

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Kershaw County
Honorable Daniel D. Hall, Circuit Court Judge

RECEIVED

Aug 14 2023

SC Court of Appeals

THE STATE,

V.

CLINTON WARREN BEEBE,

RESPONDENT

APPELLANT

APPELLATE CASE NO. 2022-000627

RECORD ON APPEAL

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

JULIANNA E. BATTENFIELD
Assistant Attorney General
S.C. Bar No. 103135

P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-6305

BYRON E. GIPSON
Solicitor, Fifth Judicial Circuit

1121 Broad Street
Camden, South Carolina 29020
(803) 425-6029

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED APRIL 25-29, 2022	1
PRE-TRIAL MOTIONS	15
OPENING REMARKS BY THE COURT	20
OPENING STATEMENT BY MR. PAULING	21
OPENING STATEMENT BY MR. TETTERTON	27
TESTIMONY	
CHRISTI AMERSON	
Direct Examination by Mr. Pauling	31
Cross-Examination by Mr. Tetterton	42
Re-Direct Examination by Mr. Pauling	57
DANIEL ANDREWS	
Direct Examination by Ms. Allard	59
Cross-Examination by Mr. Tetterton	68
HEATHER KELLY	
Direct Examination by Ms. Sampson	71
Cross-Examination by Mr. Tetterton	81
CHUCK BAXLEY	
Direct Examination by Ms. Sampson	92
Cross-Examination by Mr. Tetterton	112
Re-Direct Examination by Ms. Sampson	128
KELLY CLARK	
Direct Examination by Ms. Allard	131
DARRYLE COE	
Direct Examination by Mr. Pauling	141
Cross-Examination by Mr. Tetterton	161
DAVID MILLER	
Direct Examination by Mr. Pauling	168
Cross-Examination by Mr. Tetterton	193

COLLOQUY REGARDING WITNESS TESTIMONY	201
TESTIMONY	
MICHAEL WILLIAMS	
Direct Examination by Mr. Pauling	204
Cross Examination by Mr. Tetterton	224
BOBBY JOHNSON	
Direct Examination by Ms. Allard	229
Cross-Examination by Mr. Tetterton	237
Re-Direct Examination by Ms. Allard	338
VALENTIN YAKIMEKO	
Direct Examination by Ms. Sampson	239
ZACH HALL	
Direct Examination by Ms. Allard	245
Cross-Examination by Mr. Tetterton	250
MARVIN BROWN	
Direct Examination by Mr. Pauling	253
Cross-Examination by Mr. Tetterton	265
COLLOQUY REGARDING ADMISSIBILITY OF PHOTOGRAPHS	268
RULING BY THE COURT	271
TESTIMONY	
TERRENCE RYAN MATTHEWS	
Direct Examination by Mr. Scott	275
Cross-Examination by Mr. Tetterton	299
Re-Direct Examination by Mr. Scott	302
Re-Cross Examination by Mr. Tetterton	304
RICK BAILEY	
Direct Examination by Mr. Pauling	305
CHRIS DAVIS	
Direct Examination by Ms. Sampson	319
Cross-Examination by Mr. Tetterton	327
JANICE ROSS	
Direct Examination by Mr. Pauling	330
Cross-Examination by Mr. Tetterton	346

Re-Direct Examination by Mr. Pauling	352
Re-Cross Examination by Mr. Tetterton.....	353
MARYANN BOEHM	
Direct Examination by Mr. Scott	355
MOTION <i>IN LIMINE</i> REGARDING TESTIMONY.....	362
RULING BY THE COURT.....	367
ARGUMENTS.....	367
TESTIMONY	
PEGGY BEEBE	
Direct Examination by Ms. Sampson	376
Cross-Examination by Mr. Tetterton	424
Re-Direct Examination by Mr. Scott	496
Re-Cross Examination by Mr. Tetterton.....	501
JUSTIN DILL	
Direct Examination by Mr. Scott	504
Cross-Examination by Mr. Tetterton	546
Re-Direct Examination by Mr. Scott	561
STATE RESTS	568
MOTION FOR DIRECTED VERDICT.....	569
RULING BY THE COURT.....	570
TESTIMONY	
STEVEN MOONEYHAM	
Direct Examination by Mr. Tetterton.....	572
Cross-Examination by Ms. Sampson.....	578
MARTHA STOKES	
Direct Examination by Mr. Tetterton.....	581
ARGUMENTS REGARDING PHOTOGRAPHS	585

TESTIMONY

MARTHA STOKES (CONT'D)	
Direct Examination by Mr. Tetterton.....	586
Cross-Examination by Ms. Sampson.....	588
GLENN SPENCER GARDNER	
Direct Examination by Mr. Tetterton.....	590
Cross-Examination by Mr. Pauling.....	595
Re-Direct Examination by Mr. Tetterton.....	604
DORIS McGOUGAN	
Direct Examination by Mr. Tetterton.....	607
Cross-Examination by Ms. Allard	617
CLANCY TALBERT	
Direct Examination by Mr. Tetterton.....	621
Cross-Examination by Mr. Pauling.....	634
JOHN MANGUM	
Direct Examination by Mr. Tetterton.....	635
Cross-Examination by Ms. Sampson.....	641
CHRISTY ROBERTS	
Direct Examination by Mr. Tetterton.....	643
Cross-Examination by Ms. Sampson.....	649
Re-Direct Examination by Mr. Tetterton.....	650
CLINTON W. BEEBE	
Direct Examination by Mr. Tetterton.....	651
Cross-Examination by Ms. Sampson.....	742
Re-Direct Examination by Mr. Tetterton.....	772
Re-Cross Examination by Ms. Sampson	778
DEFENSE RESTS	781
RENEWED MOTION FOR DIRECTED VERDICT	783
RULING BY THE COURT.....	784
CLOSING ARGUMENT BY MR. SCOTT	786
CLOSING ARGUMENT BY MR. TETTERTON.....	820
REPLY CLOSING ARGUMENT BY MS. SAMPSON.....	841

JURY CHARGE ON THE LAW	851
JURY NOTES.....	870
REPLAY OF PORTION OF TESTIMONY	872
JURY NOTE.....	872
REPLAY OF PORTION OF TESTIMONY	873
RECHARGE ON THE LAW	874
VERDICT	876
SENTENCING	882
INDICTMENT.....	884
SENTENCE SHEET.....	886
CERTIFICATE OF COUNSEL	888

State of South Carolina	)	In the Circuit Court for the
	)	Fifth Judicial Circuit
County of Kershaw	)	Case No. 2019-GS-28-00132
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Clinton Warren Beebe,	)	
	)	
Defendant.	)	
	)	

April 25-29, 2022
Camden, South Carolina

B E F O R E:

The Honorable Daniel Hall, Judge

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

Curtis Anthony Pauling III, Esquire
April Sampson, Esquire
Christina Allard, Esquire
Dale Scott, Esquire
Attorneys for the State

William S. Tetterton, Esquire
Attorney for the Defendant

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

1	<u>I N D E X</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	(APRIL 25, 2022)	
4	Case Called.....	13
5	Jury Voir Dire.....	13
6	Jury Seated.....	48
7	Pretrial Motions.....	64
8	Jury Sworn.....	74
9	Jury Instructions.....	74
10	Opening Statements	
11	Mr. Pauling.....	80
12	Mr. Tetterton.....	86
13	Christi Amerson	
14	Direct by Mr. Pauling.....	90
15	Cross by Mr. Tetterton.....	101
16	Redirect by Mr. Pauling.....	116
17	Daniel Andrews	
18	Direct by Ms. Allard.....	119
19	Cross by Mr. Tetterton.....	128
20	Heather Davis Kelly	
21	Direct by Ms. Sampson.....	131
22	Cross by Mr. Tetterton.....	141
23		
24		
25	(CONTINUED ON THE NEXT PAGE)	

1	<u>I N D E X</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	(APRIL 26, 2022)	
4	Chuck Baxley	
5	Direct by Ms. Sampson.....	154
6	Cross by Mr. Tetterton.....	174
7	Redirect by Ms. Sampson.....	190
8	Kelly Clark	
9	Direct by Ms. Allard.....	193
10	Darryle Coe	
11	Direct by Mr. Pauling.....	202
12	Cross by Mr. Tetterton.....	223
13	David Miller	
14	Direct by Mr. Pauling.....	230
15	Cross by Mr. Tetterton.....	255
16	Michael Williams	
17	Direct by Mr. Pauling.....	267
18	Cross by Mr. Tetterton.....	287
19	Bobby Johnson	
20	Direct by Ms. Allard.....	292
21	Cross by Mr. Tetterton.....	299
22	Redirect by Ms. Allard.....	301
23	Valentin Yakimeko	
24	Direct by Ms. Sampson.....	302
25	(CONTINUED ON THE NEXT PAGE)	

	<u>I N D E X</u>	
	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
1		
2		
3	Zach Hall	
4	Direct by Ms. Allard.....	309
5	Cross by Mr. Tetterton.....	314
6	Marvin Brown	
7	Direct by Mr. Pauling.....	317
8	Cross by Mr. Tetterton.....	329
9	Terrence Ryan Matthews	
10	Direct by Mr. Scott.....	339
11	Cross by Mr. Tetterton.....	363
12	Redirect by Mr. Scott.....	366
13	Recross by Mr. Tetterton.....	368
14	Rick Bailey	
15	Direct by Mr. Pauling.....	368
16	Chris Davis	
17	Direct by Ms. Sampson.....	383
18	Cross by Mr. Tetterton.....	391
19	(APRIL 27, 2022)	
20	Dr. Janice Ross	
21	Direct by Mr. Pauling.....	398
22	Cross by Mr. Tetterton.....	414
23	Redirect by Mr. Pauling.....	420
24	Recross by Mr. Tetterton.....	421
25	(CONTINUED ON THE NEXT PAGE)	

	<u>I N D E X</u>	
	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
1		
2		
3	Maryann Boehm	
4	Direct by Mr. Scott.....	423
5	Motion.....	430
6	Peggy "Dani" Beebe	
7	Direct by Ms. Sampson.....	445
8	Cross by Mr. Tetterton.....	493
9	Redirect by Mr. Scott.....	565
10	Recross by Mr. Tetterton.....	570
11	Justin Dill	
12	Direct by Mr. Scott.....	574
13	Cross by Mr. Tetterton.....	616
14	Redirect by Mr. Scott.....	631
15	State Rests.....	638
16	Motions.....	640
17	Defendant's Rights.....	642
18	(APRIL 28, 2022)	
19	Steven Mooneyham	
20	Direct by Mr. Tetterton.....	652
21	Cross by Ms. Sampson.....	658
22	Martha Stokes	
23	Direct by Mr. Tetterton.....	661
24	Cross by Ms. Sampson.....	668
25	(CONTINUED ON THE NEXT PAGE)	

	<u>I N D E X</u>	
	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
1		
2		
3	Glenn Spencer Gardner	
4	Direct by Mr. Tetterton.....	670
5	Cross by Mr. Pauling.....	675
6	Redirect by Mr. Tetterton.....	684
7	Doris McGougan	
8	Direct by Mr. Tetterton.....	687
9	Cross by Ms. Allard.....	697
10	Clancy Talbert	
11	Direct by Mr. Tetterton.....	701
12	Cross by Mr. Pauling.....	714
13	John Mangum	
14	Direct by Mr. Tetterton.....	715
15	Cross by Ms. Sampson.....	721
16	Christy Roberts	
17	Direct by Mr. Tetterton.....	722
18	Cross by Ms. Sampson.....	729
19	Redirect by Mr. Tetterton.....	730
20	Clinton W. Beebe	
21	Direct by Mr. Tetterton.....	732
22	Cross by Ms. Sampson.....	822
23	Redirect by Mr. Tetterton.....	852
24	Recross by Ms. Sampson.....	859
25	Defense Rests.....	862

1	<u>I N D E X</u>	
2	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
3	Motions.....	864
4	Charge Conference.....	866
5	(APRIL 29, 2022)	
6	Charge Conference.....	869
7	Closing Arguments	
8	Mr. Scott.....	883
9	Mr. Tetterton.....	917
10	Ms. Sampson.....	938
11	Charge on the Law.....	948
12	Jury Notes.....	967
13	Verdict.....	973
14	Sentence.....	979
15	Court Reporter Certification.....	981
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

	<u>STATE'S EXHIBITS</u>			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
1				
2				
3	1	Text Messages		98
4	2	Photograph		168
5	3	Photograph		168
6	4	Photograph		168
7	5	(NONE)		
8	6	Photograph		237
9	7	Photograph		237
10	8	Photograph		237
11	9	Photograph		242
12	10	Photograph		242
13	11	Photograph		242
14	12	Photograph		242
15	13	Photograph		242
16	14	Photograph		242
17	15	Photograph		242
18	16	Photograph		242
19	17	Photograph		249
20	18	Photograph		253
21	19	Photograph		253
22	20	Photograph		253
23	21	Photograph		253
24	22	Photograph		253
25	23	Photograph		389

1	24	S.C. DMV Form	282
2	25	Ticket Paid	389
3	26	(NONE)	
4	27	Photograph	298
5	28	Photograph	298
6	29	Receipt Southern Auto	306
7	30	Photograph	326
8	31	Photograph	326
9	32	Photograph	326
10	33	Envelope/Letter	323
11	34	Photograph	353
12	35	Photograph	353
13	36	Photograph	353
14	37	Photograph	353
15	38	Photograph	353
16	39	Photograph	353
17	40	Photograph	358
18	41	Photograph	358
19	42	Photograph	358
20	43	Photograph	358
21	44	Photograph	358
22	45	Photograph	358
23	46	Photograph	358
24	47	Photograph	358
25	48	Photograph	358

1	49	Photograph	358
2	50	Photograph	358
3	51	Photograph	358
4	52	Photograph	358
5	53	Photograph	358
6	54	Photograph	358
7	55	Photograph	358
8	56	Photograph	376
9	57	Photograph	376
10	58	Photograph	376
11	59	Photograph	376
12	60	(NONE)	
13	61	DNA Swab	380
14	62	Photograph	405
15	63	Photograph	405
16	64	Photograph	405
17	65	Photograph	405
18	66	Photograph	405
19	67	Photograph	353
20	68	DNA Card	413
21	69	Photograph	604
22	70	Photograph	604
23	71	Photograph	604
24	72	Photograph	604
25	73	Photograph	604

1	74	Photograph	604
2	75	Photograph	604
3	76	Photograph	604
4	77	Photograph	604
5	78	Photograph	604
6	79	Photograph	604
7	80	Photograph	604
8	81	Photograph	604
9	82	Photograph	604
10	83	Photograph	604
11	84	Photograph	604
12	85	Photograph	604
13	86	Photograph	604
14	87	Sheet Rock	607
15	88	Sheet Rock	606
16	89	Car Seat	251
17	90	CD/Video	166
18	91	Crime Scene Diagram	358
19	92	Map	615
20	93	Letter	843
21			
22			
23			
24			
25			

1	<u>DEFENDANT'S EXHIBITS</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	1	Photograph		743
4	2	Photograph		743
5				
6				
7	<u>COURT'S EXHIBITS</u>			
8	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
9	1	CD Video/Audio		442
10	2	Stipulation on Chain of Custody		965
11	3	Jury Note		967
12	4	Jury Note		unknown
13	5	Jury Note		969
14	6	Jury Note		970
15	7	Jury Note		972
16				
17				
18	<u>COURT REPORTER LEGEND</u>			
19	dashes --	intentional or purposeful interruption		
20		or change in thought		
21	ellipses . . .	trailing off		
22	[ph]	phonetically written		
23	[sic]	written as said		
24	[inaudible]	unable to be understood due to		
25		low volume or quality of audio provided		

1 APRIL 25, 2022

2 (WHEREUPON, the proceedings began at 11:03 a.m.)

3 THE COURT: Ladies and gentlemen, we're now ready to
4 proceed with the third part of jury selection and
5 qualification, which is where we're going to talk to you about
6 particular -- particular knowledge of this case and the people
7 involved. And so to begin that process, I'm going to ask Mr.
8 Pauling, the deputy solicitor here, to call his case.

9 Mr. Pauling?

10 MR. PAULING: Thank you, Your Honor. May it please the
11 Court.

12 At this time, the State would call the case of the State
13 versus Clinton Warren Beebe. It's Indictment Number 2019-GS-
14 28-0132 for the charge of murder.

15 THE COURT: All right. Thank you.

16 As Mr. Pauling stated, this is the case of the State
17 versus Clinton Warren Beebe. He has been indicted on 2019-GS-
18 28-0132 for the crime of murder. He is here today entering
19 his plea of not guilty and requesting a trial by jury, which
20 is his right under the Constitution of our state and of the
21 United States.

22 Ladies and gentlemen, the first question I need to ask
23 you as far as your service, there's a possibility that this
24 trial will go into a day or several days next week.
25 Generally, what we try to do is work to start early and work

1 from the State?

2 MR. PAULING: Not from the State, Your Honor.

3 THE COURT: From the defense?

4 MR. TETTERTON: No, sir. Nothing from the defense.

5 THE COURT: All right. Thank you.

6 Ladies and gentlemen, those of you who have not been
7 selected to serve as jurors in this case, this is the only
8 case that was scheduled for trial this week. So your service
9 ends and you're allowed to leave, and you will not have to
10 serve on a Common Pleas or a General Sessions jury for another
11 three years.

12 Anything they need to do, Madam Clerk, before they leave?

13 THE CLERK: Yes. If you need a work excuse, you can just
14 go across the hall and let them know, Room 313.

15 THE COURT: All right. Thank you.

16 THE CLERK: Thank you.

17 THE COURT: Everyone remain seated while the remaining
18 jurors are allowed to leave to my right.

19 (WHEREUPON, the jury panel was excused and exited the
20 courtroom at 12:15 p.m.)

21 THE COURT: All right. Thank you. Thank you.

22 Ladies and gentlemen of the jury, we're going to excuse
23 you in just a few moments and allow you to go back to lunch --
24 go to lunch, and I'm going to ask that you be back and ready
25 to go at 2 o'clock. Well, let's do this, 2:15. We have some

1 client to make sure which ones he would agree to and not agree
2 to, and that was done in jail Friday afternoon and in jail
3 Saturday. So I've not had time, but I'll go get with him.

4 THE COURT: All right. Well, before y'all leave for
5 lunch, if you'll just instruct them which eight or nine you're
6 going to show and then he can look at those during lunch and
7 I'll look at them during lunch, and then we'll deal with that
8 after lunch then. All right?

9 MR. TETTERTON: Your Honor, my other grounds for a motion
10 *in limine* is to exclude witness testimony. There is some --
11 there will be some testimony the State has alerted me to by
12 giving me the audio, a two-hour -- almost a two-hour statement
13 given by the wife of the defendant, who is also charged with
14 murder, in the presence of law enforcement and her lawyer,
15 which sets out some what could be prior marital discord. Some
16 of it was remote in time, some seven or eight years before
17 this happened.

18 We think any of that evidence of infidelity and marital
19 discord or whatever would allow the jury to have a
20 predisposition on the guilt or innocence of the defendant.
21 This has nothing to do with the elements of the crime of
22 murder. It wouldn't prove a motive, of course, intent, a
23 common scheme or plan. So we don't think any evidence of
24 prior discord between the parties, the husband and wife, had
25 anything to do with the murder charge, and it would predispose

1 the jury to finding a verdict that would not be proper based
2 on what they think about marital discord meeting the elements
3 of murder.

4 THE COURT: All right. And from the State?

5 MS. SAMPSON: Yes, sir, Your Honor. Infidelity -- we
6 weren't planning on going into any infidelity. So that's not
7 really the issue. When he states marital discord, I assume
8 he's talking about there's some allegations of physical abuse.
9 So not just that they're not getting along, but some specific
10 or some chronic abuse that we would be talking about, Your
11 Honor.

12 And it would be the State's position that at this point
13 it would be premature for Your Honor to have to make a ruling
14 when you don't know anything about the facts of the case to
15 how you can make a propensity versus prejudicial effect
16 argument or ruling without understanding the facts of the case
17 and why it's important. We weren't planning on doing it in
18 opening, but we are suggesting that the Court put that witness
19 up and she could be here --

20 THE COURT: Okay.

21 MS. SAMPSON: -- to give it to you herself.

22 THE COURT: All right. That makes sense. You're going
23 to stay away from it in opening, and then we'll just proffer.
24 You can proffer her testimony when -- if and when we get to
25 the point of calling that particular witness. We will have a

1 hearing --

2 MR. TETTERTON: Your Honor, my other -- my other motion

3 --

4 THE COURT: -- on the statements.

5 MR. TETTERTON: I have a motion to dismiss the jury.

6 That was the second. I'm going to withdraw that.

7 THE COURT: All right.

8 MR. TETTERTON: I think the Court very carefully covered
9 that in the voir dire.

10 THE COURT: All right. And so the prior motion to
11 dismiss the jury that was filed in the case, you're
12 withdrawing that motion?

13 MR. TETTERTON: Yes, sir.

14 THE COURT: All right. Thank you.

15 All right. Anything else, Mr. Tetterton?

16 MR. TETTERTON: No.

17 THE COURT: All right. Anything else from the State?

18 MR. PAULING: No.

19 THE COURT: All right. Let's break for lunch and if
20 y'all will be sure that Mr. Tetterton knows which pictures you
21 intend to show and then bring those up to me so I can take
22 them with me during lunch.

23 MR. TETTERTON: And, Your Honor, if there's one we
24 disagree on, we can wait until they all come into evidence and
25 then we can argue at that time.

1 THE COURT: Yes. Well, if -- out of those seven or
2 eight, if you'll just mark which ones you agree and then which
3 ones you disagree, that'll make it a lot easier for Judge
4 Hall, and I might not have to look at but one or two pictures
5 today. All right? Y'all do that right now and let me know
6 before I leave.

7 (WHEREUPON, there was a break in the proceedings from
8 12:30 p.m. until 2:07 p.m., after which the proceedings
9 resumed as follows.)

10 THE COURT: It looks like we have everybody back in
11 place. Is there -- I think where we had left off there was
12 potential issue over some photographs. Does any of that need
13 the Court? Does any of that need the Court attention?

14 Mr. Scott?

15 MR. SCOTT: Yes, sir. I think we're straight on the
16 majority of them. There are two that are in question still
17 that are pre-marked as State's Exhibits 39 and 67. I'll hand
18 those up to Your Honor to see what we're talking about.

19 Judge, the major component in this case is, I guess, what
20 we call the cover-up, which looking at our pictures of the
21 victim in this case, the shallow grave, that you're going to
22 hear testimony about the defendant buries him at least twice
23 [inaudible] being identified as the killer. We find those
24 particular pictures highly probative, and I've got a number of
25 cases that --

1 THE COURT: Well, here's where we are. I mean let's
2 wait. I mean I'm going to give these back to you. This is
3 State's Exhibit 39 and 67. I assume you're not intending to
4 use these in opening; right?

5 MR. SCOTT: No, Your Honor.

6 THE COURT: Are we going to get to these today?

7 MR. SCOTT: No, Your Honor.

8 THE COURT: All right. Let's see. At some point during
9 the trial when we get closer to that -- to that particular
10 issue, then I'll rule on those --

11 MR. SCOTT: Yes, sir.

12 THE COURT: -- then.

13 MR. SCOTT: Thank you.

14 THE COURT: Anything you want to put on the record, Mr.
15 Tetterton, as far as that?

16 MR. TETTERTON: No, sir. Thank you.

17 THE COURT: Okay. All right. How about our jury? Where
18 do we stand with our jury?

19 THE DEPUTY: The jury is here, Your Honor.

20 THE COURT: They're all here? All right. Is the State
21 ready to proceed?

22 MR. PAULING: The State is ready, Your Honor.

23 THE COURT: The defense?

24 MR. TETTERTON: Ready, Your Honor.

25 THE COURT: All right. Let's bring our jury in.

1 THE COURT: All right. Thank you. Ladies and gentlemen,
2 I appreciate your promptness. At this point in time, we are
3 ready for the clerk to swear in the jury.

4 Madam Clerk?

5 THE CLERK: If you would, please stand and raise your
6 right hand.

7 Do you solemnly swear or affirm that you shall well and
8 truly try and a true deliverance make between the State of
9 South Carolina and the defendant at bar, whom you shall have
10 in charge, and a true verdict give according to the law and
11 evidence, so help you God?

12 THE JURORS: I do.

13 THE CLERK: Thank you. Please be seated.

14 THE COURT: Thank you. Ladies and gentlemen, I'm going
15 to give you some preliminary instructions on what your duties
16 are, what mine are, and some of the things that you can expect
17 as we go forward. What I give you is not a charge on the law.
18 I'll give you the applicable law in the case at the close of
19 the case after all of the evidence is in.

20 The defendant in this case is charged on an indictment
21 with the crime of murder. I'll explain those elements to you
22 later. He's charged on an indictment, and that's simply a
23 piece of paper that brings him into court. Just because we
24 have an indictment in the case does not insinuate any -- it's
25 not in any sense any evidence of any of the allegations

1 Anything further as far as general preliminary
2 instructions from the State?

3 MR. PAULING: Not from the State, Your Honor.

4 THE COURT: From the defense?

5 MR. TETTERTON: No, sir.

6 THE COURT: All right. Thank you.

7 Ladies and gentlemen, if you would give the solicitor
8 your attention.

9 MR. PAULING: Thank you, Your Honor. May it please the
10 Court.

11 Mr. Tetterton.

12 OPENING STATEMENT ON BEHALF OF THE STATE

13 MR. PAULING: December 29th, 2016, began as an ordinary
14 day for Adam Davis. He had plans that day or made plans to
15 meet with his girlfriend, Christi Amerson. They had lunch
16 that day at the restaurant Zapatas in Hartsville, and
17 afterwards -- and afterwards Adam ended up in Bethune, at
18 Clark's Bar in Bethune.

19 He was there that afternoon. Actually, he met up with a
20 friend of his, the defendant Clinton Warren Beebe, known as
21 C.W. to most people in Bethune. Adam and C.W. were good
22 friends, some would even say they might be close even like
23 brothers. So they were there that afternoon, had a few
24 drinks, and took in the Carolina bowl game. I believe they
25 played South Florida that particular year. Afterwards, C.W.

1 and Adam ended back up at the Beebe home out on Waters Road in
2 Bethune. Adam had been there several times before, had spent
3 time over there before with C.W.

4 Sometime later, Peggy Beebe arrived home. Peggy Danielle
5 Beebe. She's known as Dani to most people in Bethune. That's
6 C.W.'s wife. She worked at the local meat market there in
7 Bethune. It's right next to Clark's Bar.

8 So she arrived home that evening and sometime later C.W.
9 and Adam decided they needed to get some more beer, and so
10 Dani took them to the local Exxon there back in downtown
11 Bethune, where Adam purchased some beer. Dani got some gas,
12 and then they went back to the Beebe home.

13 At a certain time, Adam decided he wanted to get some
14 cocaine. Again, Dani took C.W., as well as Adam, to a
15 location. They met with an individual and made that purchase,
16 and then they went back home to Waters Road.

17 The next day, December 30th, 2016, Adam didn't report for
18 work. Now, he was working at Kitchen Creations in Hartsville.
19 His boss, Daniel Andrews, attempted to get in contact with him
20 to no avail. He was supposed to have met with someone. He
21 did not make that meeting.

22 And so Andrews contacted Christi Amerson and also
23 contacted Adam's sister, Heather Kelly. They were unable to
24 get a hold of Adam, and this was odd. Adam always showed up
25 for work. Even his mother couldn't get in contact with him.

1 So they met with local law enforcement. They talked with
2 Chuckie Baxley with the Bethune Police Department. All the
3 information they had at that point was the last place Adam was
4 seen, the last individuals he was seen with were C.W. Beebe
5 and his wife, Dani. Local law enforcement organized a network
6 of people and concerned citizens of the community who
7 participated in search parties to look for Adam, but the days
8 turned into weeks turned into months, and so the family's
9 worst fears turned into grim reality.

10 In early March of 2017, the Sheriff's Office got a break
11 in the case. They had gotten some information anonymously,
12 the coordinates of where -- or coordinates. They went to that
13 location that was provided, and on March 9th, 2017, Adam Davis
14 was unearthed from a shallow grave over in Lee County not too
15 far from the Beebe home.

16 Investigators with the Sheriff's Office, agents from SLED
17 that were investigating this matter, and the investigators
18 with the Sheriff's Office had to sift through various leads
19 and information that they were given, but what was constant
20 was the last people to see Adam Davis alive, C.W. Beebe and
21 his wife, Dani.

22 Now, during the investigation, law enforcement also got
23 information that the vehicle that Dani was driving that C.W.
24 was in with Adam, that that had been taken to a scrapper,
25 Darlington Shredding, to be disposed of. Law enforcement was

1 able to get that vehicle, and they processed it and found
2 blood evidence in that vehicle. Law enforcement also got
3 information that there were seats in Dani's vehicle that were
4 taken out, and there were attempts to alter those seats to
5 match the seats that they actually got from a scrapyard from
6 another vehicle.

7 What began as a missing persons investigation turned into
8 a homicide investigation because when Adam Davis was unearthed
9 from that shallow grave in Lee County, an autopsy was
10 performed. The autopsy revealed that he had a single gunshot
11 wound to his head that went through and through. I had
12 indicated that blood evidence in the Acura belonging to the
13 Beebe's, that blood evidence matched back to Adam Davis.

14 A homicide investigation led to charges being filed
15 against C.W. Beebe, as well as Dani Beebe, and that's why
16 we're here today. Clinton Warren Beebe stands before you
17 charged with murder. That's why we're here today for his
18 trial.

19 And I'm Curtis Pauling. Present with me is Dale Scott,
20 Ms. Christina Allard, and Ms. April Sampson. We are
21 prosecutors with the Fifth Circuit Solicitor's Office. The
22 Fifth Circuit is comprised of both Richland and Kershaw
23 Counties. It's our duty, it's our job to prosecute crimes
24 that occur within this jurisdiction.

25 Now, the fact that C.W. Beebe has been arrested, charged,

1 and indicted for murder, we have the burden of proof, proof
2 beyond a reasonable doubt. As he -- as he sits there, he is
3 presumed to be innocent, and the judge will tell you that
4 presumption of innocence, he wears that like this robe of
5 righteousness, and that remains with him up until if and only
6 if we prove our case beyond a reasonable doubt.

7 In South Carolina law, murder is the killing of another
8 by malice aforethought. How do we intend to prove our case?

9 Well, you're going to hear from several individuals who
10 will come to that witness stand. You're going to hear from
11 Ms. Christi Amerson, Heather Kelly, as well as Daniel Andrews,
12 and they'll tell you about their last contact with Adam and
13 attempts to get in touch with him on December 30th of 2016.

14 You'll hear from various members of law enforcement, such
15 as David Miller, Rick Bailey. You'll hear from Investigator
16 Justin Dill. You will hear from SLED agents who worked
17 tirelessly on this particular case. You'll also hear from
18 Darryle Coe, who was the individual that they met with that
19 particular evening as well.

20 But as the witnesses go and sit in that witness box, you
21 have a role. As the judge told you, you're the factfinder.
22 Only you all can determine based on the testimony and the
23 evidence what happened to Adam Davis on December 29th of 2016.

24 And so when these witnesses go to the witness box,
25 they're going to swear to tell you the truth, the whole truth,

1 and nothing but the truth, but as they sit there and you hear
2 them, also observe them. What are these witnesses? Are they
3 honest and forthright? Do they have a reason to lie? Do they
4 have some sort of bias one way or another? Does the testimony
5 and evidence -- is it corroborated by other testimony and
6 evidence? Does -- does what they say -- does it make sense?

7 You're going to hear from potentially a couple of expert
8 witnesses as well, but I submit to you that you all are
9 experts in your own right because what you bring to the table
10 is life experience, common sense, and so as you hear the
11 testimony and the evidence, I would ask that you not leave
12 your common sense at the door but use that in analyzing this
13 case as well.

14 Now, I will tell you that a lot of this case involves the
15 cover-up. A lot of this case involves the cover-up, and it's
16 been said that what's done in the dark will eventually come to
17 the light, and to that end you will also hear from Peggy
18 Danielle Beebe.

19 Now, she is also charged in this case. She is charged
20 with murder. She will tell you about the last moments of Adam
21 Davis's life. She will tell you what she heard, what she saw,
22 and you will hear how the defendant shot Adam Davis and then
23 immediately made steps to prepare to cover up the shooting, to
24 dispose of his body, his so-called friend.

25 I want to thank you all from the outset for your

1 willingness to serve as jurors. That's not an easy task, but
2 it is necessary. This case is important to the State. It's
3 important to the defendant, Mr. Beebe. I simply ask that as
4 you hear the testimony, as you hear the evidence, that you pay
5 close attention.

6 We thank you for your -- for your time and the effort,
7 and we are here seeking justice, nothing more, nothing less.
8 I submit to you that after you've heard the evidence, after
9 you've heard the testimony, you'll be able to return a
10 verdict, and we'll be asking you to return a verdict for the
11 charge of murder of guilty.

12 THE COURT: Thank you, Mr. Pauling.

13 Mr. Tetterton?

14 MR. TETTERTON: May it please the Court.

15 THE COURT: Yes.

16 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

17 MR. TETTERTON: Good afternoon.

18 I agree with just about everything the solicitor and the
19 prosecution says. I agree with Mr. Pauling that the State has
20 the burden of proof. I agree with Mr. Pauling that they have
21 to prove to y'all beyond a reasonable doubt the elements of
22 the charge of murder. I agree with Mr. Pauling that he's
23 going to have to convince you that there was malice
24 aforethought. He's going to have to prove to you all there
25 was an unlawful killing of C.W.'s very best friend, Adam

1 Davis. He's going to have to prove to y'all that beyond a
2 reasonable doubt, and he has that burden of proof.

3 Some of the facts I'd like to relate to -- oh, otherwise,
4 most of the facts he related to y'all we're going to agree
5 with. Adam was dead. He was one of the very, very best
6 friends of C.W. Beebe. In fact, I agree with Mr. Pauling. He
7 said -- when he said they were like brothers. You will hear
8 that they grew up together. You will hear that Adam had a
9 little bit of a problem, and it wasn't unusual. I think the
10 testimony you will hear a thousand times maybe or a million
11 times he'd come and crash at their house when their kids were
12 not at home. So they were just like brothers.

13 What he's not going to convince you though, in my
14 opinion, is that he cannot show you and prove to y'all that
15 there was any intent of C.W. to kill his very best friend. He
16 is not going to provide you with evidence beyond a reasonable
17 doubt that there was a motive on the night of December 29th
18 after the ballgame, nor was there a motive for C.W. to kill
19 his lifelong friend.

20 He will not give you -- the State will not provide y'all
21 any testimony or evidence beyond a reasonable doubt as to a
22 common scheme or plan, that he planned to kill his very best
23 friend. He's going to fail. The State is going to fail in
24 their efforts to prove to y'all there was any malice
25 whatsoever.

1 And you'll hear that from Dani, his wife, who is also
2 charged with murder. You'll hear from Dani that there was
3 absolutely -- between the hours of 9 o'clock and 10 o'clock on
4 that night of December 29th in their home, there was zero
5 malice. There was zero argument between C.W. and his very
6 best friend, none. You'll hear that there was absolutely no
7 discord, no evidence of any bad blood between those two, no
8 reason. In fact, you will hear from Dani's own mouth she said
9 there was no reason. You'll hear from her that there was --
10 in her words, there was no there there. So there is no
11 intent, there is no motive, there's no common plan or scheme.

12 Y'all could be distracted by what happened after the
13 fact, and you'll hear testimony that Dani and C.W. planned a
14 cover-up, and you'll hear about the smashed car, you'll hear
15 about the painted seat, and you'll hear about the movements.

16 Both of them are charged with murder. Thirteen days
17 after Adam went missing, thirteen days after December 29th
18 between the hours of 10 -- 9 and 10 o'clock, thirteen days
19 later you'll hear that Dani gave an explanation for what
20 happened that night. She gave it to law enforcement. You're
21 going to hear that.

22 Five years later, five years later in the last month or
23 so, after meeting with the prosecution and her lawyer, she
24 tells a different story about what happened that night because
25 on the eve of her being tried for murder, you'll hear a

1 different side, a different story about that.

2 But we're going to -- we're not going to convert our
3 focus from that, but we are going to -- I'm going to ask you
4 all to concentrate on the hours between 9 and 10 o'clock,
5 December 29th after the bowl game. Concentrate on that short
6 period of time. Was there any motive? Was there any intent
7 to kill his best friend? Was there any common scheme to kill
8 his best friend? Why did Adam end up getting shot?

9 Hopefully, by the end of this trial and the evidence you
10 hear, maybe you can find an explanation of why Adam got shot.
11 You and only you -- and I agree with the solicitor again.
12 Y'all are the sole trier of the facts, as the judge charged
13 you that. Y'all have to listen to the facts as they are
14 produced right here in this courtroom in the stand from the
15 witnesses.

16 And as the judge told y'all, you get to judge -- judge
17 the credibility of the witnesses. Y'all decide who's telling
18 the truth about what happened in that short period of time,
19 and I submit to you Adam, the very best friend of C.W., died
20 from another possibility other than intent, motive, common
21 scheme or plan.

22 And that's a burden. That's a mountain that these
23 gentlemen -- ladies and gentlemen have to climb, the burden of
24 proof beyond a reasonable doubt to meet the elements of
25 unlawful killing of another individual with malice

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 aforethought. Thank y'all.

2 THE COURT: Thank you, Mr. Tetterton.

3 Mr. Pauling, call your first witness.

4 MR. PAULING: Thank you, Your Honor. At this time, the
5 State would call Christi Amerson.

6 THE CLERK: Place your left hand on the Bible and raise
7 your right hand, please. Thank you. Do you swear or affirm
8 the evidence you give in this case will be the truth, the
9 whole truth, and nothing but the truth, so help you God?

10 THE WITNESS: Yes.

11 THE CLERK: Have a seat and state your name for the
12 record.

13 THE WITNESS: Christina Gullede Amerson.

14 CHRISTI AMERSON, being first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. PAULING:

18 Q: How are you doing, Ms. Amerson?

19 A: I'm good.

20 Q: Can you please tell the jury where you're from
21 originally?

22 A: I am from Hartsville, South Carolina.

23 Q: And how long have you lived in Hartsville?

24 A: Forty-two years. I had to think how old I was. I'm
25 sorry.

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Q: Forty-two years?

2 A: Forty-two years.

3 Q: Lifelong resident?

4 A: I am.

5 Q: Okay. And currently what do you do in Hartsville?

6 A: I teach high school at Hartsville High School.

7 Q: And how long have you been teaching there?

8 A: Twenty-two years.

9 Q: Twenty-two years? Okay. Do you have family there in

10 Hartsville?

11 A: I do.

12 Q: And did you know Adam Davis?

13 A: I did.

14 Q: Okay. And if you could tell this jury how did you -- how

15 did you know Adam Davis? How did you know him?

16 A: We were seeing each other. We met each other through a

17 mutual friend and through his sister, actually. She was

18 student teaching for my -- my youngest daughter.

19 Q: His sister, Heather? Is that who you're referring to?

20 A: Yes.

21 Q: And what was -- what was the nature of the relationship

22 at that point when you first met him? What was --

23 A: We were just -- we became friends to begin with and then

24 it became more than friends. We began seeing each other every

25 day. It was -- we were basically boyfriend and girlfriend.

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Q: And again, I believe I asked you about 2016. What time
2 of year? When did y'all begin this relationship?

3 A: It was either late August or early September. I'm not
4 sure. School had already started.

5 Q: Okay. And you said you began seeing each other every
6 day, and then I guess around Christmastime, around December
7 2016, were y'all still seeing each other?

8 A: Yes, we were.

9 Q: And do you recall the last time you saw Adam?

10 A: I saw him December the 29th, 2016. It was probably
11 around noon. We went to Zapatas and ate lunch with my two
12 girls and my niece.

13 Q: And had you made plans earlier that day to do so or how
14 did it come about that y'all met for lunch?

15 A: I had to keep my niece. She was home. We were out of
16 school and because I was a teacher, the daycares were closed,
17 and so my nephew asked me to keep her because my youngest
18 niece was in the hospital. And he texted me and said you want
19 to do lunch today, because he was working and I was off work
20 because of the break, and I said sure, I said, but how about
21 Aubrey, and he said -- he said where do y'all want to go and I
22 said you know she's going to say McDonald's, and he hated
23 McDonald's. And he said, well, I guess we're going to
24 McDonald's, and I said -- he said -- well -- I said, well,
25 she'll probably go to Mexican, and he said, well, Mexican it

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 is.

2 Q: And when you had lunch at Zapatas, were there any issues
3 or anything? How was that?

4 A: He was fine. He was happy, goofy, just like his normal
5 self.

6 Q: Just like his normal self?

7 A: Yes. Just like his normal self.

8 Q: And after -- after lunch, do you know where he went or
9 what happened after lunch? Did you make plans to see each
10 other again or talk or what?

11 A: He just -- I stood at the door and he kissed me bye and
12 he said he was going back to work because he was working that
13 day, and he said I'll text you later. And we were texting off
14 and on all day that day. He would text me by Snapchat,
15 Messenger, and text message. He would do all three just to
16 aggravate me.

17 Q: I know you say aggravate you, but --

18 A: But he would do with it in --

19 Q: -- in a bad way or in a good way?

20 A: In a good way.

21 Q: Okay.

22 A: He would just do it to be funny because that was him. He
23 was just -- he was a loving, funny guy, and he would just do
24 it because he knew that if he did all three that I would just
25 go, really? All three?

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Q: Okay. Now, at some point -- and you said that was around
2 noon that you had lunch that day?

3 A: It was around noon. Yes, sir.

4 Q: Now, at some point that evening, were you back in contact
5 with him?

6 A: Yeah. We were in contact all day that day. I think the
7 last message I got from him, it was right before 9 o'clock,
8 maybe like 8:45-ish, somewhere along there. He asked me what
9 I was doing, and I told him I was at home. I was watching
10 American Horror Story, and he said that's one of those shows
11 you can really get into, and I said, yeah. I think I was on
12 season five, episode four or something, and he said that he
13 just finished watching the bowl game and he would talk to me
14 later. And I fell asleep because he usually would always tell
15 me good night, but I never got a good night message or
16 anything.

17 Q: You said he'd always usually text you good night?

18 A: I think I must've fell asleep that night or something.
19 The next morning is when I realized, okay, I didn't get a good
20 night or a good morning.

21 Q: You didn't get a good morning text either?

22 A: No.

23 Q: And was that something normally --

24 A: Yes.

25 Q: -- he would do as well? And did you attempt to contact

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Adam?

2 A: Yes, sir.

3 Q: Were you able to reach him?

4 A: No, sir. His phone went straight to voicemail. I

5 couldn't get -- I tried numerous times.

6 Q: And upon not being able to reach him, what did you do?

7 A: I called Heather, his sister.

8 Q: Heather Kelly?

9 A: Uh-huh.

10 Q: Okay. Do you know if Heather had been able to reach him?

11 A: She said that she would try to get in touch with him but

12 not to worry, that if he was out for the bowl game that maybe

13 his phone was off or just dead or something, but we both

14 started trying to get in touch with him.

15 Q: Did anyone else contact you?

16 A: Daniel then contacted me. He had sent me a message in

17 Messenger.

18 Q: And when you're saying Daniel, who are you speaking of?

19 A: Daniel Andrews, his boss.

20 Q: Okay.

21 A: And he was not able to -- he didn't show up for work. He

22 wasn't able to get in contact with him either.

23 Q: And you weren't able to get in touch with him that day at

24 all; is that correct?

25 A: No, sir.

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Q: Okay. Now, did you attempt to contact anyone else?

2 A: My good friend, Ashley Oakley. I called her to see if

3 she may have known the whereabouts of somebody that could get

4 in touch with him because she -- she was from that area. She

5 was from the Bethune area and knew all his friends. And she

6 actually called C.W. through Messenger, and he answered the

7 phone and he said that he had thought that he had left his

8 house.

9 Q: Let me -- let me ask you this. Did you talk to C.W.

10 directly?

11 A: No, sir.

12 Q: Okay. All right. All right. Did you know C.W.?

13 A: I had met him once with Adam.

14 Q: Okay. And where was that and when was that, if you

15 recall?

16 A: It was right before Thanksgiving, I think. We were at

17 Clark's, and they had introduced me to him.

18 Q: At Clark's Bar there in Bethune?

19 A: Uh-huh.

20 Q: Did you know Dani Beebe? Did you know her?

21 A: I did not know her. He had introduced me to her once at

22 the meat market when we went to the meat market to pick up

23 something, and then I briefly saw her that time that night

24 that he introduced me to C.W. at Clark's. We went back to

25 C.W.'s house and she briefly came out, but I couldn't -- I

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 didn't know her. No, sir.

2 Q: Now, at some point did you -- did you speak with -- with
3 law enforcement regarding your last contact with Adam?

4 A: Yes, sir.

5 Q: And did you tell them about the -- I guess that's the
6 text messages or the communications you all had?

7 A: Yes, sir.

8 Q: Okay. Do you recall did you provide them anything
9 regarding those text messages?

10 A: I provided them all. I provided all the text messages.

11 Q: Okay. Were they screenshots?

12 A: Yes, sir. With the date and time on them.

13 Q: Okay.

14 MR. PAULING: I beg the Court's indulgence.

15 May I approach the witness, Your Honor?

16 THE COURT: Yes, you may.

17 BY MR. PAULING:

18 Q: Ms. Amerson, I'm going to show you what's been marked for
19 ID purposes as State's 1.

20 A: Okay.

21 Q: And I'm going to ask you if you recognize -- if you
22 recognize what that is?

23 A: I do.

24 Q: And what are those?

25 A: Our last text messages.

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Q: Between you and Adam?

2 A: Uh-huh.

3 Q: Okay. The messages when you were -- after lunch; is that

4 correct?

5 A: Uh-huh.

6 Q: And the last time you were able to message him; is that

7 correct as well?

8 A: At 8:17 p.m.

9 Q: 8:17 p.m.?

10 A: Uh-huh.

11 MR. PAULING: Your Honor, at this time the State would

12 offer Exhibit 1 into evidence.

13 MR. TETTERTON: Exhibit No. 1?

14 MR. PAULING: Yes, sir.

15 MR. TETTERTON: No objection.

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

17 (WHEREUPON, State's Exhibit No. 1, text messages

18 printout, was admitted into evidence.)

19 BY MR. PAULING:

20 Q: And again, the last time you would have been able to talk

21 to him would have been -- or messaged him was 8:17; is that

22 correct?

23 A: Yes, sir.

24 Q: Okay.

25 A: And then there was one from the next morning where I

CHRISTIAN AMERSON - DIRECT BY MR. PAULING

1 tried to contact him.

2 Q: Where you tried to contact him?

3 A: Uh-huh.

4 Q: And that's in what's here in --

5 A: Yes, sir.

6 Q: -- State's 1; is that correct?

7 A: Uh-huh. Yes, sir.

8 Q: And what time would that have been?

9 A: 8:57 a.m. It said no morn -- no -- morning, sunshine, no

10 text?

11 Q: Morning, sunshine, no text? That's what you said to

12 Adam?

13 A: Yeah. Because I --

14 Q: Or what you sent to Adam?

15 A: Because I always got a "good morning, sunshine" text from

16 him.

17 Q: Now, you had mentioned that Adam worked that day, and he

18 worked in Hartsville; is that correct?

19 A: Yes, sir.

20 Q: Okay. Did you know where he worked and kind of what he

21 did?

22 A: Yes, sir. I went by there every day during my lunch

23 break to see him. He worked at Kitchen Creations.

24 Q: Okay. And do you know what it was that he did?

25 A: He delivered the cabinets or the -- the materials for

CHRISTI AMERSON - DIRECT BY MR. PAULING

1 Daniel Andrews.

2 Q: Okay. And the particular building where he worked

3 though, was it an office building? Was it a warehouse or what

4 was it?

5 A: It was the old chicken factory in Hartsville.

6 Q: The old chicken factory in Hartsville?

7 A: Yes, sir.

8 Q: And so did you know whether or not Adam carried a weapon?

9 A: I did. He did.

10 Q: Okay. And was it always on him as far as when you were

11 in his company?

12 A: If it was not on his person, it was in his car --

13 Q: Okay.

14 A: -- or somewhere near him.

15 Q: Okay. Did you ever -- you had mentioned that -- well,

16 let me back up. You never spoke to C.W. regarding Adam

17 missing, did you?

18 A: The time I spoke to -- I did speak to him, but it was

19 when we were looking for Adam, when we were doing search

20 parties, and I ran into him when we were doing the search

21 parties.

22 Q: Okay. Was there any conversation at all?

23 A: He came up to me. I was with Ashley Oakley, and he was

24 with Casey Spradley. He came up to me and asked me how I was

25 doing, and I said not good.

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 MR. PAULING: Ms. Amerson, please answer any questions
2 that the defense may have. Thank you.

3 THE COURT: All right. Thank you.

4 Mr. Tetterton?

5 MR. TETTERTON: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. TETTERTON:

8 Q: Ms. Amerson, how are you?

9 A: I'm good. How are you?

10 Q: I'm going to ask you some questions that you probably
11 have already answered for Mr. Pauling. Please forgive me for
12 it because I'm a little hard of hearing. I couldn't hear
13 everything you were saying.

14 A: I'm sorry.

15 Q: You're sort of soft-spoken, aren't you?

16 A: Not really. Not usually. I've got a microphone in front
17 of me. I don't want to holler too loud.

18 Q: What I want to do is establish for this jury your
19 relationship with Adam Davis. When did it start?

20 A: It was the end of August, early September of 2016.

21 Q: 2000?

22 A: '16.

23 Q: '16? Shortly before he went missing?

24 A: Yes, sir.

25 Q: How did that relationship get started?

CHRISTIANERSON - CROSS BY MR. TETTERTON

- 1 A: I met him through a mutual friend, Ashley Oakley. She
2 and I were out, and then I also -- that night we were out, I
3 -- he introduced himself and come to find out he was Heather's
4 sister and we --
- 5 Q: He was what?
- 6 A: He was Heather Kelly's sister.
- 7 Q: Heather's sister?
- 8 A: I mean -- I'm sorry. Heather's brother. And we called
9 Heather together that night because she was actually student
10 teaching my youngest daughter. So it was kind of --
- 11 Q: So Adam had a sister named Heather?
- 12 A: Uh-huh.
- 13 Q: And you met her when you met Adam; is that correct? Is
14 that what happened?
- 15 A: No. I had known Heather before.
- 16 Q: Okay. You knew Heather before?
- 17 A: Uh-huh.
- 18 Q: Okay. And where did you meet Adam?
- 19 A: At Clark's in Bethune. I was with my good friend, Ashley
20 Oakley.
- 21 Q: You met him at a bar --
- 22 A: Uh-huh.
- 23 Q: -- called Kelly Clark's Bar?
- 24 A: Yes.
- 25 Q: That's the only bar in Bethune, isn't it?

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 A: Uh-huh.

2 Q: And at that time did you realize that Adam was married?

3 A: No.

4 Q: When did you find out that he -- was he your boyfriend

5 after that?

6 A: No. I'm saying that I didn't realize he was married

7 until probably a few days later he told me that he was

8 separated.

9 Q: A few days later?

10 A: I was separated myself.

11 Q: Okay.

12 A: So I was actually technically still married myself.

13 Q: And do you know who he was married to?

14 A: Yes, sir. He told me.

15 Q: Who?

16 A: Brandy.

17 Q: Brandy Davis?

18 A: Yes, sir.

19 Q: And was Brandy Davis living there in Bethune also?

20 A: I don't know where she was living at. I think she was

21 living with her boyfriend.

22 Q: Let me make sure I understand what you're saying. Adam

23 was married. You were married. Y'all were separated. He was

24 married to Brandy, and Brandy was living with her boyfriend.

25 That would be Kevin somebody?

CHRISTI AMERSON - CROSS BY MR. TETTERTON

- 1 A: I'm not real sure.
- 2 Q: But she was living with her boyfriend?
- 3 A: Uh-huh. Or her father. I'm not real sure. I wasn't --
- 4 I wasn't real sure where she was living.
- 5 Q: Where did you and Adam first start living together?
- 6 A: We did not live together.
- 7 Q: So y'all were just boyfriend and girlfriend?
- 8 A: Yes, sir.
- 9 Q: Okay. Now, let's go back to the day of October -- I'm
- 10 sorry -- December 29th. You had some conversation with or
- 11 actually got to see Adam that day, didn't you?
- 12 A: Yes, sir.
- 13 Q: You and Adam had lunch that day?
- 14 A: Yes, sir.
- 15 Q: In Hartsville?
- 16 A: Yes, sir.
- 17 Q: With two children?
- 18 A: Three children.
- 19 Q: Three children? Some of his and some of yours?
- 20 A: No, sir. They were both -- both daughters are mine and
- 21 then my niece.
- 22 Q: Okay. And y'all had lunch in Hartsville; right?
- 23 A: Yes, sir.
- 24 Q: And that was around lunchtime, 12 o'clock?
- 25 A: Yes, sir. Around noon.

CHRISTI AMERSON - CROSS BY MR. TETTERTON

- 1 Q: How did Adam appear at that time?
- 2 A: His normal self, goofy, happy.
- 3 Q: And then later on you went your way and he went his way?
- 4 A: Yes, sir. I went home, and he said he was going back to
- 5 work.
- 6 Q: So at 12 o'clock when you had -- around 12 o'clock when
- 7 you had lunch with, well, your boyfriend Adam and three
- 8 children, did he appear drunk?
- 9 A: No, sir.
- 10 Q: Had he been drinking?
- 11 A: No, sir.
- 12 Q: So can you tell this jury that about lunchtime on
- 13 December 29th, 2016, Adam was sober?
- 14 A: Yes, sir.
- 15 Q: Okay. Did you see him any time after that when he
- 16 appeared very, very drunk?
- 17 A: Not that day. No, sir.
- 18 Q: In your relationship with Adam for those short several
- 19 months, did he have occasions to where you couldn't find him?
- 20 A: No, sir.
- 21 Q: You always knew where he was?
- 22 A: I always -- every -- I was usually with him every day.
- 23 Q: I beg your pardon?
- 24 A: I was always with him every day.
- 25 Q: Every day?

CHRISTI AMERSON - CROSS BY MR. TETTERTON

- 1 A: Almost.
- 2 Q: All right. Now, Adam went his way, you went your way.
- 3 Do you know where Adam went after he left you in Hartsville?
- 4 A: He said he was going back to work.
- 5 Q: Okay. Do you have any reason to disbelieve he went back
- 6 to work?
- 7 A: I wouldn't see why he didn't go back to work.
- 8 Q: He lives in -- I mean he works in Hartsville; right?
- 9 A: Yes, sir.
- 10 Q: Do you know what his working hours were?
- 11 A: They varied all depending on what Mr. Andrews needed him
- 12 to do.
- 13 Q: Can you give us some idea of what you think his normal
- 14 working hours would have been on that particular day?
- 15 MR. PAULING: Calls for speculation. I believe she said
- 16 they varied, Judge. I don't know if --
- 17 THE COURT: I understand. I'll overrule the objection.
- 18 Go ahead.
- 19 BY MR. TETTERTON:
- 20 Q: The question is can you give us some idea of what his
- 21 normal working day was like time wise?
- 22 A: Usually, I would think he --
- 23 Q: I beg your pardon?
- 24 A: I would say from, like, eight to five.
- 25 Q: Okay. It was normal for him to get off at five? Okay.

CHRISTI AMERSON - CROSS BY MR. TETTERTON

- 1 That's a yes or no?
- 2 A: Yes, sir. I would think so, yeah.
- 3 Q: And you didn't have any reason to believe he got off
- 4 early, do you? That day, do you?
- 5 A: I have a text message that said that he was going to
- 6 watch the bowl game, that he was going to get off a little bit
- 7 early.
- 8 Q: About what time was that text message? Do you have it in
- 9 front of you?
- 10 A: I don't have it in front of me.
- 11 Q: Is that one of the text messages that you gave the
- 12 solicitor?
- 13 A: Yes, sir.
- 14 Q: What I'm trying to do, Christi, is establish the last
- 15 time that you had any -- the first time you had conversation
- 16 with him.
- 17 MR. TETTERTON: May I approach?
- 18 THE COURT: Yes, you may.
- 19 BY MR. TETTERTON:
- 20 Q: Look through these exhibits --
- 21 A: Okay.
- 22 Q: -- that Solicitor Pauling gave you and tell me the text
- 23 message you first got with regards to from Adam after y'all
- 24 have lunch.
- 25 A: It was at 2:01.

CHRISTI AMERSON - CROSS BY MR. TETTERTON

- 1 Q: I'm sorry?
- 2 A: At 2:01.
- 3 Q: Okay. And what does that text message say?
- 4 A: I enjoyed lunch with y'all.
- 5 Q: Okay. And then what's your next text message? What does
6 it say?
- 7 A: It was at 5:43. He said I just watched Carolina lose in
8 overtime.
- 9 Q: Okay. At 5:43 he texted you and said he just watched
10 Carolina lose that overtime ballgame; right?
- 11 A: Uh-huh.
- 12 Q: Now, you had some text messages with him after that too;
13 right?
- 14 A: I did.
- 15 Q: What's the next one you had with him?
- 16 A: At 7:48, he said you're not talking tonight, and then I
17 responded, oh, I'm here. I'm just watching TV. I'm watching
18 American Horror Story.
- 19 Q: At 7:48 after he texted you that he just watched Carolina
20 lose the ballgame?
- 21 A: No. That was at 5:43 he texted me that.
- 22 Q: But after 5:43, he texted you and said at 7:48 you're not
23 talking tonight; is that correct?
- 24 A: Uh-huh.
- 25 Q: Did you notice --

CHRISTIAMERSON - CROSS BY MR. TETTERTON

- 1 A: Yes, sir.
- 2 Q: -- anything unusual about the texts he sent you then or
3 was that a usual text?
- 4 A: No. That's a usual text.
- 5 Q: So was there anything unusual about Adam at 7:48 on the
6 night of December 29th, 2016?
- 7 A: There was nothing unusual.
- 8 Q: You didn't detect any alcohol or drunkenness, did you?
- 9 A: No, sir.
- 10 Q: I'm asking did you detect any evidence of --
- 11 A: I did not detect anything unusual from him that night
12 until I woke up the next morning.
- 13 Q: Okay. And then you texted -- I'm sorry. He texted you
14 you're not talking tonight, and I believe the records show at
15 7:56 you replied, I'm here, been watching American Horror
16 Story; is that correct?
- 17 A: Yes, sir.
- 18 Q: At 7:56, did you detect anything unusual about Adam's
19 responses or texts to you?
- 20 A: No, sir.
- 21 Q: Was there anything in his texts that he gave you at 7:48
22 or 7:56 that alarmed you about him being in danger or
23 anything, alarmed you about anything?
- 24 A: No, sir.
- 25 Q: And at 7:56 he replied to you, it's okay, I was just

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 wondering; is that correct?

2 A: Yes, sir.

3 Q: Did you get any -- did you have any other texts with him

4 after 7:56?

5 A: He's texting me at 8:04.

6 Q: I'm sorry?

7 A: He texted me at 8:04.

8 Q: At 8:04, he texted you?

9 A: Uh-huh.

10 Q: And --

11 A: And he said that's one of those shows you can get easily

12 hooked on.

13 Q: I believe that that text said that's one of those shows

14 you can get hooked on easily; is that correct?

15 A: Yes, sir.

16 Q: At 8:04 p.m. on December 29th, 2016, did you detect

17 anything unusual about Adam Davis?

18 A: No, sir.

19 Q: Did you detect anything that would have alarmed you about

20 Adam's safety or anything?

21 A: No, sir.

22 Q: Nothing?

23 A: No, sir.

24 Q: And I believe that was the last text you had?

25 A: No, sir. I got one at 8:17 from him.

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 Q: I'm sorry. 8:17, yeah. At 8:17, the text you have in
2 your hand says LOL. What does that mean? Sometimes it means
3 --
4 A: Laugh out loud.
5 Q: Sometimes it means lock and load; right?
6 A: Yeah, sometimes.
7 Q: Okay. Laugh out loud. Well, enjoy, baby. Text me
8 later. I won't bother you?
9 A: Yes.
10 Q: Christi, I'm going to ask you at 8:17 p.m. can you tell
11 this jury what, if anything, alarmed you about the welfare of
12 your boyfriend, Adam Davis?
13 A: There was nothing that alarmed me in that text. No, sir.
14 Q: At that time could you detect from the nature of his
15 texts whether or not he was very, very drunk or under the
16 influence or anything?
17 A: No, sir.
18 Q: Do you have an opinion based on your relationship with
19 Adam that as of 8:17 whether or not he was under the influence
20 of anything?
21 A: I do not think he was at 8:17. No, sir.
22 Q: Now, you mentioned that Adam always carried a gun; is
23 that correct?
24 A: Yes, sir.
25 Q: Is it true that he always carried that gun in his pocket

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 or either in the car?

2 A: Yes, sir.

3 Q: Did he also -- did he sometimes ride with you in your

4 car?

5 A: Yes, sir.

6 Q: And what would he do with this gun when he got in your

7 car?

8 A: I'm not real sure.

9 Q: Would he put it in the glove box?

10 A: No, sir.

11 Q: He wouldn't?

12 A: Huh-uh.

13 Q: He'd just keep it in his pocket?

14 A: Oh, I'm not real -- I never asked.

15 Q: Okay. Did Adam ever explain to you why he thought it was

16 necessary to carry a pistol on his person at all times?

17 A: Yes, sir.

18 Q: And what did he explain to you?

19 A: Because of his work of him having to go out to different

20 places and drop off the materials for work and him being by

21 himself at the -- at the place of business all the time.

22 There was -- and where that street is, there was a lot of

23 riffraff that would hang around there.

24 Q: Okay.

25 A: So he carried it for his personal safety he said.

CHRISTI AMERSON - CROSS BY MR. TETTERTON

- 1 Q: Other than work though, he carried a gun also, didn't he?
- 2 A: He just carried it on him at all times, yes.
- 3 Q: Okay. When he left work, he still carried a gun on his
- 4 person?
- 5 A: Uh-huh.
- 6 Q: He did? Yes or no?
- 7 A: Yes, sir.
- 8 Q: And when he was with you at all times, he always had that
- 9 pistol?
- 10 A: I'm not real sure if he had it with him at all times with
- 11 me or not. I never asked.
- 12 Q: There was a Snapchat later on, was there not?
- 13 A: Yes, sir. Somewhere -- somewhere in that night, there
- 14 was a Snapchat that was sent to me from him, and he was
- 15 holding -- I bought him a Yeti koozie.
- 16 Q: Okay.
- 17 A: For Christmas.
- 18 Q: Okay.
- 19 A: And it was him sitting there with the Yeti koozie.
- 20 Q: Let me make sure the jury hears what you're saying.
- 21 Sometime you had bought him a Yeti koozie?
- 22 A: I bought it for him for Christmas. Yes, sir.
- 23 Q: And you gave it to him that particular day?
- 24 A: No, sir.
- 25 Q: You had given it to him earlier?

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 A: For Christmas. Yes, sir.

2 Q: Okay. That was his Christmas present?

3 A: Yes, sir.

4 Q: Later on when y'all had a snap -- well, there was a

5 Snapchat. Forgive me. I don't understand Snapchat. That's a

6 picture; right?

7 A: Yes, sir.

8 Q: And that picture reflected what?

9 A: Of him just holding the koozie. It just said I'm getting

10 some use out of it today.

11 Q: He was holding the koozie that you gave him for

12 Christmas?

13 A: Uh-huh. And he was sitting in a recliner.

14 Q: Okay. About what time was that?

15 A: I can't remember the time.

16 Q: Was it after he told you that LOL, well, enjoy, baby,

17 text me later, I'm not going to bother you?

18 A: I'm not real sure. I don't recall.

19 Q: But he did text you and tell you that I'm going to be

20 using this koozie tonight or I'm going to be --

21 A: He just said I'm getting some use out of it.

22 Q: I'm getting some use out of it?

23 A: Yes, sir.

24 Q: And that actually depicted Adam Davis with the koozie you

25 gave him for Christmas sitting in a recliner?

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 A: Yes, sir. I do remember that.

2 Q: Do you remember or could you tell whether that recliner
3 was at C.W. Beebe's house or where it was?

4 A: No, sir. I couldn't tell. The way -- the way Snapchat
5 works, you can't really tell.

6 Q: Do you have any reason to believe that Adam was anywhere
7 after the ballgame other than at C.W. Beebe's house?

8 A: No, sir.

9 Q: It's your belief, is it not, that he went to C.W. Beebe's
10 house?

11 A: I -- I would think so, yes.

12 Q: I didn't quite hear what you said about your relationship
13 with Dani.

14 A: I don't really know her.

15 Q: You ever met her?

16 A: No, sir. I met her one time. She was introduced to me
17 one time.

18 Q: All right. So you didn't know very much about Dani
19 Beebe, the wife of C.W.; right?

20 A: No, sir.

21 Q: And I think you said you only met C.W. one time?

22 A: Yes, sir.

23 Q: In your relationship for several months with Adam Davis,
24 did you ever hear him say anything derogatory, mean, or bad
25 about C.W.?

CHRISTI AMERSON - CROSS BY MR. TETTERTON

1 A: No, sir.

2 Q: Did he ever describe to you that their relationship was
3 like brothers?

4 A: He just told me they were good friends. He never told me
5 they were like brothers.

6 Q: Did he tell you how long they had been good friends?

7 A: He said they went to school together and they were good
8 friends.

9 Q: So all during your association with Adam Davis before
10 again December 29th, 2016, there was nothing in his behavior
11 personally during lunch or in text messages that you alarmed
12 him about -- or he alarmed -- that alarmed you about his
13 safety and welfare?

14 A: No, sir.

15 Q: Nothing?

16 A: (No verbal response.)

17 MR. TETTERTON: Thank you, ma'am.

18 THE COURT: Mr. Pauling, any redirect?

19 MR. PAULING: Yes, just briefly. Just a couple
20 questions.

21 REDIRECT EXAMINATION

22 BY MR. PAULING:

23 Q: The Snapchat?

24 A: Yes, sir.

25 Q: The video that you indicated. Now, were you able to

CHRISTI AMERSON - REDIRECT BY MR. PAULING

1 actually tell when that video was created though?

2 A: No, sir. I mean during that time, yes, but it
3 disappears.

4 Q: Okay. Well, I guess my question is were you able to
5 determine that that video was actually created that day or
6 some prior Snapchat?

7 A: I'm not real sure.

8 Q: Okay. So you're not able to say that the Snapchat that
9 you received actually occurred that day?

10 A: Oh, yes, sir. I can say that, yes.

11 Q: Okay. How?

12 A: Because he -- because he snapped me all the time.

13 Q: Okay.

14 A: And it had to have occurred that day because we snapped
15 back and forth all the time.

16 Q: But can you say that it occurred at that particular time?
17 I guess my question is is can he do a video sometime prior and
18 then send it to you later. That's what I'm asking.

19 A: Yes, you can do that, but this was a live video because
20 if it was sent prior, how Snapchat works, if you send a video
21 that's prior, it would stay in your memories where they send
22 it, whereas if you do it live, it disappears right away.

23 Q: Okay.

24 MR. PAULING: Thank you. I have no further questions.

25 THE COURT: Any recross?

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 THE COURT: All right. Thank you, ladies and gentlemen.

2 Mr. Pauling, call your next witness.

3 MS. ALLARD: The State calls Daniel Andrews.

4 MR. TETTERTON: I'm sorry?

5 MS. ALLARD: Daniel Andrews.

6 THE CLERK: Place your left hand on the Bible and raise
7 your right hand. Do you swear or affirm that the evidence you
8 give in this case will be the truth, the whole truth, and
9 nothing but the truth, so help you God?

10 THE WITNESS: I do.

11 THE CLERK: Have a seat in the witness chair and state
12 your full name for the record.

13 THE WITNESS: Daniel Scott Andrews.

14 DANIEL ANDREWS, being first
15 duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. ALLARD:

18 Q: Good afternoon, Mr. Andrews. Can you please tell the
19 jury how old you are?

20 A: I'm 39 years old -- 38 years old. I'm sorry.

21 Q: And where do you live, Mr. Andrews?

22 A: McBee, South Carolina.

23 Q: How long have you lived in McBee?

24 A: I've lived in McBee for about 16 years.

25 Q: And what do you do for work?

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 A: I own a business called Kitchen Creations.

2 Q: How long have you owned that business?

3 A: Since 2012.

4 Q: And where is that business located?

5 A: In Hartsville, South Carolina.

6 Q: Did you own that business back in December of 2016?

7 A: Yes, ma'am.

8 Q: Okay. And were you the owner of that business at that

9 time as well?

10 A: Yes, ma'am.

11 Q: Okay. The victim in this case, Adam Davis, did you have

12 a relationship with him?

13 A: I did.

14 Q: Can you describe that relationship for the jury, please?

15 A: Well, we met back in high school. We went to different

16 high schools, but we both played on the golf team. I played

17 at McBee, he played at Bethune. We met during a golf match,

18 became friends, and then later on when I got married, it turns

19 out him and my brother-in-law were really good friends also.

20 So we would see each other quite often through my brother-in-

21 law also before he ever started working with me.

22 Q: Would you have considered him a friend?

23 A: Yes.

24 Q: Okay. And at some point, did he -- did you work

25 together?

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 A: Well, he worked for me at some point. Yes, ma'am.

2 Q: Do you remember when you hired him?

3 A: I think I hired him in around October or November of
4 2015, I'm thinking.

5 Q: And what was his role in your business?

6 A: He was pretty much my right-hand man because I'm on the
7 road all the time doing measurements and meeting with
8 contractors and everything to do designs for cabinets and
9 stuff. So he would meet at -- he'd stay at my warehouse if I
10 had cabinets coming in, and he would unload the trucks. If I
11 had to make deliveries or anything, he would go and make the
12 deliveries to the jobsites and everything like that for me and
13 whatever else I needed to do. He would also do trim work on
14 kitchens after we got done and had to go back and stuff. So a
15 little bit of everything.

16 Q: What kind of hours did Adam work?

17 A: Most of the time, it was normal hours eight to five.
18 Sometimes we might have to go in early or work a little bit
19 after five or so sometimes, but most of the time it was eight
20 to five.

21 Q: And so I know you testified that Adam was your friend,
22 but as an employee can you please describe to the jury how he
23 was?

24 A: He showed up for work every day. He had never missed a
25 day the whole time he was with me, not that he didn't ask to

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 be off for, and within that whole time he worked for me, I
2 think he only asked to be off for just -- just one day. And
3 actually, one time when he was sick when he would deliver some
4 cabinets out, he came in and delivered the cabinets and then
5 just went back home after he got back at 9:30 or so. So he'd
6 even work when he was sick half the time.

7 Q: I'm going to direct your attention back to December 30th
8 of 2016. Do you remember that day?

9 A: Yes, ma'am.

10 Q: Okay. And how do you remember that day?

11 A: December 30th, was that that Friday morning?

12 Q: I believe so, according to our calendar.

13 A: Okay.

14 Q: It was.

15 A: Well, he was supposed to be meeting somebody at my
16 warehouse in Hartsville, and I got a text from the guy that no
17 one was at the warehouse. So I had sent a message to Adam and
18 asked him, you know, where he was and noticed I didn't get a
19 response back or anything. So then I tried to start calling
20 him, but I couldn't get him calling him. So then I tried
21 Messenger through Facebook and never got him. So I knew
22 something -- something wasn't right right off the bat.

23 Q: Okay. Do you remember what time he was supposed to meet
24 that person?

25 A: I think it was around eight, 8:30.

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 Q: And so around eight or 8:30? How did you learn that he
2 did not show up?

3 A: The guy that he was supposed to be meeting called me and
4 said nobody was at the warehouse.

5 Q: Okay. And at that point, what steps did you take?

6 A: Well, I tried calling. I tried texting him again and
7 calling him, and then that's when I sent him a message on
8 Messenger and couldn't get anything through that way. So I
9 don't remember what order I messaged in, but I messaged his
10 sister, Heather, and his girlfriend, Christi. I messaged to
11 both of those to try to see if they might know where he was or
12 anything and ended up getting C.W.'s phone number through one
13 of them. I can't remember who but ended up calling him later
14 in the day also and talking with him about where he might
15 would be.

16 Q: So you called C.W. on December 30th of 2016?

17 A: Yes.

18 Q: Okay. And why did you call him?

19 A: They just said that that was one of his friends and that
20 might be somebody that had seen him that night before or
21 whatever.

22 Q: And did you have the occasion to speak with him on that
23 day?

24 A: Did I what?

25 Q: Have the occasion to speak with C.W. on December 30th

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 when you called him?

2 A: Yes, I spoke with him on the -- on the phone.

3 Q: Do you remember what your conversation consisted of?

4 A: I just asked him if he might know where Adam might be

5 because he hadn't shown up for work and that was really

6 unusual. He said they had been to the bar at Clark's the

7 night before, watched the ballgame, and that he had fell

8 asleep when Adam was still at the house and woke up and he was

9 gone.

10 Q: Who fell asleep?

11 A: C.W.

12 Q: So the defendant told you that Adam had been at his

13 house?

14 A: When they left the bar, they went to his house.

15 Q: Okay. And that the defendant then went to sleep? Is

16 that your testimony?

17 A: Yes, ma'am.

18 Q: Okay. Did you ever have occasion to speak with law

19 enforcement in this case?

20 A: I think -- I'm pretty sure we met with law enforcement

21 that Monday morning when I got back into town because I was at

22 the beach out of town when all of this was going on.

23 Q: So while you were at the beach, that's when you learned

24 that Adam had not shown up for work and made these calls?

25 A: Right.

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 Q: Okay. And do you remember when you got back into town?

2 A: I got back into town that Sunday night, I'm pretty sure.

3 Q: Then you would've met with law enforcement that Monday

4 immediately following, the next day?

5 A: Yeah. Me and Heather and Winfield and Kathy, a bunch of

6 us.

7 Q: And who --

8 A: We went that Monday morning.

9 Q: Who are Winfield and Kathy?

10 A: That's his mama and stepdaddy.

11 Q: Okay. Can you list for me who you remember being at that

12 meeting?

13 A: Me and Heather, Kathy and Winfield, my brother-in-law

14 Chip Humphreys. C.W. ended up showing up there.

15 Q: The defendant?

16 A: Yes.

17 Q: Do you know how the defendant came to be at that meeting

18 with law enforcement?

19 A: I think he said he saw the cars outside and just wanted

20 to see what was going on with all the vehicles there.

21 Q: Was he there from the beginning of the meeting when it

22 initially started?

23 A: I didn't see him in there at the beginning of it when it

24 initially started. I seen -- I heard his voice later on in

25 the meeting and turned around, and he was kind of standing in

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 the hallway out of the room.

2 Q: Okay. To your knowledge, did anyone invite him to that
3 meeting with law enforcement?

4 A: Not to my knowledge.

5 Q: Okay. Did you have any other opportunities to speak with
6 C.W. after that initial call on December 30th and after that
7 meeting with law enforcement?

8 A: I never talked with him on the phone again after that.
9 We run into each other at a candlelight ceremony at a church
10 in Bethune and then again when we were hosting a little search
11 party to try to locate Adam where he might be and stuff. He
12 -- we spoke then.

13 Q: Okay. And the search party, can you describe that for
14 me, please? What kind of a search party was it?

15 A: Well, it was just a bunch of his friends and locals and
16 stuff. We met at a little store off of Number 1 there in
17 Bethune, and everybody broke off and went into separate
18 locations trying to see if they could locate Adam.

19 Q: Was this a group of Adam's friends?

20 A: Yes.

21 Q: Okay. And was this organized by law enforcement? Do you
22 remember?

23 A: I don't think it was.

24 Q: Okay. Did you --

25 A: I'm not a hundred percent sure though.

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 Q: And you saw the defendant there at that search party?

2 A: He was there. Yes, ma'am.

3 Q: Okay. Did you have any sort of conversation with him at

4 that point?

5 A: I don't think I did that day.

6 Q: Okay. And then you mentioned a candlelight something.

7 Can you describe that?

8 A: A candlelight ceremony that they were having at a church

9 in Bethune for Adam.

10 Q: Okay.

11 A: And I can't remember if that was before the search party

12 or after.

13 Q: Okay. But you said you did see the defendant there?

14 A: I did see him there, yes.

15 Q: And did you have --

16 A: And spoke with him.

17 Q: Okay. And what -- what did your conversation consist of?

18 A: He come up and told me that Adam talked about me all the

19 time and always told him how much he appreciated me and how

20 much I done for him and everything and that he just had no

21 idea how much he was going to be missed.

22 Q: So the defendant told you that Adam had spoken about you?

23 A: Yes. Yes, ma'am.

24 Q: And he told you that Adam would be missed?

25 A: Yes, ma'am.

DANIEL ANDREWS - DIRECT BY MS. ALLARD

1 Q: Okay. And do you know at this point if Adam's body had
2 been found by law enforcement?
3 A: No, it had not at that point.
4 Q: To your knowledge, at this point was Adam still a missing
5 person?
6 A: He was at that point.
7 Q: Okay.
8 MS. ALLARD: Thank you. Please answer any questions that
9 Mr. Tetterton has for you.
10 THE WITNESS: Okay.
11 THE COURT: Mr. Tetterton?
12 MR. TETTERTON: May it please the Court, Your Honor.
13 CROSS-EXAMINATION
14 BY MR. TETTERTON:
15 Q: I believe you go by Chip; is that right?
16 A: No, sir. I go by Daniel.
17 Q: Daniel? Okay.
18 A: Yes, sir.
19 Q: I got some misinformation that your nickname was Chip.
20 All right. Daniel, you started your Kitchens Creations or
21 your business around 2012?
22 A: Correct.
23 Q: You hired Adam three years later in 2015?
24 A: Correct.
25 Q: And so he had only worked with you about -- do you know

DANIEL ANDREWS - CROSS BY MR. TETTERTON

- 1 -- I'm sorry. Do you know when in 2015 you hired him?
- 2 A: Around October or November roughly.
- 3 Q: And so he had only worked with you approximately a year
- 4 when he went missing?
- 5 A: Roughly a year.
- 6 Q: And you had met him in high school or y'all knew each
- 7 other in high school?
- 8 A: Well, we met while he was in high school. We didn't go
- 9 to the same high school.
- 10 Q: A golf match or something?
- 11 A: Yeah. He played golf for Bethune, and I played golf for
- 12 McBee.
- 13 Q: Okay. And so that's how y'all met?
- 14 A: That's how we met originally, yes, sir.
- 15 Q: Did y'all continue a relationship after y'all met at the
- 16 golf match?
- 17 A: Through high school. Well, we'd still talk sometimes and
- 18 stuff. And then, like I said, once -- when I got married, my
- 19 brother-in-law, Chip Humphreys -- him and Adam were good
- 20 friends. So I would -- I would see him a lot hanging out with
- 21 Chip.
- 22 Q: Did you see C.W. Beebe when he -- you would hang out with
- 23 Adam and his friends?
- 24 A: No, sir.
- 25 Q: Okay. There's been some testimony about Adam carrying a

DANIEL ANDREWS - CROSS BY MR. TETTERTON

1 pistol. Are you aware of that?

2 A: I was aware he carried one.

3 Q: Do you know whether or not he had a concealed weapons

4 permit?

5 A: I don't -- I don't know.

6 Q: Did you allow him to carry that pistol during his

7 employment?

8 A: I did.

9 Q: Did you check to see whether or not he had a concealed

10 weapons permit or you just don't know if he had one or not?

11 A: I don't know if he had one or not.

12 Q: He would carry that pistol in your company trucks, would

13 he not?

14 A: I'm assuming he did, yeah.

15 Q: During the time that you were friends with Adam Davis,

16 did you ever hear him ever say anything bad about C.W. Beebe?

17 A: Did I hear him say anything bad about him?

18 Q: Yeah.

19 A: No. No, he never said anything bad about him.

20 Q: Was there anything in your relationship with your

21 employee Adam that you knew since high school that alarmed you

22 about whether or not it was unsafe for him to be around C.W.

23 Beebe?

24 A: No, sir.

25 Q: Nothing whatsoever?

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 A: No, sir.

2 MR. TETTERTON: Thank you, Daniel.

3 THE COURT: Hold on a minute.

4 Any redirect?

5 MS. ALLARD: Nothing further, Your Honor.

6 THE COURT: All right. Thank you, Mr. Andrews. You can
7 step down.

8 All right. Call your next witness.

9 MS. SAMPSON: Thank you, Your Honor. The State would
10 call Heather Kelly.

11 THE CLERK: Place your left hand on the Bible and raise
12 your right hand. Do you swear the evidence you give in this
13 case will be the truth, the whole truth, and nothing but the
14 truth, so help you God?

15 THE WITNESS: I do.

16 THE CLERK: Have a seat in the witness chair and state
17 your full name for the record.

18 THE WITNESS: Heather Davis Kelly.

19 HEATHER KELLY, being first duly
20 sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. SAMPSON:

23 Q: Good afternoon, Ms. Kelly.

24 A: Hello.

25 Q: Can you tell the jury a little bit about yourself? Where

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 did you grow up?

2 A: I grew up in Bethune, South Carolina, and Adam was my
3 brother.

4 Q: And is Adam your older brother or your younger brother?

5 A: Younger.

6 Q: How much years' difference?

7 A: I'm five -- I'm five-and-a-half years older than him.

8 Q: And so what do you do for a living?

9 A: I'm a schoolteacher. I teach second grade in McBee.

10 Q: In McBee?

11 A: Yes, ma'am.

12 Q: And I'm going to talk to you a little bit about Adam.
13 How often did you talk with Adam?

14 A: Every day, every other day at the longest.

15 Q: And I said talk. Is it always a phone call or did y'all
16 text? How did y'all converse?

17 A: Phone, talk, text. He would come by my house. He lived
18 with me for a while. So somehow, either speaking directly or
19 phone or text.

20 Q: So back in December of 2016, is that how you guys were
21 conversing?

22 A: I'm sorry. Repeat your question, please?

23 Q: In 2016 --

24 A: Yes, ma'am.

25 Q: Is that how you guys conversed via text or phone calls or

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 him coming by?

2 A: Yes, ma'am.

3 Q: All right. And so I want to kind of pull your attention
4 to December of 2016.

5 A: Uh-huh.

6 Q: That Christmas, did y'all spend Christmas together?

7 A: We did.

8 Q: Okay. And after Christmas, when was the last time you
9 saw Adam?

10 A: The last time I saw Adam was on Christmas Eve.

11 Q: And when was the last time you spoke with Adam, either
12 via text or telephone?

13 A: I spoke with him on text either December 27th or 28th.

14 Q: And was it unusual for you to go a day or two without
15 talking to him?

16 A: Not a day or so. Two days max.

17 Q: Okay.

18 A: Normally every day, every other day.

19 Q: So how did you find out anything about Adam being
20 missing?

21 A: Daniel, his boss, sent me a message on Facebook Messenger
22 and asked me if I had heard from Adam or if Adam was at home.

23 Q: And did you know Daniel?

24 A: I did. Uh-huh.

25 Q: Did he -- so was this unusual for him to contact you in

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 this manner?

2 A: In that manner, yes.

3 Q: Okay. And based on him contacting you, what did you do?

4 A: I told him I would call my mom. Adam had lived with me

5 and then had moved to my mother's. So I called my mother to

6 see if he was at home.

7 Q: So where was Adam living at the time he went missing?

8 A: With my parents.

9 Q: So you called your mother to see if he was there?

10 A: Yes, ma'am.

11 Q: Was he there?

12 A: He was not. He had not come home.

13 Q: Okay. So what did you all do based on that?

14 A: After I messaged Daniel back and told him that Adam did

15 not come home, I called the meat market because my mom told me

16 that my dad had went to the recycling center and his car was

17 at the bar.

18 Q: And when you say his car, whose car do you mean?

19 A: Adam's car.

20 Q: And where was Adam's car?

21 A: Parked behind the bar.

22 Q: Okay. And so why did you call the meat market?

23 A: The meat market is right next door to the bar, and I knew

24 that -- the girls that worked in there. So I wanted them to

25 go and look in the car and see if he happened to be in the car

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 passed out from drinking.

2 Q: Was he in the car?

3 A: He was not.

4 Q: So did you continue to try to contact him?

5 A: I did.

6 Q: Were you able to?

7 A: I was not. It went -- his calls went straight to

8 voicemail.

9 Q: Okay. So what did you all do based on not being able to

10 get in touch with him?

11 A: Well, we just kind of waited. I messaged Dani on

12 Facebook and asked her had she talked to Adam.

13 Q: And when you say Dani, who do you mean?

14 A: C.W.'s wife, Dani.

15 Q: And why did you contact her?

16 A: I asked to speak to her when I called the meat market,

17 and she was not at work that morning.

18 Q: And what day was that?

19 A: That was Friday, December 30th.

20 Q: So on December 30th, she's not at work?

21 A: Right.

22 Q: And did you know Dani?

23 A: I do.

24 Q: Okay. And did you know whether she ever hung out with

25 your brother or if he hung out with her and C.W.?

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 A: I did.

2 Q: And did they hang out together?

3 A: Yes. Adam and C.W.?

4 Q: Yes.

5 A: Yes, ma'am.

6 Q: And what about Dani? Did she hang out with the two of

7 them or do you know?

8 A: I don't know.

9 Q: Okay. And so did -- you weren't able to speak to her on

10 the 30th?

11 A: Not -- not on the phone. I did speak with her through

12 Facebook Messenger.

13 Q: And did you get any information as to the whereabouts of

14 Adam at that time?

15 A: She just told me he had been at their house and someone

16 had picked him up.

17 Q: She told you someone had picked him up?

18 A: Yes, ma'am.

19 Q: All right. So when did you all get law enforcement

20 involved?

21 A: We went to the beach. We had a trip planned for New

22 Year's and we went to the beach thinking Adam was with one of

23 his friends and would show back up.

24 Q: So --

25 A: So when he -- I'm sorry.

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 Q: I'm sorry. Were you guys -- were you very concerned at
2 that point when you went to the beach that he was missing?
3 A: Not -- not Friday. Not Friday morning, Friday afternoon,
4 Friday early evening.
5 Q: When did you start to get concerned?
6 A: Friday night.
7 Q: And what Friday do you mean?
8 A: December 30th.
9 Q: Okay. And did you go to the beach?
10 A: I did.
11 Q: And why did you go if you were still concerned about him
12 being missing?
13 A: We were -- we went that morning. We went Friday morning,
14 and I believed the story that Dani was giving me.
15 Q: Which was that someone picked him up?
16 A: Yes.
17 Q: All right. And did you ever speak to the defendant about
18 Adam being missing?
19 A: I did.
20 Q: And what did he tell you about that?
21 A: It was several days later, and he just told me he was out
22 looking for Adam.
23 Q: He told you he was out looking for Adam?
24 A: Yes.
25 Q: Did he tell you what had happened or what he thought had

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 happened to Adam?

2 A: No.

3 Q: And did you see Adam's car at the bar?

4 A: I drove the car home from the bar on Sunday.

5 Q: And that would be Sunday the 1st? Or I don't know what

6 day it is. You tell me.

7 A: Let's see. Yes. On January the 1st.

8 Q: Okay. When did you all first meet with law enforcement?

9 A: While at the beach, I spoke with someone, the town cop

10 from Bethune, and he wanted to meet with us Sunday evening on

11 January the 1st.

12 Q: Were y'all able to do that?

13 A: No. I called and he was sick. So they made a meeting at

14 9 o'clock on Monday, January the 2nd.

15 Q: And who all went to that meeting?

16 A: Myself; Jason, who is my significant other; my parents;

17 Daniel and his wife, Elizabeth; Chip, Adam's friend, and his

18 wife, Amanda.

19 Q: So it's fair to say a big group?

20 A: Yes.

21 Q: Okay. And did anyone else join the group after you all

22 got there?

23 A: Yes. C.W. did come into the meeting.

24 Q: And at that meeting did he say what he knew about Adam

25 going missing?

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 A: He just said that -- reiterated the story Dani gave me
2 that he had been at their house, he laid on the couch and went
3 to sleep. Dani and Adam went outside to look at the stars,
4 and Adam was smoking a cigarette. Dani went in and Adam was
5 gone.

6 Q: And when you say he went to sleep, who did you mean he
7 went to sleep?

8 A: C.W. went to sleep.

9 Q: And did they ever provide you with any information about
10 where Adam went after they went to bed?

11 A: No. It was just they told me that a mutual friend of
12 theirs must've picked him up, but we couldn't find that friend
13 either.

14 Q: Did they give you a name?

15 A: Yes.

16 Q: Who did they give you?

17 A: The first name was Stacey Farrington.

18 Q: And who -- did they give you any other names or that's
19 the only one?

20 A: On Saturday, they gave me the name of David Korn.

21 Q: All right. Now, I'm going to ask you a little bit about
22 Adam.

23 A: Okay.

24 Q: Did you know -- we've heard some testimony, but did he
25 carry a weapon?

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 A: He did.

2 Q: And where did he put that weapon if he was in a car?

3 A: Any time he was in the car with me or I was with him, he

4 always put it into the glove -- the glove box.

5 Q: Did he keep it in his pocket while you were in the car?

6 A: Or in the back of his pants.

7 Q: In the car or outside?

8 A: In the car -- outside the car in the back of his pants,

9 in the car in the glove compartment.

10 Q: Okay. Were there any events he missed during this time

11 period?

12 A: He did. He missed his daughter's birthday on [REDACTED]

13 [REDACTED].

14 Q: And did that cause any concern?

15 A: Yes. We knew something was wrong when he didn't show up

16 for Bethany's birthday.

17 Q: Was that usual or unusual?

18 A: Very unusual.

19 Q: I'm going to ask you -- and if this is hard, just stop

20 me.

21 A: That's fine. That's fine.

22 Q: Can you describe to the jury any kind of tattoos Adam

23 had?

24 A: He had a tattoo on his right arm kind of on the inside

25 right above between the elbow and the shoulder that was the

HEATHER KELLY - DIRECT BY MS. SAMPSON

1 outline of a star, a star with his children's initials. It
2 was -- the outline was made with letters of his children's
3 initials.

4 Q: And what were -- what were their names?

5 A: His oldest daughter is his stepdaughter. Her name was
6 Kristen B. [ph].

7 Q: So the K?

8 A: KMB. And then it would have a dot, and then his
9 daughter, his oldest birth daughter is McKenzie D. , a
10 dot, then Bethany D. , a dot, and then Joseph D.
11 | , and then it would be a dot and it would start
12 over. It was the outline of a star.

13 Q: Thank you.

14 MS. SAMPSON: I beg the Court's indulgence.

15 Thank you. I have nothing further, Your Honor.

16 THE WITNESS: Thank you.

17 THE COURT: All right. Mr. Tetterton?

18 MR. TETTERTON: Thank you.

19 CROSS-EXAMINATION

20 BY MR. TETTERTON:

21 Q: Heather, again, I apologize. I didn't hear everything
22 you said. This is the worst courthouse for the audio. So I'm
23 going to ask you to speak up so I can hear you. Okay?

24 A: Yes, sir.

25 Q: But there's a few things. You, of course, are Adam's

HEATHER KELLY - CROSS BY MR. TETTERTON

1 sister; right?

2 A: Yes, sir.

3 Q: Older sister or younger sister?

4 A: Older.

5 Q: Any more siblings in the family?

6 A: Yes. I have a younger brother and a younger sister.

7 Q: Their names?

8 A: Win and Kristen.

9 Q: Your testimony was that you saw Adam every day?

10 A: No. I spoke to him at least every day or every other

11 day.

12 Q: But you didn't see him every day?

13 A: I did not see him every day.

14 Q: But you spoke to him every day?

15 A: Almost, if not every other day.

16 Q: All right. So you spoke to him almost every day, but not

17 every day and you didn't see him every day. I just want to

18 make sure.

19 A: Yes.

20 Q: I just want to make sure I heard you correctly. Now, you

21 indicated that he did carry a pistol?

22 A: He did.

23 Q: And when he was in a car, he would put it in the glove

24 box?

25 A: When he was with me, yes, he always put it in the glove

HEATHER KELLY - CROSS BY MR. TETTERTON

- 1 box.
- 2 Q: And when he was outside the car, he would put it -- I
- 3 believe you showed it right behind his belt?
- 4 A: Maybe in the back of his pants.
- 5 Q: Now, what kind of pistol was at? Big? Little? Small?
- 6 A: I don't know. I don't know anything about them.
- 7 Q: You saw him do that though; right?
- 8 A: Yes.
- 9 Q: How long had he carried a pistol?
- 10 A: Years.
- 11 Q: Okay. Did you see him on the day of October -- excuse me
- 12 -- December 29th, 2016?
- 13 A: I did not.
- 14 Q: Where were you?
- 15 A: I was at home.
- 16 Q: Did you go to the beach sometime right after that day?
- 17 A: I did.
- 18 Q: You and your family went to the beach on the Friday the
- 19 30th; is that right?
- 20 A: We did.
- 21 Q: Who all went to the beach?
- 22 A: Myself, Jason, my mom and dad.
- 23 Q: Y'all stayed three or four days?
- 24 A: We stayed two nights.
- 25 Q: Okay. At some point in time, you were questioned by law

HEATHER KELLY - CROSS BY MR. TETTERTON

1 enforcement, and you mentioned to them that there was a guy
2 named Spencer Gardner that had come by Adam and -- I mean by
3 C.W. and Dani's house that night?

4 A: No.

5 Q: You don't remember telling anybody about a guy named
6 Spencer Gardner going by the house?

7 A: Not me.

8 Q: Do you know Spencer Gardner?

9 A: I do know Spencer Gardner.

10 Q: How long have you known Spencer Gardner?

11 A: All of my life.

12 Q: And what does he do?

13 A: The last I knew, he was a mechanic. I'm not sure what he
14 does now.

15 Q: Was Spencer Gardner and Adam very good friends?

16 A: I would say acquaintances. We live in Bethune and
17 everybody knows everybody, but I wouldn't say they were really
18 good friends.

19 Q: Bethune is a small town?

20 A: It is.

21 Q: And everybody knows everything about everybody's
22 business? Is that pretty accurate to say?

23 A: I would assume so.

24 Q: No secrets in Bethune, is there?

25 A: I don't know.

HEATHER KELLY - CROSS BY MR. TETTERTON

- 1 Q: Now, was -- do you know whether or not Spencer Gardner
2 had a relationship with C.W. Beebe, if they were friends?
- 3 A: Like I said, everybody knows everybody. I don't --
- 4 Q: Okay.
- 5 A: I do not know.
- 6 Q: All right. You mentioned that you looked in the car to
7 see whether or not your brother was passed out?
- 8 A: I did not look in the car.
- 9 Q: Where did --
- 10 A: I called the meat market and asked. I called the meat
11 market and asked the girl that answered the phone. I asked to
12 speak to Dani, and she told me Dani was not at work that day.
13 She had been up all night throwing up. So I asked Erin, the
14 girl that answered the phone, to go to the car and look in and
15 see if Adam was in the car.
- 16 Q: Okay. I wrote down the words "passed out." Did you use
17 those words that you thought maybe he might be?
- 18 A: He could have been. I mean he was -- the car was at the
19 bar. He was nowhere to be found. That was my first thought.
- 20 Q: I understand that. Did Adam have a habit of sometimes
21 not showing up at home or around y'all's neighborhood?
- 22 A: No.
- 23 Q: Did you lose -- did you ever lose contact with Adam?
- 24 A: No, I did not.
- 25 Q: Did Adam have a drug problem?

HEATHER KELLY - CROSS BY MR. TETTERTON

- 1 A: I would say he was a recreational drug user.
- 2 Q: What recreational drug did he use?
- 3 A: I know he smoked pot sometimes.
- 4 Q: How about meth?
- 5 A: That I do not know.
- 6 Q: A small town; right?
- 7 A: Right.
- 8 Q: You ever heard in the Bethune area that he cooked meth?
- 9 A: I have not.
- 10 Q: Did you ever talk to C.W. about going to -- let me
- 11 rephrase that. Did you ever call C.W. and ask him to go find
- 12 Adam when you couldn't locate him?
- 13 A: Prior to this incident?
- 14 Q: Yes.
- 15 A: No.
- 16 Q: After the incident?
- 17 A: I talked to C.W. one time.
- 18 Q: Tell me again about your conversation with Dani. You had
- 19 a conversation with her; is that correct?
- 20 A: I did on Facebook Messenger.
- 21 Q: Just on Facebook?
- 22 A: I did, yes.
- 23 Q: No personal conversation with her?
- 24 A: No.
- 25 Q: And what were you asking her?

HEATHER KELLY - CROSS BY MR. TETTERTON

1 A: If she had seen Adam.

2 Q: And what was her response?

3 A: That he was with them that night, but they were at her --
4 their house. She and him went outside for him to smoke a
5 cigarette. They talked about the stars, and C.W. went inside
6 and laid on the couch and went to sleep.

7 Q: Okay.

8 A: And somebody picked him up.

9 Q: Were you aware of C.W. and your brother Adam's
10 relationship?

11 A: Yes, sir.

12 Q: How would you describe that relationship? Well, let me
13 ask you would you describe it as being as close as brothers?

14 A: No. No.

15 Q: If someone else had said that, it would not be true?

16 MS. SAMPSON: Objection, Your Honor.

17 MR. TETTERTON: I'm sorry. I'll move on.

18 THE COURT: I sustain the objection.

19 BY MR. TETTERTON:

20 Q: Well, what kind of relationship did they have?

21 A: When Adam wanted to do bad things, he went to hang out
22 with C.W.

23 Q: I'm sorry? When --

24 A: When he wanted to use drugs and different things, he
25 would hang out with C.W.

HEATHER KELLY - CROSS BY MR. TETTERTON

1 Q: Okay. Heather, I'm sorry. I'm having a hard time
2 hearing you. I apologize. When Adam was doing what?
3 A: When Adam wanted to use drugs, he would hang out with
4 C.W.
5 Q: And truthfully, he would go and crash at C.W. and Dani's
6 house, wouldn't he?
7 A: That I don't know.
8 Q: You've never heard of that and didn't know anything about
9 that?
10 A: I know he went over there, but I don't know about
11 crashing.
12 Q: Well, not necessarily crashing. Spent the night with
13 them?
14 A: That I don't know of.
15 Q: But you talked to him every day?
16 A: I did.
17 Q: You didn't know? You didn't ask him where he was
18 spending the night?
19 A: When he lived with me, he was always at home.
20 Q: I understand that.
21 A: So he never spent the night with them when he lived with
22 me.
23 Q: I'm sorry?
24 A: He never spent the night over there when he lived with
25 me.

HEATHER KELLY - CROSS BY MR. TETTERTON

- 1 Q: And when did he live with you?
- 2 A: From July until November of 2016.
- 3 Q: But when he was doing drugs, he would go over to C.W.'s
- 4 house?
- 5 A: I would assume so. That's where he normally went when he
- 6 was doing things like that.
- 7 Q: And Dani?
- 8 A: Yes.
- 9 Q: And that was a little more than just marijuana, wasn't
- 10 it? Just a little more than pot?
- 11 A: I was not there. I don't know.
- 12 Q: Tracey Farrington. That's a name that I heard you -- I
- 13 think I heard you say.
- 14 A: Stacey Farrington.
- 15 Q: Stacey?
- 16 A: Stacey.
- 17 Q: Who is Stacey Farrington?
- 18 A: A guy that they went to school with that's their age, I'm
- 19 assuming around about their age.
- 20 Q: Did he have any role in this about C.W. -- I'm sorry --
- 21 about Adam missing?
- 22 A: Dani told me he picked him up, picked Adam up.
- 23 Q: That he picked Adam up?
- 24 A: Yes.
- 25 Q: She didn't say when, did she?

HEATHER KELLY - CROSS BY MR. TETTERTON

- 1 A: Sometime after they went to bed on Friday night.
- 2 Q: Now, some of the jury --
- 3 A: Or Thursday night.
- 4 Q: So the jury will understand this Bethune community, Adam
- 5 and C.W. were friends?
- 6 A: Uh-huh.
- 7 Q: Yes or no?
- 8 A: Yes.
- 9 Q: They went to school together?
- 10 A: Yes.
- 11 Q: And they were friends also with Spencer Gardner; is that
- 12 correct?
- 13 A: I assume so.
- 14 Q: So that being a small town, y'all grew up together; is
- 15 that correct?
- 16 A: Yes.
- 17 Q: And -- excuse me. Are you married?
- 18 A: I am not.
- 19 Q: Okay. Did you know Brandy Davis?
- 20 A: I do.
- 21 Q: Who is Brandy Davis?
- 22 A: Brandy is Adam's wife.
- 23 Q: And they're still married?
- 24 A: They were separated.
- 25 Q: And she was living I think with Kevin somebody?

HEATHER KELLY - CROSS BY MR. TETTERTON

1 A: I'm not sure where Brandy was living at that time.

2 Q: You didn't know about that in Bethune?

3 A: I don't live in Bethune. I live in McBee.

4 Q: Okay.

5 MR. TETTERTON: All right. I appreciate it. Thank you.

6 THE WITNESS: Thank you.

7 MR. TETTERTON: Sorry about having to ask these
8 questions. I appreciate it.

9 THE WITNESS: That's okay.

10 THE COURT: Ms. Sampson, any redirect?

11 MS. SAMPSON: No, sir.

12 THE COURT: All right. Thank you. Ms. Kelly, you can
13 step down.

14 THE WITNESS: Thank you.

15 THE COURT: The lawyers approach.

16 (WHEREUPON, a bench conference was held off the record,
17 after which the proceedings resumed as follows.)

18 THE COURT: Ladies and gentlemen, that is the last
19 witness that we'll hear today. I'm going to ask that you be
20 allowed to leave and be back tomorrow morning ready to go at 9
21 o'clock tomorrow morning, back at 9 o'clock tomorrow morning.

22 Again, I instruct you do not discuss the case with folks
23 you live with. Don't be looking on your Internet, newspaper
24 articles. Don't do anything related to this case, no
25 discussions at all, no independent research, no curiosity

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 All right. With that, State, call your next witness.

2 MS. SAMPSON: Thank you, Your Honor. The State calls
3 Investigator Chuck Baxley.

4 THE CLERK: Place your left hand on the Bible and raise
5 your right hand. Do you swear the evidence you give in this
6 case will be the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 THE WITNESS: Yes.

9 THE CLERK: Thank you. State your full name for the
10 record.

11 THE WITNESS: Charles Edward Baxley, Jr.

12 CHUCK BAXLEY, being first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. SAMPSON:

16 Q: Good morning. So are you sergeant? What's your rank at
17 this point?

18 A: I'm a lieutenant.

19 Q: Lieutenant? Okay. So, Lt. Baxley, can you tell the jury
20 where do you work?

21 A: I work for Darlington County.

22 Q: Darlington County?

23 A: Yes, ma'am.

24 Q: And is that the Sheriff's Department?

25 A: Yes.

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

- 1 Q: Okay. And how long have you been there?
- 2 A: I started Darlington County in September of '19.
- 3 Q: And where were you before that?
- 4 A: Kershaw County Sheriff's Office.
- 5 Q: And how long did you work there?
- 6 A: I started there July of '07 until December of '18.
- 7 Q: And did you work at a police department before you went
- 8 to Kershaw?
- 9 A: No.
- 10 Q: Okay. So you started in 2007 I believe you said?
- 11 A: 2007, yes.
- 12 Q: And can you tell the jury a little bit about how you go
- 13 through the ranks in the police department? Like, where do
- 14 you start? Where did you start?
- 15 A: You start -- you start on -- some call it patrol, the
- 16 road to be a road deputy. You do your years there. You
- 17 should do several years there. Some departments are
- 18 different. Some departments are smaller and so you'll spend
- 19 less amount of time on the road, but for the bigger
- 20 departments you spend, you know, five -- six -- ten years on
- 21 the road before you move up.
- 22 Q: And how long were you a road deputy?
- 23 A: Seven years, eight years, something like that.
- 24 Q: And then what were you after you were a road deputy?
- 25 A: Ma'am?

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 Q: After a road deputy, what did you do?

2 A: Investigations. Well, I done the warrant division for a
3 little bit, and then I went to investigations.

4 Q: Okay. So what -- how do you start as an investigator?
5 Do you have to go to school or how does that work?

6 A: You don't have to go to school initially to be an
7 investigator. There's certain training or not necessarily
8 certain training, but there's different classes and stuff that
9 investigators take. I mean anywhere from crime scene
10 reconstruction to go to seminars for, like, homicide seminars.
11 You go to shooting reconstructions. You go to evidence
12 collection, fingerprint collection. There is -- there is
13 numerous of classes you can go to.

14 Q: So you get trained?

15 A: Or could go to to get trained, yes.

16 Q: So you get training?

17 A: You do, and you go through -- the first class you go
18 through or should go through is the basic investigator class.

19 Q: And would it be fair to say you also get on-the-job
20 training?

21 A: You get -- yes, tons of that.

22 Q: So when you first started as an investigator, do you go
23 straight to murders or are there divisions? How does that
24 work?

25 A: Well, at Kershaw County and most small departments, once

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 you go to investigations, you -- you investigate everything
2 from a vandalized mailbox to a murder is what we say. So if
3 it happens in your area or when you're on call, you get it.

4 Q: Okay. And so is that what you were doing in Kershaw?

5 A: Yes.

6 Q: Okay. So I want to take you to back in 2016. What were
7 -- what was your title at that time?

8 A: Investigator.

9 Q: Okay. And so how did you become involved with this case?

10 A: So the initial report of a missing person was done
11 through the town of Bethune, and Chief Cobb called me on
12 Monday, I want to say January the 4th I think it was.

13 Q: And you have something in your hand. What are you
14 looking at?

15 A: I have my notes and stuff that I have.

16 Q: Does looking at your reports and your notes help refresh
17 your memory about this?

18 A: Yes.

19 Q: Okay. So you stated that the --

20 A: Is it okay if I use it?

21 Q: Yes, sir.

22 A: Okay.

23 Q: As long as you need them to refresh your memory.

24 A: Okay.

25 Q: So you were contacted about -- what were you contacted

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 about?

2 A: To meet with the family and friends after Adam was

3 reported missing because Chief Cobb was sick and he couldn't

4 be there that day.

5 Q: And so at that point he's a -- it's just a missing

6 persons case; is that correct?

7 A: Yes, ma'am.

8 Q: Okay. And you said Bethune. Does Bethune have their own

9 police department?

10 A: They do. Yes, ma'am.

11 Q: Okay. Do you work with them or not?

12 A: Bethune is a very small town, very small agency. I think

13 at the time there might have been two officers that worked

14 there, Chief Cobb and Officer Almas [ph] Rose may have been

15 there at that time. I'm not sure, but it's one, the most is

16 two.

17 Q: Okay.

18 A: And the second one would be a part-time person.

19 Q: So would it be unusual for you to help them in an

20 investigation --

21 A: No.

22 Q: -- like this?

23 A: No.

24 Q: Okay. So what was the first thing you did when you were

25 contacted?

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 A: I met with the family and Adam's boss man and some
2 friends at the Bethune Police Department.

3 Q: And do you remember if the defendant ever was there?

4 A: He was there, yes.

5 Q: Okay. And what information were you given at that time
6 about Adam's last location?

7 A: Adam -- the information I was given of Adam's last
8 location was he was with Mr. Beebe at the bar and, you know,
9 some of the family was concerned. That being with Mr. Beebe
10 wasn't the issue, but the fact that he hadn't -- nobody had
11 heard from him and the fact that he didn't show up to work
12 really wasn't an issue, but the fact that he didn't call or
13 just didn't show up was a concern to the family.

14 Q: Okay. And what was the information you had as the last
15 time he was with the Beebes?

16 A: The last time he was with Beebes, he was at their house,
17 and they were outside. Dani Beebe and Adam were outside
18 smoking around midnight, and C.W. said that he went to bed
19 around midnight and Adam was there, and then when he got up a
20 couple hours later, Adam was gone.

21 Q: Okay. Was anything unusual about Adam being there and
22 then being gone?

23 A: No. What I was told was he's done that before. He's,
24 you know, called somebody to come get him or he would be gone
25 --

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 Q: Okay.

2 A: -- when they got up.

3 Q: So based on him having at this point not been talked to

4 for a few days, what did you do?

5 A: So we started interviewing people. We pulled the cell

6 phone records. I got on the phone with Verizon. Verizon give

7 me the last known location where Adam's phone used data, and

8 then that could have been, you know, a system update or

9 actually using data on the phone.

10 Q: I'm going to stop you there. You said use data. What

11 does that mean?

12 A: It means when the phone is being used.

13 Q: Okay. Does that show you that Adam was using it or that

14 the phone was just --

15 A: The phone. It don't show -- you know, just the phone was

16 being used.

17 Q: Okay. And were you able to get any information as to his

18 last text?

19 A: Yes. His last text, we got a phone number and we checked

20 that phone number, which come back to Darryle Coe. And the

21 last text was from Adam's phone to Darryle Coe, saying that

22 we're in Dub's old lady's car.

23 Q: And who is Dub?

24 A: C.W.

25 Q: And it was we are in C.W. -- in Dub's old lady's car?

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 A: Yes, ma'am.

2 Q: Okay. And who is Dub's old lady?

3 A: Dani.

4 Q: Okay. And were you able to say what cell phone tower his
5 phone was using the last time it was used?

6 A: I was. It was the tower in Bethune, and there's --
7 there's only one in Bethune. So --

8 Q: And in that one tower, is it for the whole area of
9 Bethune?

10 A: As far as it'll reach, yes, ma'am.

11 Q: Okay. And were you able to get coordinates of that last?

12 A: We were. The coordinates showed that I want to say it
13 was, like, 3.9 miles southwest I believe it was of that tower,
14 which equated out to be right around Scotch Cemetery in
15 Bethune, which is off of Highway 1 right before old Georgetown
16 Road East on Highway 1 if you're coming from Camden into
17 Bethune.

18 Q: And let's be clear. When a phone pings, does it mean the
19 person is actually using their phone?

20 A: It doesn't. It means that -- like I said, it could be a
21 system update which does it automatically. If your phone is
22 on, it does it automatically. So it could've been that. It
23 could have been, like, my phone now where the news sends out
24 alerts. It could've been an alert going to the phone at that
25 time. So it could've been any kind of anything on the phone.

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 Q: Okay. And did you go to where that last location was
2 pinging?

3 A: We did. There was myself and DNR and several other
4 investigators went to that area, but right beside Scott
5 Cemetery there was a cutover where some people deer hunt. And
6 I was able to drive my truck around to a certain spot and I
7 called 9-1-1 on my phone so they could get my location to
8 compare it to the last known location of where Adam's phone
9 was so we could get -- see if we could get closer to it. And
10 so I got fairly close to it and was -- we walked the whole
11 area, and we didn't find anything.

12 Q: You didn't find anything?

13 A: No, ma'am.

14 Q: Okay. How many times did you all look in this area?

15 A: We looked three -- I flew with SLED on two different
16 occasions, and that area was one of the areas that we covered.
17 We looked that day when the investigators was out there, and
18 then we done had a search party a few days later and there was
19 some people that went that area as well.

20 Q: Okay. All right. And so did you ever speak directly to
21 C.W. about what happened?

22 A: The day that we had the meeting with the family and
23 stuff, he was -- he was there, and I talked to him.

24 Q: Okay. And what information did he give you in terms of
25 what happened at the bar that night?

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 A: Nothing. Just that they left the bar that night.

2 Q: Okay. Had they -- did he tell you whether they were

3 drinking or not drinking at the bar?

4 A: He didn't -- he didn't say that they were drinking, but

5 they were at the bar. So --

6 Q: Okay.

7 A: They was there.

8 Q: Did they -- what information did he give you about where

9 they went after the bar?

10 A: According to him, they -- they went to -- they were at

11 the bar together and he said they went to his house on Waters

12 Road. Then he said at one point Dani drove him and Adam back

13 to the Exxon in Bethune to get more beer.

14 Q: Okay. And were you able to confirm that?

15 A: We were. We went to the -- to the Exxon and looked at

16 the video cameras.

17 Q: And I want to come back to that, but so I'm going to stop

18 you there. But I want to go back to what C.W. told you. So

19 they went to the Exxon, got beer. Where did they go after

20 that?

21 A: They went back to the residence.

22 Q: Okay. And did they ever leave the residence again?

23 A: According to them -- according to C.W. on this day, no.

24 He went to -- that's when he says he went to sleep, and his

25 wife Dani and Adam were on the porch smoking.

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 Q: Did C.W. ever tell you about Adam going to get cocaine?

2 A: Later on, yes.

3 Q: Okay. That's a later conversation?

4 A: Right.

5 Q: So the first conversation there's no mention of that?

6 A: No.

7 Q: You have a second conversation with C.W.?

8 A: We had a second conversation.

9 Q: When is that second conversation?

10 A: I'm not a hundred percent sure when that second

11 conversation was.

12 Q: Let me ask you this. Were you still looking for Adam as

13 a missing person at that point?

14 A: Yes.

15 Q: Okay.

16 A: Yes.

17 Q: So at some point you have a second conversation?

18 A: Right.

19 Q: What does he tell you about leaving the house at that

20 second conversation as far as after they've come home and gone

21 to the Exxon?

22 A: Just that they went and met Mr. Coe and purchased some

23 cocaine and come back.

24 Q: And who --

25 A: And rode around.

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 Q: Who did they purchase the cocaine from?

2 A: Darryle Coe.

3 Q: Okay. And then what did they do after that?

4 A: That's when he, again, said he went to bed and when he

5 got up, Adam was gone.

6 Q: And I think I might have missed something. They

7 purchased the cocaine. Did they go back to the house?

8 A: Yes.

9 Q: Okay. And then they go to bed and Adam is not there when

10 they wake up? Is that what you just said?

11 A: Correct. Yes.

12 Q: Okay. So you talked about the Exxon video. Have you

13 been able to look at that video?

14 A: Yes, ma'am.

15 Q: And you -- were you able to look at it this morning?

16 A: This morning, no.

17 Q: Did we show it to you previously at our office?

18 A: Right. I have it.

19 Q: I'm going to show you what's been marked as State's

20 Exhibit 90. Is that the video that we've showed -- that we

21 were talking about?

22 A: Yes.

23 Q: A CD of the video?

24 A: Yes.

25 Q: And you've looked at it; right?

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 A: Yes, ma'am.

2 Q: Is what we have a fair and accurate depiction of what you
3 looked at back in 2017 when you saw it?

4 A: Yes, ma'am.

5 Q: Has it been changed in any way?

6 A: No, ma'am.

7 MS. SAMPSON: At this time, Your Honor, we'd ask to
8 introduce State's Exhibit 90 into evidence.

9 THE COURT: Mr. Tetterton?

10 MR. TETTERTON: No objection. No. 9?

11 MS. SAMPSON: 90.

12 MR. TETTERTON: 90. No objection.

13 THE COURT: State's Exhibit No. 90, 9-0, is into evidence
14 without objection.

15 (WHEREUPON, State's Exhibit No. 90, video on CD, was
16 admitted into evidence.)

17 MS. SAMPSON: And is it all right if I publish it to the
18 jury at this time?

19 THE COURT: Yes. That's -- yes.

20 (WHEREUPON, State's Exhibit No. 90, video, was played in
21 open court.)

22 BY MS. SAMPSON:

23 Q: And if you need to get up to see it, you can.

24 A: Okay.

25 Q: And is this the correct video? It does not have sound;

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 correct?

2 A: What's that?

3 Q: It doesn't have any sound; correct?

4 A: No, it doesn't have any sound.

5 Q: So I can talk over it?

6 A: No.

7 Q: All right. Is this the video?

8 A: Yes, ma'am.

9 Q: Okay. Whose vehicle is that in the -- by the gas pumps?

10 A: That's Dani's vehicle.

11 Q: And who is that getting out of the car?

12 A: That's Adam getting out of the passenger side.

13 Q: That's Adam getting out?

14 A: Yes, ma'am.

15 Q: And that's -- is that Adam walking towards the store?

16 A: That's Adam walking towards the store and that's Dani

17 getting back in the car. And you'll see in a minute she'll --

18 she'll go around and start to get some trash out of the

19 passenger side of the door over to the trash cans.

20 Q: And you've watched this. Do you ever see C.W. get out of

21 the vehicle?

22 A: No, ma'am.

23 Q: Okay.

24 A: And that's a black Dodge truck that pulls up, and in just

25 a minute you'll see a guy come out of the store and put stuff

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 in the passenger seat of the silver car here in front, and
2 Adam exits behind him.

3 Q: And where is this video from?

4 A: The Exxon in Bethune at the intersection of Highway 1 and
5 341.

6 Q: Is there surveillance video?

7 A: Yes.

8 Q: And that's Adam right there?

9 A: Yes. He's carrying a box of beer.

10 Q: I'm now going to show you what's been marked as State's
11 Exhibits 2, 3, and 4 and ask if you recognize these.

12 A: Yes. That's -- that's where Adam was walking to the
13 store. Same as that one, he's about to go in the store, and
14 that's when he's coming out of the store.

15 Q: And do these fairly and accurately depict stills from
16 this video?

17 A: Yes, ma'am.

18 Q: Have they been altered in any way?

19 A: No, ma'am.

20 MS. SAMPSON: At this time, Your Honor, I'd ask to
21 introduce State's Exhibits 2, 3, and 4 into evidence.

22 THE COURT: Mr. Tetterton?

23 MR. TETTERTON: No objection.

24 THE COURT: State's 2, 3, and 4 are into evidence without
25 objection.

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 (WHEREUPON, State's Exhibits No. 2, 3, and 4,
2 photographs, were admitted into evidence.)
3 BY MS. SAMPSON:
4 Q: All right. And I'll let the video go so you can keep
5 looking. No. 2, what is that a still of?
6 A: That's -- yes, that's picture No. 2.
7 Q: And what is that?
8 A: That's Adam walking to the store.
9 Q: Okay. And what about 3?
10 A: Three is when he's beside the silver car in front about
11 to enter the store.
12 Q: And 4?
13 A: Four is when he's exiting the store walking back.
14 Q: All right. And those are just stills from that same
15 video we just watched?
16 A: Yes, ma'am.
17 Q: Okay. You can put them down. All right. So you all
18 obtained this video from the Exxon. Did you ever speak again
19 -- did you speak to Dani? Let me start there.
20 A: Yeah. Later on the day that I met with the family, she
21 come to the Bethune Police Department.
22 Q: And was Dani ever formally interviewed?
23 A: She was, yes.
24 Q: Did you do that interview?
25 A: No, ma'am.

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 Q: Who did that interview?

2 A: I want to say Investigator Dill and Investigator Miller
3 done the interview.

4 Q: All right. And were you ever given any indication that
5 there was a problem from C.W. about that interview?

6 A: Yes. We -- C.W. and I spoke on the phone later on that
7 night after Dani's interview and he was upset, saying that the
8 Sheriff's Office treated Dani bad, that they wanted her to
9 take a polygraph, but they got her excited and upset and they
10 was trying to put her on the polygraph. They wouldn't feed
11 her, and he was upset and --

12 Q: And I'm going to stop you for just a second because I
13 want to ask -- the jury doesn't know this. Do you know C.W.
14 outside of this investigation?

15 A: Yes. Yes, I do. I'm sorry. Yes.

16 Q: How do you know him?

17 A: Bethune is a small town, and C.W. and I have been friends
18 for years.

19 Q: How many would you say before this happened?

20 A: I don't -- 20 maybe.

21 Q: Y'all hang out together?

22 A: We have, yeah.

23 Q: Okay. How about Dani? Do you know her?

24 A: I do.

25 Q: Do you know her as well as C.W.?

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 A: No, not as well as C.W., but I do know her.

2 Q: Okay. Is that why you weren't part of the interview?

3 A: Yes. Because -- and this was a thing where -- where I

4 was the investigator initially and requested to come off of it

5 because of the relationship with C.W. and the relationship

6 with the family.

7 Q: Okay. So you -- you weren't the main investigator would

8 it be fair to say because of your relationship with C.W.?

9 A: Right.

10 Q: And Dani?

11 A: Right.

12 Q: And the family?

13 A: Right.

14 Q: Okay. And so -- but at some point you and C.W. have a

15 conversation because they're upset. Is this on the phone or

16 in person?

17 A: It started on the phone, and then he and Dani and Mike

18 Williams come to my house.

19 Q: And --

20 A: But I asked -- I asked him to come. I asked him to come

21 to my house because I wanted to get -- get it straight.

22 Q: Okay. So -- and at this point is it still Adam is just

23 missing at this point?

24 A: It's still a missing person. The whole time I was

25 working on this case, he was just a missing person. Yes,

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 ma'am.

2 Q: At that point no body has been found?

3 A: No, ma'am.

4 Q: Okay. And so he comes to your house?

5 A: He does.

6 Q: Who comes to your house?

7 A: Ma'am?

8 Q: Who comes to your house?

9 A: C.W., Dani, and Mike Williams.

10 Q: Okay. And what was the purpose of this?

11 A: Just to talk about the interview.

12 Q: Okay. And what did C.W. have to say to you at that

13 point?

14 A: That he was upset that Investigator Dill and Miller

15 accused her of having an affair, wouldn't feed her, keeping

16 her for several hours, wouldn't feed her, got her upset, and

17 was getting her upset and going to try to put her on the

18 polygraph after they got her upset, and I explained to him

19 that wasn't the deal. That wasn't what they were trying to

20 do.

21 Q: Okay. Were you able to watch the interview of Dani?

22 A: I don't think I watched the interview, no.

23 Q: Okay.

24 A: But I did -- while she was -- while she was being

25 interviewed, I think they took a break or something and I did

CHUCK BAXLEY - DIRECT BY MS. SAMPSON

1 stick my head in and speak to Dani.

2 Q: Okay. And so you were telling him this was a normal
3 procedure or what? What was your part of the conversation?

4 A: Yeah. The information that he had, where he got it from
5 I don't know, but it was blown out of proportion. It wasn't
6 as bad as what he's saying he thought it was.

7 Q: And was he upset? Mad?

8 A: He was. He was upset. He was mad. He was upset.

9 Q: And were you able to --

10 A: He thought that his wife had been -- or that Dani, his
11 wife, had been treated bad at the Sheriff's Office.

12 Q: Were you able to calm him down?

13 A: Yes.

14 Q: Situation mellowed out?

15 A: Yeah, it did.

16 Q: Okay. And was there -- did you have any other
17 involvement with this case?

18 A: Just I would be asked to go -- if I knew somebody or
19 would go talk to somebody, but very, very minimal.

20 Q: All right.

21 MS. SAMPSON: I beg the Court's indulgence.

22 Nothing further at this time, Your Honor.

23 Please answer any questions Mr. Tetterton may have.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Thank you.

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 Mr. Tetterton?

2 MR. TETTERTON: Thank you, Your Honor. May it please the
3 Court.

4 CROSS-EXAMINATION

5 BY MR. TETTERTON:

6 Q: We've known each other a long time, haven't we, Chuckie?

7 A: Yes, sir. Yes, sir, we have.

8 Q: And I've called you Chuckie; right?

9 A: Yes, sir.

10 Q: You don't mind if I call you Chuckie, do you?

11 A: No, sir. I don't mind at all.

12 Q: Chuckie, what I want to try to get across to the jury is
13 your relationship with the people in Bethune. You indicated
14 that Bethune was a very small town?

15 A: Yes, sir.

16 Q: And you were the resident deputy there?

17 A: No, sir. I wasn't a resident deputy there. I was -- I
18 was an investigator. I just lived there.

19 Q: You lived there?

20 A: Yes, sir.

21 Q: And how long had you lived in small-town Bethune?

22 A: Since I was 10 years old, I guess since 1980 maybe.

23 Q: You were married?

24 A: Am I married? Yes, sir.

25 Q: No. Were you married then?

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 A: No. No, sir. I was 10 years old in 1980.

2 Q: I'm not talking about then. I hope not.

3 A: Yeah.

4 Q: You'd be up here being tried for something else.

5 A: Right.

6 Q: Anyway, no, were you married at the time this incident

7 went down --

8 A: Yes, sir.

9 Q: -- when he went missing?

10 A: Yes, sir.

11 Q: And you and your wife lived there?

12 A: Yes, sir.

13 Q: Did you go to Bethune High School?

14 A: Yes, sir.

15 Q: Did you go to Bethune High School with C.W.?

16 A: I'm not sure. I don't -- I don't know what years he went

17 there, but I'm sure we were close, yes, sir.

18 Q: And you were a close friend of C.W.'s?

19 A: Yes, sir.

20 Q: And were you a close friend of Adam's?

21 A: Yes, sir.

22 Q: And the families?

23 A: Yes, sir.

24 Q: You mentioned a while ago in direct examination that --

25 you indicated that when you talked to some family members,

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 there was no concern about Adam being with C.W. that night?

2 A: Well, the concern was that he hadn't -- they didn't know
3 where he was at and that he hadn't showed up to work.

4 Q: I'm talking about before -- before that missing -- before
5 he went missing, the family indicated to you they had no
6 concern about Adam being with C.W.?

7 A: I didn't say -- no, I didn't say they didn't have no
8 concern with him being with him because that was -- that was
9 normal. They were friends and they were -- they were together
10 a good bit.

11 Q: And you inter -- you interviewed several people at the
12 bar?

13 A: I didn't interview several people at the bar, no, sir.

14 Q: Did you talk to Justin Dill about who he interviewed at
15 the bar?

16 A: Yes, sir. I think so.

17 Q: Was there any -- was there any indication from your
18 investigation or with talking to Justin Dill, the lead
19 investigator after you left, that there was any altercation at
20 the bar between C.W. and Adam?

21 A: No, sir. Not to my knowledge, no, sir.

22 Q: Do you have any evidence whatsoever that before C.W. and
23 Adam left the bar that there was any discord or animosity or
24 hard feelings between Adam and C.W.?

25 A: No, sir.

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 Q: And you knew them to be pretty good buddies, did you not?

2 A: Yes, sir.

3 Q: Really close?

4 A: They were -- yeah, they were good friends, and I can't --

5 I can't seriously say how close they were.

6 Q: Did you at any time in your investigation five years ago

7 find any malice of C.W. towards Adam?

8 A: No, sir. Not -- not with what I done, no, sir.

9 Q: Did you ever in your investigation or even living in a

10 small town with your wife see any evidence or have any

11 evidence of any intent of C.W. to harm Adam?

12 A: No, sir.

13 Q: Did you ever discover during your investigation or after

14 talking to Justin Dill or David Miller, the other

15 investigator, that there was any common scheme or plan for

16 C.W. to harm Adam?

17 A: No, sir.

18 Q: So we can say at this point in time on December 29th,

19 that night, there was no hard feelings, no malice, no intent,

20 nothing between C.W. to harm -- do any harm to Adam; is that

21 correct?

22 A: Not that I'm aware of, no, sir.

23 Q: And you've been involved in this investigation for a long

24 time and talked to the officers about it?

25 A: Yes, sir.

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 Q: On the cell phone tower, there's only one tower; right?

2 A: Yes, sir.

3 Q: So all that information about the pings, that doesn't

4 really mean anything in this case, does it? I mean it

5 couldn't be conclusive as to if that phone was actually at

6 Scotch Cemetery?

7 A: That's just the last time they show that the phone used

8 --

9 Q: But I --

10 A: -- used -- had something going on with it.

11 Q: But when we use cell phone technology, that doesn't give

12 you an exact location of a phone. It just gives you a range?

13 A: Yes, sir.

14 Q: Okay. Now, you indicated that you had spoke to C.W. and

15 Dani during your investigation; is that correct?

16 A: Yes, sir.

17 Q: And they gave you some information?

18 A: Yes, sir.

19 Q: Well, how did you happen to find out about the video at

20 the bar? I mean -- excuse me -- a video at the Exxon station?

21 A: Well, they said they went back to the store to buy beer.

22 So I went just to look.

23 Q: And that video shows Dani there; right?

24 A: Yes, sir.

25 Q: And she's -- did you understand that she drove C.W. and

CHUCK BAXLEY - CROSS BY MR. TETTERTON

- 1 Adam to that Exxon station?
- 2 A: Yes. Yes, sir.
- 3 Q: For the purpose of buying more beer?
- 4 A: Yes, sir.
- 5 Q: And C.W. didn't buy any more beer, did he?
- 6 A: No, sir. Adam bought the beer.
- 7 Q: And were you able to -- how long have you been involved
- 8 in law enforcement?
- 9 A: Sixteen years.
- 10 Q: Okay.
- 11 A: Fifteen years, 16 years.
- 12 Q: Was there anything on that video that you saw that would
- 13 indicate to you that Adam was impaired or drunk?
- 14 A: No, sir.
- 15 Q: And you know a drunk when you see one; right?
- 16 A: Unfortunately, yes, sir.
- 17 Q: All right. But there's nothing on that video or in the
- 18 documents you just -- you just had introduced into evidence
- 19 that showed that Adam was impaired in any way?
- 20 A: No, sir, not at that point. No, sir.
- 21 Q: He appeared to be normal and sober; right?
- 22 A: Yes, sir.
- 23 Q: Okay. Do you know where they left after they went there?
- 24 A: No, sir. I don't know. I don't know. No, sir.
- 25 Q: Did you have information they went and bought cocaine,

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 that Adam bought cocaine from Coe?

2 A: Yes, sir.

3 Q: How did you get that information?

4 A: Well, we got the text messages off the phone I believe it
5 was and found out it was Darryle Coe, and he let us know.

6 Q: And the phone -- the phone messages indicated that Adam
7 had made a phone call to somebody named -- a dope dealer named
8 Coe?

9 A: To Darryle Coe, yes, sir.

10 Q: Darryle Coe?

11 A: Yes, sir.

12 Q: Did you know Darryle Coe?

13 A: No, sir.

14 Q: Did you have any information prior to this that he was
15 involved in selling drugs?

16 A: No, sir. No, sir.

17 Q: But they did go there; right?

18 A: Yes, sir.

19 Q: Did Dani admit to you that she drove C.W. and Adam to buy
20 cocaine from Darryle Coe?

21 A: Yes, sir.

22 Q: Did she tell you that Adam got out of the car, went over
23 and bought the drugs from Darryle Coe, the dope dealer?

24 A: Now, I didn't get into specifics with her. I think
25 another investigator did, but it wasn't me.

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 Q: But you understand that from the investigation that Adam
2 did get out of the car and go make the deal with the dope
3 dealer?

4 A: From -- yes, sir. From what the best of my memory, yes,
5 sir.

6 Q: You mentioned that you had a conversation with C.W. about
7 being upset because Justin Dill and David Miller had
8 interviewed his wife; is that correct?

9 A: Yes, sir.

10 Q: And I believe you were there at that interview, were you
11 not?

12 A: I wasn't in the interview, no, sir.

13 Q: You were there in the Sheriff's Department when the
14 interview --

15 A: I was there, yes.

16 Q: -- went down?

17 A: Yes, sir.

18 Q: And you knew that Justin Dill and David Miller were in
19 there; right?

20 A: Yes, sir.

21 Q: And if you look at that video, it shows you on the video
22 talking to Dani; right?

23 A: I did, yes.

24 Q: Do you recall what y'all talked about?

25 A: I told her that -- I actually asked her -- I think I

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 asked her how she was doing, and I told her that it seemed
2 like things were getting serious or getting real now.

3 Q: If we were able to show you that video now, would that
4 refresh your memory about what you and Dani talked about?

5 A: The interview? Yes.

6 MR. TETTERTON: Your Honor, we'd like to show the video
7 at this time.

8 MS. SAMPSON: Your Honor, I object.

9 THE COURT: Well, it hasn't been entered. The lawyers
10 approach?

11 (WHEREUPON, a bench conference was held off the record,
12 after which the proceedings resumed as follows.)

13 BY MR. TETTERTON:

14 Q: Chuckie, let's make sure you find -- you set the stage
15 for what happened. Justin Dill and David Miller on January
16 11th, 2017, called Dani into the interview room; right?

17 A: Yes, sir.

18 Q: And you were there when she came?

19 A: I was at the Sheriff's Office, yes, sir.

20 Q: And how did she get there?

21 A: I'm not sure.

22 Q: Joey Cobb -- Chief Cobb bring her? Do you remember?

23 A: That's possible, yes, sir, but I'm not a hundred percent
24 sure of that. I don't --

25 Q: And were you there during the whole time she was being

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 interviewed?

2 A: I believe I was, yes, sir.

3 Q: And at some point in time, Justin Dill -- Investigator
4 Dill and Investigator Miller left the interview room; right?

5 A: Okay. Yeah.

6 Q: And then you went in the interview room and for a period
7 of time you questioned or had conversation with Dani at that
8 time; right?

9 A: I just spoke to her. I didn't question her. I just
10 spoke to her.

11 Q: Did she give you any statement?

12 A: No, sir.

13 Q: Are you positive?

14 A: No, sir. I don't remember. I don't remember what the
15 conversation was in the interview. I honestly don't.

16 Q: She didn't tell you -- do you recall her telling you at
17 that time --

18 MS. SAMPSON: Objection, Your Honor.

19 THE COURT: Sustained.

20 BY MR. TETTERTON:

21 Q: She did not make any statement to you in that short time
22 you were in that interview room with her?

23 A: No, sir, not that I recall.

24 Q: What did y'all talk about?

25 A: I don't -- I don't remember what the conversation was. I

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 was -- it was briefly -- from what best I remember, it was a
2 brief -- matter of fact, the night that we talked about that
3 C.W. come to my house, she told me that was the only time she
4 felt like nobody was after her or felt normal.

5 Q: Later on, she --

6 A: But I don't -- I don't know what we said in the interview
7 room, what I said to her. I don't know.

8 Q: What was the purpose of you going in the interview room?

9 A: Just to speak to her.

10 Q: Did she seem upset?

11 A: I don't -- I don't remember. I think so, but I don't
12 remember.

13 Q: Later on, Mike Williams and C.W. and Dani came to your
14 house; correct?

15 A: Yes, sir.

16 Q: And you talked to them then?

17 A: Yes, sir.

18 Q: And what did Dani tell you when she talked to you at your
19 house?

20 MS. SAMPSON: Objection, Your Honor. He asked what Dani
21 told him.

22 THE COURT: All right. The lawyers approach?

23 (WHEREUPON, a bench conference was held off the record,
24 after which the proceedings resumed as follows.)

25 THE COURT: All right. Thank you. I'll overrule the

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 objection. There has been evidence about what Dani has said
2 that has been brought out in the State's case. I'm going to
3 allow you to ask the question, Mr. Tetterton.

4 MR. TETTERTON: Thank you, Your Honor.

5 BY MR. TETTERTON:

6 Q: Chuckie, what we were talking about is Dani, Mike
7 Williams, and C.W. came to your house?

8 A: Yes, sir.

9 Q: What was the reason they came there?

10 A: Because C.W. was upset about the way that he thought that
11 Dani had been treated at the Sheriff's Office earlier that
12 day.

13 Q: During the interview?

14 A: Yes, sir.

15 Q: All right. And did you have a conversation with Dani at
16 that point in time?

17 A: At my house?

18 Q: Yes.

19 A: Yes, sir. She was there. She was part of the
20 conversation.

21 Q: And what did she tell you?

22 A: I'm trying to look for it. I'm looking through my notes
23 to see what the exact words were.

24 Q: Do your notes indicate exact -- what the exact words
25 were?

CHUCK BAXLEY - CROSS BY MR. TETTERTON

- 1 A: I'm looking. I'm reading.
- 2 Q: Would you like to read it out loud though, please?
- 3 A: Well, I haven't found it yet. She -- when I -- I told
- 4 her I apologize if she thought she was being mistreated. I
- 5 told her I apologize for her -- sorry if she thought she was
- 6 being mistreated while she was at the Sheriff's Office that
- 7 morning, and she told me that the only time she felt like she
- 8 was being treated fairly was the few minutes I spoke with her
- 9 in the interview room.
- 10 Q: Would you read on? What else did y'all talk about?
- 11 A: C.W. told me that he was mad about the fact of the
- 12 investigators were asking Dani if she and Adam were having an
- 13 affair. He also told me that he didn't want her to take a
- 14 polygraph because they had her upset and then wanted her to
- 15 take the polygraph while she was upset. He told me that he
- 16 knew the polygraph was based on blood pressure and heart rate,
- 17 and that wouldn't be fair to her.
- 18 I told him that the investigators were not trying to get
- 19 her upset and then going to make her take the polygraph. I
- 20 told Dani and C.W. that no one at the Sheriff's Office thought
- 21 they had anything to do with Adam being missing, and they just
- 22 wanted to try to clear their name because every time someone
- 23 said anything about the case, C.W. and Dani's name was the
- 24 first thing mentioned.
- 25 Q: Okay.

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 A: I asked C.W. could he come to the office and speak with
2 me, and he told me that he was going to check with his boss
3 and see what a good time would be. He said that he already
4 missed some time at work because of this and didn't want to
5 get fired. I told him that would be fine and to come whenever
6 he wanted -- come whenever he wanted to. C.W. told me that he
7 didn't have anything to do with Adam being missing because he
8 and Adam were close friends and he wanted to know where he
9 was.

10 C.W. went upstairs and played drums and guitar with my
11 8-year-old son. They came back down and played the guitar and
12 sang. When they got ready to leave, C.W. told me again that
13 he was going to check with his boss to see when he could come
14 talk and asked if he needed a lawyer. I told him I couldn't
15 tell him one way or the other, but we just wanted to talk with
16 him -- talk with him. Before he left, Mike asked if I could
17 come talk with the 13-year-old --

18 Q: Okay.

19 A: -- daughter.

20 Q: Chuckie, let me interrupt you right there. Okay? I'm
21 having a hard time following, but I think the conversation was
22 they were upset because of somebody accusing Dani of having an
23 affair with Adam?

24 A: Yes, sir.

25 Q: And you had no evidence of that whatsoever, did you?

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 A: Not to my knowledge, no, sir.

2 Q: And then in small-town Bethune, there was no evidence
3 that you know of as being a resident there and an investigator
4 of any affair between Dani and Adam?

5 A: No, sir.

6 Q: You also talked to Stacey Farrington also -- right? -- on
7 January 12th, 2017?

8 A: I tried to talk to Stacey Farrington.

9 Q: Okay. And you -- and you talked to Brandy Davis the same
10 time or you talked to her on the phone?

11 A: Right.

12 Q: Brandy Davis was Adam's estranged wife?

13 A: Yes, sir.

14 Q: Was Chief Brown in the building when -- when -- that's
15 Marvin Lee Brown, but Chief --

16 A: Right.

17 Q: Chief Brown, who was the chief deputy, was he in the
18 building during the interview --

19 A: I don't know.

20 Q: -- on January the 11th, 2017?

21 A: I'm not sure.

22 Q: At that time you had the conversation on January 11th,
23 2017, which was shortly -- 13 days after Adam was reported
24 missing, did you give Dani the choice of telling you what
25 happened?

CHUCK BAXLEY - CROSS BY MR. TETTERTON

- 1 A: The choice of telling? No, sir.
- 2 Q: Did you ever -- did you ever approach Dani and say, Dani,
3 why don't you just tell me the truth, tell me what happened?
- 4 A: No, sir.
- 5 Q: You never did that?
- 6 A: No, sir.
- 7 Q: And you were --
- 8 A: The initial -- the day that I talked to the family, I
9 asked her what happened, but other than that, no, sir.
- 10 Q: On the day you talked to the family, Dani was there?
- 11 A: Later on that afternoon, yes, sir.
- 12 Q: And you gave --
- 13 A: Or later on that day.
- 14 Q: And you gave her a choice at that time to disclose?
- 15 A: I give her -- asked her to tell me what -- what went on.
- 16 Q: And at that time, she --
- 17 A: But it wasn't like I give her a choice.
- 18 Q: I beg your pardon?
- 19 A: I said it wasn't like I give her a choice. I was asking
20 her to tell me what went on with Adam.
- 21 Q: Well, either she could tell you or not tell you?
- 22 A: Right.
- 23 Q: That's a choice; right?
- 24 A: Right.
- 25 Q: Okay. And she didn't exercise that choice to tell you

CHUCK BAXLEY - CROSS BY MR. TETTERTON

1 what went on?

2 A: Well, she told me -- she told me about --

3 Q: I beg your pardon?

4 A: She told me that they were -- he was there until midnight
5 and then later on he was gone.

6 Q: But they got up the next morning and he was gone?

7 A: Yes, sir.

8 Q: Did she ever tell you at any time that there -- during
9 that conversation with Dani, that there was any signs of any
10 animosity between C.W. and Adam?

11 A: No, sir.

12 Q: And you don't know of any today, do you?

13 A: Sir?

14 Q: And you don't know of any today that would've happened
15 prior to December?

16 A: Not to my knowledge, no, sir.

17 MR. TETTERTON: Thank you. Thank you, Chuckie.

18 THE COURT: Thank you.

19 Any redirect?

20 MS. SAMPSON: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MS. SAMPSON:

23 Q: All right. Investigator Baxley, Mr. Tetterton just asked
24 you about any indication about any animosity between C.W. and
25 Adam. Were you in the house at 8 o'clock or 10 o'clock or

CHUCK BAXLEY - REDIRECT BY MS. SAMPSON

1 even midnight on the night of December 29th?

2 A: No, ma'am.

3 Q: So if there was any animosity at that time, would you
4 know about it?

5 A: No, ma'am.

6 Q: And he asked you about any -- any evidence of a plan or a
7 scheme. You've been an investigator for how long?

8 A: Seven years, eight years.

9 Q: Have you investigated a murder where there was no plan or
10 scheme, it just happened?

11 A: Yes.

12 Q: Okay. Ever investigated one where there's no
13 altercation, it just happens?

14 A: Yes.

15 Q: Okay. He asked you about Dani. There was no indication
16 on the video that Adam was intoxicated; right?

17 A: Right.

18 Q: Have you ever seen someone who has been drinking not look
19 intoxicated?

20 A: Yes, ma'am.

21 Q: Ever seen them look sober and they not be sober?

22 A: Yes, ma'am.

23 Q: And when you're interviewing Dani at the station, was
24 there any information at that time that Adam had been shot?

25 A: No, ma'am.

CHUCK BAXLEY - REDIRECT BY MS. SAMPSON

1 Q: And were you part of the investigation once that came
2 about?

3 A: No, ma'am.

4 Q: Was your -- when did your part of the investigation stop?

5 A: Just a few days after -- less than -- about a week and a
6 half, less than two weeks, I think it was. It wasn't long. I
7 wasn't on it long.

8 Q: Okay. And so you were no part of the investigation once
9 any of that happened?

10 A: No, ma'am.

11 Q: You didn't have any of that information when you were
12 talking to Dani?

13 A: No, ma'am.

14 MS. SAMPSON: I beg the Court's indulgence.

15 Thank you. No further questions, Your Honor.

16 THE COURT: Any recross?

17 MR. TETTERTON: No, sir. Thank you.

18 THE COURT: Thank you, Lieutenant. You can step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: All right. Solicitor, call your next
21 witness.

22 MS. ALLARD: The State calls Kelly Clark.

23 THE CLERK: Place your left hand on the Bible and raise
24 your right hand. Do you solemnly swear or affirm the
25 testimony you give in this case will be the truth, the whole

KELLY CLARK - DIRECT BY MS. ALLARD

1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: Yes.

3 THE CLERK: Take a seat and state your full name for the
4 record.

5 THE WITNESS: My name is Kelly Clark.

6 KELLY CLARK, being first duly
7 sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. ALLARD:

10 Q: Good morning, Mr. Clark. Can you please tell the jury
11 where you live?

12 A: Bethune, South Carolina.

13 Q: How long have you lived in Bethune?

14 A: Since '86 or '87.

15 Q: Okay. And when did you -- or what brought you to
16 Bethune?

17 A: My mother moved --

18 Q: Okay. So you --

19 A: -- from Hartsville to Bethune.

20 Q: And you've been in Bethune ever since?

21 A: Yes, ma'am.

22 Q: Okay. What do you do for work?

23 A: Construction.

24 Q: And back in the end of 2016, early 2017, what did you do
25 for work at that point?

KELLY CLARK - DIRECT BY MS. ALLARD

1 A: I owned the bar and I still done construction as well
2 too. I owned a business at the same time.
3 Q: What was the name of the bar?
4 A: Clark's Bar.
5 Q: And you owned that?
6 A: Yes, ma'am.
7 Q: When did you open Clark's?
8 A: I think it was the end of 2008 a soft open and in 2009
9 for the main opening, grand opening.
10 Q: And how long did you own the bar?
11 A: Right at 13 years. I still own the building, but the bar
12 shut down now though, my business. I let somebody else lease
13 it out.
14 Q: Okay. When did the bar shut down? What year?
15 A: Right at COVID. I'm not exactly sure. A couple years
16 ago.
17 Q: Where is the building located?
18 A: 102 North Main Street, Bethune.
19 Q: Is that on the main strip in Bethune?
20 A: Yes, ma'am.
21 Q: Okay. And when you owned the bar, what were the bar
22 hours? Did you have set open hours?
23 A: They was different depending on, but on Fridays and
24 Saturdays or whatever I shut down at 2 a.m., but through the
25 week it would all depend on the crowd how late we stayed open.

KELLY CLARK - DIRECT BY MS. ALLARD

1 Q: What if there was a sports game or something like that?

2 A: Still depending on the crowd.

3 Q: Okay.

4 A: Not making money, shut down.

5 Q: Did you know the victim in our case, Adam Davis?

6 A: Yes, ma'am.

7 Q: How did you know him?

8 A: When I first moved to Bethune, they lived right behind

9 us. I watched him grow up.

10 Q: So when you moved to Bethune in '86, did you meet Adam at

11 that point?

12 A: It was probably '87.

13 Q: '87?

14 A: Yeah.

15 Q: Okay.

16 A: And, yeah, they lived right behind us. Where my stepdad

17 or whatever lived, they lived kind of catty corner from where

18 we was on the same block.

19 Q: So how well did you know him?

20 A: Very well.

21 Q: What about the defendant, C.W. Beebe? Did you know him?

22 A: Yep, about the same amount of time. I watched him grow

23 up as well too.

24 Q: Okay. So you've known C.W. for about the same amount of

25 time?

KELLY CLARK - DIRECT BY MS. ALLARD

1 A: Yes, ma'am.

2 Q: Okay. What about C.W.'s wife, Dani Beebe? Do you know
3 her?

4 A: Yes, ma'am.

5 Q: Okay. Do you know her as well as you know Adam and C.W.?

6 A: Yeah, pretty well. Not -- probably not as much as C.W.
7 and Adam, but yeah, I know -- know her pretty well.

8 Q: Okay. Back in the end of 2016/early 2017, do you
9 remember how often Adam would go to the Clark's Bar?

10 A: Not real, real regular. Just every once in a while, I
11 would see him pop in here and there, but it wasn't like on a
12 consistent basis. I would see him here and there, but which I
13 was in and out a lot too.

14 Q: And what about C.W.?

15 A: About the same.

16 Q: Okay.

17 A: Rarely, in and out, here and there.

18 Q: Were you aware of C.W. and Adam's relationship?

19 A: So far as them knowing each other, yes, ma'am.

20 Q: Okay. Were you aware that they were friends?

21 A: Yeah, they was friends.

22 Q: And did you see them together at Clark's Bar before?

23 A: I have, yeah, a few times here and there too. Yeah. I
24 wasn't there that night, but yeah, I've seen them in there.

25 Q: Okay. So it wouldn't be abnormal to see them at the bar

KELLY CLARK - DIRECT BY MS. ALLARD

1 together?

2 A: No, ma'am.

3 Q: Okay. I'm going to take you back to December 29th, 2016.

4 A: Okay.

5 Q: Do you remember that day?

6 A: Yeah.

7 Q: Okay. Do you remember what you did on that day?

8 A: Yeah. I was hunting that evening and then come back

9 home, come back to Bethune.

10 Q: Okay. Let's start in the morning.

11 A: In the morning?

12 Q: Do you remember what you did that morning?

13 A: I got everything set up for the bar, made a couple of

14 orders, and then I had to go do a little welding job. Then I

15 left from there and went hunting on the other side of Lake

16 Robinson in Hartsville.

17 Q: Okay. You went hunting you said?

18 A: Yes, ma'am.

19 Q: Do you remember what you were hunting for?

20 A: Deer.

21 Q: Okay. And after you finished hunting, do you remember

22 what time around that was, about what time?

23 A: I'm not going to be able to give you an exact time. It

24 was just right at dark, whatever it was then, and I left.

25 Q: So it was --

KELLY CLARK - DIRECT BY MS. ALLARD

1 A: Yeah.

2 Q: -- getting dark out?

3 A: I don't have my phone with me when I'm hunting.

4 Q: Okay. And then after you left, you finished hunting and

5 you left --

6 A: Yes, ma'am.

7 Q: -- that location, where did you go next?

8 A: Back to Bethune.

9 Q: Okay.

10 A: Went to the Exxon station to fill up for gas for the next

11 day.

12 Q: Okay. The Exxon station? Where is that located?

13 A: In Bethune, right there on Main Street, 341 and 1

14 intersection.

15 Q: And so when you went to the Exxon, would that have been

16 after the sun set?

17 A: Yeah. Yes, ma'am.

18 Q: Okay. And what did you see? What, if anything, did you

19 see at the gas station?

20 A: As soon as I pulled up, I seen Dani walking over and I

21 spoke to her and said hi or something, and C.W. and them in

22 the car -- C.W. in the car. I think Adam was coming through.

23 I was pumping gas.

24 Q: Okay. I'm going to show you what's been marked and

25 entered as State's Exhibits 2, 3, and 4. Can you tell me if

KELLY CLARK - DIRECT BY MS. ALLARD

1 you recognize that gas station?

2 A: Yeah. That's the Exxon in Bethune.

3 Q: Okay.

4 A: There's Adam. Dani is outside the car pumping gas.

5 Q: Do you recognize the other car --

6 A: Which --

7 Q: -- at the gas pump?

8 A: That's my truck.

9 Q: That's your truck at the gas station?

10 A: Yeah, on the other side. Yeah, the pump closest to 341.

11 Q: What kind of truck did you drive at that point?

12 A: A 2004 Dodge Ram.

13 Q: And what color was it?

14 A: Black.

15 Q: Okay. So you got to the Exxon and you saw who?

16 A: Dani was pumping the gas or walking around. Then I said

17 hey or spoke to her or something.

18 Q: Uh-huh.

19 A: And C.W. was sitting in the car in the back. Then I seen

20 Adam walk out.

21 Q: Did you see C.W. in the car?

22 A: Yeah.

23 Q: Where in the car was he sitting?

24 A: In the backseat.

25 Q: The backseat?

KELLY CLARK - DIRECT BY MS. ALLARD

1 A: Yeah.

2 Q: Which side?

3 A: I think it was the passenger side, if I'm not sure. I'm

4 not exact. I think it was the passenger side. That's like

5 five or six years ago or whatever it is, but I know I seen him

6 in the car and I talked to Dani and said hey to Dani.

7 Q: And who was driving?

8 A: I reckon she was driving.

9 Q: Okay.

10 A: And Adam went to the passenger side or something whenever

11 we was out there then.

12 Q: Okay. But you saw C.W. in the back of the car?

13 A: Yeah.

14 Q: Okay. Did you speak with Adam at all?

15 A: No.

16 Q: Okay.

17 A: I didn't get to.

18 Q: Do you remember what vehicle they were in?

19 A: A little SUV that they drove.

20 Q: Do you remember what color it was?

21 A: Grayish. I don't pay attention to a lot of stuff like

22 that.

23 Q: Okay.

24 A: Gray or silver, whatever it was then.

25 Q: And after you left the Exxon, what did you do next?

KELLY CLARK - DIRECT BY MS. ALLARD

1 A: I went home.

2 Q: You went straight home from the Exxon?

3 A: Yeah.

4 Q: Did you leave at any other point that night?

5 A: Did I what?

6 Q: Leave your house at any other point that night?

7 A: No.

8 Q: Okay. After you saw Adam at the gas station, did you
9 ever see or hear from him again?

10 A: No, ma'am.

11 Q: How did you come to learn that Adam was missing?

12 A: I heard from someone who called me the next morning or
13 something.

14 MR. TETTERTON: Your Honor, we would object to the
15 hearsay.

16 THE COURT: Yes. Sustained.

17 BY MS. ALLARD:

18 Q: At some point --

19 MS. ALLARD: I beg the Court's indulgence.

20 BY MS. ALLARD:

21 Q: At some point did you become aware that Adam was missing?

22 A: Yes, ma'am.

23 Q: Okay. Did you ever speak with law enforcement about this
24 case?

25 A: Way -- not until here recently.

DARRYLE COE - DIRECT BY MR. PAULING

1 Q: Okay.

2 MS. ALLARD: I beg the Court's indulgence.

3 Nothing else right now, Your Honor.

4 Please answer any questions --

5 THE COURT: All right. Thank you.

6 MS. ALLARD: -- Mr. Tetterton has.

7 THE COURT: Mr. Tetterton?

8 MR. TETTERTON: No questions, Your Honor.

9 THE COURT: All right. Thank you. Mr. Clark, you can
10 step down.

11 All right. Call your next witness.

12 MR. PAULING: Your Honor, at this time the State would
13 call Darryle Coe.

14 THE COURT: Jury, are you all right for another 15 to 20
15 minutes or so? Everybody okay? All right.

16 THE CLERK: Do you solemnly swear or affirm that the
17 evidence you give in this case will be the truth, the whole
18 truth, and nothing but the truth, so help you God?

19 THE WITNESS: Yes, ma'am.

20 THE CLERK: Please state your full name for the record.

21 THE WITNESS: Say it now? Darryle Coe.

22 DARRYLE COE, being first duly
23 sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. PAULING:

DARRYLE COE - DIRECT BY MR. PAULING

1 Q: Good morning, sir. How are you doing?

2 A: I'm doing good.

3 Q: And it's Darryle Coe?

4 A: Darryle Coe, yes, sir.

5 Q: How do you spell your first name?

6 A: Darryle. It's D-a-r-r-y-l-e.

7 Q: D-a-r-r --

8 A: Y-l-e.

9 Q: -- y-l-e?

10 A: Yes, sir.

11 Q: Coe, C-o-e?

12 A: Yes, sir.

13 Q: Thank you. Mr. Coe, if you can tell this jury, sir,

14 where are you from?

15 A: I'm from Hartsville.

16 Q: Hartsville, South Carolina?

17 A: Yes, sir.

18 Q: Okay. And are you a lifelong resident?

19 A: Life, yes.

20 Q: How old are you, Mr. Coe?

21 A: Twenty-nine.

22 Q: Twenty-nine?

23 A: Yeah.

24 Q: Okay. And you were obviously living in Hartsville back

25 in 2016; is that correct?

DARRYLE COE - DIRECT BY MR. PAULING

1 A: Yes.

2 Q: Okay. And as it relates to this matter, do you know the
3 defendant? Do you know Clinton Beebe?

4 A: Yes.

5 Q: Okay. And can you tell the jury how do you know Mr.
6 Beebe?

7 A: Well, I met Mr. Beebe through a life -- well, a long-term
8 friend, A.J.

9 Q: A.J.?

10 A: Antonio Ferguson.

11 Q: Okay.

12 A: And pretty much we've been -- me and Mr. Beebe got
13 together, we got clicked up. I used to sell him speakers,
14 radios, TVs, if he wanted it, whatever.

15 Q: Okay.

16 A: Like that.

17 Q: When was -- and I'm going to just slow you down. When
18 did you -- when did you meet him? Do you know how long ago
19 that was?

20 A: I'm going to say around 2012, 2013.

21 Q: Okay. 2012, 2013?

22 A: Yes.

23 Q: And where did y'all meet? Did you meet in Hartsville or
24 did you meet in Bethune?

25 A: I actually came to his house in Bethune.

DARRYLE COE - DIRECT BY MR. PAULING

1 Q: In Bethune?

2 A: Yes, sir.

3 Q: Was that out there on Waters Road? Do you remember where

4 that was?

5 A: I don't know exactly on the road name.

6 Q: Okay. Do you remember the -- could you describe his

7 house?

8 A: He had a long driveway. He got two entrances in it. One

9 went to the back, to the front, and he got a shop in the back,

10 a double wide in the front.

11 Q: Doublewide trailer?

12 A: Yes.

13 Q: And you said a shop?

14 A: A shop in the back, yeah.

15 Q: Okay. All right. And so you said you met him through a

16 friend, A.J. Ferguson; is that -- is that correct? Antonio

17 Ferguson?

18 A: Yes.

19 Q: Okay. And you said you used to sell him -- and I say

20 him, Mr. Beebe, you used to sell him speakers?

21 A: Yeah, we used speakers, like 12 inches, 15-inch speakers,

22 stuff like that right there.

23 Q: Okay. Okay. And you had indicated that you'd been to

24 Mr. Beebe's house before. Was that on several occasions or

25 how did that come about?

DARRYLE COE - DIRECT BY MR. PAULING

1 A: I done been there a couple times. We went to a party one
2 time out there. They had a band, a live band, one of his
3 bands he had out there, and he had a little party. We was
4 partying out there.

5 Q: He had a live band?

6 A: Yeah.

7 Q: Okay.

8 A: I think it was actually a band that he owned -- I mean
9 that he in.

10 Q: It was a band that C.W. was in?

11 A: Yeah.

12 Q: Okay. And you said that was on one particular occasion
13 you were out there for a party?

14 A: Yes.

15 Q: Okay. And was there any other occasion you were out
16 there?

17 A: Sometimes I'd go out there and we might -- I might bring
18 marijuana or something like that, just in case somebody might
19 want it or either maybe they want cocaine or something like
20 that, I'd bring it.

21 MR. TETTERTON: Your Honor, I'm going to object to the
22 relevancy.

23 THE COURT: Yeah. I'm going to -- I'll overrule the
24 objection. Ask the question.

25 MR. PAULING: Yes, sir, Your Honor.

DARRYLE COE - DIRECT BY MR. PAULING

1 BY MR. PAULING:

2 Q: Did you also know Dani Beebe?

3 A: I really didn't know Dani too much. I just know she do
4 A.J.'s tattoos. That's all I knew. I ain't never really knew
5 her.

6 Q: Okay. Mr. Coe, you said you had been over there even on
7 a second occasion or there were times when you would take him
8 marijuana or cocaine; is that correct?

9 A: Yes.

10 Q: Okay. All right. And so would that be even during the
11 parties?

12 A: Yeah, pretty much the parties or either he might have a
13 cookout or cooking a hog or a deer or something like that out
14 there and we'd just -- just come out there and just hang
15 around and just be like every day.

16 Q: Okay. All right. And so you said you knew Dani but not
17 that much. You knew she did A.J.'s tattoos? Is that what you
18 said?

19 A: Yes.

20 Q: Okay. All right. Now, did you also know Adam Davis?

21 A: Yeah. I met Adam Davis through -- through Mr. Beebe.

22 Q: Okay. And when would that have been? You said you met
23 Mr. Beebe maybe in 2012, 2013.

24 A: Well, I'm going to say that was maybe 2014, 2015 because
25 -- it was 2014 I want to say because it really wasn't long

DARRYLE COE - DIRECT BY MR. PAULING

1 after I knew him, I met him, that, you know, the little
2 situation had happened. I don't even know really what
3 happened, but I know.

4 Q: Okay. I'm going to slow you down.

5 A: All right.

6 Q: So you met Adam around 2014, 2015?

7 A: Yes.

8 Q: Is what you're saying? You think it was shortly before?

9 A: Yes.

10 Q: Okay.

11 A: Not -- I'd give it about three months maybe.

12 Q: Okay. Let me back up. You met Adam maybe three months
13 or so before?

14 A: Yes, before he became missing.

15 Q: Okay.

16 A: Yeah, yeah.

17 Q: All right. All right. All right. But you've known C.W.
18 some time before that?

19 A: Yeah. I knew C.W. a couple years before that, yeah.

20 Q: And you met Adam through C.W.?

21 A: Through C.W. I met him at a house he had in McBee.

22 Q: You met Adam?

23 A: Yeah. I met C.W. at a house Adam had of his own in
24 McBee, and we were around the pool. He told me, you know, he
25 was -- he was his friend for 14 years.

DARRYLE COE - DIRECT BY MR. PAULING

- 1 Q: Okay.
- 2 A: And that's all.
- 3 Q: That's what C.W. told you that Adam had been a friend of
- 4 his for about 14 years?
- 5 A: Yes.
- 6 Q: Okay. And did you and Adam ever socialize or --
- 7 A: Not really, no.
- 8 Q: Okay. And in -- like you said, you had met Adam just
- 9 probably a few months before he went missing; is that correct?
- 10 A: Yes.
- 11 Q: Okay. And so were your interactions with Adam limited to
- 12 the times you were seeing C.W.?
- 13 A: I met Adam one time by hisself, and I know -- I know one
- 14 time I met him at C.W.'s house. And I met him that night, the
- 15 night that he went missing or whatever.
- 16 Q: Okay. And you had mentioned meeting him before at C.W.'s
- 17 house. For what purpose?
- 18 A: To bring him cocaine, for to bring him a gram of cocaine.
- 19 Q: To Adam or C.W.?
- 20 A: To Adam.
- 21 Q: To Adam?
- 22 A: Yeah.
- 23 Q: Okay. And did you have his contact information or he had
- 24 your contact number? How did that happen?
- 25 A: Yeah. He had got -- he had told me -- when I met him at

DARRYLE COE - DIRECT BY MR. PAULING

1 his house, he said I'm going to get your number from Dub,
2 which is C.W. He said I'm going to get your number from Dub,
3 if that's all right. I said that's fine, and he got my
4 number.

5 Q: Okay. And the fact that Adam ended up getting your
6 number, I'm assuming at some point you had his number?

7 A: Yes.

8 Q: Okay. How did you have him programmed in?

9 A: I ain't want -- I don't remember. I forgot.

10 Q: Well, let me ask you --

11 A: I don't know if I had it C.W. -- I don't know if I had it
12 C.W. homeboy maybe.

13 Q: Okay.

14 A: I don't know what I had it in there.

15 Q: But you didn't have --

16 A: No, I think I did have the name Adam. I did.

17 Q: Do you know if it was -- but could it have been C.W.'s
18 homeboy?

19 A: I think it could have been it, but I don't really
20 remember. But I know it was one of the two.

21 Q: Okay. All right. All right. But other than knowing
22 Adam as C.W.'s friend --

23 A: Yes.

24 Q: -- you wouldn't have really -- you wouldn't have known
25 Adam; is that correct?

DARRYLE COE - DIRECT BY MR. PAULING

- 1 A: No, I wouldn't. I wouldn't know.
- 2 Q: Okay. And in December of 2016, late December after
3 Christmas time, do you recall an occasion meeting with Adam
4 and C.W.?
- 5 A: I believe that's the night of -- like, when he went
6 missing?
- 7 Q: Yes, sir.
- 8 A: Yes, I did.
- 9 Q: Okay. And if you could tell the jury how did that come
10 about that you ended up meeting with them?
- 11 A: Adam called me and said, hey, man, we're at the bar
12 trying to get up. I need to get up with you and get a -- get
13 a gram. I was, like, all right. I said -- I said where do
14 you want to -- I said where do you want to meet at. He said
15 what's good for you. I was, like, I ain't coming to Bethune.
16 He was, like, well, let's meet --
- 17 Q: Let me stop you -- stop you for a second. And when he
18 contacted you, was this later in the evening?
- 19 A: Yes. It was dark.
- 20 Q: It was dark?
- 21 A: Yes.
- 22 Q: Okay. And at that particular time you said you weren't
23 coming to Bethune?
- 24 A: Yeah.
- 25 Q: So where were you?

DARRYLE COE - DIRECT BY MR. PAULING

1 A: I was at home getting dressed. I actually had just got
2 out of the shower. I had a wraparound bathrobe on.

3 Q: Okay. You were in Hartsville at home?

4 A: Yes.

5 Q: In Hartsville?

6 A: Hartsville, yeah.

7 Q: Okay. All right. And you told Adam you weren't coming
8 to Bethune?

9 A: Yes.

10 Q: So you were trying to find a meeting location?

11 A: Yes.

12 Q: Okay. And did you determine a meeting location?

13 A: Yes. He said how about off of Old Camden Highway. What
14 he said? Family Road off of Old Camden Highway.

15 Q: Okay. And when that location was suggested, did you --
16 did you know that location?

17 Q: Yes. I done met -- I done met them there before.

18 Q: Okay. And when you say you had met them there before,
19 who?

20 A: C.W. and Adam.

21 Q: Okay. Together and separately?

22 A: I'm going to say probably -- well, no, together. Well,
23 Adam together, but I done met C.W. there before to give him
24 some speakers before.

25 Q: Okay. So you'd met --

DARRYLE COE - DIRECT BY MR. PAULING

1 A: Yeah.

2 Q: Okay. C.W. there before --

3 A: Yeah.

4 Q: -- as well?

5 A: Yes.

6 Q: Okay. Now, after you determined the meeting location,

7 did you have -- did you know what vehicle he was going to be

8 in?

9 A: No, I didn't know.

10 Q: Okay.

11 A: But once I got there -- right before I got there, he

12 texted me and said, hey, we're in Dub's old lady's car, and I

13 was, like, all right.

14 Q: Okay. So he texted you shortly before you all had gotten

15 there?

16 A: Yeah. And then I was pulling up.

17 Q: And he said he was in Dub's old lady's car?

18 A: Yes.

19 Q: Okay. So you get that text. So did you know what that

20 meant then?

21 A: Yeah. I knew he was going to be in C.W.'s old lady's

22 car. I know she got, like, a blue -- blue SUV, like a darker

23 blue SUV.

24 Q: Okay. And how did you know about the SUV? Had you seen

25 it before or --

DARRYLE COE - DIRECT BY MR. PAULING

1 A: Yeah, I seen it before.

2 Q: Okay. All right. Now, when -- and again, when you got
3 to that location, it was dark; is that correct?

4 A: Yes.

5 Q: Okay. And who do you recall being there when you got to
6 that location? If you could describe to the jury, you know,
7 where you were and how that went down.

8 A: I pulled up and the blue SUV was already sitting sideways
9 on the side of the road up side of the tree line, and I got --
10 I pulled up. I got there. Adam got out of the passenger seat
11 and C.W. got out behind the driver's seat and walked around
12 the vehicle.

13 Q: Okay.

14 A: Right before he walked around, he took -- he urinated.

15 Q: Okay. Let me slow you down. You were -- you were just
16 telling everybody where they were -- they were sitting. Why
17 did you -- why did you note that or did you note that or was
18 that anything about that?

19 A: I mean it was kind of strange. You know what I mean? To
20 be honest because I just -- the only thing I seen was C.W. get
21 out of the back of his own vehicle and Adam get out of the
22 passenger seat of his vehicle and his wife driving.

23 Q: I gotcha.

24 A: Well, C.W.'s wife driving. Yeah.

25 Q: Okay. All right. But Adam got out?

DARRYLE COE - DIRECT BY MR. PAULING

1 A: Yep.

2 Q: And C.W. --

3 A: Adam came first.

4 Q: Okay. And then C.W. got out of I guess the back seat?

5 A: Yes.

6 Q: And I -- and I stopped you, but you said what did he do

7 then? What did C.W. do after that?

8 A: Oh, he got out and he urinated by the woods and then

9 walked up later. He walked up. He was, like, the last one

10 who walked up, and I was talking to Adam then. I give Adam

11 the 50 and he give me the 50 and then he left.

12 Q: Okay. And just so we're clear and understand --

13 A: It's a gram.

14 Q: When you gave him the 50, what were you giving him?

15 A: A gram, a gram of cocaine.

16 Q: Okay. \$50 worth of cocaine?

17 A: Yes.

18 Q: And Adam gave you \$50 cash? Was that -- was it cash?

19 A: Yes, cash.

20 Q: I would assume.

21 A: Yeah.

22 Q: All right. And was anybody -- was anybody with you?

23 A: It was -- yeah, my wife.

24 Q: Okay.

25 A: But she wasn't my wife at the time. She's my wife now,

DARRYLE COE - DIRECT BY MR. PAULING

1 yes.

2 Q: Okay. She was your fiancée at the time?

3 A: Well, not even that. She was just -- we just started

4 dating then. We got married just three years ago.

5 Q: Okay. But you were thinking ahead?

6 A: Yeah.

7 Q: All right. All right. So as far as Adam is concerned,

8 how was he?

9 A: He was just -- he was just a nice, good guy. I mean I

10 ain't never had no problem with Adam and he never seemed out

11 of the ordinary to me or nothing, you know. He was just

12 pretty straight up, pretty reasonable.

13 Q: And during -- and during that transaction I guess that's

14 what I mean.

15 A: Yeah.

16 Q: How was he? How did he seem to you?

17 A: Oh, that transaction right there, he just seemed -- he

18 seemed calm. It wasn't like nothing out of the ordinary. I

19 just -- he was just calm. It didn't really seem like he was

20 drunk or nothing. He said he left the bar, but I mean it

21 didn't look like he was too drunk to me. I mean I don't know.

22 Q: What about -- what about C.W.?

23 A: I ain't going to say he was drunk, but he was feeling a

24 little good. I mean he was feeling pretty good because -- but

25 I just -- if you know C.W., you know that he just -- he's

DARRYLE COE - DIRECT BY MR. PAULING

1 good. I mean that's just how he feel every day. He feel
2 good.

3 Q: Okay. And did you have any conversation with -- with
4 Dani at all?

5 A: No.

6 Q: Okay. And as far as that transaction was concerned, I
7 mean did you hang out there for a little while or was it a
8 pretty quick transaction?

9 A: Yeah, a pretty quick transaction. It wasn't nothing.
10 No, not long.

11 Q: All right. And do you remember having any -- any real
12 conversation with C.W. at that time?

13 A: Not -- well, that's -- not at that time. C.W. just
14 walked up to the car. What's up, man? And this and that. I
15 was, like, what's up, and he was like -- that was pretty much
16 it.

17 Q: Okay.

18 A: Yeah.

19 Q: Okay. And now after the transaction, did you leave at
20 that point?

21 A: Yes.

22 Q: Do you remember who left first or anything like that?

23 A: I want to say they got back in the car and left, but I
24 was backing up. So I was backing up going towards Hartsville.
25 They was -- they was backing up going towards Bethune. They

DARRYLE COE - DIRECT BY MR. PAULING

1 turned back towards to go back towards Bethune.

2 Q: Okay. Okay. All right. And after that -- well, let me

3 -- let me ask you this. Did you ever know Adam to carry a

4 gun?

5 A: Yes.

6 Q: Okay. And I mean had you seen him carrying a gun before?

7 A: Yes.

8 Q: Okay. Do you remember if he -- if he had a gun on that

9 occasion or did you look to see or anything like that?

10 A: I ain't seen. It was dark. I really didn't look to see.

11 Q: Okay. Okay. Now, you said you left from that

12 transaction and headed back on to Hartsville; is that correct?

13 A: Yes.

14 Q: Okay. Did you have any -- any further conversation with

15 Adam that evening? Did you ever talk to him again that

16 evening?

17 A: No.

18 Q: Okay. And you had mentioned as far as the transaction is

19 concerned, you gave him the 50, he gave you 50; right?

20 A: Yes.

21 Q: All right. Now, had you ever fronted Adam --

22 A: No.

23 Q: -- drugs before?

24 A: No.

25 Q: Or on credit or anything like that?

DARRYLE COE - DIRECT BY MR. PAULING

1 A: No.

2 Q: Okay. Did you have any issue with Adam paying you for --

3 A: No.

4 Q: -- for the dope?

5 A: No.

6 Q: Okay. All right. And he didn't call you --

7 A: No.

8 Q: -- later that evening or you didn't talk to him again; is

9 that correct?

10 A: No.

11 Q: Okay. Now, at some point did you become aware that Adam

12 was missing?

13 A: Well, I really didn't know he was missing until the next

14 day, but I don't even think I ain't even really realized he

15 was missing or anything, but I know C.W. called me and said,

16 hey, did you talk to Adam last night. I was, like, no, I

17 ain't talked to him. He was, like, oh, he must've be done ran

18 off with a girl or something because I woke up and he wasn't

19 here.

20 Q: Okay.

21 A: I said all right.

22 Q: So C.W. called you --

23 A: Yeah. The next --

24 Q: The next day, the following day?

25 A: Yes.

DARRYLE COE - DIRECT BY MR. PAULING

1 Q: December 30th?

2 A: Yeah.

3 Q: Okay. All right. But he asked if C -- excuse me. C.W.

4 asked you if Adam had called you?

5 A: Yeah. He asked me did Adam -- have I seen Adam or did he

6 call me. I said, no, I ain't talked to him.

7 Q: But would Adam have -- would have had any reason to

8 contact you?

9 A: Not that I know of. I don't know why he would call me

10 because I mean he done got what he wanted. You know what I

11 mean? So --

12 Q: I understand.

13 A: Yes, sir.

14 Q: I understand. All right. Now, sometime later were you

15 contacted by any -- by anyone else regarding Adam or the fact

16 that you may have seen him?

17 A: Yes. I think I -- I want to say the guy named Detective

18 Baxley or Bachelor or something like that name.

19 Q: Okay.

20 A: He called me. He said, hey, I was just wondering. I'm

21 just calling to see if anything happened. I already -- C.W.

22 pretty much done told us everything that happened and

23 everything. So he was, like, we just want to know, you know,

24 have you seen Adam or anything. Can you kind of tell me about

25 that night?

DARRYLE COE - DIRECT BY MR. PAULING

1 I told him everything and he was, like, all right, you
2 ain't got nothing to worry about. He said just -- you know.
3 So he was -- like, he left it like that. And I was -- seven
4 days later I believe on another Monday, I had got a call from
5 another detective saying, hey, I'm the new guy on this case.
6 I need you to come down here and talk to us, and I said I just
7 talked to a guy last weekend. He told me everything was good.
8 He was, like, yeah, but I'm on the case now so I need you to
9 come down here. So I was like -- I said, all right, no
10 problem. I went down to the investigation room and told him
11 what I -- I told them everything, the same thing I'm telling
12 y'all, and pretty much that's how it went.

13 Q: And that -- and that may have -- that was Investigator
14 Rick Bailey?

15 A: I believe that's -- yeah.

16 Q: Okay. But you -- you came into the Kershaw County
17 Sheriff's Office?

18 A: Yes.

19 Q: Is that correct?

20 A: Yes.

21 Q: Okay. And did anybody accompany you to that interview?
22 Do you recall?

23 A: Yes. I had my -- my mama came, but she didn't -- she
24 didn't come in the interview with me, but my wife to come in
25 there with me.

DARRYLE COE - DIRECT BY MR. PAULING

1 Q: Okay.

2 A: Because she was the one with me, yeah.

3 Q: Okay. All right. All right.

4 MR. PAULING: I beg the Court's indulgence.

5 Thank you, Mr. Coe. I have no further questions.

6 THE COURT: All right. This is the appropriate time for
7 us to take a short break.

8 Ladies and gentlemen of the jury, I'm going to allow you
9 to go back to your jury room, refresh yourselves. This will
10 be about 10 minutes. Again, do not discuss the case among
11 yourselves at all, and remember that instruction throughout
12 the trial.

13 Everyone remain seated while this jury is excused.

14 (WHEREUPON, the jury exited the courtroom at 10:23 a.m.)

15 THE COURT: All right. Let me have a little order.

16 Mr. Coe?

17 THE WITNESS: Yes, sir.

18 THE COURT: You're under oath. You continue -- you're
19 continued to be under oath. We're going to take a break.
20 You're allowed to get up and refresh yourself. You're not to
21 discuss the case with anyone during the break. It's as if
22 you're still on the stand. Do you understand that?

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Thank you. We'll be at ease for
25 10 minutes.

DARRYLE COE - CROSS BY MR. TETTERTON

1 (WHEREUPON, there was a break in the proceedings from
2 10:24 a.m. until 10:36 a.m., after which the proceedings
3 resumed as follows.)

4 THE COURT: All right. Is the State ready to proceed?

5 MR. PAULING: Yes, Your Honor.

6 THE COURT: Is the defense ready?

7 MR. TETTERTON: Yes, sir.

8 THE COURT: All right. You need more time?

9 MR. TETTERTON: Just a moment.

10 THE COURT: All right.

11 (WHEREUPON, there was a pause in the proceedings, after
12 which the proceedings resumed as follows.)

13 THE COURT: Are you ready, Mr. Tetterton?

14 MR. TETTERTON: Yes, sir.

15 THE COURT: All right. Thank you.

16 Let's bring the jury in.

17 (WHEREUPON, the jury entered the courtroom at 10:38 a.m.)

18 THE COURT: All right. Thank you, ladies and gentlemen.

19 Mr. Tetterton, this is your witness.

20 MR. TETTERTON: Thank you. May it please the Court.

21 CROSS-EXAMINATION

22 BY MR. TETTERTON:

23 Q: Mr. Coe, of course, I'm a little bit hard of hearing too
24 and I didn't quite understand everything you were saying, but
25 you live in Hartsville?

DARRYLE COE - CROSS BY MR. TETTERTON

1 A: Yes.

2 Q: Darlington County?

3 A: Yes.

4 Q: And you sell dope? Do you sell dope in Darlington County

5 and Kershaw County?

6 A: No. I used to. I used to sell dope.

7 Q: Used to?

8 A: Yes.

9 Q: When did you quit?

10 A: I don't know. When I had three kids.

11 Q: I beg your pardon?

12 A: When I had three kids two years -- probably about -- I'll

13 be honest with you, probably about maybe two-and-a-half years

14 ago.

15 Q: All right.

16 A: Three-and-a-half years ago. I'm going to let you know

17 three-and-a-half years ago. I've been a supervisor at Barrier

18 Reef fiberglass pools.

19 Q: You have to slow down.

20 A: You want me to say it again?

21 Q: You're a supervisor where?

22 A: Barrier Reef fiberglass pools for the last three years.

23 Q: All right. I'm going to go back to December 29, 2016.

24 Adam made a phone call to you wanting to buy some cocaine?

25 A: Yes.

DARRYLE COE - CROSS BY MR. TETTERTON

- 1 Q: You made the arrangements to meet him and sell him
2 cocaine?
3 A: Yes.
4 Q: Did that take place in Kershaw County or Darlington
5 County?
6 A: Yeah, I think, if I haven't mistaken, it had to be
7 Darlington County. It wasn't Chesterfield. It wasn't on
8 Crenshaw. It might've been Chesterfield County. I don't
9 know.
10 Q: Can you describe the exact location where it was?
11 A: Family Road.
12 Q: All right.
13 A: Family Road off of Old Camden Highway.
14 Q: The Old Camden Road?
15 A: Yes.
16 Q: That's the Old Wire Road?
17 A: Old Camden Highway.
18 Q: Old Camden, going to Hartsville?
19 A: Where's Old Camden? Yes.
20 Q: Had you gone across 341 yet?
21 A: Yes.
22 Q: Did you get across 341?
23 A: The bridge, yes. Yeah.
24 Q: And you crossed Lynches River?
25 A: Yeah.

DARRYLE COE - CROSS BY MR. TETTERTON

- 1 Q: Okay.
- 2 A: I didn't cross it, but they had to cross it coming --
- 3 coming from Bethune.
- 4 Q: And you had to come from Hartsville to meet them there?
- 5 A: Yes.
- 6 Q: All right. And you brought your cocaine with you?
- 7 A: Yes.
- 8 Q: Did you have any more cocaine in the car after that?
- 9 A: No.
- 10 Q: Okay. So Adam calls you?
- 11 A: Yes.
- 12 Q: And says I need to buy some cocaine; right?
- 13 A: Yeah.
- 14 Q: C.W. didn't call you?
- 15 A: No, but Adam said me and Dub -- C.W. together.
- 16 Q: But he didn't -- but C.W. did not call you?
- 17 A: No.
- 18 Q: C.W. did not ask to buy some cocaine that night?
- 19 A: No.
- 20 Q: And Adam in a text to you said I'm going to be in Dub's
- 21 old lady's car?
- 22 A: Yes, sir.
- 23 Q: And Dub is C.W.'s nickname?
- 24 A: Yes.
- 25 Q: And you -- you arranged to meet them at the site that we

DARRYLE COE - CROSS BY MR. TETTERTON

1 -- the deal was going to go down?

2 A: Yes, sir.

3 Q: And you brought the cocaine with you?

4 A: Yes.

5 Q: And you said that Dani, C.W.'s wife, drove them there; is

6 that correct?

7 A: That's correct.

8 Q: And you recognized the car she was driving?

9 A: Yes.

10 Q: There's no doubt that his wife drove them there?

11 A: Yes.

12 Q: And when they got there, were you already there?

13 A: No. I think when I got there, he was pulling up. No, he

14 -- they was already there. I was pulling up.

15 Q: You pulled up?

16 A: Yeah. He said we in Dub's old lady's car.

17 Q: And who got out?

18 A: Adam got out. Then C.W. got out.

19 Q: Both of them got out?

20 A: Yes.

21 Q: Did they get out together?

22 A: Adam got out first. C.W. got out the back passenger --

23 back seat behind the driver's side. He walked around the

24 truck. He urinated first.

25 Q: Okay.

DARRYLE COE - CROSS BY MR. TETTERTON

1 A: On the side by the tree line and he walked around the
2 truck, came up. What's up, man? That was what he said.
3 Q: So when you made the dope deal, C.W. and Adam was
4 standing there together?
5 A: Yes.
6 Q: And Adam took \$50 and handed it to you in cash?
7 A: Yes.
8 Q: And you gave him the drugs?
9 A: Yes.
10 Q: Then Adam got back in the passenger side?
11 A: Yeah.
12 Q: C.W. got back in the backseat?
13 A: Yes.
14 Q: Behind the passenger?
15 A: Behind the driver.
16 Q: Behind the driver?
17 A: Yes.
18 Q: All right. And then they left?
19 A: Yes. Yes, sir.
20 Q: And that was the only deal you made that night with C.W.
21 and Adam?
22 A: That was it.
23 Q: When you were in the presence of C.W. --
24 A: Yes.
25 Q: -- and Adam, did you notice any rift between them or any

DARRYLE COE - CROSS BY MR. TETTERTON

1 -- wait a minute. Let me finish. Any disagreement between
2 them?

3 A: To be honest with you, I didn't.

4 Q: I beg your pardon?

5 A: I said to be honest, I didn't. I have -- I ain't see no
6 dis -- no -- no kind of problems.

7 Q: No argument?

8 A: No.

9 Q: Did -- at that time did Adam appear to be afraid of C.W.?

10 A: I'm not going to say that, but I mean I didn't see it.

11 Q: Did you see anything out of the ordinary?

12 A: Just him riding behind his old -- behind his wife, C.W.
13 riding in the backseat of his wife's truck. I mean I think
14 that was out of the ordinary.

15 Q: Okay.

16 A: That was it.

17 Q: Instead of -- instead of being in the front seat?

18 A: Yes.

19 Q: Okay. But nothing else there alarmed you about Adam
20 being in danger of anything?

21 A: I didn't see it. No, sir.

22 Q: Okay.

23 MR. TETTERTON: Thank you. I have nothing further.

24 THE COURT: All right. Any redirect?

25 MR. PAULING: No, Your Honor.

DAVID MILLER - DIRECT BY MR. PAULING

1 THE COURT: Mr. Coe, you can step down.

2 THE WITNESS: All right. Thank you.

3 THE COURT: Call your next witness.

4 MR. PAULING: The State -- the State would call David
5 Miller.

6 THE CLERK: Do you swear or affirm the evidence you give
7 in this case will be the truth, the whole truth, and nothing
8 but the truth, so help you God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Have a seat and state your name for the
11 record.

12 THE WITNESS: David Wilson Miller.

13 DAVID MILLER, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. PAULING:

17 Q: Good morning, Mr. Miller. Is it -- it's Capt. Miller
18 now; is that correct?

19 A: Yes, sir.

20 Q: Okay. If you could, tell the jury just a little bit
21 about your law enforcement background.

22 A: I started in the City of Sumter in 2011. I spent two
23 years there. Then I went to the Sumter County Sheriff's
24 Office, where I was an investigator in that agency. In 2015,
25 I came to the Kershaw County Sheriff's Office, and I've been

DAVID MILLER - DIRECT BY MR. PAULING

1 here since. I did a little more than a year on patrol here
2 before I went to investigations.

3 Q: Okay. Okay. So you -- so you began investigations
4 around 2016 then?

5 A: Yes, sir.

6 Q: Okay. Okay.

7 A: Probably right around August.

8 Q: Okay. Okay. And as far as being with the Kershaw County
9 Sheriff's Office in investigations, what were your role or
10 what were your duties when you became an investigator back in
11 August of 2016?

12 A: We -- so at that time everybody was assigned to basically
13 areas, Bethune, Cassatt, Camden, Boykin area, and then you
14 came to the -- what we call the Wateree side of Kershaw
15 County, Lugoff and Elgin. There were four of us that worked
16 that side of the river, and we split the county. We split it
17 up into -- two people worked Lugoff, two people worked Elgin,
18 and we worked everything, you know, stolen bicycles, car
19 break-ins, shooting incidents, whatever.

20 Q: And as it relates to I say violent crimes investigations,
21 you've had training as it relates to that; is that correct?

22 A: Yes, sir.

23 Q: Okay. And if you'd just -- if you could just kind of
24 elaborate on what type of training?

25 A: There's a lot of on-the-job training. I've been to a

DAVID MILLER - DIRECT BY MR. PAULING

1 homicide investigation class. We -- I worked homicide in
2 Sumter County. Over here, you know, it was a little
3 different. In Sumter you worked a homicide, it was basically
4 your baby to run with. Over here, we kind of -- there was a
5 lead investigator, but the rest of us kind of pitched in and
6 helped --

7 Q: Okay.

8 A: -- to run errands and tackle stuff that the lead needed
9 done when he had to have that -- that information.

10 Q: Okay. And back in January, I guess January of 2017, were
11 you involved in a -- I guess at that time a missing persons
12 investigation?

13 A: Yes, sir.

14 Q: Okay. And was that related to Adam Davis?

15 A: Yes, sir.

16 Q: Okay. Now, you weren't the lead investigator in that
17 case; is that correct?

18 A: No, sir.

19 Q: Okay. And so, I guess as you testified before, were you
20 just assisting as such?

21 A: I did. I sat with Investigator Dill during the interview
22 of Dani Beebe, and then from that point forward it was
23 basically, hey, we've got this piece of information, can you
24 go check this out, or hey, we've located -- we got in a piece
25 of information that says that this is at this location, can

DAVID MILLER - DIRECT BY MR. PAULING

1 you -- you know, will you go assist and see if that
2 information is correct and, if it's there, can you gather it?
3 Q: Okay. And -- and that's how it was as it related to this
4 particular investigation; is that correct?
5 A: Yes, sir.
6 Q: Okay. And as it related to the information you had as
7 far as the last known individuals to see Adam Davis, who were
8 they as far as what you understood from the investigation?
9 A: My information was that the last two people that we could
10 place Adam with was C.W. and his wife, Dani.
11 Q: Okay. And did you also have information regarding a
12 vehicle they may have been traveling in?
13 A: The one that was shown earlier, that black Nissan Acura.
14 Q: Okay. The black Acura?
15 A: Yes, sir.
16 Q: Okay. All right. And -- and again, that was from the
17 surveillance video --
18 A: Yes, sir.
19 Q: -- at the Exxon from December 29th?
20 A: Yes, sir.
21 Q: Okay. Now, as it related to this investigation, at some
22 point did you get information about the whereabouts of that
23 Acura?
24 A: I walked into investigations one afternoon. I want to
25 say it was 3:30, four, somewhere in that neighborhood.

DAVID MILLER - DIRECT BY MR. PAULING

1 Investigator Handy, who was with the Kershaw County Sheriff's
2 Office at the time, Investigator Davis, and Investigator
3 Davis. We were all kind of in there and I remember being told
4 that they thought that the vehicle that belonged to Dani Beebe
5 was at Darlington Shredders or Darlington Shredding Company,
6 however that business is labeled, and they wanted us to go see
7 if we could see that car and if we could possibly take custody
8 of it.

9 Q: Okay. And would that have been in February of 2017?

10 A: If you say that's that date.

11 Q: Okay.

12 A: Counselor, I don't remember the date.

13 Q: Okay.

14 A: The exact date of it. I just remember that it was
15 sometime not late in the investigation. It was sometime, you
16 know, as we were starting to kind of --

17 Q: Okay.

18 A: -- sift through information.

19 Q: Well, let me ask you this. The day that you got the
20 information, did you head to the -- to Darlington Shredders?

21 A: Yes, sir. We got into Investigator Handy's car and drove
22 straight to Darlington.

23 Q: Okay. And when you went to Darlington Shredding, were
24 you able to ascertain the whereabouts of that Acura?

25 A: That Acura was actually sitting in the parking lot right

DAVID MILLER - DIRECT BY MR. PAULING

1 next to the building. So when you pull into there, there's a
2 building and then there's a set of scales for them to measure
3 poundage I reckon --

4 Q: Okay.

5 A: -- or whatever, and then the car was off to the left of
6 that building. I photographed it. I photographed it as it
7 sat as we arrived.

8 Q: Okay.

9 A: It was not in the back. It had not been through a
10 shredder or anything like that. It was sitting in the parking
11 lot when we got there.

12 Q: And did you make contact with the -- I'll say the owner
13 operator of the business regarding that?

14 A: I didn't. Somebody -- there were four of us that went.
15 Somebody went inside and did that because while they were
16 doing that, I was photographing that car because I wanted that
17 car as we found it. I wanted that documented of the condition
18 and shape and what was in it and everything else as we found
19 it.

20 Q: Okay.

21 MR. TETTERTON: No objection to 6, 7, and 8, Your Honor.

22 MR. PAULING: May I approach the witness, Your Honor?

23 THE COURT: Yes, you may.

24 BY MR. PAULING:

25 Q: Capt. Miller, I'm going to show you what's been marked

DAVID MILLER - DIRECT BY MR. PAULING

1 for ID purposes as State's Exhibits 6, 7, and 8, and ask you
2 if you recognize those photos?

3 A: Yes, sir. I took these photos.

4 Q: Okay. And what are those photos of?

5 A: These photos are of the car that belonged to Dani Beebe
6 or the car that was registered to her. At some point I -- it
7 seems like somebody ran the VIN and we were able to confirm
8 that, but these are the -- this is the vehicle that we took
9 into our possession that day at the -- at the shredding
10 company.

11 Q: And that was the condition it was in?

12 A: This is the exact -- that is exactly where it was
13 sitting, yeah.

14 Q: Outside the building?

15 A: Yes.

16 Q: Is there a timestamp on there?

17 A: It says 5:03, which would have been about right.

18 Q: What date?

19 A: This says June 2nd.

20 Q: Okay.

21 A: July 2nd.

22 Q: Is the time flipflopped? Is that February 6th?

23 A: February 6th. You're right.

24 Q: Okay. And so that was when they got the information and
25 the day you went to Darlington Shredding and the day that you

DAVID MILLER - DIRECT BY MR. PAULING

1 took custody of that vehicle?

2 A: So --

3 Q: Is that correct?

4 A: That's exactly correct because I basically walked in the
5 door of investigations and they said this car is over there,
6 and we immediately went out and got in Investigator Handy's
7 car and went straight to Darlington.

8 Q: And again, that's the condition or does that picture
9 fairly and accurately describe the condition you found that
10 2002 Acura in at Darlington Shredding? Is that correct?

11 A: Yes, sir.

12 MR. PAULING: At this time, Your Honor, I would offer
13 State's 6, 7, and 8 into evidence, I believe without
14 objection.

15 THE COURT: State's 6, 7, and 8 is into evidence without
16 objection.

17 (WHEREUPON, State's Exhibits No. 6, 7, and 8,
18 photographs, were admitted into evidence.)

19 MR. PAULING: May I publish those photos to the jury,
20 Your Honor?

21 THE COURT: Yes, you may.

22 BY MR. PAULING:

23 Q: And I know it's hard for you to see, Investigator Miller.

24 A: Uh-huh.

25 Q: But I'll let you -- looking at State's 6, again, that is

DAVID MILLER - DIRECT BY MR. PAULING

1 the condition the vehicle was in and that's the -- is that the
2 driver's side there?

3 A: That's the driver's side.

4 Q: Okay. And then looking at State's 7, again that's the
5 passenger side of the vehicle?

6 A: Yes, sir.

7 Q: Okay. And then looking at State's 8, now that was the
8 interior of the vehicle there?

9 A: Yes, sir.

10 Q: Okay. And obviously, we can see some damage, but what
11 appears to be sand in that picture?

12 A: Yes, sir.

13 Q: And at that time did you have any information about how
14 that damage was inflicted?

15 A: I didn't.

16 Q: Okay. And at that particular time you had indicated that
17 you had information that that car had been registered to Dani
18 Beebe; is that correct?

19 A: Yes, sir.

20 Q: Okay. Now, at that particular time that car belonged to
21 Darlington Shredding at that point?

22 A: Yes, sir.

23 Q: Okay. And did the shredding company then transfer that
24 -- that vehicle to you all?

25 A: If I remember correctly, Darlington Shredding told us we

DAVID MILLER - DIRECT BY MR. PAULING

1 could take the car and do what we needed to do with it. We
2 did a chain of custody on it.

3 Q: Okay.

4 A: And Sanders Towing -- we had called them. They sent a
5 tow truck over. That car was taken from Darlington Shredding
6 back to the Kershaw County Sheriff's Office, where it was
7 placed in the sally port where we could -- because it didn't
8 have any windows, it didn't have -- the roof was messed up. I
9 mean we had to put it somewhere where it was inside so the
10 weather wouldn't affect it until a search warrant or however
11 we were going to process it was going to be determined.

12 Q: Okay.

13 A: So to protect it the best we could.

14 Q: Okay. Okay. And you indicated he was transported. Did
15 you -- did you follow that?

16 A: We followed the -- we followed Sanders Towing. Ed Corey
17 was the driver. We followed him from Darlington Shredding all
18 the way back to the Sheriff's Office.

19 Q: Okay. And so during that trip, there weren't any stops
20 and no one was able to --

21 A: No, sir.

22 Q: -- tamper with or alter the vehicle --

23 A: No, sir.

24 Q: -- while it was being transported; is that correct?

25 A: That's correct.

DAVID MILLER - DIRECT BY MR. PAULING

1 Q: Okay.

2 A: Because we were running about a hundred miles an hour
3 behind this tow truck trying to keep up with it to get back to
4 Kershaw.

5 Q: Okay. All right. Now, you had indicated that it was
6 taken to the -- the sally port; is that correct?

7 A: Yes, sir.

8 Q: Okay. Now -- and I understand you were tasked with
9 different things during the course of this investigation. At
10 a certain point though, do you recall if there was a search
11 warrant conducted --

12 A: Yes, sir.

13 Q: -- on that particular video -- excuse me -- vehicle?

14 A: Yes, sir.

15 Q: And where you present during a -- an execution of a
16 search warrant back in April of 2017?

17 A: I'm trying to remember. I know that when SLED was around
18 this vehicle, I'm nosy so I stuck my head out there to kind of
19 look around and see what they were doing, see what they were
20 finding. I mean that's the nature of what we do. We're nosy.

21 Q: Okay.

22 A: So I stuck my head in there wanting to see what they were
23 doing, see what they were finding, any of those things. SLED
24 was going to do some stuff to the vehicle that I had never
25 seen done before. I kind of wanted to see that. So yeah, I

DAVID MILLER - DIRECT BY MR. PAULING

1 was -- I was around when processing was done on this vehicle.

2 Q: Okay. And were you present when there was a subsequent
3 search warrant wherein the seats were removed?

4 A: Yes, sir.

5 MR. PAULING: May I approach the witness, Your Honor?

6 THE COURT: Yes, you may.

7 BY MR. PAULING:

8 Q: Capt. Miller, I'm going to show you what's been marked
9 for ID purposes as State's 9 through 16, and I'm going to ask
10 you if you recognize those photographs?

11 A: That's the car as it was in the sally port.

12 Q: I'm sorry?

13 A: That is the car as it sat in the sally port at the
14 Kershaw County Sheriff's Office.

15 MR. PAULING: Your Honor, we without objection would
16 offer State's 9 through 16.

17 THE COURT: Mr. Tetterton?

18 MR. TETTERTON: Your Honor, I would ask that he lay a
19 better foundation to move those photographs in.

20 THE COURT: Well --

21 THE WITNESS: I'm not positive who took the photographs.
22 Those may be SLED photographs as far as I know.

23 BY MR. PAULING:

24 Q: Do those photos fairly and accurately describe --

25 A: Yes, sir.

DAVID MILLER - DIRECT BY MR. PAULING

1 Q: -- the vehicle --

2 A: Yes, sir.

3 Q: -- as it was in the sally port after it had been

4 transported --

5 A: Yes, sir.

6 Q: -- to the Sheriff's Office?

7 A: Yes, sir.

8 THE COURT: All right. Thank you. I'll -- yes, sir?

9 MR. TETTERTON: No objection. No objection.

10 THE COURT: All right.

11 MR. TETTERTON: 9 through 16.

12 THE COURT: The actual photographer is not required.

13 State's 9 through 16 are into evidence without objection.

14 (WHEREUPON, State's Exhibits No. 9 through 16,

15 photographs, were admitted into evidence.)

16 BY MR. PAULING:

17 Q: Capt. Miller?

18 A: Uh-huh.

19 Q: Looking at State's 9, is that the front side of that

20 vehicle there?

21 A: Yes, sir.

22 Q: Okay. And State's 10?

23 A: Yes, sir.

24 Q: Okay. Again -- and you had mentioned prior to that on

25 one occasion SLED had been there processing the car as well;

DAVID MILLER - DIRECT BY MR. PAULING

1 is that correct?

2 A: Yes, sir.

3 Q: Okay. And you note there their evidence tape on the
4 vehicle?

5 A: Yes, sir. I believe we did that to make sure that -- so
6 -- what you can't tell by the picture is the wall on the other
7 side is actually the wall to the morgue.

8 Q: Okay.

9 A: Okay? So the morgue -- you have a situation where they
10 sometimes come across to there. There's also opportunities in
11 there for -- if we have a Charger that blows a tire, that's
12 where the tires were kept at that time. So there had to be --
13 there was a possibility that people were going to be in and
14 out. So we secured the vehicle, taped off the doors, and made
15 sure that everybody knew do not touch this car.

16 Q: Gotcha. Okay. And then State's 11? And again, that's
17 another view of that Acura again. That was -- that damage had
18 already been taken place --

19 A: Yes, sir.

20 Q: -- prior to? State's 12? Again -- and you said that the
21 evidence tape there where you were securing the vehicle there
22 once it got to the sally port; is that correct?

23 A: Yes, sir.

24 Q: State's 12? I'm sorry. State's 13. Again -- and this
25 sand or dirt that's in the car, at that point you don't know

DAVID MILLER - DIRECT BY MR. PAULING

1 how that had gotten in there?

2 A: At that point, I didn't.

3 Q: Okay. All right. State's 14? Again -- and so is this
4 the view of the -- I guess the back panel of the front
5 passenger area and that's in the middle seat; is that correct?

6 A: Yes, sir.

7 Q: Okay. State's 15? Again, that's just another view of
8 that; is that correct?

9 A: Yes, sir.

10 Q: Okay. And then State's 16. Can you describe what that
11 is to the --

12 A: That is --

13 Q: Yes, sir.

14 A: That's the backseat of the Acura --

15 Q: Okay.

16 A: -- belonging to Dani Beebe, and at some point somebody
17 had scratched it and that is black paint over the top of a
18 brown seat that has -- that has been scratched off.

19 Q: Okay. And when you -- when you say somebody had
20 scratched it, what do -- what do you --

21 A: I don't -- I don't know how those scratch marks got
22 there. I don't know if SLED did it. I don't know if we did
23 it. I don't know if it was done during when the vehicle was
24 being damaged. I don't know where those scratch marks come
25 from.

DAVID MILLER - DIRECT BY MR. PAULING

1 MR. PAULING: I beg the Court's indulgence.

2 BY MR. PAULING:

3 Q: Now, that particular seat, you said someone had scraped
4 it and what could you tell about underneath?

5 A: That it was some type of coating, black paint maybe, that
6 just scraped off of the upholstery.

7 Q: Okay. And that seemed odd to you?

8 A: It seemed odd.

9 Q: And why is that?

10 A: Because the front seats were black, and then just --
11 here's this car that supposedly nothing was wrong with. It
12 ends up at the shredding company, but now it's got a backseat
13 that's been painted.

14 Q: Okay. All right. And so at some point during the course
15 of this investigation, did you receive other information
16 regarding the seat?

17 A: I know on one occasion we received information that C.W.
18 had bought some black --

19 MR. TETTERTON: Your Honor, I'm going to object. He did
20 not --

21 THE COURT: Yeah. I sustain the objection.

22 BY MR. PAULING:

23 Q: Were you tasked with -- with -- with going to another
24 location as it related to this investigation?

25 A: Yes, sir. I went to O'Reilly's Auto Parts in Hartsville.

DAVID MILLER - DIRECT BY MR. PAULING

1 Q: Okay. And when you went to the O'Reilly's Auto Parts,
2 why did you go there?

3 A: We went to see if Mr. Beebe had purchased anything from
4 O'Reilly Auto Parts relating to any type of upholstery paint.

5 Q: Okay. And did you make contact with anyone at O'Reilly's
6 as it related to that?

7 A: The clerk, who was to my understanding Adam's nephew.

8 Q: And would that have been Mr. Zach Hall?

9 A: Yes, sir.

10 Q: Okay. And now, did you go by yourself or were there
11 other investigators with you?

12 A: Myself, Investigator Davis, and Investigator Handy went.

13 Q: Okay. And as it related to paint that Mr. Beebe would
14 have purchased, were you provided information regarding that?

15 A: We were provided a receipt, and at some point
16 Investigator Davis had then snapped a picture of the can that
17 was -- or --

18 MR. TETTERTON: Again, Your Honor, I object unless he has
19 firsthand knowledge.

20 THE COURT: All right. Yeah. I sustain the objection.

21 MR. PAULING: Let me back up.

22 BY MR. PAULING:

23 Q: Capt. Miller, if you could explain to the jury how that
24 process took place as far as you getting that information
25 about the paint being sold?

DAVID MILLER - DIRECT BY MR. PAULING

1 A: So I was tasked with going to O'Reilly Auto Parts to see
2 if Mr. Beebe had bought anything during the time frame of this
3 case as far as it relates to some type of upholstery paint. I
4 went there. I spoke to Zach Hall. Mr. Hall was able to give
5 me --

6 MR. TETTERTON: Your Honor, again, objection.

7 THE COURT: I'll overrule the objection. The question
8 he's answered is what he -- what he was given. Go ahead and
9 answer the question.

10 BY MR. PAULING:

11 A: And I went there and while I was there, I was given a
12 receipt that showed that Mr. Beebe had bought some black
13 upholstery paint.

14 Q: Okay. And as far as the type of paint, were you actually
15 shown or given an example showing what type of paint that was,
16 like literally in the store?

17 A: He --

18 MR. TETTERTON: Again, Your Honor, I object to leading.

19 THE COURT: I'll overrule the objection. Go ahead.

20 BY MR. PAULING:

21 A: It seemed that Zach pointed to an area in the store where
22 he said that upholstery paint was. I didn't actually see it.
23 I was there collecting the actual receipt.

24 MR. PAULING: May I approach the witness, Your Honor?

25 THE COURT: Yes, you may.

DAVID MILLER - DIRECT BY MR. PAULING

1 MR. PAULING: I beg the Court's indulgence.

2 MR. PAULING: May I approach the witness, Your Honor?

3 THE COURT: You may.

4 BY MR. PAULING:

5 Q: I'll show you what's been marked for ID purposes as
6 State's 17. Do you recognize the item in that photo, what
7 that is?

8 A: I do.

9 Q: Okay. And how do you recognize it?

10 A: Because that is a picture in the O'Reilly's that we went
11 to while we were there. I was getting the receipt. This is
12 the stuff that Zach Hall pointed to to us inside the store and
13 said that's what -- that's what he bought.

14 Q: And you were told that's that type of --

15 A: Yes, sir. Vinyl and fabric coating.

16 MR. PAULING: I would offer State's 17 into evidence,
17 Your Honor, at this time.

18 THE COURT: Mr. Tetterton?

19 MR. TETTERTON: Can I see? Objection, Your Honor, on the
20 ground that he has not laid the proper foundation to show that
21 this was the same type of paint that was supposedly bought by
22 Mr. Beebe.

23 THE COURT: I'll overrule the objection.

24 MR. TETTERTON: What number is it?

25 MR. PAULING: 17.

DAVID MILLER - DIRECT BY MR. PAULING

1 THE COURT: State's 17 is in evidence.

2 MR. PAULING: Thank you, Your Honor.

3 THE COURT: Over the objection of the defense.

4 (WHEREUPON, State's Exhibit No. 17, photograph, was

5 admitted into evidence.)

6 BY MR. PAULING:

7 Q: And so that would be State's 17. So that was the item

8 that Mr. Hall showed you --

9 A: Yes, sir.

10 Q: -- in the O'Reilly's?

11 A: Yes, sir.

12 Q: Or the type or similar?

13 A: Yes, sir.

14 Q: Now, if we -- if we could go back to State's 16, Capt.

15 Miller, you had indicated it was strange that we've got this

16 black seat, but you've got underneath it looks like a

17 different color?

18 A: Yes, sir.

19 Q: It was tan?

20 A: Yes, sir.

21 Q: Okay. And so during the -- well, let me ask you this.

22 As it relates to the seat, was that seat still maintained at

23 the Sheriff's Office?

24 A: The last time I saw that seat, it was in the back of the

25 Acura.

DAVID MILLER - DIRECT BY MR. PAULING

1 Q: Okay. But I guess my question is did the Acura, the
2 seat, it's been maintained?
3 A: Yes, sir.
4 Q: In the control and custody of the Kershaw --
5 A: Yes, sir.
6 Q: -- County Sheriff's Office; is that correct?
7 A: Yes, sir.
8 Q: Okay.
9 MR. PAULING: I beg the Court's indulgence.
10 Investigator Miller, could you step down, sir, so we can
11 show what we've marked State's 89 for ID purposes, and I
12 apologize.
13 THE COURT: What number is that?
14 MR. PAULING: 89, Your Honor.
15 THE COURT: 89?
16 BY MR. PAULING:
17 Q: Is that the seat out of the Acura, out of that 2002 Acura
18 that we're referring to that's on State's 16 there?
19 A: Yes, sir.
20 Q: Are these the same scratch marks that you were
21 indicating?
22 A: Yes, sir.
23 Q: And showing underneath a tan -- actually a tan color
24 there?
25 A: Yes, sir.

DAVID MILLER - DIRECT BY MR. PAULING

1 Q: And this is the seat that has been maintained at the
2 Kershaw County Sheriff's Office and out of the Acura; is that
3 correct?

4 A: Yes, sir.

5 MR. PAULING: At this time I move State's 89 into
6 evidence.

7 MR. TETTERTON: No objection.

8 THE COURT: State's 89 is into evidence without
9 objection.

10 (WHEREUPON, State's Exhibit No. 89, car seat, was
11 admitted into evidence.)

12 BY MR. PAULING:

13 Q: Capt. Miller, as it relates to the Acura and the seat,
14 was there any other -- excuse me -- any other information
15 during the course of the investigation that was gathered as it
16 relates to that Acura and the seats being replaced?

17 A: I was tasked with going back over to Darlington to
18 another business location. We got there. It's basically a
19 large scrapyard with cars all over the side, and we went in
20 and we made contact with somebody inside. We were able to get
21 a receipt that showed that a seat had been purchased for an
22 Acura.

23 After getting a copy of that receipt, they had a guy take
24 us out to where this Acura was, and I photographed it. It was
25 raining. So I jumped out of the car and took some photographs

DAVID MILLER - DIRECT BY MR. PAULING

1 of this Acura with the missing seat, and then we went and had
2 lunch.

3 Q: Okay. Would that have been Southern Auto Parts?

4 A: That sounds -- that sounds right.

5 Q: Well, let me ask you this. Was it -- was it in
6 Darlington?

7 A: It was in Darlington.

8 Q: Okay. Do you know where it was in location to the
9 Darlington Shredding?

10 A: I know very little about Darlington. I know it's on the
11 main thoroughfare. Was it 52? Or whatever it is, 151,
12 whatever that main highway is that runs from Hartsville to
13 Darlington, and it's down there on the right if you're going
14 toward Darlington, away from Hartsville.

15 MR. PAULING: May I approach the witness, Your Honor?

16 THE COURT: Yes, you may.

17 BY MR. PAULING:

18 Q: Capt. Miller, I'm going to show you what's been marked
19 for ID purposes as State's 18 through 22 and ask you if you
20 recognize those photos, what's in those photos?

21 A: I took -- I took these.

22 Q: You took those photographs?

23 A: Yes, sir.

24 Q: Okay. And what are those photos of?

25 A: That is the Acura that was at the auto parts place that

DAVID MILLER - DIRECT BY MR. PAULING

1 we went to in Darlington where we collected the receipt
2 showing that that vehicle had a seat removed from it and it
3 was sold as a part.

4 Q: So it was essentially a salvage yard?

5 A: Yes, sir.

6 Q: Okay. And again, you took those photos, and those photos
7 -- well, let me back up. And how did you know this particular
8 vehicle?

9 A: They had an employee that we followed out to that
10 location, and he pointed and told us that's the vehicle.

11 MR. PAULING: Your Honor, at this time I would offer
12 State's 18 through 22 into evidence, I believe without
13 objection.

14 MR. TETTERTON: Without objection.

15 THE COURT: Without objection, State's 18, 19, 20, 21,
16 and 22 are into evidence.

17 (WHEREUPON, State's Exhibits No. 18, 19, 20, 21, and 22,
18 photographs were admitted into evidence.)

19 BY MR. PAULING:

20 Q: Looking at State's 18, and that's a gold-colored Acura --

21 A: Acura.

22 Q: -- MDX?

23 A: Yes, sir.

24 Q: And that's the one that the employee showed you --

25 A: Yes, sir.

DAVID MILLER - DIRECT BY MR. PAULING

1 Q: -- that the seat was purchased from?

2 A: Yes, sir.

3 Q: Okay. And State's 19, that's just another view of that

4 --

5 A: Yes, sir.

6 Q: -- salvaged MDX?

7 A: Yes, sir.

8 Q: And State's 20? Now, the interior of that vehicle is

9 tan; is that correct?

10 A: Yes, sir.

11 Q: Okay. And that middle -- middle area there, is that an

12 area there where I guess there should be a seat?

13 A: That's where there should be a backseat.

14 Q: All right. And then moving to State's 21?

15 A: That is a picture from the rear driver's-side door into

16 the vehicle, and I took that because I wanted to be able to

17 show that there was no seat back there --

18 Q: Okay.

19 A: -- anymore.

20 Q: And then State's 22? Is that that same --

21 A: That's that same area.

22 Q: -- area again?

23 A: It's from a different -- from a different view.

24 Q: Okay. And again, the interior of that vehicle is -- it's

25 gold colored on the outside, but also the interior is tan; is

DAVID MILLER - DIRECT BY MR. PAULING

1 that correct?

2 A: Yes, sir.

3 Q: Okay.

4 MR. PAULING: I beg the Court's indulgence.

5 BY MR. PAULING:

6 Q: And again, Capt. Miller, you were assisting in various
7 ways, but that's as it relates to the vehicle that's
8 essentially your part in that; is that correct?

9 A: Yes, sir.

10 Q: Okay.

11 MR. PAULING: Captain, I don't have any further questions
12 at this time. Please answer any questions Mr. Tetterton may
13 have.

14 THE COURT: All right. Thank you.

15 Mr. Tetterton?

16 MR. TETTERTON: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. TETTERTON:

19 Q: Capt. Miller?

20 A: Yes, sir.

21 Q: How are you doing today?

22 A: I'm good.

23 Q: Captain, when all this happened, you are a lieutenant, I
24 believe, were you not?

25 A: I was just an investigator at that point.

DAVID MILLER - CROSS BY MR. TETTERTON

1 Q: Just an investigator? Now you -- now you've made
2 captain; right?

3 A: Yes, sir.

4 Q: If you would, viewing those photographs of the car --

5 A: Yes, sir.

6 Q: -- and during your investigation, give us a time frame
7 when that happened.

8 A: All right. I'll be honest with you, Mr. Tetterton, the
9 one that I can tell you is this because of the dates on the
10 bottom of the camera, but if I remember correctly, we went
11 first and got the -- after the car, then we went and found the
12 receipt at the O'Reilly's in Hartsville, and then after that
13 we went to the -- but not -- those weren't back to back to
14 back days. That was over a couple of months period.

15 Q: Would it be fair to tell this jury that it happened
16 within a close time frame close to December 29 or the early
17 part of 2017?

18 A: Yes, sir. That would be accurate.

19 Q: Within three months maybe?

20 A: Yeah. Probably three or four months.

21 Q: So within three months of Adam going missing, that's when
22 y'all discovered that the car --

23 A: Yes, sir.

24 Q: -- had those damages to it?

25 A: Yes, sir.

DAVID MILLER - CROSS BY MR. TETTERTON

- 1 Q: All right. Captain, you interviewed Dani on how many
2 occasions?
- 3 A: I was only with Dani one time.
- 4 Q: And that was on January 11th, 2017; is that correct?
- 5 A: Yes, sir.
- 6 Q: That interview took place in the Kershaw County Sheriff's
7 Department?
- 8 A: Yes, sir.
- 9 Q: You were there with Investigator Justin Dill?
- 10 A: Yes, sir.
- 11 Q: And both of y'all were taking pretty good notes about it;
12 right?
- 13 A: Yes, sir.
- 14 Q: Do you have your notes with you?
- 15 A: No, sir.
- 16 Q: Can you find them?
- 17 A: No, sir.
- 18 Q: Where are they?
- 19 A: Probably back at the office.
- 20 Q: If I were to show you your notes, would that help refresh
21 your memory?
- 22 A: Yes, sir.
- 23 Q: When y'all brought Mrs. Beebe into the office, did she
24 come voluntarily?
- 25 A: I'll be honest with you, Mr. Tetterton, I didn't set that

DAVID MILLER - CROSS BY MR. TETTERTON

1 up. I know she came with Chief Cobb, but how that all got
2 started I have no knowledge of.

3 Q: And was the interview with her videotaped?

4 A: Yes, sir.

5 Q: And before the interview took place, did y'all read her
6 her Miranda rights?

7 A: I'm unsure about that one.

8 Q: You weren't -- were you there when she was questioned?

9 A: I was there, but I don't remember whether we did or we
10 didn't.

11 Q: And do you remember Chuckie Baxley being there?

12 A: I remember Chuckie being in the office.

13 Q: You don't remember him going in when y'all took a break?

14 A: No, sir.

15 Q: Do you recall pretty much what Dani told you during that
16 interview?

17 A: Yes, sir. That they had been at --

18 Q: No. I'm not asking you what she said, but I just want to
19 know if you recall what she says pretty much.

20 A: Yes, sir.

21 Q: Then I'll ask you what she said.

22 A: Yes, sir. I recall pretty much.

23 Q: Okay. She told you, did she not, then she had worked all
24 day that --

25 MR. PAULING: Objection, Your Honor.

DAVID MILLER - CROSS BY MR. TETTERTON

1 THE COURT: Sustained.

2 BY MR. TETTERTON:

3 Q: But what did she tell you about that day?

4 THE COURT: I sustained the objection.

5 MR. PAULING: Thank you, Your Honor.

6 MR. TETTERTON: Your Honor, again?

7 THE COURT: The lawyers approach.

8 (WHEREUPON, a bench conference was held off the record,
9 after which the proceedings resumed as follows.)

10 BY MR. TETTERTON:

11 Q: Mr. Miller?

12 A: Yes, sir.

13 Q: Again, to reiterate what we just talked about, you were
14 in the room with Dani with Justin Dill?

15 A: Yes, sir.

16 Q: Y'all questioned her about what happened?

17 A: Yes, sir.

18 Q: Don't tell me what -- don't tell me what she said.

19 A: Yes, sir.

20 Q: And that particular interview was videoed by the Kershaw
21 County Sheriff's Department?

22 A: Yes, sir.

23 Q: Have you reviewed that video before today?

24 A: No, sir.

25 Q: But there is a video?

DAVID MILLER - CROSS BY MR. TETTERTON

1 A: There is a video, but I've never seen it or had any -- or
2 gone back and re-watched it or anything along those lines.

3 Q: At any time during that interview, did she appear to be
4 uneasy?

5 A: I can't say uneasy. I mean I'm not -- that's five years
6 ago, Mr. Tetterton. I don't remember what her mood was or
7 anything.

8 Q: At any time during that interview, did she appear
9 reluctant to -- to tell you -- to talk to you?

10 A: Everybody that goes into that room is reluctant to
11 testify, to be honest.

12 Q: Well, was she over-reluctant or did she appear ready to
13 talk to you?

14 A: It seems like when I -- if I remember correctly, that
15 originally she was okay, but as the interview went on, that
16 kind of morphed into her not, you know, really wanting to get
17 too deep in the woods with us, so to speak. She -- it became
18 a little harder to get information out of her.

19 Q: Did you hear some of the questions that Justin Dill asked
20 her?

21 A: I did.

22 Q: Did you hear Justin Dill tell her that he was going to
23 ask --

24 MR. PAULING: Objection, Your Honor.

25 THE COURT: I'll overrule the objection.

DAVID MILLER - CROSS BY MR. TETTERTON

1 BY MR. TETTERTON:

2 Q: Did you hear Justin Dill tell her he was going to ask her
3 some tough questions?

4 A: Yes, sir.

5 Q: And did you hear her responses to those tough questions?

6 A: Yes, sir.

7 Q: I believe the interview lasted approximately two hours?

8 A: If you say so. I don't remember it lasting that long,
9 but it could have been, Mr. Tetterton.

10 Q: I beg your pardon?

11 A: I said I don't remember it lasting that long, but it --
12 but it could have been. You're in those interviews and you're
13 talking and, I'll be honest, sometimes you lose track of time
14 because you're just -- you're in there having that
15 conversation.

16 Q: At any time were you advised that she did not want to
17 talk to you anymore?

18 A: I don't remember that.

19 Q: Okay.

20 A: I remember there being some discussion about a polygraph,
21 and then from that point, it kind of ended at that -- at that
22 juncture.

23 Q: What was the discussion about the polygraph?

24 A: I think she was asked if she was willing to take one.

25 Q: And what was her response?

DAVID MILLER - CROSS BY MR. TETTERTON

1 A: Originally, yes, and then --

2 MR. PAULING: Objection.

3 THE COURT: No further -- yeah, I sustain the objection.

4 That question was improper. Please strike the answer.

5 BY MR. TETTERTON:

6 Q: Did you get a -- well, this isn't going to go into what
7 she told you. At no time did she seem -- or did she ever --
8 did you ever observe her being reluctant to testify and give
9 you and Justin Dill a statement?

10 A: I just don't remember it having that much animus in our
11 conversation. I don't remember it ever getting, you know,
12 hostile between Investigator Dill and her. I just don't have
13 a recollection of that.

14 Q: During your investigation, did you ever determine whether
15 or not there was any malice between C.W. and the deceased,
16 Adam Davis?

17 A: I never interviewed C.W. I never had any interaction
18 with C.W. prior or during this case. I only spoke with Dani
19 one time, and the rest of my time was spent running down
20 evidence. I conducted no other interviews. So I can't
21 testify to whether they had any malice or arguing or they
22 liked each other or didn't like each other because I never was
23 involved in anything that had to do with that.

24 Q: So at this point in time, you cannot tell this jury if
25 there was or was not any hard feelings between C.W. and Adam

DAVID MILLER - CROSS BY MR. TETTERTON

1 on the night of December 29, 2016?

2 A: That's correct, Mr. Tetterton.

3 Q: Okay.

4 MR. TETTERTON: Thank you.

5 THE COURT: Any -- any redirect?

6 MR. PAULING: No, Your Honor. Thank you.

7 THE COURT: All right. Thank you.

8 Capt. Miller, you can step down.

9 Call your next witness.

10 MS. SAMPSON: Thank you, Your Honor. The State calls
11 Dane Perkins.

12 THE CLERK: Place your left hand on the Bible and raise
13 your right hand. Do you swear or affirm the evidence you give
14 in this case will be the truth, the whole truth, and nothing
15 but the truth, so help you God?

16 THE WITNESS: Yes.

17 MR. PAULING: May we approach, Your Honor?

18 THE COURT: Yes, you may.

19 (WHEREUPON, a bench conference was held off the record,
20 after which the proceedings resumed as follows.)

21 THE COURT: Ladies and gentlemen, this is an appropriate
22 time for another short 10-minute break. I'm going to allow
23 you to go back to your jury room and refresh yourselves.

24 Are y'all comfortable going until 12:30, quarter to one
25 or so before you eat? I know sometimes people have medical

1 issues and they may need to go before then or are y'all
2 comfortable going -- are y'all comfortable keeping lawyers
3 going until 12:30 or quarter to one? Does anybody need to go
4 to lunch before then?

5 All right. There should be some crackers and things in
6 there. We'll just take a 10-minute break, and we'll start
7 back. Hopefully, we can go until 12:30 or quarter to one
8 before we break for lunch. Again, do not discuss any aspect
9 about this case at all.

10 Everyone remain seated while this jury panel is excused.

11 (WHEREUPON, the jury exited the courtroom at 11:35 a.m.)

12 THE COURT: All right. Thank you.

13 MR. PAULING: Your Honor?

14 THE COURT: I'm sorry. Yes, Solicitor.

15 MR. PAULING: May we approach?

16 THE COURT: Yes.

17 (WHEREUPON, a bench conference was held off the record,
18 after which the proceedings resumed as follows.)

19 THE COURT: All right. Let me -- let me put this on the
20 record.

21 The next witness was a Mr. Perkins that was called by the
22 State. Mr. Perkins was not on any of the witness lists,
23 potential witness to be -- that the Court read to the jury
24 panel, the entire jury panel, to determine whether they had
25 any close business, personal, or professional relationship

1 with any of the potential witnesses. Mr. Perkins was not on
2 that list.

3 The defense -- the State has called Mr. Perkins as a
4 witness. He has taken the stand and we've taken a break, and
5 Mr. Tetterton objects to his being allowed to testify, again
6 because this jury panel was not given an opportunity to know
7 whether they knew him or not. We had a brief discussion about
8 potentially curing that by having a voir dire with just these
9 particular jurors.

10 The Court is not going to do that. That potentially
11 creates an issue that may or may not arise. However, in this
12 murder case, the Court is not going to allow Mr. Perkins to
13 testify because he was not revealed on the potential witness
14 list as a witness. Opening up voir dire with this jury at
15 this particular point in the trial could be prejudicial to the
16 defense and then also could be the basis of a mistrial. So
17 we're not going to go -- I'm not going to allow him to
18 testify.

19 Anything y'all want to put on the record as far as that
20 issue, Mr. Pauling?

21 MR. PAULING: No, Your Honor.

22 THE COURT: Mr. Tetterton?

23 MR. TETTERTON: No, sir.

24 MR. PAULING: I understand the Court's ruling.

25 THE COURT: All right. Mr. Perkins, if you'll step down.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 THE CLERK: Please state your full name for the record.

2 THE WITNESS: Michael Gene Williams.

3 MICHAEL WILLIAMS, being first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. PAULING:

7 Q: Good morning, Mr. Williams. How are you doing, sir?

8 A: Fine, sir.

9 Q: Okay. And your full name is Michael --

10 A: Gene.

11 Q: Michael Gene Williams? Okay. And, sir, if you can tell
12 this jury where are you from originally?

13 A: Lugoff-Elgin, Elgin area.

14 Q: Okay. Here in Kershaw County?

15 A: Yes, sir.

16 Q: You've lived here all your life?

17 A: Off and on. Since 18, I've been traveling the roads,
18 construction. I lived in Georgetown for a little while, but
19 this is where my roots are and my family.

20 Q: Okay. Okay. All right. And currently where are you
21 employed?

22 A: I work for Great Lakes Petroleum.

23 Q: Okay. And what do you do there?

24 A: I work for compliance and safety for the Coast Guard and
25 Homeland Security.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: And Homeland Security?

2 A: Yes, sir.

3 Q: Okay. And where did you go to high school then?

4 A: Lugoff-Elgin.

5 Q: Lugoff-Elgin? Okay. And do you know the defendant, C.W.

6 Beebe?

7 A: Yes, sir.

8 Q: Okay. And how do you know him?

9 A: I've known -- I met C.W. and their family, probably C.W.

10 was, like, seven years old. I used -- I knew his older

11 brother. We were about the same age.

12 Q: Okay. And did y'all hang out together?

13 A: Yeah, some. Yeah, throughout the years.

14 Q: Okay.

15 A: Like I said, I traveled a lot all over the country.

16 There were probably seven or eight months out of the year I

17 worked 84 to 100 hours a week. So I wasn't around much.

18 Q: All right.

19 A: There's an off-season when we weren't working usually

20 around the holidays that I was home.

21 Q: Okay. All right. And, Mr. Williams, I'm going to ask

22 you this, and this is not to embarrass you, but I just wanted

23 to kind of get this out of the way. Sir, do you have a

24 criminal history?

25 A: Yes, sir.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: Okay. And specifically, I guess from 2009 obtaining
2 property by false pretenses by fraud; is that correct?

3 A: Yes, sir.

4 Q: Okay. All right. And you were adjudicated for that and
5 you've since been moved past that I would say?

6 A: Yes, sir.

7 Q: Is that correct?

8 A: Yes, sir.

9 Q: Okay.

10 A: Otherwise, I wouldn't hold the job that I do now.

11 Q: Okay. All right. Now, did you also know Adam Davis?

12 A: Yes, sir.

13 Q: All right. How did you know Adam?

14 A: Just through the group. It's kind of, you know, this
15 area that we're in is a -- it's a small town. So kind of
16 everybody knows everybody. You know, we're all --

17 Q: And you're talking about specifically Bethune? Is that
18 what you're --

19 A: Yes, sir.

20 Q: Okay.

21 A: Yes, sir.

22 Q: All right. And now, did you -- I mean did you go to
23 school with Adam or did you --

24 A: No, sir.

25 Q: -- ever associate with him as well?

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 A: No. Just throughout the group, that I knowed him through
2 C.W. and Ross and Brit and kind of everybody else who is in
3 that area, the Bethune area.

4 Q: All right. And you said Ross. Who are -- who are you
5 referring to?

6 A: Ross Beebe. It's a -- he's the youngest brother.

7 Q: Okay. And you had mentioned though that you knew C.W.'s
8 older brother as well; is that correct?

9 A: Yes. Brit. That's how I met the entire family is me and
10 Brit were hanging out because we're the same age. We were --
11 years ago we started lifting weights together.

12 Q: Okay. And do you have a nickname or did you have a
13 nickname I guess when you kind of associated with them?

14 A: Everybody calls me Big Mike.

15 Q: Big Mike?

16 A: Yes.

17 Q: Okay. So that's how they know you is Big Mike?

18 A: Yeah.

19 Q: Did you also know Dani Beebe?

20 A: Yes.

21 Q: Okay. Now, did you know her when you were younger or
22 what?

23 A: No, no. It was -- I guess I was gone for quite a few
24 years and then I -- I guess when I come back into the area or
25 kind of dropped back in, C.W. and Dani were together.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: And when you say gone for a few years, what do you mean
2 when you say gone for a few years?

3 A: Just working. I stayed on the road traveling, working a
4 lot.

5 Q: Okay. And you mentioned that there were times when I
6 guess there was an off-season as such?

7 A: Yes, sir.

8 Q: And that you'd be home for the holidays; is that correct?

9 A: Yes, sir. Yeah, around the holidays is what we call
10 shutdown season.

11 Q: Okay.

12 A: It's when these industrial plants are scheduled to go
13 down at a certain time for maintenance and/or construction.

14 Q: Okay. And back in -- back in 2016, where were you?
15 Where were you living? Where were you working around that
16 time, say the fall and winter of 2016?

17 A: I think it was -- the work was kind of sporadic. So when
18 I wasn't working, I would take odd jobs for several people.
19 Also, myself, I do fencing work.

20 Q: Okay. And in December of 2016 though, were you still
21 associating with C.W. Beebe?

22 A: Yes.

23 Q: Okay. And during December of 2016, was that the shutdown
24 period where you --

25 A: December, no. December wouldn't be. Usually around the

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 end of February.

2 Q: Okay.

3 A: We would start and then run up until probably almost,
4 like, Thanksgiving, and then we'd have that period.

5 Q: Okay. Well, let me ask you this. After Christmas time,
6 December, of course, 2016, Christmastime 2016, were you in the
7 Bethune area or did you happen to be traveling through
8 Bethune?

9 A: Yeah. I was -- I was living in Bethune.

10 Q: Okay. Where were you living at that particular time?

11 A: At [REDACTED] Jefferson Davis Highway.

12 Q: Okay. And was that your home? Were you renting or --

13 A: I'm renting.

14 Q: Okay. And who were you renting from at that point?

15 A: Doris Hayward McGougan.

16 Q: Doris McGougan? And who is that?

17 A: That's C.W.'s grandmother.

18 Q: Okay.

19 A: C.W.'s mother's mother.

20 Q: Okay. And how long -- at that point how long had you
21 been renting from Ms. McGougan?

22 A: I think I came -- I moved there at the end of '14,
23 somewhere in there. I'm still there.

24 Q: So at that point you had been there about two years?

25 A: Yeah, about two years.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: Okay. Is it fair to say I guess within that particular
2 time period you'd been in a fair amount of contact with C.W.
3 Beebe or at least --

4 A: Yeah, yeah.

5 Q: Okay.

6 A: Yeah.

7 Q: Okay. Now, as far as Adam Davis is concerned, did you --
8 during that time period, were you associated with him or did
9 you make contact with him any?

10 A: Yeah. A lot of times, you know, we would -- everybody I
11 guess within the group would get together. We would cook out
12 and stuff. So Adam was always around, you know.

13 Q: And when you said you'd get together, the group would get
14 together and cook out, where would this be?

15 A: Different places. You know, either I would host. Most
16 of the time, we would host at C.W.'s house. He would fire up
17 the grill and put meat on there. They would get deals on meat
18 and cook it.

19 Q: Okay. Now, at some point did it come to your attention
20 that Adam was missing, Adam Davis was missing?

21 A: Yeah. I think it was sometime after. That's when the
22 rumor got started that it's -- that he was missing or may be
23 injured, and I guess from there people started looking in
24 search parties or going out, myself included, some other
25 friends, my family. We went out in case he was injured or

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 something.

2 Q: So you took part in those search parties?

3 A: Yes, sir.

4 Q: Did you ever discuss Adam being missing with C.W.?

5 A: Not really discuss. I mean there was topics coming up,

6 you know, that we thought that he might've been gone with a

7 female. He liked the ladies.

8 Q: Okay. Do you -- do you recall ever talking about Adam's

9 disappearance with Dani at all?

10 A: Not really. Dani doesn't really talk much.

11 Q: Okay.

12 A: She's kind of reserved, quiet.

13 Q: Now, at some point -- and you said you took part in these

14 search parties; is that correct?

15 A: Yes, sir.

16 Q: Okay. Now, at some point did C.W. ever contact you

17 regarding a vehicle of any sort?

18 A: Yeah. Well, yeah. I was out of work at the time and he

19 --

20 Q: You were out of work at the time?

21 A: Yes, sir.

22 Q: Okay.

23 A: He asked me about doing some work around his place

24 because he was working a hectic schedule. He wanted to get

25 his place cleaned up, stuff hauled off and all.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: Okay. And so did you do that? You said he --

2 A: Yes, sir.

3 Q: -- wanted to get some stuff hauled off?

4 A: Yeah. I hauled off some cars. I cleaned up some of the

5 property. Some of the stuff that they wanted to keep, I kind

6 of rolled it up and just, you know, organized some of the

7 stuff that was out there a little better.

8 Q: Okay. This was -- or he asked you to do this -- this was

9 after Adam had gone missing; is that correct?

10 A: Yeah.

11 Q: Or were you already doing --

12 A: Yeah, yeah. I think he -- yes, sir. I think it had been

13 a little while.

14 Q: Okay.

15 A: I don't remember exact dates at all.

16 Q: And when you were hauling things off, were you hauling

17 them to a particular location or anything or you were just

18 hauling?

19 A: Well, the cars. There was three cars, three vehicles

20 that I hauled off for him.

21 Q: And do you recall hauling specifically a black Acura?

22 A: Yes, sir.

23 Q: Okay. And can you explain to the jury how that came

24 about as far as you hauling off that particular vehicle?

25 A: I think while I was cleaning the property -- I don't

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 remember exactly. I believe C.W. called me and said that
2 something was wrong with Dani's car and it was there, could I
3 check it out, and I said, yeah, sure, and I fired it up and
4 let it -- let it run for a little bit, got in it, and at first
5 it was driving fine and then I think all of a sudden the RPMs
6 revved up on it and kind of like slammed into gear, and I'm
7 like, you know, the transmission is going out in this thing.

8 We talked about seeing how much it would take to get it
9 fixed. I called Johnson's Transmission because that's who I
10 personally use, and it was -- it was way on up there in the
11 price of it. I think C.W. described to me then that he didn't
12 pay nowhere near that for the car; so he wasn't going to put
13 that in. He could probably buy another one for what it would
14 cost. It would be cheaper than what it would cost to fix it.

15 Q: Okay. You called Johnson's Transmission?

16 A: Yes, sir, I did.

17 Q: Okay. Do you know if C.W. called Johnson's Transmission?

18 A: I have no idea.

19 Q: Okay. And so at that particular point -- well, what
20 happened next? You called Johnson's Transmission?

21 A: Uh-huh.

22 Q: And then what happened as it relates to the vehicle?

23 A: Well, I was close to my house. I went ahead and pulled
24 it there, and I had my son come pick me up and take me back to
25 C.W.'s house where we continued to work on the property.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: All right. You -- and what did you use to take the
2 vehicle to your house? You said you pulled it there?
3 A: No. I finished driving it there because --
4 Q: Okay.
5 A: We don't live that far apart down there.
6 Q: Okay. All right. Did you try to work on the vehicle or
7 anything?
8 A: No. I'm not a transmission guy at all.
9 Q: Okay.
10 A: I just know when one is not working, you know.
11 Q: Okay. And once it was at -- was at your vehicle, what
12 did you -- excuse me. Once the vehicle was at your house,
13 what did you do?
14 A: Well, it sat there for a little bit and, like I said, I
15 went back to C.W.'s and cleaned up some more stuff. I guess
16 C.W. called and said that since the price of it was going to
17 be so high, could I haul off some cars for him and that they
18 would take the money that they were going to get from
19 scrapping the cars and get another car.
20 Q: Okay. And did you actually haul off that -- that Acura
21 for him?
22 A: Yes, sir, I did.
23 Q: Okay. And did you just take that car or did you take
24 other cars with it or what happened?
25 A: No. I was -- initially, I was planning on trying to

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 stack the cars up on a trailer.

2 Q: Okay.

3 A: And haul multiple cars at one time, but that didn't work

4 out as planned.

5 Q: Okay. And then what did you do in an attempt to stack

6 the cars?

7 A: I took a tractor that had -- I borrowed a tractor, the

8 same tractor I was clearing his land with and cleaning the

9 stumps and everything up. I took it and damaged the car. I

10 tried to hit the sides of it and cave in the roof to lower it

11 because the tractor would not pick up an old BMW to set it on

12 top. It was too high. The hydraulics weren't strong enough

13 or long enough.

14 Q: Okay. And when you indicated that you had the vehicle at

15 your house, this is -- this is the house that you were renting

16 from Doris McGougan?

17 A: That's correct.

18 Q: Okay. All right. So that's where the vehicle was? Was

19 that where the vehicle was when you attempted to crush it as

20 well?

21 A: Yes, sir.

22 Q: Okay. All right. And -- but again, you were

23 unsuccessful in I guess crushing it down to where you needed

24 to?

25 A: Yeah. It was a lot stronger than I -- than I had thought

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 it was going to be. It wasn't an easy task. I figured a
2 piece of equipment would've made easy work of it, but it
3 wasn't so.

4 Q: Okay. And where did you end up taking the vehicle?

5 A: To a place in Darlington at Darlington Shredding Yard or
6 whatever.

7 Q: Okay. And how did to decide to take it to that
8 particular place?

9 A: Because I think C.W. said that they were paying the most
10 at the time.

11 Q: Okay.

12 A: Paying the most money per pound or hundred or however it
13 works.

14 Q: Okay. Well, had you taken cars off to be scrapped
15 before?

16 A: No.

17 Q: Okay.

18 A: Not now, I mean no.

19 Q: Okay.

20 A: If I had done it, it had been years and years and years
21 ago. It's not something I really do.

22 Q: Okay. Well, I guess my question is how did you determine
23 that location? Was there any other scrapyard local?

24 A: Well, again, that was -- not that I was aware of. I mean
25 that one was suggested by C.W.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: Okay. And as far as -- as far as scrapping that vehicle,
2 did C.W. compensate you in any way to --
3 A: Yes, sir.
4 Q: Okay.
5 A: He paid me for everything that I done around the --
6 around the place and all.
7 Q: Okay. Now, were you aware of whether or not C.W. had a
8 garage on his property?
9 A: Yes, sir.
10 Q: Okay. And had you been in it before? Had you seen it?
11 A: Oh, yeah, yeah. He's helped me work on numerous junk
12 that I had break down.
13 Q: Okay. So he's actually helped you do -- when you say
14 junk that has broken down, was this mechanical work or --
15 A: Yeah, yeah. If I had something that had a bad ball joint
16 or alternator or water pump or something that went out, he'd
17 always say bring it to my shop, we've got a lift, and he'd
18 help me out with that.
19 Q: He had a lift in there as well?
20 A: Yes, sir.
21 Q: Okay. Now, the -- when you went to -- do you recall when
22 you went to Darlington Shredding?
23 A: I have no idea.
24 Q: Okay. All right.
25 A: I don't know.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: But when you went to Darlington Shredding, was there any
2 paperwork you had to provide?

3 A: I'm sorry?

4 Q: Is there any paperwork you had to fill out at Darlington
5 Shredding?

6 A: Yeah. I think before they -- before we went there, they
7 said we had to bring the title to the vehicle. They weren't
8 accepting cars without the paperwork or whatever.

9 Q: Okay.

10 MR. PAULING: May I approach the witness, Your Honor.

11 THE COURT: Yes, you may.

12 BY MR. PAULING:

13 Q: Mr. Williams, I'm going to show you what's been marked
14 for ID purposes as State's 24, and I'm going to ask you if you
15 recognize that document?

16 A: Yes, sir, I guess. I'm not --

17 Q: Let me ask you this. Is your signature on that
18 particular document?

19 A: Yes, sir.

20 Q: Okay. Is that the DMV form that's required before you
21 take a car to be shredded?

22 A: I believe so.

23 Q: Okay. Does that have information regarding the vehicle,
24 that 2002 Acura MDX that you took to Darlington Shredding?

25 A: Yes, sir. It has information on it.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: And again, is that dated as well?

2 A: Yes.

3 Q: Is it dated?

4 A: Yes, sir.

5 Q: Okay. And again, that's the form you would've filled out

6 --

7 A: Yes, sir.

8 Q: -- to take the vehicle to Darlington Shredding; is that

9 correct?

10 A: That's correct.

11 Q: Okay.

12 MR. PAULING: Your Honor, at this time I would offer

13 State's 24 into evidence.

14 THE COURT: Mr. Tetterton?

15 MR. TETTERTON: No objection.

16 THE COURT: State's 24 is into evidence without

17 objection.

18 (WHEREUPON, State's Exhibit No. 24, South Carolina DMV

19 form, was admitted into evidence.)

20 BY MR. PAULING:

21 Q: And -- and so again, looking at State's 24, Mr. Williams,

22 that's your signature there I guess towards the middle left?

23 A: Yes, sir.

24 Q: That's the form you filled out?

25 A: That's correct.

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Q: The VIN number of the vehicle that you -- that you took
2 to the Darlington Shredding; is that correct?

3 A: Yeah, that's definitely my handwriting.

4 Q: Okay. And that being that black SUV, a 2002 Acura; is
5 that correct?

6 A: Yes, sir. That's correct.

7 Q: And the date on that form is?

8 A: Okay. I could -- again, I could tell that's my
9 handwriting, but I don't remember the date. So I would say
10 it's accurate, sir.

11 Q: Okay. But the date on the form, is that January 26th --

12 A: Yes, sir.

13 Q: -- 2017?

14 A: Yes, sir.

15 Q: Okay. So that would have been the date that you took
16 that vehicle to Darlington Shredding; is that correct?

17 A: That's correct, sir.

18 Q: Okay. And you had indicated there was damage to the
19 vehicle; is that correct?

20 A: That's the damage that I inflicted, yes, sir.

21 Q: That you caused?

22 A: Yes, sir.

23 Q: All right. Mr. Williams, I'm going to show you what's in
24 evidence, State's 6, 7, and 8. I'll hand that to you. Let's
25 start with State's 6. Is that the Acura that you took to

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 Darlington Shredding?

2 A: Yes, sir.

3 Q: Okay.

4 A: I would assume so.

5 Q: In looking at State's 7, just another view of it? I'm

6 sorry. It's the second one. It's State's 7. And also,

7 State's 8?

8 A: Uh-huh.

9 Q: Is that just the interior view of that same vehicle, the

10 one that you took to Darlington Shredding?

11 A: Yes, sir.

12 Q: Okay. Mr. Williams, can you explain all of the sand

13 that's in the --

14 A: Yes, sir, I can.

15 Q: -- vehicle? How did that come about?

16 A: Well, like I said, I was cleaning his property up. There

17 was stumps and everything else that I was doing. So some of

18 it would get wet. It would stick in the bucket. Again, some

19 of the stuff was in the yard. As I was trying to damage the

20 structural integrity of the vehicle to get the roof to come

21 down to stack a BMW on it, stuff would come out of the bucket

22 or whatever, you know.

23 Q: Okay. Now, you indicated that C.W. asked you to haul

24 that vehicle to Darlington Shredding?

25 A: Yeah. I assumed that he called around and got the best

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 price because they were -- it's always about the money when
2 you're going to scrap something, and they were trying to get
3 the money to get another vehicle.

4 Q: All right. Did he ask you to haul any other vehicle to
5 Darlington Shredding?

6 A: Well, no. I guess we found the other place in Camden
7 that I didn't know existed that's tucked way down in a hole
8 somewhere, and I think that we found out that they were
9 actually paying more and it was closer; so we didn't have to
10 take it as far. It was less fuel, and we got more money for
11 it. So I hauled two other vehicles, a BMW and an old Bravada
12 or something. It's like a Blazer or something.

13 Q: So there was another place that was closer here in Camden
14 that was paying more for scrap?

15 A: Yes, sir, I believe so. I believe that's accurate.

16 Q: Okay. But this vehicle you took to Darlington?

17 A: Yes, sir.

18 Q: Did you talk any further with C.W. about Adam being
19 missing?

20 A: Not really.

21 Q: Okay.

22 A: I mean every -- with something like that, it was the talk
23 of the town. Everybody was talking about it, you know, things
24 would come up.

25 Q: But specifically C.W., you didn't talk with him?

MICHAEL WILLIAMS - DIRECT BY MR. PAULING

1 A: No. Absolutely not.

2 Q: Okay.

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

4 BY MR. PAULING:

5 Q: Now, you had indicated that at some point you found out

6 there was a scrapyard or a scrapper rather in Camden that was

7 closer and paid more?

8 A: Yep.

9 Q: Okay. But as far as the location of the scrapper and the

10 -- the prices, how did you get that information? Did you --

11 did you actually call or did you get this information from

12 C.W.?

13 A: I think I called. I think I called for the other --

14 other cars because C.W. was at work --

15 Q: Okay.

16 A: -- and, you know, wasn't able to talk or whatever. He

17 was working.

18 Q: Okay.

19 A: Like, 12-hour shifts or whatever.

20 Q: Okay. But at any rate, you had found a place that was

21 closer and was paying better prices?

22 A: Yes, sir.

23 Q: Okay.

24 A: That's just a no-brainer.

25 Q: Okay. All right.

MICHAEL WILLIAMS - CROSS BY MR. TETTERTON

1 MR. PAULING: Mr. Williams, thank you for answering my
2 questions. Please answer any questions Mr. Tetterton may
3 have.

4 THE COURT: Mr. Tetterton?

5 CROSS-EXAMINATION

6 BY MR. TETTERTON:

7 Q: Big Mike, you don't mind me calling you Big Mike, do you?

8 A: I guess it's all right.

9 Q: Big Mike, I think on December 29th, 2016, you were
10 renting from Doris McGougan; is that correct?

11 A: Yes, sir.

12 Q: Do you recognize her in the courtroom today?

13 A: Yes, I do.

14 Q: Point her out, please.

15 A: Ms. Doris.

16 Q: And that's -- that's C.W.'s grandmother?

17 A: Yes, it is.

18 Q: And you'd been renting from her for a while?

19 A: Yes.

20 Q: You explained to this jury that y'all were all part of a
21 group?

22 A: Yeah. It's a small area again that, you know, everybody
23 is kind of tight-knit, you know, kind of like one big family.

24 Q: Okay. And was C.W. part of that big family?

25 A: Absolutely.

MICHAEL WILLIAMS - CROSS BY MR. TETTERTON

- 1 Q: Was Dani a part of that big family?
- 2 A: Yes.
- 3 Q: Did Dani hang out with the boys?
- 4 A: Yeah, sometimes.
- 5 Q: And did Adam hang out with the boys?
- 6 A: Yes, sir.
- 7 Q: Was he a part of the group?
- 8 A: Yes, sir, he was.
- 9 Q: And how did that group along with each other?
- 10 A: Well, everybody got along great.
- 11 Q: And how often would the group get together to fire up the
- 12 grill and have a cookout?
- 13 A: I'm sorry? The first part of it?
- 14 Q: How long would the group get together to fire up a grill
- 15 and --
- 16 A: I mean it could happen -- it could -- I mean it could
- 17 happen spontaneous at any time. You know, if the meat market
- 18 had something on sale, whatever, ribs or whatever, they would
- 19 grab it up and say, hey, let's cook out, start calling
- 20 everybody. Everybody bring a little something.
- 21 Q: Was it often?
- 22 A: Yes, sir.
- 23 Q: And during the time the group fired up a grill and had a
- 24 cookout, did -- C.W. was there; right?
- 25 A: Yeah.

MICHAEL WILLIAMS - CROSS BY MR. TETTERTON

1 Q: Was he there at the same time his best friend Adam was
2 there?

3 A: Yes, sir.

4 Q: Would you consider Adam as being one of C.W.'s best
5 friends?

6 A: Yeah. At the time, yeah.

7 Q: And did you have the opportunity during these cookouts to
8 observe whether or not there was any malice between the two of
9 them or any disagreement between the two of them?

10 A: No. We all just talked. I mean as guys, we have -- when
11 it's the guys, we have the locker room talk, the trash talking
12 that goes back and forth. I mean that's nothing that seemed
13 serious ever --

14 Q: So --

15 A: -- that I can recall ever.

16 Q: Have you -- have you observed at any time whether or not
17 C.W. and Adam had any disagreement?

18 A: Never.

19 Q: And how long would that time period be?

20 A: Quite a few years.

21 Q: Would it have been up to and around December 29th, 2016,
22 when Adam went missing?

23 A: I wasn't around at the -- at the time. I was out of
24 town, but I hadn't -- I hadn't known of any problem between
25 them or with anybody else. Adam was a lovebug. He would make

MICHAEL WILLIAMS - CROSS BY MR. TETTERTON

1 you laugh. He was just a silly guy. Just everybody liked
2 him.

3 Q: And did you form an opinion that C.W. and Adam were best
4 of friends?

5 A: I think they were good friends, yes, sir, you know.

6 Q: You mentioned that you noticed something about the
7 transmission of the Acura?

8 A: Yes, sir.

9 Q: Owned by Dani; is that correct?

10 A: Yes, sir.

11 Q: Did you drive that Acura?

12 A: I did, sir.

13 Q: And you drove it from your house to -- I mean his house
14 to your house?

15 A: That's correct, sir.

16 Q: And tell the -- tell the jury what you noticed about the
17 operation of that automobile?

18 A: I noticed as -- as the vehicle started getting warmer or
19 building heat, the transmission did not function properly. It
20 would go through the lower gears and as it got to the drive or
21 overdrive gear, it revved up real high and then slammed really
22 loud. You would know. It's like if you ever had too much gas
23 in neutral and pulled it down to drive, that kind of slamming
24 thing. I don't know if anybody's ever done that, but that's
25 -- it didn't seem to be working properly, and the more I drove

MICHAEL WILLIAMS - CROSS BY MR. TETTERTON

1 it, the higher gear would slip.

2 Q: The more you drove it?

3 A: Yes, sir.

4 Q: All right. And one last question. The dirt inside of

5 that Acura when it was recovered by the Kershaw County

6 Sheriff's Department --

7 A: I'm sorry. I couldn't -- I can't understand you.

8 Q: I said that dirt that was in the Acura when it was

9 recovered by the Kershaw County Sheriff's Department, how did

10 that get there?

11 A: From the tractor that I used to damage the vehicle.

12 Q: Did you put it there intentionally?

13 A: No, sir.

14 Q: Okay. But you put in there. It was put there when you

15 tried to smash the car?

16 A: Yes, sir.

17 Q: Out of the bucket of the tractor?

18 A: I'm sorry?

19 Q: Out of the bucket of the tractor?

20 A: Yes, sir.

21 Q: Okay.

22 MR. TETTERTON: Thank you, Big Mike.

23 THE COURT: Any redirect?

24 MR. PAULING: None from the State, Your Honor.

25 THE COURT: All right. Thank you. You can step down.

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 Let's call your next witness.

2 MS. ALLARD: The State calls Bobby Johnson.

3 THE CLERK: Place your left hand on the Bible and raise
4 your right hand. Do you swear or affirm the evidence you give
5 in this case will be the truth, the whole truth, and nothing
6 but the truth, so help you God?

7 THE WITNESS: Yes.

8 THE CLERK: Please state your full name for the record.

9 THE WITNESS: Bobby Johnson.

10 BOBBY JOHNSON, being first duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. ALLARD:

14 Q: Mr. Johnson, can you please tell the jury -- oh, sorry.

15 A: Could you speak up a little bit? I'm hard of hearing.

16 Q: Yes, sir. Can you please tell the jury where you live?

17 A: I'm sorry.

18 MS. ALLARD: Your Honor, may I stand up here?

19 THE COURT: Yes, you may. Wherever he can hear you.

20 BY MS. ALLARD:

21 Q: Mr. Johnson, where do you live?

22 A: In Lugoff.

23 Q: In Lugoff?

24 A: On Highway 34.

25 Q: And what do you do for work, sir?

BOBBY JOHNSON - DIRECT BY MS. ALLARD

- 1 A: I run Johnson Transmission.
- 2 Q: Okay. How long have you owned that business?
- 3 A: Over probably 30 or 40 years.
- 4 Q: Has it always been at that same location? Has the shop
- 5 always been at that same location?
- 6 A: No. We moved to a new location about 18 years ago.
- 7 Q: Okay. But since that time, you've been at that location?
- 8 A: That's right.
- 9 Q: And have you owned it the whole time?
- 10 A: Me and my son, yeah.
- 11 Q: What kind of work do you do?
- 12 A: Automatic transmission.
- 13 Q: Okay. Strictly transmission?
- 14 A: That's it.
- 15 Q: Okay. How long have you yourself been working on
- 16 transmissions?
- 17 A: Fifty years.
- 18 Q: Okay. Did you know or have any relationship with the
- 19 victim in our case, Adam Davis?
- 20 A: No.
- 21 Q: Do you know the defendant in our case, Clinton Beebe?
- 22 A: I don't even know him.
- 23 Q: Okay. Do you know a gentleman by the name of Michael
- 24 Williams?
- 25 A: Michael who?

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 Q: Michael Williams?

2 A: Michael? No.

3 Q: Okay. I'm going to -- for my own knowledge, if you

4 wouldn't mind helping me understand transmission?

5 A: Okay.

6 Q: Could you please explain if you're doing an initial

7 inspection of a transmission, what are the kinds of things you

8 look for?

9 A: Well, usually, if they come in with it slipping or not

10 working right, the first thing you usually do is check the

11 fluid. And if the fluid has a bad odor to it, like a -- like

12 it's been hot, that's usually a good indication that it's

13 slipping and not working right. And also, if it's torn up

14 instead of burnt up, it'll usually have a lot of little fine

15 metal in your fluid on your dipstick when you check it.

16 Q: Okay. So if somebody were to bring you a vehicle and say

17 that they think their transmission is slipping in higher gears

18 --

19 A: Uh-huh.

20 Q: -- what sort of thing would you look for?

21 A: Well, the first thing you'd do would be check the fluid

22 and smell it. Then you would drive it and just see when it

23 was slipping or when it wasn't slipping, yeah.

24 Q: And if a transmission is slipping in low gears --

25 A: Uh-huh.

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 Q: -- is that -- you look for the same indicators?

2 A: If it's slipping, you've got a problem. And if it's

3 slipping in higher gear, it's usually slipping in a lower

4 gear. So you -- most of the time if it's that way, you end up

5 having to repair it. Yeah.

6 Q: But if it's slipping in those higher gears, would those

7 indicators that you mentioned, the smell and the muck, would

8 those be more likely to be present?

9 A: How's that?

10 Q: Would -- would the indicators of the odor in the fluid

11 and the muck in the fluid, would that be more likely to be

12 present if a transmission is slipping in higher gears?

13 A: That's right. If the fluid is bad, that's usually you

14 have bad clutches in it and it'll -- it'll leave a smell where

15 it's been slipping. Uh-huh.

16 Q: And when you say smell, how do you figure that out?

17 A: You just pull your stick out and smell it, and if it's

18 got a hot smell or a burnt smell to it, then you --

19 Q: So you pop the hood and pull the stick out and smell it?

20 A: Right.

21 Q: And you can tell if the transmission has been slipping in

22 higher gears?

23 A: That's right.

24 Q: During an initial inspection?

25 A: That's right.

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 Q: Okay. Do you have to take the whole transmission apart
2 to find those things?

3 A: Yes, you do.

4 Q: Okay. But in the initial inspection when you pull the
5 stick out, you can smell if it's been burning?

6 A: You can smell, and if it's got a hot odor to it, you know
7 something is going on inside and something is wrong with it.
8 Yeah.

9 Q: Thank you. At some point did you get contacted by law
10 enforcement back in 2017?

11 A: My son did, and he walked back and he came -- he -- they
12 asked him if he would come to the Sheriff's Department and
13 just check a car. And so he walks back to the back and asks
14 me. So I said, okay, I'll go do it. So I did.

15 Q: Okay.

16 A: Uh-huh.

17 Q: Did they tell you what this was about?

18 A: No.

19 Q: Okay. And so did you have the opportunity to inspect a
20 vehicle at the Sheriff's Office?

21 A: I did.

22 Q: Do you remember what kind of vehicle it was?

23 A: An Acura.

24 MS. ALLARD: Your Honor, may I approach the witness?

25 THE COURT: Yes, you may.

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 BY MS. ALLARD:

2 Q: Mr. Johnson, I'm going to show you what has been marked

3 as State's 27 and 28. Do you recognize what is in those

4 pictures?

5 A: Yes. It looks like it, uh-huh.

6 Q: Okay. What does that look like?

7 A: It looks like the engine and the running part of it up

8 there. Uh-huh.

9 Q: Are you able to say if that is similar to or the

10 transmission that you inspected --

11 A: Yes.

12 Q: -- for law enforcement?

13 A: Yes.

14 Q: Okay. How were you able to -- to say that?

15 A: Well, you can look at it right here, and then you just

16 pull the stick out of your automatic transmission.

17 Q: And is that the transmission you inspected for law

18 enforcement?

19 A: This is the engine, one place in the engine that the

20 transmission is at the back of it.

21 Q: Okay.

22 A: Yeah.

23 Q: All right.

24 MS. ALLARD: Your Honor, at this point I would ask to

25 admit State's 27 and 28.

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 MR. TETTERTON: No objection.

2 THE COURT: State's Exhibit 27 and 28 are into evidence
3 without objection.

4 (WHEREUPON, State's Exhibits No. 27 and 28, photographs,
5 were admitted into evidence.)

6 BY MS. ALLARD:

7 Q: Mr. Johnson, 27, can you please tell the jury what that
8 shows?

9 A: Ma'am?

10 Q: State's Exhibit 27, can you please tell the jury -- tell
11 the jury what that picture shows?

12 A: I'm sorry.

13 Q: Can you explain to the jury what this picture shows?

14 A: Oh. It shows --

15 Q: What they're looking at.

16 A: This shows the engine and the components. Right? This
17 picture just shows your engine and the top part of the
18 transmission.

19 Q: Okay. And then the second photo?

20 A: This shows the back part of the engine and the
21 transmission right there.

22 Q: Okay. And which part of this engine did you inspect?

23 A: The transmission.

24 Q: Okay. And that's in the back?

25 A: Right.

BOBBY JOHNSON - DIRECT BY MS. ALLARD

1 Q: And can you explain one more time how you inspected this
2 for law enforcement when you were there that day?

3 A: I'm sorry?

4 Q: Can you explain how you inspected this for law
5 enforcement that day?

6 A: All -- all I did was when I went up there and looked at
7 it, I just pulled out my transmission dipstick --

8 Q: Uh-huh.

9 A: -- and checked the fluid that was on the stick.

10 Q: And what, if anything, did you notice about the fluid?

11 A: The fluid showed that it was full and that it was a
12 pretty color, red, and it didn't have any odor to it. So from
13 my opinion, the fluid looked really good.

14 Q: Okay. So based on your 40+ years of experience with
15 transmissions, were you able to identify any indicators that
16 would indicate to you that the transmission was bad?

17 A: No, not any.

18 MS. ALLARD: Thank you. I beg the Court's indulgence.

19 Those are all the questions I have at this point. Please
20 answer any questions Mr. Tetterton may have.

21 THE COURT: All right. Mr. Tetterton?

22 MR. TETTERTON: Yes, sir. Can I step up to the bench?

23 THE COURT: Yes, sir, where he can hear you.

24 CROSS-EXAMINATION

25 BY MR. TETTERTON:

BOBBY JOHNSON - CROSS BY MR. TETTERTON

1 Q: Good afternoon, sir. I believe your shop is on Highway
2 34 going to Ridgeway; is that correct?
3 A: The original shop was on Highway 34.
4 Q: Okay. If I understand your testimony, there's two tests
5 to try as to whether or not a transmission is not performing.
6 A: I'm sorry?
7 Q: You described two tests; is that correct? One was the
8 dipstick test and one was the drive test? Dipstick and then
9 driving it?
10 A: Right.
11 Q: And you inspected this car at the Kershaw County
12 Sheriff's Department?
13 A: That's right.
14 Q: You did not drive it?
15 A: I did not drive it. I couldn't drive it.
16 Q: You only gave it the dipstick test?
17 A: I only -- I only told him what I saw.
18 Q: And one -- one is a better test than the other one;
19 right?
20 A: Oh, yeah.
21 Q: The driving test is better than the dipstick test?
22 A: Always.
23 Q: Okay. And you formed your opinion on a dipstick test;
24 right?
25 A: That was all I could do.

BOBBY JOHNSON - REDIRECT BY MS. ALLARD

1 MR. TETTERTON: Thank you.

2 THE COURT: Any redirect?

3 MS. ALLARD: Just very briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. ALLARD:

6 Q: Mr. Johnson, if a transmission is slipping at a higher
7 gear --

8 A: Uh-huh.

9 Q: -- would you expect to find an odor in the transmission
10 fluid?

11 A: Yes.

12 Q: Okay.

13 MS. ALLARD: Thank you.

14 THE COURT: Recross, Mr. Tetterton?

15 MR. TETTERTON: No, sir.

16 THE COURT: All right. You can step down.

17 Call your next witness.

18 THE WITNESS: What do I do with these?

19 THE COURT: Leave them right there.

20 Well, let's do this. Lawyers approach.

21 (WHEREUPON, a bench conference was held off the record,
22 after which the proceedings resumed as follows.)

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

24 MS. SAMPSON: The State calls Valentin Yakimenko to the
25 stand.

VALENTIN YAKIMENKO - DIRECT BY MS. SAMPSON

1 THE WITNESS: Close enough.

2 THE CLERK: Place your left hand on the Bible and raise
3 your right hand. Do you swear or affirm that the evidence you
4 give in this case will be the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Please state your full name for
8 the record.

9 THE WITNESS: My name is Valentin Yakimenko.

10 VALENTIN YAKIMENKO, being first
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SAMPSON:

14 Q: Okay. I'm going to have you spell that last name.

15 A: Y-a-k-i-m-e-n-k-o.

16 Q: Thank you. What do you go by?

17 A: Valentin.

18 Q: Can I just call you Valentin? Is that okay?

19 A: Valentin is good.

20 Q: All right. Can you tell this jury where you live?

21 A: I live in Florence, South Carolina.

22 Q: All right. And what do you do for a living?

23 A: I am a used parts salesman.

24 Q: And what is that?

25 A: I work in a salvage yard that dismantles and salvages

VALENTIN YAKIMENKO - DIRECT BY MS. SAMPSON

1 wrecked vehicles for parts that are needed for different
2 people.

3 Q: Okay. So can you tell the jury how does that work?

4 People bring you cars? You go find them? How does that work?

5 A: So usually people would call in, the best way, and find
6 out if we have a certain vehicle and if we have the part
7 they're looking for. If that part by chance is not
8 inventoried, like engine transmission, those things stay in
9 the inventory because we are nationwide and everybody can see
10 our parts, but minor things, like trim pieces and interior
11 pieces, we don't inventory because our vehicles sit out in the
12 yard and condition changes from day to day, and I have to go
13 check out and see if we have it, call the customer back, give
14 them the answer.

15 Q: All right. You keep -- I think you said this, but you
16 keep a database?

17 A: We have an inventory. That's correct.

18 Q: An inventory?

19 A: Yeah.

20 Q: And so a car comes to you and what do you do when you get
21 a car?

22 A: So as a car comes in, I personally go to a vehicle with a
23 laptop and inventory single -- every single piece that is
24 usable, reusable, or in a good shape for somebody that can use
25 it.

VALENTIN YAKIMENKO - DIRECT BY MS. SAMPSON

1 Q: Okay. And so people -- you keep that catalog, and people
2 can order, essentially call you and say I need this part?

3 A: They can call in, they can go online, they can see if we
4 have a part, and there's a phone number listed beside our
5 parts so they can call in and order that part and we can ship
6 it to them, or they can come and pick it up.

7 Q: And how long have you been doing this?

8 A: Seven years.

9 Q: And is it your business?

10 A: It belongs to my father-in-law.

11 Q: Okay. So were you doing this business back in December
12 through March of 2017? So December of 2016 to March of 2017?

13 A: Uh-huh. Yes, ma'am.

14 Q: Okay. I want to talk to you about how you became
15 involved in this case. Did you ever have any Acuras on your
16 dealership -- on your yard?

17 A: So because Acura MDX is one of those vehicles that is
18 hard to obtain at a salvage sale, most of them go to overseas.
19 They get cut up and go to overseas for parts. When one comes
20 in, I remember it specifically because I inventory every
21 single vehicle that comes in through our yard.

22 Q: And did you inventory a gold one?

23 A: I inventoried the vehicle. Yes, ma'am.

24 Q: And what kind of Acura was it?

25 A: That was a gold color Acura MDX that was in a collision.

VALENTIN YAKIMENKO - DIRECT BY MS. SAMPSON

1 I've taken pictures of it when I inventoried it also, inside,
2 outside best I could.

3 Q: And when someone -- and you might've said this. When
4 someone wants the part, how do they get the part? Do you go
5 get it from the car or how does that work?

6 A: So they come and the part is still in the vehicle. I
7 would take them to the vehicle, show them the part. If they
8 like it and they decide to purchase it, our boys would get it
9 off and we'd just hand it to them.

10 Q: And do you remember selling the seats from this Acura
11 that we're talking about?

12 A: I do remember.

13 Q: How did that happen?

14 A: When the customer called in because he was out of town, I
15 went to the vehicle to check and make sure we had it. We did
16 have it, and I called back. They came in later on. I'm not
17 sure if that was the same day or not. We took them to the
18 vehicle. I specifically took them to the vehicle, showed them
19 the interior of the vehicle, and that's something they liked.
20 So they decided to purchase it. We took the parts off and
21 handed to them.

22 Q: And do you remember if it was one person? Two? How many
23 people were there?

24 A: I believe it was two.

25 Q: All right. And do you require identification to buy a

VALENTIN YAKIMENKO - DIRECT BY MS. SAMPSON

1 part?

2 A: No, never.

3 Q: And I'm going to show you -- I'm going to show you what's
4 been marked as State's Exhibit 29 and ask if you recognize
5 that?

6 A: Yes. That's one of our receipts.

7 Q: And how do you know that's your receipt?

8 A: Because -- well, the first thing it's got our business
9 name on it, and all this information on the back I personally
10 wrote all this and designed it. That's our return policy.

11 Q: And is this a fair and accurate depiction of the receipt
12 with the car that we're talking about?

13 A: Yeah. That's MDX and parts and all. Yeah, our receipt.

14 Q: Has it been altered in any way other than the sticker on
15 the bottom?

16 A: It's not the original, it's a duplicate. Yeah, but --
17 yeah.

18 MS. SAMPSON: At this time, Your Honor, I'd ask to
19 introduce State's Exhibit 29 into evidence.

20 MR. TETTERTON: Can I see the number again?

21 MS. SAMPSON: 29.

22 MR. TETTERTON: Thank you. No objection.

23 THE COURT: 29 is into evidence.

24 (WHEREUPON, State's Exhibit No. 29, Southern Auto Parts
25 receipt, was admitted into evidence.)

VALENTIN YAKIMENKO - DIRECT BY MS. SAMPSON

1 BY MS. SAMPSON:

2 Q: I'm going to put this up here.

3 A: Okay.

4 Q: You can look at this. So on this copy, we can see it's

5 got the rear seat. Is that from the car that we're talking

6 about?

7 A: It is from the car that we're talking about.

8 Q: And what's the date that it was done at the top there?

9 A: The date of purchase is 1/11/17.

10 Q: '17? And that's the date that it was given or --

11 A: That was the date that the sale actually happened.

12 Q: Okay. And it says shipped. Did you ship this part?

13 A: No. That's automatic. It's just the way the system

14 fills it in. Yep.

15 Q: And do you remember the name of the person who bought

16 this seat?

17 A: No, I don't. We don't require names.

18 MS. SAMPSON: I beg the Court's indulgence.

19 Thank you, Valentin. I have no further questions right

20 now.

21 THE WITNESS: Thank you.

22 THE COURT: Mr. Tetterton?

23 MR. TETTERTON: No questions, Your Honor.

24 THE COURT: All right. Thank you, Mr. Yakimenko. You

25 can step down.

ZACH HALL - DIRECT BY MS. ALLARD

1 (WHEREUPON, the jury entered the courtroom at 2:16 p.m.)

2 THE COURT: All right. Thank you, ladies and gentlemen,
3 for your promptness.

4 Solicitor, call your next witness.

5 MS. ALLARD: The State calls Zach Hall.

6 THE CLERK: Place your left hand on the Bible and raise
7 your right hand. Do you swear or affirm the evidence you give
8 in this case will be the truth, the whole truth, and nothing
9 but the truth, so help you God?

10 THE WITNESS: Yes.

11 THE CLERK: Thank you. State your name for the record.

12 THE WITNESS: Zachary Hall.

13 ZACH HALL, being first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. ALLARD:

17 Q: Mr. Hall, can you please tell the jury where you live?

18 A: I live in Huntertown, Indiana.

19 Q: Okay. And how long have you been in Indiana?

20 A: Since the beginning of September.

21 Q: Okay. And before Indiana, where did you live?

22 A: McBee.

23 Q: How long were you in McBee for?

24 A: Since 2007, I believe.

25 Q: And what brought you to Indiana?

ZACH HALL - DIRECT BY MS. ALLARD

1 A: Work.

2 Q: What do you do for work?

3 A: I work at Vulcraft Indiana.

4 Q: And when you were in McBee, did you work?

5 A: Yes.

6 Q: Okay. And what did you do for work when you were living

7 in McBee before moving to Indiana?

8 A: I worked at MAR-MAC Wire.

9 Q: At where? I'm sorry.

10 A: MAR-MAC Wire.

11 Q: Okay. Back in December of 2016 and the early part of

12 2017, do you remember where you were living at that point?

13 A: Yes. With my mother in McBee.

14 Q: And where were you working during that period?

15 A: O'Reilly Auto Parts in Hartsville.

16 Q: How long did you work for O'Reilly?

17 A: I think almost a year.

18 Q: What was your position there? What were your --

19 A: We were -- I was a parts professional. I just sold auto

20 parts.

21 Q: Okay.

22 A: And answered the phone.

23 Q: Okay. And you said you worked there for almost 2 years

24 at that same location?

25 A: Almost a year.

ZACH HALL - DIRECT BY MS. ALLARD

- 1 Q: Almost a year?
- 2 A: Yes, same location.
- 3 Q: Okay. Did you know the victim in our case, Adam Davis?
- 4 A: Yes.
- 5 Q: How did you know him?
- 6 A: He's my uncle.
- 7 Q: Okay. So did you know him the whole time you were
- 8 growing up?
- 9 A: Yes.
- 10 Q: How close were you and Adam?
- 11 A: Pretty close.
- 12 Q: How often did you see him?
- 13 A: Probably once a week.
- 14 Q: Okay. And was that up until the point he went missing?
- 15 A: Yes.
- 16 Q: Do you know the defendant in our case, C.W. Beebe?
- 17 A: I do.
- 18 Q: And how do you know him?
- 19 A: Through Adam.
- 20 Q: How long have you known him for?
- 21 A: As long as I can remember.
- 22 Q: I'm going to take you back to January of 2017, and I
- 23 believe you testified you were working at O'Reilly's. Do you
- 24 remember seeing C.W. around this time?
- 25 A: I do.

ZACH HALL - DIRECT BY MS. ALLARD

1 Q: And what do you remember about that?

2 A: He came in the store one day when I was working.

3 Q: Into the O'Reilly's --

4 A: He did.

5 Q: -- while you were working?

6 A: Yeah.

7 Q: Okay. And at that point you recognized him?

8 A: I did.

9 Q: Did you speak with him while he was in the store?

10 A: I did.

11 Q: Do you remember what, if anything, you discussed?

12 A: He asked me where the paint was; so I showed him.

13 Q: Okay. What kind of paint?

14 A: Like, a vinyl fabric paint.

15 Q: For a vehicle or --

16 A: It would be for a vehicle, yes.

17 Q: Okay. Do you remember what color paint he was looking

18 for?

19 A: Black.

20 Q: And were you able to show him what he was asking about?

21 A: I was.

22 Q: Do you remember if he ultimately ended up purchasing the

23 paint?

24 A: He did.

25 Q: Okay. Do you remember if he bought anything else while

ZACH HALL - DIRECT BY MS. ALLARD

1 he was in the O'Reilly that day?

2 A: I believe it was two different kinds of paint, but it was
3 -- both were paint.

4 Q: Do you know remember seeing anyone in the store with
5 C.W.?

6 A: No.

7 Q: Okay. At some point did you have the opportunity to
8 speak with law enforcement about this case?

9 A: I did.

10 Q: How did that come about?

11 A: I told my mom, and I'm guessing she had told them. Then
12 they came to the store one day when I was working, and I
13 showed them.

14 Q: Okay. So while you were working, law enforcement
15 officers came to the O'Reilly's?

16 A: Yes. They were there when I started my shift.

17 Q: Okay.

18 A: And when I came in, I showed them what he purchased.

19 Q: Okay. Can you walk me through sort of how that happened?

20 A: As in the officers coming?

21 Q: Yes.

22 A: They just asked me what he purchased, and I took them to
23 where it was and showed them, and I believe they took pictures
24 of it.

25 Q: And you took them to the section of the store where he

ZACH HALL - DIRECT BY MS. ALLARD

1 had gotten the paint from?

2 A: Correct.

3 Q: How did you remember where that section was or what he
4 had bought?

5 A: Just because I showed him, and it wasn't much longer that
6 they came.

7 Q: Okay.

8 MS. ALLARD: I beg the Court's indulgence.

9 BY MS. ALLARD:

10 Q: Just to clarify, you said Adam is your uncle?

11 A: He is.

12 Q: And so your mother -- how is she related to him?

13 A: That's her brother.

14 Q: Okay.

15 MS. ALLARD: Thank you. That's all I have at this point.

16 Please answer any questions Mr. Tetterton has for you.

17 THE COURT: All right. Mr. Tetterton?

18 MR. TETTERTON: Thank you, sir.

19 CROSS-EXAMINATION

20 BY MR. TETTERTON:

21 Q: Zach, you lived with your mother in 2016?

22 A: I did.

23 Q: What months did you live with her?

24 A: What month?

25 Q: Which months or was it just one month?

ZACH HALL - CROSS BY MR. TETTERTON

- 1 A: It would have been all of them.
- 2 Q: I beg your pardon?
- 3 A: Every month. Every month in 2016 I lived with her.
- 4 Q: You lived there for a full year?
- 5 A: Yeah.
- 6 Q: All during 2016?
- 7 A: That whole year of 2016, yeah.
- 8 Q: All right. And I believe Adam came to live with you for
- 9 a period of time?
- 10 A: He did.
- 11 Q: Who else lived in that household?
- 12 A: Him and his children, and my brother and sister.
- 13 Q: Okay. And did you know Dani Beebe?
- 14 A: Just I knew that she was married to C.W. That's it.
- 15 Q: All right. Did you know she had children?
- 16 A: Yeah.
- 17 Q: Did you ever hear her or did you know that her children
- 18 considered Adam as being their -- like an uncle to them?
- 19 A: I didn't. I don't think I've ever said a word to any of
- 20 them.
- 21 Q: All right. You never said a word to Dani at all?
- 22 A: I don't think so.
- 23 Q: All right. And you have known C.W. and Adam as long as
- 24 you can remember?
- 25 A: Yes.

ZACH HALL - CROSS BY MR. TETTERTON

- 1 Q: Okay. How often would you see Adam and C.W. together?
- 2 A: Not very -- not very often.
- 3 Q: And when you did see them, where would you see them?
- 4 A: I've seen them at his house.
- 5 Q: At C.W.'s house?
- 6 A: No. Adam's house.
- 7 Q: At Adam's house? Where did Adam live at that time?
- 8 A: When I saw them?
- 9 Q: Yes.
- 10 A: He lived in McBee.
- 11 Q: Whereabouts in McBee?
- 12 A: Behind the Dollar General off of 151.
- 13 Q: All right. And did he live with Brandy Davis at that
- 14 time?
- 15 A: Yeah, he did.
- 16 Q: That was his wife; correct?
- 17 A: Correct.
- 18 Q: And they're separated now; right?
- 19 A: Right.
- 20 Q: Zach, I'm going to ask you and I'd ask you to be very
- 21 candid with this jury. At any time during the time that Adam
- 22 lived with you and that you knew of Adam's relationship with
- 23 C.W., did you ever see any ill will between Adam and C.W.?
- 24 A: No.
- 25 Q: None?

ZACH HALL - CROSS BY MR. TETTERTON

1 A: No.

2 Q: No malice??

3 A: No.

4 Q: No intent to kill Adam?

5 A: No.

6 Q: And no motive to kill Adam?

7 A: No.

8 MR. TETTERTON: Thank you.

9 THE COURT: Any redirect?

10 MS. ALLARD: No, Your Honor.

11 THE COURT: Thank you, Mr. Hall. You can step down.

12 Call your next witness.

13 MR. PAULING: The State would call Mr. Marvin Brown.

14 THE CLERK: Mr. Brown, do you swear or affirm the
15 evidence you give in this case will be the truth, the whole
16 truth, and nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE CLERK: Thank you. State your full name for the
19 record.

20 THE WITNESS: Marvin Lee Brown.

21 MARVIN BROWN, being first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. PAULING:

25 Q: Good afternoon, Mr. Brown. How are you doing?

MARVIN BROWN - DIRECT BY MR. PAULING

1 A: Fine, sir.

2 Q: Sir, can you please tell this jury where you're from

3 originally and where you reside now?

4 A: I live in Bethune.

5 Q: Okay. And how long have you lived in Bethune?

6 A: Over 40 years.

7 Q: For 40 years?

8 A: Yeah, 40+.

9 Q: And are you working or are you retired now?

10 A: I'm retired now.

11 Q: Okay. And what are you retired from?

12 A: I first retired from SLED, and then I retired from the

13 Sheriff's Office as chief deputy under Jim Matthews.

14 Q: Okay. And how long were you with SLED?

15 A: Twelve years, I believe.

16 Q: Okay. And in what capacity did you work at SLED?

17 A: I started off in alcohol and narcotics, and then I went

18 to the Fusion Center and when I retired from there, I was a

19 lieutenant over in Fusion Center.

20 Q: Okay. And then you went to the Sheriff's Office, Kershaw

21 County Sheriff's Office?

22 A: Yes, sir. I came to Kershaw County when Jim Matthews got

23 elected and came in as his chief deputy.

24 Q: Okay. And what were your duties as chief deputy of the

25 Kershaw County Sheriff's Office?

MARVIN BROWN - DIRECT BY MR. PAULING

1 A: Over -- overseeing everything that was going on at the
2 office on a daily basis.

3 Q: Oversee the office operations?

4 A: Yes, sir.

5 Q: Okay. Okay. And you were working in that same capacity
6 back in December of 2016?

7 A: Yes, sir, I was.

8 Q: Okay. And as it relates to this particular case, this
9 missing persons investigation, I'm assuming as chief deputy
10 you knew about the investigation or the fact there was a
11 missing persons -- missing person investigation somewhat close
12 to the outset?

13 A: Yes, sir.

14 Q: Okay. And did you know Adam Davis?

15 A: Yes, sir, I did.

16 Q: Okay. And how did -- how did you know him?

17 A: I knew him through the family. His mother and my wife
18 were real close friends, and my daughter kind of grew up with
19 him.

20 Q: Okay. Okay. So his mother being Kathy McCaskill?

21 A: Yes, sir.

22 Q: Okay. And did you also know Clinton Beebe?

23 A: Yes, sir, I do.

24 Q: Okay. And did you know his family as well?

25 A: I did. Yes, sir, I do. As a matter of fact, C.W.

MARVIN BROWN - DIRECT BY MR. PAULING

1 graduated from high school with my daughter.

2 Q: Okay. And having been from Bethune and living in Bethune
3 for 40+ years, you kind of pretty much knew everybody in that
4 community would you say?

5 A: Yes, sir.

6 Q: Okay. And so when Adam went missing back in December of
7 2016, I guess did you kind of keep your -- your ear to the
8 ground about things?

9 A: Oh, yes, sir.

10 Q: Okay. And at that particular time, did you assign who
11 was investigating the case or how did that come about or do
12 you recall?

13 A: It came in as first as just a missing person, and then it
14 elevated to, you know, the little bit more, and that's when I
15 kind of assigned Justin Dill as the head investigator on it.
16 I had two investigators who lived up in that area, and I did
17 not want them to be involved in too much of it because of all
18 of us living in Bethune.

19 Q: Okay. And as -- as time passed, I guess you didn't get
20 information right away about Adam's whereabouts. Time kept
21 going; is that correct?

22 A: Yeah. We -- we were begging any and everybody for
23 information at the time, and I kind of put it out there that
24 all I wanted to do was get some information so we could at
25 least find Adam and get some closure for the family on that

MARVIN BROWN - DIRECT BY MR. PAULING

1 part and then we'd worry about the other part later.

2 Q: Okay. And at some point, did you get some information?

3 A: I did.

4 Q: Okay.

5 A: On March 9th, I received a letter in the mail with some

6 coordinates on it.

7 Q: Okay.

8 A: That's all that was on the -- on the piece of paper were

9 some coordinates.

10 Q: Okay. And it was early March? Could it have been March

11 8th?

12 A: Sir?

13 Q: Could it have been March 8th?

14 A: Well, 8th, yeah, somewhere around the 8th, 9th.

15 Q: Okay.

16 A: Somewhere around that area, yes, sir.

17 Q: All right. And when you said you received it, how did --

18 how did you receive it?

19 A: It came in the mail.

20 Q: It came in the mail?

21 A: Yes, sir.

22 Q: Okay. And I understand when you said came in the mail,

23 to you personally? To the Sheriff's Office? How did it --

24 A: It was signed directly to me as Chief Marvin Lee Brown,

25 Kershaw County Sheriff's Office.

MARVIN BROWN - DIRECT BY MR. PAULING

1 Q: Okay. And so you believe you received it around March
2 8th or 9th; is that correct?

3 A: Yes, sir.

4 Q: Okay. And do you recall what was -- what was in the --
5 the envelope with the message that you received?

6 A: All it was was a white piece of paper, and it had some
7 coordinates written on it.

8 Q: Okay. And was there anything else, any other -- anything
9 else written or just coordinates?

10 A: Just the coordinates. That's all.

11 Q: Okay. And what do you recall doing, if anything, once
12 you'd gotten that information?

13 A: We -- the sheriff and I pulled it up on the Internet, the
14 coordinates, and located the area down in the edge of Lee
15 County.

16 Q: In the edge of Lee County?

17 A: Yes, sir.

18 Q: Okay. And did you communicate that information as well
19 to your lead investigator, Justin Dill?

20 A: Yes, sir.

21 Q: Okay. And did you all go out to that location?

22 A: Yes, sir. There was several of us went out there, and
23 also Sheriff Matthews contacted Lee County Sheriff's Office
24 and there were a couple of those came out also.

25 Q: Okay.

MARVIN BROWN - DIRECT BY MR. PAULING

1 MR. PAULING: I beg the Court's indulgence.

2 May I approach the witness, Your Honor?

3 THE COURT: Yes, you may.

4 BY MR. PAULING:

5 Q: Chief Brown, I'm going to show you what's been marked for
6 ID purposes as State's 33 and ask you if you recognize that,
7 sir?

8 A: Yes, sir. That's the envelope that I received, and that
9 looks like the piece of paper with the coordinates on it.

10 Q: With the coordinates on it?

11 A: Yes, sir.

12 Q: Okay. And again, that was sent to you anonymously; is
13 that correct?

14 A: Yes, sir. I have no idea who sent it.

15 MR. PAULING: At this time, Your Honor, the State would
16 offer State's 33 into evidence.

17 MR. TETTERTON: Just those two pieces of paper?

18 MR. PAULING: It's one exhibit.

19 MR. TETTERTON: I beg your pardon?

20 MR. PAULING: It's in one exhibit.

21 THE COURT: All right.

22 MR. TETTERTON: No objection.

23 THE COURT: State's Exhibit 33 is in evidence. There may
24 be -- we may need to staple those together.

25 (WHEREUPON, State's Exhibit No. 33, envelope with letter,

MARVIN BROWN - DIRECT BY MR. PAULING

1 was admitted into evidence.)

2 BY MR. PAULING:

3 Q: Chief Brown, as it relates to the coordinates there, does

4 that appear to be 34 degrees, 19 minutes, 25 seconds north

5 latitude and 80 degrees, 16 minutes, 11 seconds west

6 longitude? Is that correct?

7 A: Yes, sir.

8 Q: Okay. And again -- and there's also a postmark on that;

9 is that correct?

10 A: Yes, sir.

11 Q: And that was March 6th, 2017?

12 A: March 6th. Yes, sir.

13 Q: Okay. And again, you received that around March 8th or

14 9th; is that correct?

15 A: Yes, sir.

16 Q: Okay. And you all went to that particular location?

17 A: Yes, sir. We went to that vicinity by the coordinates.

18 Yes, sir.

19 Q: Okay. And what, if anything, did you do to try to locate

20 --

21 A: We had --

22 Q: -- a body?

23 A: There was probably at least six -- six of us, six or

24 seven of us went out there, and we just kind of broke up and

25 started walking the woods and trying to find a location or

MARVIN BROWN - DIRECT BY MR. PAULING

1 trying to find something that may have resembled a grave or
2 something had been disturbed in the wooded area.

3 Q: Were you able to find anything initially?

4 A: Not initially we didn't. We were out there probably for
5 two to two-and-a-half hours and didn't find anything.

6 Q: Okay. What, if anything, did you do to try to attempt to
7 locate a more definite spot?

8 A: I got in my vehicle and went about two miles down the
9 road so I could get better phone reception, and I called Mr.
10 William Tetterton and I told him that I had received a letter
11 that had coordinates on it and I asked him if there's any way
12 he might be able to find out a better pinpoint location that
13 we could look, that at the time we had not been able to locate
14 or find anything.

15 Q: Okay. And -- and what happened after that?

16 A: Well, he called me back in about 10 minutes and he gave
17 me some specific -- a specific location to go check. So I
18 went back to that location and within 10 minutes I had located
19 an area that had been disturbed. The ground looked like it
20 had been messed up and then had some stuff covering it up.
21 That's where I located Adam's body.

22 MR. TETTERTON: Your Honor, no objection to 30, 31, and
23 32.

24 MR. PAULING: May I approach the witness, Your Honor?

25 THE COURT: Can the lawyers approach just briefly?

MARVIN BROWN - DIRECT BY MR. PAULING

1 MR. PAULING: Mr. Tetterton?

2 MR. TETTERTON: Yes, sir.

3 (WHEREUPON, a bench conference was held off the record,
4 after which the proceedings resumed as follows.)

5 THE COURT: State's Exhibit 30, 31, and 32 are into
6 evidence without objection.

7 (WHEREUPON, State's Exhibits No. 30, 31, and 32,
8 photographs, were admitted into evidence.)

9 MR. PAULING: I beg the Court's indulgence for one
10 moment, Your Honor.

11 BY MR. PAULING:

12 Q: Chief Brown, as it relates to State's Exhibit 30 --

13 A: Yes, sir.

14 Q: It's in evidence without objection. Is that the area
15 where you were initially?

16 A: Yes, sir, it is.

17 Q: Okay. And now that photo is timestamped March 8th of
18 2017?

19 A: 3/8/2017. Yes, sir. 1435.

20 Q: Okay. And so would that have been the same date that you
21 received the letter?

22 A: Yes.

23 Q: The same date that you went out to the location?

24 A: Yes, sir, it would be.

25 Q: Okay. And in fact, is that you, Chief Brown, in that

MARVIN BROWN - DIRECT BY MR. PAULING

1 photograph?

2 A: Yes, sir, it is.

3 Q: Okay. And then State's 31.

4 A: Uh-huh.

5 Q: Now, is that the area you were talking about that you
6 were able to locate after getting --

7 A: Yes, sir, we did.

8 Q: -- further information?

9 A: Yes, sir.

10 Q: Okay. And what did you -- what did you do at that point
11 once you got to that location?

12 A: After I found the location, I got down on my knees and
13 started cleaning some of the brush out of the way and went
14 down about -- I don't know -- 4 to 6 inches, and that's
15 whenever I found Adam or found a body that was buried there.

16 Q: So now looking at State's 32, is that what you just
17 described there, sir?

18 A: Yes, sir, it is.

19 Q: Okay. And that's you with the blue glove on; correct?

20 A: Yes. Yes, sir.

21 Q: Okay. All right. Now, after you located what you
22 believed was a body, what did you do at that point? What did
23 y'all do at that point?

24 A: I covered it back up, and we kind of backed off from it.
25 And then the sheriff and I and the investigators, you know,

MARVIN BROWN - DIRECT BY MR. PAULING

1 kind of gathered up and at that time we called SLED. We were
2 going to have their crime scene come out and work the -- work
3 the scene, but it was so late in the afternoon at that time,
4 we decided to just put some of the investigators out there
5 around the area that night so nobody could come in and bother
6 anything, and SLED would come in the next morning and start
7 the process.

8 Q: Okay. In this particular area, was this in Kershaw
9 County or Lee County?

10 A: No, sir. This was in Lee County.

11 Q: Okay. And so was Lee County contacted?

12 A: Yes, sir. As a matter of fact, there were some Lee
13 County investigators out there with us at the time.

14 Q: So y'all secured that area and contacted SLED?

15 A: Yes, sir.

16 Q: SLED wasn't going to be able to come until the next day?

17 A: Well, we decided just to tell them to wait and come
18 because we didn't want anything missed and it being dark.
19 They would be able to work better in the daylight. So we just
20 told them to wait until the next morning.

21 Q: Okay. And you contacted Lee County as well. So what did
22 you do -- when I say what did you do in the meantime, as far
23 as securing that area, what did you -- what did y'all do?

24 A: I mean we secured the area. There was about four or five
25 investigators who stayed out there that night, and the sheriff

MARVIN BROWN - DIRECT BY MR. PAULING

1 and I went and spoke with the family then.

2 Q: Okay. Now, were you -- were you also out there the
3 following day?

4 A: Yes, sir.

5 Q: March 9th? Okay. Okay. And so were you present when
6 Adam's body was exhumed?

7 A: Yes, sir, I was.

8 Q: Okay.

9 MR. PAULING: I beg the Court's indulgence.

10 Thank you, Chief Brown. Please answer any questions Mr.
11 Tetterton may have.

12 THE COURT: Mr. Tetterton?

13 CROSS-EXAMINATION

14 BY MR. TETTERTON:

15 Q: Chief, how are you doing okay?

16 A: Yes, sir. Doing fine. Thank you.

17 Q: I believe you had some medical problems. You got rid of
18 those pretty good?

19 A: Yeah. Things seem to be clearing up a little bit.

20 Q: Chief Brown, you and I have known each other a long time,
21 have we not?

22 A: Yes, sir.

23 Q: I believe you and I worked together when I was assistant
24 solicitor for 16 years; is that right?

25 A: Yes, sir.

MARVIN BROWN - CROSS BY MR. TETTERTON

- 1 Q: We've had a good relationship; right?
- 2 A: Yes, sir.
- 3 Q: Chief, you've lived in Bethune for a long period of time,
- 4 I believe you said about 40 years?
- 5 A: Yes, sir.
- 6 Q: And living there, everybody did they not recognize you as
- 7 a law enforcement officer that they could come if they ever
- 8 had any problems or anything?
- 9 A: Yes, sir. They still do.
- 10 Q: During that time, did you know Adam and did you know
- 11 C.W.?
- 12 A: Yes, sir.
- 13 Q: Can you describe to this jury their relationship?
- 14 A: I mean every time I saw them, they were, you know, okay
- 15 with each other.
- 16 Q: At any time during your 40 years of living there in
- 17 Bethune in that small town, did you ever know of any malice
- 18 between Adam and C.W.?
- 19 A: I never did see any, no, sir.
- 20 Q: Did you ever see any ill will or hard feelings between
- 21 Adam and C.W.?
- 22 A: No, sir, I never did.
- 23 Q: In your investigation did you ever focus on whether or
- 24 not there was a motive for Adam to get killed by C.W.?
- 25 A: No, sir.

MARVIN BROWN - CROSS BY MR. TETTERTON

1 Q: Or any intent for C.W. to take the life of him?

2 A: No, sir.

3 Q: None whatsoever?

4 A: None.

5 MR. TETTERTON: Thank you.

6 THE COURT: Any redirect?

7 MR. PAULING: Nothing from the State, Your Honor.

8 THE COURT: All right. Thank you. Mr. Brown, you can
9 step down.

10 Call your next witness.

11 MR. SCOTT: Your Honor, we have some issues to take up --

12 THE COURT: All right.

13 MR. SCOTT: -- outside of the jury's presence.

14 THE COURT: All right. The lawyers approach.

15 (WHEREUPON, a bench conference was held off the record,
16 after which the proceedings resumed as follows.)

17 THE COURT: All right. Ladies and gentlemen, there is --
18 I instructed you when we began the trial there would be times
19 when the Court needed to deal with some legal issues. We're
20 at that point right now and so I'm going to ask y'all to take
21 a quick break. Return to your jury room. Again, do not
22 discuss the case in any form or fashion whatsoever.

23 With that, everyone remain seated while this jury is
24 excused.

25 (WHEREUPON, the jury exited the courtroom at 2:49 p.m.)

1 THE COURT: All right. I was informed here at the bench
2 that we did have an issue that we discussed during pretrial as
3 far as the admissibility of certain photographs, and I believe
4 what the Court had stated at the time was that we would see
5 how the testimony has developed and then where we are at a
6 certain place in the trial where the State intended to
7 introduce those.

8 So, Mr. Scott, it appears we're at that point. What
9 photographs are in issue that the Court will need to decide
10 on?

11 MR. SCOTT: Your Honor, we've narrowed it down to two. I
12 think the defense has issue with those pre-marked as State's
13 39 and State's 67.

14 We just heard Chief Brown testify to the initial
15 discovery of the burial site and SLED crime scene being called
16 in. Our next proposed witness is Ryan Matthews with SLED.
17 He's a crime scene investigator. He will talk about
18 processing that particular scene. He will talk about the
19 exhumation of the body.

20 And I'm telling you, Judge, we've got a stack about that
21 thick of the scene and for us to narrow it down to maybe two I
22 think is reasonable. I think it's appropriate to show the
23 jury the scene as it's described. These pictures help
24 corroborate different witnesses' testimony regarding the
25 scene.

1 There are pictures here that the victim can be seen
2 wearing the same clothing he was last seen in has been
3 testified to. We find them appropriate. That there's no
4 gore, there's no blood in these pictures. I've got a number
5 of cases I can cite to Your Honor that we think these would be
6 admissible. I think we showed them to you pretrial, but I
7 have them here.

8 THE COURT: Yeah, I have seen those, and let me see them
9 again. What -- what are the -- I think there were --
10 initially, I think what was testified or what during pretrial
11 that there were some 54 photos and we've narrowed it down to
12 these two and how many more of the scene? The ones you've
13 agreed on?

14 MR. SCOTT: Oh.

15 THE COURT: And I guess simply my question is do any of
16 those photos show the body?

17 MR. SCOTT: No, Your Honor. The rest of the ones I have
18 of the scene are going to be -- I think these were largely
19 just to sort of -- may I approach, Your Honor?

20 THE COURT: Yes.

21 MR. SCOTT: Processes.

22 THE COURT: All right.

23 MR. SCOTT: These are agreed to.

24 THE COURT: Okay.

25 MR. SCOTT: So there's there's no objection.

1 THE COURT: All right. All right. And we'll -- we can
2 put those on the record when you -- well, let's do that now.
3 Let's -- what are those numbers? Read out those numbers.

4 And, Mr. Tetterton, these are the photos that you've
5 agreed on; is that correct?

6 MR. TETTERTON: Yes.

7 THE COURT: All right. Give me those numbers again?

8 MR. SCOTT: 36, 37, 38. I'm sorry. They're out of
9 order, 34 and 35. So 34 through 38.

10 THE COURT: All right. And then so we're here discussing
11 No. 67 and 39.

12 All right. Mr. Tetterton, do you want to return? And
13 I'll be glad to hear you on your position as far as the
14 admissibility of these two photographs in 39 and 67.

15 MR. TETTERTON: Your Honor, my objection is going to be
16 under Rule 401, 402, 403, and 404. They are particularly
17 about the relevancy and whether or not those two photographs
18 are relevant to prove the issue of malice aforethought in a
19 murder charge.

20 They are -- those two photographs are gruesome and, Your
21 Honor, they gave me 54 photographs. There are other
22 photographs which show the body of Adam in a less gruesome
23 profile which would not be as gruesome photos.

24 We all know, Your Honor, that sometimes photographs can
25 be calculated to arouse the sympathy of the jury. It would be

1 prejudicial. We would ask for the safety, Your Honor, that
2 the probative value is outweighed by the prejudicial value.
3 So we don't see any need for those photographs to establish
4 identity. They already established identity. So, Your Honor,
5 when he said that this would give the jury an opportunity to
6 find or suggest a decision that would be improper rather than
7 on the facts of the case of identity of the body.

8 The Court has spoken to this, Your Honor, and in *State v.*
9 *Torres*, they affirmed some photographs, but they strongly
10 encourage all solicitors to refrain from pushing the envelope
11 on admissibility in order to gain a victory in which in all
12 likelihood was already assured. They're going to put the SLED
13 agent up. Your Honor, I think the SLED agent will be able to
14 describe what he found out there in detail without having to
15 introduce photographs.

16 Again, I go to relevancy, prejudice, and also that the
17 prejudice -- that the value -- probative value is greatly
18 outweighed by the prejudicial value. It could lead this jury
19 to make a decision based on something that would be improper.
20 It could predispose the jury, Your Honor, to make a decision
21 rather than on the evidence but predispose this jury to make a
22 decision based on sympathy, and that would be improper.

23 THE COURT: All right. Thank you, Mr. Tetterton.
24 Anything else, Mr. Tetterton?

25 All right. I did have the opportunity to see these

1 yesterday and have now heard the context in which they're
2 offered. I'm going to allow them to be entered and I'm going
3 to -- here are the reasons why.

4 I find that the two photographs are -- in fact, what was
5 shown just briefly a moment ago before the Court was there is
6 only one photograph that they have and have agreed upon where
7 either the body or part of the body which appears to be buried
8 is covered in dirt and you don't see -- you aren't able to
9 identify a person. There's no facial -- there's no face shown
10 in any of the photographs. That was one photograph.

11 This is simply another photograph of what appears to be a
12 body, head down in a -- in a shallow grave covered in dirt.
13 It's hard to tell what the clothing is or anything else.
14 There is no blood present. There's no distortion or
15 mutilation of the body in the pictures.

16 And then the other picture simply is a photo of the body
17 from -- it appears from the same drawn-up position. Really,
18 it's a fetal position with the elbows below the knees and down
19 to the feet. You can see the type of shoes that he had on.

20 I find that is simply three -- these two photos and then
21 the other photo included a part of the body is simply three
22 out of 54. Weighing those under 403 that those pictures are
23 relevant. It would be helpful to the jury to understand where
24 the body was found, the condition it was found in. Rule 403
25 says that evidence, even though relevant, may be excluded if

1 its probative value is substantially outweighed by the danger
2 of unfair prejudice.

3 I find there is no unfair prejudice in producing and
4 showing these photos. It certainly does not involve the
5 confusion of any of the issues and is not misleading to the
6 jury, and I find that they are helpful for this jury to
7 understand the circumstances in which the body was found and
8 under what conditions. I don't know what the other 47 or 48
9 -- my math might not be good -- pictures are, but however,
10 this is simply three out of those. I will allow them.

11 All right. Anything else?

12 MR. SCOTT: I just wanted Mr. Tetterton to go ahead and
13 look at the rest of them for this witness. If we could
14 possibly agree to them, we can go ahead and introduce them in
15 bulk to the next witness.

16 THE COURT: All right. I guess I'm a little bit
17 confused. I believed there were some that you agreed on.
18 That was 34, 35, 36, 37, and 38, and now these two are ruled
19 into evidence, which is 39 -- will allow into evidence once
20 you properly lay the foundation, 39 and 67.

21 THE COURT: So then you have additional photos on top of
22 those?

23 MR. SCOTT: Just not theirs.

24 THE COURT: All right.

25 MR. SCOTT: We just kind of assume there are none.

1 THE COURT: Yeah. Let him look at those.

2 (WHEREUPON, there was a pause in the proceedings, after

3 which the proceedings resumed as follows.)

4 MR. SCOTT: Your Honor, I'll just -- I'll get them all in

5 as they go on.

6 THE COURT: Okay. All right.

7 MR. SCOTT: Thank you.

8 THE COURT: We'll just --

9 MR. TETTERTON: There's three photos I don't have.

10 THE COURT: Okay. We'll deal with those as he -- as he

11 intends to introduce them and you can be heard. You can be

12 heard on those as we get to them.

13 All right. Are we ready for our next witness?

14 MR. SCOTT: We are, Your Honor.

15 THE COURT: All right. Let's everybody take a 5-minute

16 break.

17 (WHEREUPON, there was a break in the proceedings from

18 3:00 p.m. until 3:09 p.m., after which the proceedings

19 resumed as follows.)

20 THE COURT: All right. Is the State ready to proceed?

21 MR. PAULING: We are, Your Honor.

22 THE COURT: Is the defense ready?

23 MR. TETTERTON: Yes, sir.

24 THE COURT: All right. Let's bring the jury in.

25 (WHEREUPON, the jury entered the courtroom at 3:10 p.m.)

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 THE COURT: All right. Thank you, ladies and gentlemen.

2 Solicitor, call your next witness.

3 MR. SCOTT: Your Honor, the State calls Terrence Ryan
4 Matthews.

5 THE CLERK: Mr. Matthews, do you swear or affirm the
6 evidence you give in this case will be the truth, the whole
7 truth, and nothing but the truth, so help you God?

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: Thank you. Have a seat and state your full
10 name for the record.

11 THE WITNESS: Terrence Ryan Matthews.

12 TERRENCE RYAN MATTHEWS, being
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SCOTT:

16 Q: Okay. And, Mr. Matthews, I know you as Ryan, but is that
17 what you go by?

18 A: Yes, sir.

19 Q: And I knew you when you were a Newberry police officer.
20 Do you agree you were a Newberry police officer?

21 A: Yes, sir.

22 Q: And after that, I guess you went to SLED?

23 A: Yes, sir.

24 Q: And in 2017 you were with SLED?

25 A: Yes, sir, I was.

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 Q: In the crime scene investigation unit?

2 A: Yes, sir.

3 Q: And as of right now you work in the Attorney General's

4 office?

5 A: That's -- that's correct, sir.

6 Q: We're going to focus on your time with SLED and

7 specifically the early parts of 2017, and you did have an

8 occasion to process a 2002 Acura MDX; is that correct?

9 A: Yes, sir.

10 Q: And was that the first of your involvement in this

11 particular case we're here for?

12 A: Yes, sir. That was the first time that we were requested

13 as a unit for SLED crime scene to respond to assist the

14 Kershaw County Sheriff's Office.

15 Q: Okay. And I've got February 6th is when they requested

16 you; is that right?

17 A: Yes, sir. If you wouldn't mind me referencing my notes

18 on here? So we were contacted on the 6th at approximately

19 4:19 in the afternoon to respond to the Kershaw County

20 Sheriff's Office in reference to a vehicle processing, and

21 that was scheduled to be started on the 7th at 9:30 in the

22 morning. Both myself and Special Agent Carrie Cooper

23 responded that morning to process the vehicle.

24 Q: Let me show you State's No. 10. Do you recognize that?

25 It's already been admitted into evidence.

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 A: Yes, sir, I do.

2 Q: And is that the vehicle that you were called out to
3 process?

4 A: Yes, sir. That was the vehicle that was processed.

5 Q: And when you first come out to process a vehicle, what
6 are the first steps you take?

7 A: So what we do when we assess the vehicle, we check to see
8 that if it has been previously processed, and it had not.
9 That's why all the doors were marked with evidence tape, as
10 whereas the rear door hatch or seal, as well as verifying on
11 the search warrant for the vehicle and the items are listed
12 that the VIN number matches with the paperwork so that
13 everything can be processed correctly.

14 Q: Okay. And so did you -- did you verify that that was the
15 vehicle that you were supposed to be processing?

16 A: Yes, sir. It was verified and all found to be correct on
17 the information provided.

18 Q: And so after you do the verification, what's the next
19 step you do as a crime scene investigator?

20 A: So the next step what we'll do is we'll take initial
21 photographs around the vehicle, as well as in, just to show
22 the state of the vehicle prior to any processing being
23 completed.

24 Q: Okay. And then you just do a basic visual inspection of
25 the vehicle?

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 A: Yes, sir.

2 Q: Tell me -- there's been some testimony, but what do you
3 recollect as far as that particular car? What were your
4 observations?

5 A: So when we found the vehicle, it was in a pretty bad
6 state. It was extremely deteriorated. It was filled full --
7 I don't want to say filled full of dirt, but there was a
8 pretty large amount of dirt between the floorboards in the
9 back of the vehicle as if it had been, like, shoveled or
10 placed in inside that you wouldn't normally find inside a
11 vehicle. All the windows and doors were damaged. There is
12 extensive exterior damage, as well as interior due to the
13 dirt, some of the glass and things that were done. It was --
14 I was surprised on how it managed to make it as far as it was.

15 Q: And did you have information on where it came from?

16 A: We were told by the investigators for the Kershaw County
17 Sheriff's Office that it was previously at a crushing location
18 to have the vehicle I guess crushed and used for some form of
19 recycling.

20 Q: Okay. Would that have been Darlington Shredding?

21 A: Yes, sir. That's correct.

22 Q: And -- okay. And did you have information in your report
23 on why this was of interest to law enforcement, this
24 particular vehicle?

25 A: Yes, sir. So when we were contacted, we were told that

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 there was a current missing persons report that had been done
2 previously for a gentleman by the name of Adam Ray Davis, who
3 is listed in the report, and this vehicle was the one that he
4 was last seen in prior to going missing.

5 Q: Okay.

6 A: So due to that information, we were going to process the
7 vehicle for any possible blood or DNA evidence that we could
8 corroborate his location within the vehicle to the vehicle
9 itself.

10 Q: Okay. Would you explain to the jury what is Blue Star
11 reactant?

12 A: All right. So Blue Star is a chemical reagent that
13 reacts with the iron of the hemoglobin in blood to become a
14 very bright luminescent blue. It's called a chemiluminescent,
15 which is just a really fancy way of saying when you spray it
16 and it reacts to a certain item, it glows, almost like a glow
17 stick. And in this case, being Blue Star with part of the
18 name, it will glow a bright blue when it reacts to the iron in
19 hemoglobin, which can be found in any kind of blood as well
20 as, you know, certain metals and other, like, chemical
21 reagents and cleaning items as well.

22 Q: You told me something interesting. Describe what you do
23 when you first get there to just ensure that your Blue Star
24 reactant is I guess behaving like it's supposed to.

25 A: Yes, sir. So Blue Star, as well as some of our other

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 chemical reagent processes, they're all mixed on scene, and
2 then what we do to test and verify that the mix works, we
3 actually have a presumptive test where we have actual animal
4 blood that we know has been derived from animals provided to
5 SLED, and we do a presumptive test to show that that test is
6 working and that that reagent isn't expired or has some
7 problem with it. So that was tested prior to the use within
8 the vehicle to show that it was an actual chemically working
9 compound.

10 Q: And then you were talking to me about the potential for
11 false positives when you use Blue Star. What were some of the
12 things that Blue Star will react to other than blood?

13 A: Yes, sir. So one of the chemical reactions because it is
14 within the iron of the hemoglobin, so anything that has a
15 metallic content, such as pennies, change, any nonpainted
16 metals, on occasion depending on the metal composition, as
17 well as some cleaning agents that have, like, a chloride
18 compound or an oxidizer, which is essentially what the metal
19 does, it will also give a false positive of a reaction.

20 Q: Okay. And did your Blue Star react to anything in the
21 Acura on the day that you processed it?

22 A: Yes, sir. We had multiple reaction areas within the
23 vehicle, both in the passenger area and rear compartment.

24 Q: Okay. And I guess it was sort of anticlimactic though
25 because ultimately are you aware that it did -- when it was

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 tested, it was not human blood? Are you aware of that?

2 A: From what I come to know from speaking with the lab in
3 the DNA as far as their processing went that the Blue Star
4 items that we did submit to the lab for processing were
5 unfounded as far as a DNA profile.

6 Q: Okay. But that was your initial effort I guess to
7 process the car and see if you could find any blood in the
8 car?

9 A: Yes, sir. That's the -- the unfortunate is, you know, I
10 can only know what it reacts to and show that it does cause a
11 chemical reaction, but as far as whether being a positive,
12 false-positive, or some form of outlier, I have no way of
13 knowing that on the scene at the time of processing.

14 Q: Okay. But are you aware that that particular vehicle was
15 searched several other times after you were involved?

16 A: Yes, sir.

17 Q: Okay. But that was your only involvement as far as
18 searching the car and that was on February 7, 2017?

19 A: Yes, sir. That was the only time that myself and SLED
20 crime scene had processed that vehicle.

21 Q: Okay. But also some other agencies did search that car a
22 number of other times, to your knowledge?

23 A: Yes, sir. We were informed of that after our initial
24 search.

25 Q: Okay.

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 A: Yes, sir.

2 Q: And those witnesses will be able to testify to their --
3 their findings, I guess?

4 A: Yes, sir.

5 Q: So -- but that was not the end of your involvement in
6 this particular case, just the end of your involvement with
7 the Acura?

8 A: Correct, sir.

9 Q: Tell me about -- I've got in my notes March 8th would be
10 your next involvement in this case?

11 A: Yes, sir. On March 8th at approximately 5:23 p.m., we
12 were contacted by the Kershaw County Sheriff's Office in
13 reference to a possibly found body, a deceased person, that
14 was within Lee County at the time of finding, and we responded
15 on the 9th in that morning around 9 a.m. to exhume the area to
16 see what we could locate.

17 Q: Okay. There was some testimony from Chief Marvin Brown.
18 Do you recall him being there?

19 A: Yes, sir.

20 Q: And he kind of described the scene, and what are your
21 recollections of what happened when you first got there?

22 A: Yes, sir. So when we arrived on scene, it had already
23 been quarantined off with crime scene tape. There were also
24 several personnel outside to make sure that no one was
25 entering and exiting, as they shouldn't, and there was an area

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 where they had roughly swept, as well as dug a small area up
2 to verify what they pointed out was and what looked to be a
3 portion of a human body.

4 Q: Okay. Let me just show you State's 34 and 35. These
5 have been admitted into evidence, and can you describe what we
6 are seeing in 34 and 35?

7 A: Yes, sir. So 34 -- and what we do on all things so that
8 everything can have a uniformity is we will go around the
9 site, and in this one in this case there's a lot of pine straw
10 and pine needles and other things that are outside. So we
11 will clean and rake the area around, you know, what we believe
12 to be the body and also investigate and inspect those areas
13 for any items that may be located prior to digging up in that
14 area.

15 Q: Okay. And that's what we're seeing here in State's 34?

16 A: Yes, sir.

17 Q: You don't just go in there with a shovel and a pick and
18 just go to town. It's sort of I guess kind of a painstaking
19 process?

20 A: Yes, sir. It's very meticulous. We try and remove
21 everything in layers so that we can locate because on occasion
22 you might have parts that come apart. You might have items of
23 evidence such as cartridge casings, clothing items, duct tape,
24 several items that are underneath a different layer that in
25 the process of the person being placed inside or removed that

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 can become dislodged and are at a different layer than what
2 the actual body is located.

3 Q: Okay. And then State's 35?

4 A: In 35 would be where we have removed around the area and
5 we're slowly removing layer after layer, and that's when we
6 first come upon a large section of what was later found to be
7 Mr. Davis.

8 Q: I mean y'all are using paintbrushes there. It was pretty
9 painstaking?

10 A: Yes, sir. Well -- and with the body and with trying to
11 remove people and all, we try to be as delicate as possible,
12 and part of that paintbrush is to do is once a person is
13 decomposed to a certain point, they begin to break down, and
14 if you use anything that is very harsh, even harsher brushes
15 and different things of that nature, you begin to damage that
16 person to a point where they cannot be recovered and that
17 certain items on them can't be seen and viewed very plainly.

18 Q: Okay. This is State's No. 38. Do you recognize that?

19 A: Yes, sir.

20 Q: And what are we looking at there in State's 38?

21 A: What 38 is is the back side. It almost looks like a -- I
22 almost want to say a vee, but the larger portion is going to
23 be Mr. Davis's shoulders, and it follows down to where it vees
24 down to his lower back region.

25 Q: What, if anything else, do you recall finding at the

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 surface of the I guess burial site?

2 A: So at the surface of the burial site while we were
3 cleaning up, we were doing everything, and prior to exhuming
4 him and digging him up, we found several small areas that had
5 been balled together, and in those tiny balls of dirt we
6 actually located a fingernail of the decedent, later found out
7 that it was almost on top as if it had been, you know, removed
8 from the body and then found in that location.

9 Q: This is State's 37. Does that -- does that depict what
10 you're describing?

11 A: Yes, sir. Yeah, that would be the fingernail located
12 almost in the area directly on top of the body prior to
13 digging down --

14 Q: Okay.

15 A: -- to uncovering more of him.

16 Q: And not -- but it wasn't under the ground where the rest
17 of the body was? It was sort of on the surface is what you're
18 describing?

19 A: Yes, sir.

20 Q: This is State's 39. Do you recognize that?

21 A: Yes, sir. So what we do is a process called pedestaling,
22 and it's not a traditional pedestal. So what we try and do is
23 remove all of the harder compacted dirt from around the
24 decedent so that they can be better removed from the area
25 without damage from direct lifting because, as I said, people

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 break down. So if you have too much contact with the body or
2 you're too forceful, it can, unfortunately come apart.

3 So what this is is this would be Mr. Davis as we had
4 pedestaled him. We'd been taking photos and had him set out
5 to -- to be removed from the burial site.

6 Q: Okay. State's 39. And is that the posture of Mr. Davis
7 when you uncovered him --

8 A: Yes, sir.

9 Q: -- from the grave?

10 A: It was.

11 Q: Okay. And I don't even know how to describe that. He's
12 just sort of almost on his knees kneeling with his -- with his
13 head down?

14 A: Yes, sir. It's essentially as if he was in the fetal
15 position but face down with his knees and elbows almost
16 between his legs.

17 Q: State's No. 36. Why was this picture taken?

18 A: So this picture was taken prior to the movement and
19 removal of Mr. Davis because it was odd in the area, and why I
20 say odd is because it appears to be a section of duct tape
21 that was later found to be like a form of duct tape that was
22 stuck to Mr. Davis prior to removal.

23 Q: Okay. 36 shows that?

24 A: Yes, sir.

25 Q: And yeah, that's what we're looking at is his elbow has

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 duct tape?

2 A: Yes, sir.

3 Q: This is State's 37. Do you recognize that?

4 A: Yes, sir, I do.

5 Q: What does that depict?

6 A: So that would be Mr. Davis's legs and boots once we had
7 removed him from the area where he was located, placed him
8 inside of a bag with the coroner's office, and then
9 transported him to the coroner's office prior to autopsy.

10 Q: Okay. And law enforcement had been given a description
11 of the clothing he was last seen in?

12 A: Yes, sir. They were described. I believe that there was
13 a video that they had viewed of a gas station or certain area
14 where they had last seen him inside the black-in-color Acura
15 in clothing that matched similar to what he was wearing upon
16 exhuming him.

17 Q: And do you know what L.L. Bean duck boots look like?

18 A: Yes, sir.

19 Q: Is that what we're seeing here in State's 67?

20 A: Yes, sir.

21 Q: Anything else you remember I guess specifically from the
22 burial site?

23 A: It was -- it was odd in the way that the burial site was
24 placed. Most people -- and the body is a very well-working
25 machine. So what you come to find out is that when it stops,

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 the body begins to break down. Essentially, it's as if you
2 park a car in place and everyone knows your tires slowly go
3 bad, your oil runs out. The body is very similar, but with
4 his placement and where he was found, most of the time you
5 have more of a breakdown, more blood and other things in the
6 area, and that was not observed, which is similar to what we
7 have found and what I have found personally in other bodies
8 that we have, you know, removed from nontraditional
9 gravesites.

10 Q: Did you -- were you able to tell -- I mean did it appear
11 to you that the body had been there for some time or did it
12 appear to be fresh?

13 A: It did appear that he had been in -- and the fingernail
14 is one of the indications of that is that with -- it's called
15 sloughing. The skin has multiple layers and it tends to
16 remove itself almost like you're taking off layers of paint or
17 wallpaper at your home, and what that breakdown was and kind
18 of shows is that even with some of the slightest movement and
19 decay where the body breaks down, it does begin to, you know,
20 tend to start coming apart. And with that, he did appear to
21 be fairly well into the process of decomposing while he was
22 stationary in then position.

23 Q: Okay. Thank you.

24 MR. SCOTT: Your Honor, just to keep track for that
25 particular -- I guess we call it the burial site, that was 30,

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 31, 32, which have been previously admitted but just now
2 published, and 34, 35, 36, 37, 38, and 39 admitted and
3 published. Finally, State's 67.

4 THE COURT: All right. Those -- those photos, those
5 exhibits are into evidence.

6 MR. SCOTT: Thank you, Your Honor.

7 (WHEREUPON, State's Exhibits No. 34 through 39 and 67,
8 photographs, were admitted into evidence.)

9 BY MR. SCOTT:

10 Q: Your next involvement is -- it was a request for you to
11 process a residence, [REDACTED] Waters Road in Bethune; is that
12 correct?

13 A: Yes, sir.

14 Q: Okay. And when were you able to respond to that
15 particular scene?

16 A: So on April 6th, 2017, at approximately 2:15 p.m., we
17 were requested by the Kershaw County Sheriff's Office in
18 reference to processing a residence that was involved within
19 this case. Investigator Rick Bailey with the KCSO contacted
20 us and requested us to respond on the 7th at approximately
21 9 a.m. to process the residence. SLED Midlands Regional
22 agents were also requested to help execute the search warrants
23 to the residence prior to processing.

24 Q: Okay. These have previously been admitted, but these are
25 State's 47 and 55. Let me start with 49. This is just -- why

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 do you have to take these pictures? Just to verify the
2 address?

3 A: So the same as the vehicle that we processed and
4 everything that we do, we take an initial round of photographs
5 to show that this is the residence we are processing, this is
6 the area that we know. It will also read and match or should
7 read and match what is found on the search warrant for it, as
8 well as location, address, alphanumerics, the description of
9 it, such as a white residence with I believe black or green
10 shutters. So all of those things are used to help describe
11 and show that we are at the place that is listed on all of the
12 paperwork.

13 Q: Now, that's State's 40 is what you were just describing.
14 Is that [REDACTED] Waters Road? Why is this residence -- well,
15 whose residence was this?

16 A: So when we were contacted, we were told that [REDACTED] Waters
17 Road in Bethune, South Carolina 29009, was the residence of
18 both Clinton and Peggy Beebe that was possibly the area where
19 Mr. Davis was murdered.

20 Q: Okay.

21 A: So that was one of the things that we were told prior to
22 coming to process is that it was later found through some
23 investigation by the Kershaw County Sheriff's Office that this
24 residence might have been the area where the homicide was
25 committed, and they requested us to process to see if we could

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 locate anything that would corroborate that story.

2 Q: Do you remember did you go inside the house or the
3 grounds outside first?

4 A: So what we actually did was because the residence was
5 unoccupied at the time of the search warrant being served, so
6 the residence was cleared to make sure that there were no
7 persons inside hiding or doing anything of that nature. Once
8 it was found to be clear, there was no threats or anything
9 within the area, the residence was secured and then we start
10 from the outside and then work our way in because there was a
11 large -- there's a shed, several burned areas and some things
12 around the residence that were included within the search
13 warrant that we all wanted to process.

14 Q: Okay. Did SLED kind of practice the -- did you have to
15 do like a diagram kind of of the inside of the residence a lot
16 of times?

17 A: Yes, sir. So anything that is involved in a death
18 investigation, whether it be homicide, suicide or unknown, we
19 like to use a program that we can make a semi-accurate and
20 approximate layout of a residence so that we can show both
21 through photographs as well as the diagram the location and
22 expanse of the scene.

23 Q: Okay. And is that State's 91? Is that what you've
24 attempted to do there?

25 A: Yes, sir. That is an approximate diagram of the

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 residence that I completed.

2 Q: And not to scale; is that correct?

3 A: No, sir. It is all an approximate. It is mainly just to
4 show some of the areas, the breakdown of the residence,
5 bedroom layout, and we can use it in these cases to show the
6 approximate, like, distance of certain items and then where
7 they're located in the house after the fact.

8 Q: I'm just going to kind of I guess walk you through some
9 of these pictures that we've got here. This is State's 44.

10 A: Yes, sir. That would be the front entrance of the
11 residence as shown. We've got the steps that walk in and kind
12 of the foyer/living room as you enter the front door.

13 Q: Okay. And then State's 42?

14 A: That would be from the doorway to the inside of that
15 front living room/foyer.

16 Q: Okay. 43, what's that?

17 A: That would be an additional angle. What we like to do is
18 when we enter a room, regardless of the size and shape, unless
19 we are not physically able to get to it, we will take
20 photographs from all four corners and then pan left to right
21 the majority of the time just to show the grand scale of the
22 room, as well as placement once entering prior to any
23 processing. So we take multiple photographs from multiple
24 angles just to show certain things because you may not be able
25 to see behind a couch or an ottoman or a chair from one angle,

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 but it will show from a different one.

2 Q: Is it fair to say that this would kind of be where if you
3 walked in through the door, this is the living room you
4 stepped into?

5 A: Yes, sir.

6 Q: And then what's that room we're looking at to the left of
7 the picture here, which is State's No. 43?

8 A: That would be like an extended bar into the kitchen area.

9 Q: Okay. But then if we proceed into the kitchen, that's
10 State's 47?

11 A: Yes, sir. That would show the wall that separates the
12 kitchen from that living room.

13 Q: Okay. So now we're stepping into the kitchen looking
14 back into the room we just came out of in State's 43?

15 A: Yes, sir.

16 Q: And this is State's 45?

17 A: Yes, sir. That would be the open kitchen and bar area
18 that extends into, like, a secondary den and living room.

19 Q: Okay. And State's 46?

20 A: More of the kitchen and the bar area.

21 Q: Okay. State's 55?

22 A: That would be the wall that separates the kitchen from
23 the front living room and then one of the displays that they
24 had.

25 Q: Okay. And then actually to the right in State's 55, that

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 would be I guess the front door; is that right?

2 A: Yes, sir. That would be the front door.

3 MR. SCOTT: And again, just to keep track of the pictures
4 of the home, previously admitted 40, 41, and 47 through 55, as
5 well as 91, which is the diagram.

6 (WHEREUPON, State's Exhibits No. 40 through 55 and 91,
7 photographs, were indicated as previously admitted.)

8 BY MR. SCOTT:

9 Q: Okay. There was no blood found in the residence?

10 A: We did process a few areas that we believed that might
11 have been with blood. So what we ended up doing, in this
12 process we used a presumptive test called Leucocrystal violet,
13 and what Leucocrystal violet does in difference to Blue Star
14 is it is not a luminescence. So it does not glow, but what it
15 does do is it turns a very royal purple when it reacts to the
16 iron and hemoglobin in blood. So it has the same reactionary
17 pattern that Blue Star does, but in a different manner. And
18 we can use that on substrates such as a white wall and other
19 things that we could not -- that where we used Blue Star in
20 the vehicle just due to the very dark-in-color interior. And
21 with that we found several areas within the residence that
22 were Leucocrystal violet. We refer to it as LCV positive.

23 Q: Okay. But just again -- and probably somebody else
24 figured it out later, but to your knowledge, none of those
25 presumptive blood tests ever came back to the victim in this

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 case, Adam Davis?

2 A: That's correct. To my knowledge, none of those positive
3 testings had the DNA profile that matched Mr. Davis.

4 Q: But this was certainly your attempt to process the scene,
5 the residence, and look for anything of evidentiary value; is
6 that correct?

7 A: Yes, sir.

8 Q: Tell me about the burn pit outside?

9 A: So there were multiple large burn pits that almost kind
10 of connected together that had mattresses and box springs.
11 Certain areas looked like maybe sections of a chair and some
12 things that were all piled together, glass bottles, other
13 metal things that were all found outside that we took
14 photographs of and sifted through just to see if we could find
15 anything firearms related that could possibly, you know,
16 corroborate any evidence and find anything in connection with
17 the possible homicide of Mr. Davis.

18 Q: Okay. How big was that fire burn pit?

19 A: It was quite large. I'd probably put it approximate of
20 10 to 12 feet wide and about 10 to 12 feet long. And it
21 looked like, you know, dirt had been moved previous too. So
22 we're not sure how much of it had been previously covered with
23 the dirt versus what was exposed.

24 Q: This is State's 51. It's been admitted into evidence.
25 What is that?

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 A: Yes, sir. That would be one of the burn piles and areas
2 that we located behind the residence.

3 Q: Okay. And then getting a little closer, this is State's
4 52?

5 A: Yes, sir. That would be some of the interior contents of
6 that burn pile.

7 Q: It looks like a bunch of cans. Did you see any evidence
8 of any furniture or anything that had been burned in there?

9 A: Yes, sir. As you can see, there's a large tree portion
10 that looks partially burned, and then like the coilings of a
11 mattress or maybe a couch or something of that nature.

12 Unfortunately, due to the extensive damage of the fire and
13 then the items that were laid on top of that, as well as the
14 dirt, the size of that I do not know.

15 Q: This is State's 53. Just another depiction of the burn
16 pile?

17 A: Yes, sir.

18 Q: Did you notice a lot of vehicles on the scene?

19 A: Yes, sir. There were vehicles randomly kind of scattered
20 throughout. He also had a large -- it looked like an
21 automotive shop that had a lift in it as well, with additional
22 vehicles inside.

23 Q: Okay. Did it appear that any of those vehicles were junk
24 cars I guess?

25 A: Some could be junk cars, parked cars. I know plenty of

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 people with hobbies decide that, you know, they want to become
2 a mechanic on the side. So some of those were in, you know,
3 different states of taken apart or put back together, missing
4 pieces, all throughout the area that we were searching.

5 Q: Okay. State's No. 54. You mentioned earlier it looked
6 like some springs from a mattress or a chair in various parts?

7 A: Yes, sir. That was found within and then removed from
8 part of the burn pile. It was just a large box spring
9 possibly belonging to, like, a couch or a mattress.

10 Q: Okay. And that was State's 51 through 54 that we just
11 published. Tell me more about that shop you were talking
12 about?

13 A: So there was a -- I believe it was a three bay. It
14 looked like an open-door garage that had a vehicle on a lift,
15 as well as, you know, tools and other things inside that, you
16 know, gave the appearance of someone running maybe like a
17 mechanic shop or just having that as a hobby in their home.

18 Q: This is State's 48. Do you recognize that?

19 A: Yes, sir. That's the shop I was referring to.

20 Q: And a Jeep is up on a lift? He's got a lift in this
21 garage?

22 A: I'm quite jealous, sir.

23 Q: Do what?

24 A: I'm quite jealous. I would like to have a lift as well.

25 Q: That's a professional job, isn't it?

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 A: Yes, sir.

2 Q: So -- okay. So these belong to somebody who worked on
3 cars and stuff like that?

4 A: Yes, sir. I mean from the appearance and all the auto
5 parts and different things out and about and throughout the
6 shed, definitely someone with some mechanical knowledge.

7 Q: That's just 49. Is that a little bit closer inside?

8 A: Yes, sir. That's just showing some of the interior of
9 it, as well as some of the items that were located within.

10 Q: Do you work on cars?

11 A: Not very well, no, sir.

12 Q: Well, this is State's 50. Do you recognize that?

13 A: Yes, sir.

14 Q: Do you know what that is at the bottom left? I don't
15 know if you do or not, but on the bottom left of that picture
16 do you know what that is on the ground down there?

17 A: It appears to be, like, an engine component,
18 transmission.

19 Q: That's a transmission for a car that he'd been working
20 on?

21 A: Quite possibly, sir.

22 MR. TETTERTON: Your Honor, we would object.

23 THE COURT: Yeah. Sustained.

24 MR. SCOTT: Okay.

25 BY MR. SCOTT:

TERRENCE RYAN MATTHEWS - DIRECT BY MR. SCOTT

1 Q: But that's a -- you think that's a transmission it looks
2 like?

3 A: It's definitely a large auto part. Yes, sir.

4 Q: Okay.

5 MR. SCOTT: Your Honor, that's State's 48, 49, and 50.

6 BY MR. SCOTT:

7 Q: Okay. Did that pretty much sum up your involvement in
8 this case?

9 A: Yes, sir.

10 Q: Okay. ■ -- what did I say? ■ Waters Road? What's
11 the address?

12 A: ■ Waters Road, Bethune, South Carolina.

13 Q: And what county is that?

14 A: That would be in Kershaw County.

15 Q: Okay.

16 MR. SCOTT: One second, Your Honor.

17 All right. Thank you. Answer any questions Mr.
18 Tetterton has, please.

19 THE WITNESS: Yes, sir.

20 THE COURT: Mr. Tetterton?

21 MR. TETTERTON: Thank you.

22 CROSS-EXAMINATION

23 BY MR. TETTERTON:

24 Q: What's your rank? I want to make sure I call you by your
25 rank. Captain? Are you Captain?

TERRENCE RYAN MATTHEWS - CROSS BY MR. TETTERTON

1 A: Currently? Oh, no, sir. I'm the safety and security
2 coordinator for the Attorney General's Office.

3 Q: Well, in December of 2016, what were you?

4 A: I was just I believe an Agent II with crime scene.

5 Q: A SLED agent?

6 A: Yes, sir.

7 Q: Okay. And you have looked at all of these photographs;
8 right?

9 A: Yes, sir.

10 Q: And you can tell this jury that all of these photographs
11 represent something that took place after -- let's just say
12 after midnight on December 29, 2016; right?

13 A: Yes, sir.

14 Q: None of this took place before 9 or 10 o'clock on
15 December 29, 2016, did they?

16 A: So are you saying that none of the photos were taken or
17 --

18 Q: When all this happened. When did all this happen?

19 A: Now that, sir, I'm unable to provide.

20 Q: But you would -- wouldn't you -- wouldn't you conclude
21 that all these photographs were taken of something that
22 happened after December 29, 2016?

23 A: Well, based upon the reporting, yes, sir.

24 Q: Okay. Do you have any knowledge whatsoever -- let me ask
25 you do any of these photographs in your opinion as a SLED

TERRENCE RYAN MATTHEWS - CROSS BY MR. TETTERTON

1 agent with all your experience show any malice between C.W.
2 and Adam?

3 A: I don't know that I could just determine malice on a
4 photograph, sir.

5 Q: Well, in your investigation did you see anything when you
6 went to look at the car and look at the scene and process the
7 car twice? Did you see anything in your investigation that
8 would indicate to you as a law enforcement officer, as a SLED
9 agent, that would indicate there was any motive for C.W. to
10 shoot Adam?

11 A: No, sir. The entire thing was processed with the think
12 to just uncover any form of evidence that may be present for a
13 homicide and initially the missing person, but nothing as far
14 as, like, directional to who may be involved in the incident.

15 Q: And sometimes in your homicide investigations as a SLED
16 agent you can determine from different elements that there was
17 some motive; right?

18 A: Yes, sir.

19 Q: You didn't find any here, did you?

20 A: No, sir. Nothing was present in those photographs
21 presented, no.

22 Q: No motive? Any intent?

23 A: None that I'm aware of, sir.

24 Q: And in your investigation as a homicide investigator with
25 SLED, sometimes you can determine intent of the --

TERRENCE RYAN MATTHEWS - CROSS BY MR. TETTERTON

1 A: That's possible.

2 Q: You didn't find it here though, did you?

3 A: No, sir.

4 Q: No motive, no intent. Any plan? Any plan, preconceived
5 plan for C.W. to shoot Adam?

6 A: Nothing that was located. No, sir.

7 MR. TETTERTON: That's all.

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. Any redirect?

10 REDIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q: Did you observe any wounds to the body?

13 A: Yes, sir.

14 Q: Describe the wounds?

15 A: So --

16 MR. TETTERTON: I can't hear you.

17 MR. SCOTT: I said did he observe any wounds to the body.

18 BY MR. SCOTT:

19 A: Yes, sir. So on top of removing Mr. Davis from the hole,
20 I was also in attendance at the autopsy where he was fully
21 completed by Dr. Ross at Newberry Pathology located within
22 Newberry, South Carolina, and there was a wound to Mr. Davis's
23 head that appeared to be a gunshot wound as determined by the
24 pathologist.

25 Q: That's not malice?

TERRENCE RYAN MATTHEWS - REDIRECT BY MR. SCOTT

1 MR. TETTERTON: I would object to leading.

2 THE COURT: Yeah. Sustained.

3 MR. SCOTT: Okay.

4 BY MR. SCOTT:

5 Q: You didn't observe malice when you saw a gunshot wound to
6 the head?

7 A: The -- the determination of malice between a person and
8 what you find evidentiarily objective are two separate things
9 in a lot of instances. My job is to find the evidence and
10 then what helps corroborate between the two more so than
11 intent.

12 Q: Okay. So when Mr. Tetterton asked you did you observe
13 malice, you weren't there December 29th when Mr. Davis lost
14 his life, were you?

15 A: No, sir, I was not.

16 Q: Okay. You can't testify to what happened that night in
17 that house on Waters Road when Mr. Davis stopped breathing,
18 can you?

19 A: No, sir, I cannot.

20 Q: So when he asked did you observe malice, that's not
21 really possible for you to do that, is it?

22 A: That's correct, sir. It is not possible.

23 Q: Okay. But you observed a man shot to the head and buried
24 in a shallow grave in the woods?

25 MR. TETTERTON: Your Honor, I'm going to object to that.

TERRENCE RYAN MATTHEWS - REDIRECT BY MR. SCOTT

1 THE COURT: Yeah. I sustain.

2 BY MR. SCOTT:

3 Q: It's not your job to determine malice, is it?

4 A: That's correct, sir. It is not.

5 MR. SCOTT: Thank you.

6 THE COURT: Any recross?

7 RECROSS-EXAMINATION

8 BY MR. TETTERTON:

9 Q: It's not your job to determine malice based on a wound;
10 right?

11 A: That's correct, sir.

12 MR. TETTERTON: Thank you.

13 THE COURT: All right. Thank you. Mr. Matthews, you can
14 step down. Thank you.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Solicitor, call your next witness.

17 MR. PAULING: The State would call Rick Bailey.

18 THE CLERK: Do you swear or affirm the evidence you give
19 in this case will be the truth, the whole truth, and nothing
20 but the truth, so help you God?

21 THE WITNESS: Yes, ma'am.

22 THE CLERK: Have a seat and state your name for the
23 record.

24 THE WITNESS: Richard R. Bailey.

25 RICK BAILEY, being first duly

RICK BAILEY - DIRECT BY MR. PAULING

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. PAULING:

4 Q: Say it again? I'm sorry.

5 A: You kill me. Richard R. Bailey.

6 Q: Richard R. Bailey?

7 A: Yeah.

8 Q: Okay. Good afternoon, Mr. Bailey, and you go by Rick
9 Bailey?

10 A: Yes.

11 Q: Okay. And were you previously with the Kershaw County
12 Sheriff's Office?

13 A: Yes, sir, I was.

14 Q: Okay. Where are you employed now?

15 A: Palmetto State Armory in West Columbia.

16 Q: Okay. And what do you do at Palmetto State Armory?

17 A: Originally promoted -- excuse me -- to the position of
18 production planner for the custom series.

19 Q: And what does that mean?

20 A: There is a standard production regular firearm produced
21 by Palmetto State Armory. They have a custom division where
22 they make custom firearms, the same platform, just customized
23 a little bit further than the production model.

24 Q: Okay. And are you retired from law enforcement?

25 A: Yes, sir.

RICK BAILEY - DIRECT BY MR. PAULING

1 Q: Okay. And if you could tell the jury just a little bit
2 about your law enforcement background, your history in law
3 enforcement?

4 A: I was employed with Kershaw County. I retired after 26
5 years about a year and a half ago.

6 Q: Okay.

7 A: Right before I retired, I was the training officer.
8 Before that, I was a criminal investigator for approximately
9 17 years.

10 Q: Okay. And as a criminal investigator for 17 years, I'm
11 assuming you investigated numerous crimes here in Kershaw
12 County; is that correct?

13 A: Oh, yes, sir.

14 Q: Okay. And in December of 2016, I guess actually January
15 of 2017, were you still in the investigative unit?

16 A: Yes, sir.

17 Q: Okay. And as far as cases and how they were assigned
18 back then, how did that come about? How were cases assigned
19 by the unit?

20 A: Usually, property crimes were assigned by which area an
21 investigator worked. So if you were in the Bethune area and
22 there was a burglary, it would go to you. If there was a
23 burglary or something like that in Lugoff, it would go to
24 another one. Usually, in a case of this, you know,
25 seriousness, all hands on deck.

RICK BAILEY - DIRECT BY MR. PAULING

1 Q: All hands on deck?

2 A: Yes, sir.

3 Q: Okay. And so in this case regarding the disappearance of
4 Adam Davis, were you initially a lead investigator or were you
5 just kind of helping out or how did that come about?

6 A: Initially, just helping out.

7 Q: Okay.

8 A: I don't think -- I think if you're looking for a title
9 for lead investigator, I'm pretty sure Investigator Dill was
10 the lead investigator, but because I had years of experience,
11 I was brought in to help out with it as well.

12 Q: Okay. And as it related to this investigation, there
13 were various tasks that you had; is that correct?

14 A: Because of what all went on, we tried to assign different
15 tasks to different investigators, and we would meet back up
16 and bring what we had found out together.

17 Q: Okay.

18 A: Because there was just so much going on one person
19 couldn't do it by themselves.

20 Q: Okay. And as it relates to Adam Davis and when he was
21 actually -- his body was actually exhumed out in Lee County,
22 were you involved in that?

23 A: Yes, sir.

24 Q: And when I say were you involved, were you -- were you on
25 the scene initially when his body was first discovered?

RICK BAILEY - DIRECT BY MR. PAULING

1 A: Yes, sir. Chief Brown called us all to meet up in that
2 location, and I stayed there for the duration. I say
3 duration. Up until that evening because we had to secure the
4 scene.

5 Q: Okay.

6 A: I got to meet up with some old friends from Lee County.

7 Q: Okay. So you were -- you were part of the unit that
8 secured the scene and stayed there overnight?

9 A: Yes, sir.

10 Q: Okay. And as it relates to the 2002 Acura MDX, did you
11 take part in either processing or did you take place in --
12 part in obtaining search warrants regarding that particular
13 vehicle?

14 A: I did, after the initial one done by SLED.

15 Q: Okay.

16 A: I think those were almost a month after that one.

17 Q: Okay. So there was an initial one done by SLED in
18 February, I believe February 7th, 2017; is that correct?

19 A: Correct.

20 Q: Okay. And then there was another search warrant that was
21 obtained?

22 A: That was in April.

23 Q: Okay. And do you recall why that was done?

24 A: When we got the results back inconclusive on the one
25 conducted by SLED and based on information -- during this

RICK BAILEY - DIRECT BY MR. PAULING

1 thing, we had phone calls every day. People were just calling
2 in information. So we was trying to collect all that, plus
3 some of the stuff we found. I felt like there was more
4 evidence to be found in the vehicle. Why do I think that? I
5 didn't understand why somebody would place so much dirt in a
6 car.

7 Q: Okay.

8 A: I wasn't really sure. I worked for the county for a long
9 time. That was a really nice car that somebody just decided
10 to crush, you know. Just everything together just kind of
11 made me suspicious of what might've been going on with the
12 car. So I pleaded with the magistrate for another search
13 warrant and got it, if I'm not mistaken, on April the 4th.

14 Q: Okay.

15 A: Yes, sir. April 4th of 2017.

16 Q: Okay. And what further processing or what further did
17 you do as it related to searching that vehicle?

18 A: Myself and a couple other investigators were with me.
19 The car had stayed in our custody from the first search
20 warrant. So we conducted it there at the Sheriff's Office.

21 We pulled up some carpet in the rear floorboard area on
22 the passenger side of the vehicle. Myself and the
23 investigators on scene saw something that appeared to us like
24 dried blood. If you've ever seen it before, of course it's
25 drying hard, but it has like a reddish-brown tint to it. I'm

RICK BAILEY - DIRECT BY MR. PAULING

1 not sure if you're familiar, but that's what it looks like.

2 So we swabbed some of the area and actually collected pieces
3 of the car.

4 Q: Okay. And you said you swabbed the areas. Was
5 Investigator Dill with you at that particular time?

6 A: Yes. If you'll permit me, I can tell you exactly who was
7 there. At the time it was Capt. Knafelc, but he recently left
8 the Sheriff's Office as the chief deputy, Investigator Dill,
9 and Investigator Taylor.

10 Q: Okay. Miles Taylor?

11 A: Yes, sir.

12 Q: Okay. But you said that Investigator Dill swabbed the
13 interior?

14 A: Yes, sir. He took five buccal swabs. That's a fancy
15 term for a Q-tip. We took those swabs from the passenger side
16 floorboard under the carpet. We actually cut out a piece of
17 plastic floor duct. If you pull carpet up in some of these
18 SUVs, it's got -- it sort of looks like tubing, but it's flat,
19 kind of oval-shaped I guess so air can move under the carpet.
20 I apologize. My sinuses are killing me. We actually cut out
21 a piece of that and --

22 Q: Would you like some water, Investigator?

23 A: Yes. But we actually took some carpet as well, and all
24 those were documented on the search warrant as items seized
25 from the vehicle.

RICK BAILEY - DIRECT BY MR. PAULING

1 MR. PAULING: I think we're going to get you some water.

2 THE WITNESS: I'm coughing.

3 MR. PAULING: May I approach the witness, Your Honor?

4 THE COURT: Yes, you may.

5 BY MR. PAULING:

6 Q: Investigator Bailey, I'm going to show you what's been
7 marked for ID purposes as State's 56 through 59 and ask you if
8 you recognize those photos or what's in those particular
9 photos?

10 A: Yes, sir.

11 Q: Okay. And what is -- what's depicted there in those
12 photos?

13 A: On 56 --

14 Q: Well, just in general what's depicted?

15 A: Oh.

16 Q: Is that something you just testified to?

17 A: Yes, sir. This is the ductwork, the floor plan, and a
18 larger view of the interior of the Acura MDX.

19 Q: And as far as the interior is concerned, is there
20 anything else that you removed from the vehicle at that point?

21 A: It looks like all of the seats.

22 Q: The seats?

23 A: Uh-huh.

24 Q: And again, this was documented the day of that search
25 warrant; is that correct?

RICK BAILEY - DIRECT BY MR. PAULING

1 A: It was documented on the same day the search was -- a
2 search warrant was obtained and executed. It was done at
3 10:30 a.m. on April the 4th.

4 Q: Okay. This is the same day that Investigator Dill did
5 those swabs that you described?

6 A: Yes, sir.

7 Q: Okay.

8 MR. PAULING: Your Honor, at this time I'd offer State's
9 56 through 59 into evidence.

10 THE COURT: Mr. Tetterton?

11 MR. TETTERTON: No objection.

12 THE COURT: State's Exhibits 56 through 59 are into
13 evidence.

14 (WHEREUPON, State's Exhibits No. 56 through 59,
15 photographs, were admitted into evidence.)

16 BY MR. PAULING:

17 Q: Starting with State's 56, if you could just describe that
18 area or what that's depicting there?

19 A: That is the ductwork I was trying to explain. That's
20 kind of oval shaped. I guess its purposes is to move air up
21 under the carpet. That is the rear floorboard area of that
22 SUV.

23 Q: Okay. And again, you had mentioned -- you said when you
24 see dried blood it's almost like a brownish color?

25 A: Yes.

RICK BAILEY - DIRECT BY MR. PAULING

1 Q: And is that what we're looking at right there?

2 A: If you look at the end of the tubing directly under where

3 the floor pan kind of ripples, you'll notice that brown hard

4 dried stuff in the floorboard.

5 Q: I don't know if this will help us. Okay. Is this the

6 area you're talking about?

7 A: Yes, sir. There in the floor of the vehicle, the

8 plastic.

9 Q: Right here?

10 A: Yes, sir.

11 Q: And then State's 57? What are you showing there? Is

12 that just underneath that same area?

13 A: That is correct, sir.

14 Q: Okay.

15 A: That is just a more expanded view or a close-up view of

16 it. It's been zoomed in.

17 Q: Now, State's 58. Is this the area here where you're

18 saying that the seats had been removed?

19 A: The seats have been removed, the carpet is removed, and

20 at this time that ductwork had already been pulled out.

21 Q: So where I've got the laser there behind the console, is

22 that where you're talking about as well?

23 A: From that area --

24 Q: Okay.

25 A: -- out towards the door.

RICK BAILEY - DIRECT BY MR. PAULING

1 Q: Back this way?

2 A: Or what you'd call the passenger door on that side.

3 Q: Okay. Back this way towards the passenger door? All

4 right. And now, since you're up here, do you recognize

5 State's 89?

6 A: Yes, sir.

7 Q: And is that the seat?

8 A: That's a portion of the seat.

9 Q: A portion of the seat?

10 A: That's one of those 80/20s or 60/40s, whatever.

11 Q: But that's where it would've been taken out?

12 A: Yes, sir.

13 Q: Prior to this; is that correct?

14 A: That's correct.

15 Q: And then lastly, State's 59. This area here, is this

16 again behind the console, the center console area?

17 A: Yes, sir. I'm assuming that's where the air comes down

18 from that center into that ductwork that we had to remove.

19 Q: Okay. And again, those areas -- or there were areas in

20 the vehicle that were swabbed?

21 A: Correct, sir.

22 Q: That's correct? Okay. Can you just turn the microphone

23 down to you just a little bit, please, sir?

24 MR. PAULING: May I approach the witness, Your Honor?

25 THE COURT: Yes, you may.

RICK BAILEY - DIRECT BY MR. PAULING

1 BY MR. PAULING:

2 Q: And, Investigator Bailey, let me show you what's been
3 marked for ID purposes as State's 61. I'm going to ask you if
4 you recognize what's within that bag by the markings on the
5 bag?

6 A: Yes, sir. I recognize it.

7 Q: Okay. What do those appear to be or those items appear
8 to be in that bag?

9 A: There's three cardboard containers. Looking through the
10 aeration holes on the side, it looks to be the sticks from
11 those buccal swabs.

12 Q: All right. And as far as that container there in that
13 bag, how do you recognize that?

14 A: These were commonly used by us for any type case we had.
15 Once a sample is collected, it's put in this box so it can't
16 be contaminated. It was sealed, as you can see, by evidence
17 tape. It has the case number and the location it was received
18 and who actually sealed the box.

19 Q: All right. And those are the boxes, and then the actual
20 evidence bag --

21 A: It was sealed.

22 Q: Is there markings on there?

23 A: Yeah. When I delivered this to SLED, they make us fill
24 these out and we have to sign across the top showing that it
25 hasn't been tampered with or anything like that.

RICK BAILEY - DIRECT BY MR. PAULING

1 Q: And those are your initials there, RBB; is that correct?

2 A: No, sir. RRB.

3 Q: RRB? Excuse me. And what's the date on that?

4 A: 4/4/17, the same day --

5 Q: The same day?

6 A: -- as the execution of the warrant. Yes, sir.

7 Q: Of the search warrant? Okay. And you transported those
8 -- those items to SLED?

9 A: Yes, sir, I did.

10 Q: And while they were in your care, control, and custody,
11 was anybody allowed to tamper with them, alter them in any
12 form or fashion?

13 A: No, sir.

14 Q: Okay. You made sure they got to SLED safely; is that
15 right?

16 A: Correct, sir.

17 Q: Okay. And you mentioned the lab number. That's what's
18 assigned at SLED?

19 A: The yellow sticker here, that's their lab number. That's
20 assigned by them, but when they seal it up, they make us sign
21 across the top.

22 MR. PAULING: At this time, Your Honor, I would offer
23 State's 61 into evidence.

24 MR. TETTERTON: No objection.

25 THE COURT: State's 61 into evidence.

RICK BAILEY - DIRECT BY MR. PAULING

1 (WHEREUPON, State's Exhibit No. 61, swabs, was admitted
2 into evidence.)

3 BY MR. PAULING:

4 Q: And, Investigator Bailey, you had mentioned there were
5 other tasks. And I'm sorry. I keep calling you investigator.
6 I know you're retired now, but there were other tasks you were
7 involved in, but as it relates to this -- this '02 Acura,
8 after those swabs were taken, you transported them to SLED.
9 Was that your last involvement as it related to the vehicle?

10 A: Except for the time when I got the results back, but --

11 Q: Okay. Okay. And SLED -- SLED provided you the results.
12 Someone else can testify to that, but --

13 A: Yes.

14 Q: But other than that as it related to the execution of the
15 search warrant that day?

16 A: I had one more search warrant that I did on -- the date
17 of the warrant is 5/9 of 2017.

18 Q: Okay. And subsequent to that -- and did that involve
19 checking the transmission? What was that about?

20 A: It was a search warrant to check the I guess drivetrain,
21 all mechanical or electrical components to include fluids,
22 belts, pulleys, and gears of the vehicle, operating system,
23 and all powertrain.

24 Q: Okay. And --

25 A: Transmission.

RICK BAILEY - DIRECT BY MR. PAULING

1 Q: Transmission. Okay.

2 A: Yes, sir.

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

4 Thank you, Investigator Bailey. Please answer any
5 questions --

6 THE COURT: All right.

7 MR. PAULING: -- Mr. Tetterton has.

8 THE COURT: Mr. Tetterton?

9 MR. TETTERTON: Your Honor, I have no questions.

10 THE COURT: All right. Thank you.

11 THE WITNESS: Yes, sir.

12 THE COURT: And, Mr. Bailey, you can step down. Thank
13 you.

14 The lawyers approach.

15 (WHEREUPON, a bench conference was held off the record,
16 after which the proceedings resumed as follows.)

17 THE COURT: Ladies and gentlemen, we're going to take a
18 short five-minute break. Please return to your jury room.
19 Don't discuss any matters. We'll have you back out here
20 shortly. Okay?

21 Everyone remain seated while the jury panel is excused.

22 (WHEREUPON, the jury exited the courtroom at 4:10 p.m.)

23 THE COURT: All right. This will be a very short break.

24 (WHEREUPON, there was a break in the proceedings from
25 4:11 p.m. until 4:19 p.m., after which the proceedings

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 resumed as follows.)

2 THE COURT: State, I believe you've indicated you have an
3 additional witness for today; is that correct?

4 MR. PAULING: That's correct, Your Honor.

5 THE COURT: All right. And you're ready, Mr. Tetterton?

6 MR. TETTERTON: Yes, sir.

7 THE COURT: All right. Let's bring the jury in.

8 (WHEREUPON, the jury entered the courtroom at 4:20 p.m.)

9 THE COURT: All right. Solicitor, call your next
10 witness.

11 MS. SAMPSON: The State calls Chris Davis.

12 THE CLERK: Mr. Davis, do you swear or affirm that the
13 evidence you will give in this case will be the truth, the
14 whole truth, and nothing but the truth, so help you God?

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Thank you. State your name for the record.

17 THE WITNESS: Christopher Jordan Davis.

18 CHRIS DAVIS, being first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. SAMPSON:

22 Q: Is it okay if I call you Chris?

23 A: Yes, ma'am.

24 Q: All right, Chris. Where do you currently work?

25 A: I'm currently employed with the Fifth Circuit Solicitor's

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 Office as an investigator here in the Kershaw office.

2 Q: So in our office?

3 A: Yes, ma'am.

4 Q: Okay. And how long have you been working there?

5 A: Just about two years and four months, I think.

6 Q: And where did you work prior to that?

7 A: Kershaw County Sheriff's Office.

8 Q: And how long were you at the Sheriff's Office?

9 A: I started my career there in 2004 and left to come here

10 in October of 2019.

11 Q: And what was your rank at -- when you were at the Kershaw

12 County when you left?

13 A: When I left the Sheriff's Office, I was in investigation,

14 criminal investigation division, but I had held many positions

15 at the Sheriff's Office. I was current -- I was at one time a

16 road lieutenant. I worked as an SRO. I worked on the traffic

17 unit.

18 Q: Okay. So I'm going to take you back to 2016-2017. What

19 was your position at Kershaw at that point?

20 A: I was a criminal investigator.

21 Q: And the jury has heard this, but is it as everybody said

22 you get an area that you kind of investigate?

23 A: That's correct.

24 Q: And what was your area?

25 A: West Wateree. West Wateree area.

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 Q: West Wateree?

2 A: Which consisted of Lugoff and Elgin area.

3 Q: And again, is it unusual for you to assist other
4 investigators?

5 A: No, ma'am. It's very common that we help out wherever
6 we're needed.

7 Q: So how did you become involved in this case?

8 A: I got involved in this case because we came in to work
9 one day and our supervisor came to us and asked if we would go
10 to the Darlington Shredding. It was when we had located the
11 vehicle that was scrapped. We found out it was at Darlington
12 Shredding, and I was one of four of the investigators that
13 drove over to Darlington Shredding to try to get our hands on
14 that piece of evidence.

15 Q: Okay. And so did you know any of the players in this
16 case, Adam or C.W., any of those people?

17 A: I knew all of them. Yes, ma'am.

18 Q: Okay. Are you friends with any of them?

19 A: I would say -- I wouldn't say we hung out. I knew them
20 and I didn't have any problem with them, didn't think they had
21 any problem with me.

22 Q: So for example, we heard that Investigator Baxley was
23 friends with C.W. Would you say you were in that same
24 position?

25 A: Like I say, we would have been -- we knew each other.

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 Q: Okay.

2 A: We did not hang out.

3 Q: Okay. Wasn't going over to his house or anything like
4 that?

5 A: No, ma'am.

6 Q: Okay. So did you go to Darlington Shredding?

7 A: I did.

8 Q: And were you able to access the vehicle?

9 A: We collected the vehicle that day, as previously
10 testified under Mr. Miller, Investigator Miller. While Mr.
11 Miller was actually photographing the vehicle as it was set in
12 the yard when we arrived, I went inside and spoke with the
13 lady that ran the weight station, and she actually provided me
14 with a still shot of the vehicle as it came in that day
15 brought in by Mike Williams.

16 Q: Okay. And I'm going to get back to that. Were you able
17 to learn about how the shredding works, like how does a car
18 get shredded?

19 A: Yes, ma'am. From what I understand, Darlington Shredding
20 has a -- they have contracts with certain companies, other
21 auto dealerships or something like that, and they constantly
22 bring in different loads. Darlington Shredding doesn't know
23 exactly what time those loads will come in, but those loads
24 that come in take precedent over any other load because they
25 know when those vehicles arrive on Darlington Shredding, all

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 the necessary steps have been taken before they go into the
2 crusher, i.e. they have to make sure all the fluids are
3 drained out of the vehicle and everything else.

4 So if they get a customer that they have contracts with
5 come in, those are crushed before. Say if you bring -- a
6 private individual brings in a vehicle, they have to sit them
7 to the side. They have to be checked to make sure all the
8 fluids are drained, nothing is inside the vehicle, and they
9 also have to wait a three-day waiting period where they can be
10 run through South Carolina DMV to make sure they're not taking
11 in stolen autos.

12 Q: So if a car is brought, can they immediately crush it if
13 an individual brings it?

14 A: No, ma'am. The way it was explained is that if a vehicle
15 is brought in from an individual, it has to, one, have the VIN
16 run through DMV, and it has to be a three-day hold placed on
17 that vehicle.

18 Q: And is that what happened in this case?

19 A: It is.

20 Q: And do you remember how long they -- how long it had been
21 there before you all arrived?

22 A: I think it was brought in somewhere around January the
23 27th or something, and then we arrived to pick it up on I
24 think February the 6th.

25 Q: I'm going to show you what's been marked as State's

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 Exhibit -- Exhibits 23 and 25. We'll start with 23. Do you
2 recognize that?

3 A: Yes, ma'am.

4 Q: And what is that?

5 A: This is an overhead view of the weight station as the
6 vehicle comes in to Darlington Shredding. All the vehicles
7 actually pull onto a weight station. Once they go into the
8 plant, the vehicle or whatever items that they bring on there
9 is removed from the trailer, and the same trailer and truck
10 come back out on that same weight station, and it has an
11 overhead view of it coming in and coming out, and that's
12 basically a way that they pay. They can tell the difference
13 in the weight when they come in loaded and the weight that
14 they come out, and that's how they get a base pay of how much
15 material they brought in.

16 Q: And does this photo -- -- what is this of? So we've got
17 one picture? Two pictures?

18 A: The picture on the left if I'm looking at it, is the
19 vehicle, the Acura MDX, owned by Mr. and Mrs. Beebe of
20 Bethune, being pulled by Mike Williams, as previously
21 testified to earlier. It's coming in, and the picture on the
22 right is the empty trailer and truck going out.

23 Q: And does it fairly and accurately depict the stills that
24 you were provided in January or February of 2017?

25 A: It does.

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 MS. SAMPSON: At this time, Your Honor, I would introduce
2 State's Exhibit 23.

3 THE COURT: Mr. Tetterton?

4 MR. TETTERTON: No objection, Your Honor.

5 THE COURT: State's Exhibit 23 is being moved into
6 evidence.

7 MR. TETTERTON: No, sir, Your Honor. No objection.

8 THE COURT: All right. It's into evidence.

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

11 MS. SAMPSON: Thank you. Your Honor.

12 BY MS. SAMPSON:

13 Q: In State's Exhibit 25, can you tell us just what that is?

14 A: This is a ticket closed or paid. It is just basically an
15 invoice showing where Darlington Shredding paid the customer,
16 Mr. Mike Williams, for bringing that vehicle and the amount.

17 Q: And does that --

18 A: It shows the weight.

19 Q: -- fairly and accurately depict what you were provided?

20 A: Yes, ma'am, it does.

21 Q: Okay.

22 MS. SAMPSON: At this time I'd ask to introduce State's
23 Exhibit 25 into evidence.

24 MR. TETTERTON: No objection, Your Honor.

25 THE COURT: 25 is into evidence.

CHRIS DAVIS - DIRECT BY MS. SAMPSON

1 (WHEREUPON, State's Exhibit No. 25, paid ticket, was
2 admitted into evidence.)
3 MS. SAMPSON: Thank you.
4 BY MS. SAMPSON:
5 Q: Now it's up. Exhibit 23 is gone from the board. Is that
6 what you were just talking to the jury about?
7 A: Yes, ma'am.
8 Q: Okay. You can get up if you need to.
9 A: Like I said, on the -- on the left-hand side if you're
10 looking onto the screen, that shows Mike Williams's vehicle
11 and trailer pulling in the Acura MDX, and then on the right-
12 hand side that's Mike Williams trailer and truck pulling out
13 without the vehicle on it. So it's been deposited.
14 Q: State's Exhibit 25?
15 A: This is the paid receipt showing that the customer,
16 Michael Williams, and has the weight, the gross vehicle weight
17 and all that, and it shows that they paid \$333.50.
18 Q: And you can look at it and try to find out. What was the
19 date of the ticket or the date that it was -- it was brought
20 to the lot?
21 A: The date that it was brought to the lot --
22 Q: Where it says ticket date?
23 A: Is 1/26 of '17.
24 Q: And you guys were there on February 6th?
25 A: That's correct.

CHRIS DAVIS - CROSS BY MR. TETTERTON

1 MS. SAMPSON: I beg the Court's indulgence.

2 Thank you. No further questions at this time.

3 THE COURT: Mr. Tetterton?

4 MR. TETTERTON: May it please the Court.

5 CROSS-EXAMINATION

6 BY MR. TETTERTON:

7 Q: Chris, you work for the Solicitor's Office? You worked
8 for the Sheriff's Department, but stationed in the Solicitor's
9 Office; is that correct?

10 A: Currently, I work solely for the Solicitor's Office. I
11 don't have any affiliation with the Sheriff's Office at this
12 time.

13 Q: All right. Back -- well, were you aware of the fact that
14 back on January the 11th, 2017, Justin Dill and David Miller
15 interviewed Dani Beebe?

16 A: I was aware that she was being interviewed. Yes, sir.

17 Q: Okay.

18 A: I was not present.

19 Q: And were you aware of the fact that that interview was
20 videotaped?

21 A: I believe so. Yes, sir.

22 Q: And the Solicitor's Office has a copy of that video?

23 A: Yes, sir.

24 Q: Were you also aware of the fact that on March 30th, 2022,
25 five years later, Dani was again interviewed?

CHRIS DAVIS - CROSS BY MR. TETTERTON

1 A: Yes, sir.

2 Q: Where did that interview take place?

3 A: At Mr. Swerling's office.

4 Q: In Columbia?

5 A: In Columbia.

6 Q: If you would, tell this jury who all was there?

7 A: Who all was in attendance at a --

8 Q: Yes.

9 A: -- interview? It would be myself, Christina Allard with

10 our office, April Sampson, Curtis Pauling, Jack Swerling. He

11 had two assistants -- I don't recall their names -- and Ms.

12 Beebe.

13 Q: And who? Ms. Beebe?

14 A: Ms. Dani Beebe.

15 Q: And I believe y'all -- who did the interview? Mr.

16 Pauling or Ms. Allard or Ms. Sampson or who did the actual

17 interview?

18 A: The interview was -- we actually just let Ms. Beebe speak

19 to start with, and then if we had follow-up questions, I asked

20 some follow-up questions.

21 Q: So there were four members of the Solicitor's Office

22 there at that time; right?

23 A: Yes, sir.

24 Q: And there was an audio made of that?

25 A: Correct.

CHRIS DAVIS - CROSS BY MR. TETTERTON

- 1 Q: I beg your pardon?
- 2 A: Yes, sir.
- 3 Q: And the Solicitor's Office has a copy of that audio?
- 4 A: Yes, sir.
- 5 Q: Okay. Now, I believe in looking at that audio or
- 6 listening to it, y'all interviewed her for 28 minutes and 13
- 7 seconds the first time before you took a break. Do you
- 8 remember that?
- 9 A: I know that -- I know we did take a break. I can't give
- 10 you an accurate time of how long.
- 11 Q: Okay. But it --
- 12 A: I wouldn't dispute you on that.
- 13 Q: But the audio, so it shows that you would accept that as
- 14 being the truth?
- 15 A: Yes, sir.
- 16 Q: And then -- then y'all interviewed her or let her speak
- 17 for 78 minutes and 33 seconds -- is that correct? -- about
- 18 that?
- 19 A: We did speak to her again that same day after a short
- 20 break, yes, sir.
- 21 Q: So this whole interview that y'all had with her lawyer
- 22 lasted about 96 minutes, five years after the initial
- 23 interview?
- 24 A: Yes, sir.
- 25 Q: All right.

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 promptness this morning. We're ready to proceed with trial.

2 With that, Solicitor, call your next witness.

3 MR. PAULING: Thank you, Your Honor. At this time the
4 State would call Dr. Janice Ross.

5 THE CLERK: Place your left hand on the Bible and raise
6 your right hand. Do you swear or affirm the evidence you give
7 in this case will be the truth, the whole truth, and nothing
8 but the truth, so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Have a seat and state your full name for the
11 record, please.

12 THE WITNESS: Janice Edwards Ross, R-o-s-s.

13 DR. JANICE ROSS, being
14 first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. PAULING:

17 Q: Good morning, Dr. Ross. How are you doing?

18 A: Good morning. Fine, thank you.

19 Q: Dr. Ross, would you please tell this jury here where
20 you're employed, what do you do?

21 A: I'm a forensic pathologist, which means I went through
22 four years of college and four years of medical school and
23 over five years of training in the field of pathology. So I'm
24 a doctor in pathology where we learn how to identify diseases
25 and cancers, etc., blood problems through the microscope and

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 through laboratory work for the hospital.

2 We further learn how to do an autopsy to find a cause of
3 death. I'm further trained in the field of forensic
4 pathology, which further trains us to identify patterns of
5 injury, and so we deal in deaths where the manner of death may
6 be natural, suicide, accident, or homicide.

7 Q: Okay. And you're board certified as a forensic
8 pathologist; is that correct?

9 A: Yes.

10 Q: Okay. And essentially how long have you been doing this?

11 A: Forty-six years.

12 Q: Forty-six years? Okay. And during that time have you
13 been qualified as an expert in the field of forensic
14 pathology?

15 A: Yes.

16 Q: Here in South Carolina courts?

17 A: Yes.

18 Q: Approximately how many times?

19 A: Three hundred times.

20 Q: Three hundred times?

21 A: Yes.

22 Q: Okay. And you're currently affiliated with Newberry
23 Pathology; is that correct?

24 A: At the time of this autopsy, I was with Newberry
25 Pathology. So we did the autopsies in Newberry County

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 Memorial Hospital in the morgue. I'm currently -- for three
2 years I've been -- I moved to Charleston, and I do autopsies
3 for the coroner down there.

4 MR. PAULING: Your Honor, at this time I would offer Dr.
5 Janice Ross as an expert in the field of forensic pathology.

6 THE COURT: Mr. Tetterton?

7 MR. TETTERTON: No, sir. No objection.

8 THE COURT: All right. Thank you.

9 Ladies and gentlemen, normally a person cannot give an
10 opinion testimony. Normally, when a person testifies, they
11 must testify as to what they either saw, heard, or sensed by
12 smell or something of that nature. However, there's an
13 exception when someone is qualified because of education or
14 experience. They are permitted to give their opinion in
15 certain areas if the Court qualifies them that way.

16 This witness, Dr. Ross, will be qualified. I find that
17 she is qualified to testify in the area of forensic pathology.
18 She's qualified to give opinion testimony in that area, but
19 that -- that does not mean that you must accept the opinion,
20 but it is evidence for you to use in any way you see fit and
21 give it the weight and credibility you believe is appropriate.
22 Thank you.

23 All right. Solicitor?

24 MR. PAULING: Thank you, Your Honor.

25 BY MR. PAULING:

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 Q: Now, Dr. Ross, you indicated at that time you performed
2 this particular autopsy, you were with Newberry Pathology; is
3 that correct?

4 A: Correct.

5 Q: Okay. And when I say this autopsy, did you conduct an
6 autopsy on Adam Davis?

7 A: Yes.

8 Q: Okay. Was that back in March of 2017?

9 A: Yes. March 10th of 2017.

10 Q: March 10th of 2017? And if you could tell the jury how
11 did the remains of Mr. Davis come into your custody?

12 A: Well, the coroner of Kershaw County called and scheduled
13 an autopsy, and the patient was transported to us at Newberry
14 County Memorial Hospital, where we received the body.

15 Q: Okay. And when you received the body, was there any
16 information -- preliminary information that you were provided?

17 A: Just that he was found in a shallow grave, and he had
18 been missing since I think December of the previous year.

19 Q: Okay. And when you perform an autopsy, are there other
20 pathologists that work with you and are present as well?

21 A: No other pathologist, but morgue assistants and in this
22 case there were some law enforcement people and --

23 Q: Personnel?

24 A: Personnel. Uh-huh.

25 Q: Do you recall who were -- who were present at that time?

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 A: Let me look at my list. There was Terrence Matthews from
2 SLED, Philip Davidson from the Kershaw County Sheriff's
3 Office, and Joe Wilson from the Kershaw County Coroner's
4 Office.

5 Q: Okay. And if you could I guess just educate the jury.
6 When you begin to perform an autopsy, what steps do you -- or
7 what preliminary steps do you take before you actually perform
8 the procedure?

9 A: Okay. We -- we look at the -- take photographs of the
10 patient front and back, clothed and unclothed. In this case
11 he was covered with mud; so we had to clean that off to
12 identify -- try to identify any further injuries that we could
13 see. We could see a gunshot wound in the head. So we did
14 x-rays -- excuse me -- x-rays to identify whether or not a
15 bullet or bullet fragments were still in him. Then we proceed
16 with the internal examination.

17 Q: Okay. And as it relates -- you had mentioned the gunshot
18 wound to the head and the x-rays. What were the results of
19 the x-rays?

20 A: There was no -- there was no evidence of a bullet still
21 in him.

22 Q: Okay. And you mentioned a gunshot wound to the head. So
23 were there two wounds as such or can you explain?

24 A: There was an entrance and an exit, yes.

25 Q: An entrance and an exit wound? Okay. And if you could

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 describe as well when you're examining the body, were there
2 any other markings on the victim or identifying markings?

3 A: Sure. We -- the first thing we want to do is make sure
4 we have a proper identification of who the person is. In this
5 case there was a nice -- there was an elaborate tattoo on his
6 arm that formed a star-shape and matched by history what he
7 had -- what this person had had.

8 Q: And you mentioned there was a gunshot wound to his head.
9 Were there any other injuries that you noted?

10 A: There was a small wound in his -- just above his left
11 eyebrow, but I couldn't tell what age it was.

12 Q: Okay. And as it related to the particular injuries, you
13 indicated there was an entrance wound and an exit wound?

14 A: Yes.

15 Q: And you can you describe where they were actually on his
16 head?

17 A: The entrance wound was in the left forehead, again above
18 the left eyebrow, and the exit wound was in the right back of
19 the head. So the bullet path went from left to right, front
20 to back, and slightly upward.

21 Q: Left to right, front to back?

22 A: Yes.

23 Q: And slightly upward; is that correct?

24 A: Yes.

25 Q: And taking that path, what were the injuries or the

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 internal injuries that were suffered due to that projectile
2 going through the head?

3 A: It would go through the brain, lacerate the brain.

4 Q: Laceration of the brain?

5 A: Yes.

6 Q: Okay. And that particular injury, as far as rendering
7 death, what timeline would you think that would take as far as
8 that particular injury?

9 A: The -- the explosive effect in the -- in the inside the
10 skull would cause immediate unconsciousness, and irreversible
11 death would occur within four to five minutes, four to five
12 minutes probably.

13 Q: Four to five minutes?

14 A: Yes, sir.

15 Q: Okay. And with that type of injury, would you expect to
16 see significant bleeding due to that injury?

17 A: Just some bleeding inside the brain, yes.

18 Q: Okay. Now, you've mentioned these injuries. Did you
19 document those in any way?

20 A: Yes.

21 Q: Okay. And how did you document that?

22 A: Through a diagram that we -- we draw on during the
23 autopsy to identify where injuries are.

24 Q: Okay. Is it documented by photographs as well?

25 A: Yes.

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 Q: Okay.

2 MR. PAULING: May I approach the witness, Your Honor.

3 THE COURT: Yes, you may.

4 BY MR. PAULING:

5 Q: Dr. Ross, I'm going to show you what's been marked for ID
6 purposes as State's 62 through 66 and ask you do you recognize
7 the items in those pictures?

8 A: Yes. These are photographs -- excuse me -- of Mr. Adams
9 -- I mean -- I'm sorry -- Adam Davis at the time of the
10 autopsy.

11 Q: On March 10th, 2017?

12 A: Yes.

13 Q: Okay. And you took those photographs; is that correct?

14 A: Yes, I did.

15 Q: Okay.

16 MR. PAULING: At this time, Your Honor, I'd offer State's
17 62 through 66 into evidence I believe without objection.

18 MR. TETTERTON: No. That's without objection. I just
19 want to get a number off of them, please. No objection, Your
20 Honor.

21 THE COURT: All right. State's Exhibit 62, 63, 64, 65,
22 and 66 are into evidence without objection.

23 (WHEREUPON, State's Exhibits No. 62, 63, 64, 65, and 66,
24 photographs, were admitted into evidence.)

25 MR. PAULING: May I publish these to the jury?

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 THE COURT: Yes, you may.

2 BY MR. PAULING:

3 Q: Dr. Ross, we're looking at State's 62. Could you
4 describe what we're seeing there?

5 A: Yes. That number identifies the autopsy, forensic
6 autopsy 2017 and number 210. You can see the -- my fingers in
7 the blue glove, and behind that is the left ear and the nose.
8 So above the left eyebrow there is that little indentation
9 that looks like a cut in the skin, and above that is a hole,
10 which is the entrance wound.

11 Q: The entrance wound there where I've got the laser?

12 A: Correct.

13 Q: And then this was the injuries that you -- well, that's
14 another injury?

15 A: Correct.

16 Q: Okay. Would that be the bridge of his nose?

17 A: Yes.

18 Q: Okay. Right eye? Left eye? So when you say the left,
19 you're talking about the left facing out?

20 A: That's his left side, his left forehead, yes.

21 Q: And that would be the entrance wound?

22 A: Yes.

23 Q: And next State's 64?

24 A: Yes. That's with the skin peeled away from the bone, and
25 that's the entrance wound in the skull.

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 Q: I'm sorry? That's the --

2 A: Entrance wound in the skull.

3 Q: Is that the entrance wound or the exit wound?

4 A: I describe a linear fracture on the entrance wound. This

5 -- no, I'm sorry. I think that is the exit wound, yeah. The

6 -- when a bullet goes through bone, where it enters the bone

7 there's a small round hole. Where it exits that bone, there's

8 a larger hole. That's what we call beveling. So you can

9 identify an entrance wound versus an exit wound. You can

10 almost see the -- down below that, yes. That's where the bone

11 bevels outward. So that's coming from the inside going out.

12 Q: And you had indicated earlier a trajectory of left to

13 right; is that correct?

14 A: Yes.

15 Q: Okay. And looking at State's 65 --

16 A: Yes.

17 Q: If you can describe what are we looking at there? From

18 the top to bottom -- from top to bottom, what are we looking

19 at?

20 A: The entrance wound is above the number of the case is on

21 the back of the head. So the entrance wound is behind -- is

22 where my fingers are, and that shows -- that's after the top

23 of the skull is removed to identify the brain and the brain is

24 removed. So it shows the direction of the bullet from the

25 left front to the right back.

DR. JANICE ROSS - DIRECT BY MR. PAULING

- 1 Q: And as far as where the entrance wound was from the top
2 of the head, what did you measure that from the top of the
3 head?
- 4 A: We just -- we measure from the top of the head and from
5 the side of the midline. So the entrance wound was I think
6 four inches below the -- four-and-a-half inches below the top
7 of the head and two-and-a-half inches to the left of midline,
8 whereas the exit wound was four inches below the top of the
9 head and three inches to the right of midline.
- 10 Q: So -- and again, it was moving from left to right?
- 11 A: Yes.
- 12 Q: And slightly upward; is that correct?
- 13 A: Correct.
- 14 Q: Now looking at State's 63?
- 15 A: Yes. That's the unique tattoo that was on his arm, the
16 right upper arm, and it's quite unique in that it forms the
17 shape of a star with names.
- 18 Q: Initials there?
- 19 A: Yes.
- 20 Q: And then, Dr. Ross, State's 66. What are those items?
- 21 A: Those are what we call personal effects, personal items
22 that we found in his pockets, including a crushed pack of
23 cigarettes, a few coins, a lighter, some cigarette butts, and
24 a \$10 bill.
- 25 Q: Now, Dr. Ross, I know we looked at what was essentially a

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 2-D version as far as the trajectory path of the projectile,
2 but would it aid the jury to see in 3-D form that trajectory
3 path?

4 A: I believe so.

5 MR. PAULING: May I approach the witness, Your Honor?

6 THE COURT: Yes, you may.

7 BY MR. PAULING:

8 Q: Dr. Ross, I've got a mannequin head here, and do you
9 recognize this particular item?

10 A: Yes.

11 Q: Okay. And did you make markings as it related to this
12 particular item related to your findings during the autopsy of
13 Adam Davis?

14 A: I did.

15 Q: Okay. And this area here, would this be the entrance?

16 A: Correct. Correct, yes.

17 Q: And if you could --

18 MR. PAULING: Could she step down?

19 THE COURT: Yes, you can step down, Dr. Ross.

20 BY MR. PAULING:

21 Q: And is this the exit area as well?

22 A: Yes.

23 Q: Okay. And when you had indicated moving left to right,
24 again moving from --

25 MR. TETTERTON: Your Honor, this particular trajectory is

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 not consistent with the testimony. That trajectory shows a
2 downward motion instead of like she described in her testimony
3 that it was upward.

4 THE COURT: Well, she hasn't testified yet to what she
5 sees through the -- through the Styrofoam head there. So I'll
6 overrule the objection.

7 BY MR. PAULING:

8 Q: Dr. Ross, I'll let you explain as far as the markings you
9 made and the path that is described there.

10 A: It's hard to get the exact [inaudible] and whatever.
11 Bullets go straight, and the motion that we took at the time
12 of autopsy, the top --

13 THE COURT: Dr. Ross, I'm going to ask that you speak up
14 a little bit more. We're on a system of recording, and so we
15 need to be sure that we're getting all of your testimony.
16 Okay?

17 THE WITNESS: Sure.

18 THE COURT: The microphone there will help.

19 THE WITNESS: Okay.

20 THE COURT: You don't have to speak into the microphone.
21 Just the fact that it's there now will help us on that. All
22 right? Go ahead, Dr. Ross.

23 BY MR. PAULING:

24 A: They -- when we measure from the top of the head, the
25 exit wound was about a half an inch less than the entrance

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 wound. It's hard to get a good result through Styrofoam.

2 Q: But that essentially shows the path of the trajectory of
3 that bullet? And when you say half an inch less, so the exit
4 wound is a little bit I say higher than the entrance wound; is
5 that correct?

6 A: Correct.

7 Q: A half-inch?

8 A: Correct. Yes.

9 Q: And so slightly upward?

10 A: Yes.

11 Q: Thank you, Dr. Ross.

12 A: Uh-huh.

13 THE COURT: All right. Let's return that microphone to
14 back to where it may be needed.

15 BY MR. PAULING:

16 Q: Now, Dr. Ross, you had indicated or you began to educate
17 the jury about cause of death and manner of death?

18 A: Yes.

19 Q: Can you distinguish between the two and any categories of
20 each?

21 A: Yes. Cause of death is just what caused the death, in
22 this case laceration of the brain due to the gunshot wound to
23 the head. The manner of death is how that cause of death came
24 about. Was it a natural situation, a suicide, an accident, or
25 a homicide? And our definition of homicide medically is life

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 taken by the action of or inaction of another. It does not go
2 into intent.

3 Q: Okay. And so what is your opinion, Dr. Ross, or do you
4 have an opinion rather to a reasonable degree of medical
5 certainty as to the cause of death?

6 A: Yes.

7 Q: And what is that?

8 A: Laceration of the brain due to the gunshot wound to the
9 head.

10 Q: And do you have an opinion to a reasonable degree of
11 medical certainty as to the manner of death --

12 A: Yes.

13 Q: -- of Adam Davis?

14 A: Yes.

15 Q: And what is that, ma'am?

16 A: Homicide.

17 Q: Okay. And as part of the autopsy or procedures, do you
18 take any fluids or tissues or any DNA samples of the victim?

19 A: Yes, we do. In this case there was a lot of
20 decomposition. So all we could take was some brain and liver
21 tissue, which they can identify drugs in, and we take some
22 tissue from the spleen which has a lot of blood in it, not
23 liquid, but we can put it on a DNA -- what we call a DNA card.
24 It maintains the DNA and they can identify -- do the DNA
25 processing from that card.

DR. JANICE ROSS - DIRECT BY MR. PAULING

1 Q: And did you do that in this case?

2 A: Yes.

3 MR. PAULING: May I approach the witness, Your Honor.

4 THE COURT: Yes, you may.

5 BY MR. PAULING:

6 Q: Dr. Ross, I'm going to show you what's been marked for ID
7 purposes as State's 68 and I'm going to ask you if you
8 recognize that particular item?

9 A: Yes. This is our packaging of the DNA card of Mr. Davis
10 from the autopsy.

11 Q: Okay. So that's the blood standard that you were
12 referring to?

13 A: Correct.

14 Q: Okay.

15 MR. PAULING: And at this time, Your Honor, I'd offer
16 State's 68 into evidence, I believe without objection.

17 MR. TETTERTON: No objection, Your Honor.

18 THE COURT: State's 68 is into evidence.

19 (WHEREUPON, State's Exhibit No. 68, DNA card of Adam
20 Davis, was admitted in evidence.)

21 BY MR. PAULING:

22 Q: And what did you do with that DNA standard? Who did you
23 provide that to?

24 A: That -- Joe Wilson of the Coroner's Office took the DNA
25 standard and the brain and liver tissue to be submitted to

DR. JANICE ROSS - CROSS BY MR. TETTERTON

1 SLED.

2 Q: Okay.

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

4 Thank you, Dr. Ross. Please answer any questions that
5 Mr. Tetterton may have.

6 THE COURT: All right. Mr. Tetterton?

7 MR. TETTERTON: Thank you.

8 CROSS-EXAMINATION

9 BY MR. TETTERTON:

10 Q: Good morning, Dr. Ross.

11 A: Good morning.

12 Q: Take a look at Exhibit No. 66 for me.

13 A: Which one?

14 Q: No. 66.

15 A: Okay.

16 Q: Dr. Ross, just for clarification, photograph 66 I believe
17 you testified to was some items that were taken from the
18 clothing of the deceased?

19 A: Correct.

20 Q: And I think it shows a pile of cigarette butts?

21 A: Yes.

22 Q: And it shows a Camel package, cigarette package?

23 A: Yes.

24 Q: Okay. And that was taken there by you?

25 A: Yes.

DR. JANICE ROSS - CROSS BY MR. TETTERTON

- 1 Q: Does that indicate that he was a heavy smoker?
- 2 A: It's consistent with that, yes.
- 3 Q: Okay. Going back to the autopsy on the path of the
- 4 bullet, if you would, please, can you stand up and show the
- 5 jury right from the steps, if you don't mind, right where the
- 6 bullet entrance and exit wounds are?
- 7 A: The entrance -- entrance here.
- 8 Q: Okay. And can you turn around and show them where the
- 9 exit wound was?
- 10 A: Here.
- 11 Q: That's showing a downward motion; is that correct?
- 12 A: I can't see.
- 13 Q: Do you need a mirror? Well, Doctor, what I'm trying --
- 14 what I'm trying to get to establish from your autopsy report
- 15 was the entry wound in the head was four-and-a-half inches
- 16 below the top of the head?
- 17 A: Correct.
- 18 Q: Right above the left eye?
- 19 A: Yes.
- 20 Q: And the exit wound was four inches below the top of the
- 21 head?
- 22 A: Correct.
- 23 Q: So that would show the path was upward slightly to the
- 24 left; is that correct?
- 25 A: That's correct.

DR. JANICE ROSS - CROSS BY MR. TETTERTON

1 Q: There's no doubt about that?

2 A: Correct.

3 Q: Okay. And of course, this mannequin, as you explained,
4 you can't always get it accurate through a mannequin, but that
5 mannequin doesn't accurately show an upward motion of the path
6 of the bullet, does it?

7 A: No.

8 Q: Okay. Was there a toxicology done?

9 A: Yes.

10 Q: What were the results of that toxicology?

11 A: He had I think cocaine available on him, cocaine,
12 cocaethylene, which is a combination of cocaine and alcohol,
13 and a breakdown product of cocaine, benzoylecgonine.

14 Q: Were you able -- were you able to quantitate the amount
15 of cocaine in the toxicology report?

16 A: The -- well, this is -- this is not in blood. This is in
17 the brain and liver. It's .04 milligrams per kilogram. The
18 presence of parent cocaine indicates the use of cocaine
19 probably within an hour of -- this is better explained by a
20 toxicologist, but cocaine breaks down very quickly. So it --

21 Q: It metabolizes?

22 A: If you have parent cocaine in there, it means that he
23 used it probably within about an hour of -- or two of death.

24 Q: But as far as quantity of cocaine, can you quantitate it
25 about how much is in there?

DR. JANICE ROSS - CROSS BY MR. TETTERTON

1 A: Well, when it -- when it's in the liver and brain, it's
2 -- you can quantitate it, but it doesn't matter. Some people
3 -- it's just the fact that the presence of parent cocaine is
4 there.

5 Q: And I'm sorry I didn't -- I couldn't hear you when you
6 testified as to the significance, but was there significant
7 bleeding outside the brain?

8 A: I -- not that I could tell. There was no other injury,
9 no fractures, no other contusions that we saw from the inside
10 of the body.

11 Q: If it had been, of course, a body wound, it would've been
12 significant bleeding, like maybe a shot through the heart or
13 something would be significant bleeding?

14 A: Correct.

15 Q: But in this case there was no significant bleeding that
16 you could determine outside the brain?

17 A: That's correct.

18 Q: Okay. Now, you're here to give an opinion as to the
19 cause of the death; that's correct?

20 A: Yes.

21 Q: And I believe your testimony to the jury is that the
22 cause of death was a bullet that went in right above the left
23 eye and exited out a little bit higher on the back of the
24 brain; is that correct?

25 A: Correct.

DR. JANICE ROSS - CROSS BY MR. TETTERTON

1 Q: All right. Now, you mentioned something about a -- I
2 don't have the photograph, but it was something right above --
3 another marking right above the left eye?

4 A: It was a defect in the skin that --

5 MR. TETTERTON: May I approach, Your Honor?

6 THE COURT: Yes, you may.

7 BY MR. TETTERTON:

8 A: Right there.

9 Q: How would you describe that marking on the left fore --
10 forehead?

11 A: With the decomposition, all I can say is it's a split in
12 the skin. I don't know if it was from a sharp object or from
13 a blunt object.

14 Q: So you can't really give an opinion as to whether or not
15 this was put there prior to death or after he was exhumed from
16 the body or brought up from the body?

17 A: No, I cannot.

18 Q: And is it a possibility that when they removed the body
19 that could have happened, a laceration in the skin?

20 A: Yes.

21 Q: But that didn't have anything to do with the cause of
22 death, did it?

23 A: No, it did not.

24 Q: And you don't know how it got there?

25 A: No, sir.

DR. JANICE ROSS - CROSS BY MR. TETTERTON

1 Q: Now, I understand, Doctor, that you're here to give an
2 opinion to this jury about the cause of death, which you
3 determined to be an entry wound right above the left eye and
4 exiting a little bit higher from the back of the skull;
5 correct?

6 A: Correct.

7 Q: Would that indicate to you that someone might have been
8 sitting when that bullet was discharged?

9 A: We have two movable people. Bullets go straight and you
10 have a head that can go all kind of different directions. All
11 I can say is when a person is standing straight up, the bullet
12 path is left to right, back -- front to back, and slightly
13 upward.

14 Q: But you can't really say whether someone was sitting who
15 discharged a bullet or not?

16 A: No, I cannot.

17 Q: Okay. And again, you don't -- you don't know anything
18 about the events of what happened on the night of December
19 29th, 2016, do you?

20 A: No, I do not.

21 Q: And in all fairness, Dr. Ross, you're not here to give an
22 opinion as to motive, are you?

23 A: No, sir.

24 Q: And you're not here to give an opinion as to malice or
25 lack of malice?

DR. JANICE ROSS - CROSS BY MR. TETTERTON

1 A: Correct.

2 Q: And you're not here to give an opinion as to intent or
3 lack of intent, are you?

4 A: Correct.

5 Q: Your sole testimony is just to describe to the jury that
6 the bullet hole right above on the left exited on the back and
7 that caused the brain to be lacerated; is that correct?

8 A: Correct.

9 Q: You're not here to give an opinion about whether or not
10 this was a lawful or unlawful shooting, are you?

11 A: No, sir.

12 MR. TETTERTON: Thank you. Nothing further. Thank you,
13 Dr. Ross.

14 THE COURT: All right. Any re -- any redirect?

15 MR. PAULING: Just briefly.

16 REDIRECT EXAMINATION

17 BY MR. PAULING:

18 Q: Dr. Ross, as it relates to the bleeding, can you tell if
19 he would have bled outside of his body at some point? I mean
20 can you tell that just from your examination?

21 A: Well, a head wound like that can bleed outside somewhat.
22 I mean it won't -- it won't be like spurting blood or anything
23 like that.

24 Q: But he could've bled outside of his body though? It
25 wouldn't have all been inside I guess is my point?

DR. JANICE ROSS - REDIRECT BY MR. PAULING

1 A: Some, some, yes.

2 Q: Okay. And I know we've been talking about the trajectory
3 of the path of the projectile. Can you determine from your
4 examination if the individual's head was up or down or any of
5 those sorts of things?

6 A: No, I cannot.

7 Q: The position of the head?

8 A: No, I cannot.

9 Q: Just simply that bullets go straight and this went left
10 to right, slightly upward; is that correct?

11 A: Correct.

12 Q: Okay. And, Dr. Ross, in these cases the only opinion you
13 ever give is as to cause of death and manner of death; is that
14 correct?

15 A: Yes.

16 Q: Okay.

17 MR. PAULING: Nothing further, Your Honor. Thank you.

18 THE COURT: Any recross?

19 MR. TETTERTON: Just briefly.

20 RECROSS-EXAMINATION

21 BY MR. TETTERTON:

22 Q: In your examination, can you describe the amount of blood
23 that would come from a brain injury like this outside of the
24 body?

25 A: No, I cannot.

DR. JANICE ROSS - RECROSS BY MR. TETTERTON

1 Q: It would be -- you don't think it would have been a
2 little bit or a lot -- a lot of blood?

3 MR. PAULING: I believe she said she cannot.

4 THE WITNESS: But --

5 THE COURT: All right.

6 THE WITNESS: It would be a little bit.

7 THE COURT: He can ask the question.

8 BY MR. TETTERTON:

9 Q: What did you say?

10 A: It could be a little bit, but it wouldn't be a lot, like
11 blood clots.

12 Q: Let me make sure I understand what you're telling me.

13 You're telling the jury blood clots; is that correct?

14 A: Blood clots after death, yes.

15 Q: Okay. The blood clots after death. Would that restrict
16 the amount of blood that goes outside the body from the brain?
17 Is that correct?

18 A: Well, it's just the head isn't -- the skull is a -- is a
19 small space, and the brain swells with the injury and doesn't
20 allow a lot of blood out. So the only way blood can go out is
21 through the entrance or the exit wound.

22 Q: That would be a small amount of blood in your opinion?

23 A: Correct.

24 MR. TETTERTON: Thank you.

25 THE COURT: All right. Thank you.

MARYANN BOEHM - DIRECT BY MR. SCOTT

1 Dr. Ross, you can step down. Thank you.

2 All right. Solicitor, call your next witness.

3 MR. SCOTT: The State calls Maryann Boehm.

4 THE CLERK: Place your left hand on the Bible and raise
5 your right hand. Do you swear or affirm the evidence you give
6 in this case will be the truth, the whole truth, and nothing
7 but the truth, so help you God?

8 THE WITNESS: I do.

9 THE CLERK: State your full name for the record, please.

10 THE WITNESS: My name is Maryann Elizabeth Boehm.

11 MARYANN BOEHM, being first
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q: Agent Boehm, you work at SLED; is that correct?

16 A: I do, sir.

17 Q: How long have you been with SLED?

18 A: Approximately 16-and-a-half years.

19 Q: And what department do you work in there?

20 A: I work in the DNA casework department.

21 Q: Okay. What does the day to day of somebody in the SLED
22 DNA department look like?

23 A: So we process and analyze cases from local law
24 enforcement agencies, as well as SLED, that are submitted to
25 SLED, and day to day it varies. We're either in the lab

MARYANN BOEHM - DIRECT BY MR. SCOTT

1 working on cases, producing DNA profiles, or I'm at my desk
2 writing reports based on my findings.

3 Q: Okay. So I mean does it -- would you say a lot of your
4 time is spent testing DNA samples against known DNA samples?

5 A: Yes, sir.

6 Q: Okay. So if law enforcement comes to you and they might
7 say, you know, we swabbed this crime scene and we came up with
8 this sample, we have a victim's known sample, can you test
9 these two together and see if they match? Is that kind of
10 what you do sometimes?

11 A: Yes. So we perform DNA analysis on unknowns, which would
12 be swabs from evidence from crime scenes, and then we compare
13 them to any known standards that are submitted in that case.

14 Q: Okay. And you know, a lot of us kind of are familiar
15 with DNA now, but we used to always ask what is DNA. Can you
16 explain it to the jury?

17 A: Sure.

18 Q: What it is and how it's unique to individuals?

19 A: DNA stands for deoxyribonucleic acid. It is a chemical
20 found in all of the cells of our body except for red blood
21 cells. It gives us our physical features, such as our hair
22 color and our height. It's also responsible for passing along
23 traits from generation to generation. We get half of our DNA
24 from our mother and half from our father. With the exception
25 of identical twins, no two individuals have the same DNA.

MARYANN BOEHM - DIRECT BY MR. SCOTT

1 So in forensic science, we are interested in the portions
2 of DNA that differ between individuals. At SLED we test 23
3 different locations. The combination of the test results make
4 up a DNA profile. Like I said, we test -- perform DNA
5 analysis on unknown samples and known samples and compare
6 those results.

7 Q: Okay. Agent Boehm, how many times have you been
8 qualified as an expert in the courts of South Carolina?

9 A: Over 75 times.

10 Q: Okay.

11 MR. SCOTT: Your Honor, the State would offer Maryann
12 Boehm as an expert in serology and DNA analysis.

13 MR. TETTERTON: Your Honor, no objection.

14 THE COURT: The Court finds that she is qualified to
15 testify as an expert in serology and DNA analysis. Thank you.

16 MR. SCOTT: Okay.

17 BY MR. SCOTT:

18 Q: Maryann, on April 6th of 2017, did you have an occasion
19 to perform DNA analysis regarding SLED Lab Number L17-02289?

20 A: I did.

21 Q: And this would have been dealing with a victim named Adam
22 Davis?

23 A: Yes, sir.

24 Q: And a suspect named Clinton Beebe?

25 A: That is one of the suspects, yes, sir.

MARYANN BOEHM - DIRECT BY MR. SCOTT

- 1 Q: Okay. And another suspect named Peggy Beebe?
- 2 A: Yes, sir.
- 3 Q: Okay. What were the items that you received for testing?
- 4 A: I received three items. It's SLED Lab Item 34, which is
- 5 swabs from plastic floor duct under carpet passenger-side of
- 6 vehicle; another swab, SLED Item 35, which was labeled swabs
- 7 from rear passenger floorboard; and Item 36, which was swabs
- 8 from rear passenger floorboard under carpet. I also had the
- 9 known blood standard from Adam Davis for comparison.
- 10 Q: Okay. This is State's 61. Do you agree that these are
- 11 the at the time unknown samples that you just described as
- 12 being swabs from the floorboard of a vehicle?
- 13 A: Yes, sir, they are.
- 14 Q: And then this is State's 68. Is this what you just
- 15 described as the known sample taken from Adam Davis?
- 16 A: Yes, sir, it is.
- 17 Q: Okay. It looks like the testimony was that Justin Dill
- 18 and Officer Bailey collected the swabs that were taken from
- 19 the vehicle. You weren't present when those were taken from
- 20 the vehicle described as an Acura, were you?
- 21 A: I was not.
- 22 Q: Okay. But Officer Bailey collected those and took them
- 23 to SLED and then they would have gone through SLED intake and
- 24 then eventually to you?
- 25 A: Yes, sir.

MARYANN BOEHM - DIRECT BY MR. SCOTT

1 Q: And do you recall how you received them? Were they in
2 BEST kits?

3 A: They're not in BEST kits. They're in heat-sealed
4 pouches. So anytime evidence is brought to SLED, it is put
5 inside a heat-sealed pouch, which is this. It's tamper
6 resistant. The only way to get into the package is to cut it
7 open, and then you have to seal it back to seal it. And we
8 put our initials and date of when we seal -- cut it open and
9 sealed it. So up here would have been the initials of the
10 investigator who brought it to SLED and here is where I cut it
11 and sealed it.

12 Q: Okay. And there was no evidence of any tampering when
13 you tested it; correct?

14 A: No, sir.

15 Q: Okay. And then the known blood sample taken from Mr.
16 Davis, we just had the pathologist here who testified to
17 collecting the sample. I believe she said it was out of the
18 liver or some sample that she took during the autopsy. She
19 would have transferred that to Joe Wilson she said, and
20 apparently James Fuller transported that to SLED. Likewise,
21 did you receive that in a tamper-evident bag?

22 A: Yes, sir. The same procedure for this item. It was
23 brought in this heat-sealed pouch, and then it was transferred
24 into our evidence -- SLED evidence pouch, and this is what I
25 received.

MARYANN BOEHM - DIRECT BY MR. SCOTT

1 Q: Okay.

2 A: No signs of tampering.

3 Q: All right. So -- so I guess the analysis is you're
4 trying to see if the swabs taken from the suspected blood
5 located in the bottom of the car, which was an Acura, match
6 the known sample taken from the body of Adam Davis. Was that
7 your analysis?

8 A: That is correct.

9 Q: And what were your findings?

10 A: So I first tested the swabs for blood, and blood was
11 identified on all three swabs. So I performed DNA analysis on
12 all three, as well as the known standard. My results for the
13 DNA analysis are the DNA profile developed from Items 34, 35,
14 and 36 matches the DNA profile of Adam Davis. The probability
15 of randomly selecting an unrelated individual having a DNA
16 profile matching these items is approximately one in 1.3
17 octillion.

18 Q: Okay. So can you say in your expert opinion that the
19 blood swabs contained in Items 34, 35, and 36, which were
20 swabs taken from the floor of a black Acura MDX, was, in fact,
21 the blood of Adam Davis?

22 A: Yes, sir.

23 Q: Okay.

24 MR. SCOTT: Thank you. Please answer any questions Mr.
25 Tetterton has.

1 THE COURT: Mr. Tetterton?

2 MR. TETTERTON: I have no questions. Thank you.

3 THE COURT: All right. Thank you.

4 Ms. Boehm, you can step down. Thank you.

5 THE WITNESS: Thank you.

6 MR. TETTERTON: May I remove this? It's not entered into
7 evidence.

8 THE COURT: Yes, that's fine.

9 All right. The lawyers approach.

10 (WHEREUPON, a bench conference was held off the record,
11 after which the proceedings resumed as follows.)

12 THE COURT: All right. Ladies and gentlemen, just trying
13 to figure out where we are logistically. It appears this is
14 an appropriate time for us to take a break. This will be a 10
15 -- about a 10-minute break or so. I'm going to ask that you
16 do not discuss the case at all among yourselves or with anyone
17 else. Return to your jury room.

18 Everyone remain seated in order until this -- until the
19 jury is excused.

20 You're excused to the jury room.

21 (WHEREUPON, the jury exited the courtroom at 10:07 a.m.)

22 THE COURT: All right. We'll be at ease for 10 minutes.

23 (WHEREUPON, there was a break in the proceedings from
24 10:07 a.m. until 10:22 a.m., after which the proceedings
25 resumed as follows.)

1 THE COURT: All right. I was informed that the next
2 witness that the State intends to call is Peggy Danielle
3 Beebe. There was a motion *in limine* that was filed or that
4 was brought to the Court's attention on Monday regarding
5 potential testimony from Ms. Beebe, I believe.

6 Was that your motion, Mr. Tetterton?

7 MR. TETTERTON: Yes, Your Honor, it was.

8 THE COURT: All right. I'll be glad to hear you.

9 MR. TETTERTON: Your Honor, we have been provided with a
10 videotape and an audio of potential testimony of Dani Beebe.
11 In that, she has mentioned some prior -- perhaps prior
12 misconduct that happened a long time ago. In fact, her
13 testimony says it was a long time ago back when they were
14 young.

15 Under 404(b), evidence of prior bad acts is inadmissible
16 to show criminal propensity or to demonstrate the accused as a
17 bad person. We don't think that any testimony about prior bad
18 conduct between husband and wife is admissible to prove the
19 elements of the crime of murder. And those -- one of those
20 acts, Your Honor, in her -- and if we get to show the video,
21 it'll show that she, in fact, said it happened a long time
22 ago.

23 THE COURT: All right. Was there any time frame as far
24 as long time ago?

25 MR. TETTERTON: Well, it said -- they were married in

1 2010, and she said it happened a long time ago. And one --
2 one witness said it happened seven or eight years ago. So
3 yes, it happened prior to the marriage in my opinion based on
4 the testimony that she gave us.

5 THE COURT: All right. Let me hear from the State. Ms.
6 Sampson?

7 MS. SAMPSON: Thank you, Your Honor. May it please the
8 Court.

9 So it's -- there is -- during the interview they do ask
10 her has he put his hands on her, and she says not in the last
11 couple of years, but what you'll understand, Your Honor, is
12 what she'll testify to is during that interview she tells some
13 untruths. We're going to go into all of that, that she is not
14 truthful with law enforcement during that first interview.

15 She has since talked to us and that has been provided to
16 Mr. Tetterton where she talks about how there are years of
17 abuse, and she gives some specific instances where he's broken
18 her nose, where he drug her with a car, where he put a gun in
19 her mouth. And the reason that it's relevant to this case is
20 it's the motive for why she does not tell. It is also the
21 motive for why she continues to help him cover this up after
22 it's over. So if it comes in, Your Honor, it -- this has
23 nothing to do with his motive. It has everything to do with
24 her motive.

25 And if you read the case law, Your Honor, it's very

1 specific in the rule. It never once says it has to be used
2 for the defendant's motive. It says it's not admissible to
3 show conduct in conformity therewith, and we're not doing
4 that. Under the rule, it says it can be used to show motive,
5 intent, lack of accident, mistake.

6 THE COURT: All right. Tell me what were your reasons
7 from --

8 MS. SAMPSON: If you're talking about Rule 404(b) --

9 THE COURT: All right. I have that in front of me.

10 MS. SAMPSON: And I'll go straight to it if you give me
11 one second.

12 If you read the rule, Your Honor, it says evidence of
13 other prior crimes, wrongdoings, or acts is not admissible to
14 prove the character of a person in order to show action and
15 conformity therewith. It may, however, be admissible to show
16 motive, identity, the existence of a common scheme or plan,
17 the absence of mistake or accident, or intent. It never once
18 says the defendant's motive, intent, or any of that.

19 And in this case, Your Honor, she is actually a co-
20 defendant and, therefore, a co-conspirator. So her motive,
21 her intent is relevant and admissible. And so we wouldn't be
22 using it to show his conformity or his actions at all. We're
23 using it to show why she's in fear of him, why she acts
24 accordingly, why she continues to cover up what happened, and
25 why she did not tell law enforcement until recently.

1 THE COURT: All right. Mr. Tetterton?

2 MR. TETTERTON: Your Honor, in my opinion that begs the
3 question because January the 11th, 2017, some two weeks after
4 Adam went missing, she appeared before Justin Dill and David
5 Miller and gave a -- about a two-hour statement after she had
6 been warned of all her rights and everything, and in that
7 statement she said she was not intimidated by him, he hadn't
8 laid her hands -- he hadn't laid his hands on her. She was
9 not afraid of him.

10 So if you look at 404(b), if I may read, Your Honor, in
11 other words evidence of prior bad acts is inadmissible to show
12 criminal propensity or to demonstrate the accused is a bad
13 person, and that's under *State v. King*. The effect of such
14 evidence is to predispose the mind of the juror to believe the
15 defendant guilty and thus essentially to strip him of the
16 presumption of innocence. To be admissible, the bad act must
17 logically --

18 THE COURT: Now, that's in the context of the defendant,
19 statements that the defendant has given. What you're reading
20 as well as I understand what you're reading to me, that case
21 is in the context of a defendant's testimony. This is a --
22 this is simply a witness.

23 MR. TETTERTON: I understand that. Your Honor, still --
24 it still applies to the admissibility of prior bad acts of the
25 defendant. So she's going to try to testify as to prior bad

1 acts of the defendant in her statement. So that would
2 predispose the mind of the juror to find him guilty and strip
3 him of the presumption of innocence if she's trying to say
4 he's a bad character. Then it gets into 601, character. He
5 hasn't put his character in evidence, Your Honor, so I don't
6 think she can now come in and put his character into evidence.

7 THE COURT: Well, I under --

8 MR. TETTERTON: If he --

9 THE COURT: I understand where you're going with it in
10 that the fact her testimony in essence does put his character
11 -- does put the defendant's character in. It is offered for
12 the purpose of explaining why she said one thing on January
13 the 11th and why she said something else on -- what was the
14 second date?

15 MS. SAMPSON: She said it in March of this year, March
16 30th of this year, Your Honor.

17 THE COURT: All right. So it is to explain the
18 differences in what she stated on January the 11th of 2017 and
19 then why on March the 31st of 2022, five years later, she is
20 in essence giving a different story. Is that the purpose for
21 which it's being -- you're seeking to admit it?

22 MS. SAMPSON: And we will make that abundantly clear.
23 And also, Your Honor, I think a curative instruction, which is
24 normally what's given in these cases, can be done, which is
25 very -- not a curative, but a charging instruction that that

1 is exactly what they're supposed to use it for. In all of the
2 cases where a prior bad act is allowed, whether it's for
3 impeachment or for that, that's the instruction that's given.

4 THE COURT: All right. What else do you have on prior
5 bad acts rule?

6 MR. TETTERTON: I'm sorry?

7 THE COURT: Mr. Tetterton, anything else you wanted to
8 add?

9 MR. TETTERTON: Other than, Your Honor, under Rule 608,
10 you know, evidence of character or conduct, once again that
11 would go to the witness, but I think relevancy. It's not
12 relevant under 401 and it's not relevant under 402, and that
13 404 strictly prohibits anything that would prejudice or
14 predispose the jury.

15 Another thing is, Your Honor, under 40 -- under I think
16 402 or 403, the probative value is greatly outweighed by the
17 prejudicial value. The prejudicial value to her testifying on
18 all of that, the probative value does not exceed the
19 prejudicial value. It should be excluded under relevancy. It
20 still has to be relevant to the elements of the crime of
21 murder, which is malice aforethought.

22 THE COURT: All right. And what's the nature of the --
23 I'm just trying to figure out whether we need to proffer the
24 testimony or not. What's the nature of what she now -- what
25 she said on March the 31st about past conduct of the

1 defendant? What's the nature of that?

2 MS. SAMPSON: That in general it's directed only at her.
3 She's not talking about him being violent to anyone else. She
4 is talking about to her he has been abusive their entire
5 relationship to the point that he's broken her nose, he's
6 dragged her in a car, he has put a gun into her mouth, and
7 what she would testify to is that the day that this happened
8 when the shooting occurred, he had the same look in his eye as
9 he did when he put the gun in her mouth and that he told her I
10 will do to you what I've done before and I will take you from
11 your children. He says these kind of things.

12 It goes directly to why she continued to cover this up
13 and why she did not tell police until he was no longer around
14 her. They were -- and we're willing to say so that the jury
15 does not know that he at some point got reincarcerated at the
16 -- due to an issue that is irrelevant, I've instructed her to
17 say that they have been separated and not living together for
18 the last 10 months, and it wasn't until that happened and she
19 was away from the abuse that she was able to talk about and
20 explain what really happened and why she continued to lie.

21 All of that is relevant, unless he is not going to bring
22 in or talk about the fact that she changed her story, which he
23 already said that. So he's going to get into that. So the
24 jury would be left with she just changed it without knowing
25 why, and there's no way with *res gestae* that we should be

1 hamstrung into not being able to present a full picture.

2 And again, that's what the case law specifically says.
3 It doesn't say that it has to be -- anything we do is going to
4 be prejudicial. It's whether it's more prejudicial than
5 probative. This goes directly to the only other eyewitness,
6 why the only other eyewitness does not give a full complete
7 story when she's first asked.

8 MR. TETTERTON: Your Honor, if I may?

9 THE COURT: Yes.

10 MR. TETTERTON: If I may recite from her testimony or
11 statement that she gave the Solicitor's Office on March 30th,
12 '22, in Jack Swerling's office when they all questioned her
13 for 96 minutes.

14 When being asked about something about being drug by a
15 car, she said so long ago. If this happened, it happened when
16 she was either 21 or 22 and she wasn't married then. So we
17 think that would definitely be irrelevant under the rules.

18 And then when asked again about did anything happen, she
19 said no, years ago, and all that would be -- unfortunately, we
20 don't have that video. We just have an audio. So in her
21 testimony she would say it's been a long time ago when all
22 this happened. In fact, in her testimony on January 11th,
23 that's when she definitely says -- if the Court will bear with
24 me for just a minute. She said she was a partier way back
25 when she was 21 and that she indicated that's when most of

1 this happened. If the Court will bear with me, I had it. It
2 would be better if you looked at the video, Your Honor.

3 THE COURT: Well, you'll have to educate Judge Hall on
4 this. It seems to me that the State is allowed to in a
5 general way ask her why she testified one way in 2017 and why
6 she testified another way in March of 2022. When I say
7 testify, I mean statements that she gave.

8 It becomes problematic I mean in general sense if she
9 says that she was scared of him and we've had instances of
10 abuse and intimidation in the past. The Court -- that seems
11 to be relevant and to why she would change, but then beginning
12 and going into specific instances of conduct such as putting a
13 bullet in -- I mean a gun into her mouth or to her head, then
14 you enter into a world of a trial within a trial about whether
15 that, in fact, took place and whether it did or didn't take
16 place, and that becomes problematic and not allowed under the
17 rules.

18 So I think where I am is I don't have a problem with them
19 asking in a general sense why did you change, why did you say
20 one thing in 2017, why did you say something else in 2022 in a
21 general -- in a general way about her fear, but to go into
22 specific -- you know, it's sort of a fine line. To go into
23 specific instances of conduct about the defendant would be
24 improper, and I'm not going to allow that in.

25 Now, that doesn't do a very good job of defining

1 parameters, Ms. Sampson.

2 MS. SAMPSON: And I'm going to repeat it just to make
3 sure I understand because I'm going to go instruct her the
4 same. My understanding of what she can say is in general she
5 was abused by the defendant throughout their relationship.
6 She can't get into specific instances. The only -- what I
7 would ask if the Court -- if she could if asked, she does say
8 he had the same look in his face as he did on a previous
9 occasion during abuse. I won't have her say when or the gun.

10 THE COURT: Yeah. I don't have a problem with that.
11 Certainly, that's -- she can be cross-examined on all of that.
12 The jury can determine what weight to give all of that, and so
13 I will allow -- I will allow that.

14 Anything else, Mr. Tetterton?

15 MR. TETTERTON: Your Honor, just out of an abundance of
16 caution for the preservation of issues, as we all know how
17 important that is, in her testimony she says we have not
18 fought in a long time, in a very long time. That's why I want
19 to knock on wood because we in our younger years, you know, we
20 were both young. Has he ever put his hands on you? No, no,
21 well, not in a long time. I mean he hasn't beat my ass or
22 something like now would have. So he didn't get
23 [unintelligible] and hurt you? No. We have not fought in a
24 long time.

25 THE COURT: That -- that's certainly something you can

1 bring out on cross-examination. I don't have a problem with
2 that at all.

3 MR. TETTERTON: And, Your Honor, if she's -- of course, I
4 know I can impeach her about a prior inconsistent statement,
5 but I'd like to put that video of that testimony about that
6 statement in on January 11th, 2017.

7 THE COURT: You mean that particular part?

8 MR. TETTERTON: No. I'd like to play the whole video.

9 THE COURT: How long is the video?

10 MR. TETTERTON: It's very long, Your Honor. I'd say an
11 hour and a half at least.

12 MS. SAMPSON: And we would object, Your Honor, simply for
13 two reasons. A) There's case law on that. He can't just play
14 the video when he has the witness. He can impeach her, but he
15 can't just play the video.

16 THE COURT: Right. That -- there's no difference between
17 that and whether that was a -- in essence, just a deposition,
18 a criminal deposition. We are not -- we're not going to put
19 it all -- we're not going to allow you to put the whole video
20 in.

21 MR. TETTERTON: And, Your Honor, just for the record, my
22 response to that would be the jury has the right to see the
23 demeanor of the witness making the statement at the time the
24 statement is made, and I think that video would be very --
25 would show her demeanor at that time that she made this

1 statement. So I think for credibility purposes the jury has
2 the right and I think it's admissible for the jury to be able
3 to see her demeanor when she makes the statement.

4 THE COURT: All right. I'm not going to allow you to put
5 that in. I'll overrule. I mean I note your objection, but
6 I'm not going to allow the video in. You certainly have --
7 and you may use the video and the entire video however parts
8 of it or all of it, however you intend to impeach her if
9 there's a prior inconsistent statement contained in that
10 video, but I'm not going to allow you to introduce --

11 MR. TETTERTON: Okay.

12 THE COURT: -- that interview.

13 MR. TETTERTON: And, Your Honor, in reading some of the
14 cases on appeal, the appellate courts have said we didn't have
15 the videos, so we'd like to at least make a proffer now and
16 put the video into evidence.

17 MS. SAMPSON: We don't mind if he puts it in as a Court
18 exhibit, Your Honor, so that if this goes up on appeal, they
19 have it.

20 THE COURT: Yeah. That's fine. There's no objection to
21 it being -- where is the video?

22 MR. TETTERTON: We have it, Your Honor.

23 THE COURT: Let's do this. I mean you don't -- do you
24 have it in a form that can be made part of the record?

25 MR. TETTERTON: Yeah. We have a CD, Your Honor.

1 THE COURT: Okay. All right. Let's hand that up to the
2 court reporter here and let's have him mark the Court's
3 exhibit the video or the interview.

4 MR. TETTERTON: And, Your Honor, for authentication
5 purposes, I'd just like for the Solicitor's Office to
6 acknowledge that they, in fact, gave me this video.

7 MS. SAMPSON: I'm going to assume it's the -- we gave him
8 all the discovery, including the interview that we did that's
9 audio and the video that law enforcement did. So --

10 THE COURT: Have you seen it?

11 MR. TETTERTON: Oh, yes, sir.

12 THE COURT: All right. Then it's not for the Court to
13 testify to however you have it marked. It's now going to be
14 marked Court's Exhibit 1. It will be made part of the record.
15 However, the Court's ruling is that it's not admissible in its
16 entirety into evidence.

17 (WHEREUPON, the CD containing video interview of Dani
18 Beebe was marked as Court's Exhibit No. 1.)

19 MR. TETTERTON: Thank you.

20 THE COURT: All right. Anything else?

21 MS. SAMPSON: And I want to put this on the record, Your
22 Honor. He -- in his motion *in limine*, he also asked about no
23 mention of any infidelity. I have told him we weren't getting
24 into infidelity by the defendant. However, there are kids in
25 the home that are not hers. So I can't really get around

1 that, but because she'll say step-kids and they are since
2 they've been married.

3 I have no intentions of going into any of that, but I
4 just don't want that to be an issue if she says that -- of
5 course, they have Ava. The younger child is not her child.
6 It's his child with another woman. I'm not going into that,
7 but she may say Ava lived in the home, that's my stepdaughter.

8 THE COURT: Mr. Tetterton, do you agree with that?

9 MR. TETTERTON: Yes, as long as she doesn't go into the
10 circumstances surrounding the infidelity other than just
11 that's a child by somebody else.

12 THE COURT: I think we're all on the same page as far as
13 that. You know, again, certainly --

14 MR. TETTERTON: We're not --

15 THE COURT: -- sometimes doors are opened various ways
16 and, if that becomes an issue, we'll deal with that.

17 MR. TETTERTON: And I understand that she will instruct
18 her witness not to go into that.

19 THE COURT: All right.

20 MS. SAMPSON: Yes. I've already told her that. I just
21 need to go tell her about the impeach stuff.

22 THE COURT: She doesn't need to -- you do need to
23 instruct her on the general nature of anything that happened.

24 MS. SAMPSON: I'm about to go do that as soon as we
25 finish. I need, like, two minutes.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 (WHEREUPON, the jury entered the courtroom at 10:48 a.m.)

2 THE COURT: Ladies and gentlemen, thank you for your
3 patience. This break was a little bit longer than
4 anticipated, but I assure you we have been working while you
5 were out. We're now at the point where we're ready for the
6 State's next witness.

7 So, Solicitor, call your next witness.

8 MS. SAMPSON: Thank you, Your Honor. At this time the
9 State calls Peggy Beebe.

10 THE CLERK: Please place your left hand on the Bible and
11 raise your right hand, please. Do you swear or affirm the
12 evidence you give in this case will be the truth, the whole
13 truth, and nothing but the truth, so help you God?

14 THE WITNESS: Yes.

15 THE CLERK: Thank you. State your full name for the
16 record, please.

17 THE WITNESS: Peggy Danielle LeForte Beebe.

18 THE COURT: All right. Solicitor?

19 MS. SAMPSON: Thank you, Your Honor. May it please the
20 Court.

21 PEGGY DANIELLE BEEBE, being
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. SAMPSON:

25 Q: What do you go by?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: Dani.

2 Q: Is it okay if I call you Dani?

3 A: Uh-huh.

4 Q: All right, Dani. Now, Dani, I'm going to need you
5 instead of saying uh-huh to say yes or no.

6 A: Okay.

7 Q: All right. Because we have to make a record.

8 A: Okay.

9 Q: So is it okay if I call you Dani?

10 A: Yes, ma'am.

11 Q: Okay. Dani, can you tell the jury old you are?

12 A: Thirty-three.

13 Q: And where do you live?

14 A: Bethune, South Carolina.

15 Q: And what county is that in?

16 A: Kershaw County.

17 Q: How long have you lived in Bethune?

18 A: All my life.

19 Q: What do you do?

20 A: I work at my family's grocery store.

21 Q: Okay. And is it sometimes called a meat market?

22 A: Yes. Bethune Discount Foods Meat Market.

23 Q: And so that's in Bethune?

24 A: Yes, ma'am.

25 Q: All right. How long have you been working there?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: Probably 10 years.

2 Q: Okay. Do you have any kids?

3 A: Yes, ma'am.

4 Q: How many do you have?

5 A: I myself, one. A daughter.

6 Q: A daughter? And do you take care of any other children?

7 A: Yes, ma'am.

8 Q: What other kids do you take care of?

9 A: My husband's other children.

10 Q: All right. And who is your husband?

11 A: C.W. Beebe.

12 Q: How long have you all been married?

13 A: We got married in 2010 but have been together since I was

14 15 and he was 23.

15 Q: Okay. So he's older than you?

16 A: Yes.

17 Q: But you've been with him since you were 15?

18 A: Yes, ma'am.

19 Q: All right. So I'm going to take you back to 2016. All

20 right? Where did you all live at that time?

21 A: On Waters Road.

22 Q: Waters Road?

23 A: Uh-huh.

24 Q: All right. Is that in -- is that in Bethune?

25 A: Yes, ma'am.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Is that in Kershaw?

2 A: Yes, ma'am.

3 Q: Okay. And who lived there with you?

4 A: It was me, my husband, my daughter -- and our daughter

5 and his son.

6 Q: Okay. And is his son older or younger than your

7 daughter?

8 A: Older.

9 Q: And we all know what we're here about today. Did you

10 know Adam?

11 A: Yes, ma'am.

12 Q: How did you know Adam?

13 A: Through C.W.

14 Q: And how long had you known Adam?

15 A: Since I was 15.

16 Q: So as long as you've known your husband?

17 A: Yes, ma'am.

18 Q: Okay. And would you consider Adam a friend?

19 A: Yes, ma'am.

20 Q: Okay. How often did you see Adam?

21 A: Whenever he would come over or hang out.

22 Q: How often could you say that was?

23 A: I mean it was often.

24 Q: Like every month? Every week?

25 A: Yeah. At least, you know, a few times a month, I would

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 say, and then there was -- you know, I really couldn't tell
2 you how often, but I mean it was regular. It was enough to
3 where my daughter referred to him as her uncle.

4 Q: As her uncle? That's right. And so would it be fair to
5 say that people come to your house a lot and kind of just hang
6 out?

7 A: Yes.

8 Q: Okay. Who would come out and hang out?

9 A: All of his friends. They would always be outside at the
10 shop, and I usually stayed inside.

11 Q: And you said outside at the shop. What do you mean by
12 that?

13 A: They would all hang out down at his -- he had a shop and
14 --

15 Q: And that's what -- what you mean by a shop?

16 A: Yes. Like, a garage shop.

17 Q: Okay. And there's been some pictures where he had, like,
18 a garage with a lift. Is that what you're talking about?

19 A: Yes, ma'am.

20 Q: Okay. And they would hang out there?

21 A: Yes, ma'am.

22 Q: And people -- y'all have barbecues, cookouts, things like
23 that?

24 A: Yes, ma'am.

25 Q: Okay. Was this typical?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: Yes.

2 Q: And Adam came to those?

3 A: Yes.

4 Q: Okay. So I want to take you to December 29th of 2016.

5 Where were you working at that time?

6 A: At the meat market.

7 Q: All right. And what do you do there?

8 A: I'm the cashier.

9 Q: Okay. What are your hours?

10 A: I have to be there at 8:15 and we close at six. So it's

11 probably around 8:15 to 6:15 because we close at six.

12 Q: And is that what you did on the 29th?

13 A: Yes, ma'am.

14 Q: And did you go straight home?

15 A: Yes.

16 Q: Make any stops?

17 A: I don't recall. If I did, it was either at the Exxon,

18 the little convenience store on the way home, or the Dollar

19 General, one. I don't recall.

20 Q: Okay.

21 A: It's been so long I don't really remember, but I wasn't

22 feeling well that day. So I don't think I did.

23 Q: Okay. Did you have any plans that day?

24 A: No.

25 Q: Was anybody --

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: I was going home.

2 Q: Going home? Do you know if C.W. had any plans?

3 A: Well, I had knew that he had been next door at the bar

4 all day.

5 Q: And when you say next door, is the bar next door to your

6 house or --

7 A: Literally next door to our -- the store.

8 Q: Okay.

9 A: Where I work.

10 Q: So the meat market is here and the bar is next to it?

11 A: Yes.

12 Q: All right. So -- and I interrupted you. I'm sorry. His

13 plan was to be at the bar watching the game?

14 A: I didn't know his plan, but it was the Carolina/Clemson

15 bowl game, and so I just knew he was there.

16 Q: Okay. And did you know if he was with Adam at that time?

17 A: No.

18 Q: Okay. So you went home. Anything weird or strange or

19 anything?

20 A: No.

21 Q: Okay. When you got home, who was there?

22 A: C.W. and Adam.

23 Q: Okay. Were they there when you got there or did they --

24 A: Yes.

25 Q: Okay. And how did they appear to you?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: They had been drinking.

2 Q: How did you know that?

3 A: I mean I could just tell they had been drinking. C.W.

4 was more intoxicated than Adam though.

5 Q: And have you seen them drink before?

6 A: Yes.

7 Q: So would it be fair to say you'd seen them drunk before?

8 A: Yes.

9 Q: And had you seen C.W. drunk before?

10 A: Yes.

11 Q: So what happened when you got home?

12 A: Okay. We got home. I know that they had -- they needed

13 more beer, and I didn't want them driving because I know that

14 C.W. would drive and, like I said, he was more intoxicated and

15 I didn't want them driving. So, of course, I offered to drive

16 them to the store to get more beer, and so I did.

17 Q: And what car did you drive?

18 A: My car.

19 Q: Which is?

20 A: An Acura MDX.

21 Q: What color was it?

22 A: Black.

23 Q: Okay. And when you go to the store, where does everybody

24 sit in the vehicle?

25 A: Okay. I'm driving, Adam got in the passenger seat, and

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 C.W. was behind me in the back.

2 Q: And is that normal?

3 A: And he was kind of, like, leaned back. No. Normally, he

4 would be up front with me.

5 Q: Okay. So why did he sit the back?

6 A: I don't know. That's just where he got.

7 Q: Do you remember -- you've talked to this -- talked about

8 this to law enforcement before; correct?

9 A: Uh-huh. Yes, ma'am.

10 Q: Do you remember telling them there was Christmas stuff in

11 your car?

12 A: Yes, ma'am.

13 Q: Is that correct? Was there --

14 A: Yes.

15 Q: -- Christmas stuff? Okay. So you all go to the Exxon.

16 Anything happen on the way to the Exxon?

17 A: No.

18 Q: Okay. What was C.W.'s demeanor like in the car?

19 A: He was -- he was just being mean to me throughout the

20 night.

21 Q: He was being mean to you? What you mean by that?

22 A: Just being mean.

23 Q: Can you tell the jury what you mean because we all mean

24 different things when we say that? What do you mean?

25 A: He was telling me I was stupid and complaining about my

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 driving.

2 Q: All right.

3 A: Just being mean.

4 Q: Is that out of the ordinary?

5 A: No, it wasn't.

6 Q: Okay. So were you able to go to the Exxon?

7 A: Yes.

8 Q: Okay. And what happened when you got to the Exxon?

9 A: I pumped gas, and Adam went in to get the beer. And I

10 remember Kelly Clark had pulled up in his black truck and he

11 said hey, and I just remember thinking to make it short and I

12 just said hey because I didn't know if he'd seen C.W. in the

13 back and I -- C.W. would get, like, jealous, and I didn't want

14 him to have an altercation with Kelly because I didn't want to

15 talk, you know, too much.

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

17 A: That's why I ended up going around and getting trash out

18 of my car while, you know, I was pumping gas.

19 Q: I'm going to show you --

20 MS. SAMPSON: May I approach the witness, Your Honor?

21 THE COURT: Yes, you may.

22 BY MS. SAMPSON:

23 Q: I'm going to show you what's already been admitted as

24 State's Exhibit 3. Is that you or who is that in the red

25 shirt?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: That's me.

2 Q: And who is that?

3 A: That's Adam.

4 Q: That's Adam? And is that -- and I'm pointing at the

5 photo. Is it up there? Is that --

6 A: Yes.

7 Q: -- what I'm pointing at your car?

8 A: Yes.

9 Q: So that's what you -- and I'm -- is that what you're

10 talking about when you say you were by the car?

11 A: Yes.

12 Q: Okay. Did you -- who -- did you have money for beer?

13 A: Adam paid for it as far as I know. I don't recall him

14 getting money from me.

15 Q: Okay. And so when he gets back in the vehicle, what do

16 you all do?

17 A: We pull out and we go back to the house.

18 Q: And what do you do at the house?

19 A: We're not there very long, and I recall they wanted to go

20 see if Stacey Farrington was home. He lives on C.C. Dirt --

21 Old C.C. Dirt Road right past Scotch Cemetery, and he wasn't

22 home. Then we --

23 Q: So wait. I'm going to stop you. You said they wanted to

24 go see if he was home. Did y'all get back in the car?

25 A: Yes.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: And who drove?

2 A: I drove.

3 Q: And where did you go?

4 A: To Stacey Farrington's house.

5 Q: Was he there?

6 A: No.

7 Q: And what did --

8 A: And that was when he was ugly to me because the gate was

9 -- was closed.

10 Q: I'm going to stop you.

11 A: Okay.

12 Q: Who was ugly to you?

13 A: C.W.

14 Q: Okay. And what do you mean by that?

15 A: There was a gate locked at the entrance of his -- where

16 you go to his house and you can, like, drive around it, and I

17 made it, you know, around it, but he was just being mean to me

18 about my driving. And I remember, you know, Adam was, like,

19 it's okay, Dani. You know you got it. You did it. You know,

20 you made it. It's okay.

21 Q: And he was saying that? Who was saying that? Adam?

22 A: To reassure, yeah. To reassure me, you know, I guess

23 because he was -- he was being mean to me.

24 Q: He C.W.?

25 A: C.W.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Okay. So I think you said this already, but Stacey
2 wasn't home?
3 A: Yes.
4 Q: So what did y'all do? Or how do you know Stacey wasn't
5 home?
6 A: I never got out. They got out and they went to the door.
7 Q: Okay.
8 A: And then they come back and got back in the car.
9 Q: So then what do y'all do?
10 A: Went back to my house.
11 Q: And what happens at the house?
12 A: We just sat there and watched -- we watched TV. And then
13 it wasn't long after that that was when I guess Adam had made
14 the phone call to go get a bag of cocaine, and I drove there
15 too.
16 Q: Okay. And so were they drinking the beer or what was
17 going on with the beer?
18 A: Yes.
19 Q: Were you?
20 A: No.
21 Q: Okay. So you said you went to go get the cocaine. Did
22 you know at the time that's what you were doing?
23 A: Yes.
24 Q: Okay. And I'm going to go back and forth a little bit
25 like this. You spoke with law enforcement?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: Yes.

2 Q: Were you truthful with them when you spoke with them back
3 in January of 2017?

4 A: No, I was not.

5 Q: Okay. Did you tell them that you didn't know why you
6 were going to get -- to go to this guy's house?

7 A: I don't recall, but --

8 Q: Could you have?

9 A: Yes.

10 Q: Was that truthful?

11 A: No.

12 Q: Okay. So you go to get -- were you going to use the
13 cocaine?

14 A: No.

15 Q: Okay.

16 A: I had work the next day, you know. No, I don't party at
17 all. I don't drink, you know.

18 Q: So who was going to use -- who was the cocaine for?

19 A: C.W. and Adam.

20 Q: Okay. Were they able to make that purchase?

21 A: Yes.

22 Q: Okay. What happens when you get where you all are going
23 to buy the cocaine?

24 A: When we pulled up, it was, like, a little area on the
25 side of the road and there's, like, a church sign, a white

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 sign. We pulled up. He was -- Darryle was parked in his car.
2 At one point they both were out. They both got out.
3 Q: And when you say they both got out, who do you mean?
4 A: C.W. and Adam.
5 Q: Okay.
6 A: Got out and I know there was a little short period of
7 time when Adam had got in before C.W. because I remember Adam
8 had made the comment to me what -- what's his problem or why
9 is he being an a-hole or something like that because he was.
10 He was just being mean, but not to him, to me.
11 Q: Okay.
12 A: And I was just, like, I don't know. You know how he is.
13 Q: So -- and when -- so you say that C.W. is being mean to
14 you, but he wasn't being mean to Adam; correct?
15 A: No.
16 Q: All right. And Adam is talking to you in the car?
17 A: Yes.
18 Q: And where is C.W.?
19 A: He's outside of the car still talking to Darryle.
20 Q: And do you know Darryle?
21 A: I know that he peed too.
22 Q: I'm sorry. Do you know Darryle?
23 A: I mean I know -- know him, but I don't know him.
24 Q: But you know who he is?
25 A: Yes.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Okay. And I think I just interrupted you. What was C.W.
2 doing outside of the car?

3 A: He had -- he was peeing. He had peed. I know that.

4 Q: All right. So do y'all get back -- everybody get back in
5 the car?

6 A: Yes, ma'am.

7 Q: Do you ever get out of the car?

8 A: No.

9 Q: Okay. So once everybody's back in the car, what do you
10 do?

11 A: We went back to my house.

12 Q: Does anything happen in the car?

13 A: Yes.

14 Q: What happens?

15 A: Right before we got to Brandon Road that, you know,
16 there's a cemetery right there, about in that area I remember
17 he was -- C.W. wanted to -- wanted to do some of the cocaine,
18 and so Adam gave him the bag. And I remember driving and him
19 doing it, and then he gave him the bag and then he kept saying
20 that he wanted to go to the bar, he wanted to go to the bar.

21 Q: Who?

22 A: C.W. did.

23 Q: Okay.

24 A: I did not want to go to the bar. You know, I was, like,
25 I don't -- you know, I don't feel like going to the bar, and

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Adam also said -- he was, like, well, let's go to the house,
2 you know, for a little while, and he was, like, maybe later,
3 you know, we'll go up there. That's what he told C.W.

4 Q: Okay. And I'm going to give -- like I said, I'm going to
5 go back and forth. When you talked to law enforcement in
6 January, did you tell them about this?

7 A: I don't recall.

8 Q: Okay. Would it be fair to say again you weren't real
9 truthful with them in January?

10 A: Yes.

11 Q: Can you tell the jury why you weren't truthful with them
12 in January of 2017?

13 A: I was told by C.W. things to say to them, and I was
14 scared to tell the truth.

15 Q: Okay. And we're going to come back to that. I just
16 wanted to do that right now. So while you were in the car,
17 y'all -- he does the cocaine? Is that what you said?

18 A: I don't recall Adam doing any in the car.

19 Q: But C.W. did?

20 A: Yes.

21 Q: Okay. Do y'all go back home?

22 A: Yes.

23 Q: And what happens when you get home?

24 A: When we pulled up, at the time I still smoked cigarettes,
25 and so I don't know why it took me so long to go back in the

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 house, but --

2 Q: I'm going to stop you. You said you smoked cigarettes.

3 Where did you smoke cigarettes?

4 A: We did not smoke in the house. So I'm assuming -- I

5 don't remember, but I'm assuming I must've been finishing a

6 cigarette is why it took me a few minutes after they had went

7 in the house.

8 Q: So they go in the house?

9 A: Yes, ma'am.

10 Q: Okay. And you stay outside?

11 A: Yes, ma'am.

12 Q: All right. And how long do you think that was?

13 A: Just a minute or two. I mean I wasn't out there much

14 longer.

15 Q: Okay. And when you go in -- when you go inside, what do

16 you see?

17 A: When I walked in -- when you walked into my front door,

18 the TV and the recliner, the couch was up against the wall,

19 and then there was another chair.

20 Q: And before you go much further, I'm going to show you

21 some photographs that are already into evidence. Okay? 42,

22 43, and 44. I'm going to start with 42.

23 A: Yes.

24 Q: Is that what we're talking about?

25 A: Yes.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

- 1 Q: And what is that?
- 2 A: That's my living room, and that's -- that's how it looked
- 3 when you walk in the front door.
- 4 Q: Is this how it looked back in December --
- 5 A: Yes.
- 6 Q: -- of 2016?
- 7 A: Yeah.
- 8 Q: Okay. And I'm going to show you know Exhibit 43.
- 9 State's Exhibit 43, is that still your living room?
- 10 A: Yes.
- 11 Q: And State's Exhibit 44?
- 12 A: That's the front door.
- 13 Q: So when you go in the front door, that's the door you
- 14 come in?
- 15 A: Yes.
- 16 Q: So when you say -- if you go back to State's Exhibit 42,
- 17 when you say you come in, where was -- who was in the living
- 18 room when you came in?
- 19 A: Adam was sitting in that chair.
- 20 Q: And when you say that chair, are you talking about this
- 21 brown chair?
- 22 A: No.
- 23 Q: You're talking about this chair over here?
- 24 A: Yes.
- 25 Q: Okay. Which is in State's Exhibit 42 -- I mean -- excuse

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 me -- 43? Is that this chair right here?

2 A: Yes.

3 Q: Where I've got the pointer?

4 A: Yes, ma'am.

5 Q: All right. So I interrupted you. Go ahead and tell the

6 jury. So you come in that front door and Adam is in that

7 chair right there?

8 A: Yes.

9 Q: Where -- where is C.W.?

10 A: He's coming out of the bedroom, and I kind of passed him

11 on each side of the ottoman.

12 Q: In relation to that chair, where's the bedroom?

13 A: I'm sorry. What?

14 Q: Where's your bedroom in relation --

15 A: Oh.

16 Q: -- to that chair?

17 A: Right -- right there, that doorway to the right.

18 Q: So --

19 A: So when I came in --

20 Q: Hold on. Let me see if I can find the --

21 A: Yes.

22 Q: So you're talking about this door back here, this brown

23 door right here?

24 A: Yes.

25 Q: That's your bedroom?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: Yes.

2 Q: Okay. So he's coming out of that bedroom?

3 A: Yes.

4 Q: And now I interrupted you. Go ahead and continue.

5 A: He was coming out of the bedroom, and I wasn't -- I

6 didn't really pay him much attention and I passed him. The

7 ottoman was in the middle.

8 Q: The ottoman that's in that picture?

9 A: Yes, ma'am. And I passed him, and I sat on the couch.

10 And around the same time I sat down, he sat down in the

11 recliner.

12 Q: So he sat in the brown recliner?

13 A: Yes, ma'am.

14 Q: Okay.

15 A: Like I said, I really wasn't paying much attention to

16 what he was doing. The TV is directly in front of us. So I

17 was just looking ahead and thought that the TV had -- he just

18 -- he just -- he -- he just took the gun and just pointed it

19 at him and just pulled -- pulled his trigger and shot him in

20 the head.

21 Q: When you say he, who are you talking about?

22 A: C.W.

23 Q: Did you see the gun before he pulled it out?

24 A: No.

25 Q: And he --

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: It was, like, in some case or something.

2 Q: Did you see him pull it out of the case?

3 A: No. I wasn't paying any attention to that.

4 Q: Is there any conversation going on?

5 A: No. Adam was just talking, and he was like opening up

6 his bag. And like I said, I was looking directly ahead at the

7 TV, and he just did it for no reason.

8 Q: And what happened as soon as -- what happened after that?

9 A: I remember it was really loud and it was -- I was

10 completely in shock, of course, and I started screaming and I

11 ran over -- I ran over to him and there was a big hole in his

12 forehead. The whole, like, side of his head was gone.

13 Q: You said -- and who? When you're saying he had a hole in

14 his head, who?

15 A: Adam.

16 Q: Okay. Is C.W. saying anything? What is he doing?

17 A: He got up and he put the gun on the ottoman. He dropped

18 the gun on the ottoman, and it was like he, like, snapped back

19 in and -- and I don't remember. I just kept saying, you know,

20 why did you do this, what in the hell did you do, why did you

21 do this, and --

22 Q: What did he say?

23 A: He didn't say anything. He didn't say anything.

24 Q: Nothing?

25 A: No.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: How did he look?

2 A: Like, Adam -- Adam -- like, he just stood there. No
3 emotion, nothing.

4 Q: And how did that affect you or did it?

5 A: It did because I remember he walked over and he lifted up
6 his head and and he said he's --

7 Q: I'm sorry. You're going to have to say it. I know it's
8 court, but what did he say?

9 A: He said he's fucked.

10 Q: Who said that?

11 A: C.W. He walked over to the kitchen and got a Dollar
12 General bag.

13 Q: And I'm going to have you look at this photograph. Can
14 you show us where in the -- if I point to it, can you show me
15 where he went?

16 A: Right there.

17 Q: What's that?

18 A: That's where I keep my grocery bags there.

19 Q: And what did he do?

20 A: He got a Dollar General bag out of it and put it over his
21 head.

22 Q: Put it over whose head?

23 A: Adam's.

24 Q: And then what did he do?

25 A: And then he said we've got to hurry up and get him out of

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 here before somebody comes, before somebody pulls up.

2 Q: And so what did y'all do?

3 A: So I helped him carry him out there and to put him in my

4 car.

5 Q: Why did you help him do that?

6 A: Because he just killed his friend that he grew up with

7 and he fucked him up for no reason.

8 Q: Why didn't you call the police?

9 A: I was scared to.

10 Q: Why were you scared?

11 A: Because, once again, he just killed someone that he grew

12 up with for absolutely no reason.

13 Q: So what did you do?

14 A: I helped him carry him out, and I remember -- I remember

15 his hand was so --

16 Q: You need to speak in the microphone, Dani.

17 A: I remember his hand was already so cold.

18 Q: Whose hand?

19 A: Adam's hand.

20 Q: So what did you do?

21 A: I helped him carry him in there and put him in my car in

22 the middle.

23 Q: In the middle?

24 A: Seat.

25 Q: In the backseat or the front seat?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: It was a middle seat.

2 Q: Okay. And then what did you do?

3 A: He told me to -- C.W. told me to -- he told me we were

4 going to take him to McGougan Dirt Road.

5 Q: What's McGougan Dirt Road?

6 A: McGougan Mill Pond Dirt Road.

7 Q: Did y'all go there?

8 A: Yes.

9 Q: Who owns that property?

10 A: His grandparents.

11 Q: Okay. And what did you all do when you got there?

12 A: He had me turn on the pipeline right before you get to

13 his brother's house, and we drove down just a little ways down

14 just so you couldn't see headlights because this was still

15 early.

16 Q: Is it dark outside?

17 A: Yes, but it's wintertime. But I feel like it was still

18 -- it was before 10 o'clock.

19 Q: Okay.

20 A: So he made me drive down there and at first though we

21 went and got the shovel from Stacey Farrington's house. I

22 remember that. We went back there and there was a shovel up

23 against the porch, and he got that.

24 Q: All right. So then you go to McGougan Road?

25 A: Uh-huh.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Yes?

2 A: Yes, ma'am.

3 Q: Okay. And what did you do when you got there?

4 A: He told me just to drive down the pipeline, and so we

5 did. And not far into the woods to the left of it, that's

6 where he just started -- he started. He picked there and he

7 started digging the hole.

8 Q: He dug a hole? What did you do?

9 A: I just stood there, and I remember leaning up against the

10 car and I remember looking at it. It was a full moon and me

11 and Adam had just talked about the kids' Christmas and

12 everything and we're talking about the moon and how he had got

13 his daughter a telescope and how the moon looked cool in it

14 and everything. And I remember just staring at the moon and

15 thinking just an hour earlier we were talking about it, and

16 then I'm looking at the same moon and he was dead, and he's

17 been digging a hole to put him in.

18 Q: And did he put him in the hole?

19 A: Yeah.

20 Q: Did you help?

21 A: He made me help him.

22 Q: Why did you do that?

23 A: Because I was not going to argue with him.

24 Q: Why weren't you going to argue with him?

25 A: Because I was scared to argue.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Why?

2 A: I wasn't going to question him and I was not going to

3 argue with him.

4 Q: Why not?

5 A: Because he's always -- has always been abusive to me and

6 had -- had threatened me in the past, but once I seen that he

7 was capable of doing that, I was not going to argue with him.

8 Q: So after he puts them in the hole, does he -- what

9 happens?

10 A: He -- we got home. We went back home, and I don't

11 remember talking or saying anything on the way home. I don't

12 remember talking at all, but we got home and then he said he

13 forgot to get his phone out of his pocket. So he made -- he

14 made me drive back there and I told him I didn't want to drive

15 because I was very upset and, like I said, still -- I was kind

16 of out of it, like it didn't feel real. It kind of felt like

17 -- like an out-of-body experience because I mean it didn't

18 feel like real-life. And he went back there and dug him back

19 up, got his phone out of the -- out of his pocket, and then

20 went to Little Lynches River that's in between --

21 Q: And when you say his phone, whose phone?

22 A: Adam's phone.

23 Q: Thank you.

24 A: And then --

25 Q: And --

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: And then we went to -- he was driving because I told him
2 I couldn't drive, and he pulled down there at Little Lynches
3 River and threw his phone in the river.

4 Q: And when you met with law enforcement in January of 2017,
5 did you tell them any of this?

6 A: No.

7 Q: Why not?

8 A: I was scared to tell them anything.

9 Q: Okay.

10 MR. TETTERTON: Excuse me, Your Honor. I'm sorry. Could
11 we ask her to speak up a little bit?

12 THE COURT: You need to speak up.

13 THE WITNESS: Okay.

14 BY MS. SAMPSON:

15 Q: Why didn't you tell law enforcement?

16 A: I was scared to tell them anything.

17 Q: Okay. What --

18 A: I told them what I was told to tell them by -- by C.W.

19 Q: Okay. So he -- you just said he threw Adam's phone in
20 Lynches -- in the river?

21 A: Yes.

22 Q: What, if anything, did you have to do for C.W. with his
23 phone?

24 A: I --

25 Q: Did you ever call his phone?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: Oh, yes.

2 Q: Why did you call his phone?

3 A: He thought he had dropped it.

4 Q: And when did you do that?

5 A: When we got back home.

6 Q: Okay. So once you all are back home, any conversation?

7 A: No.

8 Q: Why didn't you call --

9 A: I don't remember.

10 Q: Why didn't you call police?

11 A: I was just -- I was -- I wasn't thinking anything. I was

12 really -- really honestly terrified.

13 Q: Terrified of what?

14 A: Terrified of him, of C.W.

15 Q: So what happens the next morning?

16 A: He stayed up all night.

17 Q: What did you do?

18 A: He took the chair out. He took that chair out to the

19 burn hole in our yard, and he burned it. And then we had a

20 matching chair like that in the den, and he took the matching

21 chair out of the den and he put it in the living room and

22 nobody -- nobody ever noticed that it wasn't the exact same

23 chair, but it looked identical to it.

24 Q: So what you're saying --

25 A: So he replaced it.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: I want to make sure I understand. What you're saying is
2 this chair that I have here --

3 A: Yes.

4 Q: It looks exactly like the chair that Adam was shot in?

5 A: Yes.

6 Q: And he replaced it?

7 A: Yes. It was in the next room in the den. It was the
8 same chair. That -- that furniture came with two chairs like
9 that, the couch, and the ottoman.

10 Q: And was there ever any damage to the wall?

11 A: Yes.

12 Q: What damage was to the wall?

13 A: Where the bullet went through the wall, and it went
14 through the kitchen and it stopped in the cabinet.

15 Q: And what did he do because of that?

16 A: He cut the hole out of the wall. He cut it out of the
17 wall.

18 MS. SAMPSON: I beg the Court's indulgence.

19 BY MS. SAMPSON:

20 Q: If I -- can you put the laser pointer to kind of show the
21 jury what you're talking about, essentially where the hole
22 was? Right there? And it went through to the cabinet?

23 A: Yes, ma'am.

24 Q: Where?

25 A: On the other side of the kitchen.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Were any repairs made?

2 A: Yes, ma'am.

3 Q: What repairs were made?

4 A: He cut the -- he cut the square, the bullet hole on each
5 side of the wall, and he puttied it, and he took the cabinet
6 that the -- he originally had put putty on the hole because
7 trailer cabinets are kind of like pressed wood, but the frame
8 of it is solid wood. The bullet hit the frame, the bottom of
9 the cabinet, and the bullet stopped in the cabinet and it fell
10 on the floor. He got the bullet up, and then he puttied the
11 hole and he tried to paint it with some brown paint, but you
12 could still tell. So one day when I come home from work, I
13 don't remember which day it was, but not long after he had
14 taken the cabinet completely off and then moved a cabinet to
15 the other side of the kitchen.

16 Q: I'm going to show you State's Exhibit 46 that's already
17 in evidence. Is this what you're talking about?

18 A: Yes.

19 Q: So in this photograph 46, is -- we may not be able to put
20 it on the board. Is -- are these the cabinets you're talking
21 about?

22 A: Yes.

23 Q: And you're pointing at this one right here? So this is
24 the one that had to be replaced?

25 A: Yes.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

- 1 Q: So on December 30th, what happens?
- 2 A: He had burned the chair, and he had used the shop vac to
3 vacuum up the blood in the car.
- 4 Q: So there was blood in your car?
- 5 A: Yes.
- 6 Q: Okay. And did you all receive any phone calls that day?
7 Can you tell the jury about that?
- 8 A: Yes. Adam's sister, Heather, had called me, but I did
9 not answer because I cannot talk with her, and he did talk to
10 her.
- 11 Q: He spoke? And what did he tell her?
- 12 A: I don't remember word for word, but that he was there
13 when we went to sleep.
- 14 Q: And is that the story you were told to give her? What
15 story were you told to give people about this?
- 16 A: Yeah. That -- that when I went to bed, that Adam was
17 there, and I went -- we went to bed.
- 18 Q: And who told you to give that story?
- 19 A: C.W.
- 20 Q: And why did you give that story?
- 21 A: Because I was going to do what he said to do.
- 22 Q: Okay. Did you go to work on the 30th?
- 23 A: No, I did not.
- 24 Q: Why didn't you go to work?
- 25 A: Because I'd just seen someone get killed in my living

1 room.

2 Q: And were you -- how were you feeling that day?

3 A: I was not feeling okay at all. I was not feeling normal.

4 I was feeling -- I was -- I was -- I was out of it honestly.

5 It was a -- it was a weird feeling, but I don't wish it on

6 anybody to ever experience something like that.

7 Q: And --

8 A: Because I promise you, you're not going to be the same

9 after that.

10 Q: So, Dani, I want to talk to you about when you all --

11 when you first talked to law enforcement. Did you talk to

12 Chuckie Baxley about this?

13 A: Yes.

14 Q: And when you talked to Chuckie, did you tell him the

15 truth?

16 A: No.

17 Q: Why not?

18 A: Because he told me the story to say.

19 Q: Who told you the story to say?

20 A: C.W.

21 Q: And when you told Chuckie Baxley that Adam and you talked

22 for a while, did that actually happen?

23 A: Yes. That's when we had a conversation about Christmas

24 and about the moon and about what the kids got for Christmas.

25 Q: And when you told Chuckie Baxley that you went in the

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 house and Adam stayed outside, was that the truth?

2 A: No.

3 Q: When you told law enforcement that you went in the house
4 and did wifely duties like cleaning and doing the dishes, was
5 that the truth?

6 A: No.

7 Q: And why did you tell them a lie?

8 A: Because I was told to tell them that.

9 Q: Okay.

10 A: That's it.

11 Q: And when you told law enforcement that you sat outside
12 and smoked with Adam, was that the truth?

13 A: Yes.

14 Q: Okay.

15 A: But in earlier in the night.

16 Q: Earlier?

17 A: When we had the conversation about Christmas and the
18 moon.

19 Q: Did you do it right before he was shot?

20 A: It was before we had left the first time.

21 Q: So when you told police you all smoked outside, then you
22 went in and he stayed out, was that the truth?

23 A: No.

24 Q: Okay. Now, between December 30th when you talked to
25 Chuckie Baxley and January 11th when you go back for another

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 interview, do you ever tell law enforcement what really
2 happened?

3 A: No.

4 Q: Do you ever tell anybody what really happened?

5 A: No.

6 Q: Why not?

7 A: Because even after this five -- almost six years, any
8 time that I have mentioned that I wanted to tell, that I
9 wanted to tell, I was told that I was a stupid shit bitch and
10 that I'd be stupid if I said anything because he wouldn't be
11 the only one to go down, that I would be taken away from my
12 daughter and I would never see her again, and he knew that she
13 was my life. So he never threatened my actual life, but he
14 threatened my life worse because he used her as a weapon
15 against me to keep me from saying anything because I could not
16 imagine being away from my daughter.

17 Q: All right. So I'm going to go over when you met with law
18 enforcement. You met with Investigator Dill and Investigator
19 Miller; is that correct?

20 A: Yes.

21 Q: Okay. And they didn't make you talk to them, did they?

22 A: No.

23 Q: Were you voluntarily there? I need you to say yes or no.

24 A: Yes.

25 Q: Did you tell them the truth?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: No.

2 Q: Okay. And --

3 A: C.W. told me to go talk to them.

4 Q: And --

5 A: And he said that they were going to probably be calling

6 me for me to go talk to them. He never went.

7 Q: Did that happen when they called -- they called and

8 wanted to talk to you?

9 A: Yes.

10 Q: Okay.

11 A: And I thought -- I thought I was going to the Bethune

12 Police Department, but the town cop at the time -- he drove me

13 to Lugoff to the Sheriff's Department to talk to them.

14 Q: And so I'm going to go over some of the things that you

15 told them. When you said that you went inside and laid on top

16 of C.W. and Adam stayed outside, was that true?

17 A: No.

18 Q: You said it though?

19 A: Yes.

20 Q: Why did you say it?

21 A: Because that was the story that he had made up for me to

22 go with.

23 Q: And when you told them you believed Adam talked to

24 someone to come get him, was that true?

25 A: No, ma'am.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: And why did you tell them that?

2 A: Because that's what was said for me to say.

3 Q: Okay. And when you said you believed that Adam had gone

4 off partying, that someone else had picked him up, was that

5 true?

6 A: No.

7 Q: Why did you tell them that?

8 A: Because I was sticking to the story that I was told to

9 say.

10 Q: Okay. And they asked you specifically were you afraid of

11 C.W., and you tell them no. Was that the truth?

12 A: No.

13 Q: Why did you tell them that?

14 A: Because I didn't like ever talking about the abuse.

15 Q: Okay.

16 A: I didn't talk about it.

17 Q: And they specifically asked you he can't intimidate you,

18 and you said, no, he can't. Was that true?

19 A: No.

20 Q: And why did you tell them that?

21 A: Because I -- I don't talk about the abuse.

22 Q: Okay.

23 A: There was no denying the cheating and the affairs because

24 of the multiple children, but I tried to hide the physical

25 abuse with makeup or with clothing and stuff like that. So

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

- 1 even though everybody knew, I didn't talk about it.
- 2 Q: And when you told them that C.W. was asleep when Adam
3 went missing, was that the truth?
- 4 A: No.
- 5 Q: You told them that you must have butt dialed C.W. that
6 night. Was that true?
- 7 A: No.
- 8 Q: And why did you tell them that?
- 9 A: Because I couldn't tell them the truth. I could not tell
10 them that I was calling his phone because he thought he had
11 dropped his phone when he was burying him.
- 12 Q: And when you told them that the past couple of years with
13 C.W. had been good, was that true?
- 14 A: No. There was no years good with him.
- 15 Q: All right. Now, this is not the first time that you've
16 spoken truthfully about this, is it?
- 17 A: No.
- 18 Q: You spoke with us again in March of 2022, this year?
- 19 A: Yes.
- 20 Q: And why did you tell the truth then?
- 21 A: Because I felt like I was free of him, and I wasn't -- I
22 wasn't scared to say anything.
- 23 Q: And are you currently living with him?
- 24 A: No.
- 25 Q: How long have you not been living with him?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: For at least 10 months. And I've been with him since I
2 was 15. So this was the first time I've ever not been with
3 him.

4 Q: How did that make you feel?

5 A: It feels good now.

6 Q: And, Dani, to be clear, do you see the person in here
7 that pulled a gun and shot Adam in the head?

8 A: Yes.

9 Q: Can you look at him and point to him for the jury?

10 A: (Indicating.)

11 Q: Okay. Can you describe an article of clothing that he
12 has on?

13 A: He's got, like, a pink red shirt on and a blue tie.

14 MS. SAMPSON: Let the record reflect, Your Honor, that
15 she has identified the defendant.

16 BY MS. SAMPSON:

17 Q: Up until recently, did you stay living in this home?

18 A: Yes.

19 Q: And were you able to show law enforcement anything in
20 reference to the damage to the home --

21 A: Yes.

22 Q: -- when this shooting happened? What did you show them?

23 A: Where Adam was sitting and where the bullet went through
24 the wall and where the bullet stopped in the cabinets.

25 MS. SAMPSON: I beg the Court's indulgence.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 BY MS. SAMPSON:

2 Q: So I'm going to have a few more questions for you. I
3 just wanted to make sure I cover some things. So did you ever
4 go back to the McGougan area in reference to the body?

5 A: Yes.

6 Q: And what happened then?

7 A: The very next day, the children weren't home because they
8 had Wednesday with their great-uncle. The night before that
9 night that this happened, his children -- they lived with
10 their mother in Virginia, but they were home for the holidays
11 and they're around the same age as my daughter and stepson,
12 and so they had went and stayed with them.

13 So we went the next morning -- well, the next day, not
14 the next morning, the next day to get the children. And he
15 had -- C.W. had used his uncle's -- it's like a four-wheeler
16 thing to take -- to go back out there, and I don't know why
17 because I didn't freaking want to go back out there, but he
18 made me. We went back out there, and I don't know why. To
19 just look at it? I don't know, but I remember he put more
20 pine straw and stuff on it.

21 Q: Okay.

22 A: And then we had to go back there where my kids were and I
23 had to act like, oh, we just went for a ride.

24 Q: And your car -- you said that it had blood in it?

25 A: Yes.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: Did you have to -- did you continue to drive it?

2 A: Yes.

3 Q: Did --

4 A: I had to carry kids to school in that car.

5 Q: Did it ever get altered?

6 A: Yes.

7 Q: How did it get altered?

8 A: I know that he had went and got a seat, and he -- he done

9 this while I was at work. He got a seat and he had painted

10 it. He had gotten paint and had painted it, and I remember

11 because I didn't only take my kids to school, I took other

12 people's kids to school, and I remember one of the children

13 asked me what was up with the seat because paint was coming

14 off of the seat, and I ended up getting a towel and putting

15 down.

16 Q: And what color were your seats originally?

17 A: Black.

18 Q: Okay. There's no real delicate way to ask this. Did you

19 ever move the body?

20 A: Yes.

21 Q: Can you tell the jury about that?

22 A: I remember --

23 MR. TETTERTON: Excuse me. Would the record reflect that

24 she was nodding her head affirmatively?

25 MS. SAMPSON: I'm sorry.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 THE COURT: All right. Again, you have to answer
2 verbally so we can make a record of everything you say. All
3 right? Thank you.

4 THE WITNESS: Okay.

5 THE COURT: All right. Ask your question again.

6 MS. SAMPSON: I'm sorry.

7 BY MS. SAMPSON:

8 Q: Did you all ever go move the body again?

9 A: Yes.

10 Q: And how did that happen?

11 A: I remember there was the search party that was going to
12 go on, and it was going to start at Scotch Cemetery because
13 his phone had pinged, and it had pinged because it had gotten
14 thrown in the river, but they didn't know that. And I
15 remember C.W. told me that we've got to move the body because
16 they're going to go through McGougan Mill Pond property and
17 didn't want to find him. So --

18 Q: So what did y'all do?

19 A: I remember he got a tarp. He got a tarp from Big Mike's
20 house, and we drove out there and --

21 A: Out where?

22 A: Out to McGougan Mill Pond Road. And he dug him up and I
23 remember I didn't want to look at him, and I remember his face
24 was really swollen like I guess because of water, and he put
25 him in a tarp and he put him in the trunk of his little gold

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 car that he was driving.

2 Q: So y'all weren't in your Acura?

3 A: No.

4 Q: Okay. So you go in this car. Where do you guys go?

5 A: We drive it feels like forever, and it was already kind

6 of like there was like -- like a swampy spell to him and you

7 can smell him. And I feel like we drove forever, and we ended

8 up -- we even went into, like, Sumter. And then he -- he --

9 that's when he said Post Road because they had -- they used to

10 hang out there when they were in high school, and so that's

11 when he rode -- we went to Post Road.

12 Q: And who was -- who was telling you this?

13 A: C.W.

14 Q: And so you go to Post Road? I think you just said that.

15 A: Yes.

16 Q: And what do you all do when you get there?

17 A: That's where he buries him a second time.

18 Q: Do you -- do you help?

19 A: No.

20 Q: How does this happen? Do you watch?

21 A: I got out the car, but I did not watch.

22 Q: Okay.

23 A: Because I didn't want to be in the car because it was

24 already -- it smelled.

25 Q: So does he bury him there or what happens?

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 A: He buries him.

2 Q: Okay. And do you ever go back to that location?

3 A: No. I didn't go out there the third time when he was

4 going to send the coordinates in. He had me drive. That was

5 when he had already -- already made me get rid of that car and

6 I had got a suburban.

7 Q: And I'm going to stop a minute. You got rid of your

8 Acura?

9 A: Yes.

10 Q: Why did you get rid of the Acura?

11 A: He told me we had to hurry up and get rid of my car.

12 Q: Okay. Did you tell that to law enforcement?

13 A: No.

14 Q: Why not?

15 A: I was scared to tell them that.

16 Q: So you get rid of the Acura, but you go back to where the

17 body is now off Post Road again?

18 A: Yes. I dropped him off at the road.

19 Q: And what was that -- why were y'all doing that?

20 A: He had -- he had ammonia and bleach in a backpack, and he

21 was going to I guess clean the body.

22 Q: And what about the tarp?

23 A: He did get that tarp. He didn't leave it because I

24 remember that smell. You never forget that smell. The smell

25 was so bad when he got back in my truck, and he had the tarp

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 and he burned it in that -- in the hole at my house.

2 Q: So you have a burn -- I think you said this twice now. A

3 burn --

4 A: A burn hole.

5 Q: A burn hole? Okay. And he took the tarp there and

6 burned it?

7 A: Yes.

8 Q: Okay.

9 A: Then he -- his clothes that he wore that night too. He

10 stood out there and took all of his clothes off and burned

11 them. Then he went and got in the shower.

12 Q: Now, Ms. Beebe, you're telling the jury all this. Tell

13 the jury are you currently charged with anything?

14 A: Yes.

15 Q: What are you charged with?

16 A: Murder.

17 Q: So you're still facing murder charges?

18 A: Yes.

19 Q: Any deals been made for you to testify?

20 A: No.

21 Q: You're here today voluntarily?

22 A: Yes.

23 Q: And you're still facing murder charges as we speak?

24 A: Yes.

25 MS. SAMPSON: I beg the Court's indulgence.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 BY MS. SAMPSON:

2 Q: You mentioned the coordinates?

3 A: Yes.

4 Q: Who was -- who told you they were going to turn over the
5 coordinates?

6 A: C.W. said that he had talked to Tetterton, and Tetterton
7 said, well, we'll just send them in coordinates. We'll write
8 it on this. C.W. said -- he said Tetterton told him that he
9 -- even if they have to get the paper out of the dumpster and
10 write them on it, just send in the coordinates.

11 Q: And did the coordinates get given to law enforcement?

12 A: Yes.

13 Q: Okay.

14 A: And I remember I was in the shower that night and he come
15 in and he said, all right, well, be ready tomorrow. Tomorrow
16 is the day because it had rained and he said just be ready,
17 just to fake like everything was okay because they were -- he
18 said tomorrow is the day they're going to find him.

19 Q: And did you ever tell anyone the true story other than
20 when you talked to us in March and today?

21 A: No.

22 Q: And why did you continuously lie over and over?

23 A: Because he constantly reminded me that I would be stupid
24 if I did because I would get taken away from my child and I
25 would never see her again.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 Q: And who was --

2 A: And he would -- he would not be the only one to go down,
3 that I would go to with him.

4 Q: And who were you afraid of?

5 A: C.W.

6 Q: And why again were you afraid of him?

7 A: Because there's not a day -- not a day, a week, a month,
8 or a year that he was just nice and good to me. Since I was
9 15 years old, he's always been abusive, mentally, emotionally,
10 physically. If I wasn't physically being hit, then I was
11 being told I was a stupid shit bitch or I was trash. I mean
12 the list goes on and on. I was constantly being told --
13 called names.

14 MS. SAMPSON: Thank you, Dani. Thank you, Dani. Please
15 answer any questions Mr. Tetterton may ask.

16 THE COURT: All right. Thank you.

17 Ladies and gentlemen of the jury, I think this is an
18 appropriate time for us to take another break. I anticipate
19 the next part of the trial will be fairly lengthy. So refresh
20 yourselves. We'll have you back in here in 10 minutes.

21 Again, the jury is not allowed to discuss anything about
22 the case, anything that you've heard or seen. Do not discuss
23 the case at all while you're out in the jury room.

24 Everyone remain seated. Everyone remain seated while
25 this jury is excused.

PEGGY DANIELLE BEEBE - DIRECT BY MS. SAMPSON

1 (WHEREUPON, the jury exited the courtroom at 11:44 a.m.)

2 THE COURT: Ms. Beebe, let me remind you you are still
3 under oath. We're going to take a break. You're allowed to
4 refresh yourself. Do not discuss the testimony you've just
5 given or anything you might say with anybody, including your
6 lawyer. While you're here in the courtroom, you are not to
7 have any kind of discussion about your testimony with anyone,
8 including your lawyer. Do you understand?

9 THE WITNESS: Yes, sir.

10 THE COURT: All right. Thank you.

11 We'll be at ease for 10 minutes.

12 (WHEREUPON, there was a break in the proceedings from
13 11:45 a.m. until 11:57 a.m., after which the proceedings
14 resumed as follows.)

15 THE COURT: All right. Let's have Ms. Beebe back on the
16 stand. We need Ms. Beebe.

17 All right. Is the State ready to proceed?

18 MS. SAMPSON: Yes, sir.

19 THE COURT: Defense ready?

20 MR. TETTERTON: Ready.

21 THE COURT: All right. Let's bring the jury in.

22 (WHEREUPON, the jury entered the courtroom at 11:58 a.m.)

23 THE COURT: All right. Thank you, ladies and gentlemen.

24 Mr. Tetterton?

25 MR. TETTERTON: May it please the Court.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

CROSS-EXAMINATION

- 1
2 BY MR. TETTERTON:
3 Q: Dani, how are you?
4 A: I'm all right.
5 Q: Do you mind if I call you Dani? Because that's the only
6 thing I've ever known you by.
7 A: Yes, that's fine.
8 Q: I've read Peggy several times, but I didn't know who
9 Peggy was.
10 A: Dani is fine.
11 Q: Okay. Dani, you and C.W. were married when?
12 A: In 2010.
13 Q: Okay. And I believe Zoi was born when?
14 A: In '05.
15 Q: Five years before y'all got married?
16 A: Yes.
17 Q: Okay. And was C.W. working when you got married?
18 A: Yes.
19 Q: Where was he working?
20 A: I don't recall where. He worked out of town a lot.
21 Q: C.W. worked out of town a lot?
22 A: Yes.
23 Q: He worked out of town a lot from the time y'all got
24 married until today; right?
25 A: He had -- he had actually recently got a job at Georgia-

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Pacific in 2016.

2 Q: He got a job at Georgia-Pacific in 2010?

3 A: Yes.

4 Q: Did that require --

5 A: No, not 2010.

6 Q: I'm sorry?

7 A: Yeah, '16.

8 Q: 2016?

9 A: Yeah.

10 Q: He had just gotten a job at Georgia-Pacific?

11 A: Yes.

12 Q: What kind of job was that?

13 A: Now, I don't know. It's just a plant. They make paper

14 products.

15 Q: Where was that plant?

16 A: Sumter, I believe.

17 Q: And was he living at home when he went to work for

18 Georgia-Pacific?

19 A: Yes.

20 Q: Prior to working for Georgia-Pacific, what did he do?

21 A: He done shutdown work.

22 Q: I'm sorry?

23 A: Shutdown work.

24 Q: Shutdown work?

25 A: Yeah.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: And if I understand shutdown work, that's where a plant
2 was shut down for maintenance and --
- 3 A: Yes.
- 4 Q: And he would work shutdown?
- 5 A: Yes.
- 6 Q: Where all would he work shutdown?
- 7 A: Different states.
- 8 Q: So the shutdown work he worked required him to be out of
9 state a good bit?
- 10 A: Yes.
- 11 Q: Was that -- would that be for long periods of time?
- 12 A: It all depended on the job, but yes. I recall he worked
13 in Oak Island, North Carolina, for a long enough time to where
14 he rented a house, and me and the children, Zoi and C.J.,
15 would go every weekend. I would get off of work on Friday at
16 MAR-MAC in McBee, and I'd pick them up and we'd go spend the
17 weekend in Oak Island. Every weekend, I would drive to North
18 Carolina.
- 19 Q: Let me ask you this about C.J. C.J. is C.W.'s son;
20 right?
- 21 A: Yes.
- 22 Q: And I believe y'all got custody of him sometime during
23 y'all's marriage?
- 24 A: Yes.
- 25 Q: Do you recall how old C.W. -- I mean how old C.J. was

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 when you got custody of him?

2 A: He was little. He was young, three, four, five,

3 somewhere around there.

4 Q: And how old is he now?

5 A: He's grown, 21.

6 Q: He's an adult?

7 A: Yes.

8 Q: So in 2016, five years ago, he would have been about --

9 five years --

10 A: Yeah, he was little.

11 Q: Okay. And did he live in the household with you and

12 C.W.?

13 A: Yes.

14 Q: All during the time after y'all got custody of him?

15 A: Yes. Even when C.W. -- even when C.W. was out of town

16 working, he -- he lived with us. He lived with me. I raised

17 him.

18 Q: And someone else came to live in y'all's household too

19 after y'all took custody or got custody of C.J.; right?

20 A: Yes.

21 Q: And who was that?

22 A: Who came and lived?

23 Q: Was that Ava?

24 A: Yeah, but she never lived with us, but I mean, yes, Ava

25 -- she -- she would come every other weekend --

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Okay. Ava was --
- 2 A: -- for visitation.
- 3 Q: Ava was C.W.'s daughter?
- 4 A: Yes.
- 5 Q: And she would visit with y'all? Her mother would let her
- 6 visit with y'all on the weekends?
- 7 A: Yes.
- 8 Q: Every other weekend?
- 9 A: Yes.
- 10 Q: And how many years did that happen?
- 11 A: I think we -- we first got the paternity test on Ava when
- 12 she was three -- three years old. She was a little tiny
- 13 thing.
- 14 Q: But ever since then you've been allowed visitation with
- 15 Ava every other weekend?
- 16 A: Yes.
- 17 Q: And I believe you also have visitation with Ava during
- 18 the holidays; right?
- 19 A: Yes.
- 20 Q: And that worked -- so the family now back then was Ava
- 21 that you had visitation with every other weekend and on
- 22 holidays, and you had C.J. that you had gotten custody of when
- 23 he was little?
- 24 A: Uh-huh.
- 25 Q: And then you had Zoei; right? If you --

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 A: Yes.

2 Q: -- don't mind, ma'am, the court reporter can't pick up a
3 nod.

4 A: Yes.

5 Q: Okay. Thank you.

6 A: Uh-huh.

7 Q: And that was the family? That was the family; right?

8 A: Yes.

9 Q: And during that time y'all had a Christmas together?

10 A: Yes.

11 Q: Birthdays?

12 A: Yes.

13 Q: Y'all celebrated Christmas and birthdays together; right?

14 A: Yes.

15 Q: Did you also celebrate family reunions?

16 A: We didn't really have family reunions.

17 Q: Okay. But that was the family unit up until recently?

18 A: Yes.

19 Q: All right. And it was a happy family, wasn't it?

20 A: No. I mean it wasn't that happy, but it was a family. I
21 tried to make it a family.

22 Q: But y'all celebrated Christmas together, Thanksgiving
23 together too?

24 A: Yeah. I tried to make it as normal for my children as
25 possible.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: And during the time that C.W. was working out of state --
2 well, first of all, let me ask you how many years did he work
3 out of state prior to going to work for Georgia-Pacific?
- 4 A: I mean at least five years, but I don't know. It's been
5 so long ago, I don't know for sure.
- 6 Q: So about for five years he was working out of state;
7 correct?
- 8 A: Yes.
- 9 Q: And you would take the children to drive to see him where
10 he was working?
- 11 A: Yes.
- 12 Q: Now one time -- well, maybe more than one, did you take
13 them to Ohio to visit with him?
- 14 A: Did I what?
- 15 Q: Take them to Ohio? I think I may have --
- 16 A: Ohio, no.
- 17 Q: Where would you -- where would you take him or take them?
- 18 A: We actually drove to Louisiana to visit.
- 19 Q: So he --
- 20 A: That was a long drive. It was just me and the kids.
- 21 Q: So sometimes when he was working out of state in
22 Louisiana, you would take the kids and y'all would all travel
23 to Louisiana to visit with their dad; right?
- 24 A: Yes.
- 25 Q: Okay. Did you do that more than once?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: What do you mean?
- 2 Q: To drive out of state with the kids and visit with their
3 daddy and your husband?
- 4 A: Like I said, in North Carolina when he was in Oak Island
5 every weekend.
- 6 Q: All right. So he worked out of state five years, as I
7 understand your testimony, and every weekend you would pack up
8 the kids and you'd drive to where he was to visit with your
9 husband --
- 10 A: Uh-huh.
- 11 Q: -- and the children? You're going to have to say yes.
12 I'm sorry, ma'am.
- 13 A: Yes.
- 14 Q: That's a yes?
- 15 A: Yes.
- 16 Q: And that went on for about five years; right?
- 17 A: Yes.
- 18 Q: And during the time that he was working out of state, he
19 earned an income, of course?
- 20 A: Yes.
- 21 Q: And he would give you money to support yourself and the
22 kids?
- 23 A: Yes. Well, I worked as well.
- 24 Q: I understand, but he was the primary --
- 25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: -- breadwinner of the family?
- 2 A: Yes.
- 3 Q: He made a lot more money than you did; right?
- 4 A: Yes.
- 5 Q: So during those five years right prior to December of
- 6 2016, as I understand your testimony, he worked out of state,
- 7 gave his earnings to you all to raise a family and support the
- 8 family; correct?
- 9 A: Yes.
- 10 Q: He also supported Ava; right?
- 11 A: Yes.
- 12 Q: And he would -- Ava lived with Christy Roberts?
- 13 A: Yes.
- 14 Q: Okay. Now, where did you work during that time just
- 15 prior to December 29th, 2016?
- 16 A: I was already working at the meat market at the discount
- 17 food store.
- 18 Q: Okay.
- 19 A: My family's grocery store.
- 20 Q: So the jury -- so the jury would understand what the meat
- 21 market is, the meat market is owned by Keith Arnold?
- 22 A: Yes.
- 23 Q: And Keith Arnold is your mother's boyfriend?
- 24 A: Yes.
- 25 Q: Is that fair to say?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: Yes.
- 2 Q: And your mother's name is Tina Porter?
- 3 A: Fritts.
- 4 Q: Okay. I didn't get her last -- Fritts?
- 5 A: Yes.
- 6 Q: Okay. So did she work at the meat market also?
- 7 A: Yes.
- 8 Q: Who else worked at the meat market just prior to December
- 9 29th, 2016?
- 10 A: If I remember correctly, it was me, Joel Gainey, Erin
- 11 Gainey, and I think that was it. And I don't know if Billy
- 12 worked there or not at that time, but that was all at the meat
- 13 market. At that time the store was two separate stores. So
- 14 there was the discount store with the dry goods and then the
- 15 meat market. I worked at the meat market. Now it's combined.
- 16 Q: Okay. And did your mother, Tina, work at the store all
- 17 during that time also?
- 18 A: Yeah.
- 19 Q: Prior to December?
- 20 A: She would go -- she didn't work at one particular store
- 21 though.
- 22 Q: And --
- 23 A: She would work at both.
- 24 Q: And how often would Keith Arnold be in and out of those
- 25 stores?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: He would be -- he would be in and out.
- 2 Q: Would it be fair to say that you saw your mother, Tina,
3 on a regular basis?
- 4 A: Yes.
- 5 Q: And would it be fair to say that you saw your mother's
6 boyfriend, Keith, on a regular basis?
- 7 A: Yes.
- 8 Q: And that you would also see the employees of the meat
9 market on a regular basis?
- 10 A: Yes.
- 11 Q: After December 29, 2016, did you continue to work at the
12 meat market?
- 13 A: Yes.
- 14 Q: The same people were working there?
- 15 A: Yes.
- 16 Q: Two stores?
- 17 A: Yes.
- 18 Q: And you continued after December 29, 2016, to see your
19 mother, Tina; right?
- 20 A: Yes.
- 21 Q: Keith Arnold?
- 22 A: Yes.
- 23 Q: Betty Gainey; right?
- 24 A: Erin Gainey.
- 25 Q: I mean Erin Gainey. Okay. Not Benji?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: No.
- 2 Q: Bethune has got a lot --
- 3 A: I've never worked with Benji.
- 4 Q: Bethune has a lot of Gaineys; right?
- 5 A: Yeah.
- 6 Q: All right. So you would see -- and you'd see all of the
- 7 employees of the meat market even after December 29, 2016, on
- 8 a regular basis?
- 9 A: Yes.
- 10 Q: And you would have conversations with them; right?
- 11 A: Yes.
- 12 Q: Would you socialize with them or go to lunch with them?
- 13 A: I mean we would have lunch there, but yes.
- 14 Q: And on December 29, 2016, you and your family lived on
- 15 Waters Road?
- 16 A: Yes.
- 17 Q: Prior to that, where have you all lived?
- 18 A: Best Road.
- 19 Q: Best Road?
- 20 A: Yeah. It was just --
- 21 Q: Not Post? I'm sorry. Best Road?
- 22 A: Yeah. It was, like, literally the next road over from
- 23 Waters Road.
- 24 Q: And the --
- 25 A: Best Road.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: And did you and your family rent a house there on Best
2 Road?
- 3 A: Yes.
- 4 Q: That's where y'all lived?
- 5 A: Yes.
- 6 Q: And C.W. would send money home from his out-of-state jobs
7 to help pay the rent?
- 8 A: Well, we -- we owned it.
- 9 Q: I beg your pardon?
- 10 A: We owned -- we owned that property.
- 11 Q: Y'all bought the property?
- 12 A: It was his mother's, and she had given it to him. So we
13 didn't pay rent.
- 14 Q: But C.W. would send you monies on -- money on --
- 15 A: Yes.
- 16 Q: Let me finish my question, please, ma'am. He would send
17 you money on a regular basis to pay the utility bill, buy
18 groceries, buy clothes for the children; is that correct?
- 19 A: Yes.
- 20 Q: Okay. After December 29 -- first of all, when did y'all
21 move to Waters Road?
- 22 A: It was -- it was somewhere around 2013. It was after one
23 of his affairs, and it was when he had had a child with --
- 24 Q: Okay.
- 25 A: -- someone else, but --

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: About 2013; is that fair?
- 2 A: That was going to be our starting over.
- 3 Q: Okay. All right. Now, prior to December 29, 2016, did
- 4 you know Adam?
- 5 A: Yes.
- 6 Q: And I believe you told the jury a few minutes ago you had
- 7 known Adam for quite a while?
- 8 A: Yes.
- 9 Q: How long had you known Adam?
- 10 A: Since I was 15.
- 11 Q: Okay. And Adam was a friend of C.W.'s; right?
- 12 A: Yes.
- 13 Q: In fact, I believe you told us that he was one of his
- 14 best friends?
- 15 A: I mean they were good friends.
- 16 Q: In fact, you told this jury that Adam was like an uncle
- 17 to your children?
- 18 A: Yes.
- 19 Q: And that's true, isn't it?
- 20 A: Yes.
- 21 Q: And you and Adam had several conversations about one of
- 22 the children maybe pooping on the floor or something like
- 23 that?
- 24 A: Yes. He would always give my daughter a hard time
- 25 because they had babysat her when she was little, and she had

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 pooped in the -- in the tub.
- 2 Q: Okay.
- 3 A: And he would always joke with her about her pooping in
- 4 the tub.
- 5 Q: All right. Just prior to December 29, 2016, of course,
- 6 it had Christmas; right?
- 7 A: Yes.
- 8 Q: You and Adam -- excuse me. You and C.W. went Christmas
- 9 shopping for your children?
- 10 A: Yes.
- 11 Q: You and C.W. went Christmas shopping at the Florence
- 12 mall, did you not?
- 13 A: Yes.
- 14 Q: And y'all bought Christmas presents for Ava; correct?
- 15 A: Uh-huh. Yes.
- 16 Q: Y'all bought -- I beg your pardon? Y'all bought
- 17 Christmas presents for C.J.? And you have to say yes or no.
- 18 A: Yes.
- 19 Q: And you also bought Christmas presents for Zoi?
- 20 A: Yes.
- 21 Q: And y'all bought Christmas presents for each other?
- 22 A: Yes.
- 23 Q: And y'all exchanged those Christmas presents on
- 24 Christmas, December 25th, 2016?
- 25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Was that at your house? I mean where the family was on
2 Waters Road?
- 3 A: Yes.
- 4 Q: Did you all get up that morning and everybody exchanged
5 Christmas?
- 6 A: Yes.
- 7 Q: Had y'all put up a tree?
- 8 A: Yes.
- 9 Q: Did Adam help -- excuse me. Did C.W. help you put up a
10 tree?
- 11 A: No.
- 12 Q: You put it up yourself?
- 13 A: Yes.
- 14 Q: Okay.
- 15 A: Me and the kids always do it every year.
- 16 Q: I beg your pardon?
- 17 A: Me and the kids do it every year.
- 18 Q: Okay. So you and the kids every year put up a Christmas
19 tree?
- 20 A: Yes.
- 21 Q: You put the presents under the tree?
- 22 A: Yes.
- 23 Q: And then every Christmas you and the family celebrate
24 Christmas together?
- 25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Around the tree? Yes?
- 2 A: In the living room, yes.
- 3 Q: And open presents to each other?
- 4 A: Yes.
- 5 Q: You and C.W. would open presents between you and him?
- 6 A: Well, we didn't really have presents, but it was mainly
- 7 the kids.
- 8 Q: You mainly did it for the kids?
- 9 A: Yes.
- 10 Q: Okay. So as of Christmas, December 25th, 2016,
- 11 everything was going well in the family?
- 12 A: It was normal.
- 13 Q: It was normal?
- 14 A: Uh-huh.
- 15 Q: Nothing out of the ordinary?
- 16 A: No.
- 17 Q: Prior to Christmas Day of 2016, had you noticed how often
- 18 Adam came over?
- 19 A: No.
- 20 Q: Would he come over --
- 21 A: Yes.
- 22 Q: -- to your house? And would he come over just to visit?
- 23 A: Yes.
- 24 Q: Would he spend the night sometimes?
- 25 A: I don't recall him ever staying that night, but a lot of

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 friends did. If they had been drinking, you know, they always
2 knew that they were welcome to crash there.

3 Q: And that would be after they had a big cookout down by
4 the shop?

5 A: Yes.

6 Q: So if someone was there at the cookout, he was welcome to
7 spend the night at your house?

8 A: Uh-huh. Yes.

9 Q: Okay. And that happened quite frequently?

10 A: Yes.

11 Q: After December 29, 2016, did Adam come over and spend
12 some nights there?

13 A: No. I don't recall. Like I said, I don't -- I can't be
14 honest and tell you that he stayed the night if I don't
15 remember.

16 Q: I understand that.

17 A: But like I said, it's likely, but I can't tell you if he
18 did or not.

19 Q: Did you ever recall telling Justin Dill or either David
20 Miller that Adam would come over often and spend the night
21 there?

22 A: I could have.

23 Q: You could have?

24 A: Yes, I -- yeah. That's what I'm saying that he could
25 have.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: Would that -- would that -- would you observe or be able
2 to see what condition Adam was in when he wanted to spend the
3 night?

4 A: Did I what?

5 Q: When he had been drinking?

6 A: Yes. Yes. So any of -- any of his friends always knew
7 that they were, you know, welcome to, you know, stay there.

8 Q: Did he have a tight -- a tight group of friends?

9 A: Yes.

10 Q: Who all were they?

11 A: It was C.W., Adam, Benji.

12 Q: Benji Gainey?

13 A: Yes. Benji Gainey. At the time Joshie Lynn [ph], which,
14 you know, Joshie Lynn lives in Florida now. They would hang
15 out. I mean eventually there would be friends that would just
16 -- a few of the same ones, but then it would be, you know,
17 different.

18 Q: That would depend on their work? Would that depend on
19 their work schedule? If they were working too out of town or
20 couldn't make it or something?

21 A: Yeah. Yes.

22 Q: Did you hang out with them?

23 A: No. I mean when they would be hanging out outside, I
24 mostly stayed inside with the children. I might would come
25 out, you know, and, you know, to get the food off the grill or

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 something like that, but no, I wasn't big on that --
- 2 Q: Did you ever tell --
- 3 A: -- hanging out.
- 4 Q: Did you ever tell Justin Dill and David Miller that you
- 5 hung out with the boys because you did not want to hang out
- 6 with girls?
- 7 A: Well, I told them that C.W.'s friends were my friends. I
- 8 didn't have friends.
- 9 Q: I beg your pardon?
- 10 A: I said I didn't have friends. His friends were my
- 11 friends.
- 12 Q: And I believe you -- is it true --
- 13 A: I have one friend.
- 14 Q: I understand.
- 15 A: And her name is Amy.
- 16 Q: Yeah. Would it be true that you told Justin Dill and
- 17 David Miller that you'd rather hang out with his friends than
- 18 any girls?
- 19 A: Yeah.
- 20 Q: Did you tell them that you liked to be one of the boys?
- 21 A: Well, I mean I don't like to be one of the boys, but I
- 22 mean, like I said, his friends were my friends.
- 23 Q: Back when y'all were younger and before you got married,
- 24 did you and C.W. party a lot together?
- 25 A: I mean I grew up with him. I was 15, he was 23. I grew

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 up with him. So, you know, whatever he done, I was with him
2 if he wasn't MIA, which he was MIA a lot. He'd just
3 disappear, and I wouldn't --

4 Q: He was --

5 A: -- hear or know anything where he was at.

6 Q: He was in the --

7 A: That was a normal occurrence.

8 Q: He was in North Carolina, Louisiana, Ohio, a good bit for
9 5 years; right?

10 A: I mean these would be just shutdowns. These would be
11 just weeks at a time or a month. Like I said, the longest one
12 was Oak Island and he rented a house, but I took the kids
13 there every weekend.

14 Q: Okay. Oak Island is on the coast, I believe, in North
15 Carolina?

16 A: Yes. It was on a beach.

17 Q: Okay.

18 A: And matter of fact, that's -- you know, I was there every
19 weekend, but from my understanding Ava's mother would go stay
20 during the week because that was when Ava was made.

21 Q: All right. Did -- during this time did C.W. own a little
22 green Nissan?

23 A: I don't know.

24 Q: Did he --

25 A: I'm not sure. I don't remember.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: Did he ever own a little green Nissan?

2 A: I really couldn't -- I don't remember.

3 Q: Now, on January the 11th, 2017, you were interviewed by

4 Justin Dill and David Miller; right?

5 A: Yes.

6 Q: Prior to that, did Marvin Lee Brown come by your house

7 just about every day and talk to you?

8 A: Marvin Lee? No.

9 Q: Did he ever come by your house between December 29th,

10 2016, and January the 11th, 2017?

11 A: Came to my house?

12 Q: Or did you talk to Marvin Lee Brown?

13 A: I mean he was a customer at our store.

14 Q: And he --

15 A: I would see him at work.

16 Q: Would he talk to you after -- after Adam went missing?

17 A: I never actually had a conversation with him, no. Like,

18 I would see him and speak cordially, but I never actually ever

19 -- I don't recall. Now, I mean this was six years ago, but I

20 don't remember just talking to Marvin Lee, no. Like I said,

21 he does come in the store. So I mean if I did, it was more

22 than likely while I was at work.

23 Q: On January the 11th, 2017, the chief of police, Joey

24 Cobb, drove you --

25 A: Uh-huh.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: Let me finish my question, please. Drove you to the
2 Kershaw County Sheriff's Department; is that correct?

3 A: Yes.

4 Q: And that's about -- what? -- a 30-minute drive?

5 A: Yes. About 20 -- 30 minutes, yes.

6 Q: And during that 30-minute drive with the chief of police
7 from Bethune, did you have the opportunity to discuss with him
8 what happened on December 29th?

9 A: Yes. I didn't -- we didn't talk really. We just -- I
10 mean we talked, but --

11 Q: That was not my question. My question did you have the
12 opportunity to talk with him?

13 A: Yes.

14 Q: About what happened on December 29th?

15 A: Yes, I had the opportunity.

16 Q: But you did not?

17 A: No.

18 Q: You know, you made a choice not to talk to him; is that
19 correct?

20 A: That's right.

21 Q: All right. And then when you got to the Kershaw County
22 Detention Center, you were interviewed in an interview room;
23 right?

24 A: Yes.

25 Q: And were you -- you were read your Miranda rights;

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 correct?

2 A: Yes.

3 Q: I don't want to fuss at you, but just say yes or no.

4 A: Yes.

5 Q: Thank you. The court reporter is going to fuss at us.

6 THE COURT: She's answering. You just need to speak a
7 little louder.

8 THE WITNESS: Okay.

9 MR. TETTERTON: Thank you.

10 BY MR. TETTERTON:

11 Q: Now, when you went there in the interview room with
12 Justin Dill and David Miller -- who was here earlier; right?

13 A: Yes.

14 Q: And were they pleasant to you?

15 A: Were they what?

16 Q: Were they pleasant to you?

17 A: Yes. The only time I recall that I got upset was
18 because, like I said, about the physical abuse. It was no
19 secret, but I did not like discussing it and I just remember,
20 you know, I was -- I did get a little upset with Justin
21 because he was kind of, like, pressuring me to openly admit
22 about the physical abuse, and I did not talk about the
23 physical abuse.

24 Q: Well, actually, you did talk about physical abuse because
25 you told them that you were not intimidated by C.W. and you

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 told him there had been no physical abuse for a long time?

2 A: That's what I mean. I didn't -- I wasn't admitting to
3 physical abuse. I denied it, you know. I didn't discuss the
4 abuse.

5 Q: And if it had been physical abuse, you would -- did you
6 feel like you could have talked to law enforcement about it,
7 about your husband?

8 A: Oh, no.

9 Q: You didn't want to tell them about that?

10 A: No.

11 Q: And at that time on December -- I'm sorry -- on January
12 the 11th, 2017, do you have any medical records showing where
13 you were physically abused?

14 A: I'm not sure.

15 Q: Do you have any law enforcement incident reports where
16 you reported --

17 A: Oh, no.

18 Q: -- to the police that you were physically abused by your
19 husband?

20 A: No.

21 Q: None?

22 A: No. I never called the cops.

23 Q: You could have talked to --

24 A: Oh, yeah.

25 Q: You could have talked, and you could have talked to your

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 mother, Tina Porter, couldn't you?

2 A: Oh, yeah, probably.

3 Q: And you could have talked to Keith Arnold, your mother's

4 boyfriend?

5 A: No. They know about the physical abuse.

6 Q: Nobody did anything about it?

7 A: I told them not to.

8 Q: Okay.

9 A: I mean --

10 Q: Now --

11 A: -- it was either that or me -- me pushing them away. And

12 people may not understand that, but unless you're in that

13 situation, you don't know how it is.

14 Q: Well, I'm trying to figure out. You're trying to tell

15 this jury that your husband is a bad guy because he physically

16 abused you, but you had Christmases every day -- I mean every

17 Christmas.

18 A: Uh-huh.

19 Q: Y'all bought Christmas presents for each other?

20 A: Yes.

21 Q: You bought Christmas presents for the kids?

22 A: Yes.

23 Q: He paid you money for the rent, for the utility bill. He

24 bought you groceries. He bought you clothes for your

25 children, and you went to visit him just about every weekend

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 wherever he was working.

2 A: Of course. I was with him all the time. Whatever he --
3 yeah, yeah. Wherever he was, I was with him. But like I
4 said, I have never -- I have never been in a relationship
5 until him. I had only -- you know, 15 years old. Of course,
6 that was my life and I had accepted that. Yes, now I --
7 absolutely, I regret it. I wish I would have left a long time
8 ago.

9 Q: After you -- after December 29, 2016, did you continue
10 working at the --

11 A: Yes.

12 Q: Let me finish my question, please, ma'am. I hate to
13 interrupt you. Did you continue working at the meat market?

14 A: Yes.

15 Q: When did you go -- continuously?

16 A: Yes.

17 Q: When did you work at MAR-MAC?

18 A: I worked at MAR-MAC before I started working at the
19 discount store.

20 Q: So the only job you had after -- after December 29, 2016,
21 was the meat market?

22 A: Yes.

23 Q: And you were there just about every day?

24 A: Yes.

25 Q: Interacted with your family?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: Yes.
- 2 Q: And the employees of the meat market?
- 3 A: Yes.
- 4 Q: Did you ever have the occasion at some point in time to
- 5 take a leave of absence from the meat market to go somewhere
- 6 in Lexington or Columbia?
- 7 A: I don't recall.
- 8 Q: Well, let me ask you did you ever -- did you ever after
- 9 December 29, 2016, go to a rehab center?
- 10 A: Yes.
- 11 Q: You don't recall that?
- 12 A: Yes, I recall that, but you made it out like I was, like,
- 13 taking a vacation or something.
- 14 Q: Oh, no. I'm not talking about going on vacation.
- 15 A: I didn't know what you were talking about. Yes.
- 16 Q: It was --
- 17 A: It was not a rehab. It was a detox.
- 18 Q: It was a detox?
- 19 A: Yes.
- 20 Q: So --
- 21 A: And I could tell you why.
- 22 Q: I'll ask you the questions.
- 23 A: All right.
- 24 Q: Now, you went --
- 25 THE COURT: All right. Hold on just a minute.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 MR. TETTERTON: I'm sorry.

2 THE COURT: You can ask the question.

3 MR. TETTERTON: Give her time --

4 THE COURT: She has an opportunity to explain after she

5 answers the question. So go ahead and ask your question.

6 You need to answer the question. If you need to offer an

7 explanation, you're allowed to do that.

8 THE WITNESS: Okay.

9 BY MR. TETTERTON:

10 Q: Was that in Lexington County?

11 A: It was in Columbia.

12 Q: In Columbia?

13 A: Uh-huh.

14 Q: Did C.W. drive you over there?

15 A: No. My mother did.

16 Q: Are you positive about that?

17 A: Yes. I'm positive. She dropped me off that morning.

18 Q: And she picked you up later?

19 A: No. He did. C.W. picked me up.

20 Q: I'm sorry?

21 A: C.W. picked me up seven days later.

22 Q: Okay. And that was for detox?

23 A: Yes.

24 Q: Other than that trip -- how long did you stay over there?

25 A: It was seven days.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: Other than that seven days, had you been separated from
2 C.W. any other time?

3 A: Not for long -- well, he worked out of town. So, you
4 know, those were long periods of time.

5 Q: So after December 29, 2016, isn't it a fact that you, in
6 fact, did move out and stay somewhere else?

7 A: When now?

8 Q: After December 29, 2016, isn't it true that you moved out
9 and lived somewhere else?

10 A: I moved out and lived somewhere else?

11 Q: In Bethune?

12 A: In --

13 Q: Y'all separated?

14 A: Yes, for a short period of time. Yes, we did separate,
15 but I don't believe it being in -- it was in 2016.

16 Q: I beg your pardon?

17 A: I don't recall it being in 2016.

18 Q: When was it?

19 A: I don't -- I don't -- I couldn't tell you an exact time,
20 but I don't believe it was 2016. I believe it was later.

21 Q: That's my next question. It was after 2016 that you
22 moved out and stayed out about eight months; is that correct?

23 A: About six months.

24 Q: Y'all separated?

25 A: Uh-huh.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Yes or no?
- 2 A: Yes.
- 3 Q: And during that period of time, was he working on the
- 4 road?
- 5 A: Was he what?
- 6 Q: Working on the road?
- 7 A: On the road? No.
- 8 Q: Where was he working?
- 9 A: I don't --
- 10 Q: Georgia-Pacific?
- 11 A: I guess, yeah.
- 12 Q: You didn't see him very often during that period of time,
- 13 did you?
- 14 A: No.
- 15 Q: During the -- during the five or six or eight months,
- 16 however long it was that you were separated from C.W., did you
- 17 have the opportunity to talk to law enforcement?
- 18 A: Yes.
- 19 Q: Did you have a choice to go to law enforcement and tell
- 20 them what you told the Solicitor's Office in your lawyer's
- 21 office in a 96-minute interview?
- 22 A: Yes, I had opportunity.
- 23 Q: And you had choices, didn't you?
- 24 A: Yes.
- 25 Q: And you chose not to?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 A: Yeah.

2 Q: And during this -- and during this period of time, C.W.
3 was somewhere else not living together with you?

4 A: Yes. I mean I had the opportunity. I could have. In
5 the back of my mind though, I did not want to be away from my
6 child.

7 Q: You did not want to be away from your child because you
8 were charged with murder and you were afraid of being sent to
9 prison --

10 A: Yeah.

11 Q: -- if you were found guilty?

12 A: Yes.

13 Q: So that's why -- is that why you gave them a 96-minute
14 interview on March of 2022?

15 A: No. I gave them the truth on March -- in March.

16 Q: Well, you weren't charged with murder, the unlawful
17 killing of Dani -- excuse me -- of Adam on January 11th, 2017,
18 were you?

19 A: I'm sorry. What?

20 Q: You were not charged with the unlawful killing of Adam on
21 January 11th, 2017, when you gave that almost a two-hour
22 interview with Justin Dill and David Miller?

23 A: Oh, no. I gave that interview because C.W. told me to go
24 talk to them and he told me what to say. So I went along with
25 that story.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: So that's your -- that's your -- that's your position all
2 throughout this trial that he made you do everything you did?

3 A: I did what he told me to do.

4 Q: And you just told this jury that you was worried about
5 losing your child is the reason you told these stories.

6 A: Yes.

7 Q: So you were worried about losing your children or
8 actually Zoi --

9 A: No. I was worried about being taken away from her.

10 Q: And that's why --

11 A: I had never been away from her like that. When I went to
12 jail for them eight months, it almost killed me and it almost
13 killed her too.

14 Q: So five years later, a month or so before you were going
15 to be tried for the murder, unlawful killing of Adam --

16 A: Yeah.

17 Q: -- you just -- the Solicitor's Office took you over to
18 your lawyer's office over 90 minutes -- 96 minutes and you
19 gave a statement?

20 A: Yes. I told them the true story.

21 Q: But you -- you also told Justin Dill you was being
22 exactly honest with him too, weren't you? Didn't you?

23 A: Yes, but I was lying.

24 Q: But you also said -- you invoked the Lord's name and said
25 I'm telling you the God's truth. Do you remember that?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: I'm sorry. What?
- 2 Q: You invoked the Lord's name by saying this is the honest
3 truth or this is God's -- I'm telling you -- I'll read it to
4 you. Honest to God I believe. So you invoked the Lord by
5 saying honest to God I believe something. Do you remember
6 saying that?
- 7 A: I don't recall. I could have.
- 8 Q: You could have?
- 9 A: This was six years ago. Yes.
- 10 Q: And also later on in the interview before Justin stopped
11 you, your testimony was I will swear on my child. That was
12 January the 11th, 2017, Dani.
- 13 A: Uh-huh.
- 14 Q: Do you remember saying that?
- 15 A: No, I do not, but I'm not going to argue and say I
16 didn't. That was six years ago.
- 17 Q: I beg your pardon?
- 18 A: That was six years ago. I can't tell you word for word
19 what was said.
- 20 Q: Well, I'm going to suggest to you --
- 21 A: And for one, it's not the truth. So it's harder to --
22 it's easy to remember the truth. It's hard to remember a lie.
- 23 Q: I understand that, but it's not hard to swear on your
24 child, is it?
- 25 A: I don't -- yeah.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: And it's not hard to invoke the Lord's name when you want
2 to tell the truth, is it? And you did both of those?

3 A: I don't recall, but if you say so.

4 Q: You don't recall?

5 A: Yes.

6 Q: You don't deny saying that, do you?

7 A: No. I'm telling you I could have said that. Yeah, I
8 could have.

9 Q: I beg your pardon?

10 A: I said I could have said it. I'm not denying it. And I
11 told you it was a lie.

12 Q: When you went in --

13 A: And I told you why I lied.

14 Q: When you went into the interview with Justin Dill and
15 David Miller on January the 11th, 2017, you weren't crying
16 like you were crying today, were you?

17 A: Oh, no. I started crying when Chuckie came in.

18 Q: I beg your pardon?

19 A: I started crying when Chuckie Baxley came in.

20 Q: But you --

21 A: And I remember making this statement and I didn't know
22 Adam's mother at the time, but I remember this part. I
23 remember saying that Adam's mom is going to hate me, and I
24 remember that part. I didn't even know Adam's mom then, but I
25 knew. Being a mother, I knew she was going to, and I felt

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 guilty because I was lying.

2 Q: But your demeanor during that -- during that almost 2-
3 hour interview --

4 A: And I was crying.

5 Q: I beg your pardon?

6 A: And I was crying.

7 Q: And that's the only time during that 90 -- that almost
8 two-hour interview that you shed any tears, isn't it?

9 A: I can't tell you when I was crying.

10 Q: The video would be better if you were able to see it to
11 show your demeanor at that time when you testified in front of
12 Justin Dill and David Miller.

13 MS. SAMPSON: Objection, Your Honor.

14 THE COURT: Yeah. I sustain the objection.

15 BY MR. TETTERTON:

16 Q: You would agree with me, would you not, that your
17 demeanor 13 days after Adam went missing was different than
18 your demeanor here today?

19 A: Oh, no, I was upset. I was upset. I was crying. By the
20 end of it, I was crying. I remember that.

21 Q: But you weren't crying, were you? Were you crying or
22 were you --

23 A: When I was telling him the story?

24 Q: Yes.

25 A: No, because I had went over it with C.W.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: I beg your pardon?

2 A: I had went over the story with C.W. That was what I was
3 to go in there and say, and I was to make it out like I didn't
4 know that he was -- that Adam was dead, that he was just
5 missing. I had to pretend that, like at the candlelight
6 vigil. I had to pretend that he was still alive and he was
7 missing when I knew that he wasn't coming home to his children
8 and when I knew that he was dead. I had to look at his mom in
9 her eyes -- in her face and tell her a lie. I had to lie to
10 her at the candlelight vigil. The first time I'd ever met his
11 mom, I had to lie to her face. And yes, I was extremely upset
12 that night.

13 Q: Dani?

14 A: Because I knew that they were -- they thought he was
15 missing, and he wasn't missing.

16 Q: Dani, on January 11th, 2017, you had every opportunity in
17 the world to tell Chuckie Baxley --

18 A: Yes.

19 Q: -- your friend, to tell him the truth?

20 A: Yes.

21 Q: He was your friend, wasn't he?

22 A: I mean he wasn't my friend. He was C.W.'s friend, but I
23 knew him.

24 Q: He lived in the community, and you knew he was in law
25 enforcement?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: Yes.
- 2 Q: Did your mother know that you were going to go give an
3 interview with Justin Dill and David Miller on that particular
4 day?
- 5 A: No. And at the time, I thought I was just going to the
6 Bethune Police Department. I didn't know I was going -- Joey
7 was going to take me to the Sheriff's Department.
- 8 Q: What was your understanding that you was going to the
9 Bethune Police Department?
- 10 A: I'm sorry. What?
- 11 Q: What was your understanding of why Joey Cobb asked you to
12 come to the Bethune Police Department?
- 13 A: Well, I knew that I was going to talk with the -- with an
14 investigator, but I didn't -- they didn't ever say where.
- 15 Q: And you --
- 16 A: So I just assumed it was going to be at the Bethune
17 Police Department.
- 18 Q: And you went there knowing that you was going to be
19 questioned about the disappearance of C.W.'s best friend,
20 Adam?
- 21 A: Yes. Yes. And I went because he wanted me to. C.W.
22 wanted me to go. He didn't. He never went and talked to them
23 at the Sheriff's Department.
- 24 Q: He never lied to them either, did he?
- 25 A: Huh?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: He was never questioned and given an opportunity to lie
2 or tell them the truth, was he?

3 A: No.

4 Q: You lied --

5 A: Because he -- he hired you.

6 Q: You lied to them --

7 THE COURT: All right. Let me have some order.

8 BY MR. TETTERTON:

9 Q: You lied. You lied to them. You lied to them, but you
10 can't say C.W. was ever -- ever lied to them?

11 A: I'm sorry. One more time?

12 Q: I said you lied to them, no doubt about that?

13 A: Yes. I told -- yes, I lied, no doubt about it.

14 Q: Let's go back to the night of -- right after Christmas,
15 did y'all see Adam after Christmas?

16 A: Yeah. Obviously, the 29th for sure.

17 Q: No, I'm talking about other than the 29th. Between
18 Christmas and --

19 A: I believe he did come to the house, like, the day before
20 or the day -- a couple days before, but like I said, this is
21 six years ago. I don't -- all I -- all I remember to a tee is
22 what happened that night.

23 Q: Between December 25th and the 29th, which is four days,
24 Adam -- Adam came to your house?

25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Were you there?
- 2 A: I don't -- I don't recall.
- 3 Q: Was C.W. there?
- 4 A: If it was during the -- if he came after work, then yes,
5 I was home. I was always home, but I worked every day too.
- 6 Q: And during that time did you see any animosity, any ill
7 will --
- 8 A: No.
- 9 Q: Any -- now, let me finish, please. It has to go on the
10 record.
- 11 A: Uh-huh.
- 12 Q: Any hatred between Adam and C.W.?
- 13 A: No.
- 14 Q: In fact, you can tell this jury, can you not -- correct
15 me if I'm wrong -- that during the time you knew Adam as
16 C.W.'s best friend that there was never ever any ill will;
17 right?
- 18 A: Yes.
- 19 Q: Never ever any hatred?
- 20 A: Yes.
- 21 Q: Never ever any real serious arguments about anything?
- 22 A: No. Never seen them fight. Yeah.
- 23 Q: Never seen any indication that C.W. would have a plan to
24 kill Adam?
- 25 A: No. That's why it shocked me when it happened. There

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 was no reason. There was absolutely no reason whatsoever.

2 Q: So let's go back to what happened that particular night
3 because I think you told me that prior to that there was
4 absolutely no there there; right?

5 A: I'm sorry. What?

6 Q: The comment you made to law enforcement was when you say
7 you were shocked, you said there was just no there there. You
8 remember saying that?

9 A: One more time?

10 Q: Okay. Let me just go lead you into it. When you were
11 interviewed, you told law enforcement there was just no reason
12 that C.W. would have shot Adam?

13 A: Yeah. There was no reason.

14 Q: And I believe your comment was -- and I can pull it up --
15 was -- I think your comment was there was just no there there.

16 A: There was no there there?

17 Q: I'm just -- do you deny saying that?

18 A: I don't know what you're meaning.

19 Q: I'm just -- I'm just referring to the comment.

20 A: I mean I'm not going to deny anything that you're saying
21 that I said.

22 Q: Okay.

23 A: But I don't understand what you're asking me. What does
24 there there mean?

25 Q: Let's talk about -- before we get into the details of

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 that particular night, let's go back to the interview with
2 Justin Dill and David Miller.

3 A: Okay.

4 Q: Do you remember telling Justin Dill when he asked you
5 y'all ever fight, do you remember what you told him?

6 A: No. I probably lied and said no.

7 Q: I'm going to --

8 A: I don't -- you tell me what I said.

9 Q: You said we have not fought in a long time. Do you
10 remember that?

11 A: Oh, yeah. I guess yes.

12 Q: And that was the truth?

13 A: No.

14 Q: You lied about that?

15 A: Yeah. Yes. I know I'm just a liar.

16 Q: You're just a liar?

17 A: Yeah. I just lie.

18 Q: And five years -- five years -- five years and three
19 months --

20 A: I didn't speak on the arguing and abuse.

21 THE COURT: Hold on a minute. You've got to answer his
22 question, and then you can --

23 THE WITNESS: Okay.

24 THE COURT: -- offer your response.

25 THE WITNESS: Okay.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 MR. TETTERTON: And prior to --

2 THE COURT: Listen to the question.

3 MR. TETTERTON: I'm sorry, Judge.

4 BY MR. TETTERTON:

5 Q: Five years and three months -- about three months after
6 you told Justin Dill and David Miller we have not fought in a
7 long time, you decided after a 96-minute meeting with these
8 solicitors in your lawyer's office that that wasn't the truth,
9 that y'all had fought more than that? That's right, isn't it?

10 A: Yes.

11 Q: And that's when you were charged with the murder of Adam
12 that you decided to change your testimony; right?

13 A: Wait. What?

14 Q: You weren't charged with murder when you gave that
15 interview on January the 11th, were you?

16 A: No.

17 Q: And you were charged with murder whenever you met with
18 the solicitors --

19 A: And I had already spent eight months in jail being
20 charged with murder away from my child.

21 Q: Away from your child?

22 A: Yes.

23 Q: So you were afraid if you were being prosecuted for
24 murder you'd be away from your child?

25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: And that's when you decided to tell --
- 2 A: That's exactly what he would -- he would tell me. He
3 would threaten me.
- 4 Q: And --
- 5 A: And that's what I said. He never threatened my life. He
6 threatened my life prior to that numerous times, but he never
7 threatened my life if I said something about that. He just
8 reminded me that I was stupid and that if I didn't want to be
9 away from my child to not say anything.
- 10 Q: Dani --
- 11 A: Because then I would go down with him. He wouldn't be
12 the only one. So if I wanted to be dumb and be stupid, then
13 go ahead, basically.
- 14 Q: Dani?
- 15 A: Yes.
- 16 Q: I was listening to your testimony when you answered
17 questions by Ms. Sampson. Your testimony was he never
18 threatened my life, and we can get the court reporter to play
19 it back if you want to. Do you remember saying that a few
20 minutes ago?
- 21 A: Do what now?
- 22 Q: Do you remember saying that a few minutes ago?
- 23 A: I just said he didn't threaten my life on this about
24 this.
- 25 Q: Okay.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: He -- he used my -- our daughter as the weapon.
- 2 Q: After --
- 3 A: Because he knows she's the most important thing in the
- 4 world to me.
- 5 Q: After you told Justin Dill we have not fought in a -- in
- 6 a long time, I believe you told them in a very long time?
- 7 A: Of course, I had to talk him up.
- 8 Q: I want to knock on wood because, you know, we in our
- 9 younger years it was, you know, we were both young, like, you
- 10 know. Justin Dill asked you has he ever put his hands on you,
- 11 and your comment was, no, no, well, not in a long time. Do
- 12 you remember saying that?
- 13 A: Yes. Deny, deny, deny.
- 14 Q: Lie, lie, lie?
- 15 A: Yes.
- 16 Q: And I believe you were proud of the fact that he had not
- 17 laid his hands on you and y'all had not fought in a long time;
- 18 right?
- 19 A: Yeah. If he made it a couple weeks without putting his
- 20 hands on me, yeah, I was proud of the fact.
- 21 Q: No. You said we haven't fought in a long time.
- 22 A: Okay. Long --
- 23 Q: Do you deny saying that?
- 24 A: Your long and my long may not be the same as far as time
- 25 goes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: Would the videotape of your interview refresh your memory
2 of what you said?

3 A: No. I believe you. I believe that I said that, but like
4 I said, my long and your long are two different things. What
5 is long?

6 Q: What is long?

7 A: What is your version of long? My version of long could
8 be two weeks.

9 Q: But it could have been --

10 A: That's long considering that it was a normal occasion.

11 Q: And was it during the Christmas season when you and C.W.
12 went to Florence Mall to buy Christmas presents for your
13 children?

14 A: Yes.

15 Q: Was it? Also, do you remember saying -- and I mean I'm
16 very proud to say that, that you had not fought in a long
17 time? Do you remember that?

18 A: Yes. Sure. I'm not saying that I didn't say that.

19 Q: And you also -- did you also say that you were not scared
20 of him?

21 A: Yes.

22 Q: When you were asked by Justin Dill are you scared of him
23 at all, you said no.

24 A: Yes.

25 Q: Do you remember that?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 A: You're right.

2 Q: And then he can't intimidate you, and you said no; right?

3 A: Correct.

4 Q: And again, you said I swear to God. Do you remember

5 that?

6 A: Yes. I guess.

7 Q: So you --

8 A: I guess. It's six years ago. I don't -- yeah, but I --

9 I believe you, yeah. I believe I said that. Sure.

10 Q: At that -- at that moment in time, you were invoking the

11 good Lord by saying I swear to God he does not intimidate me;

12 right?

13 A: Yeah. And I was lying. He did.

14 Q: Were you lying to the good Lord?

15 A: I was.

16 MS. SAMPSON: Objection, Your Honor.

17 MR. TETTERTON: I'll go to something else, Your Honor.

18 THE COURT: Yeah. That's been asked and answered. Move

19 on.

20 BY MR. TETTERTON:

21 Q: All right. Let's go back to the night of December 29th,

22 2016. You worked that day; right?

23 A: Correct.

24 Q: And you got off about 6 o'clock and you went home?

25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: You had not seen C.W. until you got home; right?
- 2 A: Correct.
- 3 Q: When you got home, Adam and C.W. was there?
- 4 A: Yes.
- 5 Q: And you could tell they had been drinking; right?
- 6 A: Yes.
- 7 Q: But they weren't highly intoxicated, were they?
- 8 A: C.W. was more drunk than Adam.
- 9 Q: That's not what --
- 10 A: C.W. was actually very intoxicated --
- 11 Q: I beg your party?
- 12 A: -- compared to Adam. C.W. was more drunk than Adam, but
- 13 it was not unusual. He drank every day.
- 14 Q: But he didn't -- he didn't live with you while he was
- 15 working out of state for five years?
- 16 A: No, but I know that he still drank.
- 17 Q: But he never shirked his responsibilities as a
- 18 breadwinner of the family, did he?
- 19 A: Yeah. Financially, yes. That's what I always said. I
- 20 said, you know, that's the one good thing that I could always
- 21 say about him.
- 22 Q: So y'all were sitting around the house --
- 23 A: He may not have treated me great.
- 24 Q: Excuse me?
- 25 A: Or the children. I said he may not have treated us

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 great, but he did financially provide.

2 Q: And y'all are sitting around the house in your -- in your
3 house; right? About 7 o'clock; is that about right?

4 A: Yes.

5 Q: And was there a note on the TV about the bowl game,
6 Birmingham bowl game?

7 A: Was there a note?

8 Q: Yeah. Was there a note about do not touch, will be
9 recording this?

10 A: Oh, yes.

11 Q: And you and -- you and Adam cut up or laughed about that,
12 didn't you?

13 A: Yes.

14 Q: Did Adam --

15 A: That's the Carolina/Clemson bowl game.

16 Q: I beg your pardon?

17 A: It was the Carolina/Clemson bowl game.

18 Q: Actually, it wasn't Carolina/Clemson, it was Carolina and
19 I don't know because I don't -- Carolina and Florida State or
20 somebody, was it? I don't know.

21 A: I thought it was Carolina/Clemson. Okay. But -- okay.
22 It was a bowl game.

23 Q: And you and Adam joked and cut up about the note on the
24 TV?

25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: And what was C.W. doing at that time?
- 2 A: I really couldn't tell you. It was six years ago.
- 3 Q: So you --
- 4 A: I'm assuming he was sitting in the living room with us.
- 5 Q: And then was it Adam who said I'd like some more beer?
- 6 A: I don't recall who decided it.
- 7 Q: I beg your pardon?
- 8 A: I imagine it was a mutual decision between the two of
- 9 them, but I can't tell you word for word. This was six years
- 10 ago.
- 11 Q: Do you deny that you told Justin Dill and David Miller it
- 12 was Adam's idea to go get more beer?
- 13 A: No, I don't deny it. I just don't remember. That's what
- 14 I said. I'm not going to sit here and deny anything. It was
- 15 six years ago.
- 16 Q: Adam suggested to you -- or you don't deny that Adam
- 17 suggested to you that you all go get more beer?
- 18 A: No, I don't deny that.
- 19 Q: And you took them to the Exxon station in Bethune so Adam
- 20 could buy more beer?
- 21 A: Yes.
- 22 Q: You drove them there?
- 23 A: Yes.
- 24 Q: Knowing that they had been drinking earlier?
- 25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: And you was going to let them continue drinking in your
2 house?
- 3 A: Yeah.
- 4 Q: Where were the kids?
- 5 A: He was the boss. The children were not there that night.
- 6 Q: Where were they?
- 7 A: I said earlier they were at C.W.'s uncle's house.
- 8 Q: That was I think --
- 9 A: Because their cousins were -- they live in Virginia, but
10 they were home for the holidays.
- 11 Q: They had planned on going skating, I think, at the
12 skating rink?
- 13 A: I guess.
- 14 Q: So you take them --
- 15 A: But they were not home.
- 16 Q: And you take them back to your -- you buy beer; right?
- 17 A: Yes.
- 18 Q: And you've seen the photographs, have you not, of Adam
19 getting out of the car and walking into the store to get beer;
20 right?
- 21 A: Yes.
- 22 Q: I'm going to ask you --
- 23 MR. TETTERTON: May I approach, Your Honor?
- 24 THE COURT: Yes, you may.
- 25 BY MR. TETTERTON:

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: I am going to show you State's Exhibit No. 3. Was that,
2 in fact, Adam going into the store to buy beer?

3 A: Yes.

4 Q: Have you -- have you watched that video of him going to
5 get beer?

6 A: Yes, I've seen it.

7 Q: And that video does not show him being impaired, does it?

8 A: No. Like I said, Adam wasn't nowhere near as intoxicated
9 as C.W. was.

10 Q: So he bought a -- he bought a 12-pack?

11 A: I don't remember what he bought. He just got beer. I
12 know that.

13 Q: And y'all went back home?

14 A: Yes.

15 Q: And what happened to the 12-pack? Did he put it in the
16 fridge?

17 A: Yes, I guess. That would be the logical thing to do.

18 Q: All right. So a 12-pack of beer goes into the fridge and
19 for some period of time they were drinking; right?

20 A: Yes.

21 Q: Would they share? Did Adam drink one and C.W. drink one?

22 A: Yes.

23 Q: So did you notice anything different about Adam's and
24 C.W.'s relationship during that time that they were drinking
25 this extra 12 -- this 12-pack of beer?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 A: No.

2 Q: Were they arguing?

3 A: No.

4 Q: Were they fussing?

5 A: No.

6 Q: Were they fighting?

7 A: No.

8 Q: Nothing out of the ordinary?

9 A: No.

10 Q: Nothing abnormal?

11 A: No.

12 Q: Just like the best buddies they were; right?

13 A: Yeah. Just normal. Like I said, that wasn't -- that

14 wasn't unusual to come home from work and there'd be friends

15 there and they've been -- they'd be drinking. That was

16 normal.

17 Q: And it wasn't unusual for Adam to come around and do the

18 same thing with C.W.; right?

19 A: I'm sorry. What?

20 Q: It wouldn't be unusual for Adam to come to your house and

21 drink with C.W. or have a beer with C.W.?

22 A: Yeah. No. Yeah.

23 Q: And then when they did that, they would -- now you tell

24 me now. You tell this jury did you observe any animosity

25 between C.W. and Adam during the time that Adam would visit

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 there and drink?
- 2 A: No.
- 3 Q: Nothing out of normal?
- 4 A: No.
- 5 Q: Nothing that would alarm you to fuss at C.W. about his
- 6 relationship with Adam?
- 7 A: No.
- 8 Q: Nothing? So as we go further on into the night, it was
- 9 somebody's idea to go to see a drug dealer; right?
- 10 A: Yes.
- 11 Q: And that was Adam's idea, wasn't it?
- 12 A: Yes.
- 13 Q: So Adam asked you to take him to meet a drug dealer to
- 14 buy cocaine?
- 15 A: Yes.
- 16 Q: And you did that?
- 17 A: Yes.
- 18 Q: At that moment in time you knew that they had been you
- 19 said coming to the house and they'd had something to drink?
- 20 A: Yes.
- 21 Q: They'd gone and got more beer, and they drank it over a
- 22 period of time; right?
- 23 A: Yes.
- 24 Q: You knew that?
- 25 A: Yeah. I don't know how many beers they had drank in

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 between. It wasn't long after we got back from the store that
2 I drove them there. This was still early. All of these
3 things happened before 10 o'clock, before 9:30 probably. I'm
4 not sure because this was six years ago, but it was early.

5 Q: And you thought it was unusual for Adam just to buy a
6 12-pack because normally he'd buy cases; right? Or buy a
7 case?

8 A: Probably because they had been drinking all day.

9 Q: But you don't --

10 A: They probably didn't need a case.

11 Q: I understand, but you thought it was unusual that Adam
12 just bought a 12-pack?

13 A: I guess, yeah.

14 Q: So Adam suggested to you that y'all get some cocaine?
15 You drive them to get some cocaine?

16 A: Yes.

17 Q: And you voluntarily --

18 A: I did. Because I knew C.W. would drive, and he was in no
19 shape to drive.

20 Q: And so you had some -- your husband you thought was in no
21 shape to drive, but yet you wanted to take your husband and
22 his best friend to go buy cocaine?

23 A: Yes.

24 Q: You voluntarily did that, didn't you?

25 A: Yes.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Nobody made you do that?
- 2 A: No.
- 3 Q: Did you think that was a wise thing to do to go and take
- 4 them, your husband and his best friend, to continue doing
- 5 something else other than drinking beer?
- 6 A: No, but in my mind I was thinking I was doing the right
- 7 thing by not letting them drive.
- 8 Q: Exactly. Did you think it was the right thing to do by
- 9 letting them go buy cocaine?
- 10 A: I mean they're grown men.
- 11 Q: They're what?
- 12 A: They're grown men. I wasn't like I was going to tell
- 13 them what they can and can't do.
- 14 Q: So to answer my question, you thought it was okay, was it
- 15 not, for you to let your husband and Adam --
- 16 A: My husband done what he wanted to do. I didn't let him
- 17 do anything.
- 18 Q: He didn't --
- 19 A: C.W. done what C.W. wanted to do.
- 20 Q: He didn't drive the car, Dani. He didn't get behind the
- 21 wheel to go to the beer -- to buy beer at the Exxon station.
- 22 He didn't take you or make to drive him to get the cocaine.
- 23 Adam wanted the cocaine; right?
- 24 A: Yes.
- 25 Q: And you took them voluntarily?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: Yes.
- 2 Q: And you watched them while they purchased cocaine?
- 3 A: Yes.
- 4 Q: And you went back home?
- 5 A: Yes.
- 6 Q: When y'all got back home -- and I believe you described
- 7 to the jury where everybody sat?
- 8 A: Yes.
- 9 Q: And I believe you also, did you not, go outside and smoke
- 10 some cigarettes with -- smoke a cigarette with Adam?
- 11 A: No. Not when we got home.
- 12 Q: I beg your pardon?
- 13 A: No, not when we got home from getting the cocaine.
- 14 Q: Had you gone outside with Adam earlier?
- 15 A: Yes.
- 16 Q: And smoked cigarettes?
- 17 A: Yes. We had the discussion about Christmas and the
- 18 children, the toys and everything.
- 19 Q: And I believe Adam smoked Camels; right?
- 20 A: Yes.
- 21 Q: Okay. So you and Adam outside prior to going to get the
- 22 beer?
- 23 A: Yes.
- 24 Q: And smoking cigarettes?
- 25 A: Uh-huh.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 Q: Again, no motive for C.W. to shoot his best friend?
- 2 A: No.
- 3 Q: Again, no common plan or scheme to shoot his best friend?
- 4 A: No.
- 5 Q: No malice between C.W. --
- 6 A: No. He was being --
- 7 Q: -- and Adam?
- 8 A: He was being hateful to me.
- 9 Q: No --
- 10 A: He wasn't being hateful to Adam. He was being hateful to
- 11 me. That's why it completely shocked me and scared the hell
- 12 out of me when he -- when he did shoot him because there was
- 13 no reason whatsoever for him to do that.
- 14 Q: So --
- 15 A: And you know this story because I -- you've heard this
- 16 story. This is the truth and you heard that. This is what we
- 17 told you.
- 18 Q: I believe that --
- 19 A: I told you.
- 20 Q: I believe you had said earlier that when they had got
- 21 home and were drinking the beer, they just hung out. That
- 22 night was no different than any other night, it was typical?
- 23 A: Uh-huh.
- 24 Q: No different than a thousand other nights; right?
- 25 A: Right.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: So between 9 o'clock -- was it about 9 o'clock when y'all
2 got back when you drove them voluntarily back to get the
3 cocaine? Was that about right?

4 A: Yeah.

5 Q: Between that and later on that night, something happened
6 to Adam; right?

7 A: Yes. He got shot in the head for no reason.

8 Q: No reason whatsoever?

9 A: No.

10 Q: No common --

11 A: No reason.

12 Q: No common design, no scheme, no motive?

13 A: No, other than that hateful, evil look --

14 Q: No --

15 A: -- that C.W. had on his face.

16 Q: That's when he was in shock after he shot his best
17 friend, wasn't it? You were in shock and he was in shock?

18 A: No. I'm talking about when he -- when he done it.

19 Q: I beg your pardon?

20 A: When he done it. When he pulled the trigger.

21 Q: You didn't see him when he pulled the trigger, did you?

22 A: Yeah, I did. It was -- it displayed right in front of me
23 like it was the television playing. I seen it. And every
24 night I have to see it and deal with the picture in my head
25 every night. I seen it. I seen him.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 He just nonchalantly done that, looked at him, and pulled
2 the damn trigger and shot him right in the head. Adam was
3 this close to me. His head was this close to me, and it
4 happened right in front of me. So yes, I seen it, and I wish
5 I wouldn't have seen it because for the rest of my life -- it
6 doesn't matter if I'm 80 years old, I'm never going to get
7 that picture out of my head.

8 Q: Nor will C.W. get that picture out of his head either
9 because that was his best friend; right?

10 MS. SAMPSON: Objection, Your Honor.

11 THE COURT: Yeah. Sustained.

12 BY MR. TETTERTON:

13 Q: You told Justin Dill -- and correct me if I'm wrong --
14 when y'all got back home and they were in the living room
15 sitting wherever they were sitting, I started my evening doing
16 my motherly wifely duties. C.W. was going down.

17 A: Yeah.

18 Q: That wasn't unusual for him to go down, was it?

19 A: No. Because I told you he drank every day.

20 Q: But it wasn't unusual for him to go down?

21 A: No, but that was a lie. That was part of the lie. I
22 told you that that was a lie.

23 Q: I'm sorry, Dani, but I haven't counted the number of lies
24 you've told so far, but that was another lie on top of the
25 other lies?

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 A: Yeah. He didn't go down.
- 2 Q: Okay.
- 3 A: He went and buried Adam. He didn't go down all night
4 because he was burning chairs and fixing things before the
5 children came home.
- 6 Q: Did you -- did you tell -- did you tell Justin Dill and
7 David Miller I wasn't paying them no attention, I was going in
8 the living room, bathroom, and kitchen? So actually you were
9 not paying them any attention, were you?
- 10 A: What?
- 11 Q: You were not paying them any attention while they were in
12 the den doing whatever they were doing?
- 13 A: What I told Dill was all made up. I just -- I just told
14 you that. The only truth to what I told Dill was the
15 conversation me and Adam had while we smoked a cigarette and
16 we discussed the children and the Christmas and the moon.
17 That is the truth. That is a true story. It did not happen
18 at that time. It had happened earlier in the night. That is
19 not the last time that I seen Adam, but those were true. Now,
20 everything else I told Dill, it was a lie. I was told to say
21 that.
- 22 Q: But you had every opportunity since December --
- 23 A: Yes. You --
- 24 Q: Let me finish, please. It was only five years and three
25 months later when you was getting ready to go to trial that

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 you met with the Solicitor's Office and your lawyer and
2 changed your story; right?

3 A: It was only until I was finally separated from him for a
4 year and I have come off of that grasp that he had on me for
5 almost 20 years.

6 Q: Did you and Dani -- excuse me, Dani. Did you and Adam at
7 that time look at some videos together? Do you remember --
8 remember looking at some videos?

9 A: Yes. There was some. I don't -- I don't remember what
10 video now, but yes, I remember him showing me some video on
11 his phone that night.

12 Q: Something about grandfather lost his dentures? Do you
13 remember that?

14 A: Yeah. It was something funny, yeah.

15 Q: So during this period of time y'all are there, all
16 sitting in the den I guess it was, you and Adam had a good
17 relationship?

18 A: Yes.

19 Q: At that time -- at no time at that time did he appear to
20 be intimidated by C.W.?

21 A: No.

22 Q: Fearful of C.W.; right?

23 A: No. When he got shot, he didn't see it coming. His head
24 was down.

25 Q: Y'all talked about the kids' Christmas, talked about

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Adam's Christmas with his kids, talked about his telescope,
2 didn't you?
3 A: Yes.
4 Q: I believe you said it was just one of a, like, million
5 other nights; correct?
6 A: Yes.
7 Q: And he was -- Adam was like your children's uncle?
8 A: Yes. My daughter loved him very much.
9 Q: When y'all -- when y'all were on your way back from
10 buying -- when you voluntarily carried them up there and
11 voluntarily drove them back from making -- buying some cocaine
12 with a drug dealer, Adam's car was at the bar?
13 A: Bar.
14 Q: Why didn't you take him to get his car?
15 A: He didn't want to go to the bar.
16 Q: I beg your pardon?
17 A: He didn't want to go to the bar on the way back.
18 Remember, I said earlier C.W. wanted to go to the bar. I
19 didn't want to go to the bar. I had work the next morning. I
20 hadn't been feeling well at work that day. I didn't -- I did
21 not want to go to no bar. He wanted to go, and then Adam
22 said, well, let's just go back to the house for a little while
23 and then we'll go later.
24 Q: Nothing --
25 A: Yes, I wish I would have kept going straight and I

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 would've went to the bar. Trust me. I wish I would have.
2 Maybe it wouldn't have ended that way.
3 Q: That was where Adam's --
4 A: But I can't change that.
5 Q: That's where Adam's car was parked?
6 A: Yes. I wish I'd have kept going straight and I would've
7 took -- went to the bar.
8 Q: You could have carried Adam back to get his car?
9 A: Yes.
10 Q: And go home?
11 A: Yeah.
12 Q: Or go wherever he wanted to go?
13 A: But then who knows? I might have been the one that got
14 shot when we got home for no reason.
15 Q: Do you remember -- let me make sure I have this time
16 frame right. Do you remember sometime after you come home
17 from work that Spencer Gardner came by?
18 A: I don't know if it was that night or the night before. I
19 do remember Spencer coming by.
20 Q: Do you remember Adam and C.W. going out and sitting in
21 his truck with him?
22 A: No, I don't. I don't remember. I just remember Spencer
23 coming by. I don't know if it was the night before or that
24 same night, and I told -- I told Justin that, that I wasn't
25 sure. I do remember that because I wasn't sure if Spencer was

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 there that night or the night before.

2 Q: Was Spencer a friend of Adam's and C.W.'s?

3 A: Yes.

4 Q: And was he -- was he one of the ones that came by

5 occasionally to visit with C.W. at his home?

6 A: I mean not -- not that much, but I mean, yes, he came by

7 and visited. He was -- he was C.W.'s ex-brother-in-law -- I

8 mean ex-stepbrother.

9 Q: Let's take a moment and talk about your black Acura.

10 There's been some talk --

11 A: Okay.

12 Q: -- about transmission problems.

13 A: Uh-huh.

14 Q: Isn't it a fact that Spencer Gardner would have to come

15 pick you up sometimes when your car broke down on you?

16 A: Yes.

17 Q: When you took the kids to school?

18 A: Yes.

19 Q: Were taking the kids to school? And that happened more

20 than once, didn't it?

21 A: Yes.

22 Q: And that was before -- before December 29, 2016?

23 A: Yes.

24 Q: So you can tell this jury without -- you can tell this

25 jury truthfully that you did have problems with your car prior

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

- 1 to December 29, 2016?
- 2 A: Correct.
- 3 Q: And you can tell this jury truthfully, can you not, that
- 4 Spencer Gardner would have to come by and give you a ride,
- 5 pick you up and take you wherever; right?
- 6 A: Yes.
- 7 Q: So after Adam was shot, you went into shock?
- 8 A: Yeah.
- 9 Q: And then you and C.W. decided to figure out how you was
- 10 going to do a cover-up or do something with the body; is that
- 11 right?
- 12 A: Yeah. He said we had to hurry up --
- 13 Q: I'm sorry.
- 14 A: -- and get him --
- 15 Q: You've got to speak up.
- 16 A: Yes. He said we had to hurry up and get him out the
- 17 house before someone came up because it was still early and it
- 18 was the weekend. So there was likely someone to come at any
- 19 time.
- 20 Q: You didn't go to work the next day because you had a bug
- 21 and I think you said you were sick; is that right?
- 22 A: Yeah, but I really didn't go to work because of the
- 23 truth.
- 24 Q: And so --
- 25 A: And it was because Adam got shot right in front of me.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: In the -- in the dark of the night, you and C.W. came up
2 with this plan to do something with Adam, with his best
3 friend's body; right? Your best friend too?

4 A: I mean he was my friend. He wasn't my best friend.

5 Q: Well, your friend.

6 A: He was my friend. He was more like family.

7 Q: He was more like family?

8 A: He was more like family.

9 Q: So you and C.W. came up with this idea to go --

10 A: That was C.W.'s idea to go bury him at McGougan Mill Pond
11 Road. I was doing what I was told to do. I was told to help,
12 and I helped. He chose the spot, and he chose where to bury
13 him. And then he also chose where to dig him -- when -- when
14 he dug him up and where he moved him at.

15 Q: And you voluntarily went along with that?

16 A: Yes.

17 Q: Voluntarily?

18 A: I was not going to question him. Absolutely, I
19 voluntarily went along with it.

20 Q: And during that scenario, you had choices, did you not?

21 A: Yes.

22 Q: And you didn't --

23 A: But I can promise you this. If you witnessed -- if you
24 witnessed someone shoot and kill, blow someone's brains out
25 that they had grew up with, now they were like family now,

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 grew up with from elementary school up, a good friend like
2 that, just shoot and kill someone for absolutely no reason,
3 would you argue with them? Would you question them? No. I
4 done exactly what he told me to do. And when he told me to
5 help grab him and take him out to the car, that's exactly what
6 I done. I was not going to argue with him.

7 Q: And, Dani --

8 A: I'm sorry. People just don't go around and just shoot
9 people for no reason, take people's lives for no reason.

10 Q: And, Dani --

11 A: And I wasn't going to argue with someone that could do
12 that.

13 Q: And, Dani --

14 A: Yes.

15 Q: At that time you panicked because if you knew what
16 happened that night, you would lose the children?

17 A: Yeah. I mean --

18 Q: And you knew --

19 A: -- that's what he -- that's what he told me not to ever
20 say anything because I would be took away from my child.

21 Q: And then when --

22 A: He wouldn't be the only one to go down because he made
23 sure I went with him every time and I was involved, and he
24 told me that was just as guilty as him.

25 Q: And when you met in the solicitors -- with the solicitors

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 over at Jack Swerling's office, you again were afraid on the
2 eve of trial that you were going to lose your children or lose
3 Zoei?

4 A: Yes.

5 Q: And that's when you decided to tell everybody that what
6 you told them, Justin Dill and David Miller, when you swore to
7 God and swore on your child that that was a lie?

8 A: Yes.

9 Q: Only on several -- a couple of months ago when you were
10 getting ready to go to trial for the murder you was charged
11 with; right?

12 A: Yes.

13 MR. TETTERTON: The Court's indulgence just a moment.

14 THE COURT: Yes.

15 MR. TETTERTON: Just about -- I'm sorry, Judge. I'm just
16 about through.

17 BY MR. TETTERTON:

18 Q: You knew Adam had a gun; right?

19 A: Yes.

20 Q: Adam -- Adam had a gun with him that night?

21 A: Yes. He left it in my glove box. When I walked in, he
22 -- he made the comment, oh, yeah, Dani, don't let me forget to
23 get my gun out your glove box, and then I said okay. That's
24 when I sat down and that's when C.W. sat down and then that's
25 when it happened. It happened all that fast.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 And I don't know if he brought up his gun being in the
2 glove box because he noticed that C.W. had a gun and was
3 coming out of the bedroom with it. I don't know. I don't
4 know if that's why he brought up his gun. I don't know if
5 he'd seen C.W. with the gun or not.

6 Q: And there was some conversation between C.W. and Adam
7 earlier that afternoon about his gun?

8 A: I guess. Yeah. I mean I don't -- I don't know. I don't
9 know if they talked about their gun -- his gun or not.

10 Q: You don't remember that?

11 A: I mean it's six years ago.

12 Q: Dani, do you not remember when --

13 A: I remember him telling me not to let him forget to get it
14 out my glove -- out my glove box. I remember that
15 conversation.

16 Q: That was in your house while Dani was sitting -- while
17 Adam was sitting there and C.W. was sitting there; right?

18 A: When I was coming in the front door and C.W. was coming
19 out the bedroom, when we got -- first got back from me taking
20 them to go get the cocaine, I was coming in, C.W. was coming
21 out the bedroom. That's when Adam made the comment, Dani,
22 don't let me forget to get my gun out your glove box.

23 As I sit down on the couch, he's sitting in the recliner,
24 and within, like, that minute, he shot and killed Adam. C.W.
25 shot and killed Adam for no reason. You're right. There was

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 no malice. There was no fight. There was no arguments. He
2 done it for no reason.

3 Q: But you waited five years --

4 A: Yes.

5 Q: Let me finish. You waited five years, Dani, and now you
6 want to tell this jury --

7 A: The truth.

8 Q: -- that you lied many times, multiple times, on January
9 the 17th, 2016, and it was only for a month or so ago on the
10 eve of you being tried for murder of your best -- of your
11 friend, Adam, that you decided to tell a different story.
12 That's true, is it not?

13 A: Yes. Now that I've been separated with him for almost a
14 year, absolutely.

15 Q: Dani --

16 A: I'm completely -- I feel different. I don't feel like
17 I'm his prisoner anymore or his little punching bag or his
18 ragdoll to get thrown into the walls or into tables and my
19 head beat in the floors or I don't get called I'm stupid or
20 fat or trash or worthless. I was told I was worthless every
21 day. Yes, you're right. I don't -- it's completely
22 different, completely different now that I'm separated from
23 him --

24 Q: When he --

25 A: -- this last time.

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 Q: When he was in jail, you texted him on multiple occasions
2 that you still loved him?

3 A: Yes.

4 Q: In fact, y'all had an acronym that --

5 A: I've been with this man since I was 15.

6 THE COURT: All right. We can't have two people talking
7 at once. You've got to answer his -- listen to his questions.

8 THE WITNESS: Okay.

9 THE COURT: And answer the questions.

10 BY MR. TETTERTON:

11 Q: In fact, y'all had an acronym?

12 A: Yes.

13 Q: That y'all had developed when you were very young about
14 --

15 A: Yeah.

16 Q: -- I love you more than --

17 A: All the bunches of bananas in the world.

18 Q: Okay.

19 A: Yeah.

20 Q: And so while he was in jail, you were out of jail, you
21 wrote him or you texted him back and forth on numerous
22 occasions and he said he loved you and you loved him?

23 A: Uh-huh. I can't help who you love. He -- you know, you
24 cannot like someone but love them. He was my first love. I
25 was 15, once again. Do I still have love for him? Yeah, but

PEGGY DANIELLE BEEBE - CROSS BY MR. TETTERTON

1 he's not a good person.

2 Q: But the fact of the matter --

3 A: And I see that now. I'm not blinded anymore.

4 Q: You saw that in him when he worked on the road, paid all
5 the bills, and you visited with him?

6 A: I never said that. Yeah, he paid all the bills.

7 Q: And you visited him every weekend?

8 A: Uh-huh.

9 MR. TETTERTON: Thank you. I have nothing further.

10 THE COURT: All right. Thank you.

11 All right. Any redirect?

12 MS. SAMPSON: Yes, sir. May I have just a moment to
13 confer?

14 THE COURT: Yes.

15 (WHEREUPON, there was a pause in the proceedings, after
16 which the proceedings resumed as follows.)

17 MS. SAMPSON: Very briefly, Your Honor. I'm sorry.
18 Thank you.

19 THE COURT: All right. Solicitor?

20 REDIRECT EXAMINATION

21 BY MS. SAMPSON:

22 Q: All right, Dani. Just a little bit longer.

23 A: Okay.

24 Q: All right. Mr. Tetterton just asked you about some text
25 messages from the jail?

PEGGY DANIELLE BEEBE - REDIRECT BY MS. SAMPSON

- 1 A: Uh-huh.
- 2 Q: You have been texting with C.W. and calling him, haven't
3 you?
- 4 A: Yeah.
- 5 Q: And you --
- 6 A: Not in a long time, but --
- 7 Q: And not in a long time; correct?
- 8 A: Yes.
- 9 Q: All right.
- 10 A: I quit talking to him a long time ago.
- 11 Q: Like, what do you mean by a long time?
- 12 A: Months.
- 13 Q: Months ago?
- 14 A: Yes.
- 15 Q: And when he asked you about saying you love him the
16 bunches of bananas --
- 17 A: Uh-huh.
- 18 Q: -- or whatever, did you say that to him after he abused
19 you?
- 20 A: I would tell him that every, you know, day. It was a
21 normal thing, yes.
- 22 Q: Even after he hit you?
- 23 A: Yes.
- 24 Q: Even after he called you fat?
- 25 A: Yes.

PEGGY DANIELLE BEEBE - REDIRECT BY MS. SAMPSON

1 Q: All right. And --

2 A: I still loved him.

3 Q: You still love him to this day?

4 A: Yeah.

5 Q: Okay. He asked you or you talked about the gun. Do you

6 know what happened to the gun that was used in this incident?

7 A: He said that he melted -- had it melted down.

8 Q: C.W. told you that?

9 A: Yes.

10 Q: All right. He asked you about problems with your Acura

11 prior to December 2016. Were you able to drive it?

12 A: Yes.

13 Q: Did C.W. try to get it fixed before he took it and got it

14 crushed or tried to get it crushed?

15 A: He could have had it fixed, but he didn't.

16 Q: He didn't? To the best of your knowledge, did he?

17 A: Yeah. He could have had it fixed, but he did not.

18 Q: He did not? So you were driving it around with whatever

19 problems it was?

20 A: Yes.

21 Q: Until he decided to crush it?

22 A: Yes.

23 Q: All right. He asked you a whole lot about this

24 animosity.

25 A: Uh-huh.

PEGGY DANIELLE BEEBE - REDIRECT BY MS. SAMPSON

- 1 Q: When did you see a hateful look on C.W.'s face?
- 2 A: He just -- he had this -- it was just pure evil look on
- 3 his face when he was just being mean.
- 4 Q: And when did you see it on December 29th?
- 5 A: When he pointed the gun at Adam. He had just that pure
- 6 look of just mean. It's like no one is in there.
- 7 Q: Mr. Tetterton asked you about why did you drive them
- 8 around to get beer and cocaine. Why did you do that again?
- 9 A: Because they had been drinking and I did not want him
- 10 driving. I thought I was doing good, but obviously I wasn't.
- 11 But I thought I was doing what I should be doing.
- 12 Q: And again, were you truthful at all with law enforcement
- 13 in January of 2017?
- 14 A: No. Other than that -- the story about me and Adam
- 15 smoking a cigarette and talking about Christmas with the kids.
- 16 That was a true -- that really happened. The time of it
- 17 happening was not true.
- 18 Q: And you were arrested when?
- 19 A: The same -- the same time as C.W. was in 2018.
- 20 Q: In 2018? You were charged with murder?
- 21 A: Yes.
- 22 Q: All right. Did you come talk to us in 2019?
- 23 A: No.
- 24 Q: How about 2020?
- 25 A: No.

PEGGY DANIELLE BEEBE - REDIRECT BY MS. SAMPSON

1 Q: How about 2021?

2 A: No.

3 Q: And you had opportunities to tell the truth?

4 A: Yes.

5 Q: And in 2018 and '19, who were you living with?

6 A: C.W.

7 Q: Okay. In 2020, who were you living with?

8 A: C.W.

9 Q: Okay. In 2021, who were you living with?

10 A: C.W.

11 Q: All right. And it wasn't until you weren't living with

12 him in 2022?

13 A: Correct.

14 Q: Is that when you came and talked --

15 A: Yes.

16 Q: -- and told the truth? Okay. And then he talked to you

17 about everything being normal. Did C.W. ever accuse you with

18 -- in terms of jealousy?

19 A: Oh, yes.

20 Q: And what would that --

21 A: Yes.

22 Q: -- be about?

23 A: Like I said, it made me nervous that night when Kelly

24 Clark pulled up at the gas pumps. I didn't want to carry on a

25 conversation because I was nervous about the way he would