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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTLY JERMAINE SCOTT,

APPELLANT

APPELLATE CASE NO. 2022-000266

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GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. Are you aware of if the shoes that were
2 submitted like for Mr. Bailey, for example, are you
3 aware if it's a different size than the prints?

4 A. I don't doubt it. I wasn't necessarily
5 aware of it. But to answer your question, yes. If
6 you had -- if one of the Defendants was wearing a
7 shoe that was of the same class, in other words,
8 same type of sole, then, yes, the size would make a
9 difference verses a size 8 verses a size 10. It
10 would make a difference.

11 Q. Okay. But I guess as far as the actual
12 size of the shoes in this case, that goes beyond
13 your personal knowledge that would come from the
14 agent at SLED that did the --

15 A. Yes, sir. The SLED agent that did the
16 comparison and filed the report.

17 Q. Okay. And there's been a lot of talk
18 about fingerprints in this case; is that right?

19 A. Yes, sir.

20 Q. And you took a lot of prints from all
21 over the scene; correct?

22 A. Yes, sir.

23 Q. I mean, some probably just to be safe,
24 you know, on counters or wherever the case may be;
25 is that right?

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 A. Yes, anywhere I could find them.

2 Q. And then you wanted prints from obvious
3 areas of interest like the knife that's beside the
4 safe?

5 A. Yes, sir.

6 Q. Anywhere near blood. I mean, there's
7 obvious spots you want to you get, but you got a
8 lot of prints in total; right?

9 A. Yes, sir.

10 Q. And none of the prints out of all the
11 ones you were able to identify with the, you know,
12 a decent impression, none of them came back to any
13 of these Defendants; correct?

14 A. No, sir. Fingerprints did not come
15 back to the Defendants.

16 Q. As far as fingerprints, Mr. Bailey,
17 there's no tie with him to the scene at all; is
18 that fair to say?

19 A. From the fingerprints that I collected,
20 no, sir.

21 Q. And these fingerprints, again, it's
22 kind of like we're talking about earlier. If you
23 have a fingerprint, but you don't have a person
24 that left the print to test it against, sometimes
25 you can send it up for testing against someone else

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 and it's going to come back inconclusive or it's
2 going to say not identifiable with that person; is
3 that right?

4 A. If it is -- and this happened in this
5 case, a good print, a comparable print, we would
6 compare it against any known prints that we have
7 available. They would also if it did not come back
8 as a match to any known prints, they would run it
9 through AFIS. And if the prints were on file with
10 AFIS, then you'll come back with a hit there that
11 would, again, identify who the print belongs to if
12 it's in the system.

13 Q. And AFIS is the data base, searchable
14 fingerprint?

15 A. Yes, sir. It's the Automated
16 Fingerprint Identification System, AFIS, run by the
17 state.

18 Q. Okay. And in this case, did you have
19 some prints that you were able to get a decent, I
20 guess, impression from or unable to identify with
21 any of the Defendants or anyone else in the case?

22 A. I think I believe I remember the
23 identifiable prints were identified with someone.
24 There were partials that we could not identify with
25 anyone.

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. Okay. But what I'm saying is, did you
2 have prints that didn't -- that if you had the
3 right person's standard in evidence, you could have
4 tested against it would have been a match?

5 A. Yeah, if I had them. Like I say, I
6 really don't recall if we had identifiable prints
7 that we didn't match to anybody. I don't recall.

8 Q. You're not saying there weren't?

9 A. There may have been. I'm not saying
10 there weren't.

11 Q. Okay. That would be, I guess, a
12 question more for the SLED analyst; is that right?

13 A. Yes. Again, they would have filed the
14 report as to -- and in my review of their reports,
15 I don't think we had any. But the SLED examiner
16 would be better to ask because they actually
17 examined the latent prints from the scene to try
18 and identify them with someone.

19 Q. Okay.

20 MR. CHISHOLM: Can I have one moment,
21 Your Honor?

22 THE COURT: Sure.

23 Q. Captain Carter, I asked you
24 specifically about fingerprints and AFIS.

25 A. Yes, sir.

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. That was a searchable data base. Is
2 DNA something you can search against that?

3 A. Yes, sir. There is a searchable data
4 base known as CODIS that they search DNA through.

5 Q. So when you send this stuff up for
6 testing, you can say, okay, here's say DNA that I
7 got off of a knife and you send that sample up to
8 SLED. And you can say, okay, SLED, test it
9 against, you know, John Doe and Sam Smith and see
10 if it's their DNA?

11 A. Correct.

12 Q. And at the same time you can also
13 request, and while you're at it, run it against
14 everybody else in that data base, CODIS; is that
15 right?

16 A. That's pretty much automatic. We don't
17 necessarily request it go against CODIS. Once we
18 send up DNA, we'll send up any known samples and
19 they will try their best to identify them with the
20 known samples. If they hit no matches then they
21 will run it through CODIS to see if we get what's
22 called a hit in CODIS.

23 Q. When you have a case like this that is,
24 you know, a 2015 case, it's gone on for quite a
25 while, and you send this evidence off say in 2016,

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 is there a way to request that this -- all this
2 forensic evidence be rerun against AFIS or CODIS
3 just to make sure you don't have a hit that's come
4 up in the interim time?

5 A. Yes, you can request it in some cases.
6 In other cases and, again, SLED would have to clip
7 protocol, some cases it automatically runs. Every
8 so often it will run through. But if we needed
9 them to rerun it because we have a new known DNA
10 that we would like to check it against, then, yes,
11 they would do it at our request.

12 Q. Do you know if that was done in this
13 case?

14 A. I honestly don't know if we sent it
15 after the fact or not. We may have, but I don't
16 have those samples in front of me to see when they
17 were sent.

18 Q. In this case, speaking of the DNA, did
19 you have DNA evidence that came back that was
20 tested against obviously all the suspects and
21 everyone else involved that came back as
22 unidentified with any -- unidentifiable with
23 anybody in this case? In other words, it's not the
24 Defendants, it's not anybody that was at the house,
25 people that are unknown?

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 A. I don't believe so. I believe it was
2 all identified with the victims.

3 Q. I guess that would be more of a
4 question for the DNA analyst?

5 A. Again, they did the analysis and filed
6 the report -- prepared the report. Best of my
7 knowledge the DNA came back to the victims.

8 Q. Okay. Thank you Captain Carter.

9 A. Yes, sir.

10 THE COURT: All right. Ms. Zmroczek,
11 we've been going for a while this morning, I think
12 we're going to go ahead and take a break for lunch
13 and that way Captain Carter can get to stay here.
14 Okay. Ladies and gentlemen, we'll go ahead and
15 take a break for lunch. I'm going to ask y'all to
16 be back in the jury room at 1:45 and then we'll
17 start -- continue with Captain Carter's testimony.
18 Okay. Remember, don't talk to anybody, don't look
19 up anything, and have a good lunch. Okay.

20 (WHEREUPON, the jury left the courtroom
21 at 2:14 p.m.)

22 THE COURT: All right. Captain Carter,
23 you know you can get up, walk around, and like
24 that. You can't talk to anybody about your
25 testimony, okay?

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 MR. CARTER: Yes, sir.

2 THE COURT: I'll see you back here at
3 1:45. Thank you, sir. We're in recess until 1:45.
4 Thank y'all.

5 (Lunch break)

6 (WHEREUPON, Defendants' Exhibit Numbers
7 50 through 63 were marked for ID)

8 THE COURT: Go ahead.

9 MR. OSBORNE: At Friday's hearing,
10 Defense asked for State's 36 to be put in black and
11 white, I did. They asked State's 169 to be put
12 into black and white, I did.

13 THE COURT: State's 1 --

14 MR. OSBORNE: 169. I went back and
15 looked again at 173. I went ahead and took that
16 out. 173 is now out. And then 205, they asked to
17 be put in black and white and I put that in black
18 and white.

19 THE COURT: Let the record reflect how
20 accommodating the Solicitor is.

21 MR. LEIENDECKER: I would like to
22 complete the loop on the record to say that that
23 was after we objected to them at all and the Court
24 allowed them in. The State then did accommodate by
25 making those black and white. I want the record --

GERALD CARTER - CROSS EXAMINATION BY MR. CHISHOLM

1 THE COURT: Which even more emphasizes
2 the fact how accommodating the Solicitor is.

3 MR. LEIENDECKER: I don't believe that
4 it does, but you can have your own interpretation
5 as the Court. (Laughter) But what I want to be
6 certain is on appeal, it's clear that just because
7 he made them black and white doesn't make them not
8 still objectionable.

9 THE COURT: Okay. So you're --

10 MR. LEIENDECKER: It makes them maybe
11 less objectionable.

12 THE COURT: We are preserving your
13 objections to 36, 169, and 205.

14 MR. LEIENDECKER: That's what I'm
15 saying.

16 MS. ZMROCZEK: As is Mr. Smith.

17 MR. JOHNSON: As is Mr. Scott.

18 THE COURT: And you are commending the
19 Solicitor for taking out 173 based on your
20 objection. (Laughter)

21 MR. LEIENDECKER: Those are your words.
22 Thank you, Your Honor.

23 THE COURT: All right. Ms. Zmroczek,
24 are you ready to go whenever --

25 MS. ZMROCZEK: (Nodded)

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 THE COURT: Okay. And, Mr. Johnson,
2 you're also ready?

3 MR. JOHNSON: Yes, sir.

4 THE COURT: All right. Would y'all
5 bring the Defendants out.

6 (WHEREUPON, the Defendants entered the
7 courtroom)

8 (WHEREUPON, the jury entered the
9 courtroom at 1:56 p.m.)

10 THE COURT: Everybody here?

11 THE BAILIFF: Yes, Your Honor.

12 THE COURT: Okay. Thank you. Ladies
13 and gentlemen, I hope you had a good lunch. We're
14 ready now to continue with the testimony of Captain
15 Carter. And, Ms. Zmroczek, I believe he is now
16 your witness.

17 MS. ZMROCZEK: Thank you, Your Honor.
18 May it please the Court.

19 THE COURT: Yes, ma'am.

20 CROSS EXAMINATION BY MS. ZMROCZEK:

21 Q. Good afternoon, Captain Carter?

22 A. Afternoon.

23 Q. You've been doing this in the police
24 business for quite some time; right?

25 A. Yes, ma'am, for awhile.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. And then specifically as the evidence
2 gatherer, I believe, you had 12 years; right?

3 A. Almost. Close to 12 years.

4 Q. Close to 12 years. So tell the jury
5 why it's important as well -- before I ask that
6 question. As in evidence -- as in evidence, tell
7 me again what your title was?

8 A. I was actually crime scene
9 investigator.

10 Q. Crime scene investigator. So as a
11 crime scene investigator, tell the jury why it's
12 important that y'all have policies and procedures.

13 A. Just to maintain the integrity of the
14 evidence, the way it's collected, the way it's
15 stored, things of this nature.

16 Q. Okay. Because if people that aren't
17 law enforcement related, they can inadvertently
18 mess up a crime scene; right? Or purposefully?

19 A. It's possible.

20 Q. Even as careful as you are with your
21 training, it may be that sometimes, for example,
22 EMS going in, their main concern is the patient;
23 right?

24 A. Correct.

25 Q. And so they may -- they may

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 inadvertently mess with the crime scene; right?

2 A. That is possible.

3 Q. But you try to keep it as pristine as
4 possible?

5 A. Yes, that's what we attempt to do.

6 Q. Okay. And as part of your
7 investigation in crime scene investigation, it's
8 important because the crime scene or scenes really
9 tell a story; right?

10 A. Yes, that's one way of looking at it.
11 Correct.

12 Q. Okay. Because you get a phone call,
13 you walk into somewhere, and you have to kind of
14 take what you're given and help try to figure out
15 what happened; right?

16 A. Correct.

17 Q. Almost like you're working backwards?

18 A. Correct.

19 Q. And like you said before, you have all
20 of these trainings with these different groups;
21 right?

22 A. Yes.

23 Q. Okay. And they have certain
24 requirements of you to take notes?

25 A. Yes.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. And take photographs?

2 A. Yes, ma'am.

3 Q. And to be as thorough as possible;
4 right?

5 A. Correct.

6 Q. But even sometimes you can miss
7 something or make a mistake; right?

8 A. It could happen.

9 Q. Okay. And, in fact, I think in this
10 case, one of the cleaning crews actually after
11 y'all had processed the scene for at least two full
12 days, one of the cleaning crews actually found some
13 evidence that y'all hadn't found; right?

14 A. There was an item brought to our
15 attention; correct.

16 Q. And what was that item?

17 A. There was one item, a Solo cup. It was
18 left on the kitchen counter near the stove. And at
19 the time, I didn't see it as anything other than a
20 benign Solo cup sitting on the counter. I didn't
21 look inside of it, but there was some -- it was
22 something in the cup.

23 Q. Tell the jury what that was.

24 A. If I remember, it was a baggy wrapped
25 up inside there. It would have been suspicious if

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 I would have seen it.

2 Q. Okay. And it was eventually sent off
3 and tested positive for cocaine; right?

4 A. It was sent off and I believe it tested
5 positive. That particular item. I don't remember
6 specific, but, yes, I think it did.

7 Q. Right. All right. And so I want to
8 talk to you about a crime scene entry log. What is
9 crime scene entry log?

10 A. Crime scene entry log is basically a
11 list of everybody who's entered into a crime scene.

12 Q. Why is that important?

13 A. Well, it's important in case they
14 somehow interact with the crime scene. And it's
15 something that we have to either verify or show
16 what that interaction was and whether it did or
17 didn't affect the crime scene.

18 Q. Does everybody who enters crime scene
19 wear protective shoe covering and gloves?

20 A. No, not all the time. I know some
21 agencies or policies they do, but not necessarily
22 here.

23 Q. Okay. Now, do you -- what protective
24 gear do you wear when you as the crime scene
25 investigator go in?

1 A. To be honest, primarily gloves and I
2 change them a lot.

3 Q. Okay. You change them a lot. Because
4 let's say if I collect this item and then I go over
5 and collect this item, it's possible that I could
6 transfer evidence from here to here; right?

7 A. This is possible.

8 Q. Okay. I want to show you Defendants' 1
9 which has already been admitted into evidence.
10 Does that look familiar to you?

11 A. To be honest, I did not make this
12 evidence -- the log -- crime scene entry log and
13 this is the first time I had actually seen it.

14 Q. Okay. So which goes to my next
15 question. Does your name appear as being on the
16 crime scene log?

17 A. No, ma'am, it does not.

18 Q. Okay. So that's pretty common though
19 when you go to a scene, you want to make sure
20 somebody -- we know you said I think 8:17 is what
21 time you entered; right?

22 A. Right.

23 Q. So that should have been reflected on
24 the crime scene log; right?

25 A. It should have been.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. But, obviously, you would agree
2 with me that your name doesn't appear on this?

3 A. My name is not there.

4 Q. Okay. I want to -- I'm going to try
5 not to skip around so much. When you got there,
6 did you have any interactions with any animals, any
7 dogs?

8 A. No.

9 Q. Okay. You got there I think you said
10 around 8:17?

11 A. I would have to look at the time on my
12 data sheet. It shows when I arrived.

13 Q. Okay. All right. Do you have those
14 notes with you?

15 A. No, ma'am, I don't.

16 Q. If I showed you your notes, would that
17 help refresh your recollection?

18 A. Yes, ma'am, it would.

19 Q. Okay. And I'm handing you a stack of
20 17 pages. Do you recognize those?

21 A. Yes, ma'am. This is my handwritten
22 notes as I go along.

23 Q. Okay. So what time does it say that
24 you...

25 A. Yes, ma'am. This is my arrival time

1 was 8:17, yes, ma'am.

2 Q. All right. And so the reason -- and
3 you have -- obviously, these are all your notes;
4 right?

5 A. Yes, ma'am.

6 Q. It says 1 through 17; right?

7 A. Yes, ma'am.

8 Q. Explain to the jury how you do that.
9 Do you have someone scribing for you? Are you
10 doing things and writing them down? How do these
11 notes get here?

12 A. As I go along I don't do it piece by
13 piece, but I will stop at points and go ahead and
14 start writing my notes because that's the best way
15 to remember everything that's transpired.

16 Q. Right. Especially when there's a lot
17 going on; right?

18 A. (Nodded)

19 Q. And then time has passed, here we are
20 six years later and I'm asking you to remember what
21 time you showed up; right?

22 A. Correct.

23 Q. And so you're trained actually to write
24 things down that's important for you to do?

25 A. Yes, ma'am.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And so, I want to talk a little
2 bit about that. So you get to the crime scene and
3 we heard about how you kind of do an overall
4 survey, you take pictures from afar, and then like
5 the midrange, and then up close because that's what
6 you're trained to do; right?

7 A. Yes, ma'am.

8 Q. And let me ask you this. Do you alter
9 the crime scene in any way?

10 A. No. Not until I am prepared to mark
11 the evidence and collect it.

12 Q. Okay. Perfect. So when you walk in,
13 if a TV is on, you photograph it with the TV on;
14 right?

15 A. Correct.

16 Q. You don't turn it off or turn down the
17 volume or anything; right?

18 A. No, ma'am.

19 Q. Okay. I want to show you Defendants'
20 50. Ask if that's one of the pictures you took?

21 A. Okay.

22 Q. Do you recognize that?

23 A. Yes, ma'am. It appears to be the
24 living room on the right side.

25 MS. ZMROCZEK: Your Honor, at this

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 time, we would move Defendants' 50 into evidence.

2 THE COURT: Any objection?

3 MR. OSBORNE: None, Your Honor.

4 THE COURT: Any objection, Mr.

5 Chisholm?

6 MR. CHISHOLM: No.

7 THE COURT: Any objection?

8 MR. JOHNSON: No objection.

9 THE COURT: Defendants' 50 is in
10 evidence.

11 (WHEREUPON, Defendants' Exhibit Number
12 50 was entered)

13 Q. And this is, I think you said, it's
14 kind of another overall -- another overall view of
15 the living room?

16 A. Yes.

17 Q. And what's this right here?

18 A. Pointing at the TV set?

19 Q. Yes, sir.

20 A. It's a flat screen TV.

21 Q. Okay. And that's exactly how
22 everything appeared when you walked in?

23 A. Yes, ma'am.

24 Q. Okay. We have -- we talked about and
25 you showed some pictures of what we're going to

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 call bedroom 3. I think that's how you identified
2 it. Bedroom 3 is where the children?

3 A. Yes, ma'am.

4 Q. Okay. All right. So I want to show
5 you a couple of pictures from -- or at least one
6 picture from that, Defendants' 51. Is that another
7 photograph you took?

8 A. Yes, ma'am.

9 MS. ZMROCZEK: Your Honor, at this
10 time, we would move Defendants' 51 into evidence.

11 THE COURT: Any objection?

12 MR. OSBORNE: None, Your Honor.

13 MR. CHISHOLM: None, Your Honor.

14 THE COURT: Any objection?

15 MR. JOHNSON: No objection.

16 THE COURT: Defendants' 51 is in
17 evidence as well.

18 (WHEREUPON, Defendants' Exhibit Number
19 51 was entered)

20 Q. Defendants' 51 is a close-up of the
21 door of bedroom 3; right?

22 A. Yes, ma'am.

23 Q. And I think you even -- and that's the
24 room inside of which the young victims were?

25 A. Yes.

1 Q. And you even noted that it was
2 obviously forced open?

3 A. Yes, ma'am.

4 Q. But you noted something about the lock.
5 What did you notice about the lock?

6 A. It appeared to be locked to me, in the
7 locked --

8 Q. So the dead --

9 A. It wouldn't turn.

10 Q. It wouldn't turn; right. And so --
11 like even when you took this photograph, the lock
12 would not turn; right?

13 A. Correct.

14 Q. Okay. Indicating to you that it was
15 locked?

16 A. Correct.

17 Q. You talked about -- I want to kind of
18 try not to switch around too much, but Defendants'
19 53 and 54, we talked a little bit about the cast
20 and the shoe prints?

21 A. Yes.

22 Q. And are those some of the pictures that
23 you took?

24 A. Yes, they do appear to be. Yes, ma'am.

25 MS. ZMROCZEK: Your Honor, at this

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 time, we would move Defendants' 53 and 54 into
2 evidence.

3 THE COURT: Any objection?

4 MR. OSBORNE: None, Your Honor.

5 MR. CHISHOLM: None Your Honor.

6 MR. JOHNSON: No objection.

7 Q. And so what we see --

8 THE COURT: Defendants' 53 and 54? I'm
9 sorry.

10 MS. ZMROCZEK: I'm sorry, Judge.

11 THE COURT: That's okay. Defendants'
12 53 and 54 are also in evidence without objection.

13 (WHEREUPON, Defendants' Exhibit Numbers
14 53 and 54 were entered)

15 Q. And so what we see -- and these are
16 actually with some of the scales; right, to talk
17 about the sizes?

18 A. Correct.

19 Q. Okay. And also there are patterns;
20 right, on the bottom of most shoes, we have
21 patterns?

22 A. Correct.

23 Q. And so you said that you were using
24 these to not only -- so you can even see if these
25 appear similar or if these are different; right?

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Correct.

2 Q. And you'll want to compare those
3 against maybe officers, if they marched in these at
4 the crime scene; right?

5 A. If it appeared to be a boot they would
6 be wearing or a shoe they would be wearing.

7 Q. Okay. And you didn't have that feeling
8 in these?

9 A. No.

10 Q. Okay. And then you would want to try
11 to compare them to not only size, but any shoes of
12 any potential suspects; right?

13 A. Correct.

14 Q. And these were outside?

15 A. Yes, they were outside.

16 Q. And you were asked if you took any
17 casts from anywhere inside; right, for shoe prints?

18 A. No, I took no castings from inside.

19 Q. Okay. All right. I'm going to show
20 you Defendants' 52. And this may be a repeat, but
21 it's just easier to not try to find it. Do you
22 recognize 52?

23 A. Yes, I do.

24 Q. From the kitchen?

25 A. Yes, ma'am.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 MS. ZMROCZEK: Your Honor, at this
2 time, we would move Defendants' 52 into evidence.

3 THE COURT: Any objection?

4 MR. OSBORNE: No, Your Honor.

5 MR. CHISHOLM: None, Your Honor.

6 MR. JOHNSON: No objection.

7 THE COURT: Defendants' 52 is in
8 evidence without objection.

9 (WHEREUPON, Defendants' Exhibit Number
10 52 was entered)

11 Q. So you see where my finger is
12 indicating?

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

14 Q. Okay. So could that be a potential
15 footprint?

16 A. Yes, it could.

17 Q. Okay. And that's not one that we did
18 any measuring or testing on?

19 A. No, ma'am.

20 Q. Okay. And it's actually -- I've said
21 you believe this was flour; right?

22 A. Yes, ma'am.

23 Q. Did you taste it? How did you know
24 this was flour?

25 A. There was some other items on the floor

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 I thought it had spilled out of. It just -- it
2 just appeared to be flour.

3 Q. Okay. And flour much like the sand or
4 dirt outside leaves a good area of impression;
5 right?

6 A. It can, yes.

7 Q. All right. And so we don't know about
8 what size or anything about this potential print?

9 A. No, we do not.

10 Q. Okay. You collected -- we saw a bunch
11 of the physical stuff, but there were also paper
12 items that you took photographs of as well; right?
13 I'll show you 55 through 59.

14 A. Yes.

15 MS. ZMROCZEK: Your Honor, at this
16 time, we would move 55 through 59 in.

17 THE COURT: Any objection?

18 MR. OSBORNE: No objection, Your Honor.

19 MR. CHISHOLM: No, Your Honor.

20 MR. JOHNSON: No objection.

21 THE COURT: Defendants' 55 through 59
22 are in evidence without objection.

23 (WHEREUPON, Defendants' Exhibit Numbers
24 55 through 59 were entered)

25 MS. ZMROCZEK: Thank you.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. I believe that you testified on maybe
2 cross that -- or maybe direct that you collected at
3 least 12 cell phones in total in this case?

4 A. I believe it's eight.

5 Q. Sorry, eight.

6 A. Yes, ma'am.

7 Q. And so obviously as an evidence
8 collector, you can send items off to be tested or
9 they remain in evidence for lead investigators or
10 others to make calls about testing stuff later;
11 right?

12 A. Correct.

13 Q. So if we have phone records, we could
14 test some of these numbers against some phone
15 records and see if they, you know, were involved
16 around the time, talked to them, see if at least
17 potential witnesses; right?

18 A. Theoretically, yes.

19 Q. Okay. But you just -- that would be
20 somebody else; right?

21 A. Correct.

22 Q. Okay. You just photograph the evidence
23 as you see is important?

24 A. Correct.

25 Q. Okay. Lastly, as far as photographs

1 go, I'm just going to show you 60 through 63.

2 A. Yes, ma'am.

3 Q. Did you take those as well?

4 A. Yes, I did.

5 MS. ZMROCZEK: Your Honor, at this
6 time, we would move Defendants' 60 through 63 in.

7 THE COURT: Any objection?

8 MR. OSBORNE: None, Your Honor.

9 MR. CHISHOLM: No, Your Honor.

10 THE COURT: Any objection?

11 MR. JOHNSON: No objection.

12 THE COURT: Defendants' 60 through 63
13 are in evidence without objection.

14 (WHEREUPON, Defendants' 60 through 63
15 were entered)

16 Q. And so what we're looking at here,
17 Defendants' 60, 61, 62, and 63, tell the jury what
18 those were.

19 A. Most of them appear to be prescription
20 bottles. Some of them were actually from a
21 veterinarian, I think. But the reason I documented
22 them there was substances inside the bottles which
23 was not consistent with what should have been in
24 them or what the prescription was.

25 Q. Have you worked crime scenes with

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 narcotics before?

2 A. Yes, ma'am.

3 Q. And is it common in your practice to
4 find that people put illegal substances in legal
5 containers?

6 A. Yes.

7 Q. Okay. And so that sparked an interest
8 for you to take a picture of these; right?

9 A. Correct.

10 Q. In this case -- how many blankets did
11 you collect?

12 A. I don't think I collected any blankets.

13 Q. Okay. So if you had information or
14 even if you didn't, if you had -- if there was a
15 blanket that had some blood on it, that certainly,
16 without knowing anything about the case would be
17 something that you would have wanted to collect;
18 right?

19 A. Possibly if it was on scene.

20 Q. Right. Or at least photographed?

21 A. Correct.

22 Q. Okay. I want to move on to -- so, are
23 you working this crime scene by yourself or do you
24 have crime scene -- other crime scene workers?

25 A. There's one other crime scene

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 investigator at the time was Sergeant William
2 Ketcherside.

3 Q. Mr. Ketcherside?

4 A. Correct.

5 Q. And so do y'all -- are y'all splitting
6 the duties? How does that work?

7 A. In this particular case, I was the
8 primary crime scene investigator and I requested
9 his assistance because of the magnitude of the job
10 we were going to have to do.

11 Q. Okay. So did -- when you go to a crime
12 scene in addition to photographing and documenting
13 and collecting, do you also make sketches of the
14 area?

15 A. Yes, we do.

16 Q. And was that done in this case?

17 A. By Sergeant Ketcherside, yes.

18 Q. Sergeant Ketcherside. Okay. And a lot
19 of times those are not to scale, but they're just
20 kind of on paper so we know what room is where?

21 A. The hand drawn sketches of almost
22 always are not to scale.

23 Q. Okay. In addition to you, Investigator
24 -- Sergeant -- Mr. Ketcherside, we have other
25 officers obviously at the scene; right?

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCKEK

1 A. Yes, ma'am, there were.

2 Q. So if they think that something is
3 important, will they direct you to that?

4 A. Sometimes.

5 Q. Okay. In addition to those handwritten
6 notes, are these your handwritten notes or are
7 these of Mr. Ketcherside's?

8 A. This is going to be Sergeant
9 Ketcherside.

10 Q. Sergeant Ketcherside. Perfect. Okay.
11 I wanted to make sure I asked you from the right
12 notes. So these 17 pages are your notes; right?

13 A. Yes, ma'am.

14 Q. Okay. And so the interesting thing
15 about crime scenes, like we said, it can tell a
16 story; right?

17 A. Yes.

18 Q. For example, I believe, Investigator
19 Osborne -- excuse me, Assistant Solicitor Osborne
20 asked you if there were any drag marks into bedroom
21 2 which is bedroom 2 where we identified Ms. Hutto
22 being found; right?

23 A. Correct.

24 Q. Okay. And there weren't any; right?

25 A. No, ma'am, there were none.

1 Q. But we did see was in the kind of top
2 corner there was the shell casing or was it the
3 bullet that you extracted --

4 A. That was actually the bullet.

5 Q. The bullet that you extracted?

6 A. Correct.

7 Q. And so the bullet -- so tell the jury
8 the difference between a bullet and a shell casing?

9 A. To keep it simple as possible, the
10 shell casing contains the gun powder, the primer,
11 and unfire the projectile that's pressed into the
12 top of the casing. Once it's fired, the casing is
13 left over. It's either inside the gun or in an
14 automatic weapon it will eject and it will lands
15 somewhere on the floor or wherever. The
16 projectile, once it's fired, goes until it stops or
17 until it impacts a surface and it gets embedded in
18 the surface.

19 Q. Okay. And I'm not -- through your
20 training and experience especially as a crime scene
21 investigator, you're trained to look for those --
22 for all of the items that kind of help us
23 understand what happened, who was standing where,
24 et cetera; right?

25 A. Yes, we try to.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And would you agree with me that
2 bullets go straight?

3 A. Well --

4 Q. Unless they're altered?

5 A. They take a straight path without
6 getting too technical about it, yes.

7 Q. Right. Right. Right. So being that
8 -- and do you recall what the caliber of that
9 bullet was that you pulled out?

10 A. I do not. We'd have to see the
11 analysis report on it. I don't recall.

12 Q. All right. In addition there was some
13 what you identified to believe to be blood on the
14 upper part of the wall in bedroom 2 as well; right?

15 A. No, ma'am, that was bedroom 3.

16 Q. Oh, that was bedroom 3?

17 A. The younger victims, yes.

18 Q. Okay. So let's talk about that. So
19 let's go back to bedroom 3 then. Bedroom 3 has
20 some closets?

21 A. It has one closet, yes.

22 Q. It has one closet. And then that's
23 where the 3 minors were located; right?

24 A. Upon my arrival there was only two.
25 Only two of them were there when I got there.

1 Q. So for your arrival, [REDACTED] had been
2 airlifted to the hospital, but the other two were
3 still there; right?

4 A. Correct.

5 Q. Additionally, the room was tossed like
6 much of the rest of the house; right?

7 A. Yes, ma'am.

8 Q. I'm talking mattresses put on their
9 side? Drawers pulled out?

10 A. Correct. The drawers were pulled out,
11 things were pulled out of the closet and it
12 appeared to be, there was a lot of items on the
13 floor.

14 Q. Okay. Is there anyway to tell whether
15 that searching, for lack of a better term, or
16 tossing of the room whether that happened before or
17 after the children were shot?

18 A. Again, I can't place a timestamp on
19 when it occurred.

20 Q. Okay. But we did see -- and that was
21 the room where there was blood up on the ceiling;
22 right?

23 A. The red stains which appeared to be
24 blood to me.

25 Q. Okay. And do you know whose those came

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 back to?

2 A. Again, the SLED report would
3 definitively say. My understanding is it was to
4 the victim.

5 Q. Okay. One of the minors?

6 A. One of the victims, yes.

7 Q. And so upon learning that information,
8 I believe that you said you had some training in
9 blood spatter and other specific areas of crime
10 scene; right?

11 A. Yes, ma'am.

12 Q. Did anyone ever ask you to help anyone
13 understand how blood got up there?

14 A. No one has ever asked.

15 Q. Okay. You've done no reports on that;
16 right?

17 A. No, I didn't do any kind of analysis on
18 the pattern.

19 Q. Okay. And, additionally, we saw the
20 pictures I guess they were on the wall next to the
21 door?

22 A. Yes, ma'am.

23 Q. Okay. And nobody ever asked you to
24 kind of take us back and try to recreate that, did
25 they?

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. No, ma'am.

2 Q. Okay. Is that something that you do or
3 could do?

4 A. I can, yes, ma'am.

5 Q. You've been trained in it; right?

6 A. Yes, ma'am.

7 Q. Additionally, SLED has people that can
8 do that as well; right?

9 A. Yes, ma'am.

10 Q. Now, did SLED come in and help y'all --
11 you and Mr. Ketcherside -- Investigator
12 Ketcherside?

13 A. Not with the processing of the scene.

14 Q. Not with the processing. So they came
15 in later? Or got involved later, I should say?

16 A. There was a SLED agent who was trying
17 to expedite phones that we did find and collect.
18 He did collect those and take them to SLED.

19 Q. Okay. Because phones, especially at
20 this day and age, can give us a lot of information;
21 right?

22 A. Correct.

23 Q. I mean, tons of information. You --
24 all right. So on 7/15 and 7/16, it actually took
25 two full days to really process this crime scene;

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 right? Just the house?

2 A. Pretty much. I say on 16, I was at the
3 autopsy that morning, but then Sergeant now
4 Lieutenant Ketcherside, he went earlier and started
5 working at the house. I couldn't get there until
6 later in the day.

7 Q. Okay. Did any evidence show up
8 afterwards after y'all had left and come back?

9 A. We already discussed the, I can't
10 remember what date it was, but the Solo cup.

11 Q. Right.

12 A. They may have found a phone that with
13 the cleaning crew. There may have been a phone
14 found. I didn't collect that phone.

15 Q. All right. So when you put the tamper
16 tape on there and you go back the next day, if that
17 had been altered, you would have noted that in your
18 notes for the two days you were there; right?

19 A. Correct.

20 Q. Okay. I want to go to the cell phone
21 that was found in the field and we saw your GPS.
22 How did you know to go there?

23 A. I was contacted, I believe, I would say
24 -- I was contacted by somebody I think it was SLED
25 following it.

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Again, I'm not trying to trick you.
2 Just read it to yourself and see if it refreshes
3 your recollection.

4 A. Those are my notes. My understanding
5 was SLED was tracking it with their phone truck and
6 Matt Brown is actually a SLED agent who was helping
7 me with the phones and expediting them.

8 Q. Okay. So that was my question which
9 you answered. So they were tracking like the known
10 phones with a -- how they're able to do that?

11 A. Correct.

12 Q. And then they found it because of that
13 and then they called you out there?

14 A. Correct.

15 Q. Okay. And then you also -- in addition
16 to the house and that phone, you also executed a
17 search warrant on the Camero?

18 A. Yes.

19 Q. Okay. Again, I'm not trying to trick
20 you. I'll show you your notes.

21 A. I'm trying to remember the event, but,
22 yes, I did. On the 29th; correct.

23 Q. Okay. So when vehicles -- and,
24 obviously, the vehicle was not there at Holly Hill
25 or on Old State Road; right?

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. The --

2 Q. The Camero when you executed the search
3 warrant?

4 A. Oh, no. It was in our --

5 Q. Tell the jury how that works.

6 A. Right. In that particular case,
7 vehicles of interest were towed to our impound lot
8 to be secured until search warrants can be obtained
9 and we could do a thorough search of the vehicles
10 involved.

11 Q. And in that Camero you found another
12 cell phone?

13 A. Correct. It was one -- if I remember,
14 the back was missing or something off of it, but it
15 was there and that was my primary purpose was to
16 get that phone.

17 Q. Okay. But while you were in there you
18 also found some shoes?

19 A. Could be.

20 Q. Okay. Did you make a list of all the
21 things that you found in there?

22 A. It would have been -- there would have
23 been a list.

24 Q. Okay. All right. Safe to say -- do
25 you recall whether or not a knife was found in that

1 vehicle in the Camero?

2 A. To back up just a step. On the scene
3 at the house, I knew we were going to tow the
4 Camero for a thorough search inside our impound
5 lot. So what I did process on scene was the
6 exterior because it would be exposed to the
7 elements as it was being towed back to my impound
8 lot and the bullet fragment on the passenger seat.
9 I don't think I collected anything else. SLED did
10 assist with the cars.

11 Q. Okay. All right. And that's where I
12 was going with that. So at this point we're
13 talking several different crime scenes with the
14 phone and the cars and so at this point you're
15 getting assistance from SLED; right?

16 A. With the vehicles, yes.

17 Q. With the vehicles. And you were asked
18 on, I think, cross about the one way in and the one
19 way out; right?

20 A. Correct. There was only one driveway.

21 Q. Only one driveway. And so did you ever
22 take any aerial photos of that house, of the Old
23 State Road house?

24 A. I did not.

25 Q. Okay. So you're not familiar with the

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 paths that the dirt road paths that also you can
2 get to the house, but not through the driveway?

3 A. I'm not familiar with the actual path.
4 It may lead from behind the house up, I'm not.

5 Q. Right. Right. Right. Okay. Are you
6 familiar that there is one?

7 A. Not that I recall. We did search the
8 woods around the house looking for anything that
9 may have been there because we were looking for
10 anything and everything, but I do not recall a
11 path.

12 Q. Okay. And, in fact, and you may or may
13 not know, so when you were searching around the
14 house, were you with Investigator Ketcherside doing
15 that?

16 A. (No response)

17 Q. Let me ask you this way. Were y'all
18 ever directed to some footprints perhaps in the
19 woods?

20 A. I believe it was a roadway behind the
21 house somewhere. Again, Lieutenant Ketcherside is
22 the one who went to that and processed that
23 footwear.

24 Q. Okay. In addition to footprints and
25 fingerprints and DNA and photographs, are there

1 also -- is there also certain evidence that
2 vehicles can leave?

3 A. Yes.

4 Q. Okay. Tire marks? Tread marks? Skid
5 marks? Those kinds of things?

6 A. Yes, it's possible. Impression
7 evidence.

8 Q. Let me ask you this, would you -- if
9 someone sat along a roadway that has grass and dirt
10 and they sat there for a long period of time, is it
11 possible that they could -- that there could be
12 some tire tracks or evidence left from a vehicle?

13 A. It's possible.

14 Q. Okay. You also executed a search
15 warrant on a Hyundai Sonata that belonged to a
16 Michael Smith, a/k/a, Rambo; do you recall that?

17 MR. OSBORNE: Objection, Your Honor.
18 It's third party guilt.

19 THE COURT: If you would rephrase your
20 question.

21 Q. Were there other vehicles that you
22 executed search warrants on?

23 A. Yes.

24 Q. Okay. And were those vehicles -- did
25 you go out or were you asked by investigators to go

GERALD CARTER - CROSS EXAMINATION BY MS. ZMROCZEK

1 out and execute search warrants on other vehicles?

2 A. I was informed there was a vehicle that
3 needed to have a search warrant executed on it.

4 Q. Okay. Did you collect anything from
5 those other vehicles?

6 A. If we're referring to the Hyundai
7 Sonata?

8 Q. Yes.

9 A. Yes, ma'am. I collected swabs of red
10 stains believed to be blood on the car.

11 Q. Thank you. Also when you went back --
12 did you ever go back to the scene with Solicitor
13 Pascoe from this office?

14 A. Yes, he did go walk through the scene
15 himself.

16 Q. Okay. And you walked through with him?

17 A. I was there, yes.

18 Q. You were there. Okay. Is that
19 something that you do frequently with solicitors?

20 A. Occasionally, in a case of this
21 magnitude it was not -- I didn't think it was that
22 unusual.

23 Q. Okay.

24 MS. ZMROCZEK: Beg the Court's
25 indulgence. Thank you. Those are all the

GERALD CARTER - CROSS EXAMINATION BY MR. JOHNSON

1 questions I have.

2 THE COURT: Mr. Johnson, any questions
3 of this witness?

4 MR. JOHNSON: Briefly, Your Honor.

5 CROSS EXAMINATION BY MR. JOHNSON:

6 Q. Officer, when you went out there --
7 when you got called out, did you take your time or
8 did you go straight out to the crime scene?

9 A. Went straight to the crime scene.

10 Q. And when you went out there was it
11 pouring rain on you?

12 A. No, sir.

13 Q. It wasn't raining?

14 A. No, sir.

15 Q. And you had an interior crime scene,
16 but you said you had an exterior/outside you had to
17 treat as a crime scene?

18 A. Correct.

19 Q. All right. And if it's raining that
20 can destroy evidence; correct?

21 A. Correct.

22 Q. But it wasn't raining?

23 A. It wasn't raining that morning.

24 Q. And you didn't lollygag around, you
25 went straight out there?

GERALD CARTER - CROSS EXAMINATION BY MR. JOHNSON

1 A. Yes.

2 Q. And when you went out there, you took
3 your time; correct?

4 A. To process?

5 Q. Process?

6 A. That's correct.

7 Q. You didn't rush yourself?

8 A. No, sir.

9 Q. As you've been doing this for a long
10 time and you wanted to do a good job?

11 A. Yes, sir.

12 Q. And when you looked for DNA,
13 fingerprints outside, inside, you were very
14 careful?

15 A. Yes, sir.

16 Q. You fingerprinted, I think you said, I
17 believe fingerprinted doors, toilet, pulled prints
18 off the entertainment center, I think you testified
19 that there were fingerprints from Todd Dukes inside
20 of the house?

21 A. Yes.

22 Q. And then you looked at other items, you
23 looked for swabs, looked on the ceiling, looked
24 underneath the table, looked for shoe prints, and
25 the whole point of that is if somebody went into

GERALD CARTER - REDIRECT EXAMINATION BY MR. OSBORNE

1 that house, you want to know by finding some trace
2 of DNA, fingerprints, blood or shoe prints,
3 something that connects to them?

4 A. Correct. That's what I was trying to
5 do, yes.

6 Q. And you never found any of that
7 connected to my client, Antly Scott?

8 A. No, sir.

9 Q. Okay.

10 MR. JOHNSON: No more questions, Your
11 Honor.

12 THE COURT: Thank you, Mr. Johnson.
13 Anything on redirect?

14 MR. OSBORNE: Just very briefly, Your
15 Honor.

16 REDIRECT EXAMINATION BY MR. OSBORNE:

17 Q. So Ms. Zmroczek asked about this
18 Michael Smith. July 21st, does that sound like the
19 date, about a week after this that Michael Smith
20 was arrested?

21 A. Sounds about right, yes.

22 Q. Arrested for running from the police?

23 A. Yes, sir.

24 Q. Does it sound correct that it looks
25 like maybe a little marijuana and a couple of

GERALD CARTER - REDIRECT EXAMINATION BY MR. OSBORNE

1 scales and a couple of phones were found in the
2 car?

3 A. I believe so, sir.

4 Q. And Michael Smith wrecked the car when
5 we ran from the police, does that sound right?

6 A. That was my understanding, yes.

7 Q. Injuring himself?

8 A. Again, that's my understanding.

9 Q. And when he was apprehended, he was
10 pinned up against the car so, therefore, you might
11 expect their to be a little blood on the car?

12 A. My understanding was he was injured,
13 and, yes.

14 Q. Okay. The Camero. There was some talk
15 about policies. There was some questions about
16 policies and crime scene logs and whatnot.
17 Orangeburg County Sheriff's Office general order
18 226(D) (4), would it surprise you that says, "If the
19 crime scene requires processing, the scene shall be
20 secured and a perimeter established," does that
21 sound about right?

22 A. Sounds right, yes, sir.

23 Q. What are we looking at here on State's
24 28 -- what are we looking at right here, this
25 yellow going across?

1 A. That is the crime scene or barrier
2 tape.

3 Q. Okay. And is this what it means when
4 it says, establish a crime scene, you put up tape?

5 A. Yes. That's one step in establishing
6 the crime scene. Very commonly used method to put
7 up barrier tape and only approved individuals to go
8 past that tape who had business on the crime scene
9 --

10 Q. Getting to that. You're inside the
11 crime scene right now; right?

12 A. Yes, sir.

13 Q. Okay. This one deals with you.
14 Subsection 7, "Upon arrival, the forensics FSI
15 unit, the senior FSI will assume control of the
16 crime scene." Were you the senior crime scene unit
17 there?

18 A. Yes, I was.

19 Q. So that's your scene?

20 A. Yes, sir.

21 Q. And you're inside of it at that moment?

22 A. Yes, sir.

23 Q. All right. "The senior crime scene
24 unit will be in charge and will release control of
25 the scene when critical issues of evidence

GERALD CARTER - REDIRECT EXAMINATION BY MR. OSBORNE

1 collection and trace evidence had been completed."

2 You were still in the process of doing the scene;

3 right, processing the scene?

4 A. Yes, sir.

5 Q. Okay. Is it fair to say that you

6 usually start a crime scene log once you put up the

7 perimeter?

8 A. Normally it started by first responders

9 who's there before me.

10 Q. Right.

11 A. And I'm not sure who did the log that I

12 just looked at, but usually I don't do it

13 personally.

14 Q. Because you're processing the scene?

15 A. Correct. I'm dealing with the

16 evidence.

17 Q. Okay. All right. Next. I'm not going

18 to put you through a quiz here, but just some basic

19 blood spatter stuff. When I'm talking about

20 directionality and blood spatter, are you familiar

21 with impact and tails and how that works, just

22 generally speaking?

23 A. Yes, sir.

24 Q. All right. So directionality, just

25 tell the jury, generally speaking, if I'm walking

1 and I'm casting off blood, generally speaking, when
2 blood hits and then moves, what are we looking at?
3 What do we call that, the movement of the blood?

4 A. It's going to be point of impact verses
5 the velocity in movement. It's going to make like
6 a teardrop design with a tail on it.

7 Q. Right. And the tail points the
8 direction?

9 A. Yes, sir.

10 Q. Okay. I'm showing you State's 199,
11 this was talked about the blood on the ceiling, do
12 you see any tails here?

13 A. No, sir. And because of the type
14 ceiling material, I wouldn't expect to find any.

15 Q. Not only that, but have you ever heard
16 of high velocity impact spatter?

17 A. Yes, sir.

18 Q. Is it fair to say that when you're shot
19 and blood shoots out, that's high velocity impact
20 spatter?

21 A. Yes, sir.

22 Q. And when hit up again a flat surface
23 like this, if it's directed --

24 MR. CHISHOLM: Objection, Your Honor.
25 This is leading.

GERALD CARTER - REDIRECT EXAMINATION BY MR. OSBORNE

1 Q. -- if the source is coming from the
2 bottom --

3 MS. ZMROCZEK: Yeah. Objection, Your
4 Honor.

5 THE COURT: Hold on.

6 MR. OSBORNE: I haven't finished my
7 question.

8 THE COURT: I know. I think they
9 wanted to object before you finished. So just ask
10 him the questions about it. Okay. Directly.

11 MR. OSBORNE: Yes, sir.

12 Q. Hypothetically, if the victim was
13 underneath this one shot, is this what you would
14 expect the blood to look like?

15 A. Yes, sir, it could.

16 Q. Okay. Lastly, I think it was Ms.
17 Zmroczek who asked you that when you're processing
18 scene that you put on gloves?

19 A. Yes.

20 Q. Why?

21 A. I don't want to contaminate the scene
22 myself.

23 Q. By leaving your fingerprints behind?

24 A. I don't want to leave fingerprints. I
25 don't want to leave DNA.

GERALD CARTER - RECROSS EXAMINATION BY MR. CHISHOLM

1 MR. OSBORNE: No further questions.

2 THE COURT: Any questions, Mr.
3 Chisholm?

4 MR. CHISHOLM: Just one.

5 RECROSS EXAMINATION BY MR. CHISHOLM:

6 Q. Solicitor was just asking you about is
7 this what you would expect to find if blood is
8 thrown up on the ceiling from below, you said it
9 could be. I'm guessing the obvious correlator to
10 that is it might be something different; is that
11 right?

12 A. It would depend on the point of impact,
13 the exact location of the victims. The only thing
14 I can say is that's what I found when I went in the
15 room and the victims were on the floor.

16 Q. Thank you.

17 THE COURT: Ms. Zmroczek?

18 MS. ZMROCZEK: Thank you. Just very
19 briefly.

20 RECROSS EXAMINATION BY MS. ZMROCZEK:

21 Q. Mr. Osborne asked you about what you
22 would expect to see; right?

23 A. Uh-huh.

24 Q. In blood locations and stuff like that?

25 A. Yes, ma'am.

GERALD CARTER - RECROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Today is the first time besides myself
2 and Mr. Osborne anybody's ever asked you that;
3 right?

4 A. Yes, ma'am.

5 Q. Okay. He asked you about General Order
6 226?

7 A. Yes, ma'am.

8 Q. Can you read number 11 of the General
9 Order of 226?

10 A. "When the forensic services
11 investigator arrives on scene of a major crime, he
12 or she must ensure the crime scene log has been
13 initiated."

14 Q. And that was this crime scene log right
15 here; right?

16 A. Correct. It was initiated, but I
17 didn't keep up with it.

18 Q. Right. In fact, until I showed it to
19 you, you hadn't seen it?

20 A. I had not seen it.

21 MS. ZMROCZEK: No further questions.

22 THE COURT: Mr. Johnson?

23 MR. JOHNSON: No questions, Your Honor.

24 THE COURT: Thank you, Captain Carter.
25 You may step down.

1 MR. OSBORNE: And may he be released,
2 Your Honor?

3 THE COURT: Any objection to releasing
4 him?

5 THE COURT: Any objection to release
6 him?

7 MR. CHISHOLM: No, Your Honor.

8 MS. ZMROCZEK: No objection.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: No objection.

11 THE COURT: You are released from your
12 subpoena. Thank you, sir. State ready to call its
13 next witness?

14 MR. OSBORNE: We are, Your Honor.
15 State calls Jessica Stowe.

16 JESSICA STOWE,
17 being first duly sworn, was examined and testified
18 as follows:

19 THE CLERK: Thank you. You may be
20 seated.

21 THE COURT: And, Ms. Stowe, if you
22 don't mind, make sure you're speaking into the
23 microphone. Okay. Thank you, ma'am.

24 THE CLERK: State your full name for
25 the Court.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. STOWE: My name is Jessica Stowe,
2 S-T-O-W-E.

3 THE CLERK: Thank you.

4 THE COURT: She is your witness.

5 MR. OSBORNE: Thank you, Judge.

6 DIRECT EXAMINATION BY MR. OSBORNE:

7 Q. Good afternoon, Ms. Stowe?

8 A. Hi.

9 Q. I'll just ask you some background
10 questions while you're getting situated there.

11 A. Okay.

12 Q. What is your occupation?

13 A. I am a forensic DNA analyst.

14 Q. Where do you currently work?

15 A. Currently, I work for the Greenville
16 County Department of Public Safety.

17 Q. All right. How long you been with
18 Greenville County?

19 A. A little over two years.

20 Q. Prior to that where did you work?

21 A. I worked for the South Carolina Law
22 Enforcement Division often referred to as SLED.

23 Q. Okay. And while at SLED, what was your
24 position?

25 A. I was a forensic serologist.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. And how long did you work at
2 SLED?

3 A. I worked there from 2012 to 2019, so a
4 little over seven years.

5 Q. All right. What is your educational
6 background?

7 A. I have a Bachelor's of Science in
8 biology with a minor in chemistry from the
9 University of South Carolina. I have a Master's of
10 Science in microbiology in sailor science with a
11 concentration in medical microbiology at
12 biochemistry from the University of Florida.

13 Q. While employed with SLED, were you
14 authorized or certified to perform serological
15 analysis?

16 A. Yes, I was. That's right, serological
17 analysis, yeah.

18 Q. It didn't sound right coming out my
19 mouth. How many cases have you worked at SLED?

20 A. Probably well over a thousand.

21 Q. All right. Ever been qualified as an
22 expert in the field of serology?

23 A. Yes.

24 Q. And how many times?

25 A. Over 30. Approximately 30, I'd say.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. In what courts?

2 A. General sessions and military.

3 Q. All right.

4 MR. OSBORNE: Your Honor, at this time,
5 the State would offer Ms. Stowe as an expert in the
6 field of forensic serology.

7 THE COURT: Any objection?

8 MR. CHISHOLM: No, Your Honor.

9 MS. ZMROCZEK: No, Your Honor.

10 THE COURT: All right. Ladies and
11 gentlemen of the jury --

12 MR. JOHNSON: No objection, Your Honor.

13 THE COURT: Thank you, Mr. Johnson.
14 Ms. Stowe has been qualified as an expert in --

15 MR. OSBORNE: Forensic serology.

16 THE COURT: Forensic serology. Okay.
17 And being qualified as an expert in that area, she
18 is allowed to give her opinion in that area. I
19 just caution you that just because she is an
20 expert, does not mean you have to accept her
21 opinion. Like any other evidence, you give it the
22 weight you believe it deserves. All right,
23 Mr. Osborne?

24 MR. OSBORNE: Thank you, Judge.

25 Q. All right. Ms. Stowe, I'm going to

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 show you what's already been marked and admitted as
2 State's 264, 266, and 267.

3 A. Okay.

4 Q. Just so we -- do you recognize them?

5 A. Can I open the package just to see
6 what's inside?

7 Q. Sure.

8 A. Yes. State's Exhibit 264 appears to be
9 the sexual assault evidence collection kit from
10 Shamekia Sanders. State's Exhibit 266 does appear
11 to be item 17 from Krystal Hutto. Yes, and State's
12 Exhibit 267 appears to be the sexual assault kit
13 from Tamara Perry. And I recognize these by the
14 SLED lab number, my number, and my initials.

15 Q. Okay. And did you receive these from
16 SLED Amy Stevens?

17 A. Yes, I did.

18 Q. And when you received them, did they
19 appear to be damaged, altered, or tampered in any
20 way?

21 A. No, they did not.

22 Q. Okay. So, Ms. Stowe, generally
23 speaking, what are included in sexual assault
24 evidence or examination collection kits?

25 A. Sure. So sexual assault kits are

1 pretty standard across the board. They're going to
2 come with swabs. So vaginal swabs, oral swabs,
3 rectal swabs. They may also come with ways to
4 collect fingernail scrapings, clippings, hair, just
5 ways to collect evidence off of the body. And,
6 additionally, they come with ways to know who that
7 sexual assault kit may belong to. So this may be
8 blood. This may be a swab from the inside of the
9 check, but overall they're pretty standard.

10 Q. Okay. And fingernail chippings, why
11 are they collected and analyzed?

12 A. The premise behind fingernail clippings
13 is that in forensics we're seeing if maybe someone
14 came in contact with another person. And so, for
15 example, if I was to touch my husband, it's likely
16 that his DNA would be underneath my fingernails.
17 That's the concept of it.

18 Q. Okay. All right. So what do you with
19 the oral swabs, vaginal swabs, and rectal swabs
20 once you come into possession of them generally
21 speaking?

22 A. We take inventory of the kit, sexual
23 assault kits. We're mainly screening for semen.
24 So with that we're looking for components of semen
25 such as p30 spermatozoa. It's important to

1 understand that semen has two components, a liquid
2 component and a cellular component.

3 So the p30 that I spoke of, that's
4 going to be that liquid component. And then the
5 cellular component is going to be the sperm cell.
6 So that's what we're typically looking for in a
7 sexual assault kit.

8 Q. Okay. And did you run a test in this
9 case on the vaginal, rectal, and oral swabs from
10 Krystal Hutto, Shamekia Sanders, and Tamekia
11 (verbatim) Perry looking for p30 and spermatozoa?

12 A. Yes, I did.

13 Q. Okay. What were your results?

14 A. Everything was negative for p30 and
15 spermatozoa with the exception of the oral swabs
16 from Krystal Hutto.

17 Q. Okay. And before we get into that a
18 little bit, can p30 this protein be found in other
19 bodily fluids other than semen?

20 A. It can it. It can be found in breast
21 milk. It can also be found in the blood of males
22 with prostate cancer.

23 MS. ZMROCZEK: With what? I'm sorry.

24 A. The blood in males with prostate
25 cancer.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. So did -- well, I know you
2 did. Did you also check for the presence of
3 spermatozoa?

4 A. Yes. Every time we perform these exams
5 we're looking for spermatozoa and that's just done
6 under a microscope and it was negative in these
7 cases.

8 Q. Okay. So the one swabs that came back
9 positive for p30 was Krystal Hutto, but no sign of
10 spermatozoa?

11 A. That's correct. Yes.

12 Q. Okay. Well, I guess the next obvious
13 question is what are some of the reasons why you
14 might find a positive p30, but no spermatozoa?

15 A. Well, it's important to know that when
16 we are analyzing a piece of evidence, we are
17 analyzing a sample of that evidence. So for one
18 reason, if I didn't see the sperm cell that -- it
19 could be that it's there, I just didn't see it in
20 that sample that I picked up. Because, again, that
21 sample has to move forward for other parts of
22 analysis, so it wouldn't been wise to consume all
23 of our sample. Then it could be that there was a
24 low sperm count or no sperm count. Could be due of
25 a vasectomy, things of that nature.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Could time affect those results
2 in any way for spermatozoa?

3 A. For semen in general, yes. So,
4 especially in the mouth, you're prone to eating,
5 drinking, things that can, you know, rinse away
6 body fluids if they were deposited into the mouth.
7 So that would also be a reason why you had -- I did
8 not visualize any spermatozoa.

9 Q. Okay. Within -- well, in the DNA
10 testing community, what do scientists recommend to
11 law enforcement as a generally accepted timeframe
12 for the collection of swabs from the mouth of a
13 sexual assault victim?

14 A. When I'm asked that question, I say as
15 soon as possible. Literally as soon as possible.
16 Hours, minutes can affect that. But within the
17 forensic community, I believe it's 24 hours. 12
18 hours, 24 hours.

19 Q. Okay. So, you know, I guess by that
20 logic and I'm speaking plainly here, the longer
21 that you wait to collect the swabs from the mouth
22 of the victim or person, I guess, the lesser your
23 chance of locating spermatozoa?

24 A. Yes. And that's the rule of thumb
25 with, you know, evidence as a whole, yes.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. And same with DNA?

2 A. Same, yes.

3 Q. Okay. Well, try this too. Said
4 another way. The closer to the incident location
5 for swab of the mouth, the more spermatozoa or
6 foreign DNA you might expect to collect?

7 A. The closer to the time of when a body
8 fluid had been deposited, yes, the higher the
9 chances would be.

10 Q. All right. I'm just not very
11 articulate. I don't know how to ask this question,
12 so I'm not trying to sound gross. But if someone
13 were to -- male were to ejaculate into a deceased
14 person's mouth at or near the time of death, would
15 the chances of locating DNA or spermatozoa
16 increase?

17 A. They would be higher than if someone
18 was alive and going through that typical human
19 activity where you're still eating and drinking.

20 Q. And is that because not only eating and
21 drinking, but your body once you die, the clock
22 stops?

23 MS. ZMROCZEK: Objection, Your Honor,
24 leading.

25 THE COURT: I'm going to overrule the

1 objection. You can finish up. You can answer it.

2 A. Can you repeat the question?

3 Q. Is that because basically the bodily
4 functions of breaking down things in your body
5 which your body does when you die that clock stops?

6 A. Well, the human activity stops. So,
7 basically, if a body fluid had been deposited,
8 nothing is really affecting it like it was at a
9 time where if a human was alive. The only thing
10 that's going to be effected at that point on is
11 just due to human decomposition as that part
12 starts. But, yeah.

13 Q. Oh, I see. Yeah. The actual body
14 decomposing at that point?

15 A. Uh-huh.

16 Q. Okay. All right. Once you were, you
17 know, you did your analysis on this, where did they
18 go from there?

19 A. That -- the evidence had been
20 transferred to the DNA analyst in this case.

21 Q. Okay. And that was Paul Meeh?

22 A. That is correct.

23 Q. And that would have been on July 20th
24 of 2015?

25 A. Yes.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. I want to talk about the next
2 piece of evidence that you came into possession of
3 this, in this case, I think it was on July 6th of
4 2016.

5 MR. OSBORNE: Beg the Court's
6 indulgence.

7 THE COURT: Yes, sir.

8 Q. Okay. I'm showing you 217 and 217-B,
9 C, and D. It's already been marked and admitted,
10 but can you take a look at those and tell me if you
11 recognize them?

12 A. Yes. This State's Exhibit 217 appears
13 to be SLED case number L-159627, item 166, that
14 would be knife found on floor of bedroom. And
15 these are the sub items from the knife that I
16 created. State's Exhibit 217-D, C, and B.

17 Q. All right. And I believe you came into
18 those -- into possession of those given to you by
19 SLED Doris Yarbrough? Does that sound right?

20 A. For 166, the knife, I received that
21 from -- on December 6, 2016 from Jackie Davis.

22 Q. Oh, Jackie Davis. Okay. And you ended
23 up creating 217-B and C -- well, it would be 166.1
24 and .2 on your items?

25 A. Yes.

JESSICA STOWE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. When you came into
2 possession of, I believe your 166, was it properly
3 sealed and labeled accordingly?

4 A. Yes, it was.

5 Q. Appear to be tampered with in any way?

6 A. No.

7 Q. Did you test the knife? Did you test
8 it for any blood?

9 A. Yes, I did.

10 Q. And what were your results?

11 A. The testing for blood was negative.

12 Q. Negative. Okay. Did you do anything
13 else with the knife, any other testing?

14 A. Swabs were taken from the blade of the
15 knife and the handle of the knife and forwarded to
16 the DNA section. Also there was hair submitted
17 along side the knife, so I looked at that under a
18 microscope and forwarded that to the DNA section as
19 well.

20 Q. And that would be Paul Meeh again?

21 A. Uh-huh.

22 Q. And just for clarification purposes, it
23 was something that looked like it could be hair,
24 you weren't sure?

25 A. So as part of serology we are trained

JESSICA STOWE - CROSS EXAMINATION BY MR. CHISHOLM

1 to look at hair, possible hair, underneath a
2 microscope and look for characteristics that could
3 potentially produce a DNA profile down the road.
4 And so those are the characteristics I look for
5 above and that's what gets sent to Paul in the
6 scenario.

7 Q. And then Paul then tests it and tells
8 us what it is?

9 A. Right.

10 Q. Okay.

11 MR. OSBORNE: No further questions.

12 THE COURT: Anything on cross,
13 Mr. Chisholm?

14 MR. CHISHOLM: Thank you, Your Honor.
15 Please the Court.

16 CROSS EXAMINATION BY MR. CHISHOLM:

17 Q. Good afternoon.

18 A. Hi.

19 Q. All right. So, Ms. Stowe, I've got
20 some questions for you. I'm going to start out of
21 order and a lot of this is simply going to be
22 gross, so I apologize in advance for that.

23 A. You don't have to apologize. It's the
24 nature of what I do.

25 Q. Solicitor was asking you about p30. Is

1 that -- and I don't know the scientific term, is
2 that kind of a marker that you look for when you're
3 testing items for semen?

4 A. You can think of it like that. Just
5 kind of like a landmark that we're looking for and
6 our tests are designed to look for it.

7 Q. Okay. And Mr. Osborne asked you where
8 you can find it in other bodily fluids, I think you
9 said breast milk and what was the other?

10 A. The blood of male with prostate cancer.

11 Q. I gotcha. So it's one of those things
12 where it's technical it can be from another source,
13 but you find p30 in much higher rate than semen or
14 seminal fluid; is that fair to say?

15 A. I wouldn't -- I'm not qualified to say
16 at what rates, but it is highly found in semen,
17 yes.

18 Q. I guess put another way. The reason
19 this is one of the ways we test for semen is
20 because it's comparatively extremely rare to find
21 it in other sources; is that fair?

22 A. I would say it's found in high
23 concentrations in semen. But as far as to what
24 concentrations they're found in other bodily
25 fluids, I can't say.

JESSICA STOWE - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. You can't specify the amount?

2 A. No, I can just say that they are found
3 in high concentrations in semen. That's why it's
4 such a great landmark for us.

5 Q. Right. And that's what I was getting
6 at. If you found it equally in semen as you would
7 in say saliva, it would make it kind of a worthless
8 test; is that right?

9 A. Well, with saliva we're looking for
10 something completely different.

11 Q. I'm sorry. Breast milk would be a
12 better example. If you found it equally, you know,
13 just as often in breast milk as you would in semen,
14 it wouldn't be a good way to test for semen; is
15 that correct?

16 A. I would imagine so. Right. Yeah. It
17 wouldn't be very discriminative, yeah.

18 Q. I understand. And he was asking you
19 about spermatozoa verses p30 and this all gets kind
20 of technical. But, again, I've already prefaced
21 this, but some of this is gross. But if someone
22 were forced to give oral sex shortly before they
23 die, he was asking, you know, that would affect the
24 rates this stuff decomposes so to speak; right?

25 A. As soon as someone dies that begins a

1 process of decomposition which can certainly affect
2 it, but that's a pretty slow process.

3 Q. And you're saying, you know, they're
4 not drinking or eating things like that that would
5 affect what you would find; right?

6 A. That's correct.

7 Q. Okay. If someone was forced to give
8 oral sex and the person that forced them to do it
9 didn't ejaculate, is that a scenario where you can
10 find p30 or other markers, but wouldn't find
11 spermatozoa?

12 A. Can you ask the question one more time?
13 I'm sorry.

14 Q. Sorry. If someone is forced to perform
15 oral sex and the person that assaults them does not
16 ejaculate, but they do have their penis in the
17 mouth, they don't get to the point of ejaculation,
18 are there semen precursors, I guess that can be
19 found in the mouth like --

20 A. Like pre-ejaculate?

21 Q. Exactly. That's a better way to say
22 it. Could you find that in the mouth?

23 A. The components that we're looking for
24 can also be found in pre-ejaculate, but because
25 pre-ejaculate is typically a much lower volume than

JESSICA STOWE - CROSS EXAMINATION BY MR. CHISHOLM

1 a typical ejaculation, it's not as likely to detect
2 those components.

3 Q. Okay. And I want to talk to you about
4 some of these reports we had. You had a report
5 dated August 5, 2015 and I think that's the one the
6 Solicitor was asking you about. And this is the
7 one that deals with the criminal sexual conduct or
8 the examinations that were performed on the oral
9 swabs, the rectal, and vaginal. Everything came
10 back negative except for the oral swab of Ms.
11 Hutto; is that right?

12 A. As far it is p30 test, yes.

13 Q. Yes, ma'am. Okay. And once you get
14 this test on your end it then gets sent off to
15 another department for further DNA analysis, is
16 that how that works?

17 A. It's the same department it's just
18 another set of individuals who are assigned to do
19 something different. So the DNA analyst.

20 Q. So the sample or the p30 is detected
21 can be further examined to see if they get a DNA
22 profile?

23 A. Exactly. Yeah.

24 Q. Okay. There was another report I
25 believe that you did, it was dated August 5th of

JESSICA STOWE - CROSS EXAMINATION BY MR. CHISHOLM

1 2015, and that was related to a handgun; is that
2 correct?

3 A. I do not have anything with a handgun.
4 The only August 5, 2015 would be the sexual assault
5 kit evidence that we just spoke of.

6 MR. CHISHOLM: If I could have one
7 moment, Your Honor?

8 THE COURT: You may.

9 MR. CHISHOLM: May I approach?

10 THE COURT: You may.

11 Q. I'm going to hand you this. Take a
12 moment to look at it.

13 A. Yes. So this does appear to be a
14 handgun I did. I do not have any of the case
15 information because this case is a different case
16 number than what I was given or provided by the
17 South Carolina Law Enforcement Division.

18 Q. So you can speak to the general
19 findings, but maybe not the real specific
20 nitty-gritty technical stuff; is that fair?

21 A. Sure. Yes, I just don't have my own
22 copy to refer to, yeah.

23 Q. Okay. We'll give it a shot here.

24 A. Okay.

25 Q. It looks like this was a gun that was

JESSICA STOWE - CROSS EXAMINATION BY MR. CHISHOLM

1 sent to you to be examined for blood, I guess, so
2 to speak?

3 A. It appears to, yes.

4 Q. Okay. And it looks like from the
5 report, I'm guessing you swabbed for blood on the
6 cylinder, the cylinder pin, and the bullets that
7 were in the gun; is that correct?

8 A. Yes, that appears to be. Again, I
9 usually have a lot more information than this to go
10 off of, but, yeah.

11 Q. I gotcha. And would there be a
12 cylinder and cylinder pin and all this stuff, we're
13 talking about a revolver; correct?

14 A. I don't know. I take your word for it.

15 Q. I understand. All right. Well, I
16 guess we probably agree they wouldn't send you a
17 gun just to test for fun, they're wanting you to
18 look for possible evidence related to a crime?

19 A. Well, based on my result, I was looking
20 for body fluids, so that would fall within my
21 scope, yes.

22 Q. And like I guess if you have a scenario
23 where someone is shot in close proximity, sometimes
24 blood can blow back on the gun and that kind of
25 thing; is that sometimes what you're asked to look

JESSICA STOWE - CROSS EXAMINATION BY MS. ZMROCZEK

1 for?

2 A. Sure.

3 Q. Okay. And you analyzed this gun;
4 right?

5 A. It appears so, yes.

6 Q. Okay. And from looking at the report,
7 it basically indicates you didn't find any kind of
8 blood evidence on it at all; is that right?

9 A. My result is no human blood identified.

10 Q. Okay. And then the last thing was, I
11 think the Solicitor already touched on this. You
12 were asked to test this knife that was sent in from
13 evidence?

14 A. Yes, I do have that report.

15 Q. And there was no blood found on it
16 either; is that correct?

17 A. That is correct.

18 Q. Okay.

19 MR. CHISHOLM: If I could have one
20 moment. Thank you. I have no further questions.

21 THE COURT: Ms. Zmroczek?

22 MS. ZMROCZEK: Just briefly.

23 CROSS EXAMINATION BY MS. ZMROCZEK:

24 Q. Good afternoon, Ms. Stowe.

25 A. Hi.

JESSICA STOWE - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. So I guess you're here, you found -- so
2 we keep talking about p30; right?

3 A. Uh-huh.

4 Q. Where did you find p30?

5 A. On the oral swabs.

6 Q. On the oral swabs of?

7 A. Krystal Hutto.

8 Q. And were -- and then you sent it on to
9 the DNA to be tested, somebody else in your --
10 within your department to do the specific test for
11 that; right?

12 A. The DNA analysis; right.

13 Q. Thank you.

14 MS. ZMROCZEK: No further questions.

15 THE COURT: Mr. Johnson?

16 MR. JOHNSON: No questions, Your Honor.

17 THE COURT: Anything on redirect?

18 MR. OSBORNE: Beg the Court's
19 indulgence for one second. No questions, Your
20 Honor.

21 THE COURT: Ms. Stowe, you may step
22 down. Thank you, ma'am. May she be excused from
23 her subpoena?

24 MR. OSBORNE: Yes, Your Honor.

25 THE COURT: Any objection?

1 MR. CHISHOLM: No, Your Honor.

2 MS. ZMROCZEK: No objection.

3 MR. JOHNSON: No objection.

4 THE COURT: Thank you, Ms. Stowe. Does
5 the State -- you want to take a break now?

6 MR. OSBORNE: Yes, sir, please.

7 THE COURT: All right. Ladies and
8 gentlemen, we're going to take another break. This
9 is what I would call a midafternoon break. If
10 y'all go back into the jury room. Remember, you
11 can't talk about any of the evidence you've heard
12 so far. I'll get you back out here as soon as I
13 can. Thank you.

14 (WHEREUPON, the jury left the courtroom
15 at 3:08 p.m.)

16 THE COURT: We're going to take about a
17 ten minute break or do y'all need to take up
18 anything before we go to break?

19 MR. OSBORNE: No, Judge.

20 THE COURT: Okay. Ten minutes. Thank
21 y'all.

22 (WHEREUPON, there was a short break)

23 THE COURT: If you would bring the jury
24 in.

25 (WHEREUPON the jury entered the

JARED KITTRELL - DIRECT EXAMINATION BY MR. OSBORNE

1 courtroom at 3:40 p.m.)

2 THE COURT: Ladies and gentlemen, we're
3 going to continue now with the State's case.
4 Mr. Osborne, is the State prepared to call its next
5 witness?

6 MR. OSBORNE: Yes, Your Honor. State
7 calls Sergeant Kittrell.

8 JARED KITTRELL,
9 being first duly sworn, was examined and testified
10 as follows:

11 THE CLERK: Thank you. Please be
12 seated. State your full name for the Court.

13 MR. KITTRELL: Jared Kittrell.

14 THE CLERK: Thank you.

15 THE COURT: He's your witness,
16 Mr. Osborne.

17 MR. OSBORNE: Thank you, Judge.

18 DIRECT EXAMINATION BY MR. OSBORNE:

19 Q. All right. Sergeant, where do you
20 currently work?

21 A. Orangeburg County Sheriff's Office.

22 Q. All right. Back on July 15th of 2015,
23 were you working then?

24 A. Yes, I was.

25 Q. And what was your assignment then?

1 A. I was assigned to criminal
2 investigation division at the Orangeburg County
3 Sheriff's Office.

4 Q. All right. Did you have the occasion
5 to respond to [REDACTED] Old State Road in Holly Hill?

6 A. Yes, I did.

7 Q. What did you do when you got there?

8 A. When I arrived on scene, I met with, at
9 that time, my sergeant who was Sergeant Stokes.

10 Q. And then what did you do next?

11 A. Asked him what could I do to assist
12 with the crime scene.

13 Q. Okay. And what did you do after that?

14 A. I was advised to follow-up on the
15 current status of the young man by the name of
16 [REDACTED] D.N. [REDACTED].

17 Q. All right. And how did you go about
18 following up on his status?

19 A. I called -- I found out that he was
20 transported to MUSC in Charleston and made numerous
21 phone calls to that hospital down there.

22 Q. All right. When you made those phone
23 calls down to MUSC, what did you learn?

24 A. I had trouble trying to find him. I
25 found out that he was underneath a code name by the

JARED KITTRELL - DIRECT EXAMINATION BY MR. OSBORNE

1 code name of "Golden Boy" and that he was currently
2 in surgery.

3 Q. And this code name was this code name
4 of "Golden Boy" assigned to [REDACTED] for what -- do
5 you know why they did that?

6 A. I would say they did that for a
7 protection against him -- for him --

8 MR. LEIENDECKER: Objection, Your
9 Honor. Speculation. Move to strike.

10 THE COURT: I'm going to sustain the
11 objection. I am striking his response from the
12 record. That means you disregard his response so
13 far. You can rephrase the question.

14 MR. OSBORNE: Okay.

15 Q. Well, did you have the occasion to
16 respond to MUSC?

17 A. Yes, I did.

18 Q. And for what purpose?

19 A. Reason for my response was to go down
20 to MUSC and get the projectile that was removed
21 from [REDACTED].

22 Q. From [REDACTED]'s head?

23 A. Yes.

24 Q. All right. I'm showing you what's been
25 marked as State's Exhibit 1. Can you take a look

JARED KITTRELL - DIRECT EXAMINATION BY MR. OSBORNE

1 at that and tell me if you recognize it?

2 A. Yes, I do.

3 Q. And what is that?

4 A. This is the package that contained the
5 projectile that I picked up from MUSC.

6 Q. And when you received the package, did
7 it appear -- did the bullet appear to be packaged
8 correctly?

9 A. Yes, it did.

10 MR. OSBORNE: Your Honor, at this time,
11 State seeks to admit State's 1 into evidence.

12 THE COURT: Any objection?

13 MR. LEIENDECKER: No objection.

14 MS. ZMROCZEK: No objection.

15 MR. JOHNSON: No objection.

16 THE COURT: State's 1 is in evidence
17 without objection.

18 (WHEREUPON, State's Exhibit Number 1
19 was entered)

20 Q. All right. And once you received the
21 bullet -- who did you get the bullet from?

22 A. Officer Register from MUSC public
23 safety.

24 Q. Okay. And once you got the bullet,
25 what did you do with it?

JARED KITTRELL - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. I returned back to Orangeburg County
2 Sheriff's Office and placed it into our evidence
3 room.

4 Q. Okay. And then just some quick
5 housekeeping matters. I'm showing you State's 318
6 and 318-A. Can you take a look at those and tell
7 me if you recognize those?

8 A. Yes, I do.

9 Q. And what are they?

10 A. These are CD's I picked up from Walmart
11 in Manning, South Carolina.

12 Q. Okay. And why did you retrieve those
13 CD's?

14 A. I was asked to go to this Walmart to
15 verify that Christopher was at this store as he
16 said he was.

17 Q. Okay.

18 MR. OSBORNE: No further questions.

19 THE COURT: Mr. Leiendecker, any
20 questions of this witness?

21 MR. LEIENDECKER: Yes, Your Honor.

22 THE COURT: He's your witness.

23 CROSS EXAMINATION BY MR. LEIENDECKER:

24 Q. Sergeant, the collection of evidence in
25 Manning and at MUSC isn't the only thing you did

1 relating to this case; isn't that correct?

2 A. Let me refer back to my notes that I
3 did. I did get a statement from an individual.

4 Q. You were directed to get that statement
5 by Investigator Culpepper?

6 A. Yes, I was.

7 Q. And did that statement relate to the
8 driving of the Mercedes car that we've heard talked
9 about that was set a fire?

10 MR. OSBORNE: Objection, Your Honor.
11 Well, that's hearsay and certainly speculation.

12 THE COURT: I'm going to sustain the
13 objection.

14 MR. LEIENDECKER: It's not hearsay. I
15 just asked what the statement related to.

16 THE COURT: Well, then rephrase the
17 question and we'll try it again. Okay.

18 Q. Did you go and collect the statement?

19 A. Yes, I did.

20 Q. Okay. And where did you collect that
21 statement?

22 A. From Don's Car Crushing in Holly Hill.

23 Q. Did you receive a description of an
24 individual?

25 A. From the statement, yes, I did.

JARED KITTRELL - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. What was that description?

2 A. Black male with a red in color afro.

3 Q. Did you follow-up on this lead?

4 A. No, I took the statement and that's
5 when I went to respond to MUSC.

6 Q. Okay. You state that on -- in your
7 logs or supplemental reports that on 7/26/2015 you
8 received some evidence that you logged out, who is
9 this from?

10 A. Kim Pugh, Orangeburg County Sheriff's
11 Office evidence custodian.

12 Q. Okay. And what did you do with that?

13 A. I logged out and then the very next day
14 I met with Corporal Cain for him -- and transferred
15 the evidence over to him for him to take up to
16 Columbia to the secret service.

17 Q. Do you know what the interest was, what
18 they were trying to obtain?

19 A. That I do not.

20 Q. You don't know that they were looking
21 for cell phone records for these phones?

22 A. I just know they needed the cell phones
23 for me to get the cell phones and meet up at the
24 time Corporal Cain.

25 Q. Okay.

JARED KITTRELL - CROSS EXAMINATION BY MS. ZMROCZEK

1 MR. LEIENDECKER: Just a minute.

2 Nothing further at this time. Thank you.

3 THE COURT: Thank you, Mr. Leiendecker.

4 Ms. Zmroczek?

5 MS. ZMROCZEK: Thank you, Your Honor.

6 CROSS EXAMINATION BY MS. ZMROCZEK:

7 Q. Investigator Kittrell, good afternoon.
8 Through the course of this investigation -- so you
9 weren't what we call the lead investigator on this
10 case, were you?

11 A. Correct.

12 Q. So -- and does it work in like teams
13 where if you're assigned to -- what were you
14 assigned to like a major crimes unit?

15 A. No, just a criminal investigation which
16 handles all type of incidents.

17 Q. Okay. And so how -- especially in a
18 case where there are a lot of moving parts, are you
19 frequently called upon by your colleagues to
20 follow-up on information?

21 A. To assist with certain aspects of the
22 case, yes.

23 Q. Okay. So in this case we heard about
24 you taking statements. So you were tasked with
25 taking a statement regarding a green Mercedes;

1 right?

2 A. To meet up with someone who had
3 information, yes.

4 Q. Okay. And then you also assisted in
5 the execution of some search warrants; correct?

6 A. Yes, I was.

7 Q. Okay. And I'm looking on August 6,
8 2015.

9 A. Okay.

10 Q. Were -- you recall helping in the
11 execution of a search warrant there on that date?

12 A. Yes.

13 Q. Okay. And where was that search
14 warrant executed?

15 A. Rephrase that. Say that again.

16 Q. I'll ask it this way. I forgot I'm on
17 cross. You helped in the execution of a search
18 warrant at [REDACTED] Parton Road in Summerton, South
19 Carolina; correct?

20 A. Correct.

21 Q. And that was the second residence of
22 Christopher Wright; correct?

23 A. Yes.

24 Q. Okay. And you were -- on that search
25 warrant you were allowed to search for any and all

1 things, not only just drug related, but related to
2 any information about this -- about what had
3 happened on July 15th; correct?

4 A. Correct.

5 Q. And how many people executed that
6 search warrant?

7 A. There were numerous people there. I do
8 know not know the number exactly.

9 Q. Okay. So there were numerous officers?

10 A. Yes.

11 Q. And do you -- how do y'all -- when you
12 execute a search warrant, how do you plan it up?
13 Do you divide it in rooms? Does everybody have
14 certain jobs or some people looking for certain
15 things? Explain to us how that happens.

16 A. Just whenever we go in, it depends on
17 the nature of the search warrant if there's going
18 to be any people there or not. That depends on how
19 we execute the search warrant.

20 Q. Okay. Have you participated in
21 execution of search warrants for drug and drug
22 paraphernalia, et cetera before?

23 A. Yes, I have.

24 Q. And, in fact, when doing so, you want
25 to make sure that you're thorough?

JARED KITTRELL - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Correct.

2 Q. You want to make sure that you look in
3 places that people who are dealing in trafficking
4 in drugs, they don't necessarily just leave it all
5 out in the open, do they?

6 A. No, they do not.

7 Q. Okay. In fact, they try to conceal it
8 from officers in particular; right?

9 A. Correct.

10 Q. And you are aware of that when you're
11 going to execute a search warrant?

12 A. Yes.

13 Q. And so you want to look in all the
14 places that you would look for that someone may
15 hide drugs; right?

16 A. Correct.

17 Q. And in this case, were you aware that
18 drugs were found in that location after y'all
19 executed your search warrant?

20 A. No, I was not.

21 Q. Okay. Did y'all look in the -- in the
22 air vents?

23 A. I can say for myself, I looked in a
24 few.

25 Q. You looked in a few air vents?

1 A. Yes.

2 Q. Okay. And other places they hide like
3 are in toilets, all kinds of places that you
4 wouldn't normally think to look for drugs; right?

5 A. Yes.

6 Q. But you in particular being trained in
7 this, you can recall specifically looking in
8 certain air vents; right?

9 A. I remember looking in one or two, yes.

10 Q. Okay. In addition to that, on August
11 14th, did you also go to collect copies of jail
12 reports -- prison recordings? Excuse me.

13 A. I made the request on August 14th.

14 Q. Okay. So you made -- based on your
15 investigation you learned information that there
16 may be some -- there may be jail or prison
17 recordings that may be helpful in this case; right?

18 A. Yes.

19 Q. And you made the request on August 14,
20 2015?

21 A. Correct.

22 Q. From Lieber Correctional Institution?

23 A. No, ma'am.

24 Q. Okay. From where?

25 A. MacDougall Correctional Institution.

JARED KITTRELL - CROSS EXAMINATION BY MR. JOHNSON

1 Q. I'm sorry. MacDougall. In addition to
2 making that request you had spoken to an inmate
3 there as well; right?

4 A. Yes.

5 Q. Okay. And did you follow-up on that
6 telephone recording -- recordings?

7 A. No, I did not.

8 Q. Okay. Would that have been something
9 that would have been tasked to you or would that
10 have gone back to the case agent?

11 A. That could have gone to either myself
12 or the case agent.

13 Q. Okay. But as of now, as we sit here
14 today, do you know whether or not those recordings
15 were secured?

16 A. No, I do not.

17 MS. ZMROCZEK: I have no further
18 questions. Thank you.

19 THE COURT: Mr. Johnson?

20 CROSS EXAMINATION BY MR. JOHNSON:

21 Q. Officer, did you interview Ramseses
22 Hughes during this investigation?

23 A. Give me just a moment. I made contact
24 with him, yes.

25 Q. Okay. As part of this investigation?

1 A. Yes.

2 Q. And where was Ramseses Hughes when this
3 crime was committed?

4 MR. OSBORNE: Objection, Your Honor.
5 Personal knowledge, unless he was there when the
6 crime was committed. And when I mean, he, I mean
7 this man.

8 MR. JOHNSON: I'll rephrase it, Judge.

9 Q. Officer, did you confirm where Ramseses
10 Hughes was when this crime was committed?

11 MR. OSBORNE: Objection, Your Honor,
12 that calls for hearsay, that question.

13 THE COURT: Okay. I think what he's
14 saying is if you -- wherever he interviewed
15 Ramseses Hughes.

16 MR. OSBORNE: No. He's asking where
17 was Ramseses Hughes on the night of the murder.

18 THE COURT: No, I understand what he's
19 asking. I'm understanding -- I was trying to say
20 what he could answer. Okay. Where were they when
21 he interviewed Ramseses Hughes?

22 MR. JOHNSON: Okay. My question was,
23 did he question him about where he was the night of
24 this incident?

25 THE COURT: Okay.

JARED KITTRELL - CROSS EXAMINATION BY MR. JOHNSON

1 A. I do not recall me asking him that.

2 All I can refer back to is what I have in my notes.

3 Q. Okay. So you didn't ask him about
4 where he was?

5 A. Not that I recall.

6 Q. Okay. What about -- did you look for a
7 fellow named Jayvon Davis none as "Dirty"?

8 A. Give me just a second and let me go
9 back through my notes. Yeah, myself and another
10 investigator went looking for him.

11 Q. Did you find him?

12 A. At that time, no, we did not.

13 Q. Did you ever talk to him?

14 A. No, I did not. Let's see. For
15 Mr. Davis, no, it does not look like I did.

16 Q. Okay. Did you make contact to talk to
17 Charles Smalls?

18 A. Yes.

19 Q. Did you ask Mr. Smalls where he was
20 when this crime was committed?

21 A. I would have to look at the statement
22 that it says I got from him to answer that.

23 Q. Do you have your statement?

24 A. I do not have a copy of that statement.
25 I just have a copy of my notes.

JARED KITTRELL - CROSS EXAMINATION BY MR. JOHNSON

1 Q. Did you talk to Tyrone Myers?

2 A. I do not see that name in my notes if I
3 did.

4 Q. If I show you a page of your notes,
5 would that refresh your memory?

6 A. Yes, sir.

7 Q. If this is something you were involved
8 with.

9 A. And these are my notes? These don't
10 look like my notes.

11 Q. That's not your notes. You didn't talk
12 to Tyrone Myers?

13 A. No, sir.

14 Q. Okay.

15 MR. JOHNSON: Your Honor, I have no
16 more questions.

17 THE COURT: Thank you, Mr. Johnson.
18 Anything on redirect?

19 MR. OSBORNE: Just briefly.

20 REDIRECT EXAMINATION BY MR. OSBORNE:

21 Q. Mr. Leiendecker said you spoke to
22 Mr. Broughton, the guy that said that he saw a
23 green Mercedes the morning after the murders? And
24 it's on page 1. It's about 1, 2, 3, 4, 5, 6, 7, 8
25 lines up from the bottom.

JARED KITTRELL - CROSS EXAMINATION BY MR. JOHNSON

1 A. Yes.

2 Q. All right. This is the guy with the
3 red afro?

4 A. Correct.

5 Q. And how did he describe the car? How
6 many doors did it have?

7 A. Let's see. A green color four door
8 Mercedes.

9 Q. I'm showing you State's 279. Does that
10 car look like it has four doors?

11 A. No, it does not.

12 Q. How many does this car have?

13 A. That car has two doors.

14 Q. Okay. So it's not actually the car?

15 A. Correct.

16 MR. OSBORNE: No further questions.

17 THE COURT: Anything on recross,
18 Mr. Leiendecker?

19 MR. LEIENDECKER: No.

20 THE COURT: Ms. Zmroczek?

21 MS. ZMROCZEK: Nothing further.

22 THE COURT: Mr. Johnson?

23 MR. JOHNSON: No questions.

24 THE COURT: You may step down. Thank
25 you. Is the State ready to call its next witness?

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Can I run outside real
2 quick and make sure?

3 THE COURT: Okay.

4 MR. OSBORNE: We're going to call
5 Lieutenant William Ketcherside.

6 WILLIAM KETCHERSIDE,
7 being first duly sworn, was examined and testified
8 as follows:

9 THE CLERK: Thank you. You may be
10 seated. State your full name for the Court.

11 MR. KETCHERSIDE: William Ketcherside.
12 It's K-E-T-C-H-E-R-S-I-D-E.

13 THE COURT: Lieutenant Ketcherside,
14 you're doing perfect with where I can hear you and
15 all that kind of stuff, so if you will continue to
16 do that I'd appreciate it. Mr. Osborne, he is your
17 witness.

18 MR. OSBORNE: Thank you, sir.

19 DIRECT EXAMINATION BY MR. OSBORNE:

20 Q. And, Lieutenant, if you want to remove
21 your mask, you may. All right. Where do you
22 currently work?

23 A. The Orangeburg County Sheriff's Office.

24 Q. And how long have you been there?

25 A. Sixteen and a half, roughly 17 years.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. Any prior law enforcement?

2 A. Yes, sir.

3 Q. And where was that?

4 A. Santee Police Department.

5 Q. Okay. How long were you there?

6 A. A year and a half to two years.

7 Q. All right. What have been some of your
8 various assignments while you've been with the
9 sheriff's department?

10 A. At the sheriff's office I was a slick
11 sleeve deputy when I first came to the sheriff's
12 office. Then I went to corporal on the road or
13 infield services and then a sergeant on infield
14 services. And then in 2010, I was promoted to
15 investigator and crime scene. And currently a
16 lieutenant over forensic services.

17 Q. Okay. So that's about 11 or 12 years
18 in forensic services?

19 A. Yes, sir.

20 Q. What training have you received in the
21 area of crime scene analysis and processing?

22 A. One of the first things was the
23 American Academy of Applied Forensics and that's in
24 North Carolina. That was an 80 hour class and it's
25 basic techniques in crime scene processing.

1 Also I've been to fingerprint analysis
2 classes at the Criminal Justice Academy. I've been
3 to some crime scene photography classes, blood
4 pattern analysis class in North Carolina. Again,
5 that was a 40 hour class. And then multiple 8 to
6 16 hour footwear and tire tread.

7 Q. Okay. I know some people don't like to
8 get up there and go through all their accolades and
9 I kind of turn down, I was just waiting on you to
10 keep going.

11 A. Yes, sir.

12 Q. So -- all right. Let's go back to the
13 morning of July 15, 2015. Were you working on that
14 day?

15 A. Yes. I was actually scheduled to come
16 to work. I wasn't at work yet.

17 Q. Okay. Did you happen to respond to the
18 incident location?

19 A. Yes, sir, that would be correct.

20 Q. All right. When you respond to the
21 scene -- you responded to this scene, what was the
22 first thing that you did?

23 A. The first thing I did, I observed that
24 the scene was secured by officer presence. That's
25 the first thing. And then we kind of began just a

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 perimeter search looking the area waiting on search
2 warrants to go inside of the house.

3 Q. Okay. And while you were waiting on
4 that, were you directed to another potential area
5 for evidence collection?

6 A. Yes, next door. The [REDACTED] Old State
7 Road.

8 Q. Okay. And what was it there that you
9 were directed to?

10 A. There were multiple possible footwear
11 impressions in the driveway of that address.

12 Q. And this is literally directly next
13 door?

14 A. Yes, sir. I think there's a field or a
15 cut down where some trees had been removed between
16 the two properties.

17 Q. Okay. And did you attempt to preserve
18 or collect those footwear impressions in any way?

19 A. Yes, sir.

20 Q. All right. So after collecting those
21 impressions through your training and experience in
22 footwear, did you find that they had enough detail
23 and tread and pattern for casting?

24 A. For the most part, no, sir. Two of
25 them I cast that I think what I had listed as item

1 C and D, I believe I did cast.

2 Q. Okay. And did you collect a -- well,
3 was there anything else there that you collected?

4 A. Not in that driveway. The -- kind of
5 where the property line is between [REDACTED] -- well, in
6 that open area where it looks like a cut down or
7 where trees have been removed there was a -- on the
8 front corner of [REDACTED] there was a beer can, an Old
9 English beer can.

10 Q. Okay. All right. Lieutenant, I'm
11 showing you now 229 -- well, 226, 227, 228, 229-A,
12 370, and 371. Can you take a look at those and
13 tell me if you recognize them?

14 A. Yes, sir, I do.

15 Q. If you could just sort of -- the
16 physical item right there, what is that -- state
17 the State's exhibit number and then say what it is.

18 A. Exhibit 229-A, it's an Old English 800
19 malt liquor can and it was found at the corner of
20 the property. The front right corner of the -- if
21 you're looking at the property from the highway.

22 Q. Okay. And what are the other exhibits?

23 A. Photographs of the area where the can
24 was at between the highway and the wood line at
25 [REDACTED]

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay.

2 MR. OSBORNE: All right. Your Honor,
3 at this time, the State seeks to admit 226 through
4 229 and then also 229-A, and 370, and 371 into
5 evidence.

6 THE COURT: Any objection?

7 MR. CHISHOLM: Were 370 and 371
8 identified?

9 THE COURT: 370 and 371?

10 MR. OSBORNE: 370 and 371 they're just
11 overall's.

12 MR. LEIENDECKER: I just didn't hear
13 him identify what they are.

14 MR. CHISHOLM: No objection.

15 THE COURT: Ms. Zmroczek?

16 MS. ZMROCZEK: No objection, Your
17 Honor.

18 THE COURT: Mr. Johnson?

19 MR. JOHNSON: No objection.

20 THE COURT: State's 226 through 229,
21 229-A, 370, and 371 are all in evidence without
22 objection.

23 (WHEREUPON, State's Exhibit Numbers
24 226, 227, 228, 229, 229-A, 370, and 371 were
25 entered)

1 Q. All right. We're starting out with
2 370. Can you tell the jury what we're looking at
3 here?

4 A. Yes. It's a general photograph showing
5 the mailbox which is marked [REDACTED] and the driveway
6 of [REDACTED] Old State.

7 Q. All right. Now we're moving to 371.
8 What are we looking at here?

9 A. It's basically the same photograph it's
10 just reversed. That shot is actually back towards
11 Holly Hill.

12 Q. Okay. Now I'm showing you 226.

13 A. Yes. That's the grass between the
14 trees in front of [REDACTED] and Old State Road. At the
15 end of that treeline, the pines is to where that
16 field -- or it kind of opens up where trees have
17 been removed at some point is our targeted area
18 which is where the Old English can was found.

19 Q. 227?

20 A. That is kind of a midrange or general
21 of the flag, that yellow flag is marking the can.
22 Just to help make it visible in the picture.

23 Q. 228?

24 A. That is another midrange with the can
25 and the flag.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. Lastly, 229?

2 A. This is a midrange close-up of the can
3 along with the marker N. That would be its item
4 number.

5 Q. All right. After you photographed this
6 can, did you swab it?

7 A. Yes.

8 Q. Okay.

9 MR. OSBORNE: Your Honor, at this time,
10 State seeks to admit 229-B into evidence, a swab of
11 the Old English can.

12 THE COURT: 229?

13 MR. OSBORNE: B as in boy.

14 THE COURT: Any objection?

15 MR. JOHNSON: No objection.

16 MS. ZMROCZEK: No objection, Your
17 Honor.

18 MR. CHISHOLM: No, Your Honor.

19 THE COURT: 229 -- State's 229-B is in
20 without objection.

21 (WHEREUPON, State's Exhibit Number
22 229-B was entered)

23 Q. Okay. Once you swabbed the can, what
24 did you do with the swabs?

25 A. They were submitted into evidence

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 storage to be sent to SLED.

2 Q. Okay. And that's Kimberly Pugh that
3 works in evidence at the sheriff's office?

4 A. Correct.

5 Q. All right. Once you finished
6 collecting the can, what did you do next?

7 A. At that point, I was notified of a
8 vehicle being located on Gemini Drive.

9 Q. Okay. I'm showing you now -- showing
10 you State's 391. Can you take a look at that and
11 tell me if you recognize that?

12 A. I do.

13 Q. And what is that?

14 A. It's an aerial photo of Branchdale
15 Highway and Gemini Drive.

16 Q. Are you from that area?

17 A. Yes, sir.

18 Q. Okay. So you're pretty familiar with
19 those back roads?

20 A. Yes, sir. I worked that area while I
21 was on field services, that's the area I was
22 assigned to.

23 Q. Okay.

24 MR. OSBORNE: Your Honor, at this time,
25 State seeks to admit 391 into evidence.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Any objection?

2 MR. CHISHOLM: No, Your Honor.

3 MS. ZMROCZEK: No objection.

4 MR. JOHNSON: No objection.

5 THE COURT: State's 391 is in evidence
6 without objection.

7 (WHEREUPON, State's Exhibit Number 391
8 was entered)

9 Q. Okay. And I'll come back to this in a
10 second. But from this map right here, can you
11 point out to the jury where the -- where the burned
12 Mercedes was recovered?

13 A. Yes, sir. May I get up?

14 Q. Yes, sir.

15 MS. ZMROCZEK: Your Honor, if I may
16 just so I can see where he's pointing?

17 THE COURT: You can move so you can
18 see.

19 A. This portion of Gemini -- is everybody
20 --

21 THE COURT: Hold on just one second,
22 Lieutenant. All right.

23 A. This portion of Gemini Drive is a dirt
24 road. Across here is paved. This field right here
25 is now peach trees, but this was a field at the

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 time. That's where the burnt Mercedes was at.

2 Q. Okay. So it's a dirt road off a dirt
3 road?

4 A. Yeah, pretty much a two road that leads
5 into a field off of a dirt road.

6 Q. Okay. So we can start talking about
7 that. I'm going to show you -- I'm showing you
8 State's 270 through 280. Can you take a look at
9 those and tell me if you recognize them?

10 A. I do.

11 Q. And what are they?

12 A. They are photographs of the location on
13 Gemini Drive where the burnt Mercedes was located.
14 They're photographs of the road as well as the
15 field and the vehicle.

16 Q. Okay.

17 MR. OSBORNE: Your Honor, at this time,
18 State seeks to 270 through 280 into evidence.

19 THE COURT: Any objection?

20 MR. CHISHOLM: No, Your Honor.

21 MS. ZMROCZEK: No objection.

22 MR. JOHNSON: No objection.

23 THE COURT: State's 270 through State's
24 280 are in evidence without objection.

25 (WHEREUPON, State's Exhibit Numbers 270

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 through 280 were entered)

2 Q. All right. We're going to start with
3 270. What are we looking at here?

4 A. This is a photograph of Gemini Drive
5 where that black Crown Vic is parked, that drive
6 going in the direction of that Crown Vic. It's
7 traveling, that's the driveway going into the field
8 where the vehicle was located.

9 Q. And 271?

10 A. Again, that's another general. It's
11 the same thing, it's a -- the drive going into the
12 field.

13 Q. 272?

14 A. This is the driveway and you can see
15 down a little ways is a burnt vehicle and then
16 there's corn planted in the field at the time.

17 Q. 273?

18 A. This is just down the dirt road the
19 opposite direction back down towards Branchdale
20 Highway.

21 Q. So where the Crown Vic was coming, if
22 you take a right, you go through the field where
23 the --

24 A. If you're going in the direction that
25 the Crown Vic was turning, that takes you into the

1 field. If that Crown Vic would have went straight
2 down Gemini Drive, they would have came out on [REDACTED]
3 or Branchdale Highway.

4 Q. And that's what we'd be looking at here
5 going straight?

6 A. Yes, sir.

7 Q. And 274?

8 A. This is a little bit closer. It's
9 still a general of the burnt vehicle.

10 Q. 275?

11 A. Again, it's another general, just a
12 little bit closer.

13 Q. 276?

14 A. A general of the driver's side and the
15 rear of the vehicle.

16 Q. Okay. 277?

17 A. A general of the front and the driver's
18 side of the vehicle.

19 Q. 278?

20 A. Another general of the front of the
21 vehicle and the passenger side.

22 Q. All right. Is this vehicle two door?
23 Four door?

24 A. It's a two door.

25 Q. 279?

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 A. This is the back of the vehicle and the
2 rear of the passenger side.

3 Q. Okay. And, lastly, 280?

4 A. This is a photograph of the secondary
5 VIN which was located and how we identified the
6 vehicle.

7 Q. Okay. The vehicle came back registered
8 to Christopher Wright?

9 A. Yes.

10 Q. Okay. All right. Once you
11 photographed the vehicle, what did you do then?

12 A. I returned back to the scene.

13 Q. Crime scene?

14 A. Yes, sir. 7050.

15 Q. All right. And Captain Carter, he was
16 still processing the scene, I assume?

17 A. Yes.

18 Q. Once you got back, just so we
19 understand, and Captain Carter's already testified,
20 once you got back to the crime scene where was he
21 in the processing of processing the crime scene?

22 A. He had already entered and I believe he
23 was at the point where the victims for the most
24 part had already been removed from the residence.
25 And he asked if I could assist with areas of the

1 house.

2 Q. Okay. So how did you and Captain
3 Carter tackle, you know, processing this scene?

4 A. He asked that I take the master bedroom
5 and bathroom and closet area. Due to it appeared
6 that it had been gone through and it was ransacked
7 pretty good.

8 Q. All right. Did you prepare crime scene
9 sketches?

10 A. I did.

11 Q. And would it be helpful to the jury in
12 explaining how you processed the scene if you were
13 to refer to these crime scene sketches?

14 A. Yes, sir.

15 MR. OSBORNE: Your Honor, may I
16 approach?

17 THE COURT: You may.

18 Q. I'm showing you State's 281 through
19 286. Can you take a look at those and tell me if
20 you recognize them?

21 A. I do.

22 Q. Okay. And what are they?

23 A. They're sketches of the residence both
24 the overall -- like an over aerial view of the
25 house and then broken down by room. The house

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 drawn with the rooms in it and measurements.

2 Q. Okay. And you prepared these sketches?

3 A. Yes, sir.

4 MR. OSBORNE: Your Honor, at this time,
5 State seeks to admit 281 through 286 into evidence.

6 THE COURT: Any objection?

7 MR. CHISHOLM: No, Your Honor.

8 THE COURT: Any objection?

9 MS. ZMROCZEK: Without objection.

10 MR. JOHNSON: No objection.

11 THE COURT: State's 281 through State's
12 286 are all in evidence without objection.

13 (WHEREUPON, State's Exhibit Numbers 281
14 through 286 were entered)

15 Q. All right. So starting with 281. Can
16 you just sort of orient the jury?

17 A. Stand up to where --

18 Q. Yes, sir.

19 A. This is an aerial of the property
20 itself and the house. Here you have Old State
21 Road. This is the driveway going into [REDACTED] Old
22 State Road. This is the driveway for that. This
23 would be a measurement from the road to the front
24 of the residence. And it would have been 182 foot.
25 The dotted line represents pines in this area and I

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 have written in there pine woods. This is the cut
2 down woods. This is the area where the Old English
3 can was at. And this is just an overall of the
4 residence. And then the vehicles that were parked
5 right there.

6 Q. Okay. Bear with me one second. All
7 right. I'm showing you now 282. Okay. Can you
8 tell us what we're looking at here?

9 A. Yes, sir. This is the front of the
10 residence. It's actually facing Old State Road.
11 But this sketch shows dimensions for -- these are
12 the measuring points or the reference points, so A,
13 B, and C. And then you would have -- so number 1,
14 which is here through 10 and it gives the
15 measurements from each one of those points.

16 Q. Okay. And I'm just going to zoom in a
17 little bit right here. If I can do this.

18 A. Yes, sir.

19 Q. These numbers and these letters and
20 numbers that you've assigned here, if we take the
21 sketch and we take the photographs, can we marry up
22 of these numbers to anything like placards or
23 anything like that?

24 A. Yes, sir. The numbers are -- the
25 yellow placards with numbers on them, these numbers

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 are assigned to that item. So if you see in a
2 picture, if we see item number 1, it's going to be
3 this number, this location, and it should be
4 relatively close. It's not to scale, of course,
5 but it should be relatively close through --
6 between the drawing and the photographs.

7 Q. Okay. Give me one second. And now I'm
8 showing you 283?

9 A. Yes. This is the inside of the
10 residence, 283. This is the living area. Then you
11 have bedroom one which is the master bedroom here.
12 And then bedroom two is a rear bedroom in the
13 residence. There's a hallway and a bath and a
14 closet and then bedroom three.

15 Q. Okay. I apologize if you already said
16 it, I was getting ready for your next one. Kind of
17 hammering down now a little closer on bedroom one
18 and bedroom two?

19 A. Yes, sir. Bedroom two --

20 Q. Two and three.

21 A. Bedroom two, you see there's a drawn in
22 person on that. That's the location of one victim.
23 And then in bedroom three you see two drawn in
24 persons or victims in that location as well.

25 Q. Okay. So 284?

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 A. This is a more detailed sketch of the
2 interior of the residence. Again, bedroom two, you
3 see the drawn in, it's a little cutout from the --
4 you can see the drawn in person. It gives some
5 measurements from the feet and from the head.
6 Those are general measurements and overall
7 measurements of the room as well as the bathroom
8 and it's the same in the bedroom number three.
9 There are no measurements that I could see for the
10 two victims drawn in on that one. And I believe
11 that's because they were already removed at the
12 time that I didn't have the measurements at the
13 time.

14 Q. Okay. And just to orient ourself.
15 Where you have the front porch here, this is the
16 front door to the residence?

17 A. Yes, sir. This is the front door, Old
18 Number 6 -- well, excuse me, Old State Road would
19 be directly in front of the residence.

20 Q. Okay. But the point of entry is in the
21 back of that residence?

22 A. Yes, sir.

23 Q. 285?

24 A. This is a bedroom number two sketch.
25 You can see oriented north and I didn't say this on

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 the other ones, but you can see -- with the N and
2 the arrow that points in the direction of north.
3 As well as this one gives you more detailed
4 measurements as far as with the placement of the
5 victim in that room. It would have been four foot
6 four inches from the wall, this wall, to the top of
7 the head and then 6.1 from this foot to the upper
8 wall of the residence.

9 Q. Okay. And just, you know --

10 A. And those are just using the perimeter
11 walls.

12 Q. And this is the victim Krystal Hutto?

13 A. Yes, sir.

14 Q. All right. And so just to kind of
15 orient even further, if we were to follow this
16 down, is this where the other bedroom was?

17 A. Correct.

18 Q. Okay. Showing you 286?

19 A. Yes, sir.

20 Q. Okay. What are we looking at here?

21 A. This is bedroom number three. This
22 would be the location with the two female juvenile
23 victims. As well as it has measurements written
24 in. And I can't recall --

25 MS. ZMROCZEK: Judge, I'm sorry. It's

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 a little bit -- I'm standing back here just so I
2 can see and it's a little bit difficult to hear.

3 THE COURT: You want him to move to the
4 side or what do you want me --

5 MS. ZMROCZEK: Maybe just speak up, I
6 guess.

7 A. I can move the microphone a little
8 closer to me. How about that? Is that better?

9 MS. ZMROCZEK: Yes.

10 THE COURT: You can take the microphone
11 out and hold it.

12 A. Is that better?

13 MS. ZMROCZEK: Yes.

14 A. I'd rather not hold it. I'd hate to
15 knock it over.

16 THE COURT: Okay.

17 A. This is a bedroom number three. This
18 is where the two female teenager victims were.
19 And, again, it has measurements from the perimeter
20 walls to the bodies just to indicate the area of
21 which the bodies were at.

22 Q. Okay. And just to further orient, C,
23 is this for closet?

24 A. Yes, sir. That's closet.

25 Q. Okay.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 A. And this would be a bed at the bottom.

2 And then by the door would be a dresser.

3 Q. Okay. Okay. I'm showing you what's
4 already been marked and admitted as 110?

5 A. Yes, sir.

6 Q. So you said that you were directed to
7 work the master bedroom. Can you tell us from 110
8 where that would be located?

9 A. If you walk straight towards that
10 couch. The door you see to the left of the
11 kitchen, if you go through that door you make the
12 right and it leads into the master bedroom.

13 Q. Okay.

14 A. Or the main bedroom.

15 Q. 118?

16 A. That's the doorway going into that
17 hallway. You see insulation from the attic. And
18 if I recall, the ceiling was pushed down and the
19 insulation had fallen through.

20 Q. Again, 126?

21 A. Again, that's a general of the doorway
22 going into the bedroom. And, again, you see
23 there's like a stand knocked over and some
24 insulation. Attic insulation on top of it.

25 Q. 127?

1 A. This is a midrange of the stand and the
2 insulation going into the doorway leading into the
3 main bedroom.

4 Q. We've already heard testimony about
5 this, but 129?

6 A. That's a glove that was found in the
7 insulation.

8 Q. And then --

9 A. That's the ceiling. When you walk
10 through that door, you look straight up and that's
11 where the ceiling was pushed in and the source of
12 the insulation being on the floor.

13 Q. All right. I know I'm showing you 129
14 now, but I'll show it to you again, 129 through
15 148. Can you take a look at this -- 129 through
16 148, take a look at those and tell me if you
17 recognize them?

18 A. I do.

19 Q. Okay. What are they?

20 A. They're photographs of the master
21 bedroom as well as the bathroom.

22 Q. All right.

23 MR. OSBORNE: Your Honor, at this time,
24 State seeks to admit --

25 A. Excuse me, closet.

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1 Q. All in master?

2 A. Yep.

3 MR. OSBORNE: -- 129 through 148 into
4 evidence.

5 THE COURT: 129 through 148?

6 MR. OSBORNE: Yes, sir.

7 THE COURT: Any objection to 129
8 through 148?

9 MR. CHISHOLM: No, Your Honor.

10 MS. ZMROCZEK: No objection.

11 MR. JOHNSON: No objection.

12 THE COURT: Okay. State's Number 129
13 through 148 is in without objection.

14 (WHEREUPON, State's Exhibit Numbers 129
15 through 148 were entered)

16 Q. 130, what are we looking at?

17 A. This is coming in from the doorway into
18 the master bedroom. You can see that the mattress
19 is flipped off of the bed and everything is just
20 kind of thrown about the bedroom.

21 Q. Okay. 131?

22 A. Again, you can see drawers removed from
23 the dresser. The bed, of course, the mattresses
24 have been flipped off of the bed.

25 Q. I can see off in the background here,

1 these drawers are open, did you make any attempts
2 to try to process those for fingerprints?

3 A. Yes, sir, we did.

4 Q. Any luck?

5 A. No, sir.

6 Q. 132?

7 A. This is of the mattress as well as you
8 can see in the back left, the dresser that the
9 drawers had been removed from.

10 Q. Okay. 133?

11 A. This is inside of the box spring.

12 There was a magazine, a pistol magazine found
13 inside of the box spring.

14 Q. All right. 134?

15 A. This is marked in the pistol --
16 actually, it's two of them and they were marked as
17 G-23.

18 Q. Okay. Do you remember what caliber
19 they were?

20 A. I do not. I'd have to...

21 Q. We'll circle back to that then. 135?

22 A. This is a picture of all the drawers
23 and different stuff that was just thrown about.
24 You can see the doorway leading into the bathroom,
25 I believe that is.

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1 Q. Okay. Just go back real quick. Okay.

2 136?

3 A. This is item number G-24. And it looks
4 like a maybe a wallet. A multicolored -- some type
5 of folding case of some sort.

6 Q. Okay. 137?

7 A. Again, that's the wallet marked G-24.
8 That's the interior of the...

9 Q. Okay. And I think you can see right
10 over here off to the -- do you see the name there?

11 A. Yes, sir. That looks like a South
12 Carolina driver's license for possibly Krystal
13 Hutto.

14 Q. 138?

15 A. That's a photograph of the driver's
16 license for Krystal Hutto.

17 Q. 139?

18 A. This is to the master bedroom. Again,
19 this is just another general of the room showing
20 the room torn up or ransacked and everything just
21 kind of thrown about.

22 Q. 140?

23 A. That's a shot of the dresser that the
24 drawers -- some of the drawers obviously were
25 removed from.

1 Q. 141?

2 A. Another shot of the other dresser and
3 drawers that were just pulled out.

4 Q. 142?

5 A. This is inside of the bathroom. It
6 looks like stuff was just thrown into that doorway.

7 Q. 143?

8 A. You see drawers open in the vanity of
9 that master bath.

10 Q. Okay. 144?

11 A. This is a doorway leading into the
12 master closet.

13 Q. 145?

14 A. This is inside of the closet. You see
15 insulation and things that's -- clothing and shoes
16 is thrown on the floor with the insulation on top
17 of it.

18 Q. 146?

19 A. This is a shelf at the back. The
20 built-in shelf at the back of the closet. And then
21 you see two layers of shelves. You have a bottom
22 shelf and then a top shelf on the left side of the
23 master closet.

24 Q. 147?

25 A. There's a single shelf to the right

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1 side of the closet and that's it at the top.

2 Q. Okay. And 148?

3 A. This is a general of the shelf at the
4 back wall of -- that's built-in. That's actually
5 attached to the wall, that shelf.

6 Q. Okay. So we see a lot of insulation on
7 the floor there, was there any access to the attic
8 from this closet?

9 A. Yes, sir, there was.

10 Q. And describe that?

11 A. It's just an opening that goes into the
12 closet. It has an access panel that you just push
13 up and remove. And that's directly above where
14 that insulation is at on the floor.

15 Q. Okay. So this isn't one of these drop
16 down ladder deals that you just pop it up?

17 A. No, sir.

18 Q. Okay. Were you and Captain Carter able
19 to process this entire house in one day?

20 A. No, sir.

21 Q. All right. What did y'all end up
22 doing?

23 A. We secured the residence with a deputy.
24 I believe Deputy Williams that night and then to
25 return later.

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1 Q. Okay. Did you -- okay. Did you do
2 some of the processing that we're going to talk
3 about another day, a second day?

4 A. Yes, sir.

5 Q. All right. I'm showing you 148-A and
6 148-B. Take a look at those and tell me the you
7 recognize them.

8 A. Yes, sir.

9 Q. What are they?

10 A. These are -- this one is a picture of
11 the shelf -- one of the shelves out of the master
12 closet. The other one -- and it has scale tape on
13 it and it has items marked K-8 and then it would be
14 point for each one. And then the other one is
15 midrange of K-8 -- what's marked as K-8.1 and 8.2
16 and K-8.3. This was actually in our lab at the
17 sheriff's office.

18 Q. Okay. So you actually took the shelf
19 --

20 A. Yes, sir. They were removed -- the
21 ones that could be detached without tearing the
22 house apart.

23 MR. OSBORNE: Your Honor, at this time,
24 State seeks to admit 148-A and 148-B into evidence,
25 B as in boy.

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1 THE COURT: Any objection?

2 MR. CHISHOLM: No, Your Honor.

3 MS. ZMROCZEK: No objection.

4 MR. JOHNSON: No objection.

5 THE COURT: State's 148-A and 148-B are
6 in evidence without objection.

7 (WHEREUPON, State's Exhibit Numbers
8 148-A and 148-B were entered)

9 Q. And so everything that we're going to
10 be talking about now, this is kind of piggybacking
11 off of State's 148. So 148-A and 148-B, things
12 like that?

13 A. Yes, sir.

14 Q. Okay. All right. We'll start by
15 talking about 148-A. All right. So what are we
16 looking at here?

17 A. This is the shelf originally marked as
18 K-8 and then you see the scale -- may I stand up?

19 Q. Yes.

20 A. You see the scale tape here, we use
21 that when we have impressions on an object, we use
22 that so we can document it and maintain the size
23 that that particular impression or whatever we're
24 trying to photograph. It helps us locate it on the
25 object as well as maintain what the size of that

1 object was. Or that stain whether it's an
2 impression. So this one is marked K-1, 8.1 or 8.2
3 and K-8.3.

4 Q. Let me zoom in a little bit that might
5 help at 148-B.

6 A. Yep.

7 Q. Okay. So go ahead.

8 A. So for -- scroll to the left. There
9 you go. So K-8.1, you can see impressions here in
10 the wood. That's what this scale tape is marking.
11 And then the same thing -- scroll to the right.
12 The K-8.2 is marking this impression right here.
13 And there's a faint impression there.

14 Q. Okay. Are we looking at -- what you
15 had -- like after you put dust or something on it?

16 A. Yes, sir. So this would have been
17 brought into the lab for the purpose of, if we
18 could apply any type of median like cyanoacrylate
19 which is basically if you heat superglue it
20 releases a gas. And if there's any oils or
21 anything on that surface it will stick to it and it
22 just makes processing it for prints with powder a
23 little bit easier. It helps adhere to the print.
24 And, yes, so these were done with fingerprint
25 powder.

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1 Q. Okay. So prior to you doing this, is
2 it fair to say this would have been like what they
3 call latent prints, you wouldn't have seen
4 anything?

5 A. You wouldn't have seen these, no, sir.

6 Q. Okay. So this is your chemical
7 enhancement process that you get to this point?

8 A. Yes.

9 Q. All right. So you said that you were
10 trying to lift fingerprints, did you lift any
11 impressions from K-8.3, 8.2 or 8.1?

12 A. I believe we did lift them. I would
13 have to look at my evidence report. I don't know
14 if we lifted them. They weren't of any value it
15 didn't appear. But we may have lifted them. I'd
16 have to look at the list.

17 Q. Did you see any ridge detail on any of
18 these?

19 A. No, sir. They don't have any ridge
20 detail if you look at them on the wood.

21 Q. I guess that was a poorly phrased
22 question. So when I say lifted, I get what you're
23 saying, you tried -- you lifted something?

24 A. Yes, sir.

25 Q. But was there any ridge detail there to

1 show any prints?

2 A. No, sir, none at all.

3 Q. Okay. So your training and experience,
4 have you had situations where you've seen
5 impressions of prints, but you didn't have any
6 ridge details to lift them?

7 A. Yes.

8 Q. And why might that be?

9 A. Well, there's several reasons. It
10 could be occupation. Sometimes it can be a factor
11 in -- well, if somebody leaves good prints or not.
12 If dust is on a surface and you touch it and you
13 lift your hand, you can pick up the dust with your
14 hand and it would leave a void or if someone was
15 wearing gloves.

16 Q. Wearing gloves?

17 A. Yes, sir.

18 Q. All right. What else did you do with
19 this shelf?

20 A. We also swabbed it.

21 Q. Okay. All right.

22 MR. OSBORNE: Your Honor, at this time,
23 the State would seek to admit, I think without
24 objection, 148-C as in Charles, 148-D as in David,
25 and 148-E as in Edward into evidence.

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1 THE COURT: Any objection to 148-C, D,
2 and E?

3 MR. CHISHOLM: No, Your Honor.

4 MS. ZMROCZEK: No objection.

5 MR. JOHNSON: No objection.

6 THE COURT: State's 148-C, D, and E are
7 all in evidence without objection.

8 (WHEREUPON, State's Exhibit Numbers
9 148-C, 148-D, and 148-E were entered)

10 Q. And after you swabbed this shelf, did
11 you turn it into your evidence room?

12 A. Correct.

13 Q. Kimberly Pugh again?

14 A. Yes, sir.

15 Q. Okay. All right. Next. All right.
16 I'm showing you 149 through 158. Can you take a
17 look at those and tell me if you recognize those?

18 A. I can. Yes, sir, I do.

19 Q. What is 149 through 158?

20 A. They are photographs of the shelves in
21 the master closet as well as the areas of the
22 bathroom.

23 Q. All right.

24 MR. OSBORNE: Your Honor, at this time,
25 State seeks to admit 149 through 158 into evidence.

1 A. If I may add also, there were some of
2 the attic itself.

3 Q. Okay.

4 THE COURT: Any objection?

5 MR. CHISHOLM: No, Your Honor.

6 MS. ZMROCZEK: No objection.

7 MR. JOHNSON: No objection.

8 THE COURT: All right. State's 149
9 through 158 are all in evidence without objection.

10 (WHEREUPON, State's Exhibit Numbers 149
11 through 158 were entered)

12 Q. Okay. Starting with 149. What are we
13 looking at here?

14 A. 149 is going to be one of the shelves
15 in the closet. And you can see where it was
16 processed with powder. And there's some
17 impressions that you can't really make out.

18 Q. Okay. So was there enough impression
19 there for you to do anything with it?

20 A. No, sir, not as far as fingerprints.

21 Q. All right. 150? Is this another
22 photograph of it?

23 A. Yes. This would be an impression here.
24 You see the shape here and it's marked as K-5. As
25 well as some other satellite impressions around it.

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1 Q. 151?

2 A. 151 is to the left side of this shelf
3 and this is the built-in shelf in the closet. You
4 see it's marked K-9. This is what appears to
5 possibly be a footwear impression on the shelf is
6 what it appears to be.

7 Q. Okay. This looks like a pretty --
8 well, you tell me, you saw it, is this a pretty
9 smooth surface here?

10 A. Yes, sir, it's finished with -- I think
11 it was finished with some type of varnish.

12 Q. Okay. A good surface for recovering
13 prints?

14 A. Yes, sir.

15 Q. 152?

16 A. 152 is a general of that impression.
17 It's a little bright. It's hard to see it, but you
18 can see the curved outline. And then the -- looks
19 like tread for shoes -- some type of shoe.

20 Q. Again, anything -- enough here to do
21 anything with it for the tread other than
22 photograph, I guess?

23 A. Photograph it and maybe try to lift it
24 if would come up.

25 Q. Okay. Did you have any luck with that?

1 A. I'm trying to remember. If I could see
2 my report I can tell you. I want to make sure. It
3 says I collected it. So I would have done a lift
4 of that.

5 Q. Okay. And that would have probably
6 been what, photographed or something and put on the
7 CD?

8 A. It would have been photographed and put
9 on a CD as well if it would have came up with lift
10 tape and went on a card without destroying it.

11 Q. Okay. And that was forwarded up to
12 SLED as well?

13 A. Yes, sir.

14 Q. I'm showing you 153?

15 A. That's the attic access in the master
16 closet. And that's the shelf that sticks to the
17 wall.

18 Q. 154?

19 A. This is a general inside of the attic.
20 You see the insulation. This is actually the
21 access cover just inside of the access opening.

22 Q. 155?

23 A. This is the attic access cover marked
24 as K-10.

25 Q. Okay. Is that where someone punched

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1 through, I guess --

2 A. Yes, sir, that's right above where the,
3 I believe where that smoke detector or fire alarm
4 -- what was that where that hole is coming into the
5 bedroom.

6 Q. 156?

7 A. This is going into the door of the
8 master bath where the toilet and the bathtub is at.

9 Q. 157?

10 A. This is a photograph of the master
11 bedroom toilet with the lid removed.

12 Q. All right. Did you attempt to locate
13 any or retrieve any fingerprints from the toilet
14 lid?

15 A. I did, I sent to processing.

16 Q. Any luck?

17 A. No, sir, I don't believe so.

18 Q. And what it even looks like the grate
19 here for the AC vent has been removed?

20 A. Yes, sir.

21 Q. Okay. And 158?

22 A. This is coming out of the master
23 bedroom and back into the living and kitchen area.
24 And that photograph depicts the ceiling where it
25 was pushed down.

1 Q. Okay. You can sit back down. Thank
2 you. Just a couple other questions here. Thank
3 you. So as a crime scene investigator, have you
4 processed scenes in which there have been efforts
5 made to clean up blood?

6 A. Yes, sir.

7 Q. And do you have a way to locate the
8 presence of blood even if it has been cleaned up?

9 A. We do. We have multiple methods.

10 Q. Can you just tell the jury how you go
11 about doing that?

12 A. If somebody's made an attempt to clean
13 up blood, there's several different chemicals you
14 can apply. The easiest would be Leucocrystal
15 Violet which is a peroxide base chemical that
16 reacts to proteins in blood. And what it does, if
17 it's positive, if blood's present and it doesn't
18 have to be visible to the human eye. It can be
19 hidden. Once it's applied, it's sprayed on, when
20 it's applied it will give off a violet color.
21 That's where the Leucocrystal Violet comes from.
22 So it would actually be like a purplish violet
23 color if there's blood present.

24 Q. Okay. Any evidence here that there was
25 efforts to clean up the crime scene of blood or

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1 anything like that?

2 A. No, sir.

3 Q. All right. I know we've heard some
4 testimony that Captain Carter processed the scene
5 in which Jerome Butler was found?

6 A. Yes, sir.

7 Q. But did you also search that area using
8 a metal detector?

9 A. I did on the following day.

10 Q. The next day?

11 A. Yes, sir.

12 Q. Did you locate anything outside?

13 A. Yes, sir.

14 Q. What did you find?

15 A. Cartridge casing in the grass, I
16 believe it was.

17 Q. All right. I'm showing you 220 through
18 225. Take a look at those and tell me if you
19 recognize them.

20 A. I do.

21 Q. And what are they?

22 A. Photographs of the area along the
23 fence. Between the fence -- the grass between the
24 fence and where the red Camero was parked where
25 Mr. Butler was at.

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1 MR. OSBORNE: Your Honor, at this time,
2 State seeks to admit 220 through 225.

3 THE COURT: 220 through 225?

4 MR. OSBORNE: Yes, sir.

5 THE COURT: Any objection?

6 MR. CHISHOLM: No, Your Honor.

7 MS. ZMROCZEK: No objection.

8 MR. JOHNSON: No objection.

9 THE COURT: State's 220 through 225 are
10 in evidence without objection.

11 (WHEREUPON, State's Exhibit Numbers 220
12 through 225 were entered)

13 Q. Okay. All right. 220, what are we
14 looking at?

15 A. It's a photograph of the fence to the
16 left. This is the back corner of the residence at
17 the carport. There's a fence and then originally
18 the red Camero was parked about here. And this
19 would be marker K-4 which would be a .40 caliber
20 cartridge case.

21 Q. 221?

22 A. This is a midrange of the marker K-4
23 and the fence which is -- K-4 is the area where the
24 casing -- that one casing was found.

25 Q. 222?

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1 A. This is a close-up of the casing itself
2 and it is actually in the grass, down in the grass.

3 Q. 223?

4 A. Right here would be the casing down in
5 the grass.

6 Q. 224?

7 A. This is a photograph of the headstamp
8 which is Winchester .40 S&W for Smith and Wesson.

9 Q. And 225?

10 A. Again, this is another photograph of
11 the headstamp itself.

12 Q. Okay. I'm showing you State's 10. Can
13 you take a look at that and tell me if you
14 recognize that?

15 A. I do.

16 Q. And what is it?

17 A. It's a box containing or a bag actually
18 and the box that I originally packaged it in for a
19 Winchester .40 S&W cartridge case. And it was
20 found on the ground between the fence and the
21 location of the red Camero.

22 Q. Okay.

23 MR. OSBORNE: Your Honor, at this time,
24 State seeks to admit 10 into evidence.

25 THE COURT: Any objection?

1 MR. CHISHOLM: No, Your Honor.

2 MS. ZMROCZEK: No objection.

3 MR. JOHNSON: No objection.

4 THE COURT: State's 10 is in without
5 objection.

6 (WHEREUPON, State's Exhibit Number 10
7 was entered)

8 Q. Okay. Did you swab that?

9 A. I didn't swab that I don't believe.
10 That would have been sent to SLED.

11 Q. Okay. But you do know if that was
12 swabbed? You're not sure?

13 A. If I could look at my processing
14 reports, it should be evidence processing reports.
15 I can tell you for sure. I don't want to misspeak
16 on...

17 Q. Okay. Did you have the occasion later
18 to assist with photographing and processing the
19 Camero?

20 A. Yes.

21 Q. While processing the vehicle, did you
22 make any note of the driver's side door, was it
23 operable? Inoperable?

24 A. The driver's side door?

25 Q. Yes.

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1 A. SLED processed the Camero. I don't
2 think the door -- that driver's side door was
3 operable.

4 Q. Okay.

5 MR. OSBORNE: Beg the Court's
6 indulgence.

7 THE COURT: That's fine.

8 Q. All right. Let's look quickly. 287 to
9 304, do you recognize them?

10 A. I do.

11 Q. Okay. And what are they?

12 A. They are photographs of the red Camero
13 inside of our impound lot at the sheriff's office.

14 Q. Okay.

15 MR. OSBORNE: Your Honor, at this time,
16 State seeks to admit 287 to 304 into evidence.

17 THE COURT: Any objection?

18 MR. CHISHOLM: No, Your Honor.

19 MS. ZMROCZEK: No objection.

20 MR. JOHNSON: No objection.

21 THE COURT: State's 287 through 304 are
22 all in evidence without objection.

23 (WHEREUPON, State's Exhibit Numbers 287
24 through 304 were entered)

25 Q. All right. 287?

1 A. This is the rear of the red Camero.

2 Q. 288?

3 A. The passenger side.

4 Q. 289?

5 A. Again, the passenger side after the
6 cover -- the window was busted out. It wasn't
7 operable, so we had to cover the window.

8 Q. 290?

9 A. That's just a midrange of the doorway
10 of the Camero.

11 Q. 291?

12 A. That's the door opened and the inside
13 passenger seat.

14 Q. 292?

15 A. That's the pocket of the door with
16 glass fragments. And looks like possibly reddish
17 stain, some type of blood on the door itself.

18 Q. 293?

19 A. That's the seat with glass. It looks
20 like as well blood on the seat.

21 Q. I see we got a couple of Old English
22 cans inside the car?

23 A. Correct.

24 Q. That's the same brand that was found
25 outside?

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1 A. Yes, sir.

2 Q. 294?

3 A. This is another interior photograph.

4 You can see the passenger seat, the rear backseat

5 looks like some type of money on the backseat as

6 well as the cans. There's a shirt on the floor.

7 Q. 295?

8 A. This is the headrest of the vehicle.

9 Q. 296?

10 A. The console area of the vehicle in the

11 driver's side.

12 Q. 297?

13 A. Looks like the handle of some type of

14 knife at the floor -- on the floor at the seat.

15 Q. 298?

16 A. Again, the handle of a knife as well as

17 some change on the floor.

18 Q. And 299?

19 A. This is the knife that was at the

20 scene.

21 Q. I know it's obvious, this is a folding

22 knife?

23 A. Yes, sir.

24 Q. But the blade is open here?

25 A. Yes, sir. That's correct.

1 Q. 300?

2 A. The console and the driver's seat, you
3 see some clothes looks like on the driver's seat
4 and two Old English cans.

5 Q. 301?

6 A. This would be the seat -- the passenger
7 seat -- front passenger seat. You can see some
8 type of marking on the seat itself.

9 Q. 302?

10 A. Glass fragments and blood in the front
11 passenger seat.

12 Q. 303?

13 A. And a shirt with Jerome -- I'm assuming
14 Jerome Butler's shirt that was on the floor.

15 Q. 304?

16 A. A bag with some Old English and just
17 different items inside of it.

18 Q. Okay. On August 6th, did you have the
19 occasion to return back to [REDACTED] Old State Road?

20 A. I did.

21 Q. Why did you go back?

22 A. The cleaning crew -- crime scene clean
23 up crew called and they found some cell phones or
24 electronic devices at the property.

25 Q. Did you go back and reprocess those?

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1 A. Yes.

2 Q. Or collect them?

3 A. Yes, I did.

4 Q. 310 through 317, can you take a look at
5 those and tell me if you recognize them?

6 A. I do.

7 Q. Okay. And what are they?

8 A. It's the rear entrance of the residence
9 as well as inside the residence after the crime
10 scene clean up crew had been in there. Some
11 electronic devices as well as a pistol box.

12 Q. Okay.

13 A. Or case.

14 MR. OSBORNE: Your Honor, at this time,
15 State seeks to admit 310 through 317 into evidence.

16 THE COURT: Any objection?

17 MR. CHISHOLM: No, Your Honor.

18 THE COURT: Any objection?

19 MS. ZMROCZEK: No objection.

20 THE COURT: Any objection?

21 MR. JOHNSON: No objection.

22 THE COURT: State's 310 through State's
23 317 are admitted into evidence without objection.

24 (WHEREUPON, State's Exhibit Numbers 310
25 through 317 were entered)

1 Q. Okay. 310?

2 A. This is the -- coming in from the
3 carport. There's a set of ramp that goes to the
4 rear door, entrance of the residence, and it had
5 been boarded up prior to us arriving.

6 Q. 311?

7 A. This is the kitchen and living room
8 area of the residence. And that picture is
9 pointing towards the hallway that leads to bedroom
10 two and three.

11 Q. Okay. Looks like some cleanup efforts
12 have already begun?

13 A. Yes, sir. It's already been cleaned
14 up.

15 Q. 312?

16 A. This is in bedroom, I believe it's
17 three. And this is a dresser and a doorway and
18 that's the hallway leading into it. And you can
19 see in the mirror the phone and the -- the two
20 phones in there. It looks like a set of earbuds.

21 Q. 313?

22 A. A dresser, the room's been cleaned
23 again and you can see the electronic devices on the
24 dresser.

25 Q. 314?

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 A. That's the LG phone and the white Apple
2 phone and a set of earbuds or ear phones, whatever
3 you want to reference them as.

4 Q. 315?

5 A. This is the master bedroom. Not so
6 much cleaning had been done in this room.

7 Q. Okay. 316?

8 A. This was a Glock pistol case that was
9 under the dresser in the bedroom.

10 Q. 317?

11 A. This is the label on that pistol case
12 for the Glock pistol. It was a Glock 27 and the
13 serial number was -- looks like PZZ8. I can't make
14 out the last number, 84.

15 Q. Have you had the opportunity to check
16 that serial number?

17 A. Yes.

18 Q. Okay. And did you find out anything
19 about that gun?

20 A. Yes. It was in the Orangeburg County
21 Sheriff's Office evidence room at the time of the
22 murders.

23 Q. Okay. So at the time of the murders
24 this gun that serial number would have been in
25 evidence at the sheriff's office?

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir, it was in our evidence room.

2 Q. Okay. All right. I'm showing you 327.

3 Can you take a look at 327 and tell me if you

4 recognize that?

5 A. I do. This is the white iPhone or the
6 packaging for it.

7 Q. Okay.

8 A. See if I can see it.

9 MR. OSBORNE: Your Honor, at this time,
10 State seeks to admit 327 into evidence.

11 THE COURT: Any objection?

12 MR. CHISHOLM: No, Your Honor.

13 MS. ZMROCZEK: No objection.

14 MR. JOHNSON: No objection.

15 THE COURT: State's 327 is in evidence
16 without objection.

17 (WHEREUPON, State's Exhibit Number 327
18 was entered)

19 Q. Okay. Now I'm showing you 328?

20 A. This is the packaging for the black
21 Verizon LG phone. And that was from the bedroom
22 dresser as well.

23 Q. Okay.

24 A. Marked K-13 is the item number.

25 Q. Basically, the second phone?

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 MR. OSBORNE: Your Honor, at this time,
3 State seeks to admit 328 into evidence.

4 THE COURT: Any objection?

5 MR. CHISHOLM: No, Your Honor.

6 MS. ZMROCZEK: No objection.

7 MR. JOHNSON: No objection.

8 THE COURT: State's 328 is in evidence
9 without objection.

10 (WHEREUPON, State's Exhibit Number 328
11 was entered)

12 Q. All right. You mentioned earlier that
13 you took a lift from the impression on the top
14 shelf and I think you labeled it as K-9. Can you
15 take a look at 398?

16 A. Yep. This would be a gel lifter. It's
17 marked as 398. It's a gel lifter of the impression
18 from the top shelf in the master closet.

19 Q. Okay.

20 MR. OSBORNE: Your Honor, at this time,
21 State seeks to admit 398 into evidence.

22 THE COURT: Any objection?

23 MR. CHISHOLM: No, Your Honor.

24 MS. ZMROCZEK: No objection.

25 MR. JOHNSON: No objection.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: State's 398 is in without
2 objection.

3 (WHEREUPON, State's Exhibit Number 398
4 was entered)

5 Q. On September 15th, did you have the
6 occasion to collect a buccal swap from Luther
7 Smith?

8 A. Yes, sir.

9 Q. All right. I'm showing you now 233.
10 Can you take a look at that and tell me if you
11 recognize it?

12 A. It's a package marked 154 -- item
13 number 154 and it's buccal swabs for Joseph Smith.

14 Q. Okay. And then, lastly, I'm showing
15 you 234 -- well, on April 24th of 2018, did you
16 collect a buccal swab from Derrick Coleman?

17 A. Yes, sir. This would be envelope with
18 buccal swabs for Derrick Coleman and that was on
19 April 24th of '18.

20 Q. Okay.

21 MR. OSBORNE: Your Honor, at this time,
22 State seeks to admit 233 and 234 into evidence.

23 THE COURT: Any objection?

24 MR. CHISHOLM: No, Your Honor.

25 MS. ZMROCZEK: No objection.

WILLIAM KETCHERSIDE - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. JOHNSON: No objection.

2 THE COURT: State's 233 and 234 are in
3 evidence without objection.

4 (WHEREUPON, State's Exhibit Numbers 233
5 and 234 were entered)

6 MR. OSBORNE: And no further questions.

7 THE COURT: All right. Thank you, sir.
8 All right. Ladies and gentlemen, we finished
9 another workday in court. I'm going to let you go
10 home, obviously, and get some rest. Get back here
11 at 9:30. Don't read anything. Don't investigate
12 anything. Don't talk to anybody about the case,
13 and I will see you at 9:30 tomorrow morning. Okay.
14 Thank y'all very much. Y'all are doing real good
15 about being attentive and I appreciate it.

16 (WHEREUPON, the jury left the courtroom
17 at 5:11 p.m.)

18 THE COURT: All right. We are in
19 recess until 9:30 tomorrow morning. Okay.

20 (WHEREUPON, court was adjourned)

21

22

23

24

25

1 (February 15, 2022)

2 (WHEREUPON, Defendants' Exhibit Numbers
3 64 through 82 were marked for ID)

4 THE COURT: You can go ahead and bring
5 the jury in. Thank you, ma'am.

6 (WHEREUPON, the jury entered the
7 courtroom at 9:59 a.m.)

8 THE COURT: Good morning, ladies and
9 gentlemen. How are y'all this morning?

10 THE JURY: Good morning.

11 THE COURT: Listen, thank you -- let me
12 just compliment you. Y'all have been doing really
13 good paying attention and like that and I really,
14 really do appreciate it. I've got to go through
15 the questions that I've been asking every morning,
16 you know, every time y'all -- we get back together.
17 And, again, if you need to respond to these
18 questions, I need for you to stand.

19 Have you read anything about this case,
20 smartphone, newspaper, anything like that? If so,
21 please stand.

22 No one is standing.

23 Anybody done any research on the
24 computer, their smartphones, or any other -- gone
25 on Facebook or anything like that to find out

1 anything about this case? If so, please stand.

2 No one is standing.

3 Has anybody tried to contact y'all or
4 talk about the case? If so, please stand.

5 No one is standing.

6 And, finally, have y'all been talking
7 among yourselves about this case at all?

8 Okay. Nobody has done that. Okay.

9 All right. We're going to continue
10 with Lieutenant Ketcherside. Come on back down,
11 please, sir. Lieutenant Ketcherside, remember, you
12 are still under oath.

13 MR. KETCHERSIDE: Yes, sir.

14 THE COURT: Okay. All right. And,
15 Mr. Osborne, you were rudely interrupted yesterday.

16 MR. OSBORNE: Judge, I think we flew
17 through it and I said, no further questions.

18 THE COURT: All right. Who's going to
19 go? Ms. Zmroczek?

20 MS. ZMROCZEK: Thank you, Your Honor.

21 THE COURT: Ms. Zmroczek,
22 Lieutenant Ketcherside is your witness.

23 MS. ZMROCZEK: May it please the Court.

24 THE COURT: Yes, ma'am.

25 CROSS EXAMINATION BY MS. ZMROCZEK:

1 Q. Good morning.

2 A. Good morning.

3 Q. I want to start off by showing you a
4 few more pictures and ask you if you recognize
5 these?

6 A. I will do my best.

7 Q. And I think I'm showing you Defendants'
8 64 through 82.

9 A. That's correct on the numbers. There's
10 a few I know what they're from, but I didn't take
11 some of those. Some of those were taken by SLED.

12 Q. Some of them were taken by SLED?

13 A. Yes.

14 Q. Which ones?

15 A. The ones in the vehicle, in the Camero.
16 Should be towards the end of a seat. I was
17 present, but I didn't --

18 Q. Okay. You were present for them. And
19 so do you recognize them to be fair and accurate
20 depictions of what you saw that day?

21 A. Yes, ma'am.

22 Q. Okay.

23 MS. ZMROCZEK: Your Honor, at this
24 time, we move Defendants' 64 through 82 into
25 evidence.

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MS. ZMROCZEK

1 THE COURT: Any objection from the
2 State?

3 MR. OSBORNE: None, Your Honor.

4 THE COURT: Any objection?

5 MR. CHISHOLM: No, Your Honor.

6 THE COURT: Any objection, Mr. Johnson?

7 MR. JOHNSON: No objection.

8 THE COURT: All right. Defendants' 64
9 through 82 are now in evidence without objection.

10 (WHEREUPON, Defendants' Exhibit Numbers
11 64 through 82 were entered)

12 MS. ZMROCZEK: Thank you, Your Honor.

13 Q. I'm going to attempt to be
14 technological. If you will -- so I'm showing you
15 Defendants' 64.

16 A. If I may stand up.

17 Q. Please. Or just angle yourself so you
18 can see. And I'll just ask that you keep your
19 voice up just for the court reporter.

20 A. Yes, ma'am. I'm going to move the mic
21 over just a little bit.

22 THE COURT: You can hold it if you want
23 to.

24 A. No, sir.

25 THE COURT: All right.

1 Q. All right. So 64, I want to kind of
2 kick off where we ended up yesterday. We talked
3 about the location where you recovered another beer
4 can; correct?

5 A. Yes, ma'am.

6 Q. And so orient the jury as to what
7 they're looking at. For example, where is the
8 home?

9 A. Okay. So this is the beer can that we
10 were -- the Old English can we were talking about.
11 This is Old State Road. Down where those pines
12 start that's [REDACTED] Old State. [REDACTED] would be behind
13 where I'm facing. So it would actually be behind
14 me in this picture and slightly to the left.

15 Q. And are you able to tell from this
16 picture directionality wise which way you drove to
17 go locate the Mercedes that had been burned?

18 A. Yes, ma'am. I went the opposite
19 direction that this picture is facing.

20 Q. Okay. So you...

21 A. I went back towards Holly Hill. That
22 goes towards Wells Crossroad, I went back towards
23 Holly Hill.

24 Q. Okay. Perfect. And then 65, again, I
25 guess it's just maybe a little bit more closer?

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. It's just a general photograph of that
2 area.

3 Q. Okay. And who are the vehicles on the
4 side of the road?

5 A. At the time, I don't know who would
6 have been driving those vehicles, but all three of
7 those vehicles are sheriff's office vehicles.

8 Q. Okay. All right.

9 A. And then you have -- I can't remember
10 what news station that was out there. That was a
11 news truck down the highway.

12 Q. Okay. Thank you. And then 65, I guess
13 is this kind of -- we talked -- when we heard from
14 Lieutenant Carter yesterday, he talked about how
15 you kind of take overall pictures and then get
16 closer; is that what you did here?

17 A. Yes, ma'am. So we would take general
18 pictures of the area and then we would move in what
19 we call midrange. And basically what that does is
20 you're trying to relate it to an object. So
21 whether it's the roadway or whatever. In this
22 case, it was hard because the road was so far from
23 the object.

24 Q. And is this one that you found -- who
25 -- did you actually locate this piece of evidence?

1 A. No, ma'am, I didn't locate that.

2 Investigator Boyne located it and he advised me of
3 that.

4 Q. So as a crime scene -- as a crime scene
5 technician or specialist, you rely -- obviously,
6 you're trained to know what kind of evidence to
7 look for?

8 A. Yes, ma'am.

9 Q. But do you also rely on other
10 investigators who are there to assist you?

11 A. Yes.

12 Q. Okay. And, obviously, we're talking
13 about a pretty big area; right?

14 A. Yes, ma'am.

15 Q. Okay. And then 67 would be the
16 close-up; right?

17 A. Yes, ma'am. That's somewhat of a
18 close-up of the can.

19 Q. Okay. And then -- I'll come back to
20 the pictures in a moment if you want to have a
21 seat. Thank you. You took -- so when you arrive
22 at a scene, you take notes as you're going along or
23 tell us how that works?

24 A. The first thing we do is do a general
25 walk through of that scene. And in this case, we

1 started on the exterior of the residence. And
2 you're just kind of making notes and taking notes
3 of anything that's found and where it's at and
4 doing your best to document it through notes.

5 Q. Because obviously when you first
6 arrived on a scene typically you don't have a ton
7 of information?

8 A. No. Typically, no, ma'am.

9 Q. So what you're trying to do is help
10 collect or photograph any potential items that
11 could be useful later on?

12 A. Yes.

13 Q. Okay. And so you -- yesterday we saw
14 Investigator Carter had a fancy Orangeburg note,
15 did you just have a regular notepad?

16 A. Myself?

17 Q. Yes.

18 A. Yes, ma'am.

19 Q. Okay. And so are you writing it as you
20 go along or do you have --

21 A. We have forms that we typically write
22 on. They're marked on the top and that's actually
23 our field notes.

24 Q. And you carry it with you as you're
25 going?

1 A. Yes.

2 Q. Okay. And I noticed in your notes, you
3 -- it appears that you're kind of making little
4 remarks to yourself, I guess?

5 A. Yes, that's what you're doing, field
6 notes.

7 Q. Okay. And -- because you want to make
8 sure that things that you see are not only
9 photographed and collected, but hopefully tested --

10 A. Yes.

11 Q. -- to tell us -- to give us a little
12 bit more of the story; right?

13 A. That would be correct.

14 Q. And one thing I love about the crime
15 scene is it helps tell a story; right?

16 A. It can, yes, ma'am.

17 Q. Okay. And then it can -- depending on
18 what evidence you find it could help you establish
19 a timeline?

20 A. Yes, ma'am.

21 Q. Okay. Or figure out who was there or
22 know what direction to look?

23 A. Yes, ma'am. That's our sole
24 responsibility or what we want to achieve is to
25 identify what happened and any and anybody -- all

1 people that may have been on the scene as best we
2 can.

3 Q. And you're not just relying on your
4 naked eye or your fellow investigator's naked eyes,
5 you actually brought a metal detector out there;
6 right?

7 A. Yes, ma'am.

8 Q. And how is that helpful?

9 A. That's helpful in this case where we
10 had high grass searching that area for anything
11 that may have been missed. A lot of times casings,
12 bullets, obviously can get down under that grass
13 and you won't see it with the human eye, so you
14 have to search that area with another object or
15 another median. In this case, we used a metal
16 detector and you set it to what you're looking for.
17 So if I'm looking for casings, I know casings are
18 either steel or brass, I set it to that and that's
19 what I look for.

20 Q. And I know that we saw pictures of it
21 yesterday, but this house wasn't right on the road
22 of Holly Hill -- or excuse me, of Old State Road;
23 right?

24 A. The address is on Old State, but the
25 house does sit off the road I think [REDACTED] something

1 feet.

2 Q. You took some measurements?

3 A. Yes, ma'am, 182 feet to be exact.

4 Q. Okay. So like, I guess, what we would
5 consider a typical driveway, but it was just like
6 an entryway, it wasn't paved; correct?

7 A. Correct.

8 Q. Okay. And so it sits kind of back off
9 of Old State Road?

10 A. Correct.

11 Q. Do you have your notes with you?

12 A. I don't have them with me. I can refer
13 to anything that you have.

14 Q. And I'll ask you a question and I
15 promise I'm not trying to trick you up, but if you
16 need to see it, I will make sure that you can.

17 A. Yes, ma'am.

18 Q. So we talked a lot about footwear
19 impressions. And there were some that were located
20 at the actual -- at the house; right?

21 A. Yes.

22 Q. Okay. And you were called out to the
23 scene where the Mercedes had been?

24 A. Correct.

25 Q. All right. And I'm going to show you

1 | what's in evidence.

2 | A. If I may stand up.

3 | Q. Yes, thank you. Okay. So tell the
4 | jury what they're looking at here.

5 | A. This is the driveway of -- actually,
6 | this is the driveway of [REDACTED] Old State Road. And
7 | this is impressions -- footwear impressions going
8 | up the driveway and each alphabet marks a possible
9 | impression.

10 | Q. All right. Now, was this the driveway
11 | or was this the Mercedes --

12 | A. No, ma'am, this is the driveway at
13 | [REDACTED]

14 | Q. Okay. This is the driveway at [REDACTED]?

15 | A. Yes, ma'am.

16 | Q. Okay. So the house next door?

17 | A. Yes, ma'am.

18 | Q. All right. And so you -- I'm showing
19 | you what's in evidence as Defendants' 70. So what
20 | have you marked -- tell the jury kind of what we're
21 | looking at here.

22 | A. This is a somewhat general, it's not
23 | scaled in this picture, but you can see an
24 | impression here. It appears to be the outline of
25 | some type of footwear and it's marked as item A.

1 Q. All right. And then 71 and let me make
2 that --

3 A. So this is items D, E, F, G, H, I, J,
4 K, and then you can't hardly see them down there,
5 but this is just a -- to show the footwear down the
6 driveway.

7 Q. And why was it important to photograph
8 it at that address?

9 A. Being that it was so close and the
10 footwear was found going up the driveway, we
11 weren't certain at the time, so you want to
12 document and collect everything that you can just
13 in case you need it later. I mean, not everything
14 always applies to that case and -- but you don't
15 want to leave it and not collect it or document it
16 and then you don't have it if you do need it.

17 Q. And so as a crime scene investigator,
18 you document and then do you make the decision as
19 to what to follow-up on or is that for the case
20 agent?

21 A. Once we collect the evidence and we
22 talk with each other and decide basically through
23 statements and what we see on scene what they need
24 to pursue or what we need to pursue as far as
25 further processing.

1 Q. Okay. And then 72?

2 A. This is a scaled photograph of an
3 impression. I don't know which -- in that one, I
4 don't know which marker it is. I'd have to look at
5 the actual pictures.

6 Q. Okay. 73?

7 A. Again, this is item D. This is an
8 impression you can see that the angle and that is
9 in the driveway.

10 Q. Okay. And 74?

11 A. This one is G and that's the scaled
12 photograph of the impression. Like I say, it's not
13 that great, you can't hardly see it, but it is
14 there.

15 Q. Okay. 75?

16 A. This is a photograph of the burnt
17 Mercedes.

18 Q. Okay. And so -- how far away -- you
19 said it was approximately maybe 15 minutes?

20 A. What's that?

21 Q. To get to the site where the Mercedes
22 was?

23 A. I didn't say.

24 Q. Oh, okay. How far was it then?

25 A. It's exactly 10 to 11 minutes.

1 Q. Ten to 11 minutes?

2 A. Yes, ma'am.

3 Q. Okay. And you met agents from SLED out
4 here as well?

5 A. Out here, I met with our unit -- some
6 of our units and Captain Shuler from Berkeley
7 County came and assisted with identifying the burnt
8 vehicle.

9 Q. Identifying the burned vehicle?

10 A. Yes, ma'am.

11 Q. Do you have training in -- I would --
12 would you consider this an arson?

13 A. Yes, ma'am. I mean, it's obviously
14 parked in the middle of a field or beside a field
15 and set on fire.

16 Q. Right.

17 A. As well as it was just -- we know it
18 was -- once we identified it we knew it was taken
19 from the scene of a murder.

20 Q. And how long does it take for a vehicle
21 to completely -- when you got there, did you have
22 notes about if it -- what the temperature of the
23 car was? Was it still smoking? Was it hot? Do
24 you recall --

25 A. I would have to look at my report to

1 see if I have that in there.

2 Q. I didn't see any that's why I was
3 asking.

4 A. And I'll be glad to double check.

5 Q. And the front and back. Sorry.

6 A. If I could get the report also. If I
7 could get the report also.

8 Q. Oh, I didn't -- I don't have it up
9 here. That would have been in your final report;
10 right? And those are front and back.

11 A. That's not my handwriting to start
12 with.

13 Q. So are these not your notes?

14 A. Are these Captain Carter's notes?

15 Q. I was told they were yours.

16 A. If I could see my entire report, I can
17 tell you.

18 Q. I'll pull it for you.

19 A. That is some of my handwriting. So
20 it's a mixture. That's my handwriting. That's not
21 mine. That's what I said, it looks like a mixture
22 of notes.

23 Q. Okay. So how does that --

24 A. Instead of writing on multiple pads, we
25 may have written everything at one time. But if I

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1 could see the entire report, my entire case file, I
2 can tell you if that's my notes.

3 Q. Okay. And I'll come back to that. But
4 just off the -- obviously, it was so long ago you
5 don't recall when you went up if it was hot? If it
6 was -- were you able to approach it?

7 A. The vehicle?

8 Q. The vehicle.

9 A. I didn't say take a temperature of the
10 vehicle, so I can't say what the temperature of
11 that vehicle was.

12 Q. And --

13 A. I mean, it was obviously freshly burnt.
14 You could smell the fire.

15 Q. Okay. And through your training and
16 experience, approximately how long would it take
17 for a vehicle to burn that --

18 A. That's beyond my scope as far as saying
19 how long it would take.

20 Q. Okay. And then 76?

21 A. This is a shot -- photograph of the
22 rear of the burnt Mercedes. You can see the
23 license plate was burnt off the vehicle.

24 Q. Okay. And were you able to locate any
25 footprints in this area?

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. No, ma'am, I don't recall any.

2 Q. All right. I want to take you back to
3 -- this is Defendants' 77. So you returned to the
4 house on August 6th; is that correct?

5 A. Yes, ma'am.

6 Q. And what did you notice differently in
7 -- had you seen -- you had been there originally;
8 right?

9 A. Yes, ma'am. August 6th was the date I
10 went back to get the electronic devices and we
11 found the Glock model 27 case. And the house had
12 already been cleaned by the crime scene cleanup
13 crew or areas of the house.

14 Q. Okay. And what did you notice about
15 the hole in the ceiling?

16 A. The hole in the ceiling. I think it
17 maybe -- I'd have to look at the pictures if I took
18 anything there verses the original scene. And it
19 may have been a little more, but it was still a
20 hole in the ceiling.

21 Q. Okay. All right. So it may have
22 widened?

23 A. Yeah, but I can't answer how that
24 happened if that's what you're wanting me to do.

25 Q. No. No. Absolutely, I am not asking

1 you to speculate at all. I want to go real quick
2 back up to 68. So this was actually taken in the
3 original photographs?

4 A. Yes, ma'am, that's the blue Aquos.

5 Q. Okay. And that was in bedroom number
6 three?

7 A. If I could see my, again, my report.
8 Not the notes, my report, I can give you that
9 information.

10 Q. I'll have to get that for you. And
11 then I'll come back to those. I want to go back to
12 -- and you can have a seat. Sorry. And on your
13 notes so, again, you know, if don't recall saying
14 this, I will find out whose notes these are. But
15 you were talking about taking an aerial photo?

16 A. Uh-huh.

17 Q. Why are those important?

18 A. Aerial photos?

19 Q. Yes.

20 A. Well, we don't take an aerial photo, we
21 take a photograph -- a general photograph of the
22 area. I can't take an aerial photograph. An
23 aerial would be from the sky above the property.

24 Q. Right. And I think we saw one
25 yesterday when we were kind of looking --

1 A. That's a map, yes.

2 Q. Looking at the map. Right. You --
3 y'all were making sure, again, that you swabbed as
4 much as you could; right?

5 A. Yes, ma'am. I mean, you want to
6 process every area that you can to attempt to get
7 either fingerprints or DNA that's going to help
8 identify anybody who may have been in the house.

9 Q. And I believe we saw yesterday when the
10 State put some pictures in there were different
11 areas of blood, some trails, some on the walls, and
12 the ceiling?

13 A. I didn't look at any pictures with a
14 trail on the ground. I looked at photographs that
15 were from the vehicle, the red Camero that had
16 blood in it.

17 Q. Okay. All right. And we'll come back
18 to that in just one moment. You talked about the
19 red Camero. And so it was at the scene, we heard
20 yesterday that it was taken to your impound lot?

21 A. That's correct.

22 Q. And a search warrant was later executed
23 on that; is that correct?

24 A. That would be correct.

25 Q. Okay. And I believe that you assisted

1 SLED in that as well?

2 A. Yes. I was -- I stood by as a liaison
3 for the sheriff's office -- between the sheriff's
4 office and SLED --

5 Q. And too -- sorry. Go ahead.

6 A. -- and SLED's crime scene unit.

7 Q. So typically when we're talking about a
8 major crime scene, does it help to have SLED come
9 in?

10 A. If they offer to help, if we have a
11 scene that's this large, and this many items of
12 evidence, if you request their assistance, they
13 will come in and assist with that, yes.

14 Q. And y'all -- and typically y'all work
15 together; right?

16 A. Typically, no, ma'am. Usually they do
17 the part they're going to do so we don't kind of
18 tag team if you want to say a scene. They will do
19 the area they need to do and then we act as the
20 liaison between our agency and SLED.

21 Q. Okay. So I'm going to show you again
22 -- or not again, but I'm going to show you what's
23 in evidence as Defendants' 78. Tell the jury what
24 we're looking at here.

25 A. That's inside the Camero, the interior

1 of the Camero. And it looks like a watch, a hat,
2 you've got two open Old English cans, some boots,
3 some cigarette butts, some cash on the console.

4 Q. And so the Old English cans, were those
5 similar to the ones that you found in the field?

6 A. Yes.

7 Q. Okay. And would y'all have requested
8 any testing amongst all of the Old English cans?

9 A. I didn't collect these, I was just
10 present, so I don't know what testing was done on
11 these cans verses the one I collected. The one I
12 collected was tested.

13 Q. Okay.

14 A. Or swabbed for DNA.

15 Q. And then Defendants' 79, tell the jury
16 what they're looking at here.

17 A. That would be a cell phone, a hat, and
18 a watch on the -- looks like the driver's seat.

19 Q. Of the Camero?

20 A. Of the Camero, yes.

21 Q. Okay. And Defendants' 80?

22 A. This would have been -- looks like they
23 took the hat, the watch, and the cell phone and
24 that bag out of the Camero for further
25 photographing.

1 Q. Okay. 81?

2 A. Looks like a tape measure. This looks
3 like the inside of a backpack or some type of bag.

4 Q. And I believe yesterday we saw a
5 picture of a backpack --

6 A. Yes.

7 Q. -- in the Camero?

8 A. Yep.

9 Q. Okay. And 82?

10 A. This is some type of piece of male
11 registered to -- looks like the resident to a
12 friend of May Hallman. Is it Hallman? No. I
13 can't make out the whole last name. And that's
14 Laval Rhodes, Santee.

15 Q. Okay. And I'm going to take you back
16 -- this is 82. I'm going to take you back to 81
17 real quick. Because we see the tape measure and
18 the piece of male; right?

19 A. Yes, ma'am.

20 Q. And 81 was the backpack so --

21 A. It was inside of the backpack.

22 Q. Okay. So typically when you're
23 photographing something you want to photograph it
24 untouched and then --

25 A. You photograph it in stages. So if a

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1 backpack is closed, you would photograph it that
2 way. Then you would open the backpack, photograph
3 it again. So it could take five to eight --
4 sometimes eight photographs to get through or more
5 to get through a backpack.

6 Q. Okay. And this address again on
7 Defendants' 82, the 414 -- and I'm not pronouncing
8 that right, Laval Road?

9 A. Laval Road.

10 Q. And are you aware if that address is
11 connected to Mr. Butler?

12 A. I can't say. I don't know that.

13 Q. And then 83?

14 A. This is, again, something -- resident
15 -- I think this might be what was inside the
16 envelope possibly. Is what it looks like it could
17 be.

18 Q. So as you were saying, it may take
19 several photographs to --

20 A. Yes, ma'am.

21 Q. -- to give us kind of a full picture of
22 what we're looking at; is that correct?

23 A. Correct. And it shows the residence to
24 a friend May Molina.

25 Q. Okay.

1 A. At [REDACTED] Laval Road.

2 Q. Great. Those are all the pictures.
3 One of the -- one of the items -- okay. So you
4 talked about the phones. So on August 6th when you
5 went back to retrieve those phones, how did y'all
6 learn they were there?

7 A. The crime scene cleanup crew contacted
8 -- I don't know exactly who they contacted and we
9 were asked to go back out there.

10 Q. And so the crime scene cleanup crew, is
11 that a part of Orangeburg County Sheriff's
12 Department?

13 A. No, ma'am, that's a private company.

14 Q. So they're a private company?

15 A. Yes.

16 Q. But they obviously are aware that it's
17 a crime scene and if they find something then they
18 contact y'all; right?

19 A. Yes. Crime scene cleanup crew.

20 Q. So when you -- we heard yesterday about
21 some tamper tape, but that's only for when you
22 process the scene the first time; right?

23 A. Tamper tape?

24 Q. Or evidence tape because it took them
25 several days to actually process it?

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1 A. Yeah. So if you're referring to if we
2 leave the scene, we would leave -- if we we're
3 coming back, we would leave an officer at that
4 scene and we also use red seal tape and if it's
5 that door -- say a door or window that we put it
6 on, if it's open, it will break that seal. So it's
7 basically tamper proof tape is what it is.

8 Q. And then once y'all finish processing
9 it then you take all that off; right?

10 A. Yes, we try to.

11 Q. Right. So I guess my point is, so when
12 y'all took it off around the 17th -- 16th or 17th,
13 you don't know who had access or who was in that
14 home; right?

15 A. After that we didn't have security of
16 the house, no, ma'am.

17 Q. Okay. But you were made aware that
18 there were several things that y'all needed to come
19 back and photograph?

20 A. Yes, ma'am.

21 Q. I believe those are all the questions I
22 have. Thank you.

23 A. Thank you.

24 THE COURT: All right. Mr. Chisholm?

25 MR. CHISHOLM: Thank you, Your Honor.

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1 Please the Court.

2 CROSS EXAMINATION BY MR. CHISHOLM:

3 Q. Good morning.

4 A. Good morning.

5 Q. All right. And it's Investigator
6 Ketcherside?

7 A. Lieutenant Ketcherside.

8 Q. Lieutenant. Sorry. How long did you
9 say you've been in law enforcement?

10 A. Since 2003. That would be what? Going
11 on -- I've been with the sheriff's office for 16
12 and a half. I spent a year and a half to two years
13 in Santee, so roughly 18 to 19 years.

14 Q. And of that time, how long have you
15 been a forensic investigator?

16 A. Since 2010. November 2nd I believe it
17 was to be exact.

18 Q. Gotcha. A good while at this point?

19 A. Yes, sir.

20 Q. All right. And you responded to Old
21 State Road on July 15th; right?

22 A. Correct.

23 Q. And you got there it looks like around
24 8:15, does that sound right?

25 A. That would be correct.

1 Q. So you were there pretty early on as
2 far as you weren't the initial responding guy, but
3 you were there pretty quickly?

4 A. I was there -- the scene was done
5 secure when I got there. So I don't know exactly
6 how -- when the call came in verses when I arrived,
7 that time span, but, yes.

8 Q. You said the scene was secure when you
9 got there?

10 A. Yes. The scene was secured by officer
11 presence when I got there.

12 Q. And did you get there before or after
13 Captain Carter?

14 A. I can't recall whether I got there
15 exactly or around the same time. I might have
16 gotten there a couple of minutes prior to him or
17 after him. I can't recall that. I'd have to look
18 at my notes verses his notes to tell you.

19 Q. That's okay. And you guys were working
20 this sort of as a forensic investigation team; is
21 that fair to say?

22 A. Yes.

23 Q. And he took on some of the evidence
24 collection and asked you to do other areas?

25 A. Yes, sir.

1 Q. Okay. I guess that was -- part of the
2 reason for that is you had multiple crime scenes to
3 investigate, is that --

4 A. That would be correct.

5 Q. Okay. And Ms. Zmroczek just asked you
6 about there's an adjacent driveway on Old State
7 Road and I can't remember the address.

8 A. It's [REDACTED].

9 Q. [REDACTED]

10 A. Yes, sir.

11 Q. And she asked you about some of the
12 footprints that were on that driveway?

13 A. Yes, there were footwear impressions.

14 Q. And it looks like you got two dental
15 casts from those prints; is that right?

16 A. That would be correct.

17 Q. Can you tell me -- do you have your
18 notes or anywhere the size of these prints?

19 A. I could look at the photograph of it
20 and -- I can't size it to say -- I can tell you in
21 measurements, but not shoe size.

22 Q. Correct. But that's what I was
23 wondering --

24 A. That's the purpose of putting the
25 scale, the L shaped scale in the photograph.

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1 Q. Okay. And you know how long offhand
2 that scale is?

3 A. Typically around 12 inches, I think.

4 Q. So it's a 12 inch scale?

5 A. Somewhere around that neighborhood, 12
6 to 13 inches.

7 Q. Okay. And do you do any kind of -- is
8 there a way to get a more precise measurement of a
9 print or do you just kind of eyeball it looking at
10 the scale?

11 A. No. There is, but that's beyond my
12 scope. I don't do comparison of footwear
13 impressions.

14 Q. Well, I --

15 A. So I collect it in order to say a size,
16 I would have to be trained to compare it to give a
17 size. That would be an opinion and I can't -- I'm
18 not trained in footwear comparison. I'm trained in
19 fingerprint comparison, but not footwear
20 comparison. I'm trained in footwear documentation
21 and collection.

22 Q. Sure. And my question probably isn't
23 clear. I understand you can't say --

24 A. I mean, I would refer that about the
25 size to an analyst.

1 Q. Somebody at SLED that does footwear
2 impressions?

3 A. That may have looked at the footwear
4 impression, yes.

5 Q. And let me rephrase my question. When
6 I asked you about the size, I'm not talking about
7 the size of the shoe. What I mean is the
8 measurement in inches, millimeters, or whatever.
9 Is there a way for you to get a precise measurement
10 distance wise, I guess you'd say, of these prints?

11 A. Well, that would be measuring it with a
12 scale. The scale measures in length, so therefore
13 -- and width. So, therefore, that would be
14 measuring the distance of the impression.

15 Q. Let me try to rephrase this. So you
16 have the scale beside the print?

17 A. Uh-huh.

18 Q. You take a picture of the scale beside
19 the print?

20 A. And the impression. The impression and
21 the scale are taking -- the picture is taken at the
22 same time.

23 Q. They're together in the picture?

24 A. Yes, they're together in the picture.
25 That depicts the size of that impression.

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1 Q. I think we're on the same page. I
2 understand what you're saying.

3 A. That's the measurements. I would have
4 to look at the picture to tell you --

5 Q. What I'm asking I guess is this,
6 besides having the scale beside the impression, do
7 you do an actual measurement aside from that or
8 just look at the picture alone?

9 A. No. When you're trained to document
10 and collect footwear impressions, you're trained to
11 use that L scale around the impression and that's
12 how you document it.

13 Q. Okay.

14 A. That's how you document the
15 measurement. If that's what you're asking. That's
16 how you document the measurement.

17 Q. I think we're on the same page. You
18 have the picture with the scale 12, 13 inch long
19 device with the actual impression. My question, I
20 guess, let me try to rephrase it, make more sense.
21 That is the way that you measure it, you don't do
22 an additional measurement where you actually --

23 A. I don't unless we're measuring distance
24 from say a light pole or something like that. If
25 we're trying to place it on a map or on a sketch,

1 we would do measurements outside of that. But to
2 -- if the question is about the length or the size
3 of the impression itself, that's done through that
4 photograph with that L shape scale.

5 Q. And so when you do this, you don't
6 actually notate in your report the length of the
7 impression?

8 A. No, I don't. It's documented on
9 photograph.

10 Q. Just rely on the photo?

11 A. Yeah.

12 Q. Okay. I think that was my question.
13 Later that day you went to the crime scene on
14 Gemini Drive; right?

15 A. Yes.

16 Q. And that's where the burned Mercedes
17 was found?

18 A. That would be correct.

19 Q. Okay. And I think there was also some
20 testimony you also located footprint impressions
21 out there, did you not?

22 A. I don't recall locating any out there.
23 I'd have to look at my report.

24 Q. Just curious, you were here yesterday
25 and we're coming back today, is there a reason you

1 don't have your report?

2 A. No, sir. I can look at the one that
3 you have. I don't typically bring my report to
4 court.

5 Q. Okay. Did you review your report
6 before you came in?

7 A. I did, but I keep asking if I can see
8 my report.

9 Q. Well, I understand that.

10 A. And you won't show me my report.

11 Q. Well, hold on just one second. I'm
12 going to have to find it down here.

13 A. I can go straight to it if you hand me
14 my report.

15 Q. I lost my place here. I will come back
16 to that. All right. After you went to Gemini
17 Drive, you went back to the main crime scene; is
18 that correct?

19 A. Yes.

20 Q. Okay. And at that point you observed
21 the ceiling in the hall had collapsed to some
22 degree?

23 A. The entry going into the master
24 bedroom.

25 Q. Right.

1 A. Yes.

2 Q. It's kind of in the area of the hall
3 and the bedroom?

4 A. It's like a foyer area. It's not the
5 hallway going into the other two bedrooms. It's a
6 foyer that leads into the master bedroom.

7 Q. Okay.

8 A. And right above that the ceiling was
9 broken down.

10 Q. Gotcha. So there's a hole in effect in
11 the ceiling?

12 A. Uh-huh.

13 Q. A bunch of insulation on the ground
14 below?

15 A. Uh-huh.

16 Q. And ultimately in your investigation, I
17 think you said you actually went up into the attic
18 yourself; is that right?

19 A. That would be correct.

20 Q. Is there a reason you went up there?

21 A. Well, if the attic access is open
22 there's insulation on top of like with the foyer
23 area going into the bedroom. If you look at the
24 photograph you see insulation on top of a, looks
25 like some kind of stand and may have been some

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1 flowers or something on it. As well as in the
2 closet there's insulation on top of the clothing.
3 And, of course, there was stuff thrown about in
4 that bedroom in the closet, but there's insulation
5 on top of that stuff. Kind of indicates that
6 somebody possibly went into the attic at some
7 point. So we definitely want to explore that area
8 to see if there's anything useful up there.

9 Q. See if there's any evidence in the
10 attic?

11 A. Correct.

12 Q. Because if you're walking around in the
13 attic, would the hole be consistent with somebody
14 stepping through?

15 A. It could be.

16 Q. When you got up there, did you stand
17 right next to the hole?

18 A. No, sir, I didn't.

19 Q. Why not?

20 A. Because I'm not falling through.

21 Q. Exactly. So that gets to my next
22 question. So you have an operating suspicion that
23 somebody might have stepped through this hole. Did
24 you do any kind of testing on the pieces of the, I
25 guess depending on where you are, either the floor

1 of the attic or the ceiling if you're below, did
2 you do any kind of testing to look for blood or DNA
3 or anything like that?

4 A. Not in that initial area. If you're
5 talking about as far as the sheetrock in that area?

6 Q. Yes.

7 A. No, not on sheetrock that would not be
8 a conducive area for prints or DNA in that area.

9 Q. Well, I mean, if you step through?

10 A. I did collect the -- I believe I
11 collected the access panel that covers that hole,
12 that access in the master closet, I did collect
13 that.

14 Q. But you didn't look like, for example,
15 if I stepped through and I cut my leg, for example,
16 you didn't do any testing --

17 A. I looked, but I didn't see anything.

18 Q. Okay. Did you use the -- you got a
19 fancy term, I can't remember --

20 A. Leucocrystal Violet. No, sir, not up
21 there.

22 Q. You didn't look for blood --

23 A. I didn't use chemicals in the attic,
24 no.

25 Q. Okay. And you didn't do any other kind

1 of testing on these pieces, the --

2 A. I didn't see any blood visible. If
3 someone cut their leg right there and were bleeding
4 and dropping blood, it would have been visible to
5 the human eye.

6 Q. Okay.

7 A. Leucocrystal Violet is used whenever
8 you're looking for blood that's either not visible,
9 it's either been cleaned up or it's not visible to
10 the human eye. Sometimes transfer blood from say
11 if I have blood on my hand, the more I touch the
12 less blood that comes off my hand. You'll get less
13 and less blood and then what you end up with is
14 blood not that's not really seen. You can see a
15 little spot, but you won't really see the color of
16 the blood.

17 Q. Gotcha. So it looks like aside from
18 that you processed the master bedroom and the
19 master bathroom looking for prints and it seems
20 like you didn't find any of sufficient quality for
21 testing; is that right?

22 A. Again, I mean, if I can see my report I
23 can tell you, but I don't recall.

24 Q. Okay. When you go to a crime scene is
25 it uncommon that when you look for prints

1 especially if you have a bunch, a lot of them are
2 going to be kind of useless at the end of the day
3 as far as ridge detail and all that kind of thing?

4 A. I mean, for the most part you get some
5 that aren't good and then you get some that are
6 really good. It just depends situation by
7 situation. There's no, you know, fingerprints.
8 They're really fragile, so they can get destroyed
9 very easily. They can go away, you can't timestamp
10 them. So, yeah, I would say that it's possible
11 that they could not be there or be there.

12 Q. Okay. Do you recall testing the toilet
13 tank lid in this case?

14 A. I processed it for fingerprints.

15 Q. You processed it?

16 A. Yes.

17 Q. You were able to get a print off of
18 that; is that correct?

19 A. Again, if I could look at my paperwork
20 I could tell you exactly.

21 Q. Okay.

22 A. But I don't recall getting a print --
23 an actual print off of the lid. A useable one of
24 value.

25 Q. Right. And why would you want to test

1 the toilet tank lid?

2 A. It appeared that it had been removed
3 from the tank of the toilet.

4 Q. See if somebody removed it during the
5 incident to see they could --

6 A. Correct.

7 Q. Okay. And then you went back to the
8 scene it looks like the next day on the 16th; is
9 that right?

10 A. Yes, we returned after securing the
11 residence and leaving a deputy on scene.

12 Q. And that's when you're out there with
13 the metal detector and found the .40 casing beside
14 the car and all that; is that right?

15 A. Correct.

16 Q. And I don't want to put words in your
17 mouth, but you got the attic access in this closet;
18 correct?

19 A. Uh-huh.

20 Q. And you got the hole we've already
21 talked about with the insulation and it looks like
22 somebody might have gone in the attic, that's why
23 you wanted to go look; right?

24 A. Uh-huh.

25 Q. And was there a ladder in there?

1 A. No, sir, there was no ladder. There
2 was a built-in shelf in that closet and it's
3 basically directly below it and then there are
4 shelving -- there's a single shelf at the top on
5 the right side and then there's a middle about
6 midways the height of the room and then there's
7 another shelf. So there's shelves you could climb
8 up.

9 Q. So that's why these shelves were of
10 interest to you, it looks like that could be a
11 makeshift ladder to get up there?

12 A. Correct.

13 Q. Okay. And that's why you wanted to
14 process that area?

15 A. Yes, sir.

16 Q. Okay. And I have a question for you.
17 If you have like say this shelf where you might be
18 looking for a fingerprint, a shoe print, a shoe
19 print impression, and you might want DNA evidence.
20 Is there a way to get all three or do you have to
21 pick and choose what you do?

22 A. So what you would typically do is you
23 would process the surface for fingerprints first
24 and you would do that using a brand new fingerprint
25 brush and you would do that using what we call

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1 virgin dust, okay. It's dust that nothing has ever
2 been put in. Basically brand new fingerprint
3 powder. And you would use a brand new brush and
4 brand new power and it reduces the possibility of
5 any contamination. And then if you don't develop
6 anything that's useful or has any ridge detail,
7 then you would swab it for DNA. And that's what
8 the case was in this.

9 Q. Okay. So you try to get the print
10 first?

11 A. Yes. You always want to try to get the
12 print first.

13 Q. And if you've got a shoe print
14 impression in the same area, does that affect
15 things?

16 A. It does, but we wouldn't swab a
17 footwear impression. I mean, depends on where it's
18 at if it's opposite on a different shelf it
19 wouldn't affect any impressions or anything to swab
20 on a separate shelf.

21 Q. But if they're in a close area with a
22 shoe print impression would it make it difficult
23 for you to get a lift if you'd already processed
24 that same area for fingerprints and DNA?

25 A. I wouldn't have processed it. If I see

1 -- so the process for the developing footwear on
2 wood would be the same as processing fingerprints
3 on wood. So you apply powder -- fingerprint
4 powder. And then if it's there, you photograph it
5 and then you would -- in this case we used a gel
6 lifter to collect the footwear impression that was
7 on that particular shelf. So it wouldn't affect
8 anything either off or away from that impression,
9 if that's what you're asking.

10 Q. I think that answered it. And you've
11 already answered some questions here. I just want
12 to try wrap my head around. You go back to the
13 scene it looks like about three weeks later on
14 August 6th I think it was?

15 A. August 6th.

16 Q. And can you -- actually, let me jump
17 back in time. The burning Mercedes, do you know
18 how law enforcement was notified about that?

19 A. The owner of the -- my understanding,
20 the owner of the property contacted the sheriff's
21 office about a burnt vehicle being on the property.

22 Q. Okay. Do you know when that was?

23 A. That was that morning, the day of the
24 15th.

25 Q. Okay. Now I'll jump back forward in

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1 time so back to August 6th. Explain to me again.

2 So you have a cleaning crew out there at the house;
3 is that right?

4 A. Yes. So a crime scene cleanup crew was
5 sent to the residence. I can't answer how that
6 gets done. It's not part of the process that I do.
7 They went out there, they cleaned any biohazard
8 material, anything like that. And then anytime
9 they find anything extra, they will call us back
10 and in this case they did call us back.

11 Q. And you left the -- previous to that,
12 you were there on the 15th of July and the 16th of
13 July?

14 A. Uh-huh.

15 Q. And that was the last day you were
16 there until August 6th; is that correct?

17 A. Yes. Correct.

18 Q. So you when you left on the 16th, was
19 the job finished as far as all the evidence
20 collection? Did you go back between those dates or
21 did you consider it done at that point?

22 A. We considered it done at that point.

23 Q. And --

24 A. As far as what we could see and what we
25 had needed to do.

1 Q. Okay. And so you get the call or
2 somebody gets the call from the cleaning crew
3 saying, hey, we've got some stuff here, you guys
4 might want to look at essentially?

5 A. Yes.

6 Q. So that's why you end up back out
7 there. I guess my question is this. Are you aware
8 of anybody going into the crime scene and putting
9 this stuff there or is this stuff that you missed?

10 A. I'm not aware of anybody going in. The
11 room that the phones were in were not rooms that I
12 processed, so I can't say where they originally
13 were or where they could have been. I do know that
14 that room had a bed and some stuff on the floor, so
15 I can't answer whether -- I would assume it was
16 somewhere and we just didn't see it. Same thing
17 with the case for the Glock. It was just in an
18 area where we didn't see it when we were there
19 originally. It could have been under something.

20 Q. The gun case?

21 A. Yes.

22 Q. Do you recall where it was?

23 A. It was under a dresser.

24 Q. And we're talking about a gun case,
25 something --

1 A. Yes.

2 Q. -- about that size?

3 A. Yes. It was under the dresser.

4 Q. So I imagine you go out there and
5 you've been doing this a while, but, I mean, this
6 is a pretty serious case about as serious as it
7 gets here, isn't it?

8 A. Yeah. Every case is serious.

9 Q. I imagine you as well as Captain
10 Carter, everybody involved would go through
11 everything with a fine tooth comb in a case like
12 this; is that right?

13 A. We try our best to do that, yes.

14 Q. But there's -- you're under the
15 assumption that the cell phones and this gun case
16 were simply missed by you guys?

17 A. I mean, we're human. We don't see
18 everything. And if they were under something, we
19 may not have moved that object and may not have
20 seen them. So, yes, if you want to say missed, I
21 would say they were missed, but we may not have
22 looked in the area that they were at either.

23 Q. I understand. But typically --

24 A. And I can't speak for Captain Carter
25 whether he saw the phones or not. I can't speak

1 for him on that.

2 Q. No, I understand. But just general,
3 I'm guessing --

4 A. I can tell you for the gun case, I
5 didn't move the dresser. I had no reason to
6 believe that that dresser needed to be moved, so I
7 didn't move that dresser to look for anything under
8 it. I didn't see it. So if you want to say I
9 missed the gun case, yes, I missed the gun case.

10 Q. Well, I'm not trying to beat you up.
11 My question is about general practice on a crime
12 scene like this --

13 A. General practice you would want to look
14 everywhere you could possibly look.

15 Q. Under dressers, under beds, all that
16 kind of thing; right?

17 A. Yes.

18 Q. Okay.

19 MR. CHISHOLM: If I could have one
20 moment.

21 Q. Thank you, Lieutenant.

22 THE COURT: Mr. Johnson?

23 MR. JOHNSON: Thank you, Your Honor.
24 May it please the Court.

25 THE COURT: Yes, sir.

WILLIAM KETCHERSIDE - CROSS EXAMINATION BY MR. JOHNSON

1 CROSS EXAMINATION BY MR. JOHNSON:

2 Q. Officer, you said that you have
3 training in fingerprints?

4 A. Fingerprint recognition, yes, sir.

5 Q. Okay. And you said fingerprints are
6 fragile?

7 A. Yes, sir, they are.

8 Q. And as you are called to a crime scene,
9 you don't take your time and lollygag around, you
10 went there because you want to preserve evidence?

11 A. Yes, that would be correct.

12 Q. And fragile fingerprints are evidence
13 that as time goes by would be less likely that you
14 could find them?

15 A. The chance could decrease, yes. You
16 can't timestamp it, but, yes. You can say as time
17 goes on it could possibly -- the opportunity to get
18 prints could decrease.

19 Q. Right. So you were very careful when
20 you went to your crime scene?

21 A. Yes.

22 Q. You approached everything very
23 carefully?

24 A. Yes, sir.

25 Q. And you're very thorough not to try --

1 you want to avoid destroying evidence?

2 A. We try not to.

3 Q. Right. And when the State talked about
4 discovering the fingerprints of Todd Dukes at the
5 crime scene. The fingerprints of Todd Dukes, I
6 believe, on entertainment center, that fingerprint
7 is fragile just like all fingerprints?

8 A. That's correct.

9 Q. And the likelihood that it would be
10 there while that decreases as time goes by, but if
11 it's more recent it's more likely you would find
12 it?

13 A. Well, I can't speak on the print that
14 was lifted with Todd Dukes. I didn't lift that
15 print.

16 Q. But all fingerprints are fragile?

17 A. But they can be, yes, sir.

18 Q. Yeah, there's not --

19 A. But it also depends on the area that
20 those prints are at. But is there any hand traffic
21 or is there any further friction of that area. I
22 mean, there's a lot of variables there that can
23 determine that. That's why you can't timestamp a
24 fingerprint.

25 Q. Right. But the reason you're still

WILLIAM KETCHERSIDE - REDIRECT EXAMINATION BY MR. OSBORNE

1 careful and the reason you try to get there as
2 quickly as possible is because as time goes by they
3 can be destroyed, they can go away?

4 A. Yes.

5 Q. Okay. And -- well, I'll ask the same
6 question as the other officer. The effect of
7 elements and rain, things like that on the outside
8 crime scene, that can destroy evidence?

9 A. Yes, sir, that can.

10 Q. Was it raining at all when you got
11 there?

12 A. No, sir.

13 Q. No bad whether?

14 A. No, no bad whether.

15 MR. JOHNSON: No more questions, Your
16 Honor.

17 THE COURT: Anything on redirect?

18 MR. OSBORNE: Just one.

19 REDIRECT EXAMINATION BY MR. OSBORNE:

20 Q. Okay. I'm showing you what's been
21 marked and admitted as Defendants' 71.

22 A. Yes, sir.

23 Q. Okay. So just to bring you back, this
24 is the -- well, tell me, is this the driveway
25 leading up to the house of [REDACTED] Old State Road?

1 A. That is. That would be correct.

2 Q. Okay. So if we keep following that
3 driveway all the way up, do we get to the house?

4 A. The house is at the end to the right.

5 Q. Okay. So this is footwear going to or
6 from or both to the house?

7 A. Correct.

8 Q. Okay. And Krystal Hutto's house is off
9 to the left; right?

10 A. That would be correct.

11 Q. Okay. So this footwear is going up to
12 the house?

13 A. That would be correct. It's going to
14 [REDACTED] Old State Road.

15 Q. Okay. At the time that you were
16 collecting this footwear, did you have any idea if
17 the person that lived at [REDACTED] Old State Road had
18 anything to do with these murders?

19 A. No, sir.

20 Q. Okay. Did you come to find out it was
21 an old man by the name of Lester Page?

22 A. I found out it was an elderly
23 gentleman. I never got his name.

24 Q. Yes, sir. And he's now deceased? You
25 didn't know that?

WILLIAM KETCHERSIDE - REDIRECT EXAMINATION BY MR. OSBORNE

1 A. I didn't know that, no, sir.

2 Q. But at the time when you were
3 collecting these shoe impressions you have no idea
4 how relevant they could be or how irrelevant they
5 could be?

6 A. That would be correct.

7 Q. Okay.

8 MR. OSBORNE: No further questions.

9 THE COURT: Anything on recross, Ms.
10 Zmroczek?

11 MS. ZMROCZEK: Nothing further, Your
12 Honor.

13 THE COURT: Mr. Chisholm, any
14 questions?

15 MR. CHISHOLM: No, Judge.

16 THE COURT: Mr. Johnson?

17 MR. JOHNSON: No questions.

18 THE COURT: All right. Lieutenant,
19 thank you, sir. You may step down.

20 MR. OSBORNE: And he may be excused,
21 Your Honor?

22 THE COURT: Any objections to that?

23 MS. ZMROCZEK: No objection.

24 THE COURT: You can go back to work.

25 MR. KETCHERSIDE: Thank you, sir.

1 THE COURT: Thank you, sir. Appreciate
2 it. All right. This might be a good time to take
3 a little break. We're going to take about a ten
4 minute break, ladies and gentlemen. And then I'll
5 get you back in here and we'll continue with the
6 State's case. Remember, you can't talk about the
7 case so far. All right. I'll see y'all in just a
8 minute. Thank you.

9 (WHEREUPON, the jury left the courtroom
10 at 10:55 a.m.)

11 THE COURT: All right. We got about a
12 ten minute break.

13 (WHEREUPON, there was a short break)

14 THE COURT: Bring the jury in, please.

15 (WHEREUPON, the jury entered the
16 courtroom at 11:09 a.m.)

17 THE COURT: All right. Ladies and
18 gentlemen, we're going to continue now with the
19 State's case. Mr. Osborne, is the State prepared
20 to call its next witness?

21 MR. OSBORNE: Yes, Your Honor. The
22 State calls Steven Curtis.

23 STEVEN CURTIS,
24 being first duly sworn, was examined and testified
25 as follows:

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 THE CLERK: Thank you. You may be
2 seated. Please state your first and last name for
3 the record.

4 MR. CURTIS: Steven Curtis.

5 THE COURT: And, Mr. Curtis, maybe just
6 a little bit louder.

7 MR. CURTIS: Yes, sir.

8 THE COURT: Thank you. He is your
9 witness, Mr. Osborne.

10 MR. OSBORNE: Thank you, Your Honor.

11 DIRECT EXAMINATION BY MR. OSBORNE:

12 Q. All right. Mr. Curtis, where do you
13 currently work?

14 A. I am retired right now. But as of
15 October this past year I was a SLED agent in
16 Columbia in the forensic services.

17 Q. Okay. And other than SLED, what has
18 been your prior work experience?

19 A. Well, 34 years something like that, but
20 I have been a deputy sheriff with Richland County
21 Sheriff's Office for about a decade. On
22 assignments in uniform patrol, crime scene, and
23 detective division. And then I have worked at SLED
24 since 1998 through 2008. I was assigned to the
25 crime scene unit where I spent eight years there.

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 Then was promoted to lieutenant, was in charge of
2 the internal affairs division until 2008. I
3 retired then and went to work at Horry-Georgetown
4 Technical College in the criminal justice program
5 as an instructor. And then I was kindly asked back
6 to SLED in 2014. They had a need for experience
7 latent print examiners. And I worked there from
8 2014 until this past October. I turned 60, so I
9 thought I would try retirement for a little while.

10 Q. Well, congratulations. All right. So
11 explain to the jury then while you were a -- while
12 you worked in latent print examination with SLED, I
13 guess, the easiest way to start would be just
14 define like what is latent print examination, what
15 does that mean?

16 A. Well, SLED has a section devoted solely
17 to the processing of evidence from crime scenes
18 either through the SLED crime scene unit or
19 submitted by local agencies, sheriff's offices,
20 police departments, that kind of thing. And the
21 purpose of that unit is to process these items to
22 see if there is any latent print evidence. And
23 then to take that if there is and to examine it to
24 see if it's suitable for comparison to known
25 suspects or victims. And then if not, to run it

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 through some data bases at FBI, SLED, AFIS data
2 base to try to identify latent prints from crime
3 scenes are on pieces of evidence.

4 Q. Okay. And then that AFIS, is that
5 acronym that's Automated Fingerprint Identification
6 System?

7 A. Yes, sir. That's a search data base
8 that kind of narrows, you know, saves you time in
9 searching through a multitude if you don't have a
10 readily named suspect.

11 Q. Okay. Have you received any training
12 -- well, obviously, you have, but have you received
13 any training in the field of latent print
14 examination?

15 A. Strictly staying with latent print
16 examination, I received in excess of 300 hours over
17 the course of that 30 years dealing with the
18 processing of crime scenes, evidence from crime
19 scenes, the analysis of latent prints, and
20 comparison of those latent prints to known
21 examples. And I've also been trained to operate
22 the Automated Fingerprint Identification System or
23 AFIS system at SLED and run prints through the
24 state data base and then submit them to the FBI to
25 be run against their data bases as well.

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: Your Honor, I'm so
2 sorry. I'm having a hard time hearing him.

3 THE COURT: All right.

4 MR. CURTIS: I'm getting over a cold,
5 Your Honor, I'm sorry.

6 THE COURT: Well, Mr. Curtis, you're
7 welcome, you can hold the microphone if you want
8 to.

9 MR. CURTIS: I don't know, I might drop
10 the mic.

11 THE COURT: That seems to be a general
12 concern today. If you can pull it up a little
13 closer.

14 MR. CURTIS: I will try to put a little
15 more effort into it. I'm sorry.

16 THE COURT: It's just that it's
17 important that everybody hears you, so if you don't
18 mind. Thank you, sir.

19 MR. CURTIS: Yes, sir.

20 Q. Well, I'll just cut some of these
21 qualifications. Have you ever been qualified as an
22 expert in the field of latent print examinations?

23 A. Yes, sir, I have.

24 Q. And how many times?

25 A. In excess of 35 times over the course

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 of 30 years.

2 Q. Okay. In what courts?

3 A. I've testified as a latent print expert
4 in several state courts and I think twice in
5 federal court.

6 Q. Okay. You ever failed to qualify?

7 A. No, sir.

8 MR. OSBORNE: Your Honor, at this time,
9 the State seeks to or moves to qualify Mr. Curtis
10 as an expert in the field of latent print
11 comparison.

12 THE COURT: Any objection?

13 MS. ZMROCZEK: No objection.

14 MR. CHISHOLM: No, Your Honor.

15 MR. JOHNSON: No objection.

16 THE COURT: All right. Ladies and
17 gentlemen of the jury, when we had an expert
18 qualified yesterday, I reminded y'all that of some
19 things that I just need to make you aware of again
20 today. Mr. Curtis has been qualified in the area
21 of latent print examination. As a result, he can
22 give his opinion in that area. But I need to
23 remind you, that does not mean you have to accept
24 his opinion. It is evidence for you to use in any
25 way you see fit. And you should consider any

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 expert's opinion like any other evidence and give
2 it the weight you believe it deserves. All right.
3 Mr. Osborne?

4 MR. OSBORNE: Thank you.

5 Q. All right. Let's start talking about
6 just some terminology in this field of print
7 examination. What -- when we use this term latent,
8 what is the difference between like a latent print,
9 I guess, and a known print?

10 A. The term latent means hidden or
11 unknown. And what they're referring to is the fact
12 that a lot of latent prints left on evidence is
13 really not visible to the naked eye until they're
14 enhanced by powders or chemicals. Sometimes you
15 can see them. But it also means even when you get
16 the print, immediately you don't know whose it is,
17 so it's unknown.

18 So when talk about latent prints, we're
19 daily talking about evidence prints from crime
20 scenes or off pieces of evidence. And then known
21 prints are usually inked impressions where you've
22 take a person that may have been arrested or maybe
23 a witness you're going to use as elimination or
24 applying for jobs. Sometimes you have to submit
25 your prints for background check, that kind of

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 thing. And those are stored in data bases that you
2 can -- or that I could access at the time to use
3 for those comparisons.

4 So latent -- when latent is the term is
5 going to be evidence prints and then known prints
6 are going to be standards to do a comparison with.

7 Q. Okay. And these are crime scene
8 technicians, they use chemicals to try to, I guess,
9 make visible latent prints?

10 A. Latent prints are incredibly fragile.
11 They're mostly moisture with some oils and proteins
12 and stuff like that. So it's, number one, you
13 might want to try to superglue the item if it's
14 mobile or something like that to kind of solidify
15 the print. But also it also adds a little
16 background to it so that you can actually see it.
17 The same thing with applying powders. Sometimes if
18 prints are in blood or something else you may use
19 some type of chemicals.

20 But it's trying to bring out the
21 visibility of the prints so you know what you're
22 looking at and being able to recover either through
23 lifting with tape or with photography. So there's
24 a lot of courses out there that people are trying
25 to do crime scene work to take the best method to

1 try to enhance those latent impressions so that
2 they can be used for comparison purposes.

3 Q. Okay. And since prints are fragile is
4 it fair to say that some surfaces are more
5 conducive to being able to lift prints than other
6 surfaces?

7 A. Yes, sir. I mean, the two elements
8 that come into play with latent prints are the
9 condition of the person's hand and the surface that
10 they're touching. So during warm weather when it's
11 hot and humid, your chances of leaving prints are a
12 little bit better because you are perspiring more.
13 So if you're in a warm dry or cold dry environment
14 you may not leave prints. The type of work a
15 person may do. You know, brick masons, carpenters
16 would have rough hands working with their hands,
17 they may not be inclined to leave prints. But most
18 folks, you know, will leave some type of print.

19 And then the surface, if it's a smooth,
20 hard, dry surface usually you'll get prints.
21 Sometimes there's surfaces like raw wood. If you
22 touch it, you can leave a print because the wood
23 will absorb the moisture from the fingerprint. But
24 if it's something like a rusty beer can or
25 something like that you're probably not going to

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 leave a print just because the surface is not going
2 to be conducive to retaining the print. So those
3 are the two main elements that come into play with
4 it.

5 Q. Okay. In reference to a condition of
6 the hand, that being the first of the two that you
7 talked about. If a person were to touch a surface
8 while wearing gloves, would that affect whether a
9 fingerprint was left on the surface?

10 A. I would say that you're not going to
11 leave any prints if you're wearing gloves or socks
12 on your hands, that kind of thing.

13 Q. Okay. All right. Did you receive
14 fingerprints in reference to this murder
15 investigation, I think it's your SLED number
16 L-1509627?

17 A. Yes, sir, I had some prints to look at.

18 Q. Okay. All right. So we'll get this
19 out of the way. Did any of the unknown latent
20 prints submitted in this case come back to
21 identifiable characteristics of known prints to
22 Defendants Robert Bailey, Luther Smith, Antly
23 Scott, or Derrick Coleman?

24 A. No, sir, they did not.

25 Q. Okay. I believe you came into

1 possession of a number of latent prints in this
2 case; is that fair to say?

3 A. Yes, sir, a good bit.

4 Q. And I think one set was submitted on
5 September 9th of 2015 and another one on May 17th
6 of 2018?

7 A. I believe so, yes.

8 Q. Okay. And when you came into
9 possession of these prints, did -- were they
10 packaged correctly?

11 A. Yes, sir. When we receive evidence
12 like that to be examined, it's usually in some type
13 of container usually an envelope with the latent
14 prints. They're lifting tape on cards usually.
15 And so they're packed in an envelope just to keep
16 them together keep from getting lost and keep the
17 integrity of the items of evidence.

18 Q. Okay. And these have already been
19 marked and admitted, but I'm showing you State's
20 235 and 236. Can you take a look at those and tell
21 me if you recognize those?

22 A. Yes, sir, I do. They have my initials
23 and the date on the seal tape.

24 Q. Okay. And if you could, we'll just go
25 down one of your reports so the jury gets an idea.

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 And I'd like to -- I think with the first report,
2 September 14th of 2015, and I'll take those back.

3 A. Yes, sir, I have a copy of that report.

4 Q. Okay. All right. So it seems to me
5 like the easiest way to do it would be, you know,
6 I'll just start off with talking about this SLED
7 item number and then you tell me what results if
8 any you were able to determine when you compared
9 that latent print.

10 A. Okay. I'm sorry, but several of these
11 initial reports were done by another agent and I
12 reviewed those reports as part of our protocol. So
13 I just want to make sure that they did that and
14 then I went behind them and checked their work.

15 Q. And that's standard --

16 A. That's what we do. That's another set
17 of eyes to try to catch any mistakes or errors or
18 that kind of thing.

19 Q. Okay. All right. So starting with
20 SLED number 95, it's described as one latent lift
21 from the front face board -- face of the board of
22 the top drawer of the entertainment cabinet in the
23 den. Did you have the opportunity to analyze that
24 print and if so what were the results?

25 A. Yes, sir. And determined that the

1 prints on that particular lift card were of no
2 value for comparison.

3 Q. Okay. And I'm not going -- I mean,
4 there are a ton of prints. I'm not going to go
5 through all of them, but just give me an idea. So
6 item 96, latent lift described as front face of a
7 board of a top drawer of the entertainment cabinet
8 in the den. What were the results if any?

9 A. No value for comparison.

10 Q. Okay. I'm going to skip ahead here.
11 Item -- this is on page 2, item 99.1, it's a latent
12 impression represented on item 99 which is a print
13 taken from the screen of an LG flat screen in the
14 den. What were your results of that print?

15 A. That was identified to Krystal Hutto.

16 Q. Okay. And that is the same from 99.2,
17 also identified to Krystal?

18 A. Yes, sir.

19 Q. 99.3?

20 A. Yes, sir.

21 Q. 100.1?

22 A. Yes, sir.

23 Q. And we're all dealing with the TV here;
24 correct?

25 A. Yes, sir.

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. All right. 101.1, again, on the TV.

2 What did that come back to?

3 A. That was identified to Lewis Todd

4 Dukes.

5 Q. Okay. 102.1, again, the TV.

6 A. That impression was identified to

7 Krystal Hutto.

8 Q. Okay. Now, you might need to look at

9 another report for this one, but on 103.1, we're

10 still at the TV, at this time when this report was

11 submitted, you weren't able -- or that didn't come

12 back identifiable to anyone; is that correct?

13 A. No, sir. The -- did you want me to

14 read the list of people -- there were multiple

15 people that it was compared to.

16 Q. No.

17 A. Okay. Several standards were submitted

18 when some of this evidence originally came in,

19 victims and I don't know all of these people. Some

20 of them may have been people that frequented the

21 house or whatever, but the sheriff's office had

22 submitted those. And so they were not identified

23 to all of those. And that print, 103.1 at the time

24 was run through the AFIS system with no possible

25 matches returned.

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Did it come back matching a person
2 later?

3 A. A report that I actually worked was
4 additional evidence came in and the sheriff's
5 office wanted some of the prints run again through
6 the data base. Report issued July 30th of 2019,
7 item 103.1 was identified to T'Carra Woods.

8 Q. Okay. And moving along. Was that -- I
9 don't know how to say it. Was that a -- was
10 T'Carra's hit before we move on to the next one,
11 was that a reverse hit or was that a hit that you
12 got after you submitted them all through again?

13 A. After submitting them all through
14 again. They were not stored. So when the
15 sheriff's office sent them back in wanting them run
16 again, we ran them. And maybe additional cards had
17 come into the data base, in this instance it had.
18 So originally her card was not in there when they
19 were first run. And then by this time her arrest
20 card had been in there, so it kicked her out as a
21 possible candidate.

22 Q. Okay. Moving on to page 4, 105.1. Did
23 that one come back to anyone? And I think you have
24 to, again, go back to the later report.

25 A. Originally, that was not identified to

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 some of the victims and I was unable to identify
2 105.1. It was inconclusive with T'Carra Woods in
3 the July 2019 report.

4 Q. Okay. Eliminate a bunch of people,
5 couldn't eliminate her?

6 A. Couldn't eliminate her.

7 Q. Okay. 107.1? Again, we're still on
8 the TV.

9 A. Right. Yes, sir, these are all off the
10 TV. That was not identified to T'Carra Woods.

11 Q. Okay. 108.1?

12 A. 108.1 was identified to Krystal Hutto.

13 Q. Still on the TV?

14 A. Yes, sir.

15 Q. I mean, again, 109.1?

16 A. Those were compared with multiple
17 people and off the original report it was not
18 identified. When the item 103.1 was identified to
19 T'Carra Woods, I went and took her cards and went
20 through the remaining unidentified prints. But
21 107.1 was not identified with T'Carra Woods. And
22 109.1, again, from the TV set was not identified
23 with her. And that latent was run again and it did
24 not kick out any possible other candidates.

25 Q. Okay. And so now we're dealing with 6,

STEVEN CURTIS - DIRECT EXAMINATION BY MR. OSBORNE

1 and 7, and 8, and I'm not going to go through all
2 of these, but, you know, more TVs. We have the
3 back storm door. A lot of attempts from the back
4 storm door. We have the knives. We have a bunch
5 of things and none of these -- all of these came
6 back as no value for comparison?

7 A. No value for comparison, yes, sir.

8 Q. Okay. And this is just one report out
9 of many; is that correct?

10 A. This was the original that was like a
11 nine page report that Agent Hezel done and I
12 reviewed for her.

13 Q. And you talked about smooth surfaces as
14 being good surfaces to lift prints. Would a TV be
15 a good surface to retain and be able to lift
16 prints?

17 A. Yes, sir. The hard plastic or whatever
18 they're making the frame out of and then the screen
19 itself being glass, that should be good. And we're
20 talking about being inside too, so the environment
21 is pretty controlled verses being outside say on a
22 car where it might be hot and sunny and evaporate,
23 or the wind or rain would also, you know, possibly
24 destroy any prints. But on a TV set inside a
25 house, it would be a very good surface to retain

STEVEN CURTIS - CROSS EXAMINATION BY MS. ZMROCZEK

1 prints.

2 Q. Okay.

3 MR. OSBORNE: No further questions.

4 THE COURT: All right. Who wants to go
5 first?

6 MS. ZMROCZEK: Thank you. May it
7 please the Court, Your Honor.

8 CROSS EXAMINATION BY MS. ZMROCZEK:

9 Q. When you -- good afternoon. Sorry.
10 You said you're retired now; right?

11 A. Yes, ma'am.

12 Q. There have been a lot of -- there's
13 been a lot of research and further development into
14 fingerprints; right? From when you first started
15 at SLED?

16 A. Well, yes.

17 Q. Okay. So we have -- in fact, we have a
18 system now known as AFIS; right?

19 A. Yes, ma'am.

20 Q. And tell the jury what AFIS is.

21 A. AFIS is the Automated Fingerprint
22 Identification System. It's a series of data bases
23 that store prints from people that are arrested,
24 people that apply for jobs, things like that. And
25 it's a search tool. So when an unknown print can't

1 eliminate it to victims or known to be on suspects
2 possibly names, you can search it, the unknown
3 print in the data base and it will kick out a
4 possible list of suspects based upon the spacial
5 relationship of identifying characteristics within
6 the print. And then it takes a human to pull the
7 actual known print card and compare it to the
8 latent print card to see if it's an identification
9 or not.

10 Q. And when you say suspects, you mean
11 persons that would fit that fingerprint; right?

12 A. Well, the suspects I was talking about
13 like if the investigating agency says that we've
14 got information this person may have possibly done
15 it, that's what I'm talking about. Because there's
16 not just, you know, people that have been arrested.
17 Because like I said, some people that have applied
18 for certain jobs, police officers, I think school
19 teachers are still in there, attorneys are in
20 there, some other people that positions of
21 authority. And then people like with concealed
22 weapons permits and those kind of things are all in
23 that data base.

24 Q. And what are the requirements to run a
25 print through AFIS? Is that what you call it, run

STEVEN CURTIS - CROSS EXAMINATION BY MS. ZMROCZEK

1 a print through AFIS?

2 A. There's no set written standard since
3 basically the examiner looking at it and is there
4 enough of the print there because you have to have
5 a certain quantity of a print. I mean, just one or
6 two ridges is not going to be enough and there has
7 to be enough identifying characteristics and the
8 opinion of the examiner and is the quality of the
9 print good. Is it fairly clear, can I isolate on
10 one impression.

11 Because sometimes you'll have a
12 fingerprint on top of another fingerprint stuff
13 which, you know, you're basically taking a picture
14 of this when you slide it on to the table, the
15 camera captures it and then that's when it's
16 storing and running through the system. So is it
17 good enough for the computer eye to look at and
18 then is it going to be good enough in the end for
19 me to eyeball it and do the comparison based upon
20 my training and my experience. So it comes down to
21 the examiner.

22 Q. Okay. And that was my question. So it
23 comes down to just whichever examiner if they feel
24 like there's enough identifying --

25 A. Characteristics.

STEVEN CURTIS - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. -- characteristics? Thank you. And so
2 did you run -- you ran some prints through AFIS?

3 A. Yes, ma'am.

4 Q. And did you -- is there a limit to how
5 many you can run?

6 A. No, ma'am.

7 Q. Okay. So the ones that you didn't run
8 through, you did not feel like they were a good
9 enough match to or they didn't have enough
10 identifying characteristics to run through?

11 A. Well, it's all a process of
12 elimination. So whatever case it is, when a number
13 of latent prints come in, the first thing the
14 examiner does is go through and look at them. And
15 it's trying to make that determination. Is there
16 enough here in the print and is it good enough
17 quality that I can identify it to somebody and then
18 it could be run through the computer. And the
19 computer will be able to recognize those
20 identifying characteristics as well.

21 Because you're wanting to eliminate
22 everything that you can that's not going to be of
23 use or value. But since those were determined to
24 have no value for identification for comparison, so
25 what's left then and the way that we work cases at

STEVEN CURTIS - CROSS EXAMINATION BY MS. ZMROCZEK

1 SLED is are there people to eliminate them to.
2 I've decided that these many are good enough for
3 comparison.

4 So you've got the victims of crime,
5 that's why, you know, fingerprints are taken of the
6 victims. Are there other people maybe that
7 frequent the house that we can get their prints,
8 that kind of thing. And then does the
9 investigating agency have anybody that they think
10 or they've gotten information that may be involved
11 in the crime and try to eliminate those. And when
12 we've gone through that and not come up with
13 identification then we will take that unknown print
14 and then it run it through AFIS.

15 Q. And so as more persons of interest are
16 developed, do you then go back and, I guess, rerun
17 or maybe test it against the new person of
18 interest?

19 A. Well, like -- you mean like if say the
20 sheriff's office said we've got more information
21 this other person we didn't know of at the time, we
22 would pull their card and do the comparison. And
23 then usually the way I did it was, all right, it's
24 not that person, then I would go ahead and run it
25 again.

1 Q. Okay. And when you say run -- so we've
2 seen the pictures and, I mean, looked at your
3 fingerprint, so how many -- what are you looking
4 for to make it a really good characteristic to run
5 through?

6 A. Well, there's -- that's kind of a set
7 standard of how you look at prints. It's called
8 ACE-V. So it's Analysis, Comparison, Evaluation
9 and Verification. So initially under the analysis
10 portion looking at, are the ridges here on let's
11 say the lift card that was brought in, do they seem
12 to be from human skin. Friction ridge skin. I
13 mean, you could take some paint or something on a
14 pair of corduroy pants and press it up against
15 something and it would have those ridges. But if
16 you look at it and you've got enough there like
17 that's not the way that friction skin looks on
18 people's hands or their feet.

19 So the first part is, is it friction
20 ridge skin from a human. And then within the print
21 there are little characteristics because the ridges
22 are not evenly spaced. They fork off bifurcation
23 is what they call it. They fork off into two other
24 ridges. Ridge will come to a certain stop. There
25 may be smaller ridges on the outside of those or

STEVEN CURTIS - CROSS EXAMINATION BY MS. ZMROCZEK

1 the endings. Sometimes the ridges will separate
2 and then come back together forming a like an idle
3 kind of thing. So we're looking for those kind of
4 characteristics.

5 But even a deeper analysis there are
6 pores along the ridge line and they're not evenly
7 spaced. So is there several pores, you know, is
8 that clear enough in the print. Sometimes the
9 ridges have bumps and notches in them. So those
10 are the kind of things we're looking for. But when
11 it's plugged into the computer, you're mainly
12 dealing with the characteristics where the ridge
13 ends, where it forks off into two or comes back
14 together, they're short ridges.

15 So I plot those on the computer screen
16 because it's taking the image and it's there in
17 front you. You can plot those out and then that's
18 what the computer is going to look for, the spacial
19 relationship between those points of
20 identification.

21 Q. And we heard a lot of prints from the
22 television, is that typically the type of surface
23 that maybe holds fingerprints better than say wood?

24 A. Well, for the most part, yeah. It's
25 hard smooth surface, glass on the TV screen, and

1 maybe the plastic on the side of the frame of the
2 TV, that kind of thing would be -- would probably
3 be better than a piece of wood. But it is possible
4 that you'd have a piece of a fingerprint on a piece
5 of wood. You'd just have to look at it and see.

6 Again, it depends upon condition of the
7 hands when it's touched, condition of the surface
8 that's there. Is it a clean piece of wood. The TV
9 -- TV screen on my house it gets kind of dusty, you
10 know, between cleanings, so it may not be good.
11 It's really happenstance that you leave
12 fingerprints in crime scenes.

13 Q. And when you do find what you consider
14 to be a suitable match or a match, is there any way
15 to tell when that -- when that print got to where
16 it was? Like, for example, when that print got on
17 the TV?

18 A. There is no way of aging a latent
19 print. You know, I remember from training classes,
20 a jewelry store they're always wiping the counter
21 down because people are touching it; right. Well,
22 if you know that the person of the clerk wiped the
23 counter down at 12:02 then the guy come in there
24 and touched it at 12:17 and nobody else came in
25 there then you can kind of say that's when it was.

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 But for the most part, fingerprints,
2 you know, just because you touch something doesn't
3 mean you're necessarily going to leave one. You
4 may touch something and the conditions be right and
5 it will stay there. I've read where like in a book
6 someone will touch a page, and paper is basically
7 wood, but it will absorb the fingerprint materials.
8 So some fingerprints will last hundreds of years
9 because it's in a book. It's closed so it's not,
10 you know, subject to the elements.

11 But in terms of me looking at this
12 fingerprint right here, oh, that was left four days
13 ago, that can't be done.

14 Q. And last question. Of all the
15 fingerprints that were submitted to you for
16 testing, none of them came back to Luther Joseph
17 Smith; correct?

18 A. No, ma'am.

19 Q. Thank you.

20 THE COURT: Mr. Chisholm, are you next?

21 MR. CHISHOLM: Thank you, Your Honor.

22 CROSS EXAMINATION BY MR. CHISHOLM:

23 Q. Good morning.

24 A. Good morning.

25 Q. And is it Agent Curtis?

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 A. You can call me mister because I'm
2 technically not an agent anymore, I'm retired or a
3 retiree.

4 Q. Congratulations.

5 A. Retiree Curtis, I guess.

6 Q. I have a few questions for you.
7 Probably more than a few. But I'd like to start
8 back on this report that was dated September 14th
9 of 2015?

10 A. Yes, sir.

11 Q. I think that's the one where the
12 Solicitor was -- he pulled a few of the prints, you
13 know, and asked you what the conclusions were and
14 whatnot. Not all of them because there's a lot
15 here. But I wanted to ask you, if you could look
16 at like say 103.1.

17 A. Yes, sir.

18 Q. Can you tell me who these prints were
19 checked against?

20 A. I have a list on the report, yes, sir.
21 You want me to read them?

22 Q. Yes, sir, if you don't mind.

23 A. All right. Item 103.1 which was latent
24 impression off of the TV set. At the time that
25 this report was issued in September of 2015, it was

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 compared to Krystal Hutto, Tamara Perry, Jerome
2 Butler, Shamekia Sanders, Christopher Wright, Randy
3 Singletary, Steven Singletary, Michael Smith,
4 Nazric Gates, and Lewis Dukes, and it was not
5 identified to any of those people.

6 Q. Okay. Would that be an inclusive list
7 of the standards that were submitted at the time of
8 this examination?

9 A. At that time, yes, sir.

10 Q. Okay. I'll try to save your voice, I
11 know you said you were sick. And we've had some
12 conversation about AFIS. And I guess to really
13 dumb it down, is it a giant data base that's got a
14 bunch of prints from multiple sources?

15 A. Yes, sir.

16 Q. Like, for example, would you be in
17 there?

18 A. Yes, sir.

19 Q. Okay. Lots of people?

20 A. Yes, sir.

21 Q. And this is a data base that, I guess,
22 correct me if I'm wrong which I may be, if they
23 have an item of evidence sent to you, you have a
24 card with a print on it and they ask you to search
25 against, you know, Joe Blow, you can also search it

1 against AFIS and anybody that's in that data base,
2 it'll check against all of them; is that right?

3 A. Yes, sir.

4 Q. Okay. Is that pretty standard? Is
5 that like an automatically done thing when you get
6 a print?

7 A. Generally, at least in the latent print
8 department I worked in, yes, sir, it was.

9 Q. Okay. As a matter -- is it kind of a
10 computer search at this point, I'm guessing?

11 A. Well, yes, sir, it is.

12 Q. Okay.

13 A. After you've been able to eliminate
14 possible contributor.

15 Q. Okay. And if the prints are listed as
16 AFIS suitable, can law enforcement request that the
17 prints be run again?

18 A. Yes, sir.

19 Q. And I don't know how time intensive
20 this kind of thing is, but, I mean, for example, if
21 they'd asked you to run it yesterday you could have
22 done that?

23 A. Somebody could have, yes, sir.

24 Q. Or somebody, not you?

25 A. Yes, sir.

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. Okay. And I noticed in here, your
2 report indicates that some of these items weren't
3 stored in the unsolved data base for continuous
4 search; is that right?

5 A. Right. Yes, sir.

6 Q. And can you please tell me what that
7 is?

8 A. Well, when you're looking at a -- this
9 is mainly for cases where there is no clue as to
10 who did this kind of thing. Okay. So you can
11 store it where it will be continually searching
12 against new cards that come in. And that's what
13 that is for.

14 Q. Okay. Is that typically used in more
15 serious cases, I'm guessing?

16 A. Well, any cases that maybe the
17 investigating agency wants it stored or the
18 examiner thinks it may be stored. I was just going
19 to say, but the way that we work there at SLED, our
20 job was to eliminate the prints that were of no
21 value for comparison and then to eliminate those
22 prints that were of value. To eliminate them to
23 whoever.

24 Like I said, so in this instance,
25 checking against victims or witnesses or people

1 that would frequent the location and then anybody
2 that may be investigating agency had developed
3 information on or suspected, that kind of thing.
4 So once that begins and I can't specifically speak
5 to this case as far as dates and that kind of
6 thing, we will wait before we enter in the unsolved
7 file because you start to have names trickling in
8 and that's generally in cases like this in
9 homicides we kind of want to wait.

10 And then if we get to a point where the
11 investigating agency's kind of exhausted all their
12 leads and we will store it, but we're in the
13 process of eliminating them as they, you know, give
14 us information, new names to check against.

15 Q. Okay. That makes sense. And,
16 ultimately, as you said when leads kind of get
17 exhausted, to have it stored in this continuous
18 search category, is that the simple as a request
19 from law enforcement or is that something you do on
20 your own?

21 A. Either way. Either way we could. But
22 in this particular instance it seemed like a couple
23 of names kept trickling in periodically. And so I
24 think that's what Agency Hezel was doing and then
25 once I got it, the same kind of thing, we kept

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 getting new names to check against. That's why
2 there's, I don't know, about seven or eight reports
3 here.

4 Q. Yes, sir. And I'd like to ask you
5 about a report dated December 4, 2015, do you have
6 that as well?

7 A. Yes, sir.

8 Q. In this report, it looks like you
9 checked a photograph of a fingerprint against a
10 standard for a Lorenzo Ragin; is that right?

11 A. Yes, sir.

12 Q. Do you know -- do you have anyway of
13 knowing where that fingerprint was from?

14 A. No, sir. The item description of item
15 144, it was a photograph on a CD-ROM that was
16 submitted. And the information we had the CD-ROM
17 contained "image of fingerprint impression item
18 number 83, item 153." So that was all the
19 information I had. And again, at this time, this
20 was not my case I was working so.

21 Q. Yes, sir.

22 A. Investigator Hezel or Agent Hezel was
23 working that at the time and I was doing the review
24 when she would finish them and I would look over
25 her work and that kind of thing. But best I can

1 determine, I have no idea where that was. Whoever
2 took the photograph would have to be the one to say
3 where that print was located.

4 Q. Sure. Which I think my general
5 question, I guess would be, you're kind of limited
6 to how it's described in what you receive; is that
7 right?

8 A. Yes, sir. I mean, it's kind of -- SLED
9 is kind of unique in the fact that we're what they
10 call an assisting agency. So many times we're not
11 in charge of the investigation, we're called in to
12 assist the local agency what they're doing. In the
13 forensic services building that's pretty much all
14 that we do outside of the crime scene unit that
15 goes out and processes crime scene.

16 So in the latent print unit simply
17 sitting there waiting for evidence to come in or
18 prints to come in and we kind of go by what the
19 local agency, the investigating agency want. So
20 they've got somebody they want to look at or do
21 they want it run, do they want it stored. We kind
22 of, you know, bow to what they're wanting because
23 they're the ones actually doing the investigation.

24 We may offer some suggestions based
25 upon, you know, prior experience and stuff. But

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 for the most part if somebody says we want to do
2 this or we want this checked against this person, I
3 want this run again. Which in this case that
4 happened a couple of times. But there was no
5 intention of storing any, I don't think, because it
6 was a continual investigation going on from what I
7 understood and that names were trickling in to be
8 looked at, other people. So it was kind of waiting
9 on the next phone call or submission of ink print
10 cards, that kind of thing.

11 Q. Yes, sir, that makes sense. And I
12 won't go through all of them, but you mentioned
13 you'd gotten a bunch of reports, I'll try to go
14 ahead and skip ahead. I guess to your report,
15 let's see. You got one dated June 29th of 2018.
16 And this would be your report, I believe. Do you
17 have that one with you?

18 A. Yes, sir.

19 Q. Okay. And it looks like you tested a
20 bunch of things from coffee grinder bases, light
21 bulbs. And it looks like you only identified one
22 or maybe a couple, I think maybe just one item in
23 this list, 175.1; is that correct?

24 A. Yes, sir.

25 Q. And who was that identified with?

1 A. That was a latent impression on Naxa
2 Core tablet, like an electronic device and that was
3 identified to George Thomas Hines.

4 Q. George Hines?

5 A. Yes, sir.

6 Q. Okay. But everything you ran in your
7 report there were no connections to any of the
8 Defendants in this case?

9 A. I never identified any latent prints or
10 no latent prints from my department were identified
11 to these Defendants, no, sir.

12 Q. Okay. And then you've got another
13 report that looks like July 30th which I guess
14 would be the last latent print report in this case
15 as far as you're aware?

16 A. Yes, sir.

17 Q. Okay. And this is the one that you
18 already previously testified that T'Carra Woods
19 came back as a match in some of these prints; is
20 that right?

21 A. Yes, sir.

22 Q. And was that -- do you recall if that
23 was like a standard that was submitted to you or
24 did she come up on an AFIS hit?

25 A. She came up on an AFIS hit. Orangeburg

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 County had requested that we take another look at
2 these, run them through AFIS again. And they were
3 right in this instance where her fingerprint card
4 was not in the data base originally when these
5 items were run. So when they were run again, it
6 kicked out her name as a possible candidate and I
7 was able to identify her to item 103.1 off the TV
8 set.

9 Q. I guess this is a good example, the
10 usefulness of running periodic AFIS hits?

11 A. Yes, sir.

12 Q. Maybe searches get updated as you go;
13 is that right?

14 A. Right. Yes, sir.

15 Q. Okay. And some of the prints even on
16 the very final report where you were unable to link
17 to anyone that had been submitted in this case; is
18 that right?

19 A. That is correct.

20 Q. And they also didn't pull up anywhere
21 in the AFIS data base; is that correct?

22 A. No, sir.

23 Q. So, in other words, these are unknown
24 people that left their prints?

25 A. There's like three or four that are

1 still unknown.

2 Q. Okay. Has anyone asked you to run --
3 well, you're retired. Before you retired, had you
4 been asked to run another AFIS --

5 A. No, sir. Because if we had been,
6 another report would have been generated. So this
7 July 30, 2019 report was the last one that was
8 generated in this case as far as latent print
9 department goes.

10 Q. Okay. And you answered this, but I
11 want to make sure we're clear. So we've got prints
12 from your last report that match somebody, we just
13 don't know who the somebody is?

14 A. Correct.

15 Q. Okay. And you testified I believe that
16 fingerprints are generally very fragile?

17 A. Yes, sir.

18 Q. Now, can the way the prints are
19 collected, can that affect the quality of what
20 you're looking at?

21 A. Well, it depends. I mean, the person
22 processing the item, you know, hopefully has had
23 some training and experience because certain
24 techniques, the use of chemicals or powders or
25 whatever you're doing may depend upon what the

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 surface of that print is on. And so it may be
2 better just to fingerprint -- I'm sorry, photograph
3 that fingerprint may be the best method. But it is
4 possible that you could destroy prints if you use
5 the wrong technic. But that's what training and
6 everything is for to hopefully avoid that problem.

7 Q. And then I guess it's also probably
8 subject is the plain old somebody error if somebody
9 is clumsy it smudges before they try to lift it,
10 that kind of thing as well?

11 A. It's possible.

12 Q. Okay.

13 A. You're talking about humans.

14 Q. Yes, sir. And I think the Solicitor
15 might have asked you about some of the scenarios
16 where somebody doesn't leave prints. Obviously, if
17 you're never in a house to begin with you wouldn't
18 leave prints either; is that correct?

19 A. Well, if you're not physically present
20 you wouldn't leave prints, no, sir. There's other
21 methods avoiding and, again, like I said earlier,
22 just because you touch an item does not necessarily
23 mean you're going to leave a print. The condition
24 of your hand or the condition of that item may
25 preclude the print from retaining on the surface if

1 you transfer one at all. I know TV gives us that
2 impression that there's prints on everything and we
3 identify everyone and that kind of thing and that's
4 just not real likely.

5 Q. You referred to SLED as an assisting
6 agency?

7 A. Yes, sir.

8 Q. And I believe even in this case we had
9 agents from SLED to come down to assist in an arson
10 investigation I guess you could call it related to
11 this case, you were probably unaware of that?

12 A. I'm not aware of that, no, sir.

13 Q. My question is more of, you have
14 different -- a bunch of different units within
15 SLED; is that right?

16 A. Yes, sir.

17 Q. Do you have, I guess, a division of
18 fingerprint experts, can you assist in the evidence
19 collection when it comes to fingerprints? Do you
20 have people that can go down and help get prints
21 from a scene?

22 A. That's the crime scene unit, yes, sir.

23 Q. And is that something that you guys or
24 that unit would be sent down upon request from law
25 enforcement?

STEVEN CURTIS - CROSS EXAMINATION BY MR. CHISHOLM

1 A. Yes, sir. That's up to agency if they
2 want that assistance or not. But it is available,
3 yes, sir.

4 Q. And it looks like you brought all of
5 your reports with you today?

6 A. Yes, sir.

7 Q. And are you trained at the academy that
8 when you're going to be a witness it's good
9 practice to bring your reports so you can refresh
10 your memory and remember what you were doing back
11 then?

12 A. Well, I don't know that I necessarily
13 had a good memory to begin with, but I did turn 60
14 a while ago, so I'm some mornings having trouble
15 finding my car keys. But it's probably better. I
16 mean, that's the point of issue in these so they're
17 sent out to the agency, you know, that submitted
18 the evidence so they know what we've done and what
19 the results are. But if you're going to ask me
20 questions about any of this stuff, I don't have it
21 all upstairs, so I need to refer to the reports and
22 stuff. But, yes, that's probably a good idea seems
23 like to me in training classes it's been mentioned.

24 Q. So you wouldn't want to be a physician
25 when you're a witness on the stand of asking

STEVEN CURTIS - CROSS EXAMINATION BY MR. JOHNSON

1 somebody else your report, you'd like to have it
2 yourself?

3 A. Yes, sir.

4 Q. Thank you, Agent Curtis.

5 THE COURT: Mr. Johnson, any questions
6 of this witness?

7 MR. JOHNSON: Just briefly, Your Honor.

8 THE COURT: All right.

9 CROSS EXAMINATION BY MR. JOHNSON:

10 Q. The fingerprint that was revealed to
11 have been at the crime scene, discovered there at
12 the crime scene of Mr. Todd Dukes, is just as
13 fragile as any other fingerprint; correct?

14 A. Yes, sir.

15 Q. And the reason that you or anybody else
16 would want to hurry to a crime scene to get a
17 fingerprint so that it is not destroyed?

18 A. Well, the usually the sooner you are
19 there and you can secure the scene and then if
20 there's items in there that need to be processed
21 whether they're going to be processed there or
22 taken back to a laboratory to be processed, need to
23 be handled correctly. But the idea is to try to
24 avoid the destruction of messing up a print.

25 Q. So while the elements and the weather

STEVEN CURTIS - REDIRECT EXAMINATION BY MR. OSBORNE

1 outside can destroy the print inside of a
2 residence, people or animals destroy print by
3 touching it, brushing up against it, spilling a
4 drink on it, things like that?

5 A. It can affect them, yes, sir. It's
6 possible.

7 Q. But, obviously, the print of Mr. Todd
8 Dukes was not destroyed?

9 A. No, sir.

10 MR. JOHNSON: No more questions, Your
11 Honor.

12 THE COURT: Anything on redirect?

13 MR. OSBORNE: Just briefly, Your Honor.

14 REDIRECT EXAMINATION BY MR. OSBORNE:

15 Q. Todd Dukes's print was recovered from
16 the TV?

17 A. Yes, sir.

18 Q. And that's a very conducive surface for
19 recovering prints?

20 A. Yes, sir.

21 Q. Okay. Just to make sure there's no
22 confusion. In September of 2015, again, at that
23 time, September of 2015, none of the Defendants
24 were compared in this case?

25 A. No, sir.

1 Q. All right. Okay. October of 2016,
2 that's when all of the Defendants were compared; is
3 that correct?

4 A. They are listed as possible
5 contributors and they were compared at that time to
6 these prints, yes, sir.

7 Q. All right. George Hines, do you know
8 who he is?

9 A. Yes, sir, I do.

10 Q. And who is George Hines?

11 A. He's a SLED agent. I believe at the
12 time he was assigned to a fugitive task force. So
13 I don't know what they were doing in Orangeburg
14 with this evidence, but I know Tommy Hines, yes,
15 sir.

16 Q. George Thomas Hines?

17 A. Yes, sir.

18 Q. Okay. Okay. So -- and then
19 Mr. Chisholm had asked some questions about so
20 there's print out there, we can run them through
21 again. Don't know who they are list. So of all
22 the prints and all of this case, it looks like
23 there are three unknown prints; is that correct?

24 A. Yes, sir, I believe that's correct.

25 Q. And all three -- and one could be

STEVEN CURTIS - REDIRECT EXAMINATION BY MR. OSBORNE

1 T'Carra Woods, we're just not sure, and then the
2 other two came from the TV as well?

3 A. Yes, sir.

4 Q. Okay. And -- well, I'll just ask you
5 about your report situation. So when -- how many
6 times -- you've testified quite a bit in court;
7 right?

8 A. Yes, sir, I have.

9 Q. Has there been opportunities in which
10 you needed to have your memory refreshed on a
11 report that you didn't have with you when you were
12 on the stand?

13 A. Yes, sir.

14 Q. And is it just common for a defense
15 attorney to have that report printed?

16 A. It's my understanding that they would
17 be given access to everything that we would have in
18 our investigative file.

19 Q. And you might hear a little dance like,
20 Your Honor, may I approach and then they would walk
21 up to you and hand it to you to refresh your
22 memory?

23 A. Yes, sir.

24 Q. So they can press print like you can
25 press print?

1 A. Yes, sir.

2 Q. Okay. Just checking. And, lastly,
3 there was a question about wood. Not all wood is
4 the same. We're talking about wood, we could be
5 talking about a 2x4 like lumber?

6 A. Yes, sir.

7 Q. That -- is it fair to say that's a
8 rougher surface that might not be conducive to
9 lifting a print?

10 A. Well, when you talking about process
11 wood like a 2x4 you'd buy at Lowe's or Home Depot,
12 it's probably not as good as a TV screen or a
13 mirror. But it is possible that the wood would
14 absorb the fingerprint material left by the touch.
15 One of the tree limbs down in my yard from the, you
16 know, ice storm we had probably not going to leave
17 a print on those. Again, that's part of that --
18 the condition of the hands, condition of the
19 surface touched. So a smooth piece of finished
20 wood whether it's raw or whether it's, you know,
21 maybe got shellac or something on it, that might be
22 good for leaving prints or not. It just depends on
23 that condition.

24 Q. And that's where I was going. A
25 varnished polyurethane piece of wood would be much

STEVEN CURTIS - RECROSS EXAMINATION BY MS. ZMROCZEK

1 different than a 2x4?

2 A. Yes, sir, it would be.

3 Q. Okay.

4 THE COURT: Ms. Zmroczek -- are you
5 through?

6 MR. OSBORNE: Yes, Judge.

7 THE COURT: Ms. Zmroczek, anything?

8 MS. ZMROCZEK: Very briefly, Your
9 Honor.

10 THE COURT: Yes, ma'am.

11 RECROSS EXAMINATION BY MS. ZMROCZEK:

12 Q. Mr. Osborne asked you about in
13 September of 2015 if any of the Defendants had been
14 run, compared against these; correct?

15 A. Yes, ma'am.

16 Q. And they had not; right?

17 A. Not at that time, no.

18 Q. But you at that time had other suspects
19 that you were running through; right?

20 A. I don't know who all these people are.
21 There was a list of people. I know some of them
22 were victims in the case, I don't know who all of
23 them are. But there was a list of about ten people
24 that -- from the September 14, 2015 report were
25 compared to the latent prints at that time.

1 Q. And from whom do you get that list?

2 A. The investigating agency. So in this
3 case, Orangeburg County Sheriff's Office.

4 Q. Okay. And then he asked you about how
5 easy it is to print your report. Certainly, when
6 you come here to testify, just like every other
7 witness, you're sworn in; right?

8 A. Yes, ma'am.

9 Q. And you're here to provide information
10 to this jury so that they can make a thoughtful and
11 accurate interpretation of what you're testifying
12 to; right?

13 A. Yes, ma'am.

14 Q. Because that's what we want -- that's
15 what our jury system is here to do is to listen to
16 experts such as yourself or investigators and then
17 base their decision on what you tell them; right?

18 A. Yes, ma'am.

19 Q. And you knew that you were subpoenaed
20 for court today?

21 A. Yes, ma'am.

22 Q. And brought your paperwork with you;
23 right?

24 A. Yes, ma'am.

25 Q. Thank you.

1 MS. ZMROCZEK: I don't have any further
2 questions.

3 THE COURT: Let's see. Mr. Chisholm,
4 is it your turn?

5 MR. CHISHOLM: I have nothing, Your
6 Honor.

7 THE COURT: No questions. Okay. All
8 right. Mr. Johnson?

9 MR. JOHNSON: No questions.

10 THE COURT: All right. Thank you,
11 Mr. Curtis. Go back to your retirement.

12 MR. CURTIS: All right.

13 THE COURT: And enjoy. Thank you, sir.

14 MR. CURTIS: Yes, sir.

15 THE COURT: Can I see y'all over here?

16 (WHEREUPON, there was a bench
17 conference)

18 THE COURT: All right. Ladies and
19 gentlemen, we're doing some of the important work
20 of the day, deciding about lunch. All right. We
21 do have some matters to take up out of your
22 presence, so I'm going to let y'all go ahead and go
23 to lunch now and not come back until two. That
24 will give us time to get something to eat and
25 complete our discussions.

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 Remember, don't read anything. Don't
2 investigate anything. Don't talk to anybody about
3 the case. Have a good lunch and I'll see y'all at
4 two. Thank you.

5 (WHEREUPON, the jury left the courtroom
6 at 12:04 p.m.)

7 THE COURT: All right. Y'all enjoy
8 your lunch and I'll see y'all back. Thank you.

9 (Lunch break)

10 THE COURT: Are we ready to get
11 started?

12 MR. OSBORNE: Yes, sir.

13 THE COURT: Okay.

14 ASHLEY FRAZIER,
15 being first duly sworn, was examined and testified
16 as follows:

17 THE CLERK: Thank you. You may be
18 seated. Please state your first and last name for
19 the record and can you speak into the mic clearly,
20 please.

21 MS. FRAZIER: Ashley Frazier.

22 THE COURT: Ms. Glover?

23 MS. GLOVER: Thank you, Your Honor.

24 DIRECT EXAMINATION BY MS. GLOVER:

25 Q. Officer Frazier, where do you currently

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 work?

2 A. Orangeburg County Sheriff's Office.

3 Q. How long have you been employed by

4 Orangeburg County Sheriff's Office?

5 A. Approximately 15 years.

6 Q. What is your current --

7 MS. ZMROCZEK: I'm sorry. I can't

8 hear. How many?

9 A. Fifteen years.

10 Q. Can you speak really, really loud,

11 Ashley, so that Ola can hear you in the back?

12 A. Yes, ma'am.

13 Q. I'll go back just to make sure

14 everybody has it. How long have you been employed

15 by Orangeburg County Sheriff's Office?

16 A. Approximately 15 years.

17 Q. What is your current job title?

18 A. Administrative director of community

19 service unit.

20 Q. What do your responsibilities include?

21 A. I oversee the transportation unit as

22 well as I also oversee the civil division and I'm

23 one of the recruiters for the sheriff's office.

24 Q. Do you have any trainings or

25 certifications?

1 A. I have training and background
2 investigation. I also have training from the South
3 Carolina Criminal Justice Academy as well as an
4 Associates Degree in Criminal Justice from OC Tech.

5 Q. Prior to last week, did you know any of
6 the Defendants involved in this case?

7 A. No, ma'am.

8 Q. Prior to last week, were you involved
9 in any investigations involving this case?

10 A. No, ma'am.

11 Q. On February 7th through February 10th,
12 were you assigned to transport Luther Smith to and
13 from Lexington County Detention Center?

14 A. Yes, ma'am.

15 Q. Did Luther initiate conversations with
16 you during transport?

17 A. Yes, ma'am.

18 Q. Where these conversations completely
19 voluntary and unprovoked?

20 A. Yes, ma'am.

21 Q. On Monday following jury collection
22 while the two of you traveled back to Lexington,
23 did Luther make any comments to you?

24 A. He did.

25 Q. How long was the ride with Luther on

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 each of the days that you transported him?

2 A. Approximately an hour to Lexington and
3 approximately an hour back from Lexington.

4 Q. During the drive, did Luther appear to
5 be intoxicated or under the influence of drugs?

6 A. No, ma'am.

7 Q. Did Luther appear to have any physical
8 or mental disability that would have left him
9 impaired?

10 A. No, ma'am.

11 Q. During this drive were any threats or
12 promises made to Luther?

13 A. No, ma'am.

14 Q. Okay. What did Luther say?

15 A. He began to talk about the jury.

16 Q. How did you respond when Luther started
17 talking about the jury?

18 MS. ZMROCZEK: Your Honor, sorry.

19 Obviously, anything about the jury, I would object
20 to. I don't want to sway this jury.

21 THE COURT: Okay.

22 MS. ZMROCZEK: And I don't see how it
23 goes to admission of guilt.

24 THE COURT: Are you saying it's
25 irrelevant to this --

1 MS. ZMROCZEK: Right.

2 THE COURT: Do we need to go -- is
3 there any reason we need to get into anything about
4 the jury?

5 MS. GLOVER: Judge, if I could just
6 finish the questioning -- the line of questioning I
7 was doing, you'll see that we don't even get into
8 any details about the jury. The jury is just a
9 segway into the conversation. That's how the
10 conversation actually began.

11 THE COURT: Oh, okay. Well, let's see
12 what happens. Thank you, ma'am.

13 Q. How did you respond when Luther started
14 talking about the jury?

15 A. I told him I didn't see the jury.

16 Q. Did he say anything else?

17 A. He did. He made a comment, stated that
18 he just wanted the drugs.

19 Q. How did you take that?

20 A. I took it as though he was trying to
21 discuss his case.

22 Q. At that time, what did you do?

23 A. I advised Luther not to talk to me
24 about the case due to the sensitivity of it.

25 Q. Why did you advise him to stop talking

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 about the case?

2 A. Because we are not supposed to initiate
3 conversation with any defendant and also Mr. Luther
4 had an attorney.

5 Q. How did you know he had an attorney?

6 A. I seen her in the courtroom. I already
7 knowed that he had an attorney.

8 Q. Did Luther at that point in time remain
9 quite or continue to speak?

10 A. He continued to speak.

11 Q. How did you respond?

12 A. He continued to speak stating that the
13 drugs made him do bad things and say things that he
14 did not mean to say.

15 Q. And when you -- when he told you about
16 the drugs making him say things he did not mean to
17 say, how did you respond?

18 A. I told him not to discuss his case with
19 me because I didn't want to know about it and if we
20 just needed to see it unfold.

21 Q. Did Luther say anything else?

22 A. He did. He stated, Ashley, I would not
23 have killed those kids. If I did, I would have
24 offed myself a long time ago.

25 Q. What did you say to that?

1 A. I advised him to once again please do
2 not discuss your case with me as I don't want to
3 know anything.

4 Q. And on February 7th, did he say
5 anything else about the case?

6 A. That was the end of it.

7 Q. Now, Director Frazier, did you write a
8 report about what Luther said?

9 A. No, ma'am.

10 Q. Do you normally write reports?

11 A. No, ma'am, not every day.

12 Q. Did you notify anyone?

13 A. No, ma'am.

14 Q. Why not?

15 A. Because I'm assigned to the community
16 service unit and I just didn't feel it was
17 important to share.

18 Q. Is it fair to say you really don't want
19 to be involved with this case?

20 A. Yes, ma'am.

21 Q. Does your car have audio or video
22 equipment?

23 A. No, ma'am.

24 Q. Were you wearing a body worn camera?

25 A. No, ma'am.

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 Q. Was the interaction recorded in any
2 way?

3 A. No, ma'am.

4 Q. Were there any witnesses to Luther's
5 comments?

6 A. No, ma'am.

7 Q. Okay. On last Wednesday, did you again
8 transport Luther?

9 A. Yes, ma'am.

10 Q. Did he make any comments to you then?

11 A. He did.

12 Q. During that drive, did Luther appear to
13 be intoxicated or under the influence of drugs?

14 A. No, ma'am.

15 Q. Did Luther appear to have any physical
16 or mental disability that would have left him
17 impaired?

18 A. No, ma'am.

19 Q. During this drive on Wednesday were
20 there any threats or promises made to Luther?

21 A. No, ma'am.

22 Q. Okay. What did Luther say?

23 A. He asked me if I thought they were
24 going to put the little boy on the stand.

25 Q. And what did you say to that?

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 A. I advised him I believe that they were
2 going to place him on the stand.

3 Q. Did he say anything else?

4 A. He did. He stated he had been reading
5 a book of Revelations and that everybody deserved
6 forgiveness and should be given second chances.

7 Q. How did you respond to that?

8 A. I advised Luther that I shouldn't
9 comment due to me having children and that he
10 should just pray and leave it in god's hands.

11 Q. While you were transporting Mr. Smith,
12 did you notice any identifying marks on his body?

13 A. I did. He showed me his tattoos.

14 Q. What kind of tattoos did he show you?

15 A. He showed me a 13 and a half on his
16 hand.

17 Q. What did this 13 and a half symbolize?

18 A. Luther stated it symbolized 12 jurors,
19 one judge, and half a chance to beat this thing.

20 Q. Did you report this information to
21 anyone right away?

22 A. No, ma'am.

23 Q. Did you speak with anyone about
24 Luther's comments?

25 A. I did. I spoke to Sergeant Gillard.

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. When did you tell Sergeant Gillard?

2 A. I told her last Friday night. We were
3 at work in an off duty detail at Roosevelt Gardens.

4 Q. And what happened then?

5 A. She immediately contacted Lt. Shumpert
6 and I provided a statement.

7 Q. Thank you, Director Frazier.

8 MS. GLOVER: Those are all my
9 questions, Your Honor.

10 THE COURT: Okay. Thank you, ma'am.
11 Ms. Zmroczek?

12 MS. ZMROCZEK: I'm going to mark this.

13 THE COURT: Okay.

14 (WHEREUPON, Defendants' Exhibit Number
15 83 was marked for ID)

16 CROSS EXAMINATION BY MS. ZMROCZEK:

17 Q. Is it deputy?

18 A. Director.

19 Q. Director?

20 A. Yes, ma'am.

21 Q. Director Frazier, and you're the
22 director of what? I'm sorry.

23 A. Community service unit.

24 Q. Okay. So what does that involve?

25 A. I deal with transport of prisoners,

1 mental patients. I also serve civil papers for the
2 sheriff's office. Go out to community functions
3 and I'm one of the recruiters for the sheriff's
4 office.

5 Q. Okay. And what class officer are you?

6 A. Class III advance.

7 Q. Class III advance?

8 A. Uh-huh.

9 Q. So what kind of training do you receive
10 as a Class III advance officer?

11 A. Well, I can tell you what we went
12 through at the sheriff's office because this is a
13 brand new program from the academy.

14 Q. Okay.

15 A. So we was placed through three months
16 of training at the sheriff's office and the South
17 Carolina Criminal Justice Academy came here and
18 certified us with our duty weapon. And we tested,
19 we took a big test at the South Carolina Criminal
20 Justice Academy. And we did driving training that
21 was provided over to the South Carolina Criminal
22 Justice Academy.

23 Q. Okay. So when you received training
24 you receive training on Miranda?

25 A. Yes, ma'am.

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And you receive training on
2 Edwards notices?

3 A. I'm not sure what that is.

4 Q. Are you familiar that when -- you've
5 worked your entire career at Orangeburg County?

6 A. Yes, ma'am.

7 Q. Okay. And I believe you testified in
8 your direct that you knew you weren't supposed to
9 talk to him because he had an attorney; right?

10 A. Yes, ma'am.

11 Q. Okay. Were you aware that actually on
12 December 13th of 2016 that a letter was sent to
13 Sheriff Ravenell as well as the detention center
14 from his public defender at the time?

15 A. No, ma'am.

16 Q. Okay. I'm going to show you what's
17 been marked for ID as Defendants' 83.

18 THE COURT: What's the ID?

19 MS. ZMROCZEK: 83.

20 THE COURT: 83.

21 A. Okay.

22 Q. So are you familiar with an Edwards
23 letter?

24 A. No, ma'am.

25 Q. Okay. So what does that letter say?

1 A. Do you want me to read it?

2 Q. Does it -- I mean --

3 A. It's from the Office of the Public
4 Defender. "Please note that I represent Mr. Smith
5 in the above charges. I would appreciate that all
6 communications with my client cease immediately.
7 The request is inclusive of but not limited to any
8 and all arresting agencies, investigators,
9 prosecuting agencies, or incarcerating agencies
10 affiliated with this case."

11 Q. Okay. So were you aware of this letter
12 being sent to the sheriff's department and the
13 jail?

14 A. No, ma'am.

15 Q. Okay. And you -- so you said you're
16 head of transport; right?

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

18 Q. Okay. So is this the first time you
19 ever heard of an Edwards letter?

20 A. Yes, ma'am.

21 Q. Okay. What vehicle did you transport
22 him in?

23 A. A gray Ford Taurus.

24 Q. I'm sorry. What?

25 A. A gray Ford Taurus.

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. And did it have a barrier?

2 A. Yes, ma'am.

3 Q. And where was he sitting?

4 A. He was sitting to the right side of me
5 in the backseat.

6 Q. In the backseat. So behind the
7 driver's side or the passenger's side?

8 A. On the passenger side.

9 Q. And how was he handcuffed?

10 A. In the front with a belly chain.

11 Q. You -- so how did you become -- I know
12 you said you didn't want to become involved in the
13 case, but -- so how did you become involved? Who
14 made the decision for you to be the transport
15 officer?

16 A. There's three of us that transport,
17 ma'am.

18 Q. I'm sorry?

19 A. It's three of us that transport. So we
20 had three people to pick up. So it really was no
21 decision, we just go get one.

22 Q. Okay. And so if I understand your
23 testimony on Monday, February 7th is where he makes
24 the statements about he just -- what was the
25 statement he made again?

1 A. Which one?

2 Q. Monday the 7th?

3 A. He made several statements.

4 Q. About he just wanted drugs?

5 A. Yes, ma'am. That was one of them.

6 Q. Okay. And that he didn't kill any

7 children?

8 A. Yes, ma'am.

9 Q. And that if he had been there he would
10 have offed himself?

11 A. Yes, ma'am.

12 Q. Okay. Now, the Taurus that you're in,
13 does it -- it's not equipped with any sort of
14 recording?

15 A. No, ma'am.

16 Q. All right. And you didn't have a body
17 cam?

18 A. No, ma'am.

19 Q. Did you have a cell phone?

20 A. I do.

21 Q. Okay. And so after that conversation
22 on Monday -- now, was that on the way back to
23 Lexington in the evening?

24 A. Yes, ma'am.

25 Q. Okay. And so you were actually aware

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCEK

1 that he did have some medical issues on that
2 Monday; right?

3 A. Yes, ma'am.

4 Q. Okay. He was not being given his
5 medication?

6 A. Yes, ma'am.

7 Q. He had told you that he hadn't been
8 able to sleep because he didn't get that
9 medication?

10 A. No, ma'am, I don't recall that one.

11 Q. Okay. But you knew that he had issues
12 with his medication?

13 A. Yes, ma'am.

14 Q. He said that he didn't have any mental
15 infirmities. What do you know about his mental
16 health background?

17 A. I don't know anything about it.

18 Q. Are you familiar -- are you familiar
19 that he has bipolar?

20 A. No, ma'am.

21 Q. Are you familiar that he has anxiety
22 issues?

23 A. No, ma'am.

24 Q. And that he actually takes medication
25 for that?

1 A. No, ma'am.

2 Q. Okay. So on Monday he says these
3 things to you and then on Wednesday he makes a few
4 more statements about bible verses?

5 A. Yes, ma'am.

6 Q. And forgiveness?

7 A. Yes, ma'am.

8 Q. And that was on Wednesday?

9 A. Yes, ma'am.

10 Q. And then if I understand your testimony
11 correctly, on Friday evening you were working an
12 off duty job?

13 A. Yes, ma'am.

14 Q. Okay. With Sergeant Gillard?

15 A. Yes, ma'am.

16 Q. And you're aware that Sergeant Gillard
17 is a witness in this case; right?

18 A. I think she had said it to me maybe
19 Friday.

20 Q. I'm sorry?

21 A. She stated it to me Friday.

22 Q. That she is. So when y'all were
23 talking about it, she said, yeah, I'm a witness in
24 that case?

25 A. She said she had to testify.

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. She had to testify. And you understand
2 and know what a sequestration order is; right?

3 A. No, ma'am.

4 Q. You don't know what sequestration is?

5 A. No, ma'am.

6 Q. Okay. So you weren't aware that she's
7 not allowed to talk about any testimony?

8 A. No, ma'am.

9 Q. Okay. So you tell her on Friday that
10 he said that he just wanted drugs and that he
11 didn't kill any kids and if he did -- if he had
12 even been there he would have offed himself; right?

13 A. Yes, ma'am.

14 Q. And so you tell her that on Friday?

15 A. Yes, ma'am.

16 Q. And she says -- strike that. As a
17 result of you telling her that, did you ask her any
18 questions about what that statement meant?

19 A. No, ma'am.

20 Q. Okay. Did you -- you didn't take that
21 as an admission of guilt; right?

22 A. No, ma'am.

23 Q. Okay. And so then you give a statement
24 to Detective Shumpert; right?

25 A. Yes, ma'am.

1 Q. Okay. And then -- and that's on Friday
2 night. And then when do you call -- but you didn't
3 give -- then you remembered some other information
4 later on?

5 A. Yes, ma'am.

6 Q. Okay. And so then you called Shumpert
7 again or did you call Gillard?

8 A. I think I called Ms. Chelsea.

9 Q. Okay. And you said, wait, I remembered
10 some more stuff?

11 A. Yes, ma'am.

12 Q. Okay. And so you were here what days
13 of the week last week? Here in the courtroom, I'm
14 sorry.

15 A. Wednesday.

16 Q. And you never said anything to
17 Mr. Osborne?

18 A. No, ma'am.

19 Q. Or Ms. Glover?

20 A. No, ma'am.

21 Q. Or Mr. Shumpert?

22 A. No, ma'am.

23 Q. Okay. And so then after you give that
24 initial sworn statement then you suddenly
25 remembered some other things that he said; right?

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. Okay. And so you give an additional
3 statement at that time?

4 A. Yes, ma'am.

5 Q. Okay. And so if I understand it
6 correctly, the second statement, was that given in
7 a full voice or was he whispering?

8 A. He was whispering.

9 Q. Okay. And when you drive, do you have
10 the radio on or do you have your -- do you have
11 like dispatch like you're wearing your little
12 microphone things?

13 A. Yes, ma'am.

14 Q. Is that activated while you're driving?

15 A. It is. Not this one, my car radio.

16 Q. Oh, you have one in your car?

17 A. Yes, ma'am.

18 Q. So describe this car to me?

19 A. It's a Ford Taurus.

20 Q. Okay. And it's county issued?

21 A. Yes, ma'am.

22 Q. Is it a marked car?

23 A. It's unmarked.

24 Q. I'm sorry?

25 A. It's unmarked.

1 Q. Unmarked. Okay. But it does have a
2 separator?

3 A. Yes, ma'am.

4 Q. Okay. And so what does that separator
5 look like?

6 A. It looks like a piece of glass halfway
7 and then there's a black piece that's got some open
8 areas so that some air can get through. The
9 defendant still could not touch you, but it's an
10 open area.

11 Q. Okay. And I think you said he was
12 handcuffed in the front?

13 A. Yes, ma'am.

14 Q. And belly chained?

15 A. Yes, ma'am.

16 Q. And so you -- then he just out of the
17 blue starts talking about this tattoo?

18 A. Yes, ma'am. He talked about all his
19 tattoos. A lot of tattoos.

20 Q. And you didn't ask him where did you
21 get them? How did you get them?

22 A. That was part of the conversation.

23 Q. Okay. So that's -- I guess that's what
24 I'm -- so the way that I maybe envisioned it was
25 that he was just in the car rattling off

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 information, but it was actually a conversation
2 between the two of you; right?

3 A. We had conversation.

4 Q. Right. So you would, naturally, asked
5 him questions about his tattoos and he would tell
6 you about them; right?

7 A. He naturally did a lot of talking.

8 Q. Right. But I guess I'm focused at this
9 point on the specific tattoo. And he called you
10 Ashley. How does he know your name is Ashley? Do
11 y'all know each other?

12 A. No, ma'am.

13 Q. Okay. So how did he know your first
14 name?

15 A. Honestly, ma'am, I tell everybody in
16 Orangeburg County my first name. I serve civil
17 papers, so if they ask who am I, I always tell them
18 Ashley. Nobody would probably be able to tell you
19 my last name.

20 Q. Okay. And you said it took about -- it
21 was about an hour long trip?

22 A. Yes, ma'am.

23 Q. Okay. And the reason again that you
24 didn't say anything to anybody is because you
25 didn't even think they were admissions?

1 A. He was just talking.

2 Q. Right, just talking.

3 MS. ZMROCZEK: Your Honor, just for the
4 purposes of this hearing, I'm going to move this in
5 and I'll hand it up to the Court. And I'll make
6 sure that they get a copy of it as well or I'll
7 just hand it right here.

8 THE COURT: That's going to be still
9 Defendant --

10 MS. ZMROCZEK: I don't have any further
11 questions at this time.

12 THE COURT: Okay. Mr. Leiendecker,
13 Mr. Chisholm, either one of y'all wish to ask any
14 questions?

15 MR. LEIENDECKER: Probably very
16 briefly.

17 CROSS EXAMINATION BY MR. LEIENDECKER:

18 Q. Deputy, on the Friday conversation at
19 your outside job, what were you doing that evening?

20 A. We were working an off duty detail at
21 Roosevelt Gardens doing security out there.

22 Q. At the apartment complex?

23 A. Yes, sir.

24 Q. Okay. Y'all were standing together
25 doing that work?

ASHLEY FRAZIER - CROSS EXAMINATION BY MR. LEIENDECKER

1 A. We were sitting in our vehicles.

2 Q. Okay. So how were you having a
3 conversation?

4 A. Vehicle to vehicle.

5 Q. So you were parked beside each other
6 with the windows rolled down?

7 A. Yes, sir.

8 Q. Okay. That's all I'm trying to
9 understand.

10 A. Okay.

11 Q. And how did the conversation come up
12 between you and Gillard?

13 A. We were honestly talking about D.N.
14 and how well he testified.

15 Q. And who was questioning about D.N. ?

16 A. Honestly, sir, I have no idea which one
17 of us brought up the conversation --

18 MS. ZMROCZEK: I'm sorry. I can't hear
19 a word she's saying.

20 THE COURT: You just need to speak up a
21 little louder.

22 A. I honestly don't know which one of us
23 brought the conversation up first.

24 Q. But you and Gillard were having an open
25 discussion about testimony that had been had in

1 court with D.N. [REDACTED]; is that correct?

2 A. Yes, sir.

3 Q. And Gillard never told you that she
4 shouldn't discuss this or be told anything about
5 testimony that had been had in court?

6 A. No, sir.

7 Q. She continued and participated in the
8 conversation and asked questions?

9 A. Yes, sir.

10 Q. And you told her what you had seen?

11 A. Yes, sir.

12 Q. Of the testimony in court?

13 A. I did.

14 Q. You related to her the details of the
15 testimony in court that day?

16 A. I told Sergeant Gillard I thought he
17 did okay on the stand.

18 Q. And you told her what he testified
19 about?

20 A. I honestly don't remember, sir.

21 Q. You were having a conversation about
22 the testimony and you don't remember if you talked
23 about the testimony; is that what you're saying?

24 A. I'm not sure exactly what all was
25 stated.

ASHLEY FRAZIER - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. Okay. How then does this conversation
2 with Mr. Smith come up that happened on Monday and
3 Wednesday?

4 A. I just made a comment to Sergeant
5 Gillard that Luther stated he wanted the drugs.

6 Q. Okay. And you told her about the
7 statement on Monday. About the Monday statements,
8 you told Gillard about those?

9 A. Which Monday statement?

10 Q. Statements that Luther Smith made on
11 Monday, that's when the drug statement was made;
12 correct? Monday the 7th of February?

13 A. Yes. Yes, sir.

14 Q. You told her about these statements
15 Mr. Smith made on Monday the 7th; correct?

16 A. Yes, sir.

17 Q. Did you also tell her about the
18 statements he made on Wednesday the 9th?

19 A. No, sir.

20 Q. You only told her about those?

21 A. Yes, sir.

22 Q. All right. How then do you wind up
23 with Lieutenant Shumpert following that
24 conversation with Gillard?

25 A. She immediately called Lieutenant

1 Shumpert.

2 Q. Okay. How do you then wind up with
3 Lieutenant Shumpert following that call?

4 A. I'm not sure if I'm understanding what
5 you're asking me, sir.

6 Q. You're at Roosevelt apartments;
7 correct?

8 A. That's correct.

9 Q. How do you wind up sitting down with
10 Lieutenant Shumpert?

11 A. We met with Lieutenant Shumpert after
12 we cleared from Roosevelt Gardens.

13 Q. Okay. What time was that?

14 A. That we cleared or that we met with
15 Lieutenant Shumpert?

16 Q. That you cleared?

17 A. We cleared at 9 o'clock.

18 Q. How long were you supposed to work that
19 night?

20 A. Until 9 o'clock.

21 Q. Okay. And when did you -- when did
22 Gillard contact Shumpert if you know?

23 A. Maybe 7, sir, I'm not sure of an exact
24 time.

25 Q. So it wasn't immediately after the

ASHLEY FRAZIER - CROSS EXAMINATION BY MR. LEIENDECKER

1 contact, it was hours later that you sat down with
2 Lieutenant?

3 A. It was. It was probably an hour, hour
4 and a half later.

5 Q. Okay. And Lieutenant Shumpert, was he
6 being assisted by anyone else in his questions
7 about the statements that you had given to Gillard?

8 A. No, sir. He called a road deputy to
9 come witness the statement.

10 Q. Okay. And did he -- where did he take
11 the statement?

12 A. At Code 100.

13 Q. Where at Code 100?

14 A. In his office.

15 Q. Okay. You sat in his office not in the
16 conference room or --

17 A. I sat in his office.

18 Q. Okay. And did he sit you and Gillard
19 in there and ask you what you had been talking
20 about?

21 A. No, sir, he didn't. Sergeant Gillard
22 has a cubical away from Lieutenant Shumpert and she
23 was not present with me and Shumpert. He did not
24 bring us together.

25 Q. Did he tell you why he didn't question

1 you guys together?

2 A. No, sir, I didn't ask.

3 Q. Okay. But he did not talk to the both
4 of you together about the incident?

5 A. No, sir.

6 Q. All right. And when you sat with him,
7 what did he ask you?

8 A. He asked me about the statements and he
9 asked me to type my statement. And while I typed
10 my statement, if I recall, he went out and he went
11 around and was dealing with Sergeant Gillard while
12 I typed my statement. Then he did some questions
13 and answers.

14 Q. Okay. And what did you tell Lieutenant
15 Shumpert that Luther Smith said?

16 A. I advised him that Luther Smith stated
17 that he just wanted the drugs as well. I expressed
18 to him the conversation, you know, we were
19 conversating.

20 Q. That's all you told him? Luther Smith
21 wanted drugs?

22 A. I provided him a whole written
23 statement.

24 Q. I'm asking what you discussed with him.

25 A. I discussed the whole statement with

ASHLEY FRAZIER - CROSS EXAMINATION BY MR. LEIENDECKER

1 him.

2 Q. Okay.

3 A. He stated he wanted the drugs. He
4 stated drugs made him do bad things. That he did
5 not kill those kids. That he asked me if he I
6 thought he was going to put the little boy on the
7 stand as well as about the Revelations and
8 forgiveness and the tattoos.

9 Q. Okay. And the tattoos?

10 A. Yes, sir.

11 Q. Okay. And those were conversations you
12 had with Luther on Monday the 7th and Wednesday the
13 9th?

14 A. Yes, sir.

15 Q. Okay. You hadn't told Gillard about
16 all those conversations?

17 A. I didn't tell Sergeant Gillard all of
18 that on Wednesday. Because when I made the first
19 comment, she cut me off. When I made the first --
20 started making the first comments.

21 Q. And it's your testimony that Luther
22 told you more things on Thursday?

23 A. No. No, sir. Because I only
24 transported him Thursday morning and he just asked
25 to listen to country music.

ASHLEY FRAZIER - CROSS EXAMINATION BY MR. JOHNSON

1 Q. Okay. When is it then if I can be told
2 so that I can understand, when is it that you
3 called Solicitor Glover to tell her additional
4 items?

5 A. Saturday.

6 Q. And what did you call her Saturday to
7 tell her?

8 A. More information that he had relayed in
9 reference to Mr. Scott.

10 Q. And that information you didn't provide
11 to the Lieutenant on Friday?

12 A. I didn't.

13 Q. But it happened during these same
14 conversations on Monday and/or Wednesday?

15 A. Yes, sir.

16 Q. Okay.

17 MR. LEIENDECKER: Nothing further.

18 THE COURT: Mr. Johnson, any questions
19 of this witness?

20 MR. JOHNSON: Just one question, Judge.

21 CROSS EXAMINATION BY MR. JOHNSON:

22 Q. Did you speak with anyone else about
23 this conversation with Mr. Smith?

24 A. No, sir.

25 Q. Okay.

ASHLEY FRAZIER - REDIRECT EXAMINATION BY MS. GLOVER

1 MR. JOHNSON: That's my only question.

2 THE COURT: Anything on redirect?

3 MS. GLOVER: Briefly, Your Honor.

4 REDIRECT EXAMINATION BY MS. GLOVER:

5 Q. Director Frazier, did you initiate
6 these conversations with Luther?

7 A. No, ma'am.

8 Q. How much time did you spend with Luther
9 from the 7th through the 10th?

10 A. I spent several hours Monday at
11 Stevenson Auditorium in the back in the holding
12 room. We spent several hours together. And then
13 the transports every day, approximately an hour to
14 and an hour from.

15 Q. When you transport defendants is it
16 customary to stay with them the entire time?

17 A. If we are able to place them in a
18 holding cell, yes, ma'am, we are responsible for
19 them.

20 Q. And did you, in fact, spend the entire
21 day with Luther at Stevenson Auditorium?

22 A. Yes, ma'am.

23 Q. Is it customary to chat with defendants
24 when you spend the entire workday with them?

25 A. You'll have casual conversation. You

1 don't of course speak with them about their case.

2 Q. Did you seek any information from
3 Luther?

4 A. No, ma'am.

5 Q. In fact, did you ask him to stop
6 speaking about the case numerous times?

7 A. Yes, ma'am.

8 Q. Roughly how many times did you ask him
9 to stop speaking about the case?

10 A. For the whole transport.

11 Q. Did Lieutenant Shumpert advise you not
12 to have any more conversations with Sergeant
13 Gillard following Friday's conversation when you
14 two talked at off duty at Roosevelt Gardens?

15 A. Yes, ma'am.

16 Q. Did you have any other conversations
17 with Sergeant Gillard following Shumpert's
18 advisement to not speak about the case?

19 A. No, ma'am.

20 Q. Do you work criminal investigations?

21 A. No, ma'am.

22 Q. Do you work any type of criminal cases?

23 A. No, ma'am.

24 Q. Would you have known anything about a
25 criminal investigation to know what details of your

ASHLEY FRAZIER - REDIRECT EXAMINATION BY MS. GLOVER

1 conversation with Luther were important?

2 A. No, ma'am.

3 Q. Saturday, did we discuss possibly
4 calling you as a witness?

5 A. Yes, ma'am.

6 Q. Did we discuss potential questions if
7 we were to call you to the witness stand?

8 A. Yes, ma'am.

9 Q. Did I email you those questions?

10 A. Yes, ma'am.

11 Q. Did I ask you to review those
12 questions?

13 A. Yes, ma'am.

14 Q. When I asked you to review those
15 questions, did I then ask you if you remembered
16 anything else from your conversation to let me
17 know?

18 A. Yes, ma'am, you did.

19 Q. Did you in fact let me know?

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

21 MS. GLOVER: No further questions, Your
22 Honor.

23 THE COURT: Ms. Zmroczek, anything on
24 recross?

25 MS. ZMROCZEK: Not for this witness,

ASHLEY FRAZIER - RECROSS EXAMINATION BY MR. LEIENDECKER

1 Your Honor. I would like a copy of the questions
2 that she emailed her though if I could get those.

3 MS. GLOVER: Your Honor, that's work
4 product. We're going to completely disagree with
5 that. She saw my entire questioning when we did
6 the *Denno* hearing.

7 THE COURT: I understand that. I'm not
8 going to give you her work product in dealing with
9 that. Okay. So you don't have any questions of
10 this witness?

11 MS. ZMROCZEK: I don't have anymore
12 questions, Your Honor. I do --

13 THE COURT: Mr. Leiendecker, do you
14 have any questions on recross?

15 MR. LEIENDECKER: Just a moment, Your
16 Honor.

17 THE COURT: Okay.

18 RECROSS EXAMINATION BY MR. LEIENDECKER:

19 Q. Did you just testify that you were with
20 Luther at the auditorium on Monday all day?

21 A. Yes, sir.

22 Q. Isn't it in fact -- it's true that in
23 your statement to either the Solicitor or someone
24 else that you told Luther that you didn't know
25 anything about the jury selection because you

ASHLEY FRAZIER - RECROSS EXAMINATION BY MR. LEIENDECKER

1 weren't there, you went shopping?

2 A. Yes, sir, I went -- I did go to the
3 store.

4 Q. So you weren't there with Luther the
5 whole time?

6 A. I guess that is true and accurate.

7 Q. Okay.

8 THE COURT: All right. Mr. Johnson,
9 any questions on recross?

10 MR. JOHNSON: No questions, Judge.

11 THE COURT: You may step down. Thank
12 you, ma'am. Anymore witnesses from the State?

13 MS. GLOVER: No, Your Honor.

14 THE COURT: Okay. And, Ms. Zmroczek,
15 you sounded like you wanted to call a witness?

16 MS. ZMROCZEK: Well, no, Your Honor. I
17 think -- well, so I guess we need to sort it out if
18 -- I guess I need to know if I need to call the
19 witness to be able to put that business record in
20 or if we're just going to be able to...

21 THE COURT: You mean the Edwards
22 letter?

23 MS. ZMROCZEK: The Edwards letter.

24 THE COURT: I mean --

25 MS. GLOVER: We're not arguing the

1 authenticity of the business record, Your Honor. I
2 think we'll be able to get everything we need from
3 Director Frazier without including it.

4 THE COURT: Okay. Well, I mean, y'all
5 will talk about the hearing during the trial?

6 MS. GLOVER: Yes, sir.

7 THE COURT: Okay. All right. But as
8 far as this right here, you don't have any problems
9 with me reading that letter, being aware of that
10 letter being a part of the record for this hearing;
11 correct?

12 MS. GLOVER: Yes, Your Honor; correct.

13 MS. ZMROCZEK: So I'll have her read it
14 instead of put it in. Either way that's fine.

15 MS. GLOVER: That's fine with us, Your
16 Honor.

17 THE COURT: Okay. All right. What
18 else we got to do?

19 MS. ZMROCZEK: Just some motions, Your
20 Honor.

21 THE COURT: Okay.

22 MS. ZMROCZEK: So, Your Honor, I have
23 several motions as to why to exclude the testimony
24 in full, but also I can break it down for you as
25 well. I'd like to start off with just excludeing

1 the testimony in full.

2 So the first reason, Your Honor, is I
3 would argue that this is a violation of Rule 5.
4 Obviously, Rule 5 was filed and been filed and
5 Deputy Frazier -- Director Frazier testified that
6 she, you know, came into this information on Monday
7 and Wednesday of last week and it was provided to
8 us late Friday night. And then, again -- no. No.
9 It was provided to us on Saturday afternoon and
10 then again on Sunday we got an additional
11 supplemental report.

12 And, Your Honor, regardless of whether
13 she knew that she had to tell somebody or turn that
14 information over, she is an officer of the court,
15 Your Honor. And under *Kyles v Whitley*, all of that
16 is imputed to her as well as the violation of the
17 Edwards letter. Obviously, this is why we in 2022,
18 you know, have some sort of recording requirement
19 because for two reasons -- well, several reasons.
20 The first being, she had to give two statements.
21 So she didn't even fully remember on the first
22 statement what she was told and then came back and
23 gave a second statement.

24 And, obviously, these statements -- the
25 way that she testifies is that he's sitting in the

1 car, he asked about the jury, and then just says, I
2 wanted drugs. So to taken out of context -- I
3 mean, just seems very odd and unusual that someone
4 would just be sitting in a car, belly chained, and
5 just say, I wanted drugs.

6 And then, again, we would argue that as
7 she testified, it's not even an admission. Because
8 he said if I was there and killed those kids, which
9 I wasn't and didn't, I would off myself. And
10 clearly he's sitting here today, so, you know, I
11 would take that to mean that, you know, he wasn't
12 there.

13 Additionally, Your Honor, I have great
14 concern that she is communicating with someone who
15 is on the sequestration witness list and has
16 knowledge about this case. She testified that she
17 didn't know anything, but she's out in the public
18 which again gives me great concern. I don't know
19 who's around there and who can hear them discussing
20 the facts of this case in public which, obviously,
21 hopefully in 15 years of training with the
22 sheriff's department would know that that -- Your
23 Honor, that these issues especially now in front of
24 a jury are, you know, are just like you warn the
25 jury, don't discuss the case, don't talk about it,

1 everybody is held to that standard.

2 But, Your Honor, in moving more
3 importantly to looking at the case law that we
4 would argue that these statements were obtained in
5 violation of the Fourth, Fifth, specifically the
6 Sixth and Fourteenth Amendments to the United
7 State's Constitution Article I, Section 10 and 14
8 of the State's comparable Constitutional issues.

9 Your Honor, the case law talks -- that
10 case law, obviously, it starts with *Miranda*; right,
11 which is a federal case. We all know that that
12 deals with custodial interrogations. Your Honor,
13 the Court's have obviously dealt with this issue, I
14 mean, *Miranda* was quite sometime ago, obviously in
15 '66, so there have been several updated and
16 developments since then. I think the one that's
17 most applicable to this issue, Your Honor, is the
18 -- sorry, I'm just trying to find it quick -- more
19 quickly. Is *Messiah* which is also a federal case.

20 *Messiah* contemplates exactly what we're
21 talking about here, Your Honor, which are -- as she
22 testified to and I would certainly agree that this
23 wasn't a custodial interrogation. Clearly he was
24 in custody. I mean, we heard about how he was
25 belly chained and handcuffed in the front. But

1 what the Court goes on to say in specifically in
2 South Carolina, *State v. Moses*, 390 S.C. 502, 513,
3 702 S.E. 2nd 395 at 401, it's a Court of Appeals
4 case from 2010.

5 What the courts -- what this court --
6 what this state court has recognized is that you
7 have to look at the totality of the circumstances,
8 the background, the experience, the conduct, the
9 age, the maturity, the physical condition and
10 mental health, length of custody and detention, and
11 so those are the two that I want to focus on, Your
12 Honor. Because she testified she was not aware --
13 well, she was aware that he was not receiving some
14 medications.

15 And for the purposes of just arguing it
16 here, Your Honor was well aware we had to send
17 orders to get him his medication. He was having a
18 hard time even sitting through jury selections at
19 that time. And, in fact, Deputy Frazier assisted
20 in going to get that medication and making sure
21 that he got it.

22 Your Honor, she testified that she
23 wasn't aware of any of his mental health issues or
24 concerns. As an officer of the court, I can tell
25 you that when it's our turn to put up our case, it

1 will come out and I'll continue to question these
2 officers. And I have provided some of the medical
3 evidence to support the fact that Mr. Smith was
4 being treated for not just high blood pressure, but
5 anxiety. And I just have been fighting with Holly
6 Hill Mental Health to get his records regarding his
7 bipolar diagnosis. I should have that this week,
8 Your Honor, and I will of course turn it over. And
9 he was taking medications for these things.

10 In addition, Your Honor, to that, he
11 has been incarcerated continuously since September
12 15th of 2016 which is a little over five years.
13 And, Your Honor, and so when he engages in a
14 conversation for an hour long conversation at least
15 driving down there and I think she truthfully
16 testified that it was a conversation, it wasn't
17 just him blurting out these things. As a normal
18 course of conversation there's people ask
19 questions, they answer, and that's what the Court's
20 concerned about, Your Honor. Especially in a case
21 like this where we have someone who is on trial for
22 four murders and an attempted murder, three of
23 those victims are minors and obviously facing the
24 remainder of his natural life.

25 And so the Court says that even though

1 it wasn't an interrogation with the Edwards letter
2 with the notice that should have been imputed to
3 her if someone of 15 years and the director of
4 transport saying do not have any conversations and
5 she even testified she knew he had an attorney.
6 Your Honor, that is something that I believe that
7 this Court specifically will -- it will frown upon.

8 There was never -- even though she said
9 don't talk to me which indicated she knew that they
10 weren't supposed to be having those conversations,
11 not once did she say, okay, if you're going to
12 continue to talk, then I'm going to Mirandize you.
13 So at least you know that I'm going to use whatever
14 you're saying to me against you somehow or I could.

15 And, Your Honor, she testified that she
16 has in her car, you know, a radio. She didn't have
17 any -- she didn't have any video -- sorry the door
18 was open, Judge, I was trying not to talk so loud.
19 She didn't have any recording equipment. But, Your
20 Honor, for these statements to be made on the eve
21 of trial and to be turned over to us after what I
22 would characterize as a struggling witness through
23 Mr. Nelson, no fault of his own, just not being
24 able to remember that all of a sudden we get this
25 new information. It gives me cause for concern,

1 Your Honor, that all of a sudden now it's coming
2 out as an admission.

3 The last case, Your Honor --

4 THE COURT: You said *Messiah* was 390,
5 502.

6 MS. ZMROCZEK: Right. *Messiah* is a
7 Supreme Court case as well as --

8 THE COURT: A Court of Appeals case;
9 right?

10 MS. ZMROCZEK: No. No. No. It's a
11 United States Supreme Court case. The other case
12 was a Court of Appeals case. The South Carolina
13 State case.

14 But, Your Honor, what we're talking
15 about here is what standards would suffice for
16 Miranda purposes especially even if she didn't know
17 about the Edwards letter, she clearly knew that he
18 had an attorney. And on Monday when he was
19 transported, we didn't get any calls, we didn't get
20 any concerns, and then on Wednesday when he says an
21 additional thing, we were still not advised that he
22 is speaking to her.

23 And, Your Honor, clearly she knows that
24 I'm his attorney because she's been assisting me in
25 getting his medication. Which would then, Your

1 Honor, I would argue that because she was being so
2 helpful to him that he -- in getting his medication
3 which was clearly physically affecting him at least
4 on Monday that that would give -- make him feel
5 more comfortable, Your Honor. And so he's engaging
6 in conversation that he clearly doesn't realize is
7 going to be used against him.

8 And it's the conversation, it's not
9 necessarily that she was interrogating him, but the
10 fact that she knew he had a lawyer, she knew this
11 case was on trial, and she's even asking questions
12 about the tattoos and stuff. For that specific
13 reason, I would ask that any testimony about
14 tattoos be stricken. You know, stricken. That's
15 not even a word. Sorry.

16 THE COURT: I don't know the relevance
17 of the tattoo.

18 MS. ZMROCZEK: I'm sorry.

19 THE COURT: I don't -- I mean, from my
20 own personal, you know, unless there's some --
21 something comes up during the trial, I don't know
22 about the reference to the 13 and a half tattoo.

23 MS. ZMROCZEK: I mean, yeah, obviously,
24 if the Court's not inclined to suppress all of
25 that, I certainly would ask that that be

1 suppressed.

2 And the last case, Your Honor, is *Maine*
3 *v. Moulton*, M-O-U-L-T-O-N. It's a 474 U.S. 159,
4 176 is the site at 1985 Supreme Court case. It
5 says the Sixth Amendment is not violated by luck or
6 happenstance. State obtains incriminating
7 statements from the accused after the right of
8 counsel has attached then the Sixth Amendment is
9 violated.

10 Your Honor, that would be our position
11 here. Not -- even if she didn't know about the
12 Edwards letter, she testified that she knew that he
13 had an attorney and that she was not supposed to be
14 engaging in these sort of conversations.

15 For those reasons, we would ask that
16 the entire testimony be suppressed. But, again,
17 without conceding anything, specifically the
18 tattoos.

19 THE COURT: Yes, ma'am. Okay. Thank
20 you. Mr. Leiendecker, you look like you wanted to
21 speak on the record.

22 MR. LEIENDECKER: Yes, Your Honor. I
23 join in support of the motion to suppress the
24 statement and all of the citations contained
25 therein. I would specifically in reference to

1 Mr. Bailey ask the Court even if you're not
2 inclined to suppress this statement fully, that I
3 think it is prejudicial and inappropriate for any
4 comments regarding discussion of the testimony of
5 D.N. or the officer's suggestion that she
6 found his testimony compelling or anything else.
7 That that would obviously be inadmissible and be
8 bolstering of that testimony.

9 And I also believe that would be
10 inappropriate in front of the jury if you're not
11 going to suppress the entire statement to have any
12 discussion of conversations regarding the jury or
13 jury selection or the potential fairness or
14 unfairness of the jury that we've seated today.

15 THE COURT: Okay. Well, anyway --
16 Mr. Johnson?

17 MR. JOHNSON: Your Honor, I'll just
18 join in the motion and those arguments, Your Honor.

19 THE COURT: Okay. Thank you. And
20 anything in response, Ms. Glover?

21 MS. GLOVER: Just very briefly, Your
22 Honor. If I could discuss the first couple of
23 questions about the jury. We're just showing the
24 relevance. She was over at Stevenson's Auditorium
25 with him for the entirety of the day. Even though

1 she didn't see the jury actually be chosen, she was
2 there to know that the jury selection was taking
3 place.

4 And there was one more thing before I
5 wanted to tackle before I sat down. A lot of
6 mention was made about Miranda. Your Honor, this
7 was not an interrogation. Director Frazier made it
8 very clear that there were no threats, no coercion,
9 no promises made, and she asked him numerous times
10 to stop talking about the case and he voluntarily
11 gave that information over and over and over again.
12 That's all from the State.

13 THE COURT: Thank you. All right. Are
14 y'all planning on calling her this afternoon?

15 MS. GLOVER: Tomorrow morning, Your
16 Honor.

17 THE COURT: So I'll have time to read
18 those cases. Okay. Look them over. But before --
19 even before that, I don't think we ought to get
20 into anything about D.N. -- certainly not
21 D.N.'s testimony and about -- I don't know --
22 the way she answered the question was just to me
23 how she was explaining how you got to the
24 conversation. But there shouldn't be any
25 discussion about whether the jury is a good jury or

1 bad jury or anything like that. Okay.

2 The -- and I know y'all didn't mention
3 it, but I don't know where reading any comment
4 about he's been reading Revelations has any
5 relevance to anything in this case at all that I
6 understand, unless you --

7 MS. GLOVER: It just goes back to Ms.
8 Zmroczek's opening and how she harped on some of
9 those bible verses. He talked about bible verses
10 and he talked about reading the book of Revelations
11 that he went into forgiveness and second chances.

12 THE COURT: No, I mean, I understand
13 the -- that, but what does that have to do with the
14 case?

15 MS. GLOVER: It just shows that he was
16 understanding what was going on in the courtroom,
17 he was attentive and that was conversation started
18 for them to -- for him to continue making voluntary
19 statements that he made. But if Your Honor is
20 inclined to ask us to leave it out, I will.

21 THE COURT: I mean, to me the only --

22 MR. OSBORNE: Just feels like an
23 innocent man doesn't need to be forgiven. And
24 that's really what it comes down to. He needs
25 forgiveness because he knows that he's guilty.

1 That's the point to us.

2 MS. ZMROCZEK: But that's not --

3 THE COURT: That might be what he
4 believes and like that, but it's up to what y'all
5 convince the jury where he's guilty or not.

6 MR. OSBORNE: Right. And that's why
7 we're couching it like an admission.

8 THE COURT: No, I understand y'all are
9 couching. But I don't know, I think she warned him
10 enough. He should have stopped talking. It seems
11 voluntary to me. The conversation on Monday, you
12 know. He says, I just wanted the drugs. Drugs
13 make him do bad things. I didn't kill those kids.
14 I would off myself. Those things all arose during
15 the trial, all seem to be voluntary particularly
16 you don't need to, you know, you don't need to talk
17 to me about nothing. Okay. Does he need to be
18 here for me to keep talking, your investigator?

19 MR. LEIENDECKER: No. I don't know
20 what -- I fed him the same thing I fed Ash. I hope
21 Ash is going to be with us the rest of the day.

22 (Laughter)

23 THE COURT: I do want to read the
24 cases. And since it gives me a little time to do
25 that, but just from testimony, Ms. Frazier

1 certainly not interrogating him. And she was just
2 -- I mean, she is in a car with him for an hour
3 driving some place. Most of the time, they're
4 going to have some kind of conversation. The fact
5 that she didn't initiate or tell me what you did or
6 why you did it or anything like that, this is just
7 she has the duty of driving him and it's an hour
8 both ways and to me they were trying to have just
9 pleasant conversation. And when something -- when
10 he starts telling her things like that, she even
11 told him don't say anything. And then he didn't
12 stop. I'm sorry, Mr. Leiendecker?

13 MR. LEIENDECKER: Your Honor, my only
14 reply to the State's suggestion that Monday's
15 conversations are introduced by saying jury, jury,
16 jury is that they're also easily introduced by
17 after court on Monday he told me these
18 conversations. I think it's prejudicial to suggest
19 to the jury they were talking at all about the jury
20 selection.

21 THE COURT: Well, I mean, that's fine.
22 I mean, I don't have any problems with starting it
23 off and not even saying the word jury and just
24 saying on the drive back -- on the drive back did
25 you talk about it. Okay.

1 MS. GLOVER: Yes, Your Honor.

2 THE COURT: I mean, that to me would be
3 just as easy and less -- one less thing so you
4 won't have to try it again.

5 MS. GLOVER: Yes, sir.

6 MR. OSBORNE: I'm sorry. So on the
7 drive back there was discussions about what
8 happened during the jury process?

9 MS. ZMROCZEK: No, after court on
10 Monday.

11 THE COURT: In other words, after court
12 on Monday she can just ask questions, did you have
13 any conversation and don't get into the fact that
14 they had been talking about the jury and maybe --
15 if he said it was a good jury or something like
16 that, I don't want to -- there's no reason to get
17 into whether he's -- he should be concerned about
18 that, but there's no reason to testify about that.
19 I mean, the only thing we need to testify is his
20 basic statements, you know, made concerning the
21 event. Okay.

22 MS. ZMROCZEK: And, Your Honor, I
23 believe there is one more -- I know there's one
24 more state case. I -- because I was trying to read
25 so fast, I couldn't find it. I will make sure to

1 email it to everybody. Yeah, so.

2 THE COURT: Yeah.

3 MR. OSBORNE: And, Judge, we'll advise
4 that obviously of Ms. Frazier. I guess when we
5 were talking, Ms. Glover and I, what we thought was
6 going to be odd and what they would argue is that
7 he just comes right out and says, I only went for
8 the drugs or whatever that comment was. And Ms.
9 Zmroczek even said --

10 MS. ZMROCZEK: I'm sorry. Say what?

11 MR. OSBORNE: Ms. Zmroczek even said
12 that that was odd that it started out with we only
13 went for drugs. That's not what happened. See, he
14 was talking before that. So we just didn't want --
15 that's the only reason --

16 MS. ZMROCZEK: But after court on
17 Monday is fine. I mean, I think that that --

18 MR. OSBORNE: Okay.

19 MS. ZMROCZEK: As long as -- yeah. You
20 know, just with the nature of the charges and
21 everything for the jury to sit there and think that
22 we're -- which we are all talking about them, but I
23 don't think that that should factor into their --

24 THE COURT: No. As long as long as it
25 -- as long as it doesn't make it seem like she's

1 suddenly asking him, you know.

2 MS. ZMROCZEK: Right. Right. Right.
3 Right.

4 THE COURT: That he just can't -- what
5 I want is it came up in conversation somehow, you
6 know.

7 MS. ZMROCZEK: And it came up in
8 conversation I think is -- yeah. And, honestly, I
9 hadn't had a chance to speak to her about it, so
10 obviously this is not how I'm going to, you know,
11 go about it in front of the jury. So I was just
12 trying to feel out the situation. So I think there
13 are better ways for me especially to couch it so
14 that I don't --

15 THE COURT: And y'all are more than
16 welcome to talk and come back to me and say, we
17 think this would be better, Your Honor. And I will
18 go, oh, okay. Well, I will go along. Okay. Okay.

19 MS. GLOVER: Thank you, Judge.

20 THE COURT: All right. I know we've
21 got to get people in here, so we're going to take a
22 short break and then we will get started. And who
23 are you calling?

24 MR. OSBORNE: We're going with Melinda
25 Worley, footprint.

1 THE COURT: Okay. Thank y'all. Ten
2 minutes.

3 (WHEREUPON, there was a short break)

4 THE COURT: Bring the jury in, please.

5 (WHEREUPON, the jury entered the
6 courtroom at 3:05 p.m.)

7 THE COURT: All right. Ladies and
8 gentlemen, I hope y'all enjoyed lunch. Let me
9 apologize. I thought -- we came back early to try
10 and take care of some things and it took me longer
11 to get through with them than I had anticipated.
12 So we're now going to continue with the State's
13 case. And, Mr. Osborne, are you ready to call your
14 next witness?

15 MR. OSBORNE: Yes, Your Honor.

16 THE COURT: Okay.

17 MR. OSBORNE: State calls Melinda
18 Worley.

19 MELINDA WORLEY,
20 being first duly sworn, was examined and testified
21 as follows:

22 THE CLERK: Thank you. You may be
23 seated. Please state your first and last name for
24 the record.

25 MS. WORLEY: Melinda Worley.

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: She is your witness.

2 DIRECT EXAMINATION BY MR. OSBORNE:

3 Q. Good afternoon, Ms. Worley. Where do
4 you currently work?

5 A. The South Carolina Law Enforcement
6 Division.

7 Q. And what is your position there?

8 A. I'm in the Crime Scene Unit.

9 Q. All right. And how long have you been
10 with SLED?

11 A. Just over ten years.

12 Q. And what do you do there?

13 A. In addition to processing crime scenes,
14 I also do footwear comparisons -- footwear and tire
15 comparisons.

16 Q. Okay. All right. So what does the
17 field -- and that's why we asked you to come here
18 today, footwear?

19 A. Correct.

20 Q. And what is the field of footwear
21 examination consists of or can you just kind of
22 give a rundown on what that is?

23 A. Sure. Basically at a crime scene
24 sometimes footwear evidence is found impressions in
25 dirt or blood. They're documented at the scene

1 with photographs, sometimes collected with dental
2 stone like mold made out of an impression or lifted
3 with sticky substance. It's called a gel lift.
4 It's basically just sticky and lifts it off the
5 surface. We document collected on scene and then
6 -- and take photographs of it.

7 And in the lab I have all the
8 photographs printed to scale so it's a one-to-one
9 is the same as the original size of the impression
10 of the shoe that made it. And then I compare the
11 photographs that I have to shoes that are submitted
12 to us that are obtained from suspects or I'm not
13 sure at or where they come from, but they're
14 submitted to me to compare to the unknown
15 impressions.

16 Q. Okay. When you are given the cast or
17 the lifts or whatever the impressions are, the
18 footwear and then you actually have the shoes, how
19 do you go about comparing the two?

20 A. I create test impressions of the known
21 shoes. I have the physical shoe and I apply ink to
22 the bottom of them and have somebody wear the shoe
23 that's of similar size to that shoe wears that
24 normally -- normally wears that size. And then
25 I'll have them step on like a white card stock

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 paper creates a test impression. I reprint that
2 off on to a transparency to make it so I can make
3 it red so I have a better contrast when I overlay
4 that on top of photographs of the unknown
5 impressions.

6 Q. Okay. How does time affect the tread
7 patterns on the bottom of shoes and I guess then
8 affect your ability to compare them to impressions?

9 A. The longer the shoes are worn the more
10 they're going to be subjected to wear. They're
11 going to get rode more depending on how the person
12 walks in them will determine where the wear is on
13 the bottom of the shoe. It could be more on the
14 heal, more on the side of the shoe, on the edge of
15 the foot kind of thing. But the longer they're
16 worn after the fact after those impressions are
17 made they're going to change.

18 Q. Okay. And when you are comparing shoe
19 impressions to specific shoes submitted for
20 comparisons, I know you're looking at the tread and
21 whatnot, but are you also looking at shoe sizes?

22 A. Not necessarily the tag size on shoe,
23 but the physical size is what I'm looking at more
24 to see if it's able to make the impression. If
25 it's too small or too big it's usually pretty

1 obvious.

2 Q. Okay. All right. What training have
3 you received in the field of footwear examinations?

4 A. We have an internal program at SLED for
5 training, covers all the main topics of the
6 footwear discipline. And then the external
7 training classes, I went to a 40 hour class. There
8 were three classes, 40 hour classes for footwear.

9 Q. Okay. Are you a member of any
10 professional organizations?

11 A. The International Association For
12 Identification.

13 Q. All right. Have you been qualified as
14 an expert in the field of footwear examination and
15 comparison before?

16 A. I have.

17 Q. How many times?

18 A. For footwear, four times.

19 Q. Okay. And how many cases have you
20 testified?

21 A. Somewhere around 50 -- and testified?

22 Q. Yes.

23 A. Five.

24 Q. Okay. I'm sorry, how many cases have
25 you worked in footwear? That was the question.

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Cases around 50 cases.

2 Q. Okay. You ever failed to qualify as an
3 expert in the field of footwear?

4 A. Not necessarily failed, just one time I
5 wasn't qualified.

6 Q. Okay.

7 MR. OSBORNE: Your Honor, at this time,
8 the State seeks to admit Ms. Worley as an expert in
9 the footwear examinations.

10 MS. ZMROCZEK: No objection.

11 THE COURT: I'm sorry. What?

12 MS. ZMROCZEK: I'm sorry. No
13 objection, Your Honor.

14 THE COURT: Okay. Oh, no objection.
15 Okay.

16 MR. CHISHOLM: No objection.

17 MR. JOHNSON: No objection.

18 THE COURT: All right. Ladies and
19 gentlemen, Ms. Worley has been qualified in the
20 area of footwear examination. As such, she is
21 entitled to give an opinion in that area. That
22 does not mean that you must accept her opinion.
23 You should consider any expert's opinion like any
24 other evidence and give it the weight you believe
25 it deserves. Mr. Osborne?

1 MR. OSBORNE: Thank you, Judge.

2 Q. Are there certain areas or certain, I
3 guess, substances that leave better footwear
4 impressions than others?

5 A. It really depends on the environment.
6 Sometimes dirt impressions are good. It depends
7 sometimes on how packed the soil is. Sometimes
8 they're loose and it will be a very faint
9 impression. Sometimes it's blood. It makes a
10 better impression once you step out of the blood
11 into -- on to a bare floor kind of thing. It just
12 depends on the environment and how well it was
13 applied to the surface in the first place.

14 Q. Okay. So I guess by that rational,
15 like sand might be kind of tricky?

16 A. It could, yeah.

17 Q. All right. Throughout your experience,
18 what percentage of impressions come back I guess
19 matching submitted shoes for comparison?

20 A. I don't identify necessarily very many.
21 It's probably than ten percent that I've actually
22 identified.

23 Q. Okay. All right. I'm now showing you
24 State's 399, 400, 401, and 402. Would you take a
25 look at that and tell me if -- I'm starting with

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 399 -- yeah, 399.

2 A. Do you want me to open it?

3 Q. If you need to.

4 A. I recognize the box.

5 Q. Okay. Do you recognize your initials
6 on it?

7 A. Yes.

8 Q. Okay. Was this a pair of shoes that
9 was submitted to you?

10 A. Yes.

11 Q. All right. And then I'm showing you
12 400. Take a look at those. Same thing?

13 A. Yes.

14 Q. And 401? For some reason it's a super
15 big box. 402? And 401, again, was shoes submitted
16 to you?

17 A. Yes, that's right.

18 Q. And 402, again, more shoes?

19 A. Right.

20 Q. All right. So we have one, two, three,
21 four sets of shoes submitted to you?

22 A. Yes.

23 Q. All right.

24 MR. OSBORNE: Your Honor, at this time,
25 State seeks to admit 399, 400, 401, and 402.

1 THE COURT: Any objection?

2 MS. ZMROCZEK: Without objection.

3 MR. CHISHOLM: No objection.

4 MR. JOHNSON: No objection.

5 THE COURT: State's 399, 400, 401, and

6 402 are all in evidence without objection.

7 (WHEREUPON, State's Exhibit Numbers 399
8 through 402 were entered)

9 Q. Okay. And were you then provided some
10 lifts to compare?

11 A. Yes.

12 Q. All right. Pretty sure these are
13 already in. I'm showing you 396, -97, and -98. Do
14 you recognize those?

15 A. The gel lift.

16 Q. Okay.

17 A. Dental stone cast. And another dental
18 stone cast.

19 Q. Okay. So 396, 397, and 398 are all
20 casts that were submitted to you to compare?

21 A. The first one was a gel lift.

22 Q. Gel lift. I'm sorry. I'm pretty sure
23 these are already admitted. If they're not --

24 THE COURT: They are.

25 MR. OSBORNE: Okay.

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. And, lastly -- the last I'm showing you
2 403. Can you take a look at that and tell me if
3 you recognize that?

4 A. Yes. It's a disc of photographs.

5 Q. Okay. So those are photographs of
6 footwear impressions from this case?

7 A. That's right.

8 Q. And you compared these to the shoes
9 that were submitted?

10 A. That's right.

11 Q. All right.

12 MR. OSBORNE: Your Honor, at this time,
13 State seeks to admit 403 into evidence.

14 THE COURT: Any objection?

15 MS. ZMROCZEK: No objection, Your
16 Honor.

17 MR. CHISHOLM: No, Your Honor.

18 MR. JOHNSON: No objection.

19 THE COURT: State's 403 is in evidence
20 without objection.

21 (WHEREUPON, State's Exhibit Number 403
22 was entered)

23 Q. Okay. Do you have your report with
24 you?

25 A. I do.

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Let's start by talking about
2 your results from 169 -- SLED 169. Did you compare
3 that to the shoes in this case?

4 A. I did.

5 Q. All right. And what were your results?

6 A. They were -- all of them were not made
7 by any of the shoes I had.

8 Q. They came back as not being made by --

9 A. Right.

10 Q. And this is an impression that was
11 taken from the top shelf, I believe is how it's
12 labeled?

13 A. Yes.

14 Q. Okay. And now we're talking about your
15 193 which is Orangeburg County Sheriff's Office
16 placard number 8. Did you compare those to the
17 shoes and then tell me what were your results?

18 A. I did. Number 8 was a dental stone
19 cast. I based my conclusion off of the photographs
20 of that impression before the cast was made of it.
21 And the same thing with that one was -- it wasn't
22 made by any of those -- the four shoes that were
23 submitted.

24 Q. Okay. And I should have asked with the
25 first one. Were you able to determine size of

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 shoes for either one of these?

2 A. No. The impressions were to partial.

3 I mean, I don't necessarily determine tag size for
4 the shoe anyway.

5 Q. Okay. And next, your 194. What were
6 your results when comparing those two shoes?

7 A. 190 --

8 Q. And this is -- I'm sorry. Go ahead.

9 A. 194 was the other dental stone cast
10 that was made. I based my conclusion for that one
11 off of the actual cast because it was better
12 quality than the photographs. And for that one I
13 determined it was consistent with class
14 characteristics for the item 199 shoes.

15 Q. Okay. And we're going to -- we'll get
16 to where 199 came from later. But 8 and 9, placard
17 8 and 9 that would be 193 for 8 and 194 for
18 Orangeburg County Sheriff's Office placard number
19 9, we've already heard testimony, those were taken
20 outside near the location in which Jerome Butler
21 was located.

22 All right. Next, your 198, the DVD.
23 Did you look at all the other photographs from
24 footwear impressions that were taken in this case?

25 A. I did.

MELINDA WORLEY - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. And did you compare those to the shoes?

2 A. I did.

3 Q. And what were your results?

4 A. The same for all the photographs on
5 that disc for those item numbers that I have for
6 unknown impressions were not made by any of the
7 shoes that I had to compare to.

8 Q. Okay. So out of all the impressions,
9 footwear impressions, the only one that came back
10 with similar class characteristics was a -- your
11 194, sheriff's office placard number 9 taken
12 outside by Jerome Butler and that came back similar
13 to 199?

14 A. Correct.

15 Q. Which is a pair of Nike Air Force 1's?

16 A. That's right.

17 Q. Okay.

18 MR. OSBORNE: No further questions.

19 THE COURT: Ms. Zmroczek, I was just
20 trying to find out who wanted to go first.

21 MS. ZMROCZEK: We're going to try to
22 keep it regular if we can. Thank you, Your Honor.
23 May it please the Court.

24 THE COURT: Yes, ma'am. Thank you.

25 CROSS EXAMINATION BY MS. ZMROCZEK:

MELINDA WORLEY - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Good afternoon, Ms. Worley. How long
2 have you worked for SLED?

3 A. A little over ten years.

4 Q. And so y'all -- y'all have a big lab on
5 Broad River Road in Columbia; right?

6 A. That's right.

7 Q. And so agencies that don't necessarily
8 have their own labs can send you all the evidence
9 and you can -- and then you can assist them by
10 doing these comparisons; right?

11 A. That's right.

12 Q. Now, some of the photographs you looked
13 at we have in evidence some casts and a gel.
14 What's the deference between the two of those?

15 A. A cast is made from dental stone when
16 the dentist is making dentures as far as they pour
17 a mold from the teeth. It's basically the same
18 thing. It's a -- for a three dimensional
19 impression say in mud or dirt, we mix it. It's
20 sort of a liquid. You can make it thicker/thinner,
21 depending on environment. But you pour it into the
22 cast and let it dry and when it sets it stays like
23 it is.

24 A gel lift is a rectangular piece of
25 material. It's sticky on one side. You just

1 overlay it like if there was an impression on a
2 flat surface like this, you just lay it on top of
3 that and smooth it out and then lift it up and it
4 will lift that impression if was made in dirt or
5 sand or whatever, it will lift that impression off
6 the surface.

7 Q. So if there is a footprint or shoe
8 print as it were, sorry, on a door, you can't
9 really do a gel or a cast of that; right?

10 A. Maybe a gel lift, but it just depends.

11 Q. Okay. But you can still do visual
12 comparisons; right?

13 A. Right.

14 Q. And so people -- agencies send you this
15 information to help try to either corroborate
16 evidence or exclude evidence; right?

17 A. Sure.

18 Q. Do you have any timelines for when you
19 need to get that done?

20 A. Not really.

21 Q. Okay. And when did you receive the --
22 when did you complete your comparisons in this
23 case?

24 A. I started in October of '21 and I
25 finished in November of 2021.

MELINDA WORLEY - CROSS EXAMINATION BY MR. CHISHOLM

1 Q. Okay. So just a few months ago?

2 A. Right.

3 Q. Now, do you have a delay when you start
4 working on them or when you get everything that you
5 need do you start working on them?

6 A. Well, I'm basically the only person in
7 crime scene that does footwear examinations right
8 now and crime scene is my main job. So I do --
9 when I start on a case, I typically try to start it
10 and finish it as soon as I can. Which the evidence
11 might have been out of our lab for years for all I
12 know before I've actually started working on it.

13 Q. And I guess just one last question. I
14 believe you testified to this, but none of the
15 impressions matched the shoes belonging to Luther
16 Joseph Smith; correct?

17 A. None of them were identified to the
18 shoes.

19 Q. Thank you.

20 THE COURT: Mr. Chisholm, any questions
21 of this witness?

22 MR. CHISHOLM: Yes, thank you, Your
23 Honor. Please the Court.

24 CROSS EXAMINATION BY MR. CHISHOLM:

25 Q. Good afternoon. Is it Agent Worley?

1 A. Yes.

2 Q. I just have a few questions for you. I
3 looked through your report, it looks like you have
4 different levels of confidence, I guess, based on
5 the corresponding characteristics between a print
6 that you have verses a shoe that's submitted; is
7 that right?

8 A. Yes.

9 Q. It looks like you kind of start I guess
10 at the bottom with trying to figure out if they're
11 the same class which is the shoe brand?

12 A. It's class characteristics are
13 basically a pair of shoes they're all made the
14 same, the same model, same style, they're all going
15 to be the same. The same outsole design on the
16 bottom of the shoe. So I start with the class
17 characteristics to see if the outsole design
18 pattern on the bottom of the shoe doesn't look
19 anything like the unknown impression that I'm
20 looking at, then I can eliminate it immediately.
21 If it is similar or the same, I'll continue my
22 comparison further and look deeper at it.

23 Q. But if you got decent quality sample, I
24 guess you could say, and you can say this looks
25 like a pair of Jordan's. And then one that's

1 submitted against it is a pair of like Converse All
2 Stars you can go ahead and stop your analysis there
3 and say this ain't the shoe that made that print?

4 A. That's right.

5 Q. Okay. And then from there it looks
6 like you get into wear patterns. Does that come
7 from -- I'm probably using the wrong terms, but
8 supination/pronation like the way people's feet
9 when they take a step --

10 A. Right.

11 Q. Is that how the wear patterns come
12 about?

13 A. More or less, yes.

14 Q. So some people wear on the inside of
15 the shoe, some people wear on the outside, that
16 kind of thing?

17 A. That's right.

18 Q. So if you've got something that looks
19 like it's the same class you'd want to look and see
20 if the wear patterns are the same?

21 A. That's right.

22 Q. Okay. And if they match, you can keep
23 going, and if they don't, you might be able to say,
24 I've seen enough of this?

25 A. Right.

1 Q. And then you keep on going and you've
2 got the random characteristics of the known
3 standard. Would that be like tears or holes in the
4 shoes, something like that?

5 A. Right. As the shoe's worn, it's going
6 to acquire tears or holes or cuts in it for -- just
7 from walking around in them and those are random
8 characteristics that you won't find in another pair
9 of shoes of the same class characteristics
10 basically.

11 Q. So it's kind of like a -- almost a
12 fingerprint of the shoe, a unique characteristic
13 that you wouldn't find elsewhere?

14 A. More or less.

15 Q. So you want to try to stack these
16 things up, same class, same wear pattern, same
17 unique features and if you can get all that put
18 together you can end up with a pretty good say some
19 degree of confidence this is a good match; right?

20 A. That's right.

21 Q. Now I might be oversimplifying this so
22 bear with me. If you have a gel lift or a dental
23 cast submitted to you and let's say for my example
24 Shaquille O'Neal left a print and it's gigantic,
25 whatever size he wears 18 or whatever, and then

MELINDA WORLEY - CROSS EXAMINATION BY MR. CHISHOLM

1 they submit to you a sample of a shoe that's a size
2 4 child shoe. Do you go through all this or can
3 you look at and say, well, obviously this shoe
4 didn't make that print?

5 A. As long as the impression made by the
6 original shoe is documented properly and it's to
7 scale it's the actual size that I'm looking at,
8 then I can eliminate the little shoe immediately.

9 Q. Okay. And that goes to my next
10 question. When they submit particularly the
11 photographs as well as the dental cast, I guess,
12 the photographs hopefully usually they have a scale
13 which is a ruler of sorts in the picture; is that
14 right?

15 A. That's right.

16 Q. And you look at that and that's how you
17 can try to determine the size of the print; is that
18 right?

19 A. Well, that's how when the photographs
20 are printed the person in the photography studio
21 who prints the photos is able to print them to
22 scale so that it's a one-to-one comparison.

23 Q. Okay. So you got all these different
24 ways to exclude, wear patterns, and class, and all
25 that stuff, but also size would be one?

1 A. Yes.

2 Q. When it comes to Robert Bailly's shoe
3 that was submitted, this would be, I guess, 196, I
4 think in your report. Obviously, you said that
5 this shoe didn't make any of these prints. But are
6 you able to exclude this shoe based on the size
7 compared to the prints that were submitted?

8 A. I was able to exclude those shoes on
9 the design pattern more than -- I mean, I didn't
10 look necessarily at the -- compared the size of
11 those shoes specifically to the impressions because
12 I could tell the pattern wasn't the same at all.

13 Q. So you don't start with the size, that
14 would come later?

15 A. I mean, it sort of kind of goes
16 together. Size and shape and outsole design are
17 the class characteristics. But basically to the
18 eye, the pattern is going to be the more obvious
19 one right away. If it's different, it's different.
20 If there's nothing in that shoe that is in that
21 impression in any kind of shape at all, then I'm
22 not going to look at it anymore beyond that.

23 Q. Are you able to tell -- I don't know if
24 you have notes that you were able to identify the
25 size or the length of any of these impressions?

MELINDA WORLEY - CROSS EXAMINATION BY MR. JOHNSON

1 A. I don't think any of them that I
2 remember were full impression of the actual full
3 shoe. There might have been one. Most of them
4 were partial.

5 Q. Thank you.

6 THE COURT: Mr. Johnson?

7 CROSS EXAMINATION BY MR. JOHNSON:

8 Q. Were you given shoes from Lewis Todd
9 Dukes to compare all these gel lifts?

10 A. The name is not familiar, but I did
11 have one pair of shoes that didn't have a name
12 associated with it on -- for my purposes. I don't
13 know who they came from.

14 Q. Nothing labeled Lewis Todd Dukes?

15 A. No.

16 Q. Okay. How about Wayne Stafford Smalls,
17 a/k/a, Killa? Did you get his shoes?

18 A. I don't think so.

19 Q. Didn't get Killa's shoes. How about
20 Michael Smith?

21 A. I have a Luther Smith.

22 Q. Michael Smith. No, Michael Smith? How
23 about Byron Canty?

24 A. No.

25 Q. Ryan Fuller?

- 1 A. No.
- 2 Q. Steven Singletary?
- 3 A. No.
- 4 Q. Brian McMillian?
- 5 A. No.
- 6 Q. Kei'Shawn Franklin?
- 7 A. No.
- 8 Q. Dominique Washington?
- 9 A. No.
- 10 Q. William Cokley?
- 11 A. No.
- 12 Q. Shyheim Lippman?
- 13 A. No.
- 14 Q. Ramseses Hughes?
- 15 A. No.
- 16 Q. Michael Young?
- 17 A. No.
- 18 Q. Lionell McFadden?
- 19 A. No.
- 20 Q. Her'Von Grayson?
- 21 A. No.
- 22 Q. Lorenzo Markie Ragin or Ragu?
- 23 A. No.
- 24 Q. Terrell Lawson?
- 25 A. No.

MELINDA WORLEY - CROSS EXAMINATION BY MR. JOHNSON

1 Q. Lamont Darby?

2 A. No.

3 Q. Ron Davis?

4 A. No.

5 Q. Damien Elmore?

6 A. No.

7 Q. Carlton Blanding?

8 A. No.

9 Q. But you did not match any of the gel
10 lifts or anything to the shoes belonging to Antly
11 Scott? They did not match?

12 A. Right.

13 MR. JOHNSON: No more questions, Your
14 Honor.

15 THE COURT: Thank you. Anything on
16 redirect?

17 MR. OSBORNE: None, Your Honor.

18 THE COURT: All right. Thank you, Ms.
19 Worley. You may step down. May she be excused?

20 MR. OSBORNE: Yes, Your Honor.

21 THE COURT: Mr. Osborne, is the State
22 prepared to call its next witness?

23 MR. OSBORNE: We are, Your Honor. The
24 State calls Paul McManigal.

25 PAUL MCMANIGAL,

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 being first duly sworn, was examined and testified
2 as follows:

3 THE CLERK: Thank you. You may be
4 seated. Please state your first and last name for
5 the record.

6 MS. MCMANIGAL: Paul McManigal,
7 M-C-M-A-N-I-G-A-L.

8 MR. OSBORNE: And, Mr. McManigal, if
9 you feel comfortable, you can remove your mask
10 while you're testifying.

11 THE COURT: And, Mr. McManigal, please
12 speak loudly into the microphone, if you don't
13 mind.

14 MR. McManigal: Yes, sir.

15 THE COURT: I'm behind glass and can
16 hardly hear, so I would appreciate it. And the
17 court reporter is also, so it would help. Okay.

18 MR. MCMANIGAL: Yes, Your Honor.

19 THE COURT: All right. Appreciate it.
20 Mr. Osborne?

21 MR. OSBORNE: Thank you, Judge.

22 DIRECT EXAMINATION BY MR. OSBORNE:

23 Q. All right. Mr. McManigal, where are
24 you employed?

25 A. I'm employed with the Charleston County

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 Sheriff's Office.

2 Q. All right. And how long have you
3 worked for the sheriff's office, Charleston?

4 A. Thirty-three years.

5 Q. All right. Tell us about your current
6 position and -- well, I guess tell us about your
7 current position and some other positions that
8 you've held while you've worked there.

9 A. I started with the sheriff's office in
10 1988. I worked in the patrol division for about
11 nine years. And then I switched to crime scene
12 investigation unit where I worked for another nine
13 years before taking over as supervisor of that
14 unit. In 2010, I took on a collateral duty to
15 work with the United State's Secret Service on
16 their electronic crimes task force. The electronic
17 crimes task force, the secret service trains the
18 officers in computer forensics at the National
19 Computer Forensics Institute in Hoover, Alabama.
20 The secret service provides all the training and
21 the equipment, the agency that they train just has
22 an agreement that they will do computer forensics
23 for any agency that requests it.

24 I currently routinely do examinations
25 for about 25 different agencies in the low country.

1 As such, I've been deputized as a Deputy US Marshal
2 to give us jurisdiction to work in other areas.

3 Q. Okay. So in reference to digital
4 evidence, can you just tell us some of your
5 training in that field?

6 A. Yes, sir. So most of my training has
7 been done at the secret service institute in
8 Hoover, Alabama. I've been trained in basic
9 computer evidence recovery, advanced computer
10 forensics, oxygen forensics suite which is a
11 forensic tool. Black light examiner which is also
12 another evidence tool. They qualified as an
13 advance mobile device examiner.

14 I've been through Cellebrite's physical
15 and logical examination training. XRY
16 certification. Macintosh triage and imaging.
17 Apple I device forensics. Cellebrite's Advanced
18 JTAG Extraction. I've been trained at the
19 Institute for Network Intrusion Response. Vehicle
20 forensics and also digital video by recorders.

21 Q. Okay. All right. Mr. --

22 MR. OSBORNE: Your Honor, at this time,
23 the State offers Mr. McManigal as an expert in the
24 field of digital forensic evidence.

25 THE COURT: Any objection?

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: No objection.

2 MR. LEIENDECKER: No objection.

3 MR. JOHNSON: No objection.

4 THE COURT: All right. Ladies and
5 gentlemen, Mr. McManigal is qualified as an expert
6 in digital forensic evaluation. As such, he may
7 give opinion in that area. Again, as I remind you,
8 that does not mean you must accept his opinion.
9 You should consider any expert's opinion like any
10 other evidence and give it the weight you deserve.
11 Okay. Thank you.

12 MR. OSBORNE: Thank you, Judge.

13 Q. One question I did want to ask though.
14 Have you ever failed to qualify as an expert in the
15 field of digital evidence?

16 A. No, sir.

17 Q. Okay. Explain to the jury what is
18 meant by the term digital evidence.

19 A. Digital evidence means any electronic
20 data that is contained on any device. Which most
21 devices today now contain electronic data in the
22 form of binary code. These devices maintain a
23 memory and digital forensics involves extracting
24 that information from the memory and turning it
25 into something usable by the examiners.

1 Q. Okay. And, specifically, in reference
2 to phones, were you asked to look at some phones in
3 this case?

4 A. I was.

5 Q. And when you were asked to examine a
6 telephone just if you would, please explain to the
7 jury how you go about doing that examining a phone.

8 A. In general, we have forensic tools that
9 we use. I routinely use GrayKey -- Graychest's
10 GrayKey for Apple iPhones as well as Cellebrite's
11 physical examiner. I also use Cellebrite's UFED
12 devices to process Android phones.

13 And the way that works is we take the
14 phone, sometimes we have to change some settings,
15 for instance, turn on developer options or other
16 tools. And then we connect it to the device that
17 we're using to do the extraction. The device will
18 extract all of the data from the phone. We will
19 then put it into a parsing program so that we can
20 turn that data into something useful other than
21 just zeros and ones that binary data contains.

22 Once we pull that data into our
23 software then we can export a report that contains
24 all the data from that phone.

25 Q. Okay.

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 MR. OSBORNE: Your Honor, may I
2 approach?

3 THE COURT: You may.

4 Q. All right. I'm going to start by
5 showing you 219 and then 219-B. Can you take a
6 look at those and tell me if you recognize them?

7 A. I do.

8 Q. All right. What is 219?

9 A. 219 is a Samsung Gusto 3 cell phone
10 marked as my item number 8. And the 219-B is a CD
11 copy of the cell phone report that I provided.

12 Q. Okay. And I'm also showing you now
13 219-C as in Charles and 219-D as in David. Take a
14 look at those.

15 MR. OSBORNE: And just for the record
16 219-B as in boy was only for ID purposes.

17 THE COURT: Just ID only?

18 MR. OSBORNE: ID only, yes, sir.

19 A. These are excerpts from my report.

20 Q. Okay. And so -- and I know you had
21 mentioned that before, so is it fair to say that
22 219-B is the information that you got from the
23 phone, 219 and 219-C and D are just excerpts from
24 219-B?

25 A. That is correct.

1 Q. All right.

2 MR. OSBORNE: Your Honor, at this time,
3 State seeks to admit 219-C as in Charles and 219-D
4 as in David into evidence.

5 THE COURT: Any objection?

6 MS. ZMROCZEK: No objection, Your
7 Honor.

8 THE COURT: Mr. Chisholm?

9 MR. LEIENDECKER: No objection, Your
10 Honor.

11 MR. JOHNSON: No objection.

12 THE COURT: All right. State's 219-C
13 and D are in evidence without objection.

14 (WHEREUPON, State's Exhibit Numbers
15 219-C and 219-D were entered)

16 Q. All right. I'm going to start by
17 showing 219-C as in Charles. Can you tell me what
18 we're looking at here?

19 A. These are images from the device,
20 actual photographs or screenshots.

21 Q. Okay. And what is the date and time of
22 this capture?

23 A. This date is May 18, 2015 at 4:17 p.m.

24 Q. Okay. And then we're just looking at a
25 zoomed in photograph here?

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 A. That is correct.

2 Q. Okay. Now we're going into 219-D as in
3 David and what are we looking at here?

4 A. This is an excerpt from the call log
5 which is a record of all the phone calls coming in
6 or out from the device.

7 Q. Okay. And are these two calls right
8 here, the two last outgoing phone calls placed on
9 this device?

10 A. That is correct. These are the last
11 two phone calls outgoing.

12 Q. Okay. Can you just publish for the
13 jury what are the dates and times of these calls
14 and who they're placed to?

15 A. On July 15th of 2015 at 1:23 a.m. That
16 phone number is [REDACTED] 0710. The contact is saved
17 as My Love 2.

18 The other phone call is July 15, 2015
19 at 1:22 a.m. The phone number is [REDACTED] 3863 and
20 the contact is saved as My Love.

21 Q. Okay. These times 1:23 a.m., did you
22 double check that those were accurate?

23 A. That is correct. They are listed as
24 UTC plus zero which normally means that they were
25 not adjusted for the local time zone. However,

1 these dates, I did do some research and they are
2 actually recorded in the local time zone.

3 Q. And is it fair to say sometimes that's
4 common with older phones that there's -- that's why
5 you double checked it?

6 A. I double checked it because there was
7 some discrepancy with some other records. I did
8 check with the manufacturer of the software I was
9 using and they confirmed that it was in fact an
10 error with their software that they have since
11 corrected.

12 Q. Okay. Now I'm showing you for ID
13 purposes only, 322. Can you take a look at that
14 and tell me if you recognize that?

15 A. I do recognize this.

16 Q. And what is that?

17 A. This is a copy of the cell phone tower
18 records that I used to compare to the actual
19 devices timestamps.

20 Q. Okay. And so -- and these are called
21 detailed records for 3863?

22 A. That is correct.

23 Q. Okay. And by looking at these compared
24 to that, you married up, that's accurate, 1:22?

25 A. That is correct.

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. Moving along. I'm showing you
2 now what's already been marked and admitted as
3 State's 325. Can you take a look at that and tell
4 me if you recognize that?

5 A. I do.

6 Q. And what is it?

7 A. This is a blue Sharp Aquos phone marked
8 in my evidence as number 2.

9 Q. Okay. And were you asked to download
10 the information on that phone?

11 A. I was. One moment, please. Item
12 number 2 was pattern locked and I was unable to
13 bypass the pattern, so I was unable to gather any
14 data from it.

15 Q. Okay. And I think that's
16 self-explanatory, but some phones, I guess the user
17 can lock it where strangers or whoever can't get
18 into it?

19 A. Correct. Most users will use a pin
20 code or a pattern or some type of, you know,
21 fingerprint, facial ID to lock their phone. In
22 some cases I'm able to bypass these locks and some
23 cases I'm not.

24 Q. Okay. And this pattern lock on that
25 phone, you weren't able to bypass it?

1 A. That's correct.

2 Q. And -- well, just out of curiosity, I
3 mean, why not?

4 A. This is not a very common model of
5 phones, so the companies that create the software
6 that we use to bypass pins and other locks don't
7 really pay attention to these lesser known models.
8 It takes too much time for them to develop the
9 techniques. It's not worth it for them.

10 Q. Okay. All right. Moving along. I'm
11 showing you now, I think, this has been admitted,
12 State's 327. Can you take a look at that and tell
13 me if you recognize it?

14 A. I do.

15 Q. And what is that?

16 A. This is an Apple iPhone 4 identified in
17 my evidence as number 3. Okay.

18 Q. Okay. All right. So you downloaded
19 that phone and you put the download on medium?

20 A. I did.

21 Q. All right. I'm showing you 327-A for
22 ID purposes only.

23 A. This is a CD copy of the cell phone
24 report that I created on that item.

25 Q. Okay. Again, this is a -- this is what

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 you were able to recover from the white iPhone?

2 A. That is correct.

3 Q. Okay. I'm showing you now what's been
4 marked as 327-B as in boy, 327-C as in Charles, and
5 327-D as in David. Can you take a look at those
6 and tell me if you recognize those?

7 A. These are all excerpts of my report
8 from that device.

9 Q. Okay. So these reports were taken from
10 the white iPhone?

11 A. That is correct.

12 Q. All right.

13 MR. OSBORNE: Your Honor, at this time,
14 we seek to admit 327-B as in boy, C as in Charles,
15 and D as in David into evidence.

16 THE COURT: Any objection?

17 MS. ZMROCZEK: No objection.

18 THE COURT: Any objection,
19 Mr. Leiendecker?

20 MR. LEIENDECKER: No objection.

21 THE COURT: Mr. Johnson?

22 MR. JOHNSON: No objection.

23 THE COURT: State's 327-B, 327-C, and
24 327-D are in evidence without objection.

25 (WHEREUPON, State's Exhibit Numbers

1 327-B, 327-C, and 327-D were entered)

2 Q. All right. We're going to start with
3 327-B as in boy. All right. Can you tell me if
4 the phone being held by the little girl with the
5 glasses, does that look like the same white iPhone
6 that you downloaded?

7 A. It appears to be the same model.

8 Q. And how about the other girl holding
9 the blue phone. Does that look like the blue Aquos
10 that you downloaded?

11 A. It looks like the blue Aquos, yes.

12 Q. Okay. All right. I'm showing you
13 327-C as in Charles. Can you tell me the captured
14 date and time for this image?

15 A. The captured date is July 15, 2015 at
16 12:42 a.m.

17 Q. And this phone that the girl is
18 holding, does that look like the white iPhone that
19 you downloaded?

20 A. It looks like the white iPhone, yes.

21 Q. Okay. Were you asked to download
22 another phone in this case?

23 A. Yes, sir, I was.

24 Q. All right. Well, you were asked to
25 download a lot of phones. But the next one, I'm

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 showing you State's 329. Can you take a look at
2 that and tell me if you recognize that?

3 A. This is a Samsung Gusto 2 that's marked
4 in my evidence as being number 5.

5 Q. Okay. Did you have the occasion to
6 download that phone?

7 A. I did.

8 Q. Okay.

9 MR. OSBORNE: Your Honor, at this time,
10 the State seeks to admit 329 into evidence.

11 THE COURT: Any objection?

12 MS. ZMROCZEK: No objection.

13 MR. LEIENDECKER: No objection.

14 THE COURT: Any objection?

15 MR. JOHNSON: No objection.

16 THE COURT: State's 329 is in without
17 objection.

18 (WHEREUPON, State's Exhibit Number 329
19 was entered)

20 Q. Okay. I'm showing you for ID purposes
21 329-A. Again, once you downloaded the phone, did
22 you create a medium?

23 A. I did. This is a DVD of the cell phone
24 examination report that I created.

25 Q. Okay. And I want to show you now 329-B

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 as in boy, C as in Charles, D as in David, and E as
2 in Edward. Can you take a look at those and tell
3 me if you recognize those?

4 A. These are excerpts of the report that I
5 provided.

6 Q. Okay.

7 MR. OSBORNE: Your Honor, at this time,
8 State seeks to admit 329-B as in boy, 329-C as in
9 Charles, 329-D as in David, and E as in Edward. I
10 know some are already in.

11 THE COURT: All right. Any objection?

12 MS. ZMROCZEK: No objection, Your
13 Honor.

14 THE COURT: Any objection?

15 MR. LEIENDECKER: No objection.

16 THE COURT: Any objection?

17 MR. JOHNSON: No objection.

18 THE COURT: State's 329-B, C, D, and E
19 are all in evidence without objection.

20 (WHEREUPON, State's Exhibit Numbers
21 329-B, 329-C, 329-D, and 329-E were entered)

22 Q. Okay. We'll start with 329-B. Okay.
23 So this first image here. What is the date and
24 time on that captured date and time?

25 A. February 2, 2015 at 6:02 p.m.

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. And the next captured time?

2 A. April 23, 2015 at 7:03 p.m.

3 Q. All right. The next capture time?

4 A. June 22, 2015 at 4:05 p.m.

5 Q. Okay. And we're just going to kind of

6 go through this extraction log here a little bit.

7 We're looking at 329-C as in Charles; is that

8 correct?

9 A. That is correct.

10 Q. All right. The first call, that

11 appears to be an outgoing call?

12 A. It is.

13 Q. Okay. And what's the date and time of

14 that?

15 A. July 14, 2015 at 9:57 a.m.

16 Q. All right. And that call is to?

17 A. That number is [REDACTED] 863. The

18 contact is saved as Preddy.

19 Q. Okay. Next one?

20 A. The date is July 14, 2015 at 10:05 a.m.

21 to the same number.

22 Q. Okay. And after that we have an

23 outgoing call to Ramseses?

24 A. That's correct. July 14, 2015 at 10:21

25 a.m. Phone number [REDACTED] 2834. That contact is

1 Ramseses.

2 Q. Okay. And I'm not going to go through
3 all this, but obviously that's -- this duration
4 over here, four seconds?

5 A. That's correct.

6 Q. Okay. Next we have an outgoing to an
7 unknown number; is that fair -- well, I'm sorry.
8 No, it's Ramseses again it looks like?

9 A. That's correct. It's an outgoing call
10 to Ramseses at 12:18 p.m.

11 Q. Okay. Next one is an outgoing to
12 Preddy?

13 A. That's correct.

14 Q. Okay. Again, outgoing to Ramseses?

15 A. Correct.

16 Q. Incoming Ramseses?

17 A. That is correct.

18 Q. And now we're at 1:56 p.m.?

19 A. Yes, sir.

20 Q. Okay. Outgoing to Preddy?

21 A. Correct, at 2:15 p.m.

22 Q. Outgoing again to Preddy?

23 A. Correct.

24 Q. Outgoing to Ramseses?

25 A. Correct, at 4:28.

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Outgoing to Ramseses?

2 A. Correct.

3 Q. Again, outgoing to Ramseses?

4 A. Correct.

5 Q. Now we're at 6:24 p.m.?

6 A. That is correct.

7 Q. Okay. And now at 8:10 p.m. we have an
8 incoming from who, Cuz June?

9 A. The contact is listed as Cuz June.

10 Q. Okay. Seven minute call?

11 A. That is correct. Seven minutes four
12 seconds.

13 Q. All right. So what is this next entry
14 here on 14, created. What does that mean?

15 A. That means that the phone number was
16 saved in the contact list as Cuz June.

17 Q. Okay. And the next outgoing call to?

18 A. That is to Preddy at 8:32 p.m.

19 Q. Let's look at that call for a second.
20 8:32 p.m. from that phone to Preddy. And how long
21 is that call?

22 A. This one is 2 minutes 41 seconds.

23 Q. Two minutes and 41 seconds. Okay. And
24 now we have an image under 16. What is this over
25 here the red yes mean? What does that mean?

1 A. That is the column that identifies
2 deleted files. So that means that the file was
3 deleted, but recovered.

4 Q. Okay. Well, let's -- okay. So that's
5 what it says deleted?

6 A. That is correct.

7 Q. Okay. All right. Now we have an
8 outgoing, is this -- what is this, a text message?

9 A. That is correct.

10 Q. Can you try to read what that says?

11 A. Message is to Ramseses states, "He prob
12 ain't no it might be some else with mine. Nap
13 never sleep."

14 Q. Okay. And what's the time that message
15 sent?

16 A. July 15, 2015 at 3:40 a.m.

17 Q. Okay. And then we have an outgoing
18 call to this 4739 number?

19 A. That is correct. 803-614-4739.

20 Q. And what's the time of that outgoing
21 call?

22 A. July 15, 2015 at 6:57 a.m.

23 Q. Okay. And it looks like another
24 outgoing call to the same number?

25 A. That is correct.

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. And then we have an outgoing
2 call to Preddy again?

3 A. That's correct at 10:30 a.m.

4 Q. And how long is that call?

5 A. Nine seconds.

6 Q. Okay. Now we're calling Ramseses
7 again?

8 A. Correct.

9 Q. Okay. And then, what, we got another
10 outgoing call to the 4739 number?

11 A. Correct, at 10:44 a.m.

12 Q. Okay. And now we have an outgoing call
13 to Ramseses again?

14 A. Correct.

15 Q. And then we have an outgoing call again
16 to the 4739 number?

17 A. Correct, at 11:18 a.m.

18 Q. Okay. Incoming from Ramseses?

19 A. That's correct.

20 Q. That's a 4 minute 43 second call?

21 A. Correct.

22 Q. Okay. Another outgoing call to the
23 4739 number?

24 A. Correct.

25 Q. All right. Now it looks like we got a

1 text message from the 4739, could you read that?

2 A. Message states "Come smoke something
3 with me. My nerves bad right now."

4 Q. All right. 2:41 we have an outgoing
5 message Terrell, could you read that?

6 A. The message is, "Boy crazy shit going
7 on nig get kill last night and baby I'm come get
8 the chopper. N-A-P never sleep."

9 Q. Okay. Again to Ramseses at 3:17, what
10 is this message?

11 A. 3:17 p.m. the message is "Call me ASAP.
12 N-A-P never sleep."

13 Q. All right. Now we get an incoming
14 again from that same 4739 number. What does it
15 say? That's 6:27 p.m.

16 A. 6:27 p.m. it says, "He got shot in the
17 head and we praying he make it through the night."

18 Q. And then we have another one from the
19 4739 at 6:30, what does that say?

20 A. "The doctor said his chances are slim."

21 Q. Again, 4739 at 10:44, what does that
22 say?

23 A. Message is "You got something for me to
24 smoke."

25 Q. Okay.

PAUL MCMANIGAL - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: I'm sorry, Mr. Osborne.

2 What exhibit was that?

3 MR. OSBORNE: 329-C.

4 MS. ZMROCZEK: 329-C, thank you.

5 Q. Going back to -- going to 329-D as in
6 David. You talked about some deleted images on
7 that call log -- or actually that report. So is
8 this one of the deleted images here?

9 A. That is correct.

10 Q. Okay. And that image was deleted at
11 what time? Or do you have the time?

12 A. I cannot determine what date the image
13 was deleted.

14 Q. Okay. And, lastly, showing you another
15 329-E. Is this another photograph of a deleted
16 image?

17 A. That is correct.

18 Q. Okay.

19 A. This was -- pardon me. This one is not
20 being marked as deleted.

21 Q. Oh, this was just recovered from the
22 phone?

23 A. That's correct.

24 Q. Okay. Sorry, give me one second here.
25 I'm going back real quick to 329-C. On message

1 number 17, the one that you read about, "He
2 probably ain't no it might be someone else with
3 mine." What does the yes over there mean?

4 A. That indicates that that message had
5 been deleted.

6 Q. All right.

7 MR. OSBORNE: No further questions.

8 THE COURT: Who's going? Ms. Zmroczek,
9 are you going first?

10 MS. ZMROCZEK: Yes, Your Honor.

11 CROSS EXAMINATION BY MS. ZMROCZEK:

12 Q. Good afternoon, Mr. McManigal; right?

13 A. Yes, ma'am.

14 Q. You work with John VanHouten?

15 A. He's on the task force that I'm on.

16 Q. He's on the same task force. Please
17 send him my regards.

18 A. I will.

19 Q. You just testified --

20 MS. ZMROCZEK: And if you don't mind
21 pulling up that the 3:08 a.m. message, 329-C.
22 That's why I asked you. Sorry, it was just easier
23 that way.

24 Q. So generally while he's pulling that
25 up. I just want to ask you a couple of questions.

1 So we're looking at the State's evidence. This is
2 from a Cellebrite download; right?

3 A. This one -- is this the Samsung?

4 Q. (No response)

5 A. If this is from the Samsung, it is a
6 Cellebrite download, yes.

7 Q. All right. And so you're able to get a
8 bunch of information like dates and times and like
9 whether or not it was deleted or those kinds of
10 things; right?

11 A. That's correct.

12 Q. Thank you. So I want to go back for a
13 minute and talk about how important cell phones
14 are.

15 A. Okay.

16 Q. You can get a lot of information off of
17 cell phones; right?

18 A. That's correct.

19 Q. Not just like the -- you call that a
20 physical extraction; right?

21 A. The Samsung, I performed a physical
22 extraction, yes.

23 Q. Okay. So physical extraction means you
24 actually have the phone and you can put it in fancy
25 machines and get reports after it does all it's

1 magic; right? I know it's not magic, but science
2 and math.

3 A. In a short way. A physical is actually
4 a type of extraction that we perform.

5 Q. Okay. You mentioned that you also on
6 an earlier exhibit wanted to confirm something
7 because the software was messed up so you went to
8 call detail records?

9 A. Correct.

10 Q. So the difference between an extraction
11 and call detail records is an extraction requires
12 an actual device; right?

13 A. Correct.

14 Q. Okay. So if I were to give you my
15 phone -- don't worry, I'm not. But if I were to
16 give you my phone, then you could plug it in,
17 identify what you want to see pictures, messages,
18 timelines, those kinds of things, and then it would
19 generate a report; right?

20 A. In a sense. It will actually download
21 all of the data from the phone and put that all
22 into the Cellebrite program.

23 Q. And we're talking -- these can be
24 voluminous; right?

25 A. Absolutely.

PAUL MCMANIGAL - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. I mean, thousands of pages sometimes?

2 A. Yes, ma'am.

3 Q. So if I were -- if I were no longer in
4 possession of my phone, does that mean you can't
5 get any information regarding what data could be on
6 my phone?

7 A. If I was no longer in possession, I
8 would not be able to a direct download from the
9 phone.

10 Q. Right. But you could get call detail
11 records; right?

12 A. That's correct. Those come from the
13 cell phone provider.

14 Q. All right. So maybe -- explain that to
15 the jury a little bit the difference between a call
16 detail record and then the kind of report that
17 we're at looking here. Does a call detail report
18 look like that?

19 A. No, it does not.

20 Q. Okay. So tell the jury a little bit
21 about that.

22 A. So the call detail records come
23 directly from the cell tower data that the cell
24 phone providers keep on record. It tracks the
25 phone calls coming in and the phone calls coming

1 out. But it won't have any detailed information
2 about like text messages -- it will not include the
3 body of the text message, things like that.

4 Q. So it will -- it will include, for
5 example, or could include the number dialed, who
6 hung up first, how long -- the duration; right?

7 A. For the most part, yes.

8 Q. Time and date?

9 A. Correct.

10 Q. And then call detail records depending
11 on what's requested from the provider like Verizon
12 or AT&T or whomever, they can also provide cell
13 tower information; correct?

14 A. Correct.

15 Q. Okay. So if I don't -- if I'm not in
16 possession of my physical phone, but I know my
17 phone number and I know my carrier and I tell that
18 to you, you could still get a ton of information,
19 not as detailed because it wouldn't have pictures
20 and it wouldn't have the body of the text, but it
21 would have communications between people and
22 perhaps location; right?

23 A. Correct.

24 Q. What is the -- is there a time
25 deadline, for example, do they -- how long do they

1 preserve cell phone records? Is a better way to
2 ask that question.

3 A. That is dependent on the provider.
4 They all keep them for varying lengths of time. I
5 don't know what the exact timeframe is.

6 Q. Okay. But after -- and I'm sure it
7 varies amongst carriers; right?

8 A. Correct.

9 Q. But they do have kind of what we call a
10 drop dead date meaning if you don't request it by a
11 certain time, the records are gone; right?

12 A. That is my understanding, yes.

13 Q. Okay. You -- as a digital forensics
14 expert, you would agree with me that digital
15 forensics, it's constantly changing; right?

16 A. Correct.

17 Q. Like you said, there are updates or
18 repairs that they need to make to different
19 programs?

20 A. That's correct.

21 Q. And sometimes the carriers can get into
22 fights and they want to try to, like you said,
23 protect the information. So if you don't have the
24 code, you can't get in; right?

25 A. Correct.

1 Q. But if you didn't have the code, you
2 could still get the called detail records; right?

3 A. From the provider?

4 Q. Right.

5 A. Yes.

6 Q. Okay. And that -- like I said, can
7 still provide you a wealth of information; right?

8 A. Correct.

9 Q. So the other great thing about like
10 what we just saw on the -- some of the State's
11 exhibits is that you -- it takes pictures; right?

12 A. The phone?

13 Q. Right. Right. Right.

14 A. Correct. Yes.

15 Q. There are pictures on the phone on the
16 reports that we see; right?

17 A. Correct.

18 Q. And even if they get deleted -- and
19 certainly you can't say when or how they were
20 deleted; right?

21 A. That is correct.

22 Q. In fact, sometimes phones fill up with
23 so much information that it kicks out some of the
24 information so it can keep the rest; right?

25 A. Not as a norm. If the phone fills up,

1 it will give the user a warning. The user will
2 have to physically remove some of that data in
3 order to keep going.

4 Q. Right. And I guess that's what I -- I
5 didn't mean magically. Like it would say, hey,
6 you're not going to be able to take anymore
7 pictures unless you delete some of this
8 information?

9 A. That is correct.

10 Q. Just because something is deleted
11 doesn't necessarily imply that there was a sinister
12 motive behind it?

13 A. Of course not.

14 Q. Okay. And some phones have different
15 memory capabilities; right?

16 A. Sure.

17 Q. Okay. So the pattern locked blue phone
18 that we saw a picture of that was kind of a little
19 bit unusual.

20 A. The Aquos?

21 Q. Right. Right. Even though you
22 couldn't get into it, you could still tell if it
23 was working and functional; right?

24 A. As far as turning it on, yes.

25 Q. Right. Right. Right. Turning it on.

1 And cell phones make it -- depending on the, of
2 course, type of phone, you can always dial 9-1-1;
3 right?

4 A. Correct.

5 Q. Or you can -- on -- depending on what
6 model you have, there's sometimes you can just
7 swipe up a button and it automatically will call
8 9-1-1; right?

9 A. I'm not familiar with just swiping up,
10 but they do have emergency calling, yes.

11 Q. Right. Right. Right. They have
12 different emergency activations, I guess, maybe
13 some phones and I certainly am not asking you to
14 testify to all the phones, but there are some
15 phones like if you just hit the side button twice
16 it will --

17 A. That's correct.

18 Q. Okay. So they have -- there are
19 different -- depending on the phone and the
20 provider and the plan that you have --

21 A. That is correct, yes.

22 Q. -- there are different things that you
23 can do with them? So -- it also -- going back to
24 the pictures. It also helps, for example, let's
25 say I'm being questioned in a case. And I say, I

PAUL MCMANIGAL - CROSS EXAMINATION BY MS. ZMROCEK

1 entered into a motorcycle deal with my friend. And
2 how it happened was my other friend wanted to see
3 the motorcycle, so I had to go over and take a
4 picture. That picture could show up on the phone;
5 right?

6 A. Sure.

7 Q. And it could, what we call, corroborate
8 what the person said?

9 A. Correct.

10 Q. Right. They say, hey, I went over at
11 2:30 or 3:30 to take a picture of the bike and then
12 we want to corroborate that, so we get the phone,
13 get it downloaded, and either it's accurate or not
14 accurate; right?

15 A. That's correct.

16 Q. And so those are other reasons that
17 phones can contain incredibly valuable information;
18 right?

19 A. That's correct.

20 Q. You were asked about some of the names
21 and some of the nicknames. Now that is -- that is
22 something that traditionally you have to manually
23 input the information; correct?

24 A. Correct.

25 Q. So whoever -- whose ever phone that is,

1 let's say I think you -- Preddy or My Love, whoever
2 owned that phone had to type that contact in and
3 then type that phone number; right?

4 A. Correct. A lot of times if you get a
5 phone number from somebody that's not on your
6 contacts, it will -- you can add it to the contacts
7 without having to enter the phone number, but you
8 do have to enter the name; correct.

9 Q. And sometimes you don't have to always
10 have a name, you'll still have a number?

11 A. Correct.

12 Q. Okay. If you have call detail records
13 and they have tower information, you could also --
14 I know not with 100 percent specificity, but you
15 can also get a pretty good general idea of a
16 location of a phone when it's being used; right?

17 A. Locations for call towers is a bit
18 different. They triangulate using different
19 towers, so it's usually not as accurate as say a
20 GPS.

21 Q. Right. Right. Right. So -- and how
22 do we get GPS information?

23 A. GPS comes from a GPS sensor inside the
24 phone for smartphones.

25 Q. Okay. And so, again, that's another

PAUL MCMANIGAL - CROSS EXAMINATION BY MS. ZMROCZEK

1 way to corroborate where someone was to see if that
2 matches up with what they're telling you; right?

3 A. That's correct.

4 Q. The -- when you were -- how are you
5 provided phones?

6 A. Usually they're brought to me directly
7 by the investigator who's handle the case.

8 Q. By the agency?

9 A. Correct.

10 Q. Okay. And so you don't get to pick and
11 choose what phones you download or what records you
12 request that information is typically given to you;
13 correct?

14 A. That's correct.

15 Q. Okay. And then you are able to in your
16 expert abilities analyze that?

17 A. That's correct.

18 Q. Okay. And do you do any sort of
19 additional reports or you just keep tracks -- keep
20 track of the phones that -- that are provided to
21 you?

22 A. I just keep track of the phones that
23 are provided to me and the reports that I create.

24 Q. Okay. Let me ask you this. Were you
25 ever -- when did you do these downloads? I'm

1 | sorry.

2 | A. The majority of them were done in the
3 | beginning of September 2021.

4 | Q. September of 2021?

5 | A. That's correct.

6 | Q. Okay. And were you ever provided a
7 | phone with a phone number of [REDACTED] 6212?

8 | A. 6212? I'd have to go through all of my
9 | reports to determine if I have one with that
10 | number.

11 | Q. Okay. And I'll try to make it easy for
12 | you. How many reports did you do total?

13 | A. I did seven reports.

14 | Q. Seven reports?

15 | A. Correct.

16 | Q. And I certainly don't want to put words
17 | in your mouth. Will it take you long to look at
18 | those seven reports to see if that number was one
19 | of the phone numbers given to you?

20 | A. Probably not. What was the last four
21 | of the number again?

22 | Q. It is 6212.

23 | A. I do not show that number, but I do
24 | have three phones where I could not identify the
25 | phone number.

PAUL MCMANIGAL - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. So you have three phones that
2 you couldn't get any information from; right?

3 A. I couldn't identify the phone number.

4 Q. Oh, you couldn't identify the phone
5 number?

6 A. Correct.

7 Q. Okay. So how does that work when you
8 -- how is it that the machines can't identify a
9 phone number on a phone?

10 A. If the SIMM card has been removed, it's
11 the most common case because the phone number is
12 usually assigned by the SIMM card.

13 Q. Okay. And, again, those are phones are
14 given to you so the person that collected them
15 would be able to tell us why they were important to
16 collect and things like that? You don't have any
17 part of that, you're just giving the information;
18 right?

19 A. That is correct.

20 Q. Okay. I believe that those are all the
21 questions I have. Thank you.

22 THE COURT: Thank you, ma'am.
23 Mr. Leiendecker?

24 MR. LEIENDECKER: One minute, Your
25 Honor.

1 THE COURT: Okay.

2 CROSS EXAMINATION BY MR. LEIENDECKER:

3 Q. Good afternoon, Mr. McManigal?

4 A. Good afternoon.

5 Q. One of the numbers that you were asked
6 to review was [REDACTED] 9179; is that correct?

7 A. That is correct.

8 Q. Okay.

9 MR. LEIENDECKER: May I approach the
10 witness?

11 THE COURT: You may.

12 Q. I want to show you this and just ask
13 you, is that -- when you talk about a report, is
14 that a complete report or at least information
15 regarding the complete report on the phone we just
16 discussed?

17 A. That is correct.

18 Q. Okay. And you've been asked a couple
19 of times about things being deleted from phones and
20 pictures and messages and whatever's and you
21 testified that we don't know when they were
22 deleted?

23 A. That's correct.

24 Q. We don't know why they were deleted?

25 A. That's correct.

PAUL MCMANIGAL - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. But we know that they were received or
2 pictures were taken or messages were sent and they
3 were deleted; correct?

4 A. That is correct.

5 Q. Okay. And, in fact, do you have this
6 report?

7 A. I do.

8 Q. Okay. I'm not sure if these are
9 correct page compilations, but does your second
10 page look like this?

11 A. So that is an exportive report. I'm
12 actually looking at the digital examination. If
13 you can tell me what section you're looking at I
14 can match it up with mine.

15 Q. Contents?

16 A. Okay. I can look at that. Yes, sir.

17 Q. Yeah. Under contents regarding this
18 phone, you include the number of calls that were in
19 the log for the time period in question; correct?

20 A. Correct. And then puts the number of
21 calls, yes, sir.

22 Q. Yes. And the time period in question,
23 if I'm reading the report right was July 8, 2015
24 through July 15, 2015; is that correct?

25 A. I downloaded all the data from the

1 phone.

2 Q. Okay. Well, you show a call log of 270
3 calls; correct?

4 A. That is correct.

5 Q. And you show a number of instant
6 messages received?

7 A. Correct.

8 Q. And from all the information, the
9 deletion of instant messages wasn't unique within
10 the day that you saw the message deleted, was it?
11 There were 89 messages and 72 of them have been
12 deleted?

13 A. That is correct.

14 Q. So that's not an uncommon practice
15 whoever's phone this belonged to?

16 A. Some people delete their messages more
17 than others. I can't say that's uncommon.

18 Q. Sure. Timeline, I don't know what that
19 is.

20 A. A timeline is all the data that is on
21 the phone that contains a timestamp put into
22 chronological order.

23 Q. And there were 1,000 of those and over
24 80 -- or 80 of them were deleted?

25 A. That's correct.

PAUL MCMANIGAL - CROSS EXAMINATION BY MR. LEIENDECKER

1 Q. There were 2200 -- over 2200 data files
2 during the time period of the download; correct?

3 A. That is correct.

4 Q. Over 450 of them were deleted?

5 A. Correct.

6 Q. Of 44 audio files that were downloaded
7 off the phone, 24 of them had been deleted?

8 A. Correct.

9 Q. 410 data bases that had been on the
10 phone or visited by the phone had been deleted?

11 A. That's handled by the software, but,
12 yes, they were deleted.

13 Q. There were 22 images deleted; correct?

14 A. Correct.

15 Q. And there was -- I don't know what text
16 means.

17 A. Those are text files that usually are
18 used by the operating system.

19 Q. Okay. That's not a text message?

20 A. No, sir.

21 Q. Okay. So this phone had a number of
22 deletions throughout its time period that you
23 surveyed; correct?

24 A. That is correct.

25 Q. Wasn't unique? It wasn't uncommon?

PAUL MCMANIGAL - CROSS EXAMINATION BY MR. JOHNSON

1 And it wasn't for any reason that we know; correct?

2 A. Correct.

3 Q. Okay. One moment. That's all I have.

4 Thanks.

5 THE COURT: Thank you, Mr. Leiendecker.

6 Mr. Johnson?

7 MR. JOHNSON: Just briefly, Your Honor.

8 CROSS EXAMINATION BY MR. JOHNSON:

9 Q. If a call is placed and someone says
10 they made a call from a particular number, the cell
11 tower at that location with these detail records
12 that should pick that up; correct?

13 A. Correct.

14 Q. Okay. So there's a record with the
15 cell tower information of that call?

16 A. Correct.

17 Q. Okay.

18 MR. JOHNSON: No more questions, Your
19 Honor.

20 THE COURT: Anything on redirect?

21 MR. OSBORNE: Just one question, Your
22 Honor.

23 REDIRECT EXAMINATION BY MR. OSBORNE:

24 Q. Going back to 329-C. All right. So
25 going back to 329-C. So from -- I understand there

PAUL MCMANIGAL - REDIRECT EXAMINATION BY MR. OSBORNE

1 was a lot of deletions. I mean, this phone, you
2 know, throughout the history of the phone there's
3 been some deletions; right?

4 A. Correct.

5 Q. But let's just hammer down here. From
6 July 14, 2015 to July 15th of 2015 at 10:44 p.m.
7 let's count how many deletions we have. One, two?

8 A. I counted two.

9 Q. And one of them being an image of a
10 motorcycle and the other one being "he probably
11 ain't no it might be someone else with him"?

12 A. That's correct.

13 Q. Okay.

14 MR. OSBORNE: No further questions.

15 THE COURT: Anything on recross?

16 MS. ZMROCZEK: Nothing, Your Honor.

17 MR. LEIENDECKER: No.

18 MR. JOHNSON: None.

19 THE COURT: You may step down. Thank
20 you, sir.

21 MR. MCMANIGAL: Thank you, Your Honor.

22 MR. OSBORNE: State calls Senior Agent
23 Thomas Hines.

24 THOMAS HINES,

25 being first duly sworn, was examined and testified

1 as follows:

2 THE CLERK: Thank you. You may be
3 seated. Please state your first and last name for
4 the record.

5 MR. HINES: George Hines, H-I-N-E-S.

6 THE COURT: He is your witness.

7 MR. OSBORNE: Thank you, Judge. And,
8 Your Honor, I think without objection so we don't
9 have to go through all the preliminary questions.
10 At this time, the State would seek to admit Agent
11 Hines as an expert in the field of forensic
12 downloading -- digital evidence.

13 THE COURT: Expert in the field of
14 what?

15 MR. OSBORNE: Digital evidence.

16 THE COURT: Digital evidence. And
17 everybody agrees? No objection?

18 MS. ZMROCZEK: Is it digital forensics?

19 MR. OSBORNE: Yes.

20 MS. ZMROCZEK: No objection, Your
21 Honor.

22 THE COURT: Digital forensic evidence?

23 MS. ZMROCZEK: Yes.

24 MR. LEIENDECKER: No objection.

25 MR. JOHNSON: No objection.

GEORGE HINES - DIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: All right. Ladies and
2 gentlemen, y'all -- since -- you've heard me say
3 the thing about experts over and over. He's
4 allowed to give his opinion in the field of digital
5 forensic expert evidence, but you get to decide
6 whether you believe it or not. Okay.

7 And, Mr. Hines, you were doing good
8 talking into the microphone, please keep doing
9 that.

10 MR. HINES: Yes, sir.

11 THE COURT: You're doing good. Thank
12 you, sir.

13 MR. OSBORNE: Judge, I think I might
14 have moved too fast for my investigator. So we
15 need to get some of this evidence in here.

16 DIRECT EXAMINATION BY MR. OSBORNE:

17 Q. All right. So I will just ask some
18 questions. Did you have the occasion to download
19 some phones in this case?

20 A. Yes, sir, I did.

21 MR. OSBORNE: Beg the Court's
22 indulgence.

23 Q. I'll back it up just a little bit to
24 satisfy everyone. Where do you currently work?

25 A. I work for the South Carolina Law

1 Enforcement Division otherwise known as SLED.

2 Q. Okay. And while working for SLED, what
3 kind -- what do you do?

4 A. I'm currently in the narcotics unit.

5 Q. Okay. Did you have the occasion to
6 download some phones, is that what you do as well?

7 A. That was one of my additional duties
8 during this timeframe in 2015.

9 Q. Okay. And how many digital devices
10 would you say that you downloaded?

11 A. During the time I was downloading
12 cellular devices and other kind of devices, I
13 downloaded approximately 500.

14 MR. OSBORNE: Beg the Court's
15 indulgence.

16 Q. All right. I'm showing you know what's
17 been marked as 326. Can you take a look at that
18 and tell me if you recognize that?

19 A. It's a black in color LG cell phone.

20 Q. Okay. And did you have the occasion to
21 download that phone?

22 A. This does appear to be the one I
23 downloaded, sir.

24 Q. Okay. And if you don't mind, just
25 throw that back in there for me real quick. And

GEORGE HINES - DIRECT EXAMINATION BY MR. OSBORNE

1 then I'm showing you 326-C as in Charles. Can you
2 take a look at that? This is for ID purposes only.

3 A. Yes, sir. It's the disc containing the
4 report from one of the downloads.

5 Q. Okay. And now showing you 326-A and B.
6 Can you take a look at those and tell me if you
7 recognize them?

8 A. Yes, sir, I do.

9 Q. And what are they?

10 A. They are contents from the report of
11 the downloads. So one is a user account that
12 displays some of the user information for the cell
13 phone. And the second is a text message that was
14 received on the cell phone.

15 Q. Okay.

16 MR. OSBORNE: Your Honor, 326-C was
17 only for ID purposes. I think 326 is already in.
18 If it's not, we'd seek to admit that. And we are
19 seeking to admit 326-A and B into evidence.

20 THE COURT: Any objection to 326,
21 326-A, and 326-B going in evidence?

22 MS. ZMROCZEK: No objection, Your
23 Honor. Wait, did you say 326, 326-A --

24 THE COURT: No. I said -- I think I
25 said 326, 326-A and 326-B.

GEORGE HINES - DIRECT EXAMINATION BY MR. OSBORNE

1 MS. ZMROCZEK: Okay. I just wanted to
2 make sure.

3 THE COURT: Right.

4 MR. LEIENDECKER: No objection.

5 THE COURT: And, Mr. Johnson?

6 MR. JOHNSON: No objection.

7 THE COURT: Okay. State's 326, 326-A,
8 and 326-B are all in evidence without objection.

9 (WHEREUPON, State's Exhibit Numbers
10 326, 326-A, and 326-B were entered)

11 Q. We're going to start by showing you
12 326-A. Can you tell me the user name that's
13 associated with this phone?

14 A. It's Chriswright.CW36@gmail.com.

15 Q. Okay. And the phone number associated
16 with it?

17 A. [REDACTED] 3863.

18 Q. Okay. Now we're going into 326-B. And
19 can you just read this message here?

20 A. Yes, sir. It says, "Happy Father's
21 Day."

22 Q. Okay. And what number did this come
23 from?

24 A. It came from [REDACTED] 9944.

25 Q. Okay. Was this in 2015?

GEORGE HINES - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes, sir.

2 Q. All right. Lastly, I'm showing you
3 State's 325. It's already been marked and
4 admitted. Can you take a look at this and tell me
5 if you tried to download this phone as well?

6 A. Yes, sir. It's an Aquos cell phone.
7 It appears to be one that I attempted to download.

8 Q. Okay. Blue in color?

9 A. Yes, sir.

10 Q. And were you able to successfully
11 download this phone?

12 A. No, sir, I was not.

13 Q. And why not?

14 A. It was locked at the time and I was not
15 able to bypass the lock with the Cellebrite
16 software that I was using.

17 Q. How specifically was it locked? Was it
18 a number lock or pattern lock?

19 A. I do not recall, sir.

20 Q. Okay.

21 MR. OSBORNE: All right. No further
22 questions.

23 THE COURT: Ms. Zmroczek, any questions
24 of this witness?

25 MS. ZMROCZEK: Yes, Your Honor, may it

1 please the Court.

2 THE COURT: Yes, ma'am.

3 CROSS EXAMINATION BY MS. ZMROCZEK:

4 Q. Good afternoon.

5 A. Good afternoon, ma'am.

6 Q. You were shown a text message just now
7 and I believe it was dated June 2015; right?

8 A. I don't recall the exact date on it
9 right now, ma'am.

10 Q. I'm sorry, June 21, 2015?

11 A. That sounds correct.

12 Q. Okay. Here you go. 326-B?

13 A. Yes, ma'am.

14 Q. Okay. So the interesting thing about
15 your report is when you did your report or -- for
16 this, it didn't come out like this, did it?

17 A. No, ma'am.

18 Q. Because what we're missing are all the
19 other messages or activity on that phone; right?

20 A. Yes, ma'am, that's an excerpt from the
21 report.

22 Q. An excerpt from the report. And it is
23 -- it's from this 9944 number; right?

24 A. Yes, ma'am.

25 Q. And it's to the 38 -- it's to

GEORGE HINES - CROSS EXAMINATION BY MS. ZMROCZEK

1 Christopher Wright's number the one that you
2 identified; right?

3 A. It's to the phone that I downloaded,
4 yes, ma'am.

5 Q. Right. So when we actually look at the
6 whole report, what we see is almost immediately
7 after this text message is received, one is sent to
8 the same number that also says "Happy Father's
9 Day"? If it's on your report, you wouldn't go in
10 and alter your report; right?

11 A. No, ma'am.

12 Q. Okay. So we'll just have to look later
13 when we get to see all the evidence; right?

14 A. Yes, ma'am.

15 Q. Okay. And so June 21, 2015, that is
16 three weeks before, approximately, before July 15,
17 2015?

18 A. Approximately.

19 Q. Approximately. Not months; right, just
20 a few weeks?

21 A. Yes.

22 Q. And, in fact, the beauty of your
23 reports is that we can -- you were able to kind of
24 separate and -- you used a fancy word and I forgot.
25 Take out just a little piece, but you could also go

1 in and if we wanted to, we could show all the
2 communications between these two numbers; right?

3 A. I don't follow what you're asking, me
4 ma'am.

5 Q. So I forgot what you called it. This
6 tiny little piece is also, like we said, part of a
7 bigger report, but if we wanted to, we could just
8 do an excerpt, that's the word you used. I knew it
9 would come to me. An excerpt of all the
10 communications between these numbers; right?

11 A. Yes, ma'am. The report shows all the
12 communications.

13 Q. Right. And so that would give us a
14 full picture of communications between two phones?

15 A. Yes, ma'am.

16 Q. Okay. And we're able to do that with
17 the report that you put in?

18 A. Yes, ma'am.

19 Q. Okay. And I had a few questions about
20 the information. In this case, you utilized
21 Cellebrite UFED?

22 A. Yes, ma'am.

23 Q. Touch device?

24 A. Yes, ma'am.

25 Q. Explain what is that?

GEORGE HINES - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. So the UFED touch is a basically a
2 small computer that we would connect the devices
3 to. It's very simple. We select the device model
4 -- make, model, and then we connect the cable that
5 it says to connect. Connect that to the device.
6 That connects to the computer. And then the
7 Cellebrite device itself actually conducts an
8 extraction of the files that are on the device and
9 then it renders that in the report.

10 Q. Okay. And are you currently certified
11 to run the UFED?

12 A. No, ma'am, not any longer.

13 Q. Okay. Were you in 2015?

14 A. Yes, ma'am.

15 Q. Okay. When was your first training in
16 Cellebrite?

17 A. I'd have to go back and look at my
18 records, but I believe it was in roughly 2013.

19 Q. 2013?

20 A. Yes, ma'am.

21 Q. Okay. And in 2015, how often did you
22 use the UFED?

23 A. At that time, I would say I conducted
24 maybe between 50 to 100 per year.

25 Q. Okay. And was this -- I think you

1 described it as a little computer. Was this unit
2 assigned to you or was it used by multiple people
3 at SLED?

4 A. It was assigned to my unit. Which my
5 unit consisted of four other members.

6 Q. Okay. So four of y'all had use and
7 access to that?

8 A. Yes, ma'am.

9 Q. And all certified?

10 A. Yes, ma'am.

11 Q. Okay. And was it kept at someone's
12 desk or in a cabinet or in a secure lab?

13 A. It was kept in our office which was
14 secure that only ourselves and our supervisor could
15 access.

16 Q. A limited number of people that could
17 access it?

18 A. Yes, ma'am.

19 Q. Okay. And who was responsible for
20 maintaining it?

21 A. All of us were.

22 Q. Okay. Did y'all keep logs?

23 A. No, ma'am.

24 Q. Okay. Did you ever install updates?

25 A. Yes, ma'am.

GEORGE HINES - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. So you're familiar with how this
2 machine works?

3 A. Yes, ma'am.

4 Q. Okay. And so the UFED, just to
5 reiterate, is it a kind of forensic computer used
6 to extract data from cell phones?

7 A. Yes, ma'am.

8 Q. So you have physical cell phone, plug
9 it up, and we get a report; right?

10 A. Yes, ma'am.

11 Q. Okay.

12 A. In essence.

13 Q. I'm sorry?

14 A. In essence.

15 Q. Okay. And so what is BIOS stand for,
16 the acronym BIOS?

17 A. I'm not sure, ma'am.

18 Q. Are you familiar with the basic
19 input/output system?

20 A. I'm not sure what you're talking about.

21 Q. Okay. How much training -- what kind
22 of training did you receive on this device?

23 A. So I received training through our
24 computer crimes unit which they conducted the
25 majority of forensic downloads of cellular devices.

1 We just did it as an additional duty. I received
2 training through them. And then I would -- I would
3 attend frequent -- I say -- not frequent, that's
4 the wrong word for it. Occasional webinars or
5 online training through Cellebrite.

6 Q. Okay. Safe to say that this digital
7 information is constantly updating and changing;
8 right?

9 A. Yes, ma'am.

10 Q. And so it's important that we as
11 professionals keep up with those changes; right?

12 A. Yes, ma'am.

13 Q. We want to make sure that our reports
14 that we submit to the jury are accurate?

15 A. Yes, ma'am.

16 Q. And a true reflection of what the
17 information is on there; right?

18 A. Yes, ma'am.

19 Q. Do you have a copy of that report?

20 A. Not on me, no, ma'am.

21 Q. Okay. At the top of your report it
22 says that this was done in 2012?

23 A. Yes, ma'am.

24 Q. Okay. Certainly that can't be right?

25 A. No, ma'am.

GEORGE HINES - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. So explain how that happens?

2 A. So there was a bug in that particular
3 device that only affected the date and time. So
4 every time we powered on the device, it would
5 revert back just the date and time back to 2012.

6 Q. And when you say device, you're talking
7 about --

8 A. The Cellebrite device. I apologize.
9 So it would revert back to that date and time in
10 2012. Most of the time I remembered to change it
11 prior to conducting a forensic extraction, but this
12 particular time, I did not remember to change the
13 date back to the current date and time, so that's
14 why it reflects 2012.

15 Q. Okay. So as it stands now, in
16 evidence, even though the report says 2012, that's
17 the only thing that's incorrect about that; right?

18 A. Yes, ma'am, to my knowledge.

19 Q. And that's what I just wanted to make
20 sure. So later on the jury is going to get this
21 evidence, they're going to get to go through it.
22 And so when they open your report, certainly
23 they're not going to think you time travel, it was
24 simply just a software error, I guess; right?

25 A. Yes, ma'am.

1 Q. But we know for sure that the
2 information and the communications amongst
3 Mr. Write and whatever numbers are accurate?

4 A. To the best of my knowledge.

5 Q. Right. You didn't go in and alter it,
6 did you?

7 A. No, ma'am.

8 Q. And then once you turned the report
9 over to the State and eventually to the Defense,
10 nobody can change that report; right?

11 A. No, ma'am.

12 Q. Okay. In fact, we didn't because we
13 know that that just mistake is there; right?

14 A. Yes, ma'am.

15 Q. Okay. But like I said, just because
16 that date is wrong does not mean the data is wrong?

17 A. Correct.

18 Q. So if in fact we see a communication
19 between this number and Mr. Wright's phone, which
20 we've identified as Mr. Wright's phone, so if we
21 see communication in May, then that's -- there was
22 some sort of communication? Whether it connected
23 or not, but at least there was some attempt of
24 communication; right?

25 A. Yes, ma'am.

GEORGE HINES - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And then again in June, just a
2 few weeks before July; right?

3 A. Yes, ma'am.

4 Q. Okay. Were -- you were never provided
5 a phone that was identified to Luther Joseph Smith,
6 were you?

7 A. I do not know, ma'am. I was provided
8 approximately 14 cell phones in this case, so I
9 don't know who all they belonged to.

10 Q. Okay. So did you do reports on all
11 those cell phones?

12 A. Yes, ma'am.

13 Q. So certainly if you had done one with
14 his name, it would have been provided to us; right?

15 A. I can't speak to that, ma'am.

16 Q. Okay. It would have -- if you were
17 given the phone and you did the reports, it would
18 at least been provided to the State; right?

19 A. I would assume so, ma'am.

20 Q. Okay. So when you render a report, how
21 do you get the information back to the company that
22 gave it to you?

23 A. So in this case, it was between the
24 sheriff's department and other SLED investigators.
25 So once I ran the reports, I copied them off on to

1 external hard drives and then provided that
2 information to the investigators.

3 Q. To the investigators with the
4 Orangeburg County Sheriff's Department?

5 A. Yes, ma'am. And additional ones to
6 SLED.

7 Q. And additional ones for SLED. And you
8 certainly didn't delete or throw away any phones?

9 A. No, ma'am.

10 Q. You didn't delete or throw away any
11 reports?

12 A. No, ma'am.

13 Q. So if the information that we have
14 shows no phone information for Luther Joseph Smith,
15 then that means you simply weren't provided that
16 phone?

17 A. I can't speak to that, ma'am.

18 Q. Thank you.

19 THE COURT: Mr. Leiendecker?

20 CROSS EXAMINATION BY MR. LEIENDECKER:

21 Q. Mr. Hines, you did a report on
22 Christopher Wright's telephone and that's what you
23 were taking these excerpts from; correct?

24 A. The LG cell phone.

25 Q. Okay. And if we printed that report,

GEORGE HINES - CROSS EXAMINATION BY MR. LEIENDECKER

1 would it look something like this?

2 A. Potentially, yes, sir.

3 Q. And is that entire report which has all
4 of the information on it contained in State Exhibit
5 A, 326-A -- I'm sorry, C?

6 A. On the disc, yes, sir.

7 Q. And that hasn't been moved into
8 evidence, has it?

9 A. I can't speak to that, sir.

10 MR. LEIENDECKER: Move this into
11 evidence if it please the Court.

12 THE COURT: 326-C?

13 MR. LEIENDECKER: C, the actual report.

14 THE COURT: 326 --

15 MR. LEIENDECKER: The full report not
16 just the excerpt.

17 MR. OSBORNE: No objection.

18 THE COURT: Okay. Oh, the download.
19 Yeah, 326-C. No objection from the State?

20 MR. OSBORNE: None.

21 THE COURT: Ms. Zmroczek?

22 MS. ZMROCZEK: No objection, Your
23 Honor.

24 THE COURT: No objection?

25 MR. JOHNSON: No objection.

GEORGE HINES - REDIRECT EXAMINATION BY MR. OSBORNE

1 THE COURT: Okay. 326-C is in evidence
2 without objection.

3 (WHEREUPON, State's Exhibit Number
4 326-C was entered)

5 MR. LEIENDECKER: No further questions.

6 MR. OSBORNE: I just have to ask one
7 question.

8 REDIRECT EXAMINATION BY MR. OSBORNE:

9 Q. So someone could put this into their
10 computer and press print and then they would end up
11 with this right here?

12 A. Yes, sir.

13 Q. Okay. That's it.

14 MR. OSBORNE: No questions.

15 THE COURT: Anything on recross?

16 MS. ZMROCZEK: Actually, just one
17 question, Your Honor.

18 THE COURT: Okay. Now is your chance.

19 MS. ZMROCZEK: Thank you. Thank you.

20 RECROSS EXAMINATION BY MS. ZMROCZEK:

21 Q. Is it Investigator? Agent? I'm sorry.

22 A. Senior Agent.

23 Q. Senior Agent. Senior Agent Hines,
24 you're testifying as an expert witness; right?

25 A. Yes, ma'am.

GEORGE HINES - RECROSS EXAMINATION BY MS. ZMROCZEK

1 Q. And you've done that before?

2 A. Not to forensic extractions, no, ma'am.

3 Q. Okay. So this is your first time as an
4 expert; right?

5 A. No, ma'am. I've been certified as an
6 expert in cell phone record interpretation.

7 Q. Okay. Perfect. So with your
8 expertise --

9 MR. OSBORNE: Objection, Your Honor.
10 Beyond the scope.

11 THE COURT: Well, I don't know. What's
12 she --

13 MR. OSBORNE: I only asked about a
14 printer. She's on recross now.

15 MS. ZMROCZEK: So I'm getting -- if I
16 can finish my question, I think he'll see that it's
17 not outside the scope.

18 Q. So your report is on disc, he asked if
19 you could print it; right? It's is the same
20 information?

21 A. Yes, ma'am.

22 Q. Okay. And it's the complete
23 information?

24 A. Yes, ma'am.

25 Q. Thank you.

1 THE COURT: Mr. Johnson?

2 MR. JOHNSON: No questions, Your Honor.

3 THE COURT: And, Mr. Leiendecker?

4 MR. LEIENDECKER: No.

5 THE COURT: All right. You may step
6 down. Thank you, sir. Do you have anymore short
7 witnesses?

8 MR. OSBORNE: No, the next few are
9 going to be kind of lengthy.

10 THE COURT: Okay. I could see the jury
11 smile when you said that. (Laughter) All right.
12 Ladies and gentlemen, we'll leave a little bit
13 early today. I'd ask y'all to be back in your jury
14 room at 9:30 tomorrow morning. Get a goodnight's
15 sleep. You know, don't talk to anybody. Don't do
16 any investigations. Don't read, you know, don't
17 let anybody contact y'all. Okay. Y'all have a
18 good evening, you know, and stay safe. Thank you.

19 (WHEREUPON, the jury left the courtroom
20 at 4:50 p.m.)

21 THE COURT: All right. If there's
22 nothing else we need to discuss, I will see y'all
23 at 9:30 in the morning. Thank y'all.

24 (WHEREUPON, court was adjourned)

25

1 (February 16, 2022)

2 THE COURT: All right.

3 MR. OSBORNE: State calls Samantha
4 Buxton.

5 THE COURT: Ms. Buxton, can you hear me
6 okay?

7 MS. BUXTON: Yes, sir.

8 THE COURT: Okay. Ms. Buxton, the
9 clerk is going to swear you in.

10 MS. BUXTON: Okay.

11 SAMANTHA BUXTON,
12 being first duly sworn, was examined and testified
13 as follows:

14 THE CLERK: Please be seated. In the
15 microphone, state your first and last name for the
16 record.

17 MS. BUXTON: Buxton, Samantha or
18 Samantha Buxton.

19 THE COURT: Ms. Buxton, do you feel
20 comfortable taking -- pulling your mask down under
21 your chin or --

22 MS. BUXTON: Yes, sir.

23 THE COURT: Thank you, ma'am. Okay.
24 All right. Mr. Osborne, she is your witness.

25 MR. OSBORNE: Thank you, Judge.

1 DIRECT EXAMINATION BY MR. OSBORNE:

2 Q. And, Samantha, I know you haven't been
3 advised, but what we're doing right now is we're
4 just going to do a competency hearing. The Judge
5 is going to hear you talk, determine if you're
6 competent to testify in front of the jury, okay?

7 A. (No response)

8 Q. Do you know the difference between
9 telling the truth and telling a lie?

10 A. Yes, sir.

11 Q. What happens if you were to come in
12 here, take an oath, testify, and tell a lie?

13 A. I'd have to go to prison or jail.
14 Obstruction of justice.

15 Q. Do you have any intention on lying here
16 today?

17 A. No, sir.

18 Q. Okay. All right. Let's just skip
19 right into -- I want to talk about a night in July
20 of 2015 that you've been questioned about quite a
21 bit. Okay.

22 A. (Nodded)

23 Q. And now I think this particular night,
24 just to kind of narrow it down a little bit, I
25 think you said that you had heard some talk about

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 some people talking about going to a strip club?

2 A. Yes.

3 MS. ZMROCZEK: And, Your Honor, I would
4 object to hearsay.

5 THE COURT: You mean to leading or
6 what?

7 MS. ZMROCZEK: Hearsay. He said you
8 heard about.

9 THE COURT: Well, he's not asking them
10 what they said, I think.

11 MS. ZMROCZEK: Okay. Well, then I
12 would object to the leading. If he said you heard
13 about people going to a strip club, it's either
14 hearsay or leading.

15 THE COURT: Okay. Well, I'm going to
16 let you ask the question because we don't have the
17 jury here right now and I'm just trying to find out
18 what's going on.

19 MR. OSBORNE: Okay.

20 THE COURT: Okay.

21 Q. So that night, who all was in the
22 trailer?

23 A. I'm was me -- in the beginning? It was
24 just me and Mark. Me, Mark, my son.

25 Q. Okay. Did other people show up in the

1 trailer?

2 A. No, not until later on. Which was
3 Joseph and Derrick. Derrick was probably --

4 MS. ZMROCZEK: I'm sorry, I can't hear.

5 THE COURT: Oh, you need to talk more
6 loudly.

7 A. I'm sorry. My apologies. It was me,
8 it was Samantha Buxton, Antly Scott, and Mark
9 Eugene Windham, and my son, Jr., and Derrick.
10 Derrick was there.

11 Q. Okay.

12 A. He was already there. He was staying
13 there with us because he was afraid.

14 Q. Okay. I know you mentioned it and I
15 don't know if you mentioned at that time, was
16 Joseph or Luther there as well?

17 MS. ZMROCZEK: Again, I would object to
18 the leading in front of the jury.

19 A. Could you repeat yourself? I'm sorry.

20 Q. Was Joseph there as well?

21 A. Yeah, Joseph was there. Joseph came
22 from over at Mary Jo's house.

23 Q. Okay. What were you all doing in the
24 trailer that night?

25 A. Well, we were just hanging out. I

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 mean, they were getting ready to go to a club or
2 whatnot, it was still daylight. And then they left
3 by evening and they didn't get back until like 4
4 o'clock.

5 Q. Was there any -- you said they got back
6 at 4 o'clock?

7 A. Uh-huh.

8 Q. Was there any drug usage going on in
9 the trailer prior to them leaving?

10 A. No, we didn't have any weed or nothing
11 or no marijuana, nothing like that.

12 Q. Okay. Do you remember telling
13 Lieutenant Shumpert and me that y'all were all
14 getting high in the trailer?

15 A. Yes, I do. I remember telling y'all
16 that we were high. Well, Mark don't smoke weed,
17 so. But I smoked pot and Derrick too. He's a
18 burned victim. He's from Michigan, so.

19 Q. Okay. And just keep speaking up. I
20 know it's an odd communication, but just keep
21 speaking up, okay. Smoking meth?

22 A. Yeah, that's what it eventually led to
23 is smoking meth and crack cocaine or whatnot.

24 Q. Okay. And you said later on in the
25 evening people left. Who all left the trailer?

1 A. It was Jackie Man, Derrick, and Joseph.
2 Joseph Smith, Antly Scott, and Derrick Coleman.

3 Q. Okay. And whose vehicle did they leave
4 in?

5 A. In Derrick Coleman's. Which was from
6 my understanding was Derrick Coleman's, but it
7 could have been his dad's Durango.

8 Q. Okay. Now you said y'all were smoking
9 meth. When they left, was there any dope in the
10 trailer?

11 A. No.

12 Q. When they came back at 4 o'clock in the
13 morning was there dope in the trailer then?

14 A. Yes.

15 Q. And how -- while they were gone, were
16 you awake or were you sleeping?

17 A. I was asleep.

18 Q. Did Mark go with them?

19 A. No. He went to sleep with me.

20 Q. Okay. Did they -- well, did you wake
21 up or did you sleep throughout the night?

22 A. I slept throughout the night.

23 Q. Do you remember telling Lieutenant
24 Shumpert and me that Joseph and Mark woke you up?

25 A. Yes, I do remember. Telling me that,

SAMANTHA BUXTON - CROSS EXAMINATION BY MS. ZMROCZEK

1 yeah, Joseph had woke me up, yes.

2 Q. And were you woke up?

3 A. Yes, I was woken up.

4 Q. And when you woke up, what did you do?

5 A. I got up. I was -- I agreed to smoke.

6 And I asked Mark where he had been. Because I had
7 been asleep. So I was afraid that he had left or
8 whatnot, but he said he hadn't been nowhere. That
9 he just got -- he was just standing at the end of
10 the bed like I just got here, just got me high or
11 whatever. And so I was like, okay. And that's
12 about it.

13 Q. Did you get high with them?

14 A. Yes, I did. Eventually got high.

15 Q. All right.

16 MR. OSBORNE: No further questions.

17 THE COURT: Ms. Zmroczek?

18 MS. ZMROCZEK: Thank you, Your Honor.

19 CROSS EXAMINATION BY MS. ZMROCZEK:

20 Q. Samantha, do you recall just a few
21 months ago in October having a conversation with
22 the solicitor's office over the phone?

23 A. In South Carolina?

24 Q. No, I believe you were in Texas.

25 A. When I was with Patrick, yes, I do

1 remember.

2 Q. Okay. I don't know who Patrick is.

3 But do you remember just telling them that you
4 wanted to help?

5 A. Yeah, I would do anything that I can to
6 help for the truth to come out. You know, anything
7 -- anybody that I've been around or anything for
8 the case (trailed off).

9 Q. Right. And then you remember laughing
10 and talking about living in a two story house for
11 about five to ten minutes?

12 A. Yeah. We lived at Derrick's house for
13 a little while.

14 Q. Okay. Yeah. But what I'm asking is,
15 do you remember that conversation, what were you
16 talking about in just October? What did you tell
17 the solicitor's office in October?

18 A. Nothing really. That we lived at the
19 house. And me and Mark or whatnot, we stayed over
20 there because Derrick wanted to stay with us first,
21 so we moved over there at his house because maybe
22 that's the other way around because he got robbed
23 or something like that. And I think that was after
24 the fact that we lived there that he got robbed.

25 Q. And are you taking any medication now?

SAMANTHA BUXTON - CROSS EXAMINATION BY MS. ZMROCZEK

1 A. No.

2 Q. Okay. Do you have any mental -- what
3 mental diagnoses do you have?

4 A. None.

5 Q. Okay.

6 A. Well, PSD, Postpartum stress disorder.

7 Q. You have postpartum stress disorder?

8 A. That's what Holly Hill Mental Health
9 called it.

10 MS. SPIRES: That's what?

11 A. Mental Health Holly Hill -- Holly Hill
12 Mental Health.

13 Q. I just --

14 THE COURT: Hold on just one second.

15 Ms. Buxton, we couldn't hear you when you said you
16 had post what?

17 A. Post trauma stress disorder, I think
18 that's what it's called. Or postpartum from having
19 a child and the child being taken from me.

20 Q. And the child being what, taken from
21 you?

22 A. Yes.

23 Q. Who took your child?

24 A. Well, I didn't -- he wasn't taken from
25 me by DSS, I actually let him go stay with somebody

1 else. And in the event of him staying, I never got
2 to see him after, you know, for months at a time,
3 you know. But, I mean, they live so far away, so
4 they can't just drop what they're doing in their
5 jobs and, you know, come out there and see me
6 without a schedule, you know, event.

7 Q. And who diagnosed you with that, the
8 posttraumatic stress disorder?

9 A. I can't remember her name. I just
10 remember it was Holly Hill Mental Health.

11 Q. Holly Hill Mental Health. So you've
12 been to Holly Hill Mental Health?

13 A. Yes, ma'am.

14 Q. When's the last time you received
15 mental health treatment?

16 A. It's been a while because I've been out
17 here for a good few months.

18 Q. You've been out where?

19 A. I was in Texas for a little while.

20 Q. You were in Texas for a little while
21 and then when did you come back here?

22 A. I can't remember.

23 Q. You don't remember when you came back
24 here, but you remember everything clearly that
25 happened that night?

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 A. No -- I mean, yeah.

2 Q. Thank you.

3 MS. ZMROCZEK: I have nothing further,
4 Your Honor.

5 THE COURT: Okay. Mr. Leiendecker or
6 Mr. Chisholm?

7 MR. LEIENDECKER: I don't have any
8 questions, not on the qualification.

9 MS. ZMROCZEK: Your Honor, I don't have
10 any challenge to her -- I'm sorry.

11 THE COURT: Can I ask Mr. Johnson?
12 Mr. Johnson, do you have any questions?

13 MR. JOHNSON: Just briefly, Your Honor.

14 THE COURT: Yes, sir.

15 CROSS EXAMINATION BY MR. JOHNSON:

16 Q. Ma'am, you said you're not taking any
17 medications, but are you supposed to be taking
18 medications?

19 A. Not that I'm aware of. I don't
20 remember.

21 Q. You don't remember?

22 A. (Nodded)

23 Q. Do you have problems with your memory?

24 A. Here lately I have been, but usually,
25 no, I don't.

1 Q. The problems with your memory, do they
2 seem to have gotten worse after you started taking
3 methamphetamine?

4 A. No, not really. I mean, I don't know
5 what it really was that came across me, but
6 sometimes I do forget. I just don't know what to
7 say.

8 Q. Okay. Do you ever hear voices talking
9 to you when there's nobody there?

10 A. No.

11 Q. Do you ever feel threatened by thoughts
12 that you have?

13 A. No.

14 Q. Are there things that stress you out
15 that don't stress other people out?

16 A. Not that I'm aware of.

17 Q. And did you in the past express
18 concerns you had about whether or not you
19 remembered if any of this stuff happened. Do you
20 remember saying that?

21 A. Say that again? I'm sorry.

22 Q. Whether or not you stated whether or
23 not you remembered the dates any of this stuff
24 actually happened? Do you remember having that
25 conversation with law enforcement?

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 A. I'm not sure. I couldn't quite
2 understand what you were saying, what you're asking
3 and I apologize.

4 Q. It's all right. I'll ask it a
5 different way. Did you ever state that you had
6 trouble remembering when any of these incidents
7 happened, the incidents you've discussed with the
8 Solicitor?

9 A. Yes. Because so many months or so many
10 days had gone by or whatnot that, you know, and
11 plus I wasn't involved. So, I mean, yeah, but I
12 couldn't remember the days or, you know, that it
13 happened, you know, because I don't write down, you
14 know, like a journal or anything about how this day
15 went or how that day went which would probably be a
16 good idea, but still --

17 Q. Well, during the period of time if
18 you're using drugs, can that affect your memory?

19 A. Yes, it can.

20 Q. And you were using drugs during this
21 period?

22 A. Yes, sir.

23 Q. How old were you when you started using
24 drugs? Do you remember how old you were?

25 A. I was young. I was real young.

1 Q. When is the first time you used
2 methamphetamine?

3 A. I was probably 17, 19 maybe.

4 Q. How old are you now?

5 A. Twenty-nine.

6 Q. Twenty-nine?

7 A. Yes, sir.

8 Q. And did you ever use cocaine?

9 A. Yes, sir, I've used cocaine. I think I
10 was like seven.

11 Q. You were how old?

12 A. Seven or eight, maybe nine.

13 Q. You were seven years old when you
14 started using cocaine?

15 A. Yeah. That's crazy, isn't it? But I
16 don't do it like it's not a rapid...

17 Q. And how old are you now?

18 A. Twenty-nine.

19 Q. Twenty-nine. And when's the last time
20 you talked to somebody who was a counselor or a
21 professional about your mental health?

22 A. It's been a little while. But I really
23 don't have that, you know, I don't have the -- like
24 if I'm out in the free world, nothing really
25 bothers me. Being locked up -- just not being

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 locked up is, I don't know. I take that back a
2 little bit...

3 MS. SPIRES: She's mumbling again.

4 A. Sorry, my apologies.

5 THE COURT: That's okay. If you would
6 just repeat what you were just saying.

7 A. Being locked up is stress of itself,
8 you know, not being out in the free world. But
9 being out in the free it's different, you know.
10 You don't have to worry about things like that.

11 Q. Would you say that being inside of a
12 police station being integrated by the police would
13 be more stressful as well?

14 A. Yeah, it's a little intimidating, but,
15 I mean, only if you're guilty, you know. Things
16 are only intimidating if you're guilty. But if
17 you're not guilty, things seem to go smoothly, you
18 know. And as long as you tell the truth nothing
19 bad should happen to you, you know. Just tell them
20 as much as you can, you know.

21 Q. Do you always tell the police the
22 truth?

23 A. Yes, sir, I won't ever lie.

24 Q. Your entire life you never lied?

25 A. No, I don't lie. I don't lie to them.

1 Yes, I would.

2 Q. But in your attempt to tell the truth,
3 do you ever make mistakes in when you talk to the
4 police about what happened?

5 A. Everybody makes mistakes. But
6 sometimes I forget and I'm like, I'll tell them I'm
7 -- I don't remember that or, no, not that I'm aware
8 of. And then later on if they ask me again, I will
9 tell them, yes, I remember or, no, I don't
10 remember. And it's not any intent to be
11 incriminating or anything like that against the
12 jury or the judge, but, you know.

13 Q. Do you feel like the police officers
14 that talk to you helped you remember by telling you
15 some things?

16 A. Sometimes, yes, because things trigger
17 your memory.

18 Q. In relation to this case?

19 A. In any case, yes. This case, yes.

20 But, I mean, I wasn't present to what took place,
21 so I couldn't, you know, I couldn't give you
22 face-to-face contact on who did what or what, you
23 know.

24 Q. Are you saying you were not in the home
25 there that you described as being present with

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 Antly Scott or Derrick and those people, you
2 weren't in that home?

3 A. I was in the trailer where the male
4 comes in at where my US Postal is, yes.

5 Q. Whose home is that?

6 A. Mine -- well, Mary Jo's.

7 Q. Mary Jo's?

8 A. Yes.

9 Q. Okay. Who else lives there?

10 A. Nobody.

11 Q. Just you and Mary Jo?

12 A. No, just me and Mark Windham. We were
13 renters.

14 Q. Okay. And when you said that Antly
15 Scott was present and this person and that person,
16 do you remember where that was at?

17 A. I'm not sure.

18 Q. Okay.

19 A. Yeah, I'm not sure where the home was.
20 I just know that it was -- or any of that stuff.

21 Q. You're not sure where it was at?

22 A. Yeah.

23 Q. And you're not sure when it was either?

24 A. Right. Yes.

25 Q. Okay.

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1 MR. JOHNSON: No more questions, Your
2 Honor.

3 THE COURT: All right. Anything on
4 redirect?

5 MR. OSBORNE: No, Your Honor.

6 THE COURT: Okay. All right. Now, Ms.
7 Zmroczek, I think you wanted to say something.

8 MS. ZMROCZEK: Thank you. Well -- so,
9 Your Honor, I mean, obviously, I have a challenge
10 to especially now that Mr. Johnson just did a
11 phenomenal cross and display of the fact that, you
12 know, she said she has trouble remembering, but
13 that she was helped remembering by what the police
14 told her. I want to make sure that I object to
15 that coming in especially when the Solicitor
16 himself sent us an email on October 22nd or
17 recently that said October 22nd when they tried to
18 interview her that she laughed and just talked
19 incoherent nonsense for about five to ten minutes
20 and that was just in October of this past year.
21 So, obviously, I would object.

22 I understand that the burden is low,
23 but I want to preserve that objection. Moving
24 forward, I would strongly object to say, so you're
25 here to tell the truth today? You know what the

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1 truth is? You're here to tell the truth today. I
2 just think that by asking those questions they're
3 attempting to bolster her testimony. I understand
4 for competency hearing that that is an appropriate
5 question, but... Thank you.

6 THE COURT: Okay. All right. And I'm
7 going to note your objection.

8 MR. JOHNSON: Your Honor, could I put
9 something on the record?

10 THE COURT: Oh, yeah.

11 MR. JOHNSON: Well, because I don't
12 believe that I filed it, but, of course, I'm
13 objecting to her testimony based on the competence
14 issue and I just wanted to say that on the record.
15 I don't think that was filed. Thank you, Judge.

16 THE COURT: Okay.

17 MR. LEIENDECKER: I have no additional
18 arguments, Your Honor, but join in those
19 objections.

20 THE COURT: Okay. All right. Anything
21 in response from the -- Mr. Osborne, anything you
22 want to say?

23 MR. OSBORNE: No, Judge. I think her
24 testimony speaks for itself. And I wouldn't ask,
25 you know, do you plan on telling the truth. That's

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1 just for the competency hearing.

2 THE COURT: Okay. All right. Well,
3 you know, I'm going to find she's competent. I'm
4 going to note y'all's objection to that so it's on
5 the record. But I think based on the cross
6 examination I heard, I think you get everything you
7 want out of that that you need. And so if the
8 State still wants to go forward with that, that's
9 something we'll deal with. Okay. But for purposes
10 of this portion of the hearing, she is competent.
11 Okay. Your objection is dually noted. Okay.

12 MS. ZMROCZEK: Thank you.

13 THE COURT: All right. We need to
14 bring the jury in. Ms. Buxton, you may get to come
15 back. Okay.

16 (Ms. Buxton left the witness stand)

17 THE COURT: All right. We're going to
18 bring the jury back in, ask some questions about
19 Officer Frazier?

20 MR. OSBORNE: Yes, sir.

21 THE COURT: Is she here?

22 MR. OSBORNE: She's right outside.

23 THE COURT: Okay. If you'd go ahead
24 and bring the jury on in, please.

25 (WHEREUPON, the jury entered the

1 courtroom at 10:24 a.m.)

2 THE COURT: All right. Ladies and
3 gentlemen, I'm glad to have you back. We had again
4 some matters we had to take up out of your
5 presence. Again, this morning, I've got to ask you
6 the questions I've been asking. If you need to
7 respond to the question, I need for you to stand
8 up. But has anybody in the jury panel read any
9 articles about this case?

10 Okay. No one is standing.

11 Has anybody in the jury panel done any
12 investigation by computer, Google, Facebook, any
13 social media thing that referenced this case? If
14 so, please stand.

15 No one is standing.

16 Has anybody come up to y'all and tried
17 to start a conversation with you about this case?
18 If so, please stand.

19 And, finally, have y'all had any
20 conversations among yourselves about this case? If
21 so, please stand.

22 All right. No one is standing.

23 All right. Ladies and gentlemen, we're
24 going to -- do y'all remember when we were picking
25 the jury and I asked you if there were names of

1 people that whether you knew them or not or
2 anything like that? Well, as luck would have it,
3 we left out a name. Okay. So, is Officer -- and
4 I've got to ask you about that person today. Is
5 Officer Frazier here?

6 THE DEPUTY: Yes, Your Honor.

7 THE COURT: Would you ask her to come
8 in.

9 (WHEREUPON, Officer Frazier entered the
10 courtroom)

11 THE COURT: Officer Frazier, if you
12 don't mind coming down here, please, ma'am. And,
13 Officer Frazier, I hate to put you on the spot, but
14 since I didn't ask the jury about you when we were
15 picking a jury, I need for you to turn and face the
16 jury. And if you don't mind, do you feel
17 comfortable taking your mask off?

18 OFFICER FRAZIER: Yes, sir.

19 THE COURT: All right. Does any member
20 -- is any member of the jury panel related by blood
21 or marriage or a close personal friend of Officer
22 Frazier -- it's Ashley Frazier?

23 OFFICER FRAZIER: Yes, sir.

24 THE COURT: Okay. All right. Anybody
25 related by blood or marriage or a close personal

1 friend of Officer Frazier? If so, please stand.

2 All right. Let's see, no one is
3 standing.

4 And has any member of the jury panel or
5 a member of your immediate family ever been
6 involved in any contact with law enforcement where
7 Officer Frazier was the officer involved in that?
8 If so, please stand at this time.

9 All right. No one is standing.

10 Any other questions from the State?

11 MR. OSBORNE: None, Your Honor.

12 THE COURT: Any other questions from
13 Defense, Ms. Zmroczek?

14 MS. ZMROCZEK: None, Your Honor.

15 THE COURT: Mr. Leiendecker?

16 MR. LEIENDECKER: No.

17 THE COURT: Okay. Mr. Johnson?

18 MR. JOHNSON: No, Your Honor.

19 THE COURT: All right. Thank you,
20 Officer Frazier. I appreciate it.

21 OFFICER FRAZIER: Yes, sir.

22 (WHEREUPON, Officer Frazier left the
23 courtroom)

24 THE COURT: All right. Is the State
25 ready to call its next witness?

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 MR. OSBORNE: The State calls Ashley
2 Frazier.

3 THE COURT: Oh, okay.

4 ASHLEY FRAZIER,
5 being first duly sworn, was examined and testified
6 as follows:

7 THE CLERK: Please be seated. In the
8 microphone, state your first and last name for the
9 record.

10 OFFICER FRAZIER: Ashley Frazier.

11 THE CLERK: Thank you.

12 THE COURT: She's your witness.

13 MS. GLOVER: Thank you, Your Honor.

14 DIRECT EXAMINATION BY MS. GLOVER:

15 Q. Director Frazier, where do you
16 currently work?

17 A. Orangeburg County Sheriff's Office.

18 Q. How long have you been employed by
19 Orangeburg County Sheriff's Office?

20 A. Approximately 15 years.

21 Q. What is your current job title?

22 A. I'm the administrative director over
23 the community service unit.

24 Q. What do your responsibilities include?

25 A. I oversee the transportation unit as

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 well as the civil division and I'm also one of the
2 recruiters for the sheriff's office.

3 Q. Do you have any trainings or
4 certifications?

5 A. I have training from the South Carolina
6 Criminal Justice Academy as well as an associates
7 degree from OC Tech in criminal justice and also
8 have background investigation training.

9 Q. Prior to last week, did you know any of
10 the Defendants involved in this case?

11 A. No, ma'am.

12 Q. Prior to last week, were you involved
13 in investigations involving this case?

14 A. No, ma'am.

15 Q. On February 7th through February 10th,
16 were you assigned to transport Luther Smith to and
17 from Lexington County Detention Center?

18 A. Yes, ma'am.

19 Q. Did Mr. Smith initiate conversations
20 with you during transport?

21 A. Yes, ma'am, he did.

22 Q. Were these conversations completely
23 voluntary and unprovoked?

24 A. Yes, ma'am.

25 Q. On Monday after court while the two of

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1 you traveled back to Lexington, did Mr. Smith make
2 any comments to you?

3 A. Yes, ma'am, he did.

4 Q. How long was the ride with Mr. Smith on
5 each of the days you transported him?

6 A. Approximately an hour to and an hour
7 from.

8 Q. During the drive, did Mr. Smith appear
9 to be intoxicated or under the influence of drugs?

10 A. No, ma'am.

11 Q. Did Mr. Smith appear to have any
12 physical or mental disability that would have left
13 him impaired?

14 A. No, ma'am.

15 Q. During this drive, were any threats or
16 promises made to Mr. Smith?

17 A. No, ma'am.

18 Q. What did Mr. Smith say?

19 A. He stated that the odds were not in his
20 favor.

21 Q. And what did you take from this
22 statement?

23 A. That he was trying to discuss his case

24 --

25 MR. LEIENDECKER: Objection, Your

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1 Honor.

2 MS. ZMROCZEK: Objection, Your Honor.

3 MR. LEIENDECKER: This witness can't
4 testify regarding what --

5 MS. ZMROCZEK: His statement --

6 MR. LEIENDECKER: -- his statement
7 meant to him.

8 THE COURT: I understand.

9 MR. LEIENDECKER: Or what she
10 perceived.

11 THE COURT: Right. If you can go over,
12 I believe there were three statements that -- that
13 we believe were voluntary at that time?

14 MS. GLOVER: Yes, sir.

15 THE COURT: If you'd just go to those
16 statements.

17 MS. GLOVER: Okay.

18 THE COURT: Thank you, ma'am.

19 MS. GLOVER: No problem, Judge.

20 THE COURT: Yes, ma'am.

21 Q. Again, Ms. -- Director Frazier, what
22 did Mr. Smith say to you?

23 A. Which part? I'm sorry.

24 Q. The portion you just answered.

25 A. He stated that the odds were against

ASHLEY FRAZIER - DIRECT EXAMINATION BY MS. GLOVER

1 him -- were not in his favor.

2 MS. ZMROCZEK: Objection. I move to
3 strike.

4 MR. LEIENDECKER: Objection, again,
5 Your Honor. This is not what we discussed in
6 pretrial.

7 THE COURT: I understand. That's what
8 we're trying to --

9 MR. LEIENDECKER: Move to strike and
10 move to strike the question as well.

11 MS. GLOVER: Your Honor, this question
12 was already asked and answered. This was the one
13 of the first questions we asked when Director
14 Frazier took the stand.

15 MR. LEIENDECKER: I'm sorry, Your
16 Honor, if we're going to have speaking objections,
17 I ask that the jury be removed.

18 THE COURT: All right. Ladies and
19 gentlemen, I'm sorry. I'm going to have to ask
20 y'all to just go back in the jury room just briefly
21 for a second. Remember, you can't talk about any
22 of the testimony you've heard. Thank you.

23 (WHEREUPON, the jury left the courtroom
24 at 10:33 a.m.)

25 THE COURT: I don't know if y'all need

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1 to put anymore objections or do you want me to just
2 talk about it?

3 MR. LEIENDECKER: Talk about the three
4 statements, Your Honor, that's what I understood we
5 we're going to deal with today.

6 THE COURT: Right.

7 MR. LEIENDECKER: The drugs, I don't --
8 I do bad things when I'm on drugs and say things I
9 don't mean and I would never kill kids.

10 THE COURT: Okay. Yeah. And just so
11 --

12 MS. GLOVER: Your Honor, if I could
13 clarify briefly --

14 THE COURT: Yes, ma'am.

15 MS. GLOVER: The first question I asked
16 was, what did Mr. Smith say and Director Frazier
17 stated the odds were not in Mr. Smith's favor and
18 then I went down to talk about the drugs. When I
19 was circling back, the question was intended to be
20 about the drugs, not to repeat about the odds in
21 the favor. Because I know me and Director Frazier
22 have gone through a lot of questioning and I wasn't
23 trying to confuse her. Not to get that statement
24 in front of the jury again.

25 THE COURT: Yes, ma'am. I understand

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1 that. I'm not -- but what I'm trying -- I'm saying
2 this so I can remind Officer Frazier what
3 statements were allowed. And, Officer Frazier,
4 when she is asking you about what he said, the only
5 statements we're interested in you repeating to the
6 jury are just the statement that he just wanted
7 drugs. There was another statement that drugs made
8 him do bad things and I did not kill those kids. I
9 would have offed himself or myself or however he
10 said it, whatever. Okay. Those are the only
11 statements that you are allowed to testify about
12 what he said.

13 OFFICER FRAZIER: Yes, sir.

14 THE COURT: Okay. All right. Do we
15 have any questions about that?

16 OFFICER FRAZIER: No, sir.

17 THE COURT: All right.

18 MR. LEIENDECKER: When the jury's
19 brought back, Your Honor, we would ask that the
20 jury strike the question and the answer from the
21 Officer because it wasn't where --

22 THE COURT: About he didn't stand a
23 chance?

24 MR. LEIENDECKER: Yes. The question
25 shouldn't have been asked and the answer shouldn't

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1 have been given. Because she came back and
2 repeated the question.

3 THE COURT: Well, hopefully and I think
4 she was intending to give her the right, but I will
5 be glad to --

6 MR. LEIENDECKER: I have no doubt of
7 that, Your Honor.

8 THE COURT: Yeah. Okay. So when the
9 jury comes back in I'll ask them to disregard the
10 question and the answer that she supplied. Okay.

11 MS. GLOVER: Okay. Your Honor, for
12 sake of our line of questioning, is it okay because
13 I want to make sure it's all right for everybody in
14 the room that I repeat what did he say so that
15 Director Frazier can go into the part where he said
16 he just wanted the drugs. That way --

17 THE COURT: That needs to be the
18 appropriate answer.

19 MS. GLOVER: Okay.

20 THE COURT: Okay. Officer Frazier, you
21 understand that, that's the appropriate answer to
22 that question?

23 OFFICER FRAZIER: Yes, sir.

24 THE COURT: And then she can say, was
25 there anything else he said during y'all's

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1 conversation. Okay. Now, when they cross examine
2 you, you still need to answer the questions however
3 they ask you the questions. Okay.

4 OFFICER FRAZIER: (Nodded)

5 THE COURT: All right. Ms. Zmroczek,
6 anything else you need to ask?

7 MS. ZMROCZEK: Just making sure that it
8 gets struck. And I've already -- when I'm working
9 on jury charges, Your Honor, I have a charge in
10 there about any testimony that was stricken from
11 the record because I know we've done it a couple of
12 times.

13 THE COURT: Okay. Yeah. Thank you,
14 ma'am.

15 MR. JOHNSON: And, Your Honor, just for
16 the record, join in the motion and -- or the
17 objection and the request by Mr. Leiendecker and
18 Ms. Zmroczek.

19 THE COURT: Okay. Just glad you're
20 still here and joining with us.

21 MR. JOHNSON: Yes, sir.

22 THE COURT: Okay.

23 MR. OSBORNE: And, Your Honor, if I may
24 just for the record, real quick. Ms. Glover
25 actually provided to the Defense her questions and

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1 the answers which I thought was in abundance of
2 caution, so they knew exactly what was going to be
3 asked, exactly what was going to be said --

4 MS. ZMROCZEK: And I objected.

5 MR. OSBORNE: And then we will -- no,
6 you said, thanks. You replied back thanks. So
7 we'll present that -- I mean, we'll make a exhibit
8 out of that.

9 THE COURT: Okay. All right. We can
10 deal with that --

11 MR. LEIENDECKER: And just to make a
12 record, Your Honor. That email was sent last night
13 and I don't think I had any duty to reply to it.

14 MR. OSBORNE: Well, unless you want a
15 mistrial.

16 MR. LEIENDECKER: I don't think I had
17 any duty to reply to it. And I'll take the State's
18 offer, if that's an offer.

19 MS. ZMROCZEK: And just so the record
20 is clear --

21 MR. OSBORNE: That's why we sent it.

22 THE COURT: Okay.

23 MS. ZMROCZEK: And just so the record
24 is clear, Your Honor. I did say thanks and then my
25 next email literally two minutes after that was,

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1 hey, my only objections are to be, how did you take
2 that, you know, so I did note that ahead of time.

3 THE COURT: No, I understand. The
4 reason we had the hearing just so we'll put it on
5 the record is to make sure that we didn't get into
6 this kind of situation. We're now in it, I'm going
7 to clear it up with the jury. She's -- the Officer
8 knows what her answers are going to be. Okay. And
9 we're going to move along like that. Okay.

10 Are there any other objections that
11 y'all need to make right now?

12 MS. ZMROCZEK: I don't think so.

13 THE COURT: Okay. All right. Sounds
14 good. Would you bring the jury back on in.

15 THE BAILIFF: Yes, Your Honor.

16 THE COURT: Thank you.

17 (WHEREUPON, the jury entered the
18 courtroom at 10:40 a.m.)

19 THE COURT: All right. Ladies and
20 gentlemen, you know, y'all have notebooks, you got
21 pens. Okay. I don't know if y'all were -- it
22 didn't appear to me that anybody was taking notes
23 about that time. But if you wrote down the last
24 question that Ms. Glover asked and the response of
25 Officer Frazier, I need for you to strike through

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1 it in your notebook. Okay. I also need for you to
2 strike through it in your mind. Disregard it. You
3 are not to -- you are to disregard both the answer
4 and the question -- the last question that was
5 asked and the last answer that was given. Okay.

6 All right. We're ready to proceed?

7 MR. LEIENDECKER: Yes, Your Honor.

8 MS. ZMROCZEK: Thank you, Your Honor.

9 THE COURT: Mr. Johnson?

10 MR. JOHNSON: Yes, sir.

11 THE COURT: Okay. Ms. Glover, she is
12 back to you as your witness.

13 MS. GLOVER: Thank you, Your Honor.

14 THE COURT: Yes, ma'am. Thank you.

15 CONTINUED DIRECT EXAMINATION BY MS. GLOVER:

16 Q. Thank you for your patience Director
17 Frazier.

18 A. Yes, ma'am.

19 Q. I believe the question we left off on
20 was, what did Mr. Smith say?

21 A. He stated he just wanted the drugs.

22 Q. And at the point that he made that
23 statement, did he remain quite or continue to
24 speak?

25 A. He continued to speak by saying that

1 drugs made him do bad things and say things that he
2 did not mean.

3 Q. And how did you respond to this?

4 A. I advised Mr. Luther not to talk to me
5 about his case due to the sensitivity of it.

6 Q. Did Mr. Smith say anything else?

7 A. He did. He stated, Ashley, I would not
8 have killed those kids. If I did, I would have
9 offed myself a long time ago.

10 Q. And how did you respond to this?

11 A. I once again I asked him not to talk to
12 me about his case. I didn't know anything about it
13 and we would just have to see it unfold.

14 Q. Did he stop talking about the case on
15 this date, February 7th?

16 A. Yes, ma'am.

17 Q. Now, Director Frazier, did you write a
18 report about what Mr. Smith said?

19 A. No, ma'am.

20 Q. Do you normally write criminal reports?

21 A. No, ma'am.

22 Q. Did you notify anyone?

23 A. No, ma'am.

24 Q. Why not?

25 A. Because I did not want to be involved

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1 in this case at all.

2 Q. Does your car have audio or video
3 equipment?

4 A. No, ma'am.

5 Q. Were you wearing your body worn camera?

6 A. No, ma'am.

7 Q. Was the interaction reported in any
8 way?

9 A. No, ma'am.

10 Q. Were there any witnesses to Mr. Smith's
11 comments?

12 A. No, ma'am.

13 Q. Okay. On last Wednesday, did you again
14 transport Mr. Smith?

15 A. Yes, ma'am.

16 MR. LEIENDECKER: Objection, Your
17 Honor.

18 THE COURT: I don't believe we're going
19 into any of the Wednesday conversations, are we?

20 MS. GLOVER: No, Your Honor.

21 THE COURT: Okay.

22 MR. LEIENDECKER: Objection, Your
23 Honor.

24 MS. GLOVER: May we approach, Your
25 Honor?

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1 THE COURT: Sure.

2 (WHEREUPON, there was a bench
3 conference)

4 THE COURT: All right. Ms. Glover, if
5 you would continue with Officer Frazier.

6 MS. GLOVER: Thank you, Your Honor.

7 Q. Director Frazier, the comments that
8 Mr. Smith made to you, did you report this
9 information right away?

10 A. No, ma'am.

11 Q. Did you speak with anyone about
12 Mr. Smith's conversation?

13 A. I spoke with Sergeant Gillard.

14 Q. And when did you tell Sergeant Gillard?

15 A. I spoke to Sergeant Gillard last Friday
16 night we were working an off-duty detail in
17 Rosevelt Gardens.

18 MS. ZMROCZEK: Your Honor, I'm sorry.
19 I'm having a hard -- trouble hearing.

20 A. I spoke with Sergeant Gillard last
21 Friday night when were working an off-duty detail
22 in Rosevelt Gardens.

23 Q. And what happened then?

24 A. She immediately contacted Lieutenant
25 Shumpert and I provided a written statement.

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Thank you, Director Frazier. Please
2 answer any questions the Defense may have.

3 OFFICER FRAZIER: Yes, ma'am.

4 THE COURT: Thank you, ma'am. Ms.
5 Zmroczek, I'm assuming you're going first since you
6 stood up.

7 MS. ZMROCZEK: Thank you. Yeah.
8 Sorry. May it please the Court.

9 THE COURT: Yes, ma'am. Ms. Zmroczek,
10 she is your witness.

11 CROSS EXAMINATION BY MS. ZMROCZEK:

12 Q. Good morning. Director Frazier; right?

13 A. Yes, ma'am. Good morning.

14 Q. So you're the director of -- tell me
15 again. I'm sorry.

16 A. Community service unit.

17 Q. Community services?

18 A. Yes, ma'am.

19 Q. So you do a lot of work in the
20 community?

21 A. Yes, ma'am.

22 Q. But you've been employed with the
23 Orangeburg County Sheriff's Department for 15
24 years?

25 A. Yes, ma'am, approximately.

1 Q. Okay. Approximately. Ms. Glover asked
2 you if you were wearing your body cam that day?

3 A. Yes, ma'am.

4 Q. Do you have one?

5 A. No, ma'am.

6 Q. Orangeburg County has body cams; right?

7 A. Yes, ma'am, they do.

8 Q. And the policy is, is that whenever you
9 have interaction or contact with the public you
10 want to wear that body cam because it protects you
11 and the person as well; right?

12 A. Yes, ma'am.

13 Q. Because that way they can't say, I was
14 riding in a car with Officer Frazier and she
15 punched me in the head; right? And you'd be like,
16 no, I didn't. Here's the body cam or here's the
17 dash cam; right?

18 A. Yes, ma'am.

19 Q. And that's why we have those; right?

20 A. Yes, ma'am.

21 Q. Okay. And then again, if you were
22 riding in the car and you got punched in the head
23 then you fill out a report saying, X person punched
24 me in the head. And they said, no, I didn't. And
25 you're like, uh-huh, it's right here on body cam;

1 right?

2 A. Yes, ma'am.

3 Q. And that way we can see kind of the
4 demeanor of the person and have a real
5 understanding of everything that took place; right?

6 A. That's right.

7 Q. So you were assigned to pick up
8 Mr. Smith and transport him; right?

9 A. Correct.

10 Q. And how many transport officers are
11 there?

12 A. There are approximately three of us at
13 the moment.

14 Q. Okay. And are they all females?

15 A. No, ma'am.

16 Q. Okay. Are the other two females or one
17 male, one female?

18 A. Two males and I'm the female.

19 Q. Two males and a female. Okay. And so
20 on that day there was one officer, also another
21 transport officer involved in transporting a
22 different client in this case; right?

23 A. There were two officers assigned to
24 transport. We were all three transporting.

25 Q. All three were transporting?

1 A. (Nodded)

2 Q. Okay. Good. And so -- and you said
3 that you were in your vehicle; right?

4 A. Yes, ma'am.

5 Q. And describe the vehicle again?

6 A. It's a gray unmarked Ford Taurus.

7 Q. Okay. A gray unmarked Ford Taurus;
8 right?

9 A. Yes, ma'am.

10 Q. And when we say "unmarked," we don't
11 mean -- you don't have all the bells and
12 whistles/sirens and all that on your car; right?

13 A. We just have a spotlight.

14 Q. Just a spotlight. And is there --
15 describe the inside for the jury so they can
16 understand what we're...

17 A. It's a normal police car.

18 Q. So there's -- all right. Hopefully
19 some people haven't had the pleasure of being in
20 the back of a normal police car, so when you get
21 into the back of a normal police car, is there a
22 barrier?

23 A. Yes, ma'am. There's a plexiglass and
24 then there's a steel. Also a steel barrier between
25 myself and the defendant.

ASHLEY FRAZIER - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And Mr. Smith was riding in the
2 back; right?

3 A. That's correct.

4 Q. And so y'all were having -- I
5 understand you weren't questioning him, but y'all
6 were having conversations; right?

7 A. Yes, ma'am.

8 Q. And after, you know, he says these
9 things to you, you don't immediately call
10 Lieutenant Shumpert?

11 A. No, ma'am.

12 Q. Or Ms. Glover?

13 A. No, ma'am.

14 Q. Or Mr. Osborne?

15 A. No, ma'am.

16 Q. Okay. And I know today you said that
17 because you didn't really want to get involved in
18 the case, but you recall testifying yesterday?

19 A. I do.

20 Q. And I believe that you said because you
21 didn't really think anything of it; right?

22 A. I didn't think it was important.

23 Q. Didn't think it was important. He
24 didn't say he was -- Mr. Smith never even said he
25 was there; right?

1 A. No, ma'am.

2 Q. And, in fact, what he said is if he had
3 seen those kids killed or killed those kids or some
4 variation of that -- what was it exactly?

5 A. He stated, Ashley, if I had killed
6 those kids, I would have offed myself a long time
7 ago.

8 Q. Right. He said he would have offed
9 himself. You see Mr. Smith sitting here today;
10 right?

11 A. Correct.

12 Q. Okay. You -- and interesting, he
13 called you Ashley. Had you ever met Joe before
14 Monday?

15 A. No, ma'am.

16 Q. Okay. So he was familiar enough with
17 you to call you Ashley?

18 A. Yes, ma'am. Every time I meet somebody
19 in Orangeburg, I tell them my name is Ashley. I
20 never provide my last name.

21 Q. Okay. And, in fact, that day, that
22 Monday, you were being -- you were helping
23 Mr. Smith not just transporting, but he was having
24 issues because Orangeburg wasn't giving the
25 medicine to Lexington or he was having trouble with

1 his medication; right?

2 A. I helped you get his acid reflux
3 medicine, yes, ma'am.

4 Q. Okay. And that required going and
5 getting an order from the judge and taking it to
6 the -- I mean, it required a lot of assistance from
7 you; right?

8 A. Yes, ma'am.

9 Q. And, in fact, I thanked you for being
10 so helpful; right?

11 A. Yes, ma'am, you did.

12 Q. Because on Monday, he was very
13 uncomfortable because he hadn't had his medication;
14 right?

15 A. If that's what you stated.

16 Q. Okay. And he -- I believe I asked you,
17 do you know how far he went in school?

18 A. No, ma'am.

19 Q. Did you know that he -- when he was in
20 school as a child he had an IEP?

21 A. No, ma'am.

22 Q. And did you know that he was being
23 treated for high blood pressure?

24 A. No, ma'am.

25 Q. Anxiety?

1 A. No, ma'am.

2 Q. And bipolar disorder?

3 A. No, ma'am.

4 Q. You weren't aware of all that. And I
5 know that with the unmarked police car doesn't have
6 any -- you weren't wearing your body cam and they
7 don't have any dash cam in the car. Did you have
8 any recording devices that day?

9 A. No, ma'am, not that I was using.

10 Q. Not that you were using. Did you have
11 your cell phone?

12 A. Oh, yes, ma'am.

13 Q. Okay. That's fine. And certainly if
14 you're driving in the vehicle and somebody starts
15 confessing to a crime, you would want to get that
16 recorded; right?

17 A. I've never had anybody confess before,
18 ma'am.

19 Q. Exactly.

20 MS. ZMROCZEK: I have no further
21 questions, Your Honor.

22 THE COURT: Mr. Leiendecker or
23 Mr. Chisholm, any questions of this witness?

24 MR. LEIENDECKER: No. Thank you,
25 Officer.

ASHLEY FRAZIER - REDIRECT EXAMINATION BY MS. GLOVER

1 OFFICER FRAZIER: Thank you.

2 THE COURT: Mr. Johnson, any questions
3 of this witness?

4 MR. JOHNSON: No questions, Your Honor.

5 THE COURT: Anything on redirect?

6 MS. GLOVER: Yes, Your Honor, briefly.

7 THE COURT: Yes, ma'am.

8 REDIRECT EXAMINATION BY MS. GLOVER:

9 Q. Director Frazier, are you required to
10 wear a body worn camera?

11 A. No, ma'am.

12 Q. Is it customary to wear a body worn
13 camera while you transport?

14 A. No, ma'am.

15 Q. And I believe you testified there were
16 three codefendants and three transport officers?

17 A. That's correct.

18 Q. Okay. How many of the defendants that
19 you've transferred have been bipolar, do you know?

20 A. I have no idea.

21 Q. Have anxiety?

22 A. I have no idea.

23 Q. An IEP?

24 A. I have no idea.

25 Q. Do you receive full medical records for

1 every defendant that you transport?

2 A. No, ma'am.

3 MS. GLOVER: No further questions, Your
4 Honor.

5 THE COURT: Any anything on recross?

6 MS. ZMROCZEK: Nothing, Your Honor.

7 THE COURT: Any questions?

8 MR. LEIENDECKER: No.

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

11 All right. Is the State ready to call
12 its next witness?

13 MR. OSBORNE: We are, Judge. State
14 calls Samantha Buxton.

15 SAMANTHA BUXTON,
16 being first duly sworn, was examined and testified
17 as follows:

18 THE CLERK: Thank you. Please be
19 seated.

20 THE COURT: All right. Ms. Buxton, do
21 you mind taking your mask off.

22 MS. BUXTON: Yes, sir.

23 THE COURT: Thank you, ma'am. And, Ms.
24 Buxton, again, would you speak into the microphone
25 and you can move it -- you can actually hold the

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 microphone if it will help. Okay.

2 MS. BUXTON: Okay. Is that better?

3 THE COURT: Yes, ma'am. That's a lot
4 better. You're the first person in two days to do
5 that. Thank you, ma'am.

6 MS. BUXTON: You're welcome.

7 THE COURT: All right. Go ahead. She
8 is your witness.

9 MR. OSBORNE: Thank you, Judge.

10 DIRECT EXAMINATION BY MR. OSBORNE:

11 Q. Ms. Buxton, we're just going to
12 introduce yourself to the jury real quick. How old
13 are you?

14 A. I'm 29.

15 Q. And -- 29. And where are you
16 originally from?

17 A. I'm originally from Cloverleaf.

18 Q. Cloverleaf?

19 A. Yes, sir.

20 Q. That's in South Carolina?

21 A. Yes, sir.

22 Q. Okay. Where do you live now?

23 A. I was living at [REDACTED] Factory Road.

24 Q. Okay. And where is Factory Road?

25 A. In South Carolina. Eutawville, South

1 Carolina.

2 Q. Okay. But nowadays where do you live?

3 A. I've been staying on the street.

4 Q. Okay. I'm going to get this out of the
5 way because I'm sure someone is going to ask you.

6 I see you're in a little bit of trouble now?

7 A. Yes, sir.

8 Q. Okay. And you're going to have to
9 speak up because she's literally typing down
10 everything you're saying, okay?

11 A. Yes, sir.

12 Q. Where are you serving time now?

13 A. Here in Orangeburg.

14 Q. No, I mean in Texas.

15 A. I was at Liberty County. Liberty
16 County jail and I was there for about a week or so,
17 maybe a little longer.

18 Q. Okay. On what charge?

19 A. Assault to a police officer they said.

20 Q. Okay. Fighting with the police?

21 A. Right. Yes, sir.

22 Q. Okay. All right. When you lived in
23 South Carolina prior to going to Texas, did you
24 know a person by the name of Mark Windham?

25 A. Prior to going to Texas?

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Yes.

2 A. From South Carolina?

3 Q. Well, I guess you know him now. Do you
4 know Mark Windham?

5 A. Yes, I know Mark Windham.

6 Q. And who was he to you?

7 A. He was my boyfriend.

8 Q. Was your boyfriend?

9 A. Yes, sir.

10 Q. Okay. About how long were you two
11 together?

12 A. We were together for about a year, year
13 and a half, two years.

14 Q. And do you know the Defendant over
15 here, I think you know him as Joseph Smith?

16 A. Yes, I do. I know Joseph.

17 Q. Okay. And what is Joseph's
18 relationship to Mark?

19 A. He's his brother from my understanding.
20 They're brothers.

21 Q. Okay. And do you know Antly Scott in
22 the very back if you can see?

23 A. Yes. Yes, I do.

24 Q. Okay. Do you know him as Antly or did
25 you know him as a nickname?

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 A. I know him as Jackie Man.

2 Q. Jackie Man?

3 A. Right. Yes.

4 Q. Okay. How about Derrick Coleman?

5 A. Derrick, we met him at the bar.

6 Q. Met him at a bar?

7 A. Yes, sir.

8 Q. Okay. All right. Now back in 2015, is
9 it fair to say that you spent a lot of time at
10 Mark's trailer?

11 A. Right.

12 Q. Okay. And that was in Eutawville?

13 A. Yes, sir.

14 Q. Okay. How about this Defendant right
15 here, do you know who he is?

16 A. I've seen him before, but I don't know
17 his name.

18 Q. Okay. All right. So, Samantha, I'm
19 going to go to a night -- well, that you had been
20 questioned a lot about. Okay. And then we'll get
21 into what you know about that night and when it
22 occurred and all that stuff in a minute, but we'll
23 talk about the night first.

24 This night in particular, did you hear
25 any talk or any conversations about -- and we'll

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 get into who was in the trailer, but any talk or
2 any conversations about going to a strip club?

3 MS. ZMROCZEK: Your Honor, I would
4 object to leading.

5 THE COURT: Well --

6 MS. BUXTON: Do I answer the question?

7 MR. OSBORNE: No. One second.

8 THE COURT: Hold on one second. I'll
9 note your objection, but I'm going to let him ask
10 that question. Okay. Go ahead.

11 A. Okay. So if I knew -- if I heard them
12 discussing if they were going to go to the club or
13 not?

14 Q. Yes.

15 A. Yeah, whenever he had asked Mark,
16 that's whenever --

17 Q. Okay. All right. So when this
18 discussion was occurring it was at Mark's trailer
19 or where was it?

20 A. It was over there at -- they went to
21 the club a lot. They went to the club over there
22 at Derrick's house. They went to a club at the
23 trailer. But, I mean, when started getting
24 questioned is wherever it was at the trailer.

25 Q. At the trailer?

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Right.

2 Q. Okay. Who was all at the trailer that
3 night? Going way into the night?

4 A. They were -- it was me, my son, Mark
5 Sr, Joseph, and Antly, and Derrick. But it was me,
6 Mark, and Derrick and then Antly and Joseph came
7 over and they were going to the club or something,
8 we were all hanging out or whatever. And then they
9 kept going back and forth from Mary Jo's or whatnot
10 and -- or to the store and stuff like that and they
11 were drinking and that's what I guess brought up
12 going to the club.

13 Q. Okay. And then at some point, did
14 people leave the trailer like for a while?

15 A. Yeah, like they left to go to the store
16 and stuff like that. And then we were in a car at
17 one time, it was me, Joseph, some girl or his --
18 no, it was his daughter if I'm correct. And we all
19 went to the store or something and it was Antly or
20 whatnot and then they were like -- I don't know if
21 it's true or not, but they were like somebody
22 robbed the store --

23 MS. ZMROCZEK: Objection, Your Honor.
24 If she doesn't know it's true and then I would move
25 to strike anything about that.

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Because I wasn't in the store with
2 them.

3 THE COURT: Hold on. All right.
4 Ladies and gentlemen, I'm going to strike -- ask
5 you to strike any comments about whether there was
6 a robbery that had any relationship to this. She
7 didn't know whether it was true. So if y'all would
8 just disregard that comment. Okay. I would
9 appreciate it. All right. Thank you.

10 Q. Samantha, just listen to my question,
11 okay?

12 A. Yes, sir.

13 Q. You're doing fine.

14 A. Okay.

15 Q. That night, were you all getting high
16 in the trailer?

17 A. After they got back, yes.

18 Q. Okay. Were y'all getting high before
19 they left?

20 A. We were trying to get high, but we -- I
21 don't quite remember if we were getting high.

22 Q. Okay. And what was it -- you said you
23 were trying to get high, what was your drug of
24 choice back then?

25 A. It was methamphetamines.

1 Q. Meth?

2 A. Yes.

3 Q. Okay. All right. Now, you said that
4 you got high later that night. All right. Now,
5 did individuals leave the trailer that night in
6 Derrick's truck?

7 A. Yes, it was Derrick --

8 Q. One second. All right. So we're going
9 to break it down real slow, okay?

10 A. Yes.

11 Q. All right. So who all left Derrick --
12 who all left the trailer that night in Derrick's
13 truck?

14 A. It was Derrick, it was Antly, and it
15 was Joseph. Or it was Joseph and Derrick and then
16 Antly got in the truck.

17 Q. Okay. Either way those three, Derrick,
18 Joseph, and Antly. Okay. Now, what time did they
19 get back to the trailer, about, if you remember?

20 A. About 4 o'clock in the morning.

21 Q. About 4 o'clock in the morning?

22 A. Because it wasn't long before it became
23 daylight.

24 Q. Okay. Now you said that y'all were
25 trying to get high, did Derrick, Antly, and Joseph

SAMANTHA BUXTON - DIRECT EXAMINATION BY MR. OSBORNE

1 ever return back to the trailer? That -- you said
2 around 4 o'clock?

3 A. Right.

4 Q. Did y'all get high then?

5 A. Yeah, we got high whenever they got
6 back. We were getting high.

7 Q. Okay. So you were trying to get high
8 before they left, but you got high when they got
9 back?

10 A. Yes, sir.

11 Q. Okay. All right. So did you go?

12 A. No, I didn't go. I wasn't -- no.

13 Q. You didn't go?

14 A. Huh-uh.

15 Q. Okay.

16 A. There was one time that I did go to the
17 club with them --

18 MS. ZMROCZEK: It can't hear, Your
19 Honor.

20 A. There was one time I did go to the club
21 with them, but we went to the club and came
22 straight back.

23 Q. Okay. Well, just -- again, just try
24 just to answer my questions, okay?

25 A. Yes, sir.

1 Q. That's fine what you said, but, you
2 know, we're going forward, okay?

3 A. Right.

4 Q. Did Mark leave with Derrick, Antly, and
5 Joseph in Derrick's truck?

6 A. Yeah. Derrick was with them.

7 Q. Say it again.

8 A. Derrick was with them whenever they got
9 back from the store.

10 Q. No. I'm saying the night that they
11 left, that Derrick, Antly, and Joseph left in
12 Derrick's truck, would you let Mark go with them?

13 A. No. I didn't want Mark to go with
14 them, no.

15 Q. And why not?

16 A. Because I was jealous. I didn't want
17 him to go with him. I didn't want him going to no
18 strip club with them. I didn't want him going out
19 there and getting drunk and wind up going to jail.
20 You know, I had a son I had to take care of and so
21 it just wasn't happening.

22 Q. Okay. So you made Mark stay with you
23 in the trailer?

24 A. Right.

25 Q. You didn't go?

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 A. Right.

2 Q. But Derrick, Luther, and Antly went; is
3 that correct?

4 A. Yes, that's accurate.

5 Q. Okay.

6 MR. OSBORNE: No further questions.

7 THE COURT: All right.

8 Mr. Leiendecker, Mr. Chisholm, who wants to go
9 first?

10 MS. ZMROCZEK: I think Ola is going to
11 go first this time.

12 THE COURT: Mr. Johnson?

13 MR. JOHNSON: Thank you, Judge.

14 THE COURT: Okay. She is your witness.

15 MR. JOHNSON: Thank you, Judge.

16 CROSS EXAMINATION BY MR. JOHNSON:

17 Q. Ma'am, how long have you been using
18 drugs?

19 A. For a while, since I was a young girl.

20 Q. You use methamphetamine?

21 A. Yes, sir.

22 Q. And you use cocaine?

23 THE COURT: All right. Mr. Johnson, I
24 need for you to speak up and, Ms. Buxton, I need
25 for you to speak up. Okay.

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 MS. BUXTON: Yes, sir.

2 THE COURT: You got the microphones
3 right there, it would sure make it easy on this old
4 man.

5 MS. BUXTON: Yes, sir.

6 MR. JOHNSON: Yes, sir. I don't mean
7 to be rude, but I'm going to speak up. Sometimes
8 I'm so loud that people say I'm too loud. So no
9 offense.

10 Q. Now, you use methamphetamine?

11 A. (Nodded)

12 Q. You use cocaine?

13 MS. SPIRES: I need her to answer.

14 A. Yes, ma'am -- I mean, yes, sir.

15 Q. Okay. Because she's typing.

16 A. Yes, sir.

17 Q. When did you start using cocaine?

18 A. My first time ever using cocaine I was
19 probably about seven. It was in our playhouse. I
20 was with my sister.

21 Q. And you've expressed to the police
22 before that you have trouble remembering dates
23 especially when you're using drugs?

24 A. Right. Usually I remember what day it
25 is. I don't have a problem with, you know, ever

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 keeping up with the day. Or I'll ask somebody,
2 hey, what's today and get the day out of them, you
3 know.

4 Q. And when you reach back in your memory
5 and you're using drugs, that can affect remember
6 when stuff happens?

7 A. (Nodded)

8 Q. And it can affect -- remember you have
9 to say, yes, if the answer is, yes.

10 A. Yes.

11 Q. Whatever the answer is you have to say
12 it.

13 A. Yes, sir.

14 Q. It can affect your memory about where
15 you are?

16 A. Right.

17 Q. Okay. And so when the Solicitor asked
18 you questions, were you sure about whether you were
19 at another residence where you get your male,
20 what's that residence?

21 A. That would be [REDACTED] Factory Road is where
22 my ID's at. My license. And my birth certificate
23 is at [REDACTED] Hollywood, Houston, Texas.

24 Q. Okay. And did you have any trouble
25 express that you've had any trouble about just

1 remembering where this happened?

2 A. The incident? What took place?

3 Q. When the Solicitor asked you about
4 people leaving and coming back.

5 A. I don't understand -- oh. Oh. I'm not
6 too for sure.

7 Q. You're not too for sure which house you
8 were at?

9 A. No, I was at the trailer the whole
10 time. The trailer most definitely whenever they
11 went to the club the last time.

12 Q. Whose trailer?

13 A. Mary Jo's.

14 Q. Mary Jo's trailer?

15 A. Yes.

16 Q. Okay. And is it other stuff that
17 affects your memory?

18 A. No, not that I'm aware of.

19 Q. Okay. You have any kind of a diagnosis
20 that affects your memory?

21 A. No, not that I'm aware.

22 Q. Not that you're aware of?

23 A. No, nothing affects my mind.

24 Q. Okay. And do you remember stating that
25 the police would give you information to help you

SAMANTHA BUXTON - CROSS EXAMINATION BY MR. JOHNSON

1 with your memory, do you remember that?

2 A. Yes, sir.

3 Q. So when you --

4 A. I can't --

5 Q. -- talked to the police -- I'm sorry?

6 A. Say that again, I'm sorry.

7 Q. When you talked to the police, they
8 gave you information to help you with your memory?

9 A. Nothing more -- they didn't give me no
10 medication for me to remember by.

11 Q. No. No medication, but they would give
12 you names or --

13 A. Oh, yes. Yes. Yes. Yes. Yes. Like,
14 do you know this person or have you came in contact
15 with so and so.

16 Q. Right.

17 A. Right. When's the last time you spoke
18 with Jackie Man or Antly Scott --

19 Q. Right. So it would help you when the
20 police would give you information, that helps you
21 remember things?

22 A. (Nodded)

23 MS. SPIRES: Is that a yes?

24 A. Yes. Yes.

25 Q. Okay.

1 MR. JOHNSON: Those are all the
2 questions I have, Your Honor.

3 THE COURT: Ms. Zmroczek?

4 MS. ZMROCZEK: Thank you, Your Honor.
5 May it please the Court.

6 THE COURT: Yes, ma'am.

7 CROSS EXAMINATION BY MS. ZMROCZEK:

8 Q. Ms. Buxton --

9 A. Yes.

10 Q. -- I want to ask -- Mr. Osborne said
11 that you've been talked to a lot about this case;
12 right?

13 A. Yes, ma'am.

14 Q. And so -- when was the first time
15 anybody talked to you about this case?

16 A. I'm not sure what day it was. But I
17 don't remember what day it was.

18 Q. Don't remember what day?

19 A. No, ma'am.

20 Q. And who was it that you talked to?

21 A. I don't remember what officer.

22 Q. You don't remember the officer?

23 A. I know they gave me a card. I kept the
24 card for a long time. All that paperwork's at the
25 trailer.

SAMANTHA BUXTON - CROSS EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. So they came -- where did they
2 -- they came to the trailer to talk to you? Or he?
3 How many?

4 A. There was two officers that came out
5 there. There was three. There was one in the
6 front -- well, two in the front and one in the
7 back. And then -- no, only two came. Because I
8 was the one in the front and then anyway's.

9 Q. That's fine. So when you talked to the
10 -- there were two officers, one in the front, one
11 in the back. When you talked to them on that day
12 whatever date that was, did you write a statement?

13 A. The day that they picked me up I wrote
14 a statement.

15 Q. The day that they picked you up?

16 A. Yes.

17 Q. Okay. Let's talk about that. Do you
18 have a driver's license?

19 A. Yes, ma'am.

20 Q. Not suspended?

21 A. No, ma'am.

22 Q. Have access to vehicles?

23 A. Yes.

24 Q. Okay. But the police came to your home
25 and picked you up?

1 A. Yes, ma'am.

2 Q. And who was that?

3 A. I don't know his name. You mean --

4 Q. No guessing. No guessing.

5 A. I don't know who the officer is.

6 Q. It's fine. It's fine. Because you
7 understand that people have to make determinations
8 on facts based on what you said. So if you're
9 guessing or if people are helping you remember,
10 then that's not your memory; right?

11 A. Yes, ma'am.

12 Q. So I just want to focus on what's in
13 here, okay?

14 A. Yes, ma'am.

15 Q. And I promise I'm not yelling at you,
16 it's just really important, okay?

17 A. Yes, ma'am.

18 Q. So in 2015, how old were you?

19 A. Let's see, it's 2021?

20 Q. Yes. I've been counting on my fingers
21 the whole time.

22 A. I was like 19.

23 Q. Okay. So you were 19 years old?

24 A. Yeah.

25 Q. And how many -- and that's fine. And

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1 how many children did you have?

2 A. One. In 2015, no, I didn't have no
3 kids in 2015. He was born in 2019, if I'm right.
4 I don't know.

5 Q. Okay. You don't know if you had any
6 children in 2015?

7 A. Huh-uh.

8 Q. Okay. You remembered just a minute ago
9 when you testified on direct about who was in the
10 trailer that day?

11 A. Yes, ma'am.

12 Q. Okay. Did you -- so who was in the
13 trailer and -- that day?

14 A. Right. Oh, I don't know what day he
15 was talking about.

16 Q. Right, exactly. So let me start back.
17 Where did you say you were from?

18 A. I'm originally from Houston, Texas.
19 Cloverleaf.

20 Q. Cloverleaf, Texas not South Carolina?

21 A. Yes, ma'am.

22 Q. So you're from Texas?

23 A. Yes.

24 Q. Okay. And, in fact, I believe -- so
25 this uniform that you have on that's because you're

1 incarcerated right now?

2 A. Yes, ma'am.

3 Q. And so you're incarcerated in
4 Orangeburg?

5 A. Yes, I'm incarcerated in Orangeburg.

6 Q. How did you get to Orangeburg?

7 A. From Harris County.

8 Q. Okay. Harris County where?

9 A. It was Dallas/Fort Worth.

10 Q. Okay. So in Texas?

11 A. Yes, ma'am. From Grand Prairie.

12 Q. I'm sorry?

13 A. From Grand Prairie.

14 Q. Is that a facility? I'm sorry, I'm not
15 from Texas.

16 A. Yeah, it's a town.

17 Q. It's a town?

18 A. Yes.

19 Q. Okay. And you were arrested in Texas;
20 right?

21 A. Yes, ma'am.

22 Q. And that was for assaulting a police
23 officer?

24 A. It was evading arrest and possession of
25 marijuana.

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1 Q. Okay. Did you also have an arrest for
2 assaulting a police officer and attempting to take
3 his weapon?

4 A. Yeah, that's what they say. That's
5 what they were saying; correct.

6 Q. And I'm just asking. I'm not asking if
7 you're guilty or not, I'm just asking you what you
8 were arrested for.

9 A. Right. Yes.

10 Q. Okay. So that charge is still pending?

11 A. Right.

12 Q. Okay. And have you asked the State if
13 they were going to help you with that?

14 A. I haven't spoke to nobody about that
15 charge. I was just kind of was just shipped out
16 here. I kind of just went with the flow because I
17 didn't know what was going on and I told the judge
18 I didn't understand. I didn't mean to get upset or
19 overwhelmed, but I was like, I don't know what
20 you're trying to tell me, so. Because it didn't
21 look like the grand juror. You know, it didn't
22 look like the court system to me, so I kind of got
23 a little...

24 Q. Makes you nervous?

25 A. Yes.

1 Q. Right?

2 A. Yes.

3 Q. And you want to do what the police
4 wants you to do?

5 A. Right. Right. Yes, ma'am.

6 Q. Right. I get it. And so they -- so
7 South Carolina is arrested you in Texas and had you
8 brought here?

9 A. Yes, ma'am.

10 Q. Okay. And we talked about your drug
11 use. So in 2015, you were still using
12 methamphetamines?

13 A. Yeah, I reckon. I don't know what
14 years they were. I don't know what year I was
15 doing it.

16 Q. Okay. So we don't know what years
17 we're doing meth. Did you -- so the police come to
18 pick you up; right?

19 A. (Nodded)

20 Q. In their vehicles, but you don't
21 remember who it was?

22 A. Yes.

23 Q. And you -- did you sit in the front
24 seat or did you sit in the backseat?

25 A. I was in the backseat -- no, I was in

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1 the front. I sat up because -- I remember it being
2 in the car -- I was in the back seat for sure.
3 And we went to store, it was me and Mark -- no, me
4 and Mark, we drove the other car. We drove the
5 truck or the van, one of the two, to go up to the
6 store and then they followed us or something. And
7 they said that he had robbed a store or something
8 and I was like, what! And then that's whenever I
9 seen the flatbed truck or somebody -- we went to
10 the lake or something and somebody in the flatbed
11 truck showed up at the house. They were at the
12 house -- they were already at the house. They came
13 in through the window and everything. And I don't
14 know, I was just like, what! And so I was...

15 Q. I hear you. Sometimes I just have to
16 say, what.

17 A. Yeah. Right.

18 Q. So let me go back to my question. On
19 the day that the police came to pick you up, at
20 some point, do you remember what year this was that
21 -- do you remember going to the police station here
22 in Orangeburg?

23 A. Yes, I remember going to the police
24 station and being questioned and writing a
25 statement. I remember writing the statement at

1 Mary Jo's house for me and Mark because Mark can't
2 write or something like that. Or yeah, Uncle Tommy
3 can't read or write he said. But I'm not sure, I
4 just went ahead and went along with it and wrote it
5 for him for the statement for both of them.

6 Q. All right. Who's Uncle Tommy?

7 A. He's my uncle.

8 Q. Okay. And why does he need to write a
9 statement?

10 A. I don't know. He might not have been
11 there or been there. I don't know which one it
12 was. Either Mark or -- not Mark.

13 Q. Right. Right. So got that down. All
14 right. So, again, I'm going to ask this question
15 and I'll speak slowly not because I'm trying to be
16 funny, but I just want to make sure you understand
17 me.

18 A. Yes, ma'am.

19 Q. When you went to write a statement --
20 so you wrote a statement at your house and not at
21 the police station?

22 A. Right, yes, ma'am.

23 Q. But you went to the police station
24 first before you went back to your house and wrote
25 a statement?

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1 A. Right.

2 Q. How did you get to the police station?

3 A. I was picked up.

4 Q. By the police?

5 A. Yes.

6 Q. All right. When you were picked up by
7 the police, were you in a police vehicle?

8 A. Yes, I was in a -- well, no, I was in
9 Mary Jo's truck. Wasn't it? I don't know.

10 Q. All right. So, did you give -- you
11 know that at the police station they have video
12 cameras; right?

13 A. Yeah.

14 Q. And they bring you into what's called
15 an interrogation room. Do you remember that room?

16 A. Yes.

17 Q. Okay. And they brought you, they the
18 police, brought you into the interrogation room?

19 A. Yes.

20 Q. Right. And you were in that room by
21 yourself?

22 A. Uh-huh.

23 Q. Yes? Sorry. I know it's common, but
24 she has to take down everything we say.

25 A. Right. Yes, ma'am.

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1 Q. So you're in that room by yourself, 19
2 years old?

3 A. Uh-huh.

4 Q. In September of 2016, okay?

5 A. Uh-huh.

6 Q. How much meth were you still using at
7 that time?

8 A. I wasn't smoking that much. I mean,
9 because I smoked it, I didn't -- well, I snorted it
10 every now and again. But I mean, I wasn't really
11 doing that much meth. I mean, I did it every day,
12 but...

13 Q. Smoked meth every day?

14 A. Uh-huh.

15 MS. SPIRES: That was a yes?

16 Q. And that was a yes? Sorry.

17 A. Yes. I'm sorry. I nodded. My
18 apologies.

19 Q. It's okay. A lot of times people don't
20 get to have this opportunity so --

21 A. Right. Yes, ma'am.

22 Q. So when I remind you, I promise it's
23 not she or I fussing at you, it's just because
24 we've got to make sure that we've got everything
25 down.

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1 A. Yes, ma'am.

2 Q. Okay. So in 2016 you believe you were
3 smoking meth every day?

4 A. Yeah -- well, no, I don't know what I
5 was doing in 2016. I was probably going to school.

6 Q. Okay. All right. But that's important
7 because -- do you know about what year you're here
8 to testify about?

9 A. About the case, the Holly Hill case.

10 Q. Uh-huh. So what year was that?

11 A. That would be 2021 -- or 2020.

12 Q. Okay.

13 A. 2019 maybe.

14 Q. You recall being in the police
15 interrogation room?

16 A. (Nodded)

17 Q. Yes?

18 A. Yes.

19 Q. Sorry. And do you recall this man
20 right here? Do you know this person?

21 A. Yes, I do. I recall him very much so.

22 Q. You recall him very much so; right?

23 A. Yes.

24 Q. Because I want to ask you a few
25 questions about your frame of mind. Okay. When

1 you're in that interview room. Okay. Because
2 remember they have cameras?

3 A. Right. Yes, ma'am.

4 Q. Right, so that we can see. So to set
5 your frame of mind, when you had already spoken to
6 the police prior to that; right?

7 A. Right.

8 Q. And did you write a statement prior to
9 you going down to the station? Have you ever
10 written a statement before?

11 A. No.

12 Q. Have you ever seen a video of any
13 conversations that you had with the police prior to
14 going down to September 30th?

15 A. No.

16 Q. Okay. I haven't either, so I'm not
17 trying to trick you. Okay.

18 A. Yes, ma'am.

19 Q. That's why I was asking.

20 A. Right. Yes, ma'am.

21 Q. But when you're in the room and then
22 Lieutenant Shumpert comes in, first thing that you
23 discuss is amnesty; right? What's amnesty mean?

24 A. I don't know, I'm not sure. I've heard
25 it before.

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1 Q. Was it explained to you?

2 A. I'm not sure. Maybe, most likely, yes,
3 ma'am.

4 Q. Okay. Meaning that if you tell us
5 anything we're not going to get you in trouble?

6 A. Yes, ma'am.

7 Q. Right?

8 A. Yes, ma'am.

9 Q. So they were inviting you to tell them
10 anything so that you wouldn't get in trouble?

11 A. Yes, ma'am.

12 Q. And, in fact, you were also told at the
13 beginning of that interview, you could be arrested
14 in jail for lying?

15 A. Yes, ma'am.

16 Q. Okay. And they said, what about your
17 child; right?

18 A. Right. Yes.

19 Q. So you got all this stuff going on in
20 your head coming from Lieutenant Shumpert; right?

21 A. Right. Yes.

22 Q. Because he's the one who said, I can
23 arrest you for lying?

24 A. Yes.

25 Q. Right?

1 A. Yes, ma'am.

2 Q. Truth is, you don't remember what
3 happened --

4 A. Right.

5 Q. -- at all; right?

6 A. Yes, ma'am.

7 Q. And let me just tell you. What's
8 important is what you've said in the past because
9 you've said a lot of different things, do you agree
10 with me?

11 A. Yes, ma'am.

12 Q. And that's okay. Okay. But what's
13 important is to tell the truth.

14 A. Yes, ma'am.

15 Q. And the truth is, you have no idea what
16 people were coming and going out of your trailer,
17 do you?

18 A. Not really, no, ma'am.

19 Q. Because -- and it's okay. Okay. But
20 the truth is, is that you don't know if people were
21 going to a strip club, if they were going to buy
22 drugs, if they were going home to eat momma's
23 supper, you have no idea, do you?

24 A. Right.

25 Q. But you want to make sure that you say

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1 what they want you to say so you don't get in
2 trouble; right?

3 A. Yes, ma'am.

4 Q. And it's okay. Okay. We're just here
5 to get the truth. Okay. And the truth is, you
6 have no idea who went where or what happened that
7 long ago; right?

8 A. Right. Yes, ma'am.

9 Q. And in 2016, you're -- even after it
10 happened, you even say because they left you -- so
11 after they -- they're trying to question you;
12 right? And you're saying things like, I believe,
13 and they're like, don't say believe; right?

14 A. Right.

15 Q. How did that make you feel when they're
16 talking to you like that?

17 A. A little intimidated.

18 Q. Yeah. So you're like, okay, what do
19 you want me to say?

20 A. Right. Yes, ma'am.

21 Q. Because you didn't want to go this way,
22 you wanted to go this way?

23 A. Yes, ma'am.

24 Q. You wanted to go home to your trailer
25 so you could write a statement that said what they

1 wanted you to say; right?

2 A. Yes, ma'am.

3 Q. And that's okay. I'm not yelling at
4 you. I just need to make sure that we have an
5 understanding because today is what matters.

6 A. Yes, ma'am.

7 Q. Okay. It's not what you wanted to do
8 in the past and help and that's fine. Because you
9 don't want to get in trouble, nobody wants to get
10 in trouble.

11 A. Yes, ma'am.

12 Q. And that's okay. But what's really
13 important is today that we tell the truth and the
14 truth is you don't remember?

15 A. Right.

16 Q. And that's okay.

17 A. Yes, ma'am.

18 Q. All right. I'm not fussing at you for
19 that. And, in fact -- so after the police are
20 interrogating you, asking you questions and helping
21 you remember?

22 A. Right.

23 Q. In fact, there's even a time where
24 Lieutenant Shumpert says, let me help you remember?

25 A. Yes, ma'am.

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1 Q. Numerous times; right?

2 A. Yes.

3 Q. And he wasn't -- did he -- did
4 Lieutenant Shumpert hang out at your trailer?

5 A. No. No, ma'am.

6 Q. All right. Right. So he wasn't --

7 A. He was more than welcome though.

8 Q. And so you talked about Derrick
9 Coleman's house.

10 A. Right.

11 Q. So Derrick Coleman, the jury has not
12 had an opportunity to met yet, but he has some
13 unique circumstances; right?

14 A. Right.

15 Q. And what are those?

16 A. He -- say that again.

17 Q. He has some unique circumstances?

18 A. Who does?

19 Q. Derrick?

20 A. Yeah. Right. Right. Right. He's a
21 burned victim.

22 Q. He's a burned victim?

23 A. Right.

24 Q. So he was in a tragic accident?

25 A. Right.

1 Q. And he received lots of burns?

2 A. Yes, ma'am.

3 Q. Right. He also received a lot of money
4 from that as well; right?

5 A. Right. Yeah.

6 Q. And so he has a nice house on the lake;
7 right?

8 A. Right. Yes.

9 Q. And that was party central?

10 A. Right.

11 Q. And people would hang out there and you
12 would hang out there and that's fine.

13 A. Right.

14 Q. Right?

15 A. Yes, ma'am.

16 Q. And he had access to drugs?

17 A. Yeah.

18 Q. Right?

19 A. Right.

20 Q. Which makes him a good friend?

21 A. Right.

22 Q. Especially when you get high?

23 A. Right.

24 Q. And so -- and that's where he was
25 living at the lake house?

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1 A. Right.

2 Q. I think he ended up -- do you have any
3 knowledge that he ended up maybe leaving the state
4 at different times?

5 A. Yeah, he went to go see his granddaddy
6 because he passed away.

7 Q. Right. And some in Michigan? Some in
8 Alabama?

9 A. Right. Right.

10 Q. Okay. So -- oh, sorry, I remember
11 where I was. Whew. So you go to the police
12 station, they're helping you remember, and then
13 they leave the room, and you're in there by
14 yourself again; right?

15 A. Right. Right. Yes.

16 Q. And then they bring Mark in?

17 A. Yeah. Yeah.

18 Q. Remember that?

19 A. Uh-huh.

20 Q. And it was just you -- you have to say,
21 yes, I'm sorry.

22 A. Yes, ma'am.

23 Q. And you have to -- if it makes you feel
24 better, sometimes when I have a long conversation
25 with someone, I say to them, was that a yes? So

1 it's okay.

2 A. Yes, ma'am.

3 Q. So Mark at the time was your boyfriend?

4 A. Right. Yes.

5 Q. Okay. But he was in jail; right, when
6 the police brought you down to the police station?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes, ma'am.

10 Q. And they -- so they bring Mark after
11 the police have talked to you and told you what
12 they want from you?

13 A. Right.

14 Q. And then they bring Mark into the room?

15 A. Right.

16 Q. Right. And, in fact, Lieutenant
17 Shumpert was telling you, you need to get Mark on
18 board, you need to get Joe on board --

19 A. Yes, ma'am.

20 Q. -- because if they don't get on board,
21 what's happening?

22 A. They're going to get left behind.

23 Q. And left behind where?

24 A. Yeah.

25 Q. In the jail; right?

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1 A. Right.

2 Q. And so they were telling you, we got to
3 get this story together?

4 A. Yes, ma'am.

5 Q. Because it's got to make sense and if
6 people aren't telling the same things then it
7 doesn't make sense?

8 A. Right.

9 Q. Right? So we need to make sure
10 everybody's making sense?

11 A. Yes, ma'am.

12 Q. So he tells you to tell Mark to get on
13 board?

14 A. Yes.

15 Q. I'm not going to ask you what Mark
16 said; right, but you were asked, if you were high
17 in the police station, do you remember?

18 A. Right. Yeah, I remember. Am I high
19 right now and I was like, no, sir.

20 Q. Right. Right.

21 A. Right. I was like, oh, my god, no.

22 Q. But then when Mark -- later on when it
23 was just you and Mark in there, you just laughed
24 and told him to shut it up; right?

25 A. Right. Yeah, I had told Mark, I said

1 whatever you do, you tell them everything that you
2 know.

3 Q. Right. And the thing is, is that you
4 didn't remember, so you didn't know anything?

5 A. Right. Exactly, yeah.

6 Q. But you knew they wanted to help you
7 remember?

8 A. Right. I hadn't heard anything from
9 anyone in the town that anybody had done any harm
10 to anyone else or any family members or anything
11 about anything.

12 Q. Right. You hadn't heard it and you
13 didn't even know?

14 A. Right.

15 Q. And you even told Mark, I don't
16 remember?

17 A. Right. Yes. Yeah, I told him, I said
18 -- no, I didn't tell him that. I didn't tell him
19 that I didn't remember. I told him that if you
20 know anything -- that was Joseph I was speaking to.

21 Q. Oh, so they let you talk to Joe too?

22 A. Yes.

23 Q. Okay. And so everybody has been
24 calling him Luther, but that's not what the name he
25 goes by; right?

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1 A. Right. Right.

2 Q. His name is Joe?

3 A. Yeah, Joe.

4 Q. Let's talk about Joe for a moment. Joe
5 at that time -- sometime before he went to jail,
6 Joe drank a lot?

7 A. Right.

8 Q. Right?

9 A. Yes.

10 Q. And when I say a lot, I'm talking like
11 a case of beer?

12 A. Yes.

13 Q. I mean, it's a lot; right?

14 A. He can drink.

15 Q. He can drink.

16 A. I drink a beer and I'm drunk.

17 Q. Right. Right. But not a whole case?

18 A. Right. Right. Yeah.

19 Q. And --

20 A. And some alcohol.

21 Q. Yeah. And also liquor?

22 A. Yeah. Yes, he can put some liquor down
23 -- well, I don't know about the liquor, liquor
24 makes him sicker.

25 Q. Right. Right. But when he was

1 drinking a lot while he was around y'all?

2 A. Yes.

3 Q. And doing drugs to be honest; right?

4 A. Uh-huh.

5 Q. And it just kind of was the culture?

6 A. Right.

7 Q. Right. When you have an addiction
8 that's kind of what takes over; right?

9 A. Right. Yes.

10 Q. And it messes with your mind?

11 A. Right.

12 Q. Right. The police asked you about --
13 today, you're saying 4 a.m. they came back; right?

14 A. Right.

15 Q. Do you know that?

16 A. From my understanding it was real early
17 in the morning, so.

18 Q. Right. Right. From your understanding
19 meaning you remembered?

20 A. Yeah.

21 Q. Now you remember?

22 A. I remember it was light. Because it
23 had to be like 3 or 4 o'clock in the morning
24 because it took maybe a few hours, maybe an hour it
25 was daylight and I was like, jeez. Because I

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1 started working outside because the baby was still
2 asleep. So he was in the living room with the door
3 open to the house.

4 Q. And that was your baby?

5 A. Yes.

6 Q. Okay. So you remember telling the
7 police on video that day that I don't know what
8 time, maybe 2 to 4?

9 A. Yeah, it was about 2 to 4 o'clock in
10 the morning, yes.

11 Q. Okay. And so when they were helping
12 you remember things, were they trying to help you
13 like remember, hey, it was dark or were they giving
14 you clues to help you remember?

15 A. Right. Right. Right. Right.

16 Q. Now you've been out-of-town with
17 Derrick before, haven't you?

18 A. Yes, I have. I went to Michigan with
19 him to go see his family, his mother and father.

20 Q. Do you remember when that was?

21 A. No, not really. I remember we got in a
22 wreck though.

23 Q. You got in a wreck?

24 A. Yes.

25 Q. Right. Right. Right. So it was --

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1 was it before or after this? And when I say,
2 "this," I'm talking about the tragedy at Holly Hill
3 house.

4 A. Yes.

5 Q. Right. Right. Right.

6 A. It was after everything had happened --

7 Q. Okay.

8 A. -- we went to Michigan because Mark was
9 locked up.

10 Q. Mark was locked up. And so you and
11 Mr. Coleman -- now let me ask you this. Were y'all
12 just friends or were y'all friends with benefits?

13 A. We were just friends. We didn't never
14 mess around. We didn't do anything. We were
15 always just casual.

16 Q. Okay. Did y'all use drugs while you
17 were in Michigan?

18 A. We smoked weed.

19 Q. Just smoking weed?

20 A. Yeah.

21 Q. Okay. You weren't hurt in that
22 accident, were you?

23 A. No, I'm okay.

24 Q. Okay. And what were y'all driving when
25 y'all had that accident?

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1 A. The black Dodge.

2 Q. The black Dodge?

3 A. Yes. F150.

4 Q. No doubt in your mind, black Dodge?

5 A. No doubt in my mind. It was the Dodge
6 F150.

7 Q. Okay. No worries. You eventually came
8 back to South Carolina?

9 A. Yes.

10 Q. From Michigan, I mean?

11 A. Yes, we came back in a rental car.

12 Q. Yeah, because you couldn't drive the
13 car anymore?

14 A. Right. Right. Right. Right. Right.

15 Q. Okay. And you were staying -- because
16 Mark was locked up, you were staying at Derrick's
17 house on the lake?

18 A. We were staying at the trailer.

19 Q. Oh, that time you were staying at the
20 trailer?

21 A. Yes, we didn't stay with Derrick no
22 more.

23 Q. Right. Right. Right. Because what
24 had happened at Derrick's house?

25 A. Derrick had got robbed.

1 Q. Derrick got robbed?

2 A. And there was so many people coming in
3 and out, it was -- yeah.

4 Q. And that's -- so that seems to be a
5 common theme in this area. We're talking about a
6 smaller area of Orangeburg; right?

7 A. Right.

8 Q. And understand that this is not a
9 judgement statement or question. Okay. But when
10 you're into kind of the drug scene, let's, you
11 know, that it's common for people to come in and
12 out; right?

13 A. Right.

14 Q. So did you know Christopher Wright?

15 A. I heard that name before.

16 Q. You heard it before?

17 A. I remember it, but I just don't
18 remember exactly who they are.

19 Q. Okay. All right. And so had you ever
20 been to Christopher Wright's house?

21 A. Not that I'm aware of.

22 Q. Okay. Did you ever dye your hair?

23 A. Yes, I've dyed it blonde, but not in
24 South Carolina. Only in Dallas, Grand Prairie.

25 Q. Okay. So typically the same color you

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1 have now; right?

2 A. Yes, ma'am.

3 Q. Okay. But you say you've only ever
4 dyed it blonde?

5 A. Yes.

6 Q. Okay. Have you ever met any children
7 associated with Christopher Wright?

8 A. No, not that I'm aware of. I take that
9 back. Okay. Because it's a foster care and Mary
10 Gomez was my foster mom.

11 Q. Okay.

12 MS. ZMROCZEK: Beg the Court's
13 indulgence.

14 Q. All right. Samantha, I know I've asked
15 you a ton of questions. Okay. And I appreciate
16 your being honest. So, you know, I guess that's
17 the biggest thing is that as you're testifying here
18 today for this jury, it's important that we know
19 that -- because of time, because of drugs, because
20 of a lot of things, you don't remember anything
21 about a specific day?

22 A. Right.

23 Q. Okay. Thank you.

24 THE COURT: Mr. Leiendecker, any
25 questions?

SAMANTHA BUXTON - REDIRECT EXAMINATION BY MR. OSBORNE

1 MR. LEIENDECKER: No, Your Honor.

2 THE COURT: All right. Anything on
3 redirect?

4 MR. OSBORNE: Yes, briefly, Your Honor.

5 REDIRECT EXAMINATION BY MR. OSBORNE:

6 Q. All right. So picking up with what Ms.
7 Zmroczek said that you don't know the exact date.
8 Do you remember telling Lieutenant Shumpert and
9 telling my investigator, me, and Ms. Glover that
10 you heard about the Holly Hill murders a day or two
11 after the night that you were talking to us about
12 just now?

13 A. Could you repeat that question?

14 Q. It's a little long.

15 A. Okay.

16 Q. In reference to not knowing what exact
17 date this night happened, do you remember telling
18 Lieutenant Shumpert say, look, I don't know exactly
19 what night this happened?

20 A. Right. Yes, I do. I remember telling
21 him I don't know exactly what night that they took
22 off to go to the club or whatnot or what day or
23 what night that, you know --

24 Q. Right.

25 A. -- the Holly Hill trial that it

SAMANTHA BUXTON - REDIRECT EXAMINATION BY MR. OSBORNE

1 happened.

2 Q. And, in fact, you told Lieutenant
3 Shumpert and us, I don't know what night it is I
4 heard about the murders?

5 A. Right.

6 Q. It either happened the night before or
7 two nights before --

8 MR. LEIENDECKER: Objection, Your
9 Honor.

10 Q. -- is that fair?

11 MR. LEIENDECKER: Objection, Your
12 Honor. He's leading the witness. Just because
13 it's redirect, he doesn't get to lead the witness.

14 THE COURT: If you don't mind just
15 rephrasing the question.

16 MR. OSBORNE: Well, I'm actually
17 impeaching the witness now.

18 A. Do I answer the question or repeat the
19 question?

20 Q. I'll just rephrase it. Ms. Zmroczek
21 was asking you like you don't know which night this
22 happened?

23 A. Right.

24 Q. All right. And then, you know, I'm
25 piggybacking off of that and, yeah, you don't know

1 what night; is that fair?

2 A. I don't -- not knowing the night I
3 wouldn't say that it would be submissible, if
4 that's what you're asking me.

5 Q. That's good enough. In reference to a
6 lot of comments were made about the meeting with
7 that man Lieutenant Shumpert. Do you remember
8 being alone with Mark and telling Mark that you're
9 not playing. I'm not laughing. If you know
10 something you better tell them?

11 A. Right. Yes.

12 Q. And then you said because Shumpert was
13 asking you about conversations that you had and I
14 think it was with Derrick and Luther -- and/or
15 Luther. And tell me if this sounds right for
16 something you would have said. And I said, well,
17 if you know anything, you need to go up to them.
18 Don't let them come to you and lock you up. You
19 know, if you're innocent and you don't have nothing
20 to do with it, then go to them and tell them, don't
21 be afraid?

22 A. Right. Exactly.

23 Q. Just like what you did?

24 A. Yes, sir.

25 Q. All right.

SAMANTHA BUXTON - RECROSS EXAMINATION BY MS. ZMROCZEK

1 MR. OSBORNE: No further questions.

2 MS. ZMROCZEK: Very briefly, Your
3 Honor.

4 THE COURT: Ms. Zmroczek?

5 MS. ZMROCZEK: Just very briefly.

6 RECROSS EXAMINATION BY MS. ZMROCZEK:

7 Q. You know that you didn't have anything
8 to do with it; right?

9 A. Right. Right. Correct.

10 Q. Right. Right. Right. And you didn't
11 want to get arrested for them thinking you had
12 anything to do with it?

13 A. Correct.

14 Q. Right. And you didn't know anything
15 about it?

16 A. Right. Right.

17 Q. Right. And when they were helping you
18 remember they were like trying to tell you, wait,
19 because you were listing out people that were there
20 and then they kept saying, well, wasn't Joe there?

21 A. Right.

22 Q. Actually they said, wasn't Luther
23 there?

24 A. Right. Yeah. Or was Luther there;
25 correct. Correct.

1 Q. And you're like who's Luther?

2 A. Yeah, because I'm use to Joseph.

3 Right.

4 Q. Right. But every time they kept having
5 to make sure that you put him there; right?

6 A. Right.

7 Q. Right. Right. Right. And, again, not
8 knowing anything because you weren't there and just
9 not knowing anything, they're the same thing;
10 right?

11 A. Right.

12 Q. Because if you don't know then you
13 don't know?

14 A. Right.

15 Q. Right?

16 A. Correct.

17 Q. Thank you.

18 MS. ZMROCZEK: No further questions,
19 Your Honor.

20 THE COURT: Mr. Johnson, any questions?

21 MR. JOHNSON: No questions.

22 THE COURT: Mr. Leiendecker, any
23 questions?

24 MR. LEIENDECKER: No, Your Honor.

25 THE COURT: All right. Thank you. All

1 right. We're through -- yes, ma'am, you may step
2 down. Okay.

3 MS. BUXTON: Thank you, Your Honor.

4 THE COURT: Thank you, ma'am. All
5 right. Ladies and gentlemen, we're going to take a
6 short break. You know, then we'll get back in here
7 and go on with the State's case. Remember, you
8 cannot talk among yourselves about any of the
9 testimony you've heard so far in this trial. I'll
10 let you get back and take a break and I'll get
11 y'all back out here in about ten minutes. Thank
12 you. Take about a ten minute break.

13 (WHEREUPON, the jury left the courtroom
14 at 11:39 a.m.)

15 THE COURT: All right. Ten minute
16 break, y'all. Thanks.

17 (WHEREUPON, instead of a short break,
18 they decided to take lunch)

19 THE COURT: If you'd bring the jury on
20 out.

21 THE BAILIFF: Yes, Your Honor.

22 THE COURT: I know we broke for lunch a
23 little early because the next witness will -- we
24 didn't want to break the next witness's testimony,
25 and so now we're getting ready for the State to

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 call its next witness as we continue with the
2 State's case. Who?

3 MR. OSBORNE: Thank you, Judge. State
4 calls Anna Weatherford.

5 ANNA WEATHERFORD,
6 being first duly sworn, was examined and testified
7 as follows:

8 THE CLERK: Thank you. Please be
9 seated. In the microphone, state your first and
10 last name for the record.

11 MS. WEATHERFORD: Anna Weatherford.

12 THE COURT: And, Ms. Weatherford,
13 continue to speak into the microphone just that
14 loudly if you don't mind. All right. She is your
15 witness.

16 MR. OSBORNE: Thank you, Judge.

17 DIRECT EXAMINATION BY MR. OSBORNE:

18 Q. Good afternoon, Ms. Weatherford?

19 A. Hi.

20 Q. We're going to talk a little bit about
21 your background first for the jury. Okay. Where
22 are you originally from?

23 A. Charleston, South Carolina.

24 Q. Okay. Me too. Did you graduate from
25 high school?

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Yes.

2 Q. And did you go to college?

3 A. No.

4 Q. Married?

5 A. Yes.

6 Q. And do you have any children?

7 A. Yes.

8 Q. Boys? Girls?

9 A. One boy and two girls.

10 Q. All right. What kind of work do you
11 do?

12 A. I'm a pastor.

13 Q. All right. I'm not asking, you know,
14 your address or anything, but what town do you live
15 in now?

16 A. Myrtle Beach.

17 Q. Myrtle Beach. Okay. All right. I
18 know this is going to be a little bit
19 uncomfortable, okay, but I want to talk about your
20 past a little bit and I want to go back to -- let's
21 start with like 2013, okay. Back in 2013, did you
22 meet a person by the name of Christopher Wright?

23 A. Yes.

24 Q. Okay. And how did you meet him?

25 A. Through a friend. Candee Golliday

1 introduced us.

2 Q. Okay. Back then when Katie introduced
3 you -- or Candee; it's Candee; right?

4 A. (Nodded)

5 Q. When Candee introduced you to
6 Christopher, had you had an addiction?

7 A. Yes.

8 Q. And what were you addicted to?

9 A. Pills.

10 Q. Okay. And after being introduced to
11 Christopher Wright -- well, what were you looking
12 for from Christopher, like what did Candee help you
13 --

14 A. Pills.

15 Q. Pills. Okay. Did he have any the
16 first time you met him?

17 A. No.

18 Q. Did he offer you anything else?

19 A. Yes.

20 Q. And what was that?

21 A. Cocaine.

22 Q. Is it fair to say that your life sort
23 of spiraled from that point on?

24 A. Yes.

25 Q. And where were you when you first met

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 Christopher Wright?

2 A. At Krystal Hutto's house.

3 Q. In Holly Hill?

4 A. Yes.

5 Q. Okay. When you first met Christopher,
6 did you also meet Krystal or did you meet her
7 later?

8 A. Later.

9 Q. Okay. Do you know where she was when
10 you first met Christopher?

11 A. Yes.

12 Q. Where was she?

13 A. In jail.

14 Q. Okay. Is it fair to say that after
15 meeting Christopher over the next couple of years
16 you would battle a drug addiction?

17 A. Yes.

18 Q. And what drugs were you using?

19 A. Cocaine and crack cocaine.

20 Q. Okay. Addiction got kind of bad?

21 A. Yes.

22 Q. How would you pay Chris?

23 A. Sometimes with money, giving him rides
24 to different places, and by selling my body.

25 Q. Okay. Is it fair to say he basically

1 took what he wanted?

2 A. Yes.

3 Q. Took advantage of your addiction?

4 A. Yes.

5 Q. All right. Over that two year period
6 when you were using bad, how often in any given
7 week would you see Christopher?

8 A. About five to six times a week.

9 Q. Okay. You were at Krystal's home a
10 lot?

11 A. Yes.

12 Q. Did you get along with Krystal? Did
13 you know her?

14 A. I had not met her yet at that time, but
15 when we did meet, we did.

16 Q. You did get along with her?

17 A. Yes.

18 Q. All right. Let's talk about Krystal
19 for a little bit. Did she have an addiction too?

20 A. Yes.

21 Q. What was she addicted to?

22 A. Initially, pills.

23 Q. Did that transition into something
24 else?

25 A. Yes.

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Which was?

2 A. Cocaine and crack cocaine.

3 Q. Okay. I only ask this because it's
4 kind of important in this case. Did you know if
5 Krystal ever traded sex for money or drugs to
6 support her habit?

7 A. Yes.

8 Q. Okay. While at Krystal's, did you ever
9 see any kids there?

10 A. Yes.

11 Q. And who did you see?

12 A. Shamekia and D.N. and Hayden,
13 Krystal's daughter.

14 Q. Okay. Did you see Tamara there much or
15 did you know her?

16 A. No.

17 Q. Okay. So Shamekia, D.N., and
18 Hayden?

19 A. (Nodded)

20 Q. Hayden is Krystal's kid?

21 A. Yes.

22 Q. Okay. Well, I mean if you know. Do
23 you know if these kids knew what was going on in
24 that house?

25 A. Shamekia did. Maybe not the extent of

1 some of the details, but for the most part the most
2 obvious things she did.

3 Q. Okay. While over there, would you see
4 Christopher selling drugs to other people?

5 A. Yes.

6 Q. Okay. And what did you see him
7 selling?

8 A. Cocaine, crack cocaine, pills, and
9 that's all I know for sure.

10 Q. Any meth?

11 A. Not that I know for sure.

12 Q. Okay. When you say, "for sure," did
13 you hear that he was?

14 A. Yes.

15 MS. ZMROCZEK: Objection, Your Honor.
16 Hearsay.

17 THE COURT: I'll note your objection.
18 She's answered, I'm going to let it stay in. This
19 is a drug case. Okay. Go ahead.

20 Q. Well, let me ask you this. Did you
21 ever see meth users come to that house in Holly
22 Hill?

23 A. Yes.

24 Q. Okay. Were you -- did you ever have
25 the occasion during this time period to be at

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 Krystal's house when Christopher was not there?

2 A. Yes.

3 Q. And did Christopher always take the
4 dope with him or did he sometimes leave dope behind
5 in the house?

6 A. He always left dope at home.

7 Q. Can you -- well, from what you
8 observed, how much dope would he leave at the
9 house? Was it a lot? Was it a little? Just give
10 us some sort of idea. And maybe it might help if
11 you were to say it in like how much money in dope
12 would he leave behind.

13 A. Hundreds of dollars, not thousands of
14 dollars worth.

15 Q. Okay. And do you happen to know why he
16 would leave the drugs at the house, you know, with
17 an addict there, Krystal?

18 A. For her to distribute for him while he
19 wasn't there.

20 Q. Okay. Was it common knowledge among
21 people in the drug community in Holly Hill that
22 Christopher left drugs in the house when he wasn't
23 there?

24 MR. CHISHOLM: Objection. Speculation.

25 THE COURT: Sustain the objection. If

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 you don't mind rephrasing the question if you can.

2 MR. OSBORNE: That's okay.

3 THE COURT: Okay.

4 Q. Did you and/or Krystal ever take or
5 steal some of Christopher's dope while he wasn't
6 there?

7 A. Yes.

8 Q. How often would Krystal sell drugs to
9 people when Christopher wasn't there? Was this a
10 rarity or something that happened a lot?

11 A. Every night as far as I knew.

12 Q. Okay. All right. So I just want to
13 get an idea. I know you said there was a couple
14 hundred dollars worth, so maybe you've already
15 answered this question. But you saw some of
16 Christopher's drug dealing?

17 A. Yes.

18 Q. Was he pushing, I mean, a lot of drugs,
19 like a, I don't know, suitcases full of drugs and
20 stuff? Did you ever see that kind of dope?

21 A. No.

22 Q. Did you ever know Christopher to not
23 have cocaine on hand or at the house?

24 A. No.

25 Q. Always?

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 A. Always.

2 Q. Did Christopher leave his drugs in open
3 places or was he secretive about it? Did he hide
4 them?

5 A. He hid them.

6 Q. Can you tell us some of the places in
7 which you've seen that he's hid drugs?

8 A. He created a secret compartment in his
9 car for when he was traveling. There was a
10 canister in the back bathroom in the back right
11 corner, it was brown. The master bathroom. Inside
12 of the coffee pot in the kitchen in the back of the
13 coffee pot. There was a place in the laundry room,
14 I'm not exact about that. But there was in the
15 laundry room. And those are the ones that I know
16 of for sure.

17 Q. Okay. How about the attic? Did you
18 ever know him to hide drugs there?

19 A. I was told --

20 MS. ZMROCZEK: Objection, Your Honor.
21 Hearsay.

22 Q. Okay. To your knowledge, no?

23 A. (Nodded)

24 MS. SPIRES: Was that a no?

25 A. No.

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 Q. Okay. I'm just going to show you for
2 ID purposes only, State's 336. Do you recognize
3 that guy?

4 A. Yes.

5 Q. Okay. Do you know his name?

6 A. Yes.

7 Q. I know you said that -- well, you told
8 Investigator Haupt that you didn't want to say his
9 name, but you do know his name; right?

10 A. Yes.

11 Q. Okay. Was this person, the photograph
12 that I just showed you, was he in jail or out of
13 jail at the time of the murders?

14 A. In jail.

15 Q. In jail. How was it that -- do you
16 know if Christopher communicated with that person?

17 A. Yes.

18 Q. And how?

19 A. Through a phone that he was told to get
20 by this person.

21 Q. Okay. So this person would then call a
22 phone and that's how he would get this touch with
23 Christopher?

24 A. Yes.

25 Q. Okay. I'm now showing you 219. Can

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 you take a look at that and tell me if you
2 recognize that? And you can open it if you'd like.
3 Do you recognize it?

4 A. Yes.

5 Q. Okay. And is that the phone you were
6 talking about?

7 A. Yes.

8 Q. Who kept that phone? Like who used the
9 phone regularly?

10 A. Mainly Chris and then he would give it
11 to Krystal when he wasn't there.

12 Q. Okay. So when this person in State's
13 336 needed to talk to Christopher, he would call
14 the phone?

15 A. Yes.

16 Q. And I guess if Krystal had it, she
17 would, what, maybe forward it to Chris?

18 A. Yes.

19 Q. Do you know this?

20 A. Yes.

21 Q. Okay. All right. Did you know one of
22 the other victims in this case named Jerome Butler?

23 A. Yes.

24 Q. What can you tell the jury about him?

25 A. He was an addict that was up regularly.

1 Q. Okay. Was he a threatening guy in any
2 way?

3 A. No.

4 Q. Okay. How about the Defendant here, do
5 you know him?

6 A. Yes.

7 Q. And how do you know him?

8 A. I've seen him at Christopher's house --
9 Krystal's house before.

10 Q. Okay. Do you know his nickname or his
11 name?

12 A. Pockets.

13 Q. And just to be clear, you've never
14 known him to be dealing in cocaine or crack or
15 anything like that; correct?

16 A. Correct.

17 Q. Okay. Just weed?

18 A. Yes.

19 Q. Had Krystal ever been at her house when
20 Pocket was there?

21 A. Yes.

22 Q. Okay. How did you first find out about
23 the murders in Holly Hill?

24 A. From Candee Golliday. She called me.

25 Q. Okay. Did you attend Krystal's

ANNA WEATHERFORD - DIRECT EXAMINATION BY MR. OSBORNE

1 funeral?

2 A. Yes.

3 Q. And after the funeral, did you try to
4 contact Christopher again?

5 A. Yes.

6 Q. And why was that?

7 A. To get some cocaine and also ask him if
8 he knew anything about the murders.

9 Q. Okay. Did you end up meeting up with
10 Christopher?

11 A. Yes.

12 Q. And when you met up with him -- and
13 this is at the funeral or was this a day after?

14 A. This was a few days after the funeral.

15 Q. Okay. A few days after the funeral.
16 When you met up with him, did he have any dope on
17 him?

18 A. Yes.

19 Q. Can you describe what he had?

20 A. He had a white grocery bag that had
21 three other bags inside of it. One of them had
22 cocaine, the other one had crack, and the other one
23 had a substance that looked to be like meth.

24 Q. Okay. So just a few days after Krystal
25 was killed, his kids were killed, and D.N. was