing you state's exhibit 82, which is
12 your item 24, and this would be swabs from the rubber seal of
13 the trunk. Were you able to develop a DNA profile?

14 A: Yes, I was.

15 Q: Were you able to, I'm sorry, was it a single source or a
16 mixture?

17 A: From SLED number 24 swatch from the rubber seal of the
18 trunk of the Crown Vic the DNA profile was interpreted as a
19 mixture originating from three individuals.

20 Q: Were you able to exclude any of the people whose
21 standards you had?

22 A: Albert Chestnut and Michael Bellamy are excluded as
23 contributors.

24 Q: Okay. So now I want to sort of break it down into
25 people. Let's start first with Steven Morgan and Layne

1 Styron, was it more likely that you would develop a DNA
2 profile from that item if three unidentified, unrelated
3 individuals had contributed than if either Morgan or Layne
4 Styron had contributed?

5 A: That's correct.

6 Q: And now let's turn to Darrell Land and Lakesha Land, did
7 you first develop a proposition set for each of them
8 individually?

9 A: That's correct.

10 Q: So was it more likely that you would develop that DNA
11 profile if Darrell Land and two others contributed than if
12 three unidentified, unrelated individuals contributed?

13 A: It was. And in that case the likelihood ratio developed
14 was eight.

15 Q: Is that weak support?

16 A: Correct.

17 Q: Was it also more likely that you would develop that DNA
18 profile if Lakesha Land and two others contributed than if
19 three unrelated, unidentified individuals contributed?

20 A: Again correct. And the LR value for that particular
21 comparison was four.

22 Q: So also weak support?

23 A: Yes.

24 Q: And now you knew from the initial analysis that you did
25 that there was very strong support that the DNA profile would

1 be developed if the victim was one of the three contributors,
2 correct?

3 A: Correct. The likelihood ratio calculation for Arnold
4 Bennett developed an LR value of 360 sextillion which would be
5 very strong support for that possible explanation.

6 Q: How many zeros in that?

7 A: One sextillion would be a one with 21 zeros behind it.

8 Q: Okay. So then did you create a proposition set to
9 determine if it was more likely than not that you would
10 develop a DNA profile if the, excuse me, if the victim and
11 Darrell Land and an unidentified, unrelated individual
12 contributed to the profile as opposed to three unidentified,
13 unrelated individuals?

14 A: I did. And again, whenever we have multiple individuals
15 with what we consider inclusionary LR or an LR supporting
16 their possible contribution we have to run comparisons
17 including those individuals together to kind of see if
18 everything fits. So with the comparison using both Arnold
19 Bennett and Darrell Land, it was determined that if the DNA
20 profile developed from the major contributor to the t-shirt is
21 Arnold Bennett then the DNA profile developed from item 24 is
22 approximately 88 septillion times more likely if Arnold
23 Bennett, Darrell Land, and an unidentified, unrelated
24 individual contributed than if three unidentified, unrelated
25 individuals contributed.

1 Q: And again, we are dealing with SLED item 24 still?

2 A: Yes.

3 Q: And that would be the swab from the rubber seal of the
4 trunk?

5 A: That's correct.

6 Q: Okay. Did you do the same thing to see if it was more
7 likely than not that you would develop that DNA profile if the
8 victim, Lakesha Land, and an unidentified, unrelated
9 individual contributed than if three unidentified, unrelated
10 individuals contributed?

11 A: I did. And for that particular analysis it was
12 determined that again if the profile developed from the major
13 contributor to the shirt is from Arnold Bennett then the DNA
14 profile from item 24 is approximately 8.2 septillion times
15 more likely if Arnold Bennett, Lakesha Land, and an
16 unidentified, unrelated individual contributed to the mixture,
17 than if three unidentified, unrelated individuals contributed.

18 Q: Okay. And I'm going to get to your caveat, because I
19 know that there's a caveat. But just to repeat, when you
20 looked to see whether it was more likely that the victim,
21 Darrell Land, and I'm just going to say another person because
22 I'm tired of saying unidentified, unrelated, it would be more
23 likely that you would develop that DNA profile if the victim,
24 Darrell Land, and another person contributed than if three
25 unknown people contributed?

1 A: That's correct.

2 Q: And that was very strong support for that proposition?

3 A: That's correct.

4 Q: And then the same went for if it was the victim, Lakesha
5 Land, and another person versus three unidentified people?

6 A: That's correct.

7 Q: And then again, that was very strong support?

8 A: Yes.

9 Q: But you have a caveat to you conclusion there, and what
10 is that?

11 A: So it's what we refer to as the disparity statement, so
12 as I've mentioned when we have multiple individuals with LR
13 supporting that they have possibly contributed to the mixture
14 when we run them together, when you have one individual who is
15 producing a very large LR such as 360 sextillion for Mr.
16 Bennett, and you have another individual whose LR is
17 significantly lower, such as the LRP that developed for
18 Darrell Land, when you run those two individuals together like
19 in this case we came up with a likelihood ratio value of 88
20 septillion, that number is so large because of the support to
21 Arnold Bennett. That is essentially influencing that second
22 calculation because there's such strong support for the
23 explanation for Arnold Bennett. So when you're considering
24 Darrell Land it is appropriate to consider the LRP. That
25 initial test is what we consider for that particular

1 individual and the same would be true for Lakesha Land. Her
2 LR was 4, so when run with Mr. Bennett the number comes to 8.2
3 septillion, but again that's being influenced by the very
4 strong support for Mr. Bennett. So when considering Lakesha
5 Land it is appropriate to consider the LR.

6 Q: But the bottom line is that the fact that there is such
7 strong support for Arnold Bennett being a contributor to the
8 profile that that in essence weakens the support that it was
9 combined with either Darrell Land or Lakesha Land?

10 A: I wouldn't say it weakens the support. It's you know his
11 number is what it is separately. Again, we run the
12 combinations together to see if it makes sense if they could
13 all be contributing to make sure all of the puzzle pieces fit.
14 But again, the issue is that huge disparity in the LR values
15 when you have one number in the sextillions and one in single
16 digits, the lower number is being greatly influenced by that
17 larger number when you run the two together. So it's just
18 important to remember that that additional comparison is to
19 see if they might fit together, but concerning each individual
20 you use the initial result.

21 Q: Okay. And I think we're on our last item. So this would
22 be state's exhibit 86 and SLED item 25, which is a swab from
23 the plastic molding from the trunk of the Crown Vic. Were you
24 able to develop a DNA profile from that item?

25 A: I was able to develop a DNA profile suitable for

1 comparison from the black plastic molding and it was
2 interpreted as being single source or being DNA from one
3 individual.

4 Q: Were you able to exclude any of the individuals for whom
5 you had DNA standards?

6 A: Because it was single source I could just visually
7 exclude by comparing the DNA profiles, and I was able to
8 exclude Albert Chestnut, Michael Bellamy, Steven Morgan, Layne
9 Styron, Darrell Land, and Lakesha Land as contributors.

10 Q: So you were able to exclude everyone except the victim
11 Arnold Bennett?

12 A: That's correct.

13 Q: Okay. And did you develop a likelihood ratio for that?

14 A: I did. If the DNA profile developed from the major
15 contributor of the shirt is from Arnold Bennett then the DNA
16 profile developed from the black plastic molding from the
17 trunk is approximately 160 octillion times more likely if
18 Arnold Bennett contributed the profile than if an unrelated,
19 unidentified individual contributed.

20 Q: And how many zeros in an octillion?

21 A: One octillion would be a one with 27 zeros behind it.

22 Q: Okay. I don't think I have any more questions for you
23 Agent Leisy. Mr. Lucas may have some. Let me get the
24 evidence out of your way.

25 **THE COURT:** Cross examination.

1 **MR. LUCAS:** Thank you, Your Honor, not many questions.

2 **CROSS EXAMINATION OF AGENT LEISY BY MR. LUCAS:**

3 Q: I'm terrible at math, as soon as you said octillion I'm
4 out. But one thing that we do know, we know that based on all
5 of the evidence that you provided, Arnold Bennett was the
6 contributor to this, correct?

7 A: To which particular item?

8 Q: The stuff in the back of the Darrell Land's car, we know
9 that?

10 A: Well what we know is that based on the analysis performed
11 there is very strong support that we would see those profiles
12 if Mr. Bennett is a contributor to the mixture. We don't
13 perform -- it's not an identification, that's not the type of
14 analysis that we're doing. It is providing very strong
15 support for the explanation that he is contributor.

16 Q: Okay. But still while we know that, we don't know who
17 killed Arnold Bennett, do we?

18 A: That's not a question I can answer, sir.

19 Q: Yeah, I understand. Thank you.

20 **MR. LUCAS:** No further questions, Your Honor.

21 **THE COURT:** Any redirect?

22 **MS. WALTER:** No, Your Honor.

23 **THE COURT:** You may step down.

24 **AGENT LEISY:** Thank you, sir.

25 **MS. WALTER:** And, Your Honor, we would ask that she be

1 released from her subpoena.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** All right. You are released from your
5 subpoena; you are free to go. Have a nice day.

6 **AGENT LEISY:** Thank you.

7 **THE COURT:** All right. Ladies and gentlemen of the jury,
8 as this witness is stepping down we're going to go ahead and
9 take our afternoon break, we've been going a little over an
10 hour and a half. I'll let you step to the jury room. Do not
11 discuss the case at this time. I'll have you back in a few
12 minutes.

13 **REPORTER'S NOTE:** (Jury exits courtroom at 3:10p.m.)

14 **THE COURT:** All right. We'll stand down for a few
15 minutes.

16 **MS. WALTER:** Thank you.

17 **(COURT IS IN RECESS)**

18 **THE COURT:** For scheduling purposes what else, what do
19 you have today?

20 **MS. WALTER:** I have three witnesses left. The next
21 witness is Jesse Smith who landed here at 1:40 and has a
22 flight out at like 6:00 so I need to get him on. And then
23 Corporal Donahue from the jail who will speak to decoding
24 those coded kites. And then Detective Marcus is the last
25 witness.

1 **THE COURT:** So those last two might be kind of lengthy?

2 **MS. WALTER:** Detective Marcus I would certainly expect to
3 be lengthy. I mean short of staying late, I don't think we
4 will finish the case today anyway. So if Your Honor would
5 prefer we just go through Jesse Smith and then have those
6 other two in the morning?

7 **THE COURT:** That's fine.

8 **MS. WALTER:** And if you could just give me a short break
9 to get my head together before closings, that would be great.

10 **THE COURT:** Okay.

11 **MR. LUCAS:** I agree with that, Your Honor.

12 **THE COURT:** Okay. All right. Anything from the state
13 before we bring the jury back out?

14 **MS. WALTER:** No, but if the Court wants we can move this
15 out of the way for the rest of the day because we're not ---

16 **THE COURT:** Is Mr. Smith here yet?

17 **MS. WALTER:** He is.

18 **THE COURT:** Okay. Okay.

19 **MS. WALTER:** He's in the back.

20 **THE COURT:** All right. Y'all want to move that?

21 **MS. WALTER:** Yes.

22 **THE COURT:** All right. Bring me the jury, please, ma'am.

23 **REPORTER'S NOTE:** (Jury enters courtroom at 3:31p.m.)

24 **THE COURT:** All right. We have all of the jurors back.

25 At this time we'll continue the case.

State vs Land

401

2020-DR-26-02425 & 02427

1 The state is recognized. Call your next witness, please.

2 **MS. WALTER:** Thank you, Your Honor. The state calls
3 Jesse Smith.

4 **THE CLERK:** Please raise your right hand, place your left
5 hand on the Bible.

6 **JESSE SMITH, HAVING BEEN**
7 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

8 **THE CLERK:** Please state your name and spell it for the
9 Court.

10 **MR. SMITH:** Jesse Smith, J-E-S-S-E S-M-I-T-H.

11 **MS. WALTER:** May I, Your Honor?

12 **THE COURT:** Yes, ma'am.

13 **DIRECT EXAMINATION OF MR. SMITH BY MS. WALTER:**

14 Q: Mr. Smith, do you know the defendant Darrell Land?

15 A: Yes.

16 Q: How do you know him?

17 A: From J. Reuben Long.

18 Q: Okay. So let's just jump into that. You have a little
19 bit of a criminal history, right. That would be why you were
20 at J. Reuben Long?

21 A: Yes, ma'am.

22 Q: Okay. And I just have to go through it. So you have a
23 2010 conviction for shoplifting?

24 A: Yes, ma'am.

25 Q: And a 2015 conviction of breaking into cars, or tanks

1 where fuel is stored?

2 A: Yes, ma'am.

3 Q: And another charge of breaking into cars or tanks?

4 A: Uh-huh. (Affirmative response)

5 Q: And you just have to say yes or no for the court
6 reporter.

7 A: Yes, ma'am.

8 Q: From 2017 obtaining property by false pretenses which is
9 a felony?

10 A: Yes, ma'am.

11 Q: Also from 2016 two additional shoplifting convictions and
12 one for obtaining property under false pretenses?

13 A: Yes, ma'am.

14 Q: One for moving or taking or disturbing the property of
15 another which is a felony?

16 A: Yes, ma'am.

17 Q: A forgery charge from 2019 that was a felony?

18 A: Yes, ma'am.

19 Q: An enhanced shoplifting conviction from 2019 that was a
20 felony?

21 A: Yes, ma'am.

22 Q: I think possession of a stolen car which would be a
23 felony from 2019?

24 A: Yes, ma'am.

25 Q: Another shoplifting with enhancement from 2019?

State vs Land

403

2020-DR-26-02425 & 02427

1 A: Yes, ma'am.

2 Q: And then in fact are you currently on federal probation?

3 A: Yes, ma'am.

4 Q: And what are you on probation for?

5 A: Wire fraud and distribution of heroin.

6 Q: So you said that you knew the defendant Darrell Land from
7 being at J. Reuben Long. Were you ever housed with the
8 defendant?

9 A: Yes, ma'am.

10 Q: Did you have a particular name that you called him?

11 A: We called him D.

12 Q: D. Did you ever come to know another inmate, Steven
13 Morgan?

14 A: Yes, ma'am.

15 Q: So at some point did you begin passing kites back and
16 forth between the defendant who you called D and Steven
17 Morgan?

18 A: Yes, ma'am.

19 Q: Can you tell us how that started?

20 A: I got relocated to a different housing unit and I seen D
21 on the other side of the glass. A couple of minutes went by
22 and somebody called me to the glass and said hey here's a note
23 from D. Then I opened it and it basically said, hey, you're
24 in the cell block with my codefendant. I need you to do me a
25 favor, let me know if you can.

1 Q: Did you agree to do that favor?

2 A: Yes.

3 Q: Okay. What was that favor?

4 A: Pass a note back and forth to him but do not let him take
5 the note. He was only allowed to read the note.

6 Q: So when -- do you recall the first note that you got to
7 take to Steven Morgan?

8 A: Yeah.

9 Q: Did you read it before you took it to him?

10 A: I read it while I was -- while Steven Morgan was reading
11 it because I was holding it right there in front of him so we
12 kind of read it together.

13 Q: What did it say?

14 A: Basically the first line was can't believe you snitched
15 on me, I can't believe you did this to me after everything I
16 did for you. I'm going to make sure you and me both do life
17 for this. All you had to do was what I told you to do and we
18 would be out of here a long time ago. That's when I stopped
19 reading because it's none of my business.

20 Q: Okay. What did you do with that note after you read it
21 to Mr. Morgan?

22 A: I gave it back to D like I was told to. Well not D
23 personally, but the person that was out on the range during --
24 the rec situation was split rec so I couldn't hand it directly
25 to him. There was somebody who was taking it him.

State vs Land

405

2020-DR-26-02425 & 02427

1 Q: And when you say him, you're referring to the defendant?

2 A: Yes, ma'am.

3 Q: Okay. What happened next?

4 A: Steven came to me later that day and asked me if I could
5 send a note back for him to D. I said, yeah, I ain't got a
6 problem with that. So he gave me a note all folded up and I
7 sent it back through the same person that had been running the
8 notes. I didn't read it.

9 Q: Did this continue where you were passing notes back and
10 forth between the defendant and Steven Morgan?

11 A: Yes.

12 Q: Did you read any more of those notes?

13 A: Yeah. After a couple of notes they were like written in
14 code or something, it was just a bunch of letters on it, so I
15 didn't really get to read those. But after a few I did read a
16 couple, you know, that was telling him I just need you to
17 confess to this so I can get out of jail and go see the voodoo
18 doctor. One of us has to be touched. I told you I'll take
19 care of you. I'll get you a lawyer and everything is going to
20 be fine. You have nothing to worry about, all we have to do
21 is this ritual and we can get out of this. Your charge will
22 disappear.

23 Q: All right. So who was that note from?

24 A: That was from D.

25 Q: Okay. Who was that note to?

1 A: Steven.

2 Q: Did you bring that note to Steven?

3 A: Yeah.

4 Q: Did you read it to him, or did he read it?

5 A: He read it.

6 Q: What happened? Did you then have a conversation with
7 Steven?

8 A: Not after that note. I told Steven that he had to give
9 it back to me so I could give it to D, which I didn't. I kept
10 the note and Steven wrote a note back. I didn't read it. D
11 sent another note saying basically you're going to have to
12 write the confession. You're going to have to put it in a
13 sealed envelope. You're going to have to go on the kiosk and
14 write them and I'm going to give you insurance to make sure
15 that if the voodoo doesn't work then you can get out of jail.
16 I didn't read it at first what the insurance was. I just
17 acted like I didn't read the note.

18 After that when he came out on evening rec Steven came up
19 to me and said, hey, I need to talk to you. I said about
20 what? He said about all of this shit. I said -- sorry for my
21 language. But I was like what are you talking about? He was
22 like everything; I need to talk to you. I was like what's up?
23 Let's walk. So we walked around and he said do you believe in
24 this voodoo stuff? I said to be honest with you, no, you know
25 that's just not my believe. He goes well I do, and D does,

State vs Land

407

2020-DR-26-02425 & 02427

1 and I think we've got a good chance at this, you know,
2 working. I was like what are you talking about. He said well
3 he wants me to confess to this and write a confession letter
4 to my lawyer and write a confession on the kiosk and get him
5 out of jail so he can go do a ritual. I already knew this
6 because I was reading the notes and I was like that sounds
7 crazy. It doesn't sound very believable to me, but that's not
8 my belief, who am I to judge. He was like, yeah, I think it
9 will really work. He just has to be touched so he wants me to
10 write a confession and put one on the kiosk. I said well
11 that's stupid.

12 He said, no, he's going to give me insurance. I was like
13 well what kind of insurance are you getting for life in
14 prison. He said well he's going to give me a handwritten
15 confession stating that he did it all so that way after 30
16 days if the voodoo doesn't work I can give this to my lawyer
17 and then I'll be released and they'll rearrest D. I said well
18 that sounds crazy, but it's your life, what are you telling me
19 about it? He said well he doesn't trust me enough to let me
20 hold the confession, he wants you to hold it. He trusts you.
21 I said well that's crazy, but I mean let's think about it
22 first. He said well he's already doing it, I told him yeah.
23 I'm like so you're about to give me a handwritten confession
24 is what you're telling me. He said well D is. I said all
25 right, dude, then let's do this. Whatever you guys want to

1 do, I'll help y'all out.

2 So later that night I get called to the door on evening
3 rec, a kite comes through the door, I open it up -- well first
4 the guy who gave it to me said you read it first. Don't give
5 it to Steven, you read it first. So I opened it up and it
6 said, Jesse, do not give this to Steven. Make sure he does
7 write a handwritten confession to his lawyer, seals the
8 envelope, and you witness him doing it, goes to the kiosk,
9 writes Captain Safford or whatever her last name is, and does
10 a confession on that. Then I need you to keep the confession
11 until I get released from jail and then you can give it to
12 Steven and he can hold on to it.

13 So I read it, I read the confession. It was written in
14 cursive. All the other kites were written in print. If I'm
15 really doing this to help Steven out and this is all going to
16 be binding, in my head I felt like the confession didn't look
17 right, you know what I mean? It didn't look like all of the
18 other ones. But I took it to Steven, and I said, hey, this is
19 your confession. He's like all right, that's cool. I said
20 but you've got to realize it's not signed, it's not dated,
21 anybody could have wrote that, I could have wrote that and
22 gave it to you. If I'm really doing this and you really are
23 getting your life saved at the end of the day if this voodoo
24 doesn't work, you need a little better confession than that.

25 And he's like well what should I do? I said well you

State vs Land

409

2020-DR-26-02425 & 02427

1 should get him to print it first in the same handwriting that
2 he wrote the other ones in. You should get him to sign it and
3 date it and get his cell mate as a witness to sign it and date
4 it on the bottom. And he was like damn, Jesse, thank you.
5 You just saved my life. I said well if it was me in your
6 position I'd want a binding confession that actually works,
7 not some piece of paper with some scribble on it.

8 So he wrote a note back to D and told him what he wanted
9 and how he wanted the confession. He sent it back and sent it
10 with the original cursive confession.

11 Then the second confession came through and it was in
12 print with two signatures on the bottom and dated. I took it
13 to Steven, I showed it to him. Steven said all right, I've
14 got my confession already written. He got it witnessed and he
15 put it in an envelope and sealed it. I said all right. So he
16 sat down and wrote his lawyer and read his whole confession,
17 this is Steven's. I put it in the envelope and sealed it. We
18 walked up to the desk and got the attention over on the other
19 side of the glass to D's cell. I pointed at him and I pointed
20 at the envelope. He gave me a thumbs up. I handed it to the
21 officer. Then I went to the kiosk. I got his attention,
22 pointed at the kiosk. I gave him the thumbs up and he gave me
23 the thumbs up.

24 After it was done, I was walking around with Steven and I
25 was like you know you're getting moved out of here, right? He

1 said, no, man I'm not moving. I'm like, no, they're
2 definitely going to move you, you're a security risk now, you
3 just confessed to murder on a kiosk in the county jail.
4 They're coming to pack you up like immediately. He was like
5 do you think so? I'm like yeah. So you know what do you want
6 to do? You are standing here right now man to man, I have a
7 conscious at the end of the day and you're going to leave and
8 I'm going to be stuck with this confession and you're not
9 going to have any insurance. So do you want it? No, I don't
10 want it, man. You just hold it and you know if you don't hear
11 anything or you don't see D get out of jail or something, man,
12 you promise you're going to turn it in for me? I was, yeah,
13 dude, I'll turn it in right now if you want me to. If you
14 want me too, I will give this confession to the friggin police
15 right now, man, and you can walk the hell out of here. I
16 don't care. This ain't my life involved; this is yours. He
17 was like I appreciate it, Jesse, man, just I don't think I'm
18 getting moved. I said all right.

19 The next morning we wake up, Steven Morgan was getting
20 packed up and getting walked out. I walked out to the door
21 and I said hey man, do you want this? He said, no, I'm good,
22 man I got it, I'm good. I said all right. So I ran over to
23 the side door where the other people were on rec on the other
24 side in D's unit. I said go tell D they're packing him up and
25 he's moving out. So the guy ran to D's cell, ran back. He

State vs Land

411

2020-DR-26-02425 & 02427

1 said D said flush that that you've got, and he'll figure it
2 out. He's going to take care of you and he'll get him another
3 one some other time.

4 That didn't sound right to me, but you know all right. I
5 felt like that was a shithead move, so I was like no. I'm
6 going to do what I told Steven I was going to do and I'm going
7 to hold on to it until something happens, somebody goes home,
8 then we'll cross that bridge later. I'm not about to just go
9 flush this kid's only fucking insurance to getting out of life
10 in prison for something he swears he didn't do. I'm not a
11 judge, but being person to person I can't just go off of what
12 he just told me and be like fuck you and flush it down the
13 toilet, so I kept it.

14 I went upstairs, thought about it, talked to my cellmate
15 about it. I was like dude, what should I do? He was like
16 shit give me the confession, I'll show you what to do. Do you
17 want to go home or do you want to go to jail. I said man I'm
18 not getting involved in all of that. I could be facing
19 charges for accessory after the fact for having this in my
20 possession. He's like no man, you're not doing nothing wrong,
21 that dude's trying to send Steven to prison for something he
22 didn't do. I said we don't know that Steven didn't do it, you
23 know I don't know anything. I'm just a guy with a handwritten
24 murder confession and I'm facing time in prison too. I'm
25 going to send it to my mom, so I put that and all the kites

1 that I've been having in my possession in an envelope, sealed
2 it up, and addressed it to my mom.

3 Q: Okay.

4 **MS. WALTER:** Court's indulgence for just a moment. So,
5 Your Honor, I'm approaching, these have all been admitted,
6 with state's exhibit 102.

7 **BY MS. WALTER:**

8 Q: Is that the envelope addressed to your mother?

9 A: Yes, ma'am.

10 Q: Okay. And state's exhibit 99m do you recognize that?

11 A: Yes, ma'am.

12 Q: What is that?

13 A: It's a kite from D to me.

14 Q: What does it say?

15 A: Jesse, call your mother. She said that she would answer
16 today. She said sorry but she's been working midnights at
17 Dollar General, so she's only been working and sleeping. She
18 won't have any days off until they are done remodeling the
19 store. I'm going to need you too. I'll write you in the AM.
20 Peace. Give kite to my co-d. Thank you, bro.

21 Q: Exhibit 107, do you recognize that?

22 A: Yes, ma'am.

23 Q: And what is that?

24 A: That is the note that I put in the envelope with all of
25 the kites to my mother.

State vs Land

413

2020-DR-26-02425 & 02427

1 Q: And what does that say?

2 A: It says, Dear Mom, guard all of these notes with your
3 life. Do not lose them. These are my only bartering tool for
4 freedom. You may have questions and I'll explain when I can,
5 but you are the only person I can trust to keep these. I love
6 you. Please don't let anyone see these and don't lose them.

7 Q: And then exhibit 112?

8 A: That's all of the people that I met in prison and phone
9 numbers of everybody. It's just a jail address book.

10 Q: Okay. And then lastly, exhibit 101. Do you recognize
11 that?

12 A: Yes, ma'am.

13 Q: And what is that?

14 A: That is the confession letter from D.

15 Q: And that's the one that's in print and witnessed?

16 A: Yes.

17 Q: So you put these items in an envelope addressed to your
18 mother. How did they come into the possession of the state,
19 if you know?

20 A: Because two or three days after Steven got packed up,
21 Officers Smith, Elliott, and Donahue came walking into the pod
22 before we were released for rec, kept all of our doors looks,
23 came to my door, opened our door, and escorted us out to the
24 rec yard. They proceeded to search our cell.

25 Q: And so did they take that envelope from your cell?

1 A: They did.

2 Q: And the other documents were inside that envelope?

3 A: Yes, ma'am.

4 **MS. WALTER:** Court's indulgence. And, Your Honor, I'm
5 approaching with state's exhibit 106 which the jury has
6 previously seen.

7 **BY MS. WALTER:**

8 Q: Do you recognize this letter?

9 A: Yes, ma'am.

10 Q: Can you tell us what it is?

11 A: It's a letter from D, it's a kite. Do you want me to
12 read it?

13 Q: No, you don't have to read it. The jury has seen it and
14 I'll get it into evidence. But you got this from D, and who
15 were you giving it to?

16 A: That was to Steven.

17 Q: Was that part of this whole idea of ---

18 A: Yeah.

19 Q: --- the confession and voodoo.

20 A: That was the one that was telling him what to write and
21 what to do.

22 **MS. WALTER:** Your Honor, I have nothing further for Mr.
23 Smith at this time.

24 **BY MS. WALTER:**

25 Q: Mr. Lucas may have a couple of questions for you.

State vs Land

415

2020-DR-26-02425 & 02427

1 **THE COURT:** Mr. Lucas, cross examination.

2 **MR. LUCAS:** Thank you, Your Honor.

3 **CROSS EXAMINATION OF MR. SMITH BY MR. LUCAS:**

4 Q: Okay. Mr. Smith, Jesse, you have a lot of stuff on your
5 criminal record, correct?

6 A: Yes, sir.

7 Q: Now, you would agree that your credibility suffers from
8 that, right?

9 A: Yeah.

10 Q: Yeah. All right. Now, a lot of these notes that you
11 were just testifying to, a lot of these notes you didn't read,
12 some of them you did, but most of them you did not, correct?

13 A: All of the ones in my possession were read.

14 Q: Okay.

15 **MR. LUCAS:** I have no further questions, Your Honor.

16 **THE COURT:** Anything else?

17 **REDIRECT EXAMINATION OF MR. SMITH BY MS. WALTER:**

18 Q: Why are you here testifying today, other than the fact
19 that I subpoenaed you and made you come?

20 A: I figured that's what you were asking. I mean at the end
21 of the day like I said I have a conscious and Steven seemed
22 like a decent kid and going off of all of the stuff that I was
23 given and read I like an innocent person shouldn't be going to
24 prison for something he didn't do.

25 Q: Are you receiving any benefit other than a flight in the

1 middle of afternoon and out in the middle of the night?

2 A: No. I did my whole prison sentence and you guys didn't
3 give me anything.

4 Q: Okay.

5 A: I appreciate that.

6 Q: For the record this is the first time I've met you,
7 right?

8 A: Yeah.

9 Q: Okay.

10 **MS. WALTER:** Nothing further, Your Honor.

11 **THE COURT:** Mr. Lucas.

12 **RE CROSS EXAMINATION OF MR. SMITH BY MR. LUCAS:**

13 Q: Jesse, just one more question. Did you ever receive a
14 letter or a kite or anything like that from Darrell?

15 A: No. As I said it was from somebody else because he
16 wasn't able to get to the door because he was locked behind
17 his is what I said.

18 Q: Okay. So you never got it from ---

19 A: I never personally got a kite from Darrell or Darrell.

20 Q: Cool. Thank you.

21 **MR. LUCAS:** No further questions, Your Honor.

22 **THE COURT:** Sir, you may step down. Thank you.

23 All right. Ladies and gentlemen, I'm going to break for
24 the day. I'm going to let you go home for the balance of the
25 day. I'm going to ask you to be back here at 9:30 tomorrow

State vs Land

417

2020-DR-26-02425 & 02427

1 morning. Do not discuss the case at all. I told you from the
2 outset that you are to decide this case based upon the
3 testimony and evidence presented in this courtroom and nowhere
4 else. You all have a nice evening. I'll see you in the
5 morning at 9:30.

6 **REPORTER'S NOTE:** (Jury exits courtroom at 3:54p.m.)

7 **THE COURT:** All right. Anything from the state before we
8 break for the day?

9 **MS. WALTER:** No, Your Honor.

10 **THE COURT:** Defense counsel?

11 **MR. LUCAS:** Nothing, Your Honor.

12 **THE COURT:** All right. 9:30 in the morning.

13 **MR. LUCAS:** Thank you.

14 **(COURT IS IN RECESS)**

15 **THE COURT:** All right. Anything from the state before I
16 bring the jury out?

17 **MS. WALTER:** Yes, Your Honor, just very briefly. In
18 reviewing one of the exhibits that will be presented to the
19 jury today, it's already been admitted. It is exhibit 95, but
20 it also relates to one of the, and I'll figure out, which of
21 the coded letters. There is language in the decoded version
22 that says, 100 percent I spent most of my 20's in prison. I
23 don't want you to go through that.

24 So I think, and that's the defendant speaking, so Steven
25 Morgan has already identified this kite, as has Jesse Smith,

1 as coming from the defendant and I think that that would be
2 prejudicial to the defendant. So I'm suggesting that we
3 redact that from both the decoded version and then before the
4 jury gets the exhibits I'll figure out what part of the coded
5 version needs to be redacted just so if they get ambitious and
6 try and decode it themselves it will still be blacked out.

7 **THE COURT:** Okay. Anything from the defense?

8 **MR. LUCAS:** I have no objection to what she was asking.

9 **THE COURT:** And then, still very briefly, Your Honor.
10 Because we are redacting a portion of an exhibit, this is a
11 jury instruction that's been used in Arizona just telling the
12 jury not to read anything into the redaction that it is done
13 for legal reasons, and they shouldn't make any guesses or
14 assumptions as to what was taken out.

15 **THE COURT:** All right. I'll take a look at it.

16 **MS. WALTER:** Okay. Thank you.

17 **THE COURT:** All right. Anything else from the state
18 before I bring the jury out?

19 **MS. WALTER:** No, Your Honor.

20 **THE COURT:** Defense counsel?

21 **MR. LUCAS:** No, Your Honor.

22 **REPORTER'S NOTE:** (Jury enters courtroom at 10:07a.m.)

23 **THE COURT:** All right. We have all of the jurors present
24 and are ready to proceed here this morning.

25 Ladies and gentlemen, I apologize for you all having to

State vs Land

419

2020-DR-26-02425 & 02427

1 wait back there. From my understanding there was an accident
2 on one of the in roads coming in here affecting various
3 individuals from getting here by 9:30 so that's why you've
4 been back there waiting. I apologize for that.

5 At this time we're going to continue the case. The
6 state's recognized. Call your next witness, please.

7 **MS. WALTER:** Thank you, Your Honor. Before we begin with
8 testimony, the state has four exhibits it would like to admit
9 pursuant to the Court's earlier ruling. That would be state's
10 exhibit 88, which is a CD of the victim's cellular records
11 from Sprint with the accompanying notarized acknowledgement.
12 State's exhibit 89, which is a CD containing the defendant's
13 cell phone records from Verizon, again with the accompanying
14 notarized acknowledgement. State's exhibit 90, which is a CD
15 containing Steven Morgan's records from AT&T, again with the
16 notarized acknowledgement. And lastly, exhibit 91, which is
17 Layne Styron's cell records from Verizon, again with the
18 attached notarized acknowledgement.

19 **THE COURT:** All right. Mr. Lucas.

20 **MR. LUCAS:** No objection, Your Honor.

21 **THE COURT:** Without objection, so admitted.

22 (STATE'S EXHIBIT NUMBERS 88, 89, 90 AND 91
23 ARE ADMITTED INTO EVIDENCE.)

24 **MS. WALTER:** Your Honor, with that the state would call
25 Stephen Donahue.

1 **THE CLERK:** Please raise your right hand, place your left
2 hand on the Bible.

3 **STEPHEN DONAHUE, HAVING BEEN**
4 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

5 **THE CLERK:** Please state your full name and spell it for
6 the Court.

7 **CORPORAL DONAHUE:** Yes, ma'am. Stephen Donahue, first
8 name spelled S-T-E-P-H-E-N, last name Donahue, D-O-N-A-H-U-E.

9 **MS. WALTER:** May I, Your Honor?

10 **THE COURT:** Yes, ma'am.

11 **DIRECT EXAMINATION OF CORPORAL DONAHUE BY MS. WALTER:**

12 Q: Good morning. Where do you work?

13 A: I work at J. Reuben Long Detention Center.

14 Q: Who do you work for?

15 A: I work for the Horry County Sheriff's Office. I'm
16 assigned out at the J. Reuben Long Detention Center.

17 Q: Okay. And how long have you been with the sheriff's
18 office?

19 A: About 14 to 15 years roughly.

20 Q: What is your current position?

21 A: I am currently assigned with the intelligence office. A
22 lot of my duties are involved identifying, documenting,
23 investigating gang members in the area and in the center.

24 Q: Do you also monitor mail?

25 A: I also -- I have various duties outside of the

1 intelligence office. I also monitor the mail, I check
2 individual mail, e-messaging system, system of the agency and
3 everything else, networking.

4 Q: All right. Now, let me ask some sort of general
5 questions about how things work at J. Reuben Long. I would
6 imagine at J. Reuben Long often houses co-defendants, in other
7 words people who are charged with offenses arising out of the
8 same incident?

9 A: Yes, ma'am.

10 Q: Are there any special rules in place that apply to co-
11 defendants?

12 A: Generally my understanding is if we have a co-defendant a
13 keep separate is placed in the system on them. As they go to
14 move through the system or generally to a housing unit or
15 such, they have to be moved through that system first. That
16 will red flag and identify that they cannot be placed in the
17 housing and cannot have any contact. They will be moved
18 according to a certain housing unit to keep them separated.

19 Q: Okay. So we call it a keep separate?

20 A: Yes, ma'am.

21 Q: As part of that keep separate theoretically they are not
22 supposed to communicate with each other?

23 A: Not at all.

24 Q: And why is that?

25 A: Part of the reason of the keep separate is so that for

1 whatever crime that they have supposedly committed that they
2 do not want them to have sort of communication whatsoever
3 whether it be physical, verbal, phone, anything like that so
4 they are not trying to talk about their case or anything of
5 the such.

6 Q: Nevertheless, do inmates find a way to communicate with
7 each other?

8 A: All of the time. They will circumvent the system every
9 way they can.

10 Q: What are some of those ways?

11 A: Some ways is if they are in a certain housing unit they
12 may have a connection between -- just an example, if we're on
13 the third floor it's called our Delta floor. There are four
14 housing units assigned there. Each housing unit, there's two
15 on each side from the general hallway, but between that there
16 is a cafeteria and an outdoor rec area that keeps those
17 housing units separated. Unfortunately sometimes when an
18 inmate is housed in one and another one is housed across the
19 other they will attempt to send various, what is called kites,
20 they are written messages. They will send them under the
21 door, they'll have another individual, typically if they are
22 not assigned to be allowed at rec at that time, to pick that
23 up for them and that's how they'll deliver messages back and
24 forth. They will also use inmate workers, some workers that
25 are assigned to move around the facility to clean and do

1 various tasks. They have used them to stash those particular
2 kites and get them moved around the facility. So if they are
3 not directly across, if they are in a complete different floor
4 or whatnot, they have used individuals like that to also get
5 messages through.

6 Q: Okay. In your time at J. Reuben Long how many kites
7 would you estimate you've seen?

8 A: Thousands, it's constant. It's just about every day. We
9 have workers that work through our laundry department as well,
10 that is a very big area because they send laundry out. They
11 will stash things through there. So we do routine searches to
12 try and catch that and stop that from happening. Also basic
13 searching of inmates, especially workers that come through to
14 try and curb that from happening.

15 Q: Of the kites that you see, are they always written in
16 standard English?

17 A: Most of the time they are. We do have a lot of occasions
18 that they are written in code. If we know that there are
19 individuals that understand a code that was either created or
20 one that's generally known they will code messages to send
21 them so nobody else can read them.

22 Q: Have you have experience in how to decode messages?

23 A: Yes, ma'am.

24 Q: Some of it's just trying to work on it yourself, part of
25 my trainings throughout the year I go to several conferences.

1 We have intelligence officers from all other departments,
2 state, federal. What we do is when we network, what I was
3 talking about earlier, we get together and the things that
4 we've learned, other officers and agents that have been able
5 to decode messages sometimes are used. Some time they are
6 created for a particular group. If a certain group has
7 created their own coding and they attempt to keep us from
8 being able to read it, I will attempt to decode it myself. If
9 I have not been able to, I usually can reach out to our
10 networking system if anybody else has been able to decode
11 them. Some of them are general codings that have been used
12 that anybody can really look and learn. You can look them up
13 on the internet. So some of them are very simple, some of
14 them are more complex.

15 Q: I was just going to say, are you able to sometimes decode
16 them simply by playing around on Google?

17 A: Yeah, some of them are very simple. Again, ones that are
18 simple you can decode them straight through the internet. A
19 lot of it is just time reference to make it faster instead of
20 trying to handwrite it out the old timey way.

21 Q: Right. So directing your attention to sometime around
22 May of 2020.

23 **MS. WALTER:** And, Your Honor, if I may approach with
24 state's exhibit 108, 109, and 110.

25 **BY MS. WALTER:**

State vs Land

425

2020-DR-26-02425 & 02427

1 Q: Did you receive those messages after a cell search was
2 done of Steven Morgan?

3 A: Yes, ma'am.

4 Q: Are those messages written in standard English or in
5 code?

6 A: Those are written in code.

7 Q: Were you tasked with trying to decode them?

8 A: Yes, ma'am.

9 Q: Were you able to decode them?

10 A: Yes, ma'am.

11 Q: Okay. Can you tell us how that code worked?

12 A: This is what is known as a ROT13 code. The code itself
13 is a very standard code. We have a particular group that will
14 utilize this code to think that nobody can understand it.

15 Several other officers that have been in my field have used
16 this to decode. It does get used quite often, so it wasn't
17 very hard to decode. And the purpose of this code is really
18 just taking the general alphabet that we have and you just
19 take whatever letter that you put down there and you count,
20 why they call it ROT13 is you count 13 letters over from that
21 initial letter. Like A you would count 13 over, you'd have N,
22 and that's simply how you would decode it.

23 Q: Okay. And so did you prepare a decoded version of those
24 three letters?

25 A: Yes, ma'am.

1 Q: Okay.

2 MS. WALTER: And, Your Honor, if I may have Corporal
3 Donahue just read a few portions. I'll have the original up
4 on the screen, but he's not going to read the whole thing
5 since the jury will have that in the jury deliberation room.

6 THE COURT: Okay.

7 BY MS. WALTER:

8 Q: While we're waiting for that to come up can you just read
9 -- were there portions of those three coded messages that were
10 particularly relevant to this case?

11 A: A few, yes.

12 Q: Okay. So can you, and the jury will have the entire
13 decoded version in the jury room, so can you just pull out a
14 couple phrases or sentences that were particularly relevant in
15 this case?

16 A: Yes, ma'am. Do you mind if I look at these?

17 Q: No.

18 A: All right. Reading the second line of the first
19 paragraph: 100 percent for sure about the voodoo. This how
20 for certain I'll write the policy up and give it to Jesse.
21 Soon as you know I've been long enough.

22 About midway down would be another portion of a line:
23 You will have your nine racks, which actually is concerning
24 about a thousand-dollar bills. I'd give your mom, brother, or
25 whoever you trust another ten racks the same.

1 Q: Okay. And I'm sorry, so the term rack means a thousand
2 dollars?

3 A: Correct.

4 Q: So nine racks would be nine thousand dollars?

5 A: Correct. So again anytime they refer to racks you do it
6 as thousand dollar terms.

7 Q: Okay.

8 A: The second paragraph within the first line: I was going
9 to initially give you 39 racks, bro, to do whatever in 30, 50
10 or in a lawyer. With the number 5 in replace of the S on
11 that.

12 Q: Is that fairly standard for certain groups?

13 A: Yes. A particular group will do it based off of -- in
14 their handwriting will generally put that in to replace those
15 letters.

16 Q: Okay.

17 A: The third paragraph down, about midway through: She gone
18 reverse it, sacrifice a goat, and let you out. Give my letter
19 of guilt to Horry County.

20 Q: Okay.

21 A: And there's another, third to the last paragraph, third
22 paragraph from the bottom down at the second line: No need in
23 going to trial when I know 100 percent how to legal out this
24 wish. I had the slightest idea Layne was gonna do that. I
25 would of took a week off from work and went to the priestess,

1 had a chicken ready and all.

2 Q: Okay. And obviously there's quite a bit more language,
3 but those are just some portions that were relevant to this
4 case?

5 A: Yes, ma'am.

6 Q: Okay. Now, directing your attention to sometime around
7 June 2nd of 2020. Were you tasked with searching the cell of
8 Jesse Smith who testified yesterday?

9 A: Yes, ma'am.

10 Q: And what authorizes you to search an inmate's cell?

11 A: Common practice, but one of our general common practices
12 is we assist agencies with if they are dealing with a case or
13 if there's information that there's something going on through
14 the detention center commonly they will reach out to us and
15 ask for assistance. And again, that's just our common
16 practice that we will assist agencies, especially if there's
17 something that could be illegal going on within the detention
18 center or something pertaining to their case.

19 Q: And so when you -- I'm assuming then that you got some
20 sort of request to search Jesse's cell?

21 A: Yes, ma'am.

22 Q: Okay. So I am showing you admitted exhibits 100, 101,
23 102, it's out of order a little bit, 99, and 111. They've all
24 been admitted. Are those -- I think there's one more, no, two
25 more, 107 and 112.

1 A: Yes.

2 Q: Okay. Do you recognize those exhibits?

3 A: Yes, ma'am.

4 Q: Where do you recognize them from?

5 A: When we conducted the cell search with Jesse Smith's cell
6 this letter was found within his possession that he had
7 assigned to his bunk.

8 Q: Was he the only inmate in that cell?

9 A: No. There were four inmates altogether in that cell.
10 Each of them are assigned a particular bunk area, that's where
11 they keep all of their possessions, their linens and
12 everything else. That's basically their sleeping quarters.
13 When we generally go do a cell search they do not know that we
14 come. We come very quickly once we gain entry so that --
15 inmates will attempt to destroy certain things if they have
16 belief that we are coming. So we come in, we automatically
17 pull those inmates out, we'll secure them in another area so
18 that we can conduct a cell search.

19 Q: Okay. Now, one of the exhibits, exhibit 102 is actually
20 an envelope. Were the other exhibits all contained in that
21 envelope?

22 A: Yes, ma'am, they were.

23 Q: Okay. And what's the return address on that envelope?

24 A: The return address is Jesse Smith with his assigned
25 booking number for the J. Reuben Long Detention Center.

1 Q: Was that envelope found -- where in the cell was that
2 envelope found?

3 A: That was actually found within his possessions. I
4 couldn't tell you if it was exactly under the bunk or in his
5 little bag, they have a bag that they can carry their
6 possessions in. But generally depending on where all of his
7 possessions were, it was found with them with all kinds of
8 paperwork.

9 Q: Okay. The fact that there appeared to be two different
10 handwritings or two different authors, does that cause any
11 particular concern?

12 A: It does. The other concern and pause is the fact that it
13 was already sealed. Generally I know when people write a
14 letter, they put it in, and they seal it. A lot of times
15 inmates do not seal them until they are absolutely ready to
16 hand them off to be sent up front just so they don't forget to
17 put anything in them. So I did find that a little odd that it
18 was already sealed and stuffed in between a bunch of
19 paperwork.

20 Q: What did you do with those documents once you seized
21 them?

22 A: I opened up to look at the documents, just based off of
23 the information given to me for what we were searching for and
24 found that there was a piece of paper that had amongst several
25 other papers wrapped up together. After reading it and

State vs Land

431

2020-DR-26-02425 & 02427

1 realizing that this is something important and realized that
2 this was what we were looking for, so I secured it in my
3 office.

4 Q: Okay. So I am directing your attention specifically to
5 101. Can you just read the beginning of that, just the first
6 sentence or so?

7 A: I, Darrell Land, take full responsibility of this case
8 involving Arnold J. Bennett. Steven nor Layne had nothing to
9 do with it.

10 Q: Okay. Thank you. So that was part of the documents
11 wrapped up in this envelope?

12 A: Yes, ma'am.

13 Q: Okay. So once you seized them were they secured?

14 A: Yes. They are actually secured through, in my office
15 because of the sensitivity of items it is secured through a
16 general office door which is my office, and I also have
17 several filing cabinets that are secured with one key, with
18 only one access. So once those are secured, they are secured
19 completely in that filing cabinet so nobody else can have
20 access to it except for me.

21 Q: Okay. And then at some point did Detective Marcus bring
22 you a search warrant that allowed you to turn those letters
23 and other items that had been confiscated over to Horry
24 County?

25 A: Yes, ma'am. Once I secured them, I notified Detective

1 Marcus and told him that I do have them secured in our cabinet
2 until he can get the search warrant.

3 Q: Okay. I don't have anything further for you. Mr. Lucas
4 may have some questions.

5 **THE COURT:** Mr. Lucas?

6 **MR. LUCAS:** Thank you, Your Honor.

7 **CROSS EXAMINATION OF CORPORAL DONAHUE BY MR. LUCAS:**

8 Q: One second. When you're talking about a code, right, you
9 honestly have no way to read the code, correct?

10 A: I don't understand what you're referring to.

11 Q: Well the code that you testified to, that there was a
12 code and it was so many numbers up and so many numbers down.

13 A: I didn't say that.

14 Q: Well you were talking about deciphering the code that
15 this letter was written in.

16 A: Yes, sir.

17 Q: Okay. How did you decipher that?

18 A: Exactly what I said earlier, we bring the code back, I
19 start going over it. Just like anything else you have to
20 look, with some codes that are more complex you have to work
21 on them, you try to figure out exactly which, what letters may
22 correspond with what letters or numbers, lines, anything of
23 the such. But based off of this particular code here, it is a
24 very well-known code, especially to us in the intelligence
25 community do know this code that is used. So it was not hard

1 to decipher this code at all.

2 Q: All right. Now, knowing that I mean have you been
3 trained in this code?

4 A: We -- I have training through our conferences that we go
5 to simply because codes that are being used are changing all
6 of time, whether they are used for a particular group or codes
7 that have generally been used for any other use. But we, as
8 an intelligence community when we learn a code and we learn
9 how to decipher it we will share that amongst the community,
10 which is why we do conferences, we do meetings, we network
11 ourselves together so we can all understand how those codes
12 are being used.

13 Q: Okay. But you have not been like formally trained. Let
14 me give you an example, like me as an attorney every year I
15 have to go to all of these classes and do all of these things.
16 But in your experience with this and this code did you have
17 any formal training on making you in a sense an expert of a
18 type in that code?

19 **MS. WALTER:** Objection, Your Honor. He is not, does not
20 need to be an expert for this. Also, may we just approach for
21 one moment?

22 **THE COURT:** Yes.

23 **REPORTER'S NOTE:** (Whereby bench conference is held.)

24 **MR. LUCAS:** May I, Your Honor?

25 **THE COURT:** Yes, sir.

1 BY MR. LUCAS:

2 Q: Now, as far as this code and stuff goes, how often have
3 you seen this?

4 A: Quite a few occasions. For the time being that I've been
5 in the intelligence office, our groups or gangs whatever we're
6 dealing with often will use coding. Their biggest attempt is
7 to make sure that nobody else can read it. So we are
8 constantly receiving coded messages throughout the facility.

9 Q: And as you testified to just before, you said these codes
10 change?

11 A: Yes, sir.

12 Q: Okay. So it may be different this time than it was last
13 time that you saw this, correct?

14 A: Some codes can change, some are not used, and some are
15 regular codes that are used all of the time.

16 Q: But at this point you would agree that you cannot confirm
17 with certainty that that is what this means?

18 A: I can confirm that this code is exactly what this code
19 is, a ROT13 code. This code has been used for a long time and
20 that particular code has not changed.

21 Q: Okay. But in this case it may have, correct?

22 A: This code is exactly how I was able to decipher it. It's
23 a ROT13 code.

24 Q: Okay. No, I understand that. But it may have changed,
25 correct?

State vs Land

435

2020-DR-26-02425 & 02427

1 A: Any code can change, but once you decipher within the
2 particular manner that that particular code has been used and
3 it all matches up, it's a deciphered code.

4 MR. LUCAS: No further questions, Your Honor.

5 THE COURT: Any redirect?

6 MS. WALTER: No, Your Honor, just a matter of procedure.

7 I neglected to ask that state's exhibit 95, which is the
8 decoded version be admitted.

9 THE COURT: Any objection?

10 MR. LUCAS: No objection, Your Honor.

11 THE COURT: Admitted without objection.

12 (STATE'S EXHIBIT NUMBER 95
13 IS ADMITTED INTO EVIDENCE.)

14 MS. WALTER: And, Your Honor, I have nothing further for
15 Corporal Donahue.

16 THE COURT: Anything further from defense counsel?

17 MR. LUCAS: Nothing, Your Honor.

18 THE COURT: Sir, you may step down. Thank you.

19 CORPORAL DONAHUE: Thank you, sir.

20 THE COURT: Call your next witness, please.

21 MS. WALTER: Thank you, Your Honor. The state calls
22 Detective Ken Marcus.

23 THE CLERK: Please raise your right hand, place your left
24 hand on the Bible.

25 KEN MARCUS, HAVING BEEN

1

2 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**3 **THE CLERK:** Please state your name and spell it for the
4 Court.5 **DETECTIVE MARCUS:** It's Ken Marcus, that's K-E-N, last
6 name Marcus, M-A-R-C-U-S.7 **DIRECT EXAMINATION OF DETECTIVE MARCUS BY MS. WALTER:**8 Q: Detective Marcus, I'm just going to ask that you speak
9 into the microphone so everyone can hear you.

10 A: Sure.

11 Q: Where do you work?

12 A: I work at the Horry County Police Department.

13 Q: All right. And how long have you worked there?

14 A: Fifteen years this month.

15 Q: What is your current assignment?

16 A: I work with our homicide division, specifically with cold
17 cases and missing persons involving foul play.18 Q: How long have you been working with cold cases and
19 missing persons involving foul play?

20 A: About a year.

21 Q: What was your assignment before that?

22 A: I worked with our homicide division, robbery/homicide.

23 Q: How long were you in the robbery/homicide division?

24 A: For two years.

25 Q: When, do you recall when you started there?

State vs Land

437

2020-DR-26-02425 & 02427

1 A: Late 2019, I believe August of 2019.

2 Q: And what were some of your duties and responsibilities
3 when you were a member of the robbery/homicide division?

4 A: So we investigated crimes of a more violent nature,
5 kidnappings, violent assaults, attempted murders, homicides.
6 We also did other death investigations and assisted the
7 special victims unit if they needed assistance with some of
8 their cases as well.

9 Q: At some point as part of your duties in robbery/homicide
10 were you assigned a case involving Arnold Jamal Bennett?

11 A: Yes.

12 Q: How was he known to his friends and family?

13 A: By Juice or Jamal.

14 Q: Do you recall when you were assigned the case?

15 A: It was in October of 2019.

16 Q: Were you the original lead detective?

17 A: No, I was not.

18 Q: Who was the original lead detective?

19 A: For Horry County Police Department it was Heather Miller
20 and for Myrtle Beach I believe it was Kristin Aiesi.

21 Q: Kerry Aiesi?

22 A: Kerry, yes.

23 Q: And I think Detective Aiesi testified to this, but why
24 did it start in Myrtle Beach?

25 A: Originally Jamal Bennett was reported as a missing person

1 to the Myrtle Beach Police Department. He was living at the
2 time in their jurisdiction splitting his time between their
3 and his father's house which was in the county. And it was
4 reported to the Myrtle Beach Police Department by his
5 girlfriend when he did not return home in early August of
6 2019.

7 Q: So what caused it to be transferred and start with
8 Detective Miller in Horry County?

9 A: So over the course of Myrtle Beach's investigation they
10 developed some information that lead them to believe that
11 Arnold was last seen actually in the Horry County section, I'm
12 sorry, the Little River section of Horry County which is
13 outside of their jurisdiction, so they transferred the missing
14 persons case to us.

15 Q: At some point was it transferred from the missing persons
16 to the robbery/homicide division?

17 A: Yes, that's correct.

18 Q: And why was that done?

19 A: So during the missing persons investigation conducted by
20 Horry County there were several signs, or information that
21 came across, indications that Arnold Bennett may no longer be
22 with us and that this case was treated as a missing persons
23 with foul play or particularly a homicide. Some human remains
24 were found in an area that he was last supposedly seen at.

25 Q: So is that when you became a lead investigator?

1 A: That's correct.

2 Q: What are the duties and responsibilities of a lead
3 investigator?

4 A: So, as a lead investigator essentially your job is to
5 direct a group of investigators that are looking into a
6 particular incident. My job would have been to pretty much
7 take the information that is being received by other
8 investigators, look at that, organize it all, and then direct
9 the flow of the investigation as it conducts itself.

10 Q: Okay. And so you kind of tell others what to do?

11 A: Yes, essentially.

12 Q: Do you recall what information you had when you were
13 first assigned to the case?

14 A: So when I was first assigned the case I had the
15 information that was originally obtained by the Myrtle Beach
16 Police Department. I was -- received the information from our
17 missing persons detective, Heather Miller, and another case.
18 A set of human remains was found that was believed to be
19 associated with this and then later confirmed it belonged to
20 Arnold Bennett.

21 Q: So why was it initially believed that remains found
22 related to this?

23 A: When the remains were found a forensic anthropologist was
24 contacted and asked to do work on the remains to try and
25 determine who those remains belonged to. When we received

1 that report back, a lot of the similarities between her work
2 up with the remains and Arnold Bennett existed, approximate
3 age, ethnicity, height, weight all seemed to match. And then
4 the remains were found in very close proximity to last known
5 location for Arnold Bennett based off of cell phone records
6 that we had at the time.

7 Q: Did you -- when you were first assigned to the case did
8 you have some cell phone records?

9 A: We had some cell phone records and then we asked for more
10 as the case progressed.

11 Q: Okay. So do you recall what cell phone records you had
12 when you started?

13 A: When we started the case we had cell phone records from
14 Arnold Bennett and we had the Cellebrite report for Darrell
15 Land who was listed as person of interest in the case. I
16 requested cell phone records for Darrell Land's phone number
17 as well as a number of others.

18 Q: So you said you had a Cellebrite from Darrell Land's
19 phone, is that what Lorie Dudley testified?

20 A: Yes. That would be the download from the physical device
21 itself.

22 Q: And then you were assigned -- after you were assigned
23 that case, what was the first investigative step that you
24 took?

25 A: After reviewing the case I received an initial brief from

State vs Land

441

2020-DR-26-02425 & 02427

1 Lieutenant Boner and the missing persons detective Heather
2 Miller. I went to the, give me just a second ---

3 Q: And just for the record, what are you referring to?

4 A: My notes, I'm sorry, I'm referring to my notes. I went
5 to the Old Sanders address off of Robert Grissom (sic) Highway
6 in Little River to review the scene where the suspicious
7 remains were found.

8 Q: Do you mean Robert Edge Parkway?

9 A: Yes, I'm sorry. Robert Edge Parkway with CSI Domogauer
10 and Lieutenant Boner. We assisted her in conducting that
11 secondary search, stopped by the [REDACTED] Sandridge Drive address
12 for a moment. That's one of the things that we hadn't done at
13 the time, we had spoken to Steven Morgan. And then I had gone
14 to [REDACTED] Hayes Point Circle, Myrtle Beach which is the residence
15 of Walter Bennett. That was the home that Arnold Bennett was
16 splitting his time in between while he was taking care of his
17 father.

18 Q: And so Walter Bennett is Jamal's father?

19 A: Yes, that's correct.

20 Q: What was the purpose in going to see Mr. Walter Bennett?

21 A: So I spoke with Walter Bennett a little bit about his
22 son, tried to learn a little bit about Jamal. Then I also
23 asked for his permission to search Jamal's room in hopes of
24 finding an alternate standard DNA evidence for Jamal Bennett
25 so we could test it against the remains that were found.

1 Q: Did Mr. Bennett, Mr. Walter Bennett, tell you or show you
2 where Jamal stayed in the home?

3 A: Yes. So Jamal had a room on the opposite side of the
4 house from his father that he occupied by himself. Mr.
5 Bennett explained that he has had family come into town
6 occasionally, but no one ever used that room, it was
7 exclusively used by him.

8 Q: Where you able to seize any items to be used as potential
9 alternate DNA standards?

10 A: Yes. So while we were looking through the room -- while
11 I was looking through the room I collected a couple of
12 toothbrushes, a beard trimmer, a white t-shirt, a deodorant
13 stick that possibly contained an alternate standard for Jamal
14 Bennett.

15 Q: When -- after you collected those items what did you do
16 with them?

17 A: They were packaged individually in evidence bags, put in
18 the trunk of my car which I only have access to, and then
19 returned to the Horry County Police Department where they were
20 submitted the property and evidence section.

21 Q: Before submitting them to property and evidence do you
22 create any sort of documentation of what you're submitting?

23 A: Any time that we submit anything to property and evidence
24 department we have to document every item that we've
25 collected, a description of what it is, and then turn it in as

State vs Land

443

2020-DR-26-02425 & 02427

1 the beginning of the chain of custody for any type of
2 evidence.

3 **MS. WALTER:** So, Your Honor, I am going to approach with
4 state's exhibit 92.

5 **BY MS. WALTER:**

6 Q: Do you recognize state's exhibit 92?

7 A: Yes.

8 Q: What do you recognize it to be?

9 A: This is the chain of custody.

10 Q: For the items seized from Mr. Bennett's home?

11 A: Yes. [REDACTED] Hayes Point Circle, Myrtle Beach, South
12 Carolina on October 10th, 2019.

13 **MS. WALTER:** Your Honor, I would ask that state's 92 be
14 admitted.

15 **THE COURT:** Any objection?

16 **MR. LUCAS:** No objection, Your Honor.

17 **THE COURT:** Admitted without objection.

18 **(STATE'S EXHIBIT NUMBER 92**
19 **IS ADMITTED INTO EVIDENCE.)**

20 **BY MS. WALTER:**

21 Q: And at some point, we've already heard from Agent Aiesi,
22 but at some point was one of those items submitted to SLED for
23 the use as an alternate standard?

24 A: That would be the white t-shirt.

25 Q: Now I think you said you had obtained search warrants for

1 some cell phone records?

2 A: That's correct.

3 Q: Okay. And whose records were you looking for at that
4 point?

5 A: Just a moment. Cell phone records at that point in time
6 were for Darrell Land, Arnold Bennett, and then there were
7 several phone numbers that we had seen in some of the records
8 that we already had for Arnold Bennett's phone, some numbers
9 that were of interest to us. One, two, three, four, six
10 additional phone numbers; one being for Steven Morgan; one
11 being for Lakesha Land, Darrell Land's wife; another one
12 belonging to an Antonia Williams; and two numbers that were
13 observed in Darrell Land's cell phone report, his call log;
14 and then the very last phone number that made a connection
15 with Arnold Bennett's phone on October, I'm sorry, on August
16 4th, 2019.

17 Q: So I just want to clarify something because it sounded at
18 the beginning that you were saying that you pinpointed those
19 numbers because you had some of Arnold Bennett's phone
20 records. Are you saying that Arnold Bennett made calls to
21 Steven Morgan or Lakesha Land?

22 A: No. Those numbers were provided to us, I'm sorry, were
23 found in Darrell Land's cell phone Cellebrite report and they
24 were names that were given during a previous interview as an
25 alibi.

State vs Land

445

2020-DR-26-02425 & 02427

1 Q: Okay. So in other words, those additional search
2 warrants were based off of a review both of the victim's cell
3 phone records and Mr. Land's Cellebrite report?

4 A: That is correct.

5 Q: Okay. So what type of information can you get when you
6 subpoena cell phone records?

7 A: So cell phone records are kept by the network provider
8 that you contract through to use your cell phone. We can get
9 your connection usage, or what we call call duration records.
10 Anytime you make a voice call on data connection, you're
11 checking the internet or Instagram or social media app, send a
12 text message, they record the date and time that that occurs,
13 the duration of that connection, and what tower is being used
14 when that occurs. We can also get subscriber information,
15 payment information, the device information, what type of
16 phone that you're using at the time.

17 Q: Okay. And so at some point did you receive the results
18 for the search warrants that you submitted?

19 A: Yes, ma'am.

20 Q: And that's what was entered into evidence in part earlier
21 today?

22 A: Yes.

23 Q: Okay. So what did you do once you got those results?

24 A: We reviewed them and one of the most important things
25 that we like to look at when we look at cell phone records is

1 where a device is at at the time of those connections. Cell
2 phone providers will provide us a cell site list, a list of
3 towers that are being used by the phone when it makes that
4 connection. And based off of the location of that tower, we
5 can generally see where a phone is at at that time.

6 Q: And so what if anything were you able to conclude as a
7 result of your analysis of those records, specifically with
8 Arnold Jamal Bennett and sort of where he was at the end of
9 his life?

10 A: So on August 4th of 2019 that was the last time that any
11 significant connection of any duration was made. Specifically
12 in the evening hours around 7:19 I believe was the last
13 connection of duration, and the tower being used was in the
14 Little River section of Horry County specifically in the area
15 of Highway 90 and Business 9.

16 Q: Why was that significant?

17 A: That was very close to the [REDACTED] Sandridge Drive address,
18 that tower serves that area.

19 Q: Was there, based on your review of Darrell Land's
20 Cellebrite, was there any significance to the [REDACTED] Sandridge
21 Road?

22 A: So on Darrell Land's Cellebrite we saw text messages
23 between that phone and a number listed in his contact list as
24 Steven Morgan where that address was given out on that same
25 date around 6p.m. Conversation in that phone showed Darrell

State vs Land

447

2020-DR-26-02425 & 02427

1 was reaching out to Steven Morgan's phone asking for that
2 address, that he wanted to stop by. Darrell Land's cell phone
3 records also showed connections in that same area of Little
4 River near Highway 90 and Business 9, also in the area of the
5 Sandridge Road.

6 Q: And so directing -- with this additional information did
7 you execute a search warrant at the [REDACTED] Sandridge Road home on
8 October 15th of 2019?

9 A: Yes. With all of that information we went out to the
10 Sandridge Road on October 15 and executed a search warrant on
11 the home. When we arrived the home appeared to not being used
12 at the time. I wouldn't necessarily say abandoned. It was
13 you know in some decent shape. When we walked inside the
14 home, previously we learned from the landlord that the
15 previous tenants had left abruptly. But there were things
16 inside the home that seemed to in disarray. There was some
17 furniture that was still inside the home, boxes that look like
18 had been half filled and just kind of left behind. We found a
19 picture of actually who we later identified as Layne Styron
20 and Steven Morgan still left in a frame you know sitting in
21 one of the bedrooms next to a bedframe that hadn't been taken.

22 Q: And this is maybe a silly question, but first of all did
23 you execute that search warrant by yourself?

24 A: No. There were several detectives with me.

25 Q: Would that mean that there were several police cars at

1 the location?

2 A: There were two or three. Yes, ma'am.

3 Q: Were they marked or unmarked?

4 A: I believe all of them were unmarked, but all of us were
5 wearing police uniforms, not necessarily the attire I'm
6 wearing today.

7 Q: Okay. Did you seize anything during that search?

8 A: Yes, I did. Give me just a moment to refer to my notes.

9 **MS. WALTER:** And If I may approach with state's exhibit
10 93.

11 **THE COURT:** Yes, ma'am.

12 **BY MS. WALTER:**

13 Q: Do you recognize state's exhibit 93?

14 A: Yes. This is a chain of custody and evidence record for
15 items that were obtained from [REDACTED] Sandridge Road, Little River
16 on October 15th, 2019. This is a record that I filled out for
17 items I took from the home.

18 Q: So what did you take?

19 A: A green t-shirt with stains on it, an SD card, a 9-
20 millimeter bullet or round that had been unfired, and an empty
21 9-millimeter ammo box.

22 Q: Was there any sort of logo on that green t-shirt?

23 A: I believe it was Papa John's was the logo on that t-
24 shirt.

25 **MS. WALTER:** Your Honor, I'd ask that state's 93 be

1 admitted.

2 **THE COURT:** Any objection?

3 **MR. LUCAS:** No objection, Your Honor.

4 **THE COURT:** Without objection, so admitted.

5 **(STATE'S EXHIBIT NUMBER 93**
6 **IS ADMITTED INTO EVIDENCE.)**

7 **BY MS. WALTER:**

8 Q: Is that the green Papa John's shirt that Corporal
9 Domogauer testified about?

10 A: Yes.

11 Q: And why did you ask her to do any testing on it?

12 A: When we saw the shirt, yes, it's a Papa John's shirt, but
13 there was stains that appeared to be right on it. We had no
14 idea what the stains were and wanted to have it tested to see
15 if it was blood.

16 Q: And I believe she testified that it was not.

17 A: Yes, that is correct. The end results for the test were
18 negative.

19 Q: Now, at some point after that search did you speak with
20 Layne Styron?

21 A: Yes. So on the following day, on October 16th I received
22 a phone call from my supervisor saying that a Layne Styron had
23 reached out to the police department and wanted to give
24 information in regards to our missing person investigation.

25 Q: Based on the information that you received from Layne

1 Styron did you obtain another search warrant for [REDACTED]
2 Sandridge?

3 A: A search warrant was obtained by other investigators
4 working with us and they had gone back out to the home on
5 October 16th and conducted a second search of the home.

6 Q: Was that the search that Corporal Domogauer testified
7 about yesterday?

8 A: Yes. She was present.

9 Q: And why didn't you, as lead investigator why didn't you
10 go to that search warrant?

11 A: Because on the following morning, this actually occurred
12 late in the evening, the following morning myself and
13 Detective Wydra were going to Charlotte, North Carolina to
14 meet with Layne Styron and Steven Morgan to conduct a formal
15 interview with them based on the information in the phone call
16 I had got from Ms. Styron.

17 Q: And is that what Detective Wydra testified about
18 yesterday where you obtained DNA samples from both Layne and
19 Steven Morgan and Mr. Morgan's phone?

20 A: Yes. During those interviews I did collect those samples
21 and the phone.

22 Q: And based on, excuse me, that interview did you conduct
23 further investigations and seize any other evidence?

24 A: Yes. So during that interview we learned that a 9-
25 millimeter pistol had been sold to a pawn shop in that local

1 area. We went to that pawn shop off of Wilkinson Boulevard, I
2 believe is where it was located. The Cash America Pawn,
3 Charlotte, 3250 Wilkinson Boulevard, and found a record there
4 after speaking with the manager for a 9-millimeter Taurus
5 Pistol that had been sold to the pawn shop on October 14th,
6 2019 by Steven Morgan.

7 Q: Were you able to track down that firearm?

8 A: Yes. They still had the firearm at the shop, and they
9 turned the firearm over to us.

10 Q: And is that the firearm that Corporal Domogauer testified
11 about yesterday?

12 A: Yes, that is correct.

13 Q: Now, typically I think one would think if we have a gun
14 we would have some sort of ballistics testing done. Was there
15 anything about this investigation that hampered your ability
16 to identify a firearm?

17 A: Yes. So although the remains that were found had what
18 other experts said was a gunshot wound to them, no other
19 ballistic evidence were found with those remains or at the
20 residence at Sandridge Road that we would be able to test
21 against.

22 Q: So was the only testing that you were able to do was what
23 Corporal Domogauer testified to was the swabbing?

24 A: Yes. To see if there was any DNA evidence present on the
25 actual weapon itself.

1 Q: Also based on information received from Layne and Steven
2 Morgan during that interview, did you have other personnel
3 from the Horry County Police Department reach out to the
4 Richland County Sheriff's Office?

5 A: Yes. During that interview we learned about (inaudible)
6 getting back to her home, her experience in coming home on the
7 evening of October, I'm sorry, August 4th and finding the
8 defendant inside of her home clearing up blood. Due to her --
9 the information she gave us, I contacted my supervisor back in
10 Horry County who tasked Detective Wilson, Brian Wilson, with
11 contacting the Richland County Sheriff's Office and asking for
12 their assistance in locating that vehicle and seizing that
13 vehicle for our investigation.

14 Q: And again, that's what others testified to yesterday,
15 correct?

16 A: Yes, that's correct.

17 Q: That same car?

18 A: Yes.

19 Q: Okay. Now, let's go back to the phone that Steven
20 Morgan surrendered during that interview, and I believe it was
21 Kevin Holt testified about the Cellebrite report.

22 A: That is correct.

23 Q: At some point did you review that Cellebrite report?

24 A: I did.

25 Q: And was there anything that you found to be relevant to

1 this investigation?

2 A: So in looking at Steven Morgan's Cellebrite report, or
3 the download of his phone, we had seen the text message
4 conversation very similar to the one that we observed on
5 Darrell Land's phone, but with a little difference. The text
6 conversation that we observed on Steven Morgan's phone was
7 between him and the number associated with Darrell Land and on
8 August 4th, 2019 at 7:23p.m. there was a message sent from
9 Darrell Land's phone to Steven Morgan's phone that said: Went
10 to the store as soon as you left for gars. Need 35 minutes
11 starting in 5, bro. Sorry.

12 Another message in that chain right after it at 7:53p.m.
13 says: Bout to now.

14 At 8:03p.m. another message came through from Darrell
15 Land's phone to Steven Morgan's phone saying: Cleaning up.

16 And then the very next message after that at 8:09p.m.
17 again from Darrell Land's phone to Steven Morgan's phone says:
18 Almost done.

19 Q: Now, moving forward did you on or about October 25th of
20 2019 did you receive information that furthered this
21 investigation?

22 A: Yes. So on October 25th, 2019 we received a report back
23 from SLED from their DNA analysis team stating that they had
24 located Arnold Bennett's DNA profile in the trunk of Darrell
25 Land's vehicle.

1 Q: Based on that did you obtain arrest warrants for Darrell
2 Land?

3 A: That's correct.

4 Q: And what was he charged with? Well he was charged with
5 murder and possession of a weapon during a violent crime.

6 At some point after that did you also obtain a warrant
7 for Steven Morgan?

8 A: I did. After we conducted a second interview with Steven
9 Morgan I obtained a warrant for Steven Morgan for accessory
10 after the fact, I'm sorry, accessory before the fact.

11 Q: Okay. At some point leading up to this trial did Steven
12 Morgan agree to testify for the state?

13 A: Yes, he did.

14 Q: Did you take part in what we call a proffer session with
15 Steven Morgan?

16 A: I did.

17 Q: Okay.

18 **MS. WALTER:** And, Your Honor, I am approaching with
19 state's exhibit 87, which Mr. Morgan identified, but has not
20 yet been admitted.

21 **BY MS. WALTER:**

22 Q: Do you recognize state's exhibit 87?

23 A: Yes, I do.

24 Q: What do you recognize it to be?

25 A: This is the proffer agreement. The letter that was

State vs Land

455

2020-DR-26-02425 & 02427

1 presented to Steven Morgan during that interview, I believe it
2 was July ---

3 Q: 18th?

4 A: Yes. It was last Monday.

5 Q: Were you present when that was signed by Mr. Morgan and
6 Ms. Pratt?

7 A: I was.

8 Q: What is the purpose of a proffer with a charged
9 defendant?

10 A: The purpose of it is an agreement between the state and a
11 charged defendant for their purposes of coming and testifying
12 for the state. And the agreement states, or typically states,
13 that they are agreeing to testify truthfully and wholly about
14 everything that they are involved in and everything they know
15 about a particular incident.

16 Q: Is there -- was there any agreement as to sentencing made
17 to Mr. Morgan prior to him signing that letter?

18 A: No, there was not.

19 Q: What is the defendant -- what was Mr. Morgan told about
20 who would be -- who would have the discretion as to his
21 sentence?

22 A: That would be the Judge.

23 Q: But as a result of that proffer was Mr. Morgan allowed to
24 plead to accessory after the fact?

25 A: That is correct.

1 Q: Okay.

2 MS. WALTER: Your Honor, I would ask that state's exhibit
3 87 be admitted.

4 THE COURT: Any objection?

5 MR. LUCAS: No objection, Your Honor.

6 THE COURT: So admitted without objection.

7 (STATE'S EXHIBIT NUMBER 87
8 IS ADMITTED INTO EVIDENCE.)

9 MS. WALTER: Thank you.

10 BY MS. WALTER:

11 Q: And before we get -- I believe you prepared a PowerPoint
12 presentation just sort of to explain some of this phone stuff
13 that you've been addressing.

14 A: The phone records that I've been looking at. Yes, ma'am.

15 Q: Okay. So first I want to approach with exhibit 118.

16 This is ---

17 MS. WALTER: I'm approaching, Your Honor, with 118 which
18 is not on the list. So this will be a CD containing the
19 Cellebrite report from Layne Styron's phone.

20 BY MS. WALTER:

21 Q: Does exhibit 118 in fact contain a Cellebrite report that
22 was done for Layne Styron's phone?

23 A: Yes, ma'am.

24 Q: Okay.

25 MS. WALTER: Your Honor, I would ask that 118 be

State vs Land

457

2020-DR-26-02425 & 02427

1 admitted.

2 **THE COURT:** Hold on a minute.

3 **MS. WALTER:** Sorry, did I miss a number or something?
4 119?

5 **COURT REPORTER:** 118.

6 **MS. WALTER:** Oh, 118, yeah.

7 **THE COURT:** Any objection, Mr. Lucas?

8 **MR. LUCAS:** No. No objection, Your Honor.

9 **THE COURT:** Without objection, so admitted.

10 **(STATE'S EXHIBIT NUMBER 118**
11 **IS ADMITTED INTO EVIDENCE.)**

12 **MS. WALTER:** Okay. So now I'm approaching with state's
13 exhibit 94, which was, Your Honor, provided to defense on
14 Monday of this week.

15 **BY MS. WALTER:**

16 Q: Does state's exhibit 94 contain the PowerPoint
17 presentation that you prepared for this case?

18 A: Yes, it does.

19 **MS. WALTER:** And, Your Honor, as with other media, I have
20 it so that it can be projected onto the TV, but this contains
21 a duplicate.

22 **THE COURT:** Is that being admitted into evidence?

23 **MS. WALTER:** I'm sorry, yes, Your Honor. We would ask
24 that 94 be admitted.

25 **THE COURT:** Any objection?

1 **MR. LUCAS:** No objection, Your Honor.

2 **THE COURT:** So admitted.

3 **(STATE'S EXHIBIT NUMBER 94**
4 **IS ADMITTED INTO EVIDENCE.)**

5 **BY MS. WALTER:**

6 Q: Okay. So can you sort of explain in plain language, that
7 laymen can understand, cell towers?

8 A: Cell towers are fixed locations across the country. You
9 probably seen them while you were driving here to court today.
10 Different places in Horry County that receive the signals from
11 our cell phones, or they'll send signals to our cell phones
12 during the course of using them.

13 Like I had mentioned earlier, every time that you pick up
14 your cell phone and go to make a voice call, text message
15 received or sent, or a data connection there are signals being
16 sent from phones to tower and then back. Your phone is
17 nothing more than a fancy radio and those towers receive those
18 radio signals.

19 On these towers there's sets of antennas, and these are
20 examples of two towers here in Horry County and they are set
21 up to cover generally three different sides of that tower.

22 Q: Okay. So when we go to the next slide?

23 A: So like I mentioned earlier, cell phone providers will
24 record the usage of your phone for billing purposes, part of
25 that is recording which tower is being used. Now again, that

1 information is important to us and useful to us because we can
2 see generally where a device was located at the time that that
3 connect was made. When we take that information you can turn
4 around and map it to see graphically where in Horry County,
5 where in the United States, anywhere in the world, the
6 technology is global, where a phone, again, is generally at.

7 When we map it, it looks very similar to this. In the
8 very center of the image on the left you'll see a tiny circle
9 in the center, that is the tower location and then the three
10 shaded area around it are the antennas, those are the faces of
11 those antennas and the direction that they generally cover.

12 **MS. WALTER:** Your Honor, would it be possible for
13 Detective Marcus to step down so he's able to point on the
14 slide?

15 **THE COURT:** That's fine. Make sure he talks back towards
16 this way so that the court reporter can hear him.

17 **DETECTIVE MARCUS:** Yes, Your Honor.

18 **MS. WALTER:** I'll even move the microphone for him.

19 **BY MS. WALTER:**

20 Q: So generally when we see these -- when we map these
21 records we'll have the tower location here in the center and
22 then ---

23 A: Hold on one second. I'll put it right here.

24 **DETECTIVE MARCUS:** Does that work better?

25 **COURT REPORTER:** Yes.

1 **BY MS. WALTER:**

2 A: The three different faces of the antennas that those
3 signals can connect to. When you make a particular
4 connection, say for instance we're calling our best friend,
5 you'll have the tower location in the center right here. This
6 is the antenna that is being used and generally the phone
7 would be in this direction from the tower. This is the outer
8 lane so to say of that antenna face and the shaded is just to
9 help show us graphically that the phone is in that general
10 direction compared to up here or that way.

11 Q: And so to be clear as we move forward in the
12 presentation, if there is a shaded circle like that you are
13 not trying to say that the phone is within that shaded area,
14 that's simply a directional?

15 A: That is correct. These maps do not cover radio frequency
16 coverages or the phones could be not specifically in the area,
17 just generally in the location.

18 Q: So next slide?

19 A: Some of the data that we can get is called per call
20 measuring data. That's everything that I just explained, the
21 tower location at the very center, the date and time that a
22 connection is made, and the direction from the tower but
23 occasionally we'll get distancing data from the tower and
24 that's what this outer arc is. And the distance from the
25 tower is again is measured by how long it takes for the radio

State vs Land

461

2020-DR-26-02425 & 02427

1 signal from your phone to get to the tower and back. So in
2 some instances we get this data as well, and it's a little bit
3 more accurate than the previous slide's data.

4 Q: So what phone numbers were you looking at?

5 A: So in this particular analysis we were looking at phone
6 numbers associated with Arnold Bennett, Darrell Land, Steven
7 Morgan, and Layne Styron.

8 Q: How were you able to I guess associate a phone number
9 with a name?

10 A: So we can do that a number of ways. A lot of times we'll
11 be given phone numbers by people that we're interviewing.
12 Sometimes we'll find it on call logs. Often when they search
13 these records if you say have Sprint or Verizon directly
14 you'll be subscribed that number so the billing department
15 will have your information already.

16 This particular slide is the very first connection that
17 we had for Arnold Bennett on August 4th of 2019. This is a
18 phone connection. It's an outgoing phone call being made by
19 him to a phone number that was associated with Cori Solcum who
20 was the mother of one of Arnold's children. This occurred at
21 9:10 in the morning. As you can see, the tower that is being
22 used is roughly at the intersection of Highway 17 Bypass and
23 Highway 544 in the Surfside section of Horry County. And the
24 distancing mark here shows that the phone device is roughly in
25 this area which is consistent with the address of Walter

1 Bennett where he was staying.

2 Q: Walter Bennett being his father?

3 A: I'm sorry, yes. Walter Bennett being his father and the
4 home that Jamal was staying at this night.

5 Q: Okay.

6 A: At 9:34 in the morning we have another phone call, an
7 incoming phone call that actually came from a number
8 associated with Darrell Land. And then you can see that the
9 tower that's being used during this connection is here at
10 Highway 17 and 544 in the Surfside area, and the distancing
11 marker is again showing north and placing the phone generally
12 in this location.

13 Q: And again, this is showing the location of Arnold
14 Bennett's house?

15 A: Yes. These are from Arnold Bennett's records.

16 Q: Okay.

17 A: Now some of our analysis isn't just records from the cell
18 phone company, it's also part of the cell phone downloads we
19 get from the devices. These are text messages that came from
20 the phone that was taken from Darrell Land during our
21 investigation. And it shows the text messages that are in his
22 call log between him and this number here is Arnold Bennett's
23 number listed in his contact as Juice.

24 Q: I'm sorry, I also actually just want to stop you there
25 and ask you one question. You're talking about a Cellebrite

1 report from Darrell Land's phone. Were you ever able to get a
2 Cellebrite report from the victim's phone?

3 A: No. Unfortunately his phone was never recovered during
4 this investigation.

5 Q: Okay. So now if you will continue on with this slide.

6 A: So you can see here at 8:44 in the morning, Darrell
7 Land's phone sent Arnold's phone a message talking about:
8 Cutie (ph) bro lookout you know I'm going to come right back
9 at you (inaudible).

10 Some of this is kind of hard to read and I'll explain as
11 we go. Here is the response that was written back, 8:45:
12 Can't do it for 8 flat homie.

13 Essentially, the context of these messages right here,
14 they are talking about a drug sell. A cutie is a quarter
15 pound of marijuana, four ounces of marijuana.

16 Q: And I'm going to stop you there, how do you know that?

17 A: Through my training at the police department over the
18 last fifteen years I've been involved in multiple narcotics
19 investigations.

20 Q: During those investigations have you come to learn
21 language that specifically relates to the purchase or sale of
22 marijuana?

23 A: Yes. Most people that are involved in those
24 investigations don't say hey I've got a quarter ounce of
25 marijuana for you, they do it in shorthand or code.

1 Q: Have you also spoken with people about the purchase and
2 sale of marijuana that has helped you understand this
3 language?

4 A: Yes. One of the investigators that was assigned to this
5 that assisted me was Drew Edwards and he is very well versed
6 in these types of investigation and this language.

7 Q: Okay. Go ahead.

8 A: 8:48 a message comes in: Got my daughter right now, can't
9 till about 1 or 2.

10 Can't pull up and meet you? Coming from Darrell Land's
11 phone.

12 Arnold's phone replies: That's what he pays.

13 So in other words what Arnold had been saying that he
14 usually pays for four ounces.

15 Q: \$825 or \$800?

16 A: \$800, \$825 is on the next slide I'll show you.

17 I only hit you up for \$25. So that's the profit that he
18 is talking about.

19 So this goes on for a little bit back and forth, 9:50,
20 9:51, 9:52 they continue talking about this drug transaction.

21 1:44 in the afternoon he gets a text: 20 minutes or less
22 she's on the way.

23 Q: Who gets a text message?

24 A: This would be from Arnold Bennett to Darrell Land.

25 Darrell Land gets a text message: 20 minutes or less she's on

State vs Land

465

2020-DR-26-02425 & 02427

1 the way.

2 He had mentioned having his child that morning in his
3 previous messages. I believe throughout our investigation we
4 learned he was watching his child or spending time with his
5 younger daughter, who the mother of is Cori Slocum, that
6 morning.

7 Call me when you get a chance.

8 From Darrell Land to Arnold Bennett: Pull (inaudible).

9 All right. I'll be there in 5 minutes.

10 3:29, 3:31 Are you home?

11 3:31: I'm beside Clocker's and Remedy's at the studio
12 right by the light.

13 All right. I'll come through.

14 3:33 in the afternoon, just a few minutes after that last
15 text message, here is a phone connection. This time again
16 it's between Arnold Bennett's phone which is being displayed
17 here in the red, and Darrell Land's phone which is being
18 displayed here in the blue. Arnold Bennett's phone is using
19 this tower and you can see the distance marker from this data.
20 Darrell Land's phone is using this tower which services this
21 area and you can see by the antenna face that's being used.
22 Now we have a little bit of movement, we've seen on the
23 defendant's phone pretty much sat in one general area.

24 At 3:43 in the afternoon we have another phone connection
25 between both Arnold Bennett's number and Darrell Land's

1 number.

2 Q: Who is calling?

3 A: That would be Arnold Bennett calling Darrell Land. And
4 you can see that the tower information has changed a little
5 bit. Darrell Land is still using, his phone is still using
6 this tower over here near 707 and Farrow Parkway. Arnold
7 Bennett's is using the tower over here by the International
8 Airport, but you can see that distance marker is still facing
9 out in this direction, so his phone is generally located in
10 this area. Consistent with the text messages that we saw
11 previously that said meet me up by Klocker's, I'm at the
12 studio.

13 For those of you who are not familiar with this
14 particular area of Horry County, at Palmetto Pointe Boulevard
15 and Highway 17 Bypass there is a bar by the name of Klocker's
16 Tavern. Adjacent to it is the Pyramid Rehearsal Studio where
17 we learned during our investigation that Darrell Land had
18 rented space and was recording music in that area at the time.

19 So over the next hour or so there was several more phone
20 connections, not necessarily to each other, but to other
21 parties. Both Darrell Land's phone and Arnold Bennett's phone
22 are using towers during these times. And these phone
23 connections again generally are placing their phones in this
24 vicinity, which suggests that there really hasn't been too
25 much movement on their part.

State vs Land

467

2020-DR-26-02425 & 02427

1 At 4:49p.m. we start to see some movement again.
2 4:49p.m. there is a phone call or phone connection again
3 between Arnold Bennett's phone number and Darrell Land's phone
4 number, but this time they're using the same tower. Arnold
5 Bennett has Sprint records or uses Sprint for his phone
6 provider. Darrell Land uses Verizon. They don't always use
7 the same towers but occasionally depending on the tower, they
8 may -- both companies may have their antennas on it. In this
9 instance they do. And you can see the blue and the red are
10 overlapping each other, blue again is Darrell Land's phone
11 records, the red is Arnold Bennett's phone records. They both
12 are pointing in the same general direction, and this location
13 is north of where we were previously. So Klocker's and that
14 area before is way down here. This is now 501 and 17 Bypass,
15 City of Myrtle Beach heading in a northerly direction.

16 More importantly at 5:15p.m. ---

17 Q: 5:18.

18 A: I'm sorry, 5:18p.m., thank you. Based on the connections
19 again between Arnold Bennett and Darrell Land and they are in
20 the area of Little River, South Carolina. Highway 90,
21 Business 9 runs across through here. And using these
22 connections between the two of them, the tower information we
23 have here began to generally show that these phones are in
24 this area while they're making that connection.

25 Now, when we were reviewing Darrell Land's cell phone

1 download and then again in Steven Morgan's later on we saw the
2 text message conversation between Steven Morgan and Darrell
3 Land. This is a snippet of that cell phone conversation that
4 occurred, that text message conversation, I'm sorry. Darrell
5 Land's phone is reaching out to Steven Morgan's and for
6 reference, this particular snippet came from Steven Morgan's
7 phone, so Steven Morgan's is in the green, Darrell Land's is
8 in the blue.

9 Q: All right. I also just want to stop you one more time,
10 you keep referring to this phone or that phone is that because
11 you can't specifically say well I know that Steven Morgan was
12 using this phone, so you're just talking about connections
13 between phone numbers?

14 A: I can tell the device and I can tell phone records, the
15 numbers. I cannot physically say who was using the phone at
16 the time that it was being used unless I've got something else
17 that shows that. So, no, when looking at these records I
18 can't tell you it was physically them, but I can say it's
19 their phone. I don't know who else shares their phone, you
20 know, on a regular basis. I usually don't.

21 A text message conversation 5:23p.m. on August 4th, 2019:
22 You home bro?

23 Steven Morgan's phone: Yeah, what's up?

24 I was going to stop by and holler at you.

25 Word bro, come through. I've gotta pick my girl up at 7

1 though. Coming from Steven Morgan's phone.

2 Send the addy (for the address) I'm close.

3 These are repeats showing it's skipping messages.

4 [REDACTED] Sandridge Road, Little River.

5 Outside my guy.

6 Q: And what time is that?

7 A: Sorry, this was 5:35p.m. for the address, and then this
8 was received at 5:41p.m., read at 6:13, outside.

9 So this is a phone connection from Arnold Bennett's cell
10 phone records. 6:41p.m. on August 4th, 2019 he's again using
11 this tower in the Little River section of Horry County,
12 Highway 90, Highway 9 Business, the antennas are facing this
13 direction. The distance marker is facing his home in this
14 general area right here. This connection is between a
15 Danielle (ph) and it lasted about 415 seconds, several
16 minutes. We looked at it, there was a missed call, not a
17 missed call, there was several voicemails so there was no
18 actual conversation from what I understand between these two.
19 But this is one of the last two phone connections of any
20 significant duration.

21 This is 7:12p.m. again on August 4th, 2019 using that same
22 tower, same antenna facing direction. The distance marker is
23 closer this way suggesting the phone is -- excuse me for
24 stepping over -- in that area. And something that I don't
25 have displayed on the map, but for those of you who are not

1 familiar with this section of Horry County, at this
2 intersection is a little cigar shop and I'll explain why
3 that's important here in a minute.

4 To kind of keep things in a chronological order, this is
5 cell phone records from Layne Styron's phone. I'm going to
6 back up a minute, Layne Styron was a resident of [REDACTED]
7 Sandridge, which is where we believe all of this happened.
8 This is at 5:49p.m. We were informed that she was working at
9 the Bojangles from about 11 to 7 that evening. There's not a
10 lot of phone connections on her records. Her phone was not
11 being used very much; she was at work.

12 At 5:49p.m. you can see that there is a connection, it
13 comes through, it's for only 2 seconds, just enough to pink
14 the phone, but the tower being used is in the Sandridge
15 direction, it's the direction of North Myrtle Beach.

16 Q: And did you -- sorry.

17 A: I'm sorry, go ahead.

18 Q: Did you mark Bojangles on the map?

19 A: Yes. Bojangles from North Myrtle Beach is right here.
20 And then the Fuji Japanese Grill which is also on this side.

21 This is Steven Morgan's cell phone records. Again we
22 heard earlier that around 7p.m. or just before 7p.m. he had to
23 go pick up his girl. These are two phone connections during
24 that period of time, 6:57p.m. and 7:07p.m. 6:57p.m. you see
25 there's a tower that's being used down here in the North

State vs Land

471

2020-DR-26-02425 & 02427

1 Myrtle Beach section pointing east and using an antenna face
2 that's not serving the Sandridge Road address. Then at
3 7:07p.m. he's using a tower above Highway 90 and Highway 9 and
4 is using the antenna face that serves the north end of North
5 Myrtle Beach.

6 When we were looking at all of these devices and these
7 phone records, we also found some phone -- text messages on
8 Layne Styron's phone between her and a David Pinkerton. David
9 was told or said to be a friend of Steven Morgan's when we
10 found his phone number and this conversation on her phone.

11 Hey bro just picked up my girl. We're on our way to get
12 some Hibachi. Do more than welcome to meet us there if you
13 want.

14 That was sent out and this is the response: Where are you
15 at? (inaudible) I'll head that way when I'm done.

16 Another one: Fuji Japanese on North Kings Highway by
17 WalMart. Less than 5 minutes from my house. I'm about to
18 head there now.

19 All right. Sounds good.

20 If you go ahead and call it in it will be ready by the
21 time you get there. And this was sent at 7:39p.m.

22 Now these three extra messages right here, they're
23 actually from August 15th and this was significant to us
24 because there was no other messages between August 4th and
25 August 15th. But the very first message on August 15th was:

1 Dude did you hear what McGregor did? Hey this is Layne, text
2 Steven on this phone.

3 Well that struck home to us because we were informed that
4 Steven's phone had died. We didn't see a lot of phone
5 connections during this period of time and here's this
6 conversation coming from Layne's phone when the two of them
7 are supposed to be together. David Pinkerton is not Layne's
8 friend, he's Steven's so that was important for us to see. It
9 helps corroborate some of the information we had gotten
10 before.

11 Again, cell phone records from Layne's cell. 7:56, she
12 doesn't talk long on the phone apparently on this particular
13 day. But August 4th, 2019 7:56p.m. she's using a tower which
14 is right across the street from the Gator Hole Plaza in North
15 Myrtle Beach facing down in this southeasterly direction at
16 this time. This is actually a phone connection between her
17 phone and the number associated with David Pinkerton.

18 8:13p.m. there's another phone connection. A slightly
19 different tower, but still covers this North Myrtle Beach
20 area. This is an outgoing call between Layne Styron's number
21 and David Pinkerton. And then here's two other connections,
22 the last two connections, during this time period. Layne's
23 phone one at 8:17p.m. on August 4th, 2019, again in that North
24 Myrtle Beach area. And then at 8:23p.m. August 4th, 2019 now
25 this tower and this antenna facing the section of Sandridge.

State vs Land

473

2020-DR-26-02425 & 02427

1 While we were looking through Steven Morgan's phone we
2 observed some messages that I mentioned earlier that were not
3 on Darrell Land's phone but they were from Darrell Land's
4 number. These were those messages that I mentioned earlier.

5 7:32p.m. Went to the store for a gar. See you in 35
6 minutes starting in 5.

7 7:53p.m. Bout to now.

8 8:03p.m. Cleaning up.

9 8:09p.m. Almost done.

10 Now I've got these here circled in red because that's
11 when they were sent, but they were not read until 9:04p.m.
12 And these reason that is, 9:04p.m. a message is sent back:
13 Damn my bad bro my phone died, and I didn't see any of your
14 texts.

15 We gucci? We good? Steven Morgan's phone.

16 Part of our analysis in looking at some of this phone
17 data and in looking at the downloads we actually observed text
18 messages, but we also found videos, pictures, different things
19 along those lines. In this particular one here we actually
20 found a video on Darrell Land's phone that was taken 7:29p.m.
21 on August 4th, 2019. This was in a text message that was sent
22 to this number here that's associated with Lakesha Land, his
23 wife, which he has in his contact list as My Queen. This is
24 just a very specific computer language saying that
25 (inaudible). So this was a two or three second video saying

1 hey that he sent to his wife to play for his child.

2 This is a photograph from the from the inside of 
3 Sandridge Road from the living room. This is how I had seen
4 it the day before and this photograph was taken by CSI
5 Domogauer on the 16th when she went back and conducted her
6 second search where she took overall photographs everywhere.
7 This was very important to us because you can see similarities
8 behind Darrell Land in this video that you can see in the
9 overall picture here. Here is the picture on the wall behind
10 him of a boat which seems to mirror up with this picture here.
11 Obviously the blue wall coloring. You have the pitch of the
12 roof. You have the location of this light here which seems
13 very similar. And if you actually play the message for the
14 two seconds that it goes, you can almost see or you can
15 probably see the outline of the attic drop down which is
16 visible here.

17 You should be able to click on it.

18 **REPORTER'S NOTE:** (Whereby video is played)

19 **BY MS. WALTER:**

20 A: You notice that the camera is moving a little bit as he's
21 holding it and more of the attic drop down becomes visible.
22 But that again was taken, time stamped 7:29p.m. on August 4th,
23 2019. This was approximately 20 minutes before that message
24 said: About to now. Five minutes after that was: Cleaning up.
25 89:16p.m. August 4th, 2019 there is a phone call from

State vs Land

475

2020-DR-26-02425 & 02427

1 Darrell Land's records, it was a phone call between his number
2 to the number associated with Steven Morgan. It's 4 seconds
3 long. When we looked at the data it was routed directly to
4 voicemail, but you can see that during that connection the
5 tower being used is right here off of Sandridge Road, again
6 the antenna being used is facing in the direction servicing
7 this part of Sandridge.

8 **MS. WALTER:** Court's indulgence for a moment. I have
9 nothing further for Detective Marcus at this time.

10 **BY MS. WALTER:**

11 Q: Mr. Lucas may have some questions for you.

12 **MS. WALTER:** I'm sorry, Your Honor. Can I retract that?
13 I forgot one issue.

14 **THE COURT:** Yes.

15 **MS. WALTER:** Your Honor, I am approaching with state's
16 exhibit 96.

17 Did I have 94 admitted?

18 **COURT REPORTER:** Yes.

19 **MS. WALTER:** All right. Perfect.

20 **BY MS. WALTER:**

21 Q: Do you recognize what's in state's exhibit 96?

22 A: I do.

23 Q: And so we've heard of a couple different locations
24 throughout this investigation, obviously, we've most recently
25 been talking about [REDACTED] Sandridge Road. We've also learned of

1 the victim's car being abandoned at approximately [REDACTED]
2 Livingston Circle, and then his remains being found on the
3 Robert Edge Parkway. What -- with that context, what is shown
4 is exhibit 96?

5 A: This is actually an aerial view of that particular area
6 that you just described, with the three individual locations
7 marked on it.

8 Q: Does that seem to be a fair and accurate aerial photo of
9 that area?

10 A: Yes.

11 MS. WALTER: Your Honor, I would ask that exhibit 96 be
12 admitted and published.

13 THE COURT: Any objection?

14 MR. LUCAS: No objection, Your Honor.

15 THE COURT: So admitted without objection.

16 (STATE'S EXHIBIT NUMBER 96
17 IS ADMITTED INTO EVIDENCE.)

18 BY MS. WALTER:

19 Q: Okay. And so let's use, it's kind of hard to read, but
20 [REDACTED] Sandridge as the center point. Are you able to tell us
21 how far it is between [REDACTED] Sandridge and [REDACTED] Livingston Circle
22 where his car was found?

23 A: That was just under a mile in distance.

24 Q: And then between [REDACTED] Sandridge and the location off of
25 Robert Edge Parkway where Mr. Bennett's remains were found?

1 A: That was right at three quarters of a mile.

2 Q: So all in fairly close proximity?

3 A: Absolutely.

4 Q: Nothing further at this time.

5 **THE COURT:** Cross examination.

6 **MR. LUCAS:** Thank you, Your Honor. Is there any way I
7 can get some help with getting that thing moved to over in
8 front of Detective Marcus?

9 **THE COURT:** Yes, sir.

10 **MR. LUCAS:** Thank you.

11 **REPORTER'S NOTE:** (Whereby podium is being moved by court
12 staff)

13 **CROSS EXAMINATION OF DETECTIVE MARCUS BY MR. LUCAS:**

14 Q: All right. Detective Marcus, you first began
15 investigating this case on October 3rd, 2019, correct?

16 A: I was initially assigned the case on the 3rd. I was out
17 of town at the time so my first briefing with everything was
18 actually on the 7th.

19 Q: Okay. And this investigation it was based primarily on a
20 missing persons report regarding Arnold Bennett, correct?

21 A: It initiated with a missing persons complaint involving
22 Arnold Bennett, yes.

23 Q: And shortly after that on about October 7th you received a
24 briefing from Myrtle Beach Police, correct?

25 A: I received the initial briefing about this complaint,

1 that actually came from my department because our department
2 had the missing persons complaint for about a month and a half
3 after the week Myrtle Beach spent.

4 Q: Okay. Now, based on all of this evidence that you
5 uncovered through Myrtle Beach, you got cell phones -- you got
6 warrants for cell phone records for both Darrell Land and
7 Arnold Bennett, correct?

8 A: It was information that was from both investigations, not
9 just Myrtle Beach.

10 Q: So a combination of the two. Okay. And you served those
11 warrant shortly after, right, like a day later or something
12 like that?

13 A: For the cell phone records?

14 Q: The cell phone records, yes.

15 A: The cell phone records, those warrants were sent out by
16 e-mail, but they were done in the next day or -- day or two.

17 Q: Okay. And after reviewing those records you discovered
18 that Darrell Land had been in contact with Arnold Bennett on
19 August 4th, 2019, correct? Kind of what we were just talking
20 about.

21 A: When I received the results of those records, yes, I
22 observed that.

23 Q: Okay. And at that point in your investigation, there is
24 nothing, there is absolutely nothing wrong with them talking,
25 correct?

1 A: I would not believe there's anything wrong with them
2 talking. In fact we learned that they talked quite often,
3 they knew each other.

4 Q: Okay. And from your investigation of those cell phones
5 there were no threats from Darrell to Arnold, correct?

6 A: I did not observe any threats, no.

7 Q: Okay. And further, while you were reviewing all of this
8 stuff, it didn't appear like there were any problems between
9 the two, right?

10 A: I did not uncover anything that said that they had any
11 prior issue with each other, no.

12 Q: Okay. And what you testified to earlier, on October 10th
13 you met with Walter Bennett, Arnold's dad, correct?

14 A: Yes.

15 Q: And you requested or he at least allowed you to go and
16 search through the home, correct?

17 A: Yes. He was the sole resident of the home at that time.
18 He gave me permission to search through the home.

19 Q: Okay. And you went through his room, Arnold's room,
20 right?

21 A: Yes.

22 Q: And you searched it, correct?

23 A: Yes, for an alternate standard for him.

24 Q: And you uncovered like a jar, like drugs in Arnold's
25 room, correct?

1 A: One of the items that I observed during my search in a
2 nightstand was a plastic container which appeared to contain a
3 green leafy substance, in my experience it was consistent with
4 marijuana, and it looked like a couple of white pills in a
5 small plastic bag.

6 Q: Okay. And based on, you know, kind of a combination of
7 everything with this investigation, that was kind of expected,
8 wasn't it?

9 A: Yes. We had been informed that Arnold Bennett did sell a
10 little marijuana.

11 Q: Okay. All right. So let's kind of get off of that. So
12 we know about -- and Walter, not Walter Bennett, Arnold
13 Bennett was living in that home, correct?

14 A: Yes, that's my understanding.

15 Q: Okay. And going back to these cell phone records,
16 according to everything that you've picked up through this
17 investigation you were able to track communication and
18 locations of Arnold Bennett and Darrell Land, correct? Hence,
19 the video we just watched?

20 A: Yes. I did analyze both the cell phone downloads and the
21 cellular records and was able to generally place the phones in
22 the area and did see some communication between the two of
23 them.

24 Q: And as far as you know based on what you just went
25 through and all of your investigation it was pretty clear that

State vs Land

481

2020-DR-26-02425 & 02427

1 Darrell Land, Steven Morgan, and Arnold Bennett, they were all
2 communicating between each other pretty consistently, right?

3 A: So during the review of the records that I obtained and
4 then the cellular downloads that I obtained, I saw regular
5 communication between Darrell Land and Arnold Bennett up until
6 August 4th, 2019 where all communication stopped as far as
7 Arnold Bennett was concerned. And I observed some
8 communication between Darrell Land and Steven Morgan prior to
9 this. But no communication between Steven Morgan and Arnold
10 Bennett did I ever see or any communication between Arnold
11 Bennett and Layne Styron or David Pinkerton or a few others
12 that came up during this investigation.

13 Q: Well you had -- you had warrants for Layne Styron's
14 phone, did you not?

15 A: No. Layne Styron actually consented to the search.

16 Q: Okay. So you did have access to her phone records?

17 A: Yes.

18 Q: And David Pinkerton?

19 A: We did get phone or a search warrant for David
20 Pinkerton's phone records, yes.

21 Q: And based on your review of that, does it correspond with
22 exactly what these records of Steven and Darrell, does it
23 correspond with that?

24 A: So the records that we reviewed for David Pinkerton did
25 show him in the Little River area of Horry County. It showed

1 him not in the area of Sandridge Road until about 8p.m.

2 shortly before the phone records for Layne Styron showed her
3 phone generally being in that area as well.

4 Q: Okay.

5 A: So prior to about 8:15 in the evening David Pinkerton's
6 phone connections were nowhere near that address.

7 Q: Okay. Now, also through the you know analysis of the
8 phone records of all of these people you were able to see that
9 Darrell Land and Arnold Bennett they ultimately met or were in
10 the location of this studio in Socastee, correct?

11 A: The text messages between Darrell Land and Arnold
12 Bennett's phone said hey come up here to the studio and the
13 phone records that we saw seemed to be consistent with someone
14 going there, yes.

15 Q: Okay. And also through your investigation you came in
16 contact with a person by the name of Jeremy Davis, correct?

17 A: I personally did not. One of the detectives who worked
18 with this investigation did.

19 Q: Okay. And Jeremy Davis works at that studio, correct?

20 A: To my understanding, yes.

21 Q: Okay. And you guys got a warrant to search that studio?

22 A: That was done prior to me taking over the investigation,
23 but yes, that was done during the missing persons
24 investigation.

25 Q: Okay. And you interviewed Jeremy Davis, correct?

1 A: I did not.

2 Q: You did not. Who did because there was an interview of
3 Jeremy Davis?

4 A: Yes.

5 Q: Which officer was that?

6 A: Let me refer to my notes for a moment.

7 Q: Take your time.

8 A: I believe that was Detective Rash.

9 Q: Okay. All right. And I mean do you have -- were you
10 essentially briefed on what Detective Rash discovered after
11 talking with Jeremy Davis?

12 A: What exactly do you mean? Can you rephrase that?

13 Q: Well if Detective Rash talked with Jeremy Davis ---

14 A: Yes.

15 Q: --- did Detective Rash tell you what Jeremy Davis told
16 him?

17 A: He did provide a written report on his interview of Mr.
18 Davis, yes.

19 Q: Okay. All right. And now also according to your
20 records, your cell phone records, Mr. Land was at the studio
21 and then left the studio to go to his house, correct?

22 A: According to the cell phone records his device was using
23 a tower in the area of Klocker's, it's in the area of 17
24 Bypass, however his records cannot specifically tell me if he
25 was at the studio or at Klocker's or at the business adjacent.

1 Q: But Darrell Land told you that he was at the studio and
2 then he went home to change clothes, correct?

3 A: At what time?

4 Q: On August 4th.

5 A: I didn't speak with Darrell Land in August.

6 Q: Well I assume that you investigated it later and at some
7 point after that he told you ---

8 **MS. WALTER:** Objection, Your Honor.

9 **THE COURT:** Grounds.

10 **MS. WALTER:** Hearsay, not a statement by a party.

11 **THE COURT:** Let him answer his question first. Go ahead.

12 **MR. LUCAS:** Yeah, Your Honor, I would just kind of
13 looking into what Darrell Land -- well Detective Marcus
14 investigated this case and through that investigation he had
15 to have discovered where Darrell Land went after the studio.
16 That is what I was illuding to.

17 **MS. WALTER:** Your Honor, may we approach?

18 **REPORTER'S NOTE:** (Whereby bench conference is held.)

19 **THE BAILIFF:** Your Honor, we've got a juror that needs a
20 break.

21 **THE COURT:** Okay. I was hoping we could finish cross
22 examination before we stopped. I'm not in any way telling
23 you, Mr. Lucas, to cut your cross examination off.

24 **MR. LUCAS:** Oh, no.

25 **THE COURT:** You have full cross examination. And I'm not

1 going to sit up there and time you, but do you have any idea
2 how much longer you may be on cross?

3 **MR. LUCAS:** No, I mean, I don't know it could take a
4 little while.

5 **THE COURT:** Okay. Let's take a short break. We'll stop
6 right here for just a minute. I'll let you step to the
7 restrooms, frankly, I need to go as well so don't feel bad.
8 Don't instruct the case until you are instructed to do so.

9 **REPORTER'S NOTE:** (Jury exits courtroom at 11:50a.m.)

10 **THE COURT:** Detective Marcus, I'm going to let you step
11 down while they're out of the courtroom. Do not discuss the
12 case at all.

13 **DETECTIVE MARCUS:** Yes, sir.

14 **THE COURT:** When we come back I'll bring you back to sit
15 in the witness stand before I bring the jury in. Okay.

16 **DETECTIVE MARCUS:** Yes, sir. Thank you.

17 **THE COURT:** We'll stand down for just a minute.

18 **MR. LUCAS:** Thank you, Your Honor.

19 **MS. WALTER:** Thank you.

20 **(COURT IS IN RECESS)**

21 **THE COURT:** Anything from the state before I bring the
22 jury back out?

23 **MS. WALTER:** No, Your Honor. Actually, Your Honor, just
24 so you know what I'm doing, actually my law clerk figured out
25 which coded letter has the language that needs to be redacted,

1 so I'm having to just open up the letter and redact the
2 portion that I mentioned earlier.

3 **THE COURT:** The portion that was redacted needs to be
4 whited out ---

5 **MS. WALTER:** I whited it out.

6 **THE COURT:** Let me finish.

7 **MS. WALTER:** I'm sorry. I know, terrible habit of mine.

8 **THE COURT:** White it out, let the court reporter make a
9 copy of it so when it goes back no deference can be made. The
10 copy that is whited out we'll make a court's exhibit.

11 **MS. WALTER:** Okay. How would you like me to handle the
12 part that is still coded so the actual original note -- I can
13 show you.

14 Jeff, do you want to see what I'm showing him?

15 **REPORTER'S NOTE:** (Whereby bench conference is held.)

16 **THE COURT:** All right. Anything from the state before I
17 bring the jury out?

18 **MS. WALTER:** No, Your Honor.

19 **THE COURT:** Defense counsel?

20 **MR. LUCAS:** Nothing, Your Honor.

21 **THE COURT:** Bring me the jury, please.

22 **REPORTER'S NOTE:** (Jury enters courtroom at 12:08p.m.)

23 **THE COURT:** All right. We have all of the jurors back
24 after a short break.

25 Mr. Lucas, you may continue your cross examination.

1 **MR. LUCAS:** Thank you, Your Honor.

2 **BY MR. LUCAS:**

3 Q: Detective Marcus, talking about all of the phone records
4 and everything that we talked about. To you those records
5 revealed that Darrell Land and Arnold Bennett were in or at
6 least around Steven Morgan's home on Sandridge Boulevard,
7 correct?

8 A: The phone records that I reviewed for both Arnold
9 Bennett's number and Darrell Land's number suggest that those
10 devices were in that general location or the general area of
11 Sandridge Road, yes.

12 Q: Okay. And your investigation also revealed that Darrell
13 Land and Steven Morgan communicated via phone on August 4th,
14 right?

15 A: Yes.

16 Q: All right. And the purpose of that, based on the text
17 messages, was just simply hanging out, right?

18 A: I don't know what the purpose of those messages were. I
19 do know that the address was given during that time and the
20 context of those messages suggest that Darrell Land was coming
21 by that house.

22 Q: Okay. And Biggs, Antonia or Antonio Williams, his house
23 is pretty close to Steven Morgan's, correct?

24 A: It is I believe a street or two over.

25 Q: Okay.

1 A: About a half a mile away.

2 Q: Within walking distance.

3 A: Yes.

4 Q: Okay. And Darrell Land explained to you that after
5 leaving the studio he briefly stopped by Biggs house to play
6 basketball, correct?

7 MS. WALTER: Objection, Your Honor.

8 THE COURT: Objection sustained.

9 MR. LUCAS: Okay.

10 **BY MR. LUCAS:**

11 Q: Now, as far as -- because of all of this you interviewed
12 Antonia Williams, correct?

13 A: Antonia Williams was interviewed by Detective Wydra and
14 Detective Dudley, but I did not personally interview Mr.
15 Williams.

16 Q: Okay. But based on your review of that interview,
17 whichever officer or detective did it, it appeared like they
18 were just going to hang out at Steven Morgan's house, correct?

19 MS. WALTER: Objection, Your Honor.

20 **BY MR. LUCAS:**

21 Q: Detective Marcus, you also discussed this case with
22 numerous other people, right?

23 A: My colleagues that were investigating this case with me,
24 yes.

25 Q: Okay. And you talked with Steven Morgan, correct?

1 A: I did conduct an interview with Steven Morgan, yes.

2 Q: And based on that Steven Morgan's interview changed a
3 number of times about August 4th, correct?

4 A: The interview that I had with Steven Morgan, or several
5 interviews I had with Steven Morgan, the statement that was
6 given in this court yesterday, I believe it was yesterday or
7 the day before was fairly consistent the entire time about him
8 coming home and observing what he observed. The only
9 difference was the context of the conversation that he had
10 with Darrell Land prior to leaving to go pick up Layne Styron
11 which was expressed to us two weeks ago during that proffer.

12 Q: Okay. And in both the proffer and in all of your
13 communications with Steven Morgan he never says anything about
14 murdering Arnold Bennett, correct?

15 A: Steven Morgan says nothing about murdering Arnold
16 Bennett, that's correct.

17 Q: Or about Darrell Land murdering Arnold Bennett?

18 A: If I recall correctly, Steven Morgan's testimony two days
19 ago was that when he asked Darrell Land what happened inside
20 of his home after he observed him cleaning up blood, Darrell
21 Land said to him things went bad.

22 Q: Things went bad?

23 A: Yes.

24 Q: You also talked with Layne Styron, correct?

25 A: Yes.

1 Q: And as you and me, Layne Styron has maintained her story
2 pretty consistently, correct?

3 A: During my interviews with Layne Styron her story, her
4 account has been consistent from the first interview through
5 the second one that I did with her and what I observed two
6 days ago.

7 Q: She says just that Darrell Land was cleaning something
8 up, correct?

9 A: I believe the word that she used was blood.

10 Q: Okay. But she didn't know at that point that it was
11 blood.

12 A: I don't believe I can tell you what she knew, I'm not
13 her.

14 Q: I understand. But the issue of dogs fighting came up as
15 well, correct?

16 A: She had mentioned that two days ago as well as in our
17 original interviews, yes.

18 Q: Okay. And that is what he could have been cleaning up,
19 correct?

20 **MS. WALTER:** Objection, Your Honor, calls for
21 speculation.

22 **THE COURT:** Sustained.

23 **BY MR. LUCAS:**

24 Q: And Layne Styron she waited a long time to report this,
25 correct?

1 A: She contacted the Horry County Police Department on
2 October 15th of 2019.

3 Q: Which is a long time between August 4th, right?

4 A: That's about two months.

5 Q: And also during your investigation you talked with David
6 Pinkerton, right?

7 A: I did conduct an interview with Detective Wydra and David
8 Pinkerton.

9 Q: And he said that he went to dinner, or attempted to go to
10 dinner, with Layne and Steven on August 4th, right?

11 A: Yes, that's correct.

12 Q: But he wasn't able to make it, right?

13 A: Yes. He went to the wrong Fuji Hibachi Restaurant,
14 there's two up in the north area.

15 Q: Okay. Also according to David Pinkerton he arrived at
16 Steven's house before Steven and Layne, correct?

17 A: Yes.

18 Q: He knocked on the door and he came into contact with
19 Darrell Land?

20 A: That is my recollection of that interview, yes.

21 Q: And he had zero recollection of there being any blood in
22 the house, correct?

23 A: That I don't recall.

24 Q: But David Pinkerton explained to you that he knew Darrell
25 because Darrell had sold Layne her dog Prada, correct?

1 A: That I don't recall either.

2 Q: Now, there was also -- they also made a comment about
3 Darrell Land possibly having a girl at that house, correct?

4 **MS. WALTER:** Objection. I'm not sure who he's referring
5 to?

6 **THE COURT:** Clarify your question please.

7 **BY MR. LUCAS:**

8 Q: During your investigation, Detective Marcus, the question
9 of there being a girl or a prostitute at Steven Morgan's house
10 was a possibility, correct?

11 A: I did not uncover any evidence that suggests a prostitute
12 or another party was at Steven Morgan's house on the night of
13 August 4th, 2019.

14 Q: Okay. But based on your investigation there is really no
15 way that you discovered to know what Darrell was cleaning up,
16 correct?

17 A: According to the information I received from the two
18 witnesses that testified two days ago they observed him
19 cleaning up what they believed was blood. When CSI Domogauer
20 went back out to the house and searched the residence, she
21 found areas of the house that were described by those
22 witnesses that testified two days ago, she found presumptive -
23 - she tested that area and found her tests turned presumptive
24 for the presence of blood. And when those samples were sent
25 to the state crime lab they confirmed the presence, not only

1 that it was blood, but the blood belonged or had the DNA
2 profile of Arnold Bennett in it.

3 Q: Okay. But essentially based on your investigation there
4 are no witnesses to Darrell doing anything other than possibly
5 having a girl over or dogs fighting at Steven Morgan's house?

6 A: No, we did not uncover any eyewitnesses that witnesses
7 Darrell Land having a woman over at Steven Morgan's house or
8 eyewitnesses that saw any dogs in Steven Morgan's house during
9 this particular period of time.

10 Q: Okay. And to go further, there are really no witnesses
11 to anything, correct?

12 A: There were two witnesses that testified two days ago to
13 Darrell Land cleaning up a substance that appeared to be blood
14 to them, which again we conducted several searches of the home
15 and his vehicle and found Arnold Bennett's DNA profile in both
16 locations.

17 Q: But as far as -- because Darrell Land is here because
18 he's charged with murder and there were no witnesses to that,
19 correct?

20 A: I have no eyewitnesses that watched Darrell Land kill
21 Arnold Bennett.

22 Q: And you have no gun that matches to Arnold Bennett's
23 death, correct?

24 A: As I testified earlier, there was no firearm evidence
25 that we could test against that was recovered from the scene.

1 Q: And clearly, as you stated, there are no witnesses to
2 this, correct?

3 A: Can you clarify your question?

4 Q: I think you just answered it.

5 There are no witnesses to Darrell Land murdering Arnold
6 Bennett?

7 A: I have no eyewitnesses. We never discovered an
8 eyewitness that physically watched Darrell Land kill Arnold
9 Bennett.

10 Q: And you have no gun, correct?

11 A: We do have a gun in evidence.

12 Q: But it doesn't match?

13 A: Again, we could not test -- we had no firearm evidence to
14 test, no ballistic evidence to test against.

15 Q: So there's no way to know, correct?

16 A: I have no way to be able to tell you for certain which
17 firearm was used to kill Arnold Bennett because there is no
18 ballistic evidence to test against.

19 Q: And there's no one that saw it, correct?

20 A: There is no witness who witnessed Darrell Land kill
21 Arnold Bennett.

22 **MR. LUCAS:** I have no further questions, Your Honor.

23 **THE COURT:** Any redirect?

24 **MS. WALTER:** No, Your Honor. Thank you.

25 **THE COURT:** Sir, you may step down. Thank you.

State vs Land

495

2020-DR-26-02425 & 02427

1 **DETECTIVE MARCUS:** Thank you, Your Honor.

2 **THE COURT:** For scheduling purposes can the lawyers
3 approach the bench?

4 **REPORTER'S NOTE:** (Whereby bench conference is held.)

5 **THE COURT:** Go ahead.

6 **MS. WALTER:** Thank you, Your Honor. At this time the
7 state rests.

8 **THE COURT:** All right. Ladies and gentlemen, the state
9 has presented its case in the State of South Carolina versus
10 Mr. Darrell Demarcus Land. What we're going to do at this
11 point is I'm going to let you all go ahead and go to lunch.
12 There are some matters of law that we need to take up outside
13 of your presence and we are going to go ahead and deal with
14 that. I'm going to ask that you be back here at 2 o'clock, be
15 back here at 2 o'clock. Do not discuss the case at all. As
16 I've told you throughout, you are to decide this case based
17 solely upon the evidence and testimony presented herein.
18 Y'all have a nice lunch, I'll see you back at 2 o'clock.

19 **REPORTER'S NOTE:** (Jury exits courtroom at 12:24p.m.)

20 **THE COURT:** All right. The state has rested its case,
21 any motions at this time from defense counsel?

22 **MR. LUCAS:** Yes, Your Honor. At this point I would make
23 a motion for a directed verdict.

24 **THE COURT:** All right. Anything in response or any
25 argument as it relates to that, Mr. Lucas?

1 **MR. LUCAS:** Yes, Your Honor. I have quite a bit of case
2 law to support directing the verdict in this case. According
3 to everything that I've seen in my practicing and my research
4 and everything else, and I have the case law right here to
5 provide to the Court if you see fit. The accused is entitled
6 to a directed verdict when the state fails to present evidence
7 to support every element of the charged offense.

8 And then further, in State v Brown, which I also have for
9 you, the Court says lest there remain any doubt that the
10 constitutional nature of the reasonable doubt standard will
11 explicitly hold that the due process clause protects the
12 accused against conviction unless -- unless upon proof beyond
13 a reasonable doubt of every fact necessary to constitute the
14 crime which is charged. The Court goes on to say that the
15 Trial Court is concerned with the existence or non-existence
16 of evidence, not its weight.

17 Further, Your Honor, when the state fails to produce
18 substantial circumstantial evidence that the defendant
19 committed a particular crime, the defendant is entitled to a
20 directed verdict, and that is State v Odems, which I also have
21 for you, Your Honor.

22 The proof required in cases built wholly on
23 circumstantial evidence, the Trial Court should grant a
24 directed verdict when the evidence merely raises a suspicion
25 that the accused is guilty.

1 Further, Your Honor, therefore a case based solely on
2 circumstantial evidence should be submitted to a jury only if
3 the guilty of the accused or from which the guilty may be
4 fairly and logically deduced. If there is any substantial
5 circumstantial evidence that reasonable tends to prove the
6 case under which is Bostick, which is 392 S.C. 139, which I
7 also have for you, Your Honor, a directed verdict should be
8 granted.

9 Your Honor, based on all of this case law and based on
10 everything that we've seen so far I just do not believe, I
11 mean possibly circumstantial evidence in this case, but it is
12 most definitely not substantial circumstantial evidence.
13 There's no weapon, there is no actual crime scene. Based on
14 everything the state has presented we have no witnesses, we
15 don't know exactly where Arnold Bennett was killed. He could
16 have been killed at Steven Morgan's house, or he could have
17 been killed in the woods, or he could have been killed in the
18 back of Darrell Land's car.

19 All of that stuff and then if you include the kites, the
20 jail kites, which are basically in code, which if the jury
21 wants to look at them they have no idea what they're looking
22 at. Most people that have been in this courtroom also don't
23 have any idea what they're looking at. There has been
24 confusion on this case from the beginning. And there is no
25 direct evidence to show that Darrell Land did anything wrong,

1 Your Honor. And for that reason, and based on all of this, I
2 would move respectfully for a directed verdict in this case.

3 **THE COURT:** Thank you, sir.

4 Ms. Walter.

5 **MS. WALTER:** Your Honor, in order for the directed
6 verdict to be granted there must be a failure of competent
7 evidence to submit the case to the jury. We are not at a
8 proof beyond a reasonable doubt stage, although the state
9 certainly believes that there is proof beyond a reasonable
10 doubt that the defendant is guilty of murder and possession of
11 weapon during a violent crime.

12 There is ample evidence including testimony from Steven
13 Morgan that the defendant at the very least was planning to
14 rob Arnold Jamal Bennett. There are cell phone records
15 placing the defendant and Arnold Jamal Bennett in the location
16 of [REDACTED] Sandridge Road. Mr. Morgan testified that the
17 defendant showed up, and a truck which has been identified as
18 the victim's truck, showed up at the same time. You have
19 testimony from both Steven Morgan and Layne Styron that when
20 they got home the defendant was cleaning up blood from their
21 home.

22 While Mr. Lucas, without foundation, has floated this
23 idea of a dog fight, there's not been any testimony that there
24 were dogs anywhere in the house. Furthermore, scientific
25 testing has proven that DNA that was found in the subfloor

1 actually belonged to Arnold Jamal Bennett.

2 To say that there was no actual crime scene is quite
3 frankly unreasonable based on all of the evidence that has
4 been adduced here today. And although I did appreciate the
5 fact that he said perhaps Arnold Jamal Bennett had been killed
6 in the back of the defendant's car, because maybe he actually
7 took his last breath there. But the defendant's truck is a
8 crime scene, [REDACTED] Sandridge Road is a crime scene, and the
9 dumpsite off of Robert Edge Parkway is a crime scene.

10 As for the coded letters, that is why the state had
11 Corporal Donahue testify, that is why one of the exhibits are
12 decoded versions of those letters. But quite frankly the
13 defendant's confession to this murder is written in plain
14 English in his handwriting and each of the jurors, I'm sure,
15 will be able to read that. That covers the murder charge.

16 As for the possession of a weapon during a violent crime,
17 clearly a murder is a violent crime that a victim was killed
18 by a gunshot wound to the head. That can only be done if you
19 actually possess a handgun. So at this stage, Your Honor, the
20 state believes that we have made it past the directed verdict
21 stage.

22 **THE COURT:** All right. Mr. Lucas, you said you had some
23 cases that you want me to look at.

24 **MR. LUCAS:** I do, Your Honor.

25 **THE COURT:** And you have copies for the state as well?

1 **MR. LUCAS:** Unfortunately I do not. I can get copies.

2 **MS. WALTER:** That's fine, Your Honor.

3 **THE COURT:** I'll give you the citations when I get them.

4 **MS. WALTER:** Thank you, Your Honor.

5 **THE COURT:** Has the state seen them?

6 **MS. WALTER:** No, I have not, Your Honor.

7 **MR. LUCAS:** Do I have to file this before I give it to
8 you?

9 **THE COURT:** You don't necessarily need to file it since
10 you've made a motion.

11 **MR. LUCAS:** Thank you, Your Honor.

12 **THE COURT:** All right. Defense counsel has handed up
13 several cases here, State versus Odems, O-D-E-M-S. All I have
14 is something that came from advanced sheets, the number being
15 27084. State v Bostick, 392 S.C. 134; State v Mitchell, 341
16 S.C. 406; and State v Brown, 360 S.C. 501. I'll take a look
17 at these over the lunch break.

18 **MR. LUCAS:** Okay. Thank you, Your Honor.

19 **THE COURT:** Now, what I'll do at this juncture since the
20 state has rested its case, I'm going to go ahead and advise
21 the defendant of his rights.

22 Mr. Land, if you'd stand, please, sir, and raise your
23 right hand.

24 **DARRELL DEMARCUS LAND, HAVING BEEN**
25 **FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**