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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Newberry County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THEIA DARION MCARDLE,

APPELLANT

APPELLATE CASE NO 2016-000843

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF NEWBERRY

STATE OF SOUTH CAROLINA, PLAINTIFF, -VS- THEIA DARION MCARDLE, DEFENDANT.	CASE NO.: 2015-GS-36-0133 TRANSCRIPT OF RECORD

APRIL 4- 8, 2016
NEWBERRY, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE

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

ATTORNEY FOR PLAINTIFF:

DAVID STUMBO, SOLICITOR
TAYLOR DANIEL, ASSISTANT SOLICITOR

ATTORNEY FOR DEFENDANTS:

CHARLES VERNER, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

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State's 1-126	Photos		X
State's 127	Photo	X	
State's 128-134	Photos		X
State's 135	CD Redacted		X
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State's 137	CD		X
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State's 158	Towel in brown bag	X	
State's 159	Coogi shirt in brown bag	X	
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State's 163	Pillowcase cutting		X
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Defendant's 1	Photos A-H		X
Defendant's 2	Photo Facebook		X
Defendant's 3	Photo Facebook doll		X
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Defendant's 5	Photo Facebook clown		X
Defendant's 6	Photo Facebook		X
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THE COURT: Solicitor, if you would kindly call the next case that we are going to try, please, sir.

MR. STUMBO: Thank you, Judge. If it please the Court, the State calls the *State of South Carolina vs. Theia Darion McArdle*. It's an indictment for homicide by child abuse. It's indictment number 2015-GS-36-133.

Your Honor, this indictment was true billed by the Newberry County Grand Jury and the State is ready for trial, if I may approach.

THE COURT: Please. Now, ladies and gentlemen, we're about to being jury selection in the trial of the *State of South Carolina vs. Theia Darion McArdle*, and the Solicitor has presented the Court with indictment 15-GS-36-133 which charges Ms. McArdle with the offense of homicide by child abuse. As a threshold matter, ladies and gentlemen, I'll inform you and I'll instruct you that the fact that Ms. McArdle was indicated in this case or accused of this crime is in no way, of course, proof of any of the allegations contained in the indictment. Ladies and gentlemen, an indictment is nothing more than a piece of paper by which a case is brought to this Court, and Ms. McArdle in this case has pled not guilty. That plea puts the burden of proof firmly on the State to prove each and every element of these charges beyond a reasonable doubt. Now, in this case, the State of South Carolina will be represented by Solicitor

been presented. Okay? Since you're the sole judges of the facts, I ask that you leave the courtroom so that I can have that discussion on the record with the attorneys and I can be certain that whatever I say about the facts has no affect, has no bearing on what you ultimately find those true facts to be. During those breaks obviously, please, don't speculate as to what I'm saying about the facts because, again, the law does not permit me to have any opinion whatsoever about the facts in this particular case. In determining the true facts, ladies and gentlemen, you must decide whether the testimony of witnesses is believable or not. It's my responsibility to rule as a matter of law on whether certain testimony can be admitted. However, once that testimony is admitted, whether or not you chose to believe it is solely for you all to determine. Deciding whether to believe a witness, you have the right to consider the interest of any witness, the bias of any witness, the prejudice of any witness, the opportunity for the witness to have seen the matters and things about which the witness testifies and the way the witness acts on the witness stand. You can consider anything that's in the record in this case which will help you evaluate the testimony of the witnesses. That means it's your duty to pay close attention to them, listen to them, observe them and pay close attention to the lawyers in the Court. Try to keep your thoughts from

wondering. Instead give strict attention to the testimony so that at the conclusion of the trial, after the argument of counsel and my instruction to you on the law, you'll be in as best a position possible to determine what the true facts are, apply the law to those facts, and thus render a true and just verdict.

Now, in order to preserve everyone's rights, I'll give the attorneys an opportunity to object to anything that I've said to you during these opening remarks and then we'll proceed with opening arguments.

Any objections from the State, Solicitor?

MR. STUMBO: None from the State, Judge.

THE COURT: Any from the Defense?

MR. VERNER: None, Your Honor.

THE COURT: Very good. Mr. Stumbo, you're recognized for your opening, sir.

MR. STUMBO: Judge, Assistant Solicitor Taylor Daniel will give opening.

THE COURT: Mr. Daniel, you're recognized, sir.

MR. DANIEL: Thank you, Your Honor. May it please the Court.

THE COURT: Yes, sir.

OPENING STATEMENTS

BY MR. DANIEL: Good morning, ladies and gentlemen. I'm going to begin my opening remarks with a quote. And

this quote has been used in a lot of trials of murder cases, in cases like before you today where a child's been killed by a parental abuser. It's pretty appropriate in this setting, and here's the quote. "To the living we owe respect, but to the dead we owe only the truth." And that's Voltaire. That's an eighteenth century French philosopher, writer. And that's what we're here to do today. That's a trial is the search for the truth. That's what you as the jury are going to have to do. You're going to have to determine the truth. And in this case you're going to have to determine why an innocent three-year-old little boy is dead. It's undisputed that G.M. a three-year-old child is dead. Born on [redacted] Died December 30th, 2014. So you do the math, the dates. This child died on his third birthday. He died the day he turned three years old. Pronounced dead at Newberry County ER at approximately 2:06 a.m. on his third birthday. It's undisputed Theia McArdle, who stands before you on trial, was G.M. McArdle's mother. It's undisputed that at the time of G.M. McArdle's death that he was in Ms. McArdle's care and custody. Now, they're not from Newberry. No ties to Newberry really. And I'll explain that in a minute. But you as the jury have to determine who is responsible for this crime. And by, I mean, whether Theia McArdle is guilty of this crime, or causing the death of her son in the most

brutal horrific fashion.

His Honor was explaining the allegations. Solicitor Stumbo read the caption of the case when he called it to trial yesterday. So you know we're dealing with the death of a three-year-old. It's called homicide by child abuse under our law, what Ms. McArdle is charged with. We're all human beings. Some of you may have kids, been around kids. It's awful. It really is. This case, I've prepared for it the last couple of weeks. It's disturbing. No way around it. But the images you'll see, they're haunting, but we've got to show them to you, because that's our job is to prove Ms. McArdle's guilt. And that's what we intend to do. It's our contention that Ms. McArdle is responsible, is guilty for this crime, and the evidence clearly points to that, and you'll see that at the conclusion of this case.

Going back to the facts of this case and how they end up in Newberry. As I said, they're not from Newberry. At the time, December 30th, 2014, that's over 15 months ago now, Theia and her son, G.M. were living in Enoree, which is a community in Spartanburg County. It's about 30 minutes from here. It's not too far from Laurens. It's the Laurens/Spartanburg County line right off I-26. They were living in a trailer. Theia and her son, as well as Theia was living with her boyfriend, Richard Bowman, who you'll hear from. And I'll get to him in a minute. So they're

living there the day of this incident. And how they end up in Newberry is almost inconceivable these facts. I wish they were. But at the time of his death Ms. McArdle was working as a prostitute, advertising her services online on a website called Backpages. And the man in Newberry found this ad, saw Ms. McArdle advertising herself. And this is December 29th when he first makes contact with Ms. McArdle, because she has her contact information on there. So he reaches out to her. Wants to hire her for the evening. So that's how they end up in Newberry. That's why this isn't a Spartanburg County case, and that's why they end up in Newberry. So why do you say G.M. ends up in Newberry? Well, she took him along for the ride. G.M. at the time this child was dying, maybe even dead -- because he's dead on arrival at the ER essentially. They never were able to revive him when you get the detail. So she takes her son along this prostitution call. They head down I-26 in the car. Theia is driving. Theia's boyfriend, Richard Bowman, in the car. G.M. in the backseat. And as you'll see, and it's our contention, that the evidence points to this child -- his injuries are inflicted mostly -- most likely in that trailer, and as you'll hear testimony. And I'll go ahead and address them. Richard Bowman, the boyfriend, he's charged with this crime as well. But he's not on trial today. Ms. McArdle is. He'll have his day in

court, ladies and gentlemen. Whether he's guilty of something, that will be determined by another jury perhaps. We're here to determine her guilt. Her role.

So you're going to hear from Richard Bowman. And don't be under the impression that because he's a witness of the State that we're condoning anything he did. There's inconsistencies with what he tells law enforcement over a year ago and what he says today. He minimizes certain things. He might not be -- he's not candid on everything. You'll see. Mr. Verner, I'm sure, will point that out. But he provides useful information about 48 hours leading up to G.M. death and about how his mother was hitting on him, which would explain some of the injuries. And you'll see plenty of photos of the injuries. And he provides that insight that otherwise we wouldn't have. So that's why we have to put him up. We're not condoning what this man did at all. Anything about him. But it's important you hear from him. And that's what I have to say about that one. And he'll tell you how hard she hit her son. We're talking about a child that's three years old, just turned three, 28 pounds, a little over three foot tall, being pummeled by his mother in the hours and days leading up to his death, his ultimate demise.

And you'll hear from medical personnel, the ER doctor. You'll hear from the pathologist, or medical examiner. She

performed the autopsy. She determined cause of death. And you'll hear injuries. And I'm using, obviously, the technical scientific terms. You'll hear subdural hemorrhaging of the cerebrum. Cerebral edema. Bruising of the stomach and pancreas. Hemorrhaging around the bladder. Perforation of the duodenum with hemorrhaging. These are horrific internal injuries. Being hit with such blunt force that your duodenum, your small intestines, is essentially punctured. The cause of death, respiratory depression due to subdural hemorrhaging due to blunt force trauma of the head due to beating. You'll hear from Dr. Ross. That's what she determined. Significant internal injuries. Blunt force injuries. Being intentionally struck. Nothing accidental. All contributing factors to the death. It's not just one thing that killed this child, as you'll see. It's a full on total beating. And when you hear the testimony from the scientific medical approach, really what that means to me, and I'm not orienting it to those times, it's not what I do, it just means this child was beaten to death. That's all you can take away from the testimony. And you'll see that.

What's significant is the injury to the groin area of this child. I'm sure none of you have ever seen injury such as this, and I hope to God you'll never see another injury like this in your life. And again, this is a three-year-old

child.

You'll hear testimony from, of course, law enforcement that investigated this case. We got evidence that this child was deathly ill, sick in his Enoree trailer. His residence. They execute a search warrant in his house later on. And you're obviously going to hear how it's all come together. But they found bodily fluid samples that tested positive for blood and this child's DNA. And you'll see the condition of this trailer that this child lived in. And I'm not -- we're not trying to pick on someone of limited means. This is not -- this case isn't about prostitution. This case is not about somebody who perhaps doesn't have the means to live in a nice home. But what's significant to me when you look at these photos is her priorities. Ms. McArdle's priorities. You'll see a flat -- flat screen TV. A 50 inch flat screen TV. And yet she's got her child sleeping on a little air mattress in the livingroom. And the bedroom that her child would have, stray cats are living in the bedroom that should be G.M. That to me is significant. Those are things that should resinate.

But you'll hear testimony from -- I'm going to call it the John. The gentlemen who retained Ms. McArdle's prostitution services. He establishes a timeline about when they arrived. And then, of course, you'll hear the medical evidence. And so, you'll see, this child -- it's a 30

minute service call to this Newberry man's house. And he'll tell you he paid exactly 30 minutes. We've got phone records that show when they arrived in Newberry. And they arrived in Newberry about 12:30 a.m. And at that point it's December 30th. So a 30 minute service call. Richard Bowman, the boyfriend, and G.M. out in the car while she's inside with a client. After the 30 minutes goes by there's a gap she can't really explain for. Because then we've got surveillance footage from the hospital. They don't arrive in the Newberry ER until about 1:35 as you'll see in surveillance footage. And the gentlemen who retained her services that night, he lives on Bedenbaugh Street. Those of you know, the hospital as the crow flies is not more than two miles away. So if they're done at 1:00 a.m., why does it take them that long to get to the hospital. There's a bit of a delay. And you're going to hear testimony from Lisa Frick. She was working the ER registration desk that night. And she's going to tell you how there wasn't much of a sense of urgency on Ms. McArdle as she entered the hospital, and you'll see that. About how she parked far away. She's not acting like this is an emergency. This is all stuff you're going to have to evaluate. And then eventually you'll hear a recorded interview. Investigator Allison Moore with the city of Newberry and SLED Agent Kellie Williams of the child

fatality unit, and they interview Ms. McArdle once they suspect foul play at the hospital. The circumstances of G.M. death. It's a lengthy interview but important. It's very telling. It's very important what she says and what she doesn't. And you're going to hear some pretty disturbing content in that interview. She even talks about -- Ms. McArdle talks about being a good actress in that interview and being able to emotionally move someone if she wants to. Of course, she denies -- she has no knowledge of the injuries. Very important. These injuries are readily apparent to anyone. It doesn't make sense. So these are all things you'll have to consider.

You were picked to serve on a jury for a reason. First and foremost, you're residents of Newberry County and that's the only way you can serve. This is your community and you get the last word on guilt or innocence of people charged with a crime in your community. And when I say you get the last word, I mean that because you get to render a verdict. At the conclusion of this case you go back and deliberate and the Judge will ask you to render a verdict. It has to be unanimous, either guilty or not guilty. So you get the last word. Not me, not His Honor, not Solicitor Stumbo. You get to decide. You're the fact finder. All we want is the truth. That's all we ask for. We want a verdict that's consistent with the evidence. That's common sense. The

truth that you know in your heart, in your gut, because this child didn't have to die. It's not just a tragedy it's an atrocity. That's the best way to describe it. Ultimately we're going to ask you for a verdict of guilty. We're going to ask you to hold Ms. McArdle responsible for what she did to her son. What she did and what she didn't do. Because she didn't get him medical treatment on time and she inflicted these injuries. And because of that G.M. McArdle is three years old forever. Thank you.

THE COURT: Thank you, Mr. Daniel. Mr. Verner, you're recognized for your opening, sir.

MR. VERNER: Thank you. If it please the Court, Solicitor Stumbo, Madam Forelady. I appreciate the chance to speak this week for Theia McArdle. Theia was a mother at 17. The child died just a little over a year ago when she was 21. She's 22 today. You're going to meet a man this week from North Carolina named Richard Bowman, and you'll be meeting a man who killed G.M. If this trial this week were about Richard Bowman, if Richard Bowman were sitting next to me or someone like me instead of Theia McArdle, I'm confident 12 people would find him guilty, because all of the evidence -- there's not one piece of evidence in this case that does not at least point to Richard Bowman of guilty of killing the child G.M. a three-year-old child. Richard is just absolutely cornered

in a box with a lid on it. These are the facts that you're going to find in the case today, or this week. I hope it ends Thursday or Friday. He's complete cornered in a box. One, Richard Bowman was with the child G.M. all day. The day that G.M. died. Richard Bowman was with him from the morning until the day he was dead at the emergency room. Not one minute without him. You're going to see that as a fact. Two, for substantial portions of the day Theia McArdle was not with the child. You're going to hear from different sources, and it's unfortunate, that Theia was living on her own at age 17 or younger and she became a prostitute. She met someone -- it's undisputed. On the evening of the 29th, which is really the evening that G.M. died, she was at a service call with a man in Spartanburg. She left after dinner. At that time G.M. was still alive. I submit to you there's no evidence he's got any injuries at that time. Theia gets another call to come to Newberry from a -- I wouldn't call him a gentleman, but a man in Newberry who advertises -- sees the advertisements. She's never been to Newberry. She -- fortunately has an older man she's living with. This man named Richard Bowman who's a pimp. She does what these women do in these situations. I've never been to Newberry. I've got a young man calling. You're coming with me. The child, we can't leave G.M. alone. The child has to come,

too. Theia had only returned home, you'll hear from the testimony, just a couple minutes. She came straight from Spartanburg. She got gas, came back and met a man in Spartanburg. A customer she's seen several times before. Came back briefly, washed up and they left for Newberry after 11:00 at night. The testimony is Richard put the child in the car! Theia drove. The child is sitting directly behind Theia. The third wall, under any theory that the State's putting forward and under any story that Richard Bowman is testifying, Theia could not have inflicted these blows. If you look at these photographs and a reasonable thinks that they occurred about the same time that the bruises in the nature, and this appears to be one continuous assault on that child, it is medically impossible for Theia to have been the one to inflict the fatal blow. You're going to hear that. It is medically impossible. And I dispute it because the facts are going to show this child died -- if the child had been beaten -- and he was savaged. What killed the child was a blow to the head so severe that you're going to hear the pathologist say that the child would have blacked out at that moment and died within minutes. Had he had all these other injuries that child would have survived. What killed G.M. was a blow to the head which caused the blood to start swelling in his head and he was unconscious immediately and dead within minutes.

And under any theory the State is going to put forward, certainly through Richard Bowman, Theia could not have been the one who did it. And how do we know this? Because she was with a man who is paying her for sex. We know that she didn't even arrive until about 12:30 in the morning at that man's house. They engaged in some talk and then the man paid for 30 minutes of service. The Solicitor says it's unreasonable to take 30 minutes to find the hospital. They had never been before. It's midnight. They got there quickly. And I dispute -- I would ask you to listen to what the witnesses say and not the Solicitor's characterizations of how people are reacting. Fourth wall, it is medically impossible, and you will hear from the pathologist, it is medically impossible for G.M. to have been killed like this without Richard Bowman being present. He could not have not been present for the child to die that quickly. And five, the lid on the box for Richard Bowman. He admitted within hours of G.M. death to law enforcement that he had become so angry with G.M. at the house in Spartanburg because he was giving the child a bath and the child defecated in the bathtub. Bowman admitted, and I bet he rues the day he does it, but he admitted that he struck G.M. so hard that G.M. head went into the side of the bathtub. But he says -- now he says that I didn't really. But he admitted it within hours. G.M. had made

me so angry I struck him so hard that the child -- a 28 pound child's head goes into the bathtub. The -- I won't lie. If -- it could be just that he gets so angry in Spartanburg at just -- and I understand that killed him. But it could have been in Spartanburg or it could have been a pimp sitting in the car for about an hour waiting for a woman to come out of a call with a cranky child. Either way it plausible. But what killed G.M. was a hard, hard knock to the head. Richard will offer explanations, and he's given many stories. None of them can medically be possible if you believe the pathologist. But Richard's found an escape hatch. About two weeks before this trial, when Richard's scheduled to go to trial, he meets with the prosecutors, and he says I will cooperate. I am willing to completely shift and testify completely against Theia McArdle. Maybe I'm guilty of not reporting abuse, maybe I'm an accessory after the fact, but I'm willing to give you a story that shifts all the blame to G.M. mother, Theia. I didn't do nothing. I didn't kill the boy. Completely contradicted by the facts of this case and his prior statements to the cops. The problem with it is there's evidence other than Richard's changing stories that Theia was present when this child was hit. That is entirely what you have to hang this verdict -- a verdict on this on this 21-year-old girl. I'm telling you. And I'll close soon.

But if you all close the door on Theia McArdle today, or this week, y'all are opening the door for Richard Bowman. You all are opening the door for a man who beat a 28 pound child to death with his fist. The evidence will completely bear that out. I want you to do what the Solicitor is asking you to do. I want you to stand up for the people in Newberry, and I want you to stand up for G.M. and I want you all to make the Solicitor's office to deal with the man who killed G.M. while they still can. While there's still a case pending on this man.

If you all convict Theia, there's not going to be a conviction of Richard. And in this case you're going to find that Richard -- that there's no question but he's the culprit. The Solicitor opened with a quote from Voltaire, the famous philosopher. On his deathbed Voltaire's final words were, "What, the flames already", and that's Richard Bowman.

THE COURT: Thank you, Mr. Verner. Solicitor, call your first witness, please.

MR. DANIEL: Your Honor, the State calls Lisa Frick.

LISA FRICK, having first been duly sworn, testified as follows:

MR. DANIEL: Your Honor, before I begin I offer State's No. 154 is the affidavit of the Records Custodian of Newberry Hospital. And I offer that evidence for the

purpose of offering State's 133, the actual medical records, for admission.

THE COURT: Any objections?

MR. VERNER: Can I see what he's offering, Judge?

THE COURT: Certainly.

MR. VERNER: Without objection, Your Honor. I would ask the Solicitor to give us a tally of how many pages he's offering into evidence.

MR. DANIEL: You Honor, it would be three out of these records for this witness.

THE COURT: All right. Three out of those records. What's that marked as?

MR. DANIEL: The medical records, all of them are marked as 138.

THE COURT: All right. 138 will be in evidence, and just elude to the pages that you are most concerned with, if you would. And the affidavit is also part of 138 or is that separate?

MR. DANIEL: It's a separate exhibit, Your Honor, 154, and I offer that in evidence as well.

MR. VERNER: Just housekeeping, Your Honor. Is he marking these as 1 and 2 or he's going to introduce them as it's premarked numbers?

THE COURT: They're premarked, I believe, as 138 and 154.

MR. VERNER: And just for my record keeping, that's how they're coming in?

THE COURT: Yes, sir. That'll keep us from having to remark the exhibits.

(Whereupon, State's Exhibit Nos. 138 and 154 were admitted into evidence.)

DIRECT EXAMINATION

BY MR. DANIEL:

Q Ms. Frick, where are you currently employed?

A Newberry County Memorial Hospital.

Q And what's your position at the hospital?

A I work in the emergency room in registration.

Q You work at the ER registration desk?

A Uh-huh.

Q And what are your duties as an ER registration clerk?

A I register patients as they come in and get as much information as I can, verify demographics, and get them ready to be triaged, to be seen.

Q So if I come to the ER, I'm sick or something, you're the lady I talk to, I give my insurance card information --

A Uh-huh.

Q -- things of that nature --

A Uh-huh.

Q -- initially?

A Yes.

Q And what hours or shift do you work typically?

A I work typically Sunday, Monday, Wednesday from 7:00 p.m. to 7:00 a.m.

Q Okay. 7:00 to 7:00 is your shift?

A Uh-huh.

Q December 29th of 2014, going into December 30th of 2014, were you on duty at the Newberry ER?

A Yes.

Q In your capacity at the ER registration desk?

A Uh-huh. Up front.

Q At that point --

THE COURT: It's happening again? Yes or no. Respond if you could with yes or no. When you go uh-huh it's hard for her write it down.

THE WITNESS: Okay. Sorry.

Q Yes or no for the court reporter's purposes.

A Okay.

Q So you were working the ER registration desk working 7:00 to 7:00?

A Yes.

Q December 29th and December 30th, 2014?

A Yes.

Q And on that particular shift did an unresponsive child come in?

A Yes.

Q And do you recall the circumstances of that?
A Yes.
Q Go ahead and describe that for the jury, please.
A I estimate around 01:38 on 12/30 a black male, Mr. Richard Bowman, brought G.M. in, carrying him, with his head up here just like this (indicating). I noticed some brown, looked to be vomit, on his right shoulder pocket.
Q I'm going to hand you what's been marked for ID purposes as State's 132. Do you recognize this?
A Yes.
Q And what is that?
A This is Mr. Bowman carrying in G.M.
Q And what kind of clothing, I guess, that G.M. was wearing?
A The baby only had a diaper and shorts on.
Q No shirt?
A No, no shirt.
MR. DANIEL: Your Honor, I'd offer State's 132 for admission into evidence.
MR. VERNER: Without objection, Your Honor.
THE COURT: Without objection 132 is in evidence.
(Whereupon, State's Exhibit No. 132 was admitted into evidence.)
MR. DANIEL: Permission to publish.

THE COURT: Please.

Q And going back to this picture here. What is that? What is this a picture of? Where is that from?

A This is the ER waiting room. Mr. Bowman is walking to the registration desk where I'm sitting.

Q And is there a time stamp on that?

A There is at time stamp on here of 1:35 and 28 seconds a.m. on 12/30/14.

Q And to your knowledge is that an accurate time that Richard Bowman and G.M. entered the ER?

A Yes.

Q Initially did you see Theia McArdle enter the ER with them?

A No.

Q If you could, Ms. Frick, with the Court's permission, could you step down and show us here on the monitor.

(Whereupon, the witness stepped down from the witness stand.)

Q And where are you in relation to --

A Here is the registration desk. Sitting behind here.

Q And I want to hand you what's been marked for ID purposes as State's 133. So at that point what information do you gather -- you can sit back down, Ms. Frick.

(Whereupon the witness returns to the witness stand.)

Q What information do you gather when Mr. Bowman comes in

there with G.M. in his arms?

A The only information that Mr. Bowman could give me was the child's name and his birthday was December 30th. He did not know the year.

Q And I'm going to hand you State's 138 that's been admitted into evidence. Do you recognize these documents?

A Uh-huh. Yes.

Q And what are they?

A This is the facesheet for when I register the patient to the ER.

Q So you take that information and you enter that data?

A Uh-huh. Yes.

Q And then that's how medical records initially get generated?

A Yes.

Q What happens next after you get that initial information from Mr. Bowman?

A After I get the initial information, which was not much, I immediately called to the nurse's desk in the back and asked for someone to come get the child. He appeared to be unresponsive, not breathing, and like I said, brown vomit coming from his nose or mouth. And we had a tech that come and got -- got him.

Q And those records I just provided to you, what other data did you enter in those records?

A Well, the information -- the address that we were given was incorrect. I could not enter a picture ID. The mother stated that she did not have a picture ID. She did not have the child's Medicaid card.

Q Let me stop you a second. But at this point you didn't see the mother, correct? You testified to that earlier?

A Right, no. No. When she came in.

Q I'm going to hand you State's 133. Do you recognize that image?

A Yes.

Q What is that?

A Mr. Bowman is walking outside to look for Theia McArdle.

Q And that's after medical staff had taken --

A Yes.

Q -- G.M. to the back?

A Yes.

Q To the operation room area or to be worked on?

A No. To one of the emergency rooms.

Q Okay.

MR. DANIEL: Your Honor --

A And he kept asking if the mother here yet. Is the mother here yet. And I said no, she's not in the waiting room.

MR. DANIEL: Your Honor, I offer State's 133 for

admission in evidence.

MR. VERNER: Without objection.

THE COURT: Without objection, 133 is in evidence.

(Whereupon, State's 133 was admitted into evidence.)

MR. DANIEL: Permission to publish.

THE COURT: Please.

Q And if you could, tell us the time stamp on this still shot.

A The time stamp is one minute 37 and 10 seconds.

Q So at that point is that Richard Bowman looking for Theia McArdle?

A Yes. He was going looking for her.

Q And tell us what happens next after that?

A Let's see. Mr. Bowman went outside looking for her. In my notes I have that they both returned at 01:44.

Q And that's an estimation?

A That's an estimation.

Q I'm going to hand you State's 133 -- 134. Do you recognize State's 134?

A Yes.

Q What is that?

A That is Theia in the front and Richard in the back following her to the registration desk.

Q Is that the first time Theia McArdle had entered the ER?

A Yes. This is the first time.

MR. DANIEL: Your Honor, I offer State's 134 for admission into evidence.

THE COURT: Any objection?

MR. VERNER: Without objection, Your Honor.

THE COURT: 134 is in evidence.

Q The time stamp on that image with Theia McArdle says 1:37:49 a.m.

A Uh-huh. Yes.

Q So 1:37 a.m. and 49 seconds, that's the first time you see Theia McArdle enter?

A Yes.

Q And going to the medical records, State's 138. And you said, and I know a minute ago you referred to your notes.

A Yes.

Q Did you make that a part of the medical record?

A Yes, I did.

Q If you could, go to that portion of the records, please, ma'am.

A Okay.

Q And if you could, read aloud your entry. And approximately what page is that? Up on the screen, is this a data entry you did as part of the medical records?

A Yes.

Q If you could, read aloud. And you typed that yourself?

A I did.

Q If you could, read that aloud.

A Okay. "This was a new patient traveling through from North Carolina. Non-biological father and biological mother brought patient in unresponsive. I got all info I could get. Parents were frantic. Mom states patient has North Carolina Medicaid. Did not have the card or her picture ID. I was unable to collect signatures. Patient expired and did not feel comfortable asking for this information. I left the face sheet for day shift to get the North Carolina Medicaid number and consent were initialed by Nicole and I as verbal consent given. Patient's mother gave police their new address saying they just moved to [redacted] Union Highway, Enoree, South Carolina. This was never told to me at registration. Patient's mother stated her purse had been stolen and she had no ID or anything."

Q And did you do any more data entry as far as medical records?

A I did.

Q If you could, go to that portion of the medical records.

A "The following are notes in Meditech which are date and time stamped for patient, G.M. who was brought into the ER on 12/30/14. The patient arrived being held by an African American male."

MR. VERNER: Your Honor, respectively I object. My understanding is the witness needs to testify what she can recall from memory. She can use notes to refresh recollection if she can't recall, but she can't just read that as her testimony.

MR. DANIEL: This is in evidence, Your Honor.

THE COURT: I know it's in evidence. Ask her first if you would, though, if she recalls specifically the conversation.

MR. DANIEL: Yes, sir.

THE COURT: If she needs to refresh her recollection with the document then that's fine.

Q Ms. Frick, do you have independent knowledge of the conversations you had with Mr. Bowman and Ms. McArdle that night?

A Yes.

Q Again, tell us what you recall. And if you need to refresh your memory with the records, you can.

A Okay. She came in -- you know, when she finally came in she was asking what are they doing to him. What is going on. And I told her the doctor the was back there, respiratory was back there. And I told her I needed to get some information. She stated that Mr. Bowman was the child's biological father. And I looked at her and I said, "He said he was not the biological father." And she looked

at him and she said, "Why would you tell them -- why would you tell them that?" He said, "Because I'm not the biological father." She said, "But he's like the only father you've ever had." He said, "I'm not the biological father."

Q Did they appear to be arguing?

A Yes. And at that time is when she said, "Shut the F up twice in the waiting room with other patients there."

Q And going back to your previous data entry. You had a North Carolina address for Theia McArdle and her son?

A Uh-huh.

THE COURT: Yes.

Q Please, yes or no.

A Yes. I'm sorry. Yes.

Q And then, but you -- you testified that was incorrect? You learned that was incorrect?

A It was incorrect.

Q And how did you learn that that information was inaccurate?

A Through -- the police officer gave me the correct information for my medical records.

Q And Ms. McArdle indicated to you that her purse was stolen, I believe --

A Yes.

Q -- you read?

A Yes. That's why she had no picture ID or G.M. Medicaid card.

Q And do you typically do summaries like this when people come in in emergency situations?

A We do take notes. You know, just short notes. Nothing to this extent. I just felt like something just was not right and I wanted to notate it.

Q And why did you -- why did you feel something wasn't -- what made this different than another emergency situation with an unresponsive -- have you seen unresponsive children come into the ER before?

A No.

Q But have you seen people come in car accidents, gunshot wounds?

A Yes. Yes. What I found strange was the mother was not there initially, and I really wasn't sure where she was. Mr. Bowman kept asking where she was. Didn't know. I just felt like a mother would be bringing her own child in if he was unresponsive.

Q What were -- what were Mr. Bowman and Ms. McArdle's demeanors? Were they emotional, distraught, anything like that?

A They were very -- yeah, they were emotional. He -- he came running into the ER and --

Q Who's he?

A Mr. Bowman. He came running in carrying G.M. stating, "He's not breathing. He's not breathing." And that he had brown stuff coming from his nose.

Q And the entrance to the ER, is that where you can pull your vehicle right up to the ER like a bay?

A Yes. You can for -- yeah, for emergencies, yes. Other than the ambulance bay.

Q Typically when someone's unresponsive or seriously injured do people leave their vehicles at that bay and come in?

MR. VERNER: Your Honor, I --

A Typically yes. If they don't come by EMS. I mean, they pull -- stop there at the bay to get in quicker.

Q To get in quicker?

A Yes.

Q So it wouldn't be -- in an extreme emergency situation it wouldn't be common to see someone park their vehicle farther away?

A In this case, no.

Q Yes, ma'am. In a case such as -- such as this.

A That was very strange. Very strange.

Q And, of course, after -- were Ms. McArdle and Mr. Bowman allowed to go back --

A Yes.

Q -- to where G.M. was?

A Yes.

Q And do you recall approximately what time they went back? How long they had to wait to see their -- to see the child?

A I talked with Theia McArdle. I would say, she came in at -- my estimation was 1:44, which was an estimate. It probably took five minutes and took them on back.

Q And ER staff nurses, doctor were working on G.M.

A Uh-huh. Yes.

MR. DANIEL: No further questions. Please answer any questions Mr. Verner has.

THE COURT: Mr. Verner.

CROSS-EXAMINATION

BY MR. VERNER:

Q Hello, Ms. Frick.

A Hi.

Q Now, we're talking about December 29th, right?

A Well, I work 7:00 p to 7:00 a., so December 29th runs into December 30th, yes.

Q But typically we would say the evening of the 29th? After midnight I understand. But this was late the 29th, early morning the 30th?

A Exactly, yes.

Q In late December?

A Yes.

Q Do you recall what the weather was?
A I do not.
Q You think it was likely cold?
A I would assume being December, but --
Q Now, you testified that he, and I'm just asking which he are you talking about, had some kind of vomit on his right shoulder?
A Mr. --
Q Is that Mr. Bowman or the child?
A Mr. Bowman. Mr. Bowman.
Q And Mr. Bowman brought the child in without a shirt?
A No. The child had no shirt.
Q Right. He brought the child in without a shirt --
A Correct.
Q -- on the child?
A Yes.
Q Now, you testified twice that your -- you indicated you thought Theia entered the emergent -- you section at 1:44, but the video shows her coming in at 1:37.
A Yes. I said that was an estimation.
Q But you estimated twice. So it -- that is within a minute or two minutes of Mr. Bowman? Would that be a fair characterization? She came within a minute or two of Mr. Bowman, according to the video that you introduced?
A I have an estimate that Mr. Bowman came in at 01:38.

That was my -- that was my estimate.

Q You agree that -- you agree that the -- and you're using a watch or a clock on the wall?

A I'm using the clock on the computer.

Q Okay. But we have the videos from the entrance of the hospital, don't we?

A Correct.

Q And one of them is time stamped 1:35:26, which is when Mr. Bowman enters. And if we assume --

A That's what it --

Q -- that if Ms. Theia is in one that says 1:37, she came in within a minute or two of Mr. Bowman.

A If that's what it shows.

Q Did you not look at it?

A Yes, I looked at it.

MR. VERNER: May I approach, Your Honor?

THE COURT: Please.

Q Ms. Frick --

A Yes.

Q -- on 1:34 that's the photograph with Theia entering.

A Correct.

Q And that's actually arriving at the desk at what time?

A 1:37.

Q And this -- when Mr. Bowman first enters the hospital is time stamped at what time?

A 1:35.

Q So unless the time stamp on the video system at the hospital is malfunctioning, she came within a minute or two of Mr. Bowman?

A Correct.

Q Not withstanding your estimates otherwise?

A I'm sorry?

Q Do you -- now, Newberry Hospital has an emergency entrance in the back?

A For ambulances.

Q For ambulances.

A Correct.

Q And that fronts on Harrington Street? Or what street is in the back of the hospital?

A Evans Street.

Q Evans Street?

A Yes.

Q Well, Evans Street -- okay. Evans is on one side. But that's not the emergency room entrance, right?

A Yes, for the back. For -- well, it can be for emergency room. But typically it's for EMS.

Q Okay. Well, let's do it this way. When an ambulance brings somebody to Newberry Memorial --

A Uh-huh. They'd come from Evans Street.

Q -- the hospital has Evans Street on one side and they

have Pond Street -- well, what's on the other side opposite of Evans?

A Kinard Street.

Q Kinard Street. When an ambulance brings a patient -- the emergency patients to the hospital do they come in through Evans or do they come in through Kinard?

A Evans.

Q Evans Street. If I were coming to the hospital myself, which side does the public normally come in?

A The public normally --

Q Yes, ma'am.

A -- comes in the front.

Q Which is which side, Evans or Kinard?

A Kinard.

Q Which side is your office located on? Is the registration desk running on the Kinard Street side or is it --

A It is running on the Kinard Street side.

Q And there's a large parking lot on the Kinard Street side?

A Yes.

Q And there's no parking lot really on the Evans Street side?

A That's mainly for --

Q Staff.

A -- hospital staff.

Q Right. Which -- when we're looking at these video cameras, the room we're looking at, that is on the Kinard's side of the hospital, right? Kinard Street side?

A Yes.

Q Okay. Are you testifying if I brought my child to Newberry Hospital and I was driving the car and someone else carried the child in while I parked that car that you would find that bizarre, strange?

A I'm not sure which way they came in. I can't testify as to whether they came in Evans or Kinard Street.

Q And this would be a dark parking lot after midnight?

A It's lighted.

Q But your testimony is that you would find it odd that somebody would take a minute or two to park the car and come in?

A It seemed like a lot longer than a minute or two for a mom to come in whose child was unresponsive.

Q But, in fact, it wasn't. If we believe the time stamp on the video camera?

A If we believe the time stamp.

Q Right. And I believe you did testify that in your opinion both Richard Bowman and Theia McArdle were emotional?

A Yes.

Q And, in fact, you --

MR. VERNER: May I approach?

THE COURT: Please.

Q This is -- do you recognize the document?

A Yes.

Q That's the document that you prepared as part of the medical records?

A Yes.

Q And, in fact, we know that because your name is on the bottom of the page?

A Yes.

Q In your opinion you wrote at the time that the mother seemed anxious and worried.

A Yes.

Q She kept asking what's going on. What are they doing to him?

A Yes.

Q Okay. And you -- at that time you were telling her I'm not sure?

A I was at the registration desk.

Q Right.

A So I didn't know the child was in the back.

Q And then when she got angry at Bowman it was because he said that he was not the father of the child, right?

A He was not the biological father.

Q Which you would need to be to be -- is hospital policy that the parents would not be able to come in? Would a boyfriend be able to come in in this type of procedure?

A Yes.

Q Even if he wasn't the father of the child?

A Yes.

Q But when Richard Bowman said I'm not the father of that child, or I'm not the biological father of the child, Theia's reaction was you're the only father he knows, right?

A You're the only father he has ever had.

Q Okay. So that's -- and at that time the fate of the child was unknown at that point, right? The child is in what I call room 3?

A He's in room 3.

Q And room 3, I take it, is one of the emergency triage rooms?

A It's not a triage room. It's an emergency room.

Q Which means that there's an emergency room physician there?

A Correct.

Q And that was Dr. Holaday?

A Yes.

Q And when she said would you shut the F up, that was at -- directed at Richard Bowman and not other people?

A Yes.

Q And that was because I'm not the biological -- I'm not this child father?

A Correct.

Q She got angry at him for --

A Correct.

Q But that wasn't directed at anybody else other than Richard Bowman?

A Just Richard Bowman.

Q And she appeared to be emotional?

A She did appear to be emotional.

Q And, in fact, wasn't Theia brought into room 3 where Dr. Holaday was working on the child?

A Theia and Mr. Bowman were both taken back.

Q And, in fact, the notes of Norman Atkinson are also included in the hospital records?

A I'd have to look through them to see.

MR. VERNER: May I approach, Your Honor?

THE COURT: Please.

A I don't typically see the nurses' notes, so I'm really not sure.

Q Would that be part of your package? But according to those medical records Dr. Holaday was trying to console Theia?

A The house supervisor, Nina Wagner, is the one who was talking to Theia.

Q Well, where it says Dr. Holaday, can you just read that sentence?

A "Dr. Holaday attempted to console mom and explain that there was nothing more staff could do. Patient had expired."

Q Now, were you ever in room 3, too?

A No.

Q But at least the nurse -- the charge nurse, Atkinson, also noted that Theia was emotional and was being consoled by Dr. Holaday, if those medical records are correct?

A It doesn't say that she was emotional. It says he consoled her.

Q Well, when you're consoling somebody what are you doing?

A There's different kinds of emotion.

Q What does consoling mean?

A There's --

Q It doesn't mean trying to make somebody feel better?

A Yes.

MR. VERNER: Thank you, Ms. Frick, for answering my questions. The prosecutor might have a few more for you.

MR. DANIEL: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. DANIEL:

Q Ms. Frick, I hand you State's 132, correct?

A Yes.
Q And that has a time stamp of 1:35:28, correct?
A Yes.
Q And that depicts when Mr. Bowman first came into the ER with the child?
A Yes.
Q And then I handed you State's 134, correct?
A Yes.
Q And that's got a time stamp on it of 1:37:49, correct?
A Yes.
Q Correct me if I'm wrong on my math. Would that be two minutes and 21 seconds elapsed between the time Mr. Bowman comes in with the child and the time you first see Theia McArdle appear?
A Yes.
Q Does two minutes and 21 seconds seem like a long time to you in your experience at the ER registration desk for a mother to come in?
A It seemed like a very long time before she came in.
MR. DANIEL: No further questions.
MR. VERNER: No more questions, Your Honor.
THE COURT: Thank you, ma'am. You can step down. Just leave those exhibits there, if you would.
(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Ladies and gentlemen, I don't know about you but I need a break. We're going to take a brief 10 minute break. If -- does anyone smoke on the jury? If you need a cigarette break, just let the bailiff know. They'll take you downstairs probably to the basement area or wherever they have that kind of a thing and we'll be at ease for 10 minutes. Don't talk about the case, please. We're at ease.

(Whereupon, the jury exited the courtroom at 11:07 a.m.)

(Whereupon, a recess was held from 11:07 a.m. to 11:24 a.m.)

THE COURT: We'll be going back on the record. The record should reflect that the Defendant is present with counsel. Let's have the jury, please.

(Whereupon, the jury entered the courtroom at 11:24 a.m.)

THE COURT: The record will reflect the jury is back and seated at this point. Solicitor, call your next witness, please.

MR. STUMBO: Thank you, Your Honor. The State calls John Pollard to the stand.

JOHN POLLARD, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. STUMBO:

Q Good morning, Mr. Pollard.

A Good morning.

Q Thank you for being here. You work for the Coroner's office here in Newberry County?

A Yes, sir. I do.

Q Is that a -- your position there as deputy coroner, is that a full-time position or a part-time position?

A It's part-time.

Q How long have you been working for the coroner's office?

A I've been on the payroll for eight years. You might say paid. But I also volunteered back when Coleman Bishop was coroner, when James Smith was coroner, when Tommy Hedgepath was coroner I volunteered and helped them when they got tied up in cases.

MR. STUMBO: Your Honor, I would ask Mr. Pollard just to pull the microphone a little bit closer. I'm having just a little bit of trouble hearing him.

Q So, Mr. Pollard, including the time you've been working on a paid basis part-time you've worked for multiple coroners here in Newberry County for many years?

A I have.

Q Now, just as a matter of protocol. The coroner's responsibility, just for the jury's education here, is to

take custody of dead bodies, correct --

A It is.

Q -- or the deceased? And make decisions on what to do with those bodies at the time?

A We do.

Q And the other responsibility is to issue the death certificate, correct?

A We do.

Q And that would reflect the cause and manner of death?

A Yes, it will.

Q Did you have occasion to work a case as part of your duties at the coroner's office involving a three-year-old boy named G.M.

A I did.

Q And where did you respond to find this little body? Where did you go to first --

A I was at the house whenever the call come in at 12 minutes after 2:00. I arrived at the hospital at 2:44, whenever I arrived at the hospital. And upon entering I was briefed by the ER doctor, Dr. Holaday. I was briefed by the head nurse. And then I was directed to the room that he was in.

Q And could you tell this jury -- just give us your observations of this little body as it's laying on the table there at the hospital in the ER.

A Whenever I walked in the room the body of the three-year-old was laying on the examining table. And upon entering I proceeded to look at the body. Whenever I seen the body laying there I immediately left the room and went into the room where she and her boyfriend or whoever was in the room. I immediately looked down the hall and seen the police officers was already at the hospital, and I asked the sergeant to separate the two of them. Put one in one room and one in the other. Then I proceeded back to the room that G.M. was in. I checked his back. Looked at his head. I pulled down his little pants, and nobody could believe what I seen when I pulled down that little boy's pants.

Q What did you see when you pulled down his pants?

A Is groin, everything in his private area was swollen. Was just as blue as it could be where he had been hit with a fist and/or kicked or something.

Q I'm going to show you what's been marked for ID purposes as State's Exhibits 1 through 7. I'm going to show you --

MR. STUMBO: If I may approach, Your Honor. Approach the witness.

THE COURT: Please.

Q That's State's 1 through 7 for ID. Mr. Pollard, if you could just briefly flip through those.

A This is basically what I observed.
Q Yes, sir.
A This is basically what I observed in the room. And upon looking at particularly his groin area and all I immediately asked for the investigator to be called with the police department. I immediately asked that SLED be notified, and they were -- all that was taken care of at that time by Sergeant Wood.
Q And just to back up a little bit, Mr. Pollard. State's 1 through 7, do they fairly and accurately depict G.M. body as you observed it there in the ER that night?
A It is.
MR. STUMBO: Judge, we'd offer 1 through 7 in at this time. Foundation having been laid.
MR. VERNER: Without an objection, Your Honor. I would ask if I could just approach on a procedural question sidebar?
THE COURT: Come on up.
(Whereupon, a sidebar was held.)
THE COURT: You move those into evidence. Any objections aside from our comments at the bar? Mr. Verner, no objection to the --
MR. VERNER: Does he acknowledge them as fair and accurate depictions?
MR. STUMBO: He did.

MR. VERNER: No objection, Your Honor.

THE COURT: Without objection, State's 1 through 7 are in evidence.

(Whereupon, State's Exhibit Nos. 1 through 7 were admitted into evidence.)

Q Now, you mentioned, Mr. Pollard, that you went back to make sure that the Defendant, Ms. McArdle, and the man that was with her, Richard Bowman, were separated?

A They did. They was.

Q Is that common to do in a case like this?

A If in a case where it involves the two, yes. You separate them as quick as you can.

Q And that's so law enforcement can talk -- talk to them separately?

A Yes.

Q These injuries to G.M. genitals, you described them, would it be fair to say, that they were extraordinarily swollen?

A Yes, sir. Very swollen.

Q Have you ever seen a child of that age with genitals swollen to that degree?

A No.

Q Was there bruising around the genital area as well?

A Yes, sir.

Q Based on your observations and your conversation with

the ER doctor, Dr. Holaday, and the nurses, did you make any determination as to whether this case needed to go for an autopsy?

A At the time whenever I looked at his genital area, the lower part, private area, I made the decision right then that this would be an autopsy case.

Q And after that did you stay with the body? Or you took custody of the body at this point?

A At that time we were still waiting on SLED, but the body was under my jurisdiction, yes.

Q You stayed there at the ER?

A Yes.

Q And ultimately did you deliver little G.M. body to Dr. Ross to have an autopsy done?

A After SLED got through with their investigation, yes, sir. That was the next step. We placed the body in a body bag and he was carried downstairs to the morgue.

Q And you say when SLED got there they took pictures and that sort of thing. They did an initial investigation on the body at the ER, correct?

A Yes, sir.

Q And you delivered his body to Dr. Ross for a forensic autopsy?

A We carried it downstairs, yes, sir, for Dr. Ross to do an autopsy on him.

Q And the morgue there is at the hospital?
A Downstairs.
Q And you stayed in the morgue while Dr. Ross conducted the autopsy on G.M.
A From the time I arrived at the hospital I never left that body. I mean, I was outside of a room where that body was at until the autopsy was completed. And I did witness the autopsy, yes.
Q And ultimately you gathered Dr. Ross' autopsy report, when she finished that, for purposes of a death certificate and that sort of thing?
A I did.
Q Who -- which family member was responsible ultimately here -- who, in G.M. family, ultimately paid for the funeral expenses? Do you know the answer to that?
A Her mother.
Q So that would be Patrice McArdle, the mother?
A Yes, sir.
Q The grandmother of the baby?
A Yes, sir.
Q And you interacted with her as well?
A Yes.
Q You had conversations with her?
A I did not contact her particularly until the following day because I -- it took me a while to get her telephone

number and all this other stuff.

Q Yes, sir. The cause of death was ultimately determined in this case to be from a beating, based on the autopsy report?

A Yes, sir.

MR. STUMBO: Thank you, Mr. Pollard. Please answer any questions Mr. Verner may have for you.

CROSS-EXAMINATION

BY MR. VERNER:

Q Mr. Pollard, you are the deputy coroner for Newberry County?

A I am.

Q Now, what is your primary occupation?

A What is --

Q What is your primary job?

A Investigate any --

Q No, sir. Not as a -- not for the coroner's office. But in day-to-day -- do you have a full-time job?

A I'm retired.

Q And that's my question. Where did you retire from?

A I retired from ISE Newberry, corner of Polk and Alexandria, after 44 years of service.

Q And that's the egg place?

A Yes, sir.

Q Do you have any kind of a medical background in your

prior work?

A No, sir.

Q So pretty much what you've learned, you've learned on the job over the last eight years? Or how long have you been --

A I have worked with EMS previous, while I was in high school. I worked for EMS in high school. And basically what little medical -- what medical knowledge I have was learned through EMS.

Q And how long were you an EMS -- by EMS, that's a person who rides on the ambulance?

A They call them emergency medical personnel.

Q Could be stationed at a hospital or could be on an ambulance crew?

A It could be.

Q And how long were you an EMS?

A I worked for EMS, not here in Newberry, for four years while I was in high school.

Q And in your opinion -- it's not a medical opinion, but in your opinion from your experience -- prior experience as an EMS and as a coroner, it looked like the private area had been hit or kicked?

A It had been.

Q Could it have been grabbed?

A I do not think it could have been, no.

Q Are you the person who took the photographs of G.M. body while it was upstairs?

A No, sir. Law enforcement and SLED agents.

Q Did you closely examine G.M. body or just enough to see that it appeared that he had been beaten?

A No, sir. I examined his body from the top of head to the bottom of his toe, front and back.

Q Did you notice what appeared to be fingerprints on his flanks? G.M. flanks?

A It appeared that he had been hit with a fist or something.

Q But if he had been grabbed or something like that, you don't have an opinion on that?

A I don't think so. No, sir.

Q Now, does a coroner have arrest duties?

A Yes, sir.

Q So you've got the authority to arrest someone yourself?

A You asked could the coroner. You didn't ask could the deputy.

Q Well, does the coroner's office have an arrest authority?

A We do not make an arrest, no.

Q But you would refer suspicious cases to the appropriate law enforcement agencies?

A I would request through any law enforcement agency that

they be arrested and they would be.

Q Was it your decision to call SLED which is -- SLED is the State Law Enforcement Division, right?

A That's right.

Q And was that your decision to involve SLED, or was that made by --

A That is on a protocol on a child death.

Q I'm just asking whether you were the one who called SLED and asked them to --

A No, I did not call SLED. I requested that SLED be called.

Q Now, was -- in Newberry County did they have coroner's inquests where the coroner can investigate suspicious deaths?

A Yes, sir.

Q Did the coroner's office for Newberry investigate G.M. death or was this referred over to SLED and the city police department?

A We followed up on SLED and local police department.

Q And then you made arrangements for the burial or cremation of G.M. body?

A Did I make arrangements for the burial?

Q Yes, sir. I thought you said that you contacted Ms. McArdle? Ms. Patrice McArdle.

A I talked to her mother and she made the arrangements

through the local funeral home.

Q So that was actually -- that was done privately, not through the coroner's office?

A No, sir.

Q But it was your decision to separate, after you had seen G.M. body, Richard Bowman from Theia McArdle?

A It was.

Q Because something looked wrong?

A That is a normal procedure.

Q Did you interview either one? Did you interview either Theia McArdle or Richard Bowman?

A Did I do what?

Q Did you speak to them yourself?

A Yeah, when I first walked in the room I spoke to them. And then I got the police officers to separate them.

Q But by speaking to them I assume you just meant you just introduced yourself?

A I told them who I was. Yes, sir.

MR. VERNER: Mr. Pollard, the prosecutor might follow-up, but I appreciate your testimony.

MR. STUMBO: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. STUMBO:

Q Mr. Pollard, you don't have a medical degree. You did work in EMS though earlier in your adult life?

A Yes, sir.

Q And again, number one, what you saw when you pulled little G.M. shorts down. You don't need a medical degree to see there was something wrong with this, correct?

A No, sir.

Q That struck you as horrific right off the bat?

A Yes, sir.

MR. STUMBO: No further questions.

MR. VERNER: Thank you.

THE COURT: Sir, thank you. You may step down and you are free to go.

(Whereupon, the witness steps down from the witness stand.)

THE COURT: Call your next witness.

MR. STUMBO: Thank you, Judge. The State calls Dr. Duncan Holaday to the stand.

And, Your Honor, we would ask that Mr. Pollard be released if -- he's obviously free to stay, but --

THE COURT: He's welcome to stay and he's free to go.

DR. DUNCAN HOLADAY, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. STUMBO:

Q Thank you for being here this morning, Dr. Holaday.

A Yes, sir.

Q Can you give this jury just a brief summary of your education and training.

A I attended the Medical College of Virginia from 1988 to 1992. Graduated therefrom and did a year of general surgery training out in California. This was through the Air Force. Came back with the Air Force and did some work at Shaw Air Force Base in the emergency room. And there I stayed for he completion of my commitment with the Air Force, and then continued working emergency rooms. And began working at Newberry emergency room in 1995.

Q So you've been an ER doctor here in Newberry at the ER since 1995?

A Yes. I'm almost positive I think I was just sort of moonlighting at first in '95, but became full-time, I think, August 1996 I was full-time.

Q So this August would be your 20 year anniversary here in Newberry working --

A Yes, sir.

Q -- at the hospital? Are you licensed to practice medicine here in South Carolina?

A Yes, sir.

Q And you've primarily work emergency room medicine throughout your career?

A Exclusively emergency rooms.

Q How many patients have you seen over the years,

thousands?

A Thousands. I think -- I tried to do the math. I think it's -- I've seen usually between three to 5,000 patients a year depending. But roughly 4,000 patients a year. So 20 years times 4,000 patient encounters.

Q A lot of people?

A Right.

Q A lot of people are sick coming with emergency situations. Have you ever been qualified as an expert to testify in the court's of this state?

A Yes, sir.

Q Was that here in this courtroom?

A In this courtroom.

Q And what was that in? Do you remember?

A What was the question?

Q What were you qualified as an expert?

A In emergency medicine.

MR. STUMBO: Your Honor, based on his testimony, we'd offer Dr. Holaday as an expert in emergency medicine.

THE COURT: Any objection or voir dire?

MR. VERNER: Your Honor, I'm aware of his reputation. I've got no objection.

THE COURT: Very good. Ladies and gentlemen of the jury, normally when a witness testifies they have to testify about something that they observed with their five senses.

Something they've smelled, heard, et cetera, and they're not allowed to give opinion testimony. An exception to this rule exists for individuals who by training or experience are experts in some particular field. And in this case the parties agree that Dr. Holaday is an expert in the field of emergency room medicine. Therefore, he can give opinion testimony. That testimony, ladies and gentlemen, that opinion testimony, you can accept it or reject it, but it is evidence that you can use as you deem appropriate.

You may continue, Solicitor.

MR. STUMBO: Thank you, Your Honor.

Q Now, Dr. Holaday, if you could explain to the jury as the ER doctor, what does the term triage mean? If you could explain that to the jury.

A I think of triage as being a critical phase of assessment of the patient. Essentially to what degree do we have an emergency. Now, with billing it's gotten more complicated than what I just said. They have five levels now of, you know, is this extremely urgent, is it minor, and there are sort of five different definitions about it. But essentially triage is the quick initial assessment, do we have a life-threatening emergency or not.

Q And in the case involving G.M. who you did treat back in 2014, correct?

A Yes, sir.

Q In his case, when he gets to the emergency room there's a decision made very quickly this is the highest level of emergency, correct?

A The highest level. Yes, sir.

Q Your role initially as the emergency room physician, is your role one of trying to investigate what happened, or is it something else?

A In this situation, which was -- in emergency room work we consider a impediment to breathing, or a problem with breathing, the highest most severe significant problem a human being can have, and this child had a problem. Wasn't breathing at all. And when that happens my mind immediately just goes into assessment of why he's not breathing and what can I do to get him breathing again. And then while thorough emergency care for maybe a lower level of emergency investigation might help me understand the process and how to maybe have it followed up and stuff. But in this situation when somebody isn't breathing there is not time for that. I immediately to get on the track of what do I need to do, what drugs do I need, what equipment do I need, where is it, let's go. That kind of thinking.

Q Right. So it's a mission at that point to safe the life?

A Correct.

MR. STUMBO: If I may approach the witness, Your Honor.

THE COURT: Please.

Q Dr. Holaday, I'm going to hand you State's Exhibit 138 which has been offered for ID, and I believe is in evidence. And you can refer to this to refresh your memory on the records. But if you could, describe to the jury your initial -- your initial observations. You said the child was not breathing. Were you able to ascertain why?

A No.

Q What were -- in your initial physical exam what did you find there with G.M.

A To go -- you know, to go back into the experience, it was within, I bet you, less than a second I knew we had an emergency. The -- you know, I knew he was unresponsive immediately, and in less than a second I knew I had an emergency. And his color was inappropriate. His body tone was inappropriate. And so, going on with what I said first about the breathing problem. When I realized that we had a breathing problem, my job initially then at that point is to handle the respiratory issue immediately. And so, my first impression is that we had an emergency with a breathing problem. And then very quickly we had to get him on the stretcher, and very quickly also realized we had a heart problem. We had no pulse. So we have no breathing and no pulse. And had the nurses begin doing the compressions of the chest to try to provide what's called external cardiac

massage. Basically chest compressions. And I started working on getting his airway under control and putting him -- putting a tube down his mouth into his lungs to get him on -- you know, be able to breath for him with a bag valve mask device to help him breath. I don't know if I've answered your question.

Q Was there anything obstructing his airway?

A There was a large amounts of brown material in his mouth that -- it was notable to me there was lots of it, and it was notable to me that it wasn't really in a liquid form. You know, like typical vomit would be. Vomit may have particulate matter in it, but it's usually liquid. You know, it's like stomach juice, and this was not. This was kind of a congealed kind of thickened stuff.

Q Would that have been indicative of it being there for a longer period of time?

A Yes. I don't think it -- I don't think he had just vomited. I think that there had been some stasis, or the condition of liquid sitting around for a while.

Q Were you able to revive G.M. body at any point during this?

A No. No activity of any kind.

Q How about his body? Was it -- was his body temperature warm, cold? Could you describe that for the jury?

A He was cold.

Q And explain to the jury what that means if a body is cold to the touch.

A Thinking along the lines of the emergency medicine track, which is where my brain was at the time, the worst case scenario is that there's no circulation. There's no blood being circulated anywhere. It continues to further qualify the emergency state.

Q Was G.M. at that point -- is it your opinion that at that point he was deceased?

A There's basically three criteria for pronouncing somebody dead. No breathing, no pulse, and no neurologic activity, which is what I used to pronounce him dead. But I did not feel comfortable making that decision upon his immediate arrival to the ER. Upon his immediate arrival to the ER I felt that the right thing to do was to try to resuscitate him, which I did. So when you ask me if he was basically dead, I heard an earlier testimony that -- or opening remarks. It's not an unreasonable -- the chances of reviving this child were extremely low based on the initial things I saw, which was no activity of any kind. No neurological activity. No pupillary activity. None. No pulse, no respirations. The chances of resuscitating this child to life were nearly zero. I had a very -- he had a very poor prognosis. Had he had some neurologic activity, had there been some electrical activity on the monitor with

his heart, but it was a flat line. There was no electrical activity with his heart. No breathing. No pupil area activity. No neurologic activity. That's death. But I tried to resuscitate him for some period of time. I think my record indicates I may have even worked on him for about 25, 30 minutes.

Q Ultimately had a CAT scan ordered in this case as well?

A The CAT scan order was -- there was a CAT scan order while he was still in the emergency room after I pronounced him dead. And the answer to that, yes, there was a CAT scan order. I'd have to look and see if I am actually the one that ordered it, or if it was part of the forensic pursuit of gathering evidence that -- I know Dr. Ross would have needed a CAT scan and we may have decided to order it right then and there because of her needs. That part I don't recall. But there was a CAT scan ordered while the patient was still in the ER, but after he was pronounced dead.

Q And I know you just mentioned prior to the time when you try to resuscitate you don't make a firm declaration of death. But being able to look back on the records now and what you did on this case I'm going to ask you this question. To a reasonable degree of medical certainty, is it your opinion that when he arrived at the ER that he was -- he was dead?

A Yes.

Q You said you've treated three to 5,000 patients a year. In that range. I'm assuming a lot of those were children?

A Many pediatric cases.

Q And when you have a child, as a general rule, brought in who's unresponsive, not breathing, what are your usual -- typical observations of how parents act in those situations?

A I think the way I would describe it, I don't think that -- I think it's the worst thing that I've seen a family member or loved one go through is the fear of a child, you know, being harmed or detriment impending death. And so, there is very little composure. There is -- you know, senses. It's hard for them to even speak. It's -- I'd say it's -- as an ER doctor, it's the worst part of -- it's the part I dislike the most is perceiving that emotional turmoil. I mean, it's the worst that I've seen.

Q And have you seen in your experience, you have family members actually bring an unresponsive child in themselves without having called EMS first?

A Yes.

Q And how are they usually brought in to the ER when that happens? Do they appear --

A I would say, you know, not just usually, but probably, I feel like it's nearly a hundred percent it's a frantic arrival to the point of when they see emergency, they follow that emergency sign and they get to the building and pull up

into the ambulance bay, or wherever they can, and they rush in running, screaming, and we figure out almost before they're even in the ER, I mean even in the waiting room, there's some mayhem going on outside.

Q Something really wrong?

A Right.

Q After -- and I believe earlier there was a reference made in the records to you consoling the mother of the child. Can you describe to the jury what -- how that -- when did that interaction happen?

A My memory, I believe I consoled her in the room where the child was. And I may have talked to her again, but I have a memory of talking to the mother in the room where the child was. And I remember it being, in terms of time, a relatively short conversation where I didn't ask a lot of questions and she didn't ask a lot of questions. But I remember my motivation for consoling was how it usually is in that somebody has just lost a loved one, and this is -- it's probably not fair to -- what could be the worst type of loved one to lose. But I certainly think losing a child qualifies as certainly got to be up there. So I just assumed that the mother would need consoling. It's not like somebody came and grabbed me and said, hey, you've got to talk to his mom. She's -- you know. I stepped into the consoling role because I felt like surely she must need it.

And she was at the bedside, so I remember speaking to her at the bedside with the child still present. And I may have talked to her again, but I don't recall that part of it. Although I do recall talking to her very briefly. I tried to let her know that I felt sorry for what happened.

Q And you informed her that G.M. was dead at that point?

A Yes.

Q After that brief encounter with her did you have any other interaction with the Defendant that night, Ms. McArdle?

A Not that I can testify positively to. I would say that I may have but I don't -- I'm not able to remember if I did or not. In normal cases there would probably be more interaction. I mean, normally I'm involved as much as I can be with family. Visit again. Are there any questions. So that would be normal for me to be involved again. But it doesn't mean that I definitely was or wasn't. I do remember talking to her at the beside with the child still there.

Q After this encounter were you able to go back and try to ascertain or observe some of the injuries and try to ascertain what had happened with this child?

A After, you know, I went through the phase of I've got to resuscitate this child. I've got to go down that path. Do all the -- come up with the right medications, right

treatment. So I was on that pathway. And then after I pronounced him dead then my mind did start to think about what happened. I mean, what caused the death of a three-year-old. And my mind and my vision was so narrow I was really looking at just how do I resuscitate this kid. Now I could kind of think about other things because I'd pronounced him dead, so I could think about other stuff now. And I think that there were other -- obviously other attendants in the ER. I had the house supervisor, I had nurses, and I -- and so, there were other minds looking at things. And I got some indication -- you know, I was thinking about what caused the death of this child. I got some indication that I needed to look again. So I went back and examined the child now that I wasn't so worried about how do I get this airway, how do I resuscitate him, what are we doing to do about his pulse. I wasn't really thinking about those things now because I'd pronounced him dead. I went back and took a look at him and it seemed that he had died from a traumatic situation.

Q You say it seemed. Let me back up.

MR. STUMBO: Judge, if I may approach the witness.

THE COURT: Please.

Q I hand you what's in evidence as State's 1 through 7. Just briefly flip through those. Are those a fair and accurate representation --

A Yes.

Q -- of G.M. that night in the ER? And did he have any bruising, Doctor?

A Yes.

Q How much? Can you describe that for the jury?

A I remember bruising around the right abdomen, lower, maybe off to the side, and I remember extensive bruising in the genital area, perineal areas. Just the area around the groin, inner thighs. And I didn't see any pictures of his head, but I thought I remembered a bruise on his forehead. I have a memory of a bruise on his forehead. And the most noticeable bruising that was just the most remarkable was around his midsection in his private area. That was the most extensive bruising.

Q And extensive bruising to the torso and genital area, what would that indicate to you as an ER doctor as to what had happened to this child?

A It's -- as an ER doctor it doesn't indicate that he had some unfortunate medical condition that caused his death. It indicates that he has had some unfortunate traumatic event that has caused his death.

Q And the extensive bruising, do you have an opinion to a reasonable degree of medical certainty as to the type of apparatus that would cause that type of bruising to a child this age?

A Not within a reasonable medical certainty, except that I -- reasonable certainty I feel that more force was applied than would happen in normal conduct of a three-year-old hobbling around playing having a fall on a slide or, you know, a playground incident. It appeared that more force had been delivered than that.

Q When a child has an accidental injury and comes into your ER where would you typically expect to find those injuries on the body?

A They can be anywhere, but the limbs are most commonly involved, as well as the head. In that case there is a lot. But limbs are often involved.

Q But would you typically expect to see an accident multiple bruises to the torso and groin?

A That's unusual. And especially the injuries to the genital area. That's unusual.

Q So do you have an opinion, to a reasonable degree of medical certainty, on whether these injuries to G.M. were accident or non-accidental?

A With reasonable certainty, they're non-accidental.

Q That's based on your training, experience and expertise of 20 years of being an ER doctor?

A Yes, sir.

MR. STUMBO: Beg the Court's indulgence.

THE COURT: Yes, sir.

Q One more question, Dr. Holaday. What is the official time of death based on your records for G.M.

A I think what -- does 2:06 a.m. sound -- let me look at my records.

Q Take your time.

A Yeah, I got 2:06 a.m.

Q That was after you spent 30, 35 minutes trying to resuscitate him?

A My record indicates 35 minutes of resuscitation.

MR. STUMBO: Thank you, Dr. Holaday. Please answer any questions Mr. Verner may have.

THE COURT: Mr. Verner.

CROSS-EXAMINATION

BY MR. VERNER:

Q Good afternoon Dr. Holaday.

A Good afternoon.

Q Does an emergency room physician -- I assume you have shifts of typical times that you're on duty and then there will be other doctors and it rotates? Is that --

A Yes, sir.

Q And you just happened to have the midnight shift this particular day, or the late --

A The last half of -- from either 6:00 or 7:00 p.m. to 6:00 or 7:00 a.m. the next morning.

Q I think the question we all want to ask is do you know

how long G.M. had been dead, or beyond resuscitation? Is it possible for you to know?

A No. There's a couple of things that are -- the fact that he was flaccid and soft --

Q I'm going to ask you over here just so we can make sure we hear you. And I apologize. You said his body was flaccid?

A Yeah, and he was soft and not stiff. I remember his mouth opened relatively easily as I was trying to manage his airway, indicates that he hadn't been -- probably dead less than two hours.

Q If you had to venture your best estimate, G.M. would have been dead less than two hours?

A Correct.

Q And part of that is because rigor mortis or stiffness would have set in?

A That's a chemical process in the body and it, therefore, usually progresses at different rates depending on lots of circumstances. But the earliest it sets in is usually within two hours. So I'm able with reasonable certainty to say that he was probably at least in a non-resuscitateable -- non-resuscible state two hours or less.

Q Could it have been one hour or less? Is that within the range, too?

A Yes.
Q And I don't want to tie you in, but could it have been less than 30 minutes?
A It could have been.
Q And I'm talking about from when you first started trying to revive the child.
A Right.
Q So could it have been just a matter of minutes?
A That would be extremely unlikely.
Q So if I said 10 to 15 minutes at a minimum you would -- what would be the --
A Let me qualify that first question when you ask me if it could have been within minutes. That's because I have knowledge of the autopsy. Because of knowledge of the autopsy, that's why I say his death occurring within minutes is extremely, extremely unlikely. And that is because there's only a few things that cause death more than anything else.
Q So you're saying that the opinion of the pathologist that he died within minutes is unbelievable, or that he could have been alive -- explain that answer again to us.
A It's unlikely that he was alive five minutes before he came into the emergency room and then died five minutes later.
Q Now by alive are you talking about -- what would no

longer be working?

A Still having a pulse and still breathing somewhat. It would be unusual that he had lost all that just -- it would be unusual that he had a traumatic injury that killed him within five minutes based on that autopsy report.

Q You've seen the autopsy report prior. Did you refresh your recollection prior to testifying today?

A No, I did not.

Q G.M. -- the pathologist found that G.M. died from extensive head trauma; is that correct?

A Yes, I think that's what she -- yes, that's what she put in her report.

Q Do you have it in front of you or can I --

A I'll have to ask somebody if I have it in front of me. I don't know if I do or not.

Q Now, the pathologist noted that the child had extensive bruising throughout the body, but the actual cause of death was the blow to the head.

A I remember that, yes. And I'm agreeing with that.

Q And you agree with that?

A Yes.

Q And why would that kill you, in a fairly straightforward --

A The injury to the head, in this particular case -- straightforward. The head is a container. The skull. The

skull is your container. And the container really doesn't change much. It's kind of like a glass bottle. It doesn't really change in size much. I mean, it's still with the brain and fluid and some other stuff. When you start adding stuff to that container what happens? The container doesn't get bigger. But we're putting more stuff in, so something's got to happen. And generally that's in -- that process of what's happening is what causes the problem with head injuries, is that because the brain and because the skull can't expand and accommodate the injury and the bleeding and stuff like that, slowly but surely the brain cells start to malfunction. And it's -- I use the word slowly they start to malfunction. And by slowly, I mean more than just in minutes. But with time they eventually malfunction enough that the part of the brain that controls our blood pressure and our heart rate and our breathing, it begins to malfunction as well, and that's what causes the death.

Q Does that slowly shut down the body or quickly shut down the body when you've got that much bleeding in the brain?

A In this case it's -- by slowly, definitely more than five minutes. And probably more than 30, quite frankly. Probably more than 30 minutes.

Q You can live more than 30 minutes?

A Yes.

Q Would you be conscious for those 30 minutes or would you be --

A That's undetermined. By alive I mean having a pulse and being able to maintain vital functions like being able to breath.

Q In your opinion, would a blow like that to the head knock a child unconscious, or anybody?

A That also is undetermined. Unfortunately -- it's likely that it would, but it may not have.

Q It was enough damage where it could have been, but you've seen where --

A Correct.

Q Now, the child's mother, Theia, was in the room 3, the emergency room while you were working on the child, right?

A Yes, sir.

Q And I know that you aren't responsible for things that you don't write. But would you vouch for the general accuracy of the Newberry County hospital medical reports?

A The ones I've read -- the ones I've read. Yes, sir. I would vouch for them.

Q And you know the people who write reports, so -- I understand you didn't write everything. But in general you would vouch for the correctness of the records? The medical records?

A In general, yes. From what I've seen of this record, I

-- it looks accurate. I would agree with it.

Q Now, do you recall the medical indicate that Theia was screaming for you all to keep working on the child and was distraught during the process? Do you recall her doing that?

A No, I don't recall that. However, I want to say that most definitely doesn't mean it didn't happen. I just don't recall that.

Q Sometimes people come to the hospital by ambulance and sometimes they're brought in directly by their family members?

A Correct.

Q Is it fairly common that people bring people themselves? Do you know a rough breakdown of how many patients come in by their family members and how many go by ambulance?

A No. I'll venture a guess that at least 90 percent come in of their own -- by their own vehicle.

Q So actually calling an ambulance is substantially less common than bringing the child in yourself?

A True. Well, I'm just in general saying that most patients come to the emergency room thinking they have something serious, but most of them arrive by private vehicle rather than by ambulance.

Q Is there anything that you see that's suspicious by the

fact that one parent or one party will have somebody bring the child in -- or the hurt person in while they go park the car?

A In this scenario I don't -- I don't like the word suspicious. I'll just say it's unusual that the mother wasn't the primary person with the -- with the child.

Q Now, if she was driving the car when the child -- when she observed or was told about the child's injuries, do you think that she would switch places with the passenger?

A I don't know.

Q What about if the child and the other passenger were both sitting in the backseat together?

A I think that's a scenario where I don't feel -- I would only reflect on my own life experiences to that. So I really don't know. I know that my ex-wife would not have ever allowed -- she would have had that child with her and it would have never happened that way.

Q Now, the hospital employees -- does the hospital employee grief workers?

A Please repeat the question.

Q People die at the hospital. That might not happen every day but that's fairly common that people --

A Right.

Q -- will for many reasons die at the hospital.

A Yes, sir.

Q Does the hospital employee social workers or grief counselors?

A I don't think we have specifically the title of grief counseling. We do have social workers that perform multiple duties for the social needs that our ER patients have. But I don't think we specifically have any grief counselors.

Q So there's nobody -- when somebody dies there's nobody at the hospital who comes in and consoles the family, other than the doctor?

A Nobody with that specific training or specific duty to do so, no.

Q Now, you testified you remember Theia being in the emergency room while you were treating the child.

A I don't know if she was in the emergency room while I was treating the child. I remember her being in the emergency room after I had pronounced him dead.

Q Do you remember Richard Bowman being in the emergency room?

A Yes.

Q So he was also in the emergency room?

A Yes.

Q Do you recall what his --

A I remember an African American male with the child who now I'm -- have learned his name is Richard Bowman. But I remember that being the adult that was with the child. And

I remember him handing the child off, I think, to our nurses. And I was -- my mind was on one track at that point and I wasn't taking in other data. I was just focusing on what I could do to resuscitate the child.

Q Now, if I or somebody had been struck in the head like that, like G.M. had been, would it be unusual for a person with that symptom to throw up? Would it make you sick?

A It would be relatively common to throw up with that head injury.

Q A substantial head injury and throwing up are often hand in hand, commonly associated?

A Yes.

Q Is it possible G.M. was throwing up for other reasons?

A Sure. I think it's possible.

Q Could he have -- could have had like a flu or a cold?

A Yes.

Q Would it have been possible for the hospital to take slides or samples and determine whether he had any kind of aliment, other than the trauma that killed him?

A There's some routine testing we can do to kind of rule out some basic stuff, but --

Q But there's no question that he was -- G.M. was killed by trauma, in your mind?

A Now that I have read the autopsy report there is absolutely no question. At the time that it happened there was merely a question. But I know that based on what I saw, put things together, my suspicion was that he died by trauma, not a medical ailment. Despite the fact I didn't have medical testing done or any of that. Based on the exam and my experience of what happened, I was extremely suspicious that trauma was a causative factor.

Q Could someone performing CPR on the child have caused bruises like that on G.M. body?

A No.

Q So that would be -- is that based on the location of the bruises or just --

A Correct.

Q Now, there was a soup -- I think you testified, or in your report, there was a vegetable soup or a broth that you noticed in that -- you indicated was congealed or thicker.

A Right.

Q Did it appear to be soup?

A No. But it --

Q But you testified -- or in your report you indicate you saw vegetable matter.

A Yeah, I said maybe vegetable particulate matter. And I don't know that that means that I definitely saw bits of carrots and peas or if I saw stuff that looked like

vegetable matter.

Q And is throw up always the same kind? Is there any other -- when you throw up and discharge the contents of your stomach, is there any other kind of throw up, or does it always just come from the stomach area?

A It comes from the stomach.

Q There was a trach or something that was put down G.M. throat to try to get him to breath?

A A tube.

Q How far does that tube go into G.M. body?

A It goes down the windpipe and typically the --

Q To the lung area?

A Yeah. Well, into the trachea.

Q I think you indicated about what all -- estimated it's like your heart distance? Middle of your heart? You were pointing to the middle of your chest, so I --

A Yeah. About right here (indicating), about how far down it goes.

Q Now, could the trach have caused any damage to this child's interiors, or the tube that we're talking about?

A No.

Q The most severe injuries that you saw on G.M. body was in his crotch or his groin area and inner thigh?

A That was the most severe looking injuries. Just the bruising and the color change and swelling.

Q If I looked at G.M. body while he was alive and he had bruising like that, would that be readily apparent?

A If you saw him while he was alive would it have looked that bad?

Q If G.M. had those same bruises in his crotch area and he were alive and he were naked and I looked at him, should I have -- would you have been able to easily see those bruises, or would it have been difficult to see the bruises?

A I think it would be -- had been easily seen.

Q It should have been seen?

A Yes.

Q Would it have been seen if somebody had seen his naked body?

A Yes.

Q What other marks on his body would have been where a reasonable person, just an average person, would have been able to easily identify the bruising?

A I'm having trouble answering that. Being shirtless -- do you mean shirtless?

Q Well, I'm assuming he's naked right now.

A Yeah.

Q Would a reasonable person have been able to appreciate the bruising on the child's head that killed him?

A I wish I could see the pictures. Yes, I think that

would be easily seen. And I think the bruising on his right lower abdomen would have been easily seen.

Q Was there more than one bruise to his head or was there just one bruise?

A I don't remember well enough. I remember, in my eyes, having seen one bruise.

Q Was it one -- what would you estimate that the size of the bruising area would be? Would it be larger than a quarter?

A Yes.

Q Could it have been as large as like a tennis ball?

A I can't comment because I just don't remember it well enough.

Q But it was larger than a quarter?

A That's my recollection, yes.

Q And if you would, point on your head where G.M. had that bruise, to the best of your memory.

A I think it was over on the right forehead area.

Q And when you use right, you're always talking about not your right but the victim or the patient's right?

A Correct.

Q So looking at it, it would always be the left? The opposite of what you -- if you said I broke my right arm, you would be talking about -- not looking at it by my, the patient's right arm?

A Correct.
Q And if you said he had a bruise on his right hip, you're talking about the patient's right hip?
A Correct.
Q And that's standard through medicine?
A Correct.
Q What other bruises -- you indicate he had the bruise to his head and -- I'm sorry, again, but just point out where you think the center of the bruise was.
A On his head?
Q On G.M. head.
A I think it was -- I think it was right forehead.
Q Right forehead.
A Yeah. I just remember there being a bruise on his forehead, or his head, and I think it was the right side here.
Q Was it over the temple area at all, or --
A Don't know.
Q -- was it fully in the forehead area?
A I'm not clear enough on that to be exact.
Q Was it swelling like a bump, like a knot, or was it just --
A Again, not clear enough on that. I may have just had remembered that there was a discoloration consistent with a bruise.

Q And where else -- if I had seen G.M. naked body while he were alive, what other bruises would a reasonable person have been able to immediately recognize?

A I mean, assuming that a naked body usually laying on their back, so you're going to look at the front side?

Q Well, I'm assuming he's alive right now.

A Okay.

Q And you can say I'm about to give him a bath. What would I have been able to see?

A I would think the bruise on the forehead, the bruise on the abdomen, and the bruise to his groin area. Now, there's another thing there. I think a normal person having seen the bruise on the groin area, might have only noticed that and not seen a whole lot of other things because it was quite dramatic and eye catching.

Q So the first thing you would notice is the -- the penis or the groin? What are you specifically talking about?

A Just that area.

Q The whole area?

A Correct.

Q That was what a reasonable person would notice?

A Right.

Q Were there any injuries to G.M. back or buttocks that you noticed?

A Not that I noticed. I did not observe that part.

Q And when you treated him, you're trying to get him to breath so you're not taking his clothes off or his -- I assume he's still wearing a Pull-Up or a diaper while he's on the bed?

A That's the way I remember it.

Q Do you recall him wearing any other clothing?

A No, I do not.

Q If G.M. had been wearing -- until his diapers or Pull-Ups were taken off would the groin area bruises have been visible, or would they have been completely covered by a diaper?

A Likely they would be completely covered by a diaper. There was some bruising down the inner thighs that might have been visible.

Q But if he were wearing pants, too, they would be completely under the clothing area?

A Correct.

Q But the only injury to G.M. that would be apparent to an average person if he were clothed would be the head?

A If he was fully clothed? I think that's correct, yes.

Q Did you have any -- well, let me -- would it have been possible to take samples of G.M. organs or body to determine the cause of death if that was -- if slides were taken, do you believe it would have been possible that -- because of the coagulation of the blood or the way the cells

act, should a doctor have been able to more precisely determine how long the child had been dead?

A That's a -- I'm not able to answer that question with expertise.

Q That would be more for the pathologist?

A Yes, sir.

Q And I'm going to close up. But, Doctor, you agree that it's the head injury that killed G.M.

A Yes.

Q Had he had all the other injuries with the exception of the head injury, do you believe that he would have survived?

A If all of the other injuries without --

Q Without the head trauma.

A -- the head injury do I believe he would have survived?

Q Or at least had a reasonable chance to survive.

A The other injuries were -- he had internal injuries as well. He had a ruptured small intestine. Ruptured duodenum. Without medical treatment he would have died from those injuries, too. I feel very strongly that he would have died from those injuries without medical treatment eventually, and cause of death would have been a little bit slower. But I think that it's reasonable that he would have died from those injuries as well.

Q Can you give me a timeframe on eventually? Are we talking that he would have survived for days or hours or --

A No, I really can't. He would have lived certainly longer than minutes. But infection would set in. Things like that take time. And some people respond to them poorly. Sometimes people can respond fairly well and hold up some resistence for a while. So I can't give you an answer to that.

Q You would agree that the coroner, when you read the report, attributes the cause of death within minutes to the head injury?

A Yes.

Q And although the coroner identifies other injuries on the body, the -- I guess it's, what, the subdural hemorrhaging is what killed the child?

A Correct.

Q Which she attributes to a beating, or --

A I can't remember what she attributed it to. I remember just the subdural finding. Subdural hemorrhage finding.

Q And would you agree with her finding?

A I would agree that -- yes.

MR. VERNER: Thank you, Dr. Holaday. The Solicitor might follow-up.

THE COURT: Redirect.

MR. STUMBO: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. STUMBO:

Q Dr. Holaday, you did mention to Mr. Verner that you had the ability afterwards to review the autopsy report, correct?

A Yes, sir.

Q And that plays into your findings and your opinion today?

A Yes, sir.

Q I'm going to hand you what's been marked for ID as State's 149. You've seen that report before, Doctor? State's 149 is for ID purposes. That's Dr. Ross' autopsy report?

A Yes, sir.

Q You did have an opportunity to take that and evaluate it after the fact, correct?

A Correct.

Q Blunt force injuries on G.M. Are they just on the head, or are they head and abdomen? What were the findings?

A Yeah, head and torso.

Q What sort of blunt force injuries were described on the torso of G.M.

A Let me take a look. The chest is unremarkable. That's the torso, basically, between the neck and the pelvis. The torso is -- the chest is unremarkable.

Q And I'm specifically referring to the front page of the report. There's a listing of the type injuries to the

torso. What type injuries did G.M. have?

A Okay. The internal injuries to the torso involved bruising of the stomach and pancreas. Perforation, or rupture hole of the duodenum which is the first part of the small intestine, just after it leaves the stomach. And also there's some hemorrhage around the bladder. And looking at that, it looks like the bladder was unremarkable on exam when Dr. Ross --

MR. VERNER: May I see which document -- may I walk up and just see which one he's referring to?

THE COURT: He's referring to the autopsy report.

MR. STUMBO: It is.

THE WITNESS: 149.

A But there's hemorrhage around the bladder. I infer that just to mean some blood collected around the bladder. So to summarize, bruising of the stomach and pancreas, perforation or a hole of the duodenum, and hemorrhage around the bladder, as well as hemorrhage into part of the tissue that helps to support the small intestines. The small intestines are held in place by some tissue and it's called the mesentery and there's some hemorrhaging to that area indicating that that was also bruised.

Q So bruising and rupturing of internal organs is what we're talking about here?

A Bruising of internal organs and the rupture of the

small intestine.

Q Which you say could ultimately cause death if left unattended for a period of time?

A It could, yes. In fact, likely if unattended.

Q So it's not fair to say here, as was characterized, that the only cause of death here was injury to the head, correct? There's other injuries described in this autopsy?

A There's other serious injuries described. It gets real sticky to say what was the final thing that eventually killed him. And I think Dr. Ross is correct. The most serious of his injuries, and what most likely accelerated or precipitated his death and made it so difficult for recovery was the head injury.

Q Could these type of blunt force injuries from head basically through the genitals cause suffering in a child this age?

A Yes.

Q So to a reasonable degree of medical certainty, is it possible that this suffering occurred over a period of hours?

A Yes.

Q And is it your opinion that G.M. died very quickly from a blunt force injury to the head or it was the cause of multiple injuries over a period during that day?

A It's my opinion that he did not die quickly. That he

died over a period of time. That his -- when people say his death was caused within minutes, what do they really mean by within minutes. It's unusual. There's only a few things that cause people to die within minutes. And from trauma there's only a few things that cause people to die within minutes. It has to be massive blood loss. Massive blood loss, which he does not have at the time. So usually within minutes we're talking -- most people with trauma scenarios, when they're talking about within minutes they're talking about somebody that dies within 10 minutes or less. And he does not have injuries here that support dying within 10 minutes or less. There is no sign of massive hemorrhage. There's no sign of cervical where the brain stem is, where the vital function -- where respiratory function is controlled. There's no injury to that are. So it's unlikely for a child to die, for a person with these injuries to die instantly or to die within minutes. It's usually over an extended period of time as the brain continues to swell and the neurons and the brain cells stop functioning, they don't work as well, and it's just not able to keep up, and slowly but surely respirator compression sets in and the kid stops breathing and dies. It's usually a process.

Q Do you believe this child suffered, Doctor?

A Yes.

MR. STUMBO: No further questions.

RECROSS-EXAMINATION

BY MR. VERNER:

Q Now, I don't want to be argumentative. I just want to make sure you're clear. Are you disputing Dr. Ross' autopsy that the child died within minutes of the head injury? I take it that --

A Where does she say that? Could you show me where she actually prints that or types that?

Q Is this the same --

MR. STUMBO: Your Honor, we may get into some pitting of witnesses here, since Dr. Ross is --

MR. VERNER: He's an expert.

THE COURT: He's an expert. He's testified he's reviewed the report. And if Mr. Verner has a portion of that report that he wants to highlight he may do so with this witness.

MR. STUMBO: I understand.

Q Are we able to put 129 -- what's the -- Doctor, what -- I don't have --

THE COURT: 149.

A This is 149.

Q 149. Are you able to post 149? In 149, what is that document, Dr. Holaday?

MR. STUMBO: Judge, I don't believe it's in evidence

yet. We don't have any objection to it coming in.

MR. VERNER: Well, I'm just using it as demonstrative.

MR. STUMBO: Well, I mean, if it's being published I think it needs --

THE WITNESS: It looks like an autopsy report.

THE COURT: Hold on one second. I'm assuming at some point in time you will be moving this into evidence and you will not be objecting to it coming into evidence, correct?

MR. VERNER: I'm sure it's coming into evidence, Your Honor, if they have to establish cause of death in a death case, but --

MR. STUMBO: It is, Judge. I just want to make sure that procedurally we're okay.

THE COURT: We're okay.

MR. VERNER: But it's demonstrative anyway. I'm allowed to publish demonstrative evidence.

MR. STUMBO: We obviously have no objection to it coming in because we're going to introduce it.

Q This is basically a summary -- or how would you characterize --

A It looks like an autopsy report.

Q Just a one page summary? Because I'm sure an autopsy report is a lot more thorough than just a one page.

A I've got five pages stapled together here.

Q And this is -- the page we're talking about is just

kind of a summary of her findings?

A Yes.

Q And Dr. Ross is a lady?

A Yes.

Q So when I say her, I'm referring to Dr. Ross.

A Oh, I say where it says minutes. Interval minutes.

Q Okay. Now, is she -- basically from the line up is just basically the identification of the doctor and the patient where -- just letterhead basically on the top of the sheet?

A Right, yes.

Q And then there kind of is broken up into two portions where it says final proxy diagnosis multiple blunt -- at that point she's just listing the injuries that the body has, right?

A Yes.

Q And then she makes the more specific finding on cause of death on the bottom of the page, or manner of death, homicide.

A Hold on a second. Manner of death, homicide. Yes, I've got it.

Q And that is her more specific -- the middle portion is just the injuries to the body and the bottom portion is the actual manner of death?

A Yes.

Q And usually there are four lines where the doctor has up to four causes?

A That part I don't know if it's usually four. In this case it ended up being four. Dr. Ross would probably be a better person to answer.

Q Respiratory depression just means somebody stops breathing, right?

A Right.

Q It's not really a very fine medical diagnosis. You can die of a lot of causes and be in respirator depression. You could be shot and you will stop breathing?

A Right.

Q You can fall off a building and you'll stop breathing, if you're dead. So respiratory depression is just a general term he's not breathing anymore?

A Well, no. Actually, I think the way she means it, and the way I understand and interpret respiratory depression, respiratory depression is the respiratory drive is being depressed. It's no longer normal. It doesn't mean it's stopped completely. It's just no longer normal. And if we don't breath normally we're not going to get oxygen normally. We're not going to get rid of carbon dioxide normally and eventually it will kill us. Certainly if we stop breathing instantly, you know, that's also respiratory depression. But respiratory depression is just that. That

the respiratory state has been depressed. It doesn't mean it's been completely stopped.

Q But you would defer to whatever her -- if she testifies in this case you would defer to her definition? But your -- but your inclination is that you think she's talking about that there's something blocking the airways, or depressing the airways?

A Something has depressed the respiratory drive.

Q And she links that to subdural hemorrhage?

A Correct. I agree with that.

Q And then she links the subdural hemorrhage to blunt force trauma of the head?

A Right.

Q And then she links that trauma of the head to a beating?

A Right.

Q And she -- it's a matter of minutes from the --

A The hard part is what do we mean by minutes? I mean, hours have minutes in them also.

Q Well, as a doctor you generally -- 10 minutes or less would be what you would --

A That's what we normally use in the trauma circles. But now, Dr. Ross, in pathology circles and pathology and that environment, she may -- it would -- it would be almost impossible to put an exact number of minutes. But for the

purposes of what we're talking about here -- and I know what you're getting at. It would have been nice if she said, you know, four or five minutes, or eight or 10 minutes, or 30 minutes, and then we'd have something to dispute. But the fact that she says minutes technically, if I just be really technical, I really don't have a dispute because hours are made of minutes and I don't know what she's really referring to. But my minutes she probably means less than one hour. But I don't know. What does she mean by that. When I write this up, if it was more than an hour, I would put an hour. If it was less than an hour I would use the phrase minutes, and that's probably the case for her, too. But by minutes does she mean less than 59, or does she mean less than 30, or does she mean less than five. I imagine she probably can't quantify that.

Q Did you see evidence that -- are these different beatings on G.M. or can you tell? This could be one continuous beating of several areas, or is it possible this could have been going on for some period of time? I think you said it could have been hours.

A It's possible that it happened over a period of time and it didn't all happen at once.

Q Is the -- my question is, is the injury to the head consistent with the beating to the rest of the body or could it have been just an independent act?

A Are you asking me is it timed at the same time as the rest of the --

Q Does it appear to be consistent -- the bruising on the head consistent with the bruising on the body?

A What do you mean by consistent with?

Q Did the bruises appear to be the same age?

A I can't say for sure.

Q Could a pathologist take slides and determine the age of bruises?

A Don't know.

Q Could you -- as a treating doctor --

A I don't think so.

Q -- do they appear to be fresh or old bruises?

A They do not appear to be fresh.

Q And are you talking about the injuries to the rest of the body or the head or just --

A All of them did not look like they had just happened. Like just happened, I'm going to say -- I'm going to use my 10 minute phrase. It didn't look like they'd happened within 10 minutes.

Q Does that include the injury to the head?

A Yes.

Q And I believe you testified that in your opinion death could have been two hours or more? I think you testified anywhere from two hours to 30 minutes prior to arrival at

the ER?

A I testified that it was -- or what I feel like I remember saying was that it was unlikely the child lost his blood pressure, or lost his pulse and his ability to breath more than two hours ago just because he was very soft and flaccid.

Q And the two hours you're referring to is prior to arrival to the hospital?

A Me seeing him, yeah.

MR. VERNER: Thank you again, Doctor.

THE WITNESS: Thank you.

THE COURT: Any redirect?

MR. STUMBO: No, Your Honor.

THE COURT: Doctor, thank you very much for coming. You are free to go, and it's a pleasure to meet you.

THE WITNESS: Yes, sir. Thank you.

(Whereupon, the witness stepped down from the witness stand.)

MR. STUMBO: We have a very short witness next. Can we --

THE COURT: Less than 10 minutes?

MR. STUMBO: Yes.

THE COURT: By all means. Call your next witness.

MR. DANIEL: Your Honor, State calls Officer Mike Wood.

OFFICER MIKE WOOD, having been

first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DANIEL:

Q Officer Wood, you're a police officer employed by the city of Newberry, correct?

A Yes, sir.

Q How long have you been there?

A Come May it will be 13 years.

Q On the night of December 29th, 2014 going into the early morning hours of December 30th, 2014 were you on duty?

A Yes, sir. I was.

Q Were you dispatched out to Newberry County Memorial Hospital?

A I went to assist another officer with another incident, and while I was there I was then contacted by the assistant coroner who was already -- who was also on scene at the time.

Q And about what time -- you said you were on scene at the hospital on an unrelated call to this case?

A Yes, sir.

Q And about what time were you there?

A It was roughly around 3:00.

Q 3:00 a.m.?

A Yes, sir.

Q Did you become involved in a child death investigation

at any point while you were there?

A Yes, sir. I did. The assistant coroner had stated that he was there due to a child that had passed away and that he had observed injuries that he wanted to make me aware of.

Q And so, you're the first law enforcement official who was made aware of circumstances of this child's death?

A Yes, sir. Myself, the assistant coroner and Dr. Holaday went int the examining room at the time and they briefly showed me the child's body and told me that they felt that the injuries were suspicious. And also I was told about obstruction of the airway. After I briefly saw those injuries and heard about the obstruction, and they were telling me they felt, you know, this was unusual, I immediately contacted my supervisor.

Q Meaning you contacted your supervisor to get an investigator out there?

A Yes, sir.

Q So you were made aware by the deputy coroner and Dr. Holaday about the injuries of this child?

A Yes, sir.

Q And foul play was suspected?

A I can't say at the time. They just -- all I was told was that the injuries were unusual.

Q And you contact your investigator on call at that point

you said?

A I contacted my lieutenant, and I believe he then contacted the chief and the investigator. But I can't say exactly who he contacted and in what order.

Q And the investigators respond, your superiors respond to the scene?

A Yes, sir.

Q About what time do they get there?

A I would say my lieutenant arrived within maybe 10 minutes. I really can't say at what time the others arrived.

Q And who's the lieutenant you're referring to?

A Jason Stir. (PHONETIC)

Q And then what investigators were dispatched out there? Detectives.

A To my knowledge it was the current chief of police at the time, Dennis Brown, Captain Roy McClurken at the time --

Q Who's now chief of police, correct?

A Who's now chief of police. Yes, sir. And Investigator Allison Moore.

Q And they take over the investigation at that point?

A Yes, sir. They did.

Q Did you observe the parents of this child, or anybody associated with this child at the hospital?

A I did observe them. I had very little interaction with

them. They were in -- they were not with the child when I made contact with them. They were in a back, I guess, examining room. And I was asked to keep them separate, which I did. I had them go into two rooms separately, but they were both in my view. The rooms were like in a corner together. And I did not speak with them much other than they would ask me brief questions like what's going on, and at the time I explained that, you know, the investigators were looking at this incident. I had no further knowledge, and I was just asked to stand there.

Q So you were monitoring the two individuals who were with the child?

A Yes, sir.

Q So were you standing guard in between the two rooms they were in?

A I wouldn't say standing guard, but I was just standing -- I was asked to stand by with them.

Q Is that the extend of your role in this case?

A Sir?

Q Was that the extent of your role in this case --

A Yes, sir.

Q -- essentially?

A Yes, sir.

MR. DANIEL: No further questions. Please answer anything Mr. Verner has.

CROSS-EXAMINATION

BY MR. VERNER:

Q You did look at G.M. body, didn't you?

A Briefly.

Q And I believe in your report that you indicated that you saw a circle raised bump about the size of a thumb on the child's head?

A Correct, sir.

Q What size are you talking -- are you talking about like a thumb print on the head or are you talking about the --

A I was talking maybe the general circumference of a thumb. I was trying to put things in a reference that anybody could read it. You know, everybody has a thumb. I know some thumbs are bigger and smaller. I didn't take a measurement. I was just trying to put things in a general reference of a size that a normal person could relate to.

Q But you saw -- you saw the bump on G.M. body, on his head?

A I did, sir.

Q And if I put my thumb on an ink pad and then put it on a piece of paper, that would be an approximation of how large the raised bump was?

A That was the approximation that I was attempting to elaborate to.

Q And it was purple?

A I can't say for sure. But I'm saying purple-ish.

Q Do you recall was there bruising beyond the bump, or was it just kind of the bump itself?

A The bump was discolored. I remember there was some discoloration around the eye. I want to say it was one eye. I can't remember what side.

Q You indicated that the right -- that the child's right eye was darker.

A Okay. Yes, sir.

MR. VERNER: Thank you, Officer.

MR. DANIEL: No further questions, Your Honor.

THE COURT: Officer Wood, thank you very much for coming. You may step down and you are free to go.

THE WITNESS: Thank you.

(Whereupon, the witness stepped down from the witness stand.

THE COURT: Ladies and gentlemen of the jury, we've probably reached a good point to have a lunch break. I'm going to ask that you go ahead and take a break for lunch right now. And if you would, be back in the jury room around -- if you would, please be back in the jury room around 2:15. At that point in time we'll resume the trial of the case. As always, don't discuss the case with anyone while you're on lunch break. Feel free to go to lunch with a fellow juror, friend, family member, whoever. Talk about

the weather, not the case. See you all at 2:15. Thank you.

(Whereupon, the jury exited the courtroom at 12:59 p.m.)

MR. VERNER: 2:15, Your Honor?

THE COURT: Thereabouts. We'll go off the record.

(Whereupon, a lunch break was held from 12:56 p.m. to 2:32 p.m.)

THE COURT: It's my understanding, after speaking with my Clerk, that you all will go over some photographs that you did want to introduce into evidence at this particular point in time before you proceed with the next witness. And, Mr. Verner, you have an objection to one of the exhibits; is that correct?

MR. VERNER: 146, Your Honor, which is the two or three pages of Theia McArdle's Back Page ad. Not on the foundation of it. Just on the relevance of whether -- and I'll pass it up if the Court hasn't seen it.

THE COURT: I haven't.

MR. VERNER: But the -- it's really not an element of the crime and it's really not a point of contention that she's an escort, so I don't see how it's more probative than prejudicial.

MR. STUMBO: Judge, just a comment. The primary thing we're looking at, the last page, I think it's a three page exhibit, has Ms. McArdle's phone number that she advertises,

going towards the bottom of the ad, which would be the front -- I guess the most probative part of that exhibit would be, you know, her -- getting into evidence -- because we're going to get into phone records later and that sort of thing. So her phone number being on the ad is certainly, you know, very probative for us because it'll tie into other evidence later.

THE COURT: Would there be any objection to either side merely the -- on this exhibit it would be page three of four, or at least that's how it's listed, if that was simply the exhibit, and the other two pages -- I've got a three page exhibit here, 146, and pages one and two are primarily photographs. And if the primary relevant material is on the final page, would there be any issue with introducing that final page that has the contact information, et cetera? Is that okay?

MR. VERNER: My argument is based on the suggestive photographs. I think he's got a logical argument that it connects the account to the phone number. Just --

THE COURT: And that's why I'm saying the final page only contains one photograph. It's not provocative, or at least I don't find it overly provocative.

MR. VERNER: I would have no problem with that, Your Honor.

THE COURT: Is that okay with the State?

MR. STUMBO: That's fine, Judge. We have prepped the witness. He may recognize -- I don't know if he'll recognize the back page of it. It may be something we need to talk to him briefly about before we -- before we put him up. But, you know, we were going to get him to identify that as being the -- but if it's not coming in without -- if it's coming in without objection and there's not a foundation issue, that's fine.

THE COURT: Right. I clearly see on the 403 how the final page could be relevant. I don't see the first two pages and the material on those pages being as relevant as the final page.

MR. STUMBO: If need be, obviously this is an ad that's been placed online. You can always, if he needs to, you can show him -- if he has difficulty recalling it, you can show him pages one and pages two and just refer this is a publishing the jury and allow page three to become Exhibit 146 if that's acceptable.

MR. STUMBO: Understood, Judge. We don't have a problem with that.

THE COURT: Let's handle it that way then, please. And the other exhibits are which ones?

MR STUMBO: They would be -- let me, just for the record, call the numbers out, Judge. It would be pictures of the search warrant of the car which was done at the

police department. That would be Exhibits No. 9 through 43. There are Exhibits 44 through 48 are related to [redacted] Bedenbaugh, which is the location of the -- where Justin Holmes lives. And then 49 through 84 are pictures of the house in Enoree. The residence of the Defendant. The Exhibit No. 150, also Judge, is a sketch of the crime scene of the house in Enoree.

THE COURT: That was 150?

MR. STUMBO: 150. And I don't believe Mr. Verner had any objection to that.

MR. VERNER: I don't. I'm not objecting to 8 through 84 which are, I believe, Agent Oliphant's crime scene photographs. But I see 150 is the sketch. I'd still like for them to move it into evidence through the witness, but I don't -- I'm not objecting to them coming in at all. They can move them in in batch, as far as I'm concerned, but just don't -- through the proper witness, as long as he testifies. Was there anything else? 146 is just the third page I believe the Court ruled. And --

THE COURT: I thought it was 136, but I may be mistaken.

MR. STUMBO: It's 146, the ad, Judge.

THE COURT: Right.

MR. STUMBO: And am I missing the -- they've also indicated, Judge, that they are going to mark some DNA

fabrics that they took DNA, and as long as it comes in through the proper foundation I'm satisfied. I don't anticipate objections to them. That they came in batch as long as they come in through the proper -- is there anything else listed, Mr. Stumbo?

MR. STUMBO: I believe that's it.

THE COURT: Let's have the jury in, please.

(Whereupon, the jury entered the courtroom at 2:40 p.m.)

THE COURT: Let the record reflect the jury is back and seated. Ladies and gentlemen, again, I apologize for keeping you waiting. I trust you had a pleasant lunch. What we were going out here was working through a number of exhibits, and sometimes it's easier to work through them, especially if we can do it as one big batch. And that's kind of what we've done with roughly 75 to 80 exhibits is work through those out here while you weren't present instead of taking a break work through those -- take a break, send you out, work through those, bring you back in and take those breaks. So we've kind of been working through all that. And we're in agreement on where we stand with regard to those exhibits. So that's why I was keeping you waiting. Sorry.

At this point, Mr. Daniel, you can call your next witness, please.

MR. DANIEL: Thank you, Your Honor. The State calls Justin Holmes.

JUSTIN HOLMES, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DANIEL:

Q Mr. Holmes, where do you reside?

A [redacted] Bedenbaugh Street, Newberry, South Carolina.

Q How old are you?

A Twenty-five.

Q Do you work? Are you in school?

A I'm in school.

Q Where do you go to school?

A Piedmont Tech.

Q Have you lived in Newberry your whole life?

A No. Half my life, and then I lived in Greenville, South Carolina for three years, and then I moved back to Newberry.

Q And who do you live with at that [redacted] Bedenbaugh Street address?

A My mom and my dad.

Q And what are you studying in school?

A Computer network.

Q I want to take you back to December 29th of 2014. You were living at [redacted] Bedenbaugh Street then, correct?

A Uh-huh.
Q Yes or no?
A Yes.
Q We just need a verbal response for the court reporter. And were your parents in town then?
A No, sir.
Q Where were they?
A They was out of town.
Q Why were they out of town?
A My mom, she's in the military, so she had to take care of some military business.
Q And speak up a little bit for me, too. Sit close to the mic or pull it up. Say that again?
A I said she had to take care of some military business out of town.
Q Your mom's in the military and was out of town?
A Yes.
Q What about your father?
A He took her up there.
Q And you had the house to yourself?
A Yes.
Q Were you looking on the Internet for an escort --
A Yes.
Q -- on that date, December 29th of 2014?
A Yes.

Q And how did you go about that? What websites did you visit?

A I visit Backpage.com and clicked on the link of Greenville and I just was scrolling and that's when I seen her ad on there.

Q Whose ad did you see?

A Her name is -- well, she went by Nikki.

Q She went by Nikki?

A Yes.

Q And you saw this ad of hers on Backpage.com?

A Yes.

Q And ad for prostitution services?

A Yes.

Q And you clicked on prostitution in the Greenville area?

A Yes.

Q I'm going to hand you what's been marked for ID purposes as State's 146. Take a look at that for me. Tell me do you recognize that?

A Yes.

Q What is that?

A This is her ad that I seen on there when I came across it and clicked on it.

Q And tell me what was the content of this ad. What all was included?

A Just pictures. Different kind of pictures.

Q Pictures of Nikki?

A Yes.

Q Provocative pictures?

A No.

Q Any pictures in skimpy tops and things like that?

A Just a top and her underwear. That was pretty much it.

Q She was in her underwear?

A Uh-huh.

Q Any contact information?

A Yes. At the very bottom.

Q What was at the very bottom?

A Her location, her name and her telephone number.

Q And what was that telephone number?

A It's 828-216-1341.

Q 828 area code. That's an out of state area code, correct?

A Yes.

Q And did you make contact with this Nikki on that phone number?

A Yes.

Q What did you do; text, talk?

A I texted her first.

Q About what time of day did you initially make contact?

A I want to say around, I think, 11:00, 10:00. 10:00 something, 11:00.

Q In the morning?
A No, at night.
Q On December 29th?
A Yes.
Q And what were you asking her? Her rate, things like that? Telling her your address, that kind of thing?
A Yes. I just wanted -- I didn't give her my address right off. I just asked her how much her rates was and she told me.
Q She told you via text?
A Yes.
Q And what was the rate?
A I can't remember offhand right now.
Q Did you pay by the hour, minute? What was the timeframe for services?
A I paid by the -- it was by the minute.
Q For how long?
A Thirty minutes.
Q You paid for 30 minutes of service?
A Yes.
Q And again, do you recall how much you paid?
A Yes, 120.
Q $120 --
A Yes.
Q -- for 30 minutes?

A Yes.

Q For sexual intercourse?

A Yes.

Q Did you all eventually talk on the phone?

A Yes.

Q And I assume you give her your Newberry address?

A Yes.

Q Did you text that to her or tell her on the phone or both? How does that work?

A I want to say I had text her and then I had told her, too, over the phone.

Q What was your understanding? Where was Nikki coming from?

A From my understanding, I want to say Greenville.

Q Is it your understanding she was coming alone or was she -- did she have what I want to refer to as a pimp, anything like that?

A To my understanding she was coming by herself.

Q She was coming by herself?

A Yes.

Q And so, at what -- when you spoke to her about what time was it when she said she was leaving her location to come to you?

A Around 11:00 something at night.

Q And approximately what time did Nikki arrive at your

house?

A At 12:22.

Q About 12:22?

A Uh-huh.

Q A.m.?

A Yes.

Q So it would have been December 30th at that point?

A Yes.

Q And you're pretty specific on that time. Do you remember some phone records or how --

A Phone. Phone or a text.

Q And you were interviewed by law enforcement eventually, correct?

A Yes.

Q I'm going to show you some photos. I'm going to hand you --

MR. DANIEL: And, Your Honor, I'd offer State's 146 for admission into evidence. I don't know if I did that.

MR. VERNER: Without objection.

THE COURT: Without objection.

MR. DANIEL: Page three.

(Whereupon, State's Exhibit No. 146 was admitted into evidence.

Q I'll show you what's been marked as State's 44. Do you recognize that?

A Yes.

Q And what is that?

A That's the front of my house.

Q That's just a picture of your house. That's [redacted] Bedenbaugh Street?

A Yes.

MR. DANIEL: And I'd offer State's 44 for admission into evidence, Your Honor.

THE COURT: Without objection, it's in evidence.

(Whereupon, State's 44 was admitted into evidence.)

MR. VERNER: That's 44?

MR. DANIEL: Yes, sir.

Q So Ms. McArdle arrived at your house at about, you said, 12:23 a.m.?

A 12:22.

Q 12:22 a.m.?

A Yes.

Q I apologize. Did you see what kind of car she had?

A No.

Q And where did she park in relationship to that photo. Your house?

A On the left side of the camper.

Q Left side of the camper?

A Yes.

Q I want to show you what's been marked for ID purposes

as State's 46. What is that?

A Where that Buick is at? That's where she parked. The Durango wasn't -- wasn't there at the time.

Q So you're saying she parked where the Buick is in this photo?

A Yes.

MR. DANIEL: Your Honor, I offer State's 46 for admission into evidence.

THE COURT: Without objection.

(Whereupon, State's Exhibit No. 46 was admitted into evidence.)

Q So where the Buick is in this photo is where her car would have been parked?

A Yes.

Q And do you come to the side of the house, front door, or where do you initially greet Ms. McArdle?

A I came -- it's a gate right here, and I came through and met her almost past the camper.

Q And again, did you see her vehicle?

A Yes.

Q Did you see if there was anyone there --

A No.

Q -- inside the vehicle?

A No.

Q It's dark?

A Yes. I just seen the headlights.
Q I'm going to show you State's 48. And what is that?
A That's the way I came out where the little patio at right here, and I came through through the gate and I walked past that camper. Well, behind the camper.
Q Is that where Ms. McArdle entered your house?
A Yes.
MR. DANIEL: I offer State's 48 in admission into evidence.
THE COURT: Without objection, it's in evidence.
(Whereupon, State's Exhibit No. 48 was admitted.)
Q And again, you saw no one in the car?
A No.
Q I'm trying to phrase this in the right way. How long does it take you and Ms. McArdle to actually engage in sexual activity once she arrives at her house?
A Once she entered inside the house she came through -- we got a sunroom. She came through the sunroom and then she entered inside the actual house. And then after that we talked for a little while. And then after that that's when -- after we finished talking we engaged in sex.
Q And you paid for 30 minutes?
A Yes.
Q So you chitchatted for a couple of minutes? A few minutes?

A A couple of minutes.
Q And you're sure it was 30 minutes you paid for?
A Yes.
Q And did the session last any longer than 30 minutes?
A No.
Q So what time did Ms. McArdle actually leave your house, that you recall?
A Around 1:00. 1:00 something a.m.
Q Did you ever hear any commotion outside your house, peeping horns, screaming, anything like that?
A No.
Q Did Ms. McArdle at any point tell you that someone was outside the car?
A No.
Q Did Ms. McArdle ask you where a hospital was, anything like that?
A No.
Q Ms. McArdle ever ask you -- inform you that anything was wrong?
A No.
Q And your house, [redacted] Bedenbaugh Street, that's in Newberry County?
A Yes.
Q And again, the reason you had Ms. McArdle's contact information was from that Backpage ad?

A Yes.

Q If you could step down.

MR. DANIEL: With the Court's permission.

THE COURT: Please.

(Whereupon, the witness stepped down from the witness stand.)

Q And tell us, is that the ad and that's how you came in contact with Ms. McArdle by viewing that ad?

A Yes.

Q And a phone number is on this ad?

A Yes.

Q Would that be her phone number at the bottom?

A Yes.

Q And you called or texted that number?

A Uh-huh.

MR. DANIEL: No further questions. You can have a seat and please answer any questions Mr. Verner has.

THE COURT: Mr. Verner.

CROSS-EXAMINATION

BY MR. VERNER:

Q Mr. Holmes, I'm guessing you sure didn't plan to be here today, did you?

A No, sir.

Q The police came and spoke to you the same -- when did the police come and speak to you?

A On December 30th.
Q Do you remember which officer came to speak to you?
A Lieutenant Goodman and Rodney Gray.
Q Did they tell you what they were investigating?
A Yes.
Q And it was just you in the home?
A Yes.
MR. VERNER: May I approach, Your Honor?
THE COURT: Please.
Q I'm not going to publish this. But if I show this to you, is that your phone number?
A Yes.
Q It is?
A Yes.
Q Does the phone number end in 90?
A Yes.
Q Is it possible you may have called Theia as early as 8:00 p.m. that evening?
A Not that I remember.
Q This is your phone number?
A Yes.
Q At what time does this record indicate that the phone call took place?
A 8:04.
Q At 8:04 p.m.?

A Yes, sir.

Q Is it possible you called her a little bit earlier than you thought?

A Yes, sir.

Q And you called several -- and you texted, I guess, before you even called?

A No, I called first and then afterwards I texted a little bit.

Q But you may have called as early as about 8:00 p.m. that evening?

A Yes.

Q Did Theia tell you where she was? At this time you were speaking to a girl named Nikki, right?

A Yes.

Q Or at least someone you believed was Nikki?

A Yes.

Q And I'll go ahead and ask it. Is this the young woman that you met?

A Yes.

Q Did she tell you where she was when you first called her up or --

A I don't -- I don't think so. I don't think so.

Q But I would guess, and correct me, but I would guess if you make a call like that you just kind of say hey, I'm looking for some company tonight or, you know, are you

available to come by and see me?

A Yes.

Q Some kind of fairly innocuous opening conversation?

A Yes.

Q Do you recall how many times you spoke to her that evening?

A Three times.

Q Were they long -- what do you think the longest conversation would have been?

A No, it wasn't a long conversation.

Q None of them were long conversations?

A No.

Q And did you provide your address by text or by orally telling her?

A By text.

Q Now, you indicated you received a call at 12:22 that night? Is that when you said she came by?

A Yes.

Q Now, you certainly received a call just shy of 12:23; is that right?

A Yes.

Q But that call was to say that she was having trouble finding your house or that she was close by, right?

A Yes.

Q So she didn't call you from the driveway saying I'm

walking in? She called and said I'm getting close?

A Yes.

Q So she wouldn't have arrived for several minutes after that last call?

A She arrived when she made -- when that call was made she was on the street. Yes.

Q And Bedenbaugh is kind of a -- it's not a very long street and it turns kind of real hard to your left going down?

A It's a curve right there in front of my house.

Q There's a fairly sharp bend in the road right where you live?

A Yes, very sharp curve.

Q And your house just has one driveway?

A Yes.

Q Now, what vehicles were parked in your driveway when Theia McArdle came to see you? Were there several cars? I don't mean what make or --

A It was -- it was just one, I want to say. It was my Dodge Durango.

Q It was probably just your one car was in the driveway?

A Yes.

Q Did you -- did somebody knock at your door, or did somebody honk their horn, or how did you know Theia had arrived?

A No. She -- she had called me and told me she was in the driveway. So I walked outside and I met her outside.

Q So you -- and she parked in the driveway?

A Yes.

Q Now, is your driveway -- are there any street lights or foot lights, or how well lit would it be around midnight?

A I have -- I have one on my garage, but it was facing -- it faces towards the camper. So I didn't have that much of a light.

Q Your camper would have been in the driveway, too?

A Yes, it was in the driveway.

Q Is your driveway wide enough where you can get a car beside the camper?

A Yes.

Q So the camper takes up one half of your driveway, and then you park on the far side of the camper from the house or closer to the house?

A Far from the house, because the camper was close to the fence.

Q The camper's closer to the house than Theia's car would be?

A Yes.

Q And did she pull all the way up your driveway that you recall, or do you remember?

A She pulled halfway up.

Q Completely off the road though?
A And there's a light on your garage but it kind of blocks out what's on the backside of the camper?
A And on the left side of the camper.
Q So Theia's car would have been kind of in the shadow -- area?
A Yes.
Q How far did you come out to meet Theia? Did you come all the way to her car or did you kind of just stay on your steps of your porch or --
A I came all the way out past the camper. Just a little -- just a little bit past the camper.
Q How far would the car have been -- you can just point out a -- would the car -- Theia's car have been as far as the Prosecutor's table from you when you walked up to it, or would it be closer or further away? Or if you don't recall, that's a good answer, too.
A The camper would be sitting right here, and I walked up right past this table right here and the car was -- was somewhere right up in there somewhere.
Q The front of her car would have facing you?
A Yes.
Q And if I was coming out of a driver's door right now, was this about a fair distance from you, or it would be

slightly further away or slightly closer?

A That's -- that's about right.

Q How far would you just estimate that I'm standing from you?

A About 20 some feet away from me.

Q Twenty feet?

A Yes.

Q When you saw Theia -- when you walked around the camper to greet Nikki/Theia --

A Uh-huh.

Q -- was she still in the car getting out by the time you arrived or she had already exited the vehicle, or do you recall?

A After I had passed the camper she was -- she was just getting out the car.

Q Ordinarily when you open the door for a car the dome light usually comes on, doesn't it?

A No. It was already on because I had walked past it and it came on.

Q So her car was lit on the inside?

A No.

Q There was no dome light that came on from opening the door?

A No.

Q Are you sure or you just don't remember?

A I'm sure.
Q So the car was dark?
A Yes.
Q Were you close enough to the car that if somebody were sitting in the front seat you would see them, or at least an outline of somebody?
A No. The headlights was in my eyes, so I couldn't.
Q I'm assuming that with an older model car that she would have had to turn off the head -- she didn't leave the headlamps on, did she?
A Yes, the headlights was on.
Q Did she leave them on while she was with you?
A Yes.
Q The whole time?
A Not that I know of when I was in the house.
Q When you all -- when you two walked together was she leaving the car running?
A No, she walked towards me.
Q And you don't recall whether she turned off the headlights when you all walked in or not?
A The head -- no. The headlights were still on when we walked into the house.
Q But they might be like some cars where they turn off slightly after you turn off the car. But as best you remember, the headlights were still on?

A Yes.

Q You don't remember seeing anybody in the car?

A No.

Q But it's dark and you've got bright headlights coming toward you?

A Yes.

Q Do you remember, was it a particularly cold night? Do you remember what the weather at all was like on the 29th?

A It was -- it was kind of warm. Kind of a little breeze. But it wasn't --

Q Warm for December 30th?

A Yeah, it wasn't too -- it wasn't too bad. It was a little chilly, but not too -- not too bad.

Q It wasn't raining or anything like that?

A No.

Q If someone had been honking the horn in that car, is your house close enough where you would have heard it?

A Yes. But where we were, not really.

Q Were you all playing music or --

A No. But where my room was and how far outside the car was, plus the camper, I probably -- I probably wouldn't -- wouldn't have heard it. But I didn't hear no noise.

Q If I was your friend and you and I were going to go out and play basketball and go out and I came to pick you up and I pulled in your driveway and I honked on my horn to let you

know I was there, would you have heard that kind of --

A I'd have to be sitting in my den, my livingroom to hear it.

Q But you weren't playing loud music --

A No.

Q -- when Theia came? Do you recall, did you offer her a drink or did you just go sit down or -- I'm not going to get into details, but -- I mean, we understand what this is. But how do you break the ice, so to speak?

A Yeah, I had offered her something to drink, like water.

Q So you asked her if she wanted a drink?

A Yes.

Q Do you remember whether you got her a drink or not?

A Yes, some water.

Q Did you all talk in the kitchen, or did you talk in the livingroom, or --

A In the kitchen. We stood up and talked in the kitchen.

Q Do you remember at all anything that you were talking about?

A No.

Q Was it just kind of -- was it just chitchat, you know, a little bit about me type talk, or was it --

A Yes.

Q -- you know, talking about what I'm expecting from you or --

A Just a quick, you know, trying, you know, to get to know each other just real quick.

Q How long did you think -- and you didn't really talk that long out in the driveway, just --

A Oh, no. We just --

Q -- walked to her car enough to walk out and --

A No. I didn't walk to her car, she walked toward me, and then we walked into the house. But we didn't have no conversation outside.

Q And then you gave her some water?

A Yes.

Q And then you talked about -- could you have talked as long as five minutes?

A Yes.

Q Could you have talked maybe as long as 15 minutes?

A No.

Q Were you watching anything on TV in the background?

A No.

Q Now, I understand that you said I paid to be with her for 30 minutes.

A Yes.

Q That doesn't include the time that we're just talking to each other though, does it?

A Not that I know of, no.

Q Do you set a timer with her, or do you all just both

kind of informally know when it's time to go -- for her to go or --

A No, we didn't set no timer.

Q Well, how long do you think that you were with her? I assume you took her back to your bedroom?

A Yes.

Q How long do you think you were with her?

A It was -- it was under 30 minutes. Yeah.

Q Was it roughly 30 minutes though? Was it substantially under 30 minutes, substantially more than 30 minutes?

A It was substantially under 30 minutes.

Q And then did you all talk afterwards or --

A Yes, for a few more minutes, and then I walked her outside.

Q So there's just a little bit of -- kind of, you know, I enjoyed that, that was fun, and just small talk --

A Yeah, just small talk.

Q -- you know, you should come see me or something? That kind of -- anything else that you all talked about?

A No.

Q Did you give her anything?

A No. Not that I remember, no.

Q Do you recall giving her or letting her buy at cost a couple of Strawberry Ritas?

A Yes.

Q So you did -- she did ask for -- you had some Strawberry Ritas, that's kind of a mixed alcoholic drink, in the refrigerator?

A Yes. It wasn't in the refrigerator.

Q But you -- did she ask to buy those, or you gave them to her, or what?

A She offered to buy those.

Q And I understand you just fairly cheaply gave them to her basically at cost?

A Yes.

Q And she took how many?

A I can't recall how many she took.

Q A couple drinks for the road, so to speak?

A Yes.

Q Did she -- what was her disposition, mood was she in when she came to see you?

A She was in a good mood to me.

Q Smiling?

A She wasn't smiling, but she was --

Q Did she appear to be distressed?

A No.

Q Was she pleasant to you?

A Yes.

Q Was she -- I don't want to make this sound dumb. But did she appear to be into you as opposed to just thinking

about other stuff and let's get this over with quick, or --
A Yeah, she --
Q And then how long after -- was there anything -- when you gave her the Strawberry Ritas was she still in your kitchen at that time, or where would -- would that be out in the garage, or where would those be?
A That was still in the kitchen area.
Q But that's after you had been with her?
A Uh-huh. Yes.
Q And then did you walk her back out to the car?
A Yes, halfway.
Q Partly? Did you all chat a little bit out in the driveway after she had gotten on her way out to the car?
A No.
Q Do you recall whether the car lights were still on?
A Yes, they were still on.
Q When you walked her back out the car lights were still on?
A Yes.
Q Did you hear any honking or any sounds --
A No.
Q -- of anybody in the car?
A No.
Q Did you assume she was by herself?
A Yes.

Q How long after Nikki/Theia left did the police come to see you?
A After she had left everything was fine then until the next morning.
Q Do you recall what time the police came to you?
A Around 10:00 something that morning.
Q And you consented to let them search the house or --
A No.
Q -- come inside?
A No.
Q So they didn't search the --
A No. They came -- I let them come in, but they didn't search the house.
Q And that was because you indicated there was no baby?
A Yes.
Q That Theia came here by herself --
A Yes.
Q -- and I didn't see anybody else to them? I believe they asked you to write out a statement?
A Yes.
MR. VERNER: May I approach?
THE COURT: Please.
Q And so, you kind of guesstimated for the police that she would have been at your house for about 30 minutes --
A Yes.

Q -- give or take? And she would have arrived around 12:23? After you had been with her in your room she went to your bathroom and kind of cleaned up a little bit too though, didn't she?

A Yes.

Q So that added some time --

A Yes.

Q -- to the -- how long do you think she would have been to your bathroom? Not -- she didn't take a shower?

A No.

Q But she did go in your bathroom and kind of clean up for a little bit?

A Yes.

Q Did you, too?

A After she did. Yes.

Q After she left or just after she --

A After she left.

Q Can you guesstimate for me how long she would have been in your bathroom?

A A couple of minutes.

MR. VERNER: Thank you, Justin, for being here.

THE WITNESS: All right. Thank you.

THE COURT: Anything on redirect?

MR. DANIEL: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. DANIEL:

Q Justin, you told Mr. Verner that you received a call from Theia or Nikki, as you know her, at 12:22 a.m.?

A Yes.

Q And shortly after you received that call she's in your driveway, correct?

A Yes.

Q How soon after you get that call does she arrive in your driveway?

A A few minutes after. After -- it was 12:22.

Q And she was already on Bedenbaugh Street, I believe you testified to, when she called you?

A Yes. Yes.

Q And how did she find your house again?

A I had gave her my address.

Q So presumably she had a GPS?

A Yes.

Q So she gets there, is it fair to say, a little before 12:30 a.m.?

A Yes.

Q And you paid for 30 minutes, correct?

A Yes.

Q And you're saying that session lasted no more than 30 minutes?

A Yes.

Q So by your best estimation what time did she leave your house?

A Around 1:00 something a.m.

Q 1:00 a.m. even or after 1:00 a.m.?

A After 1:00.

Q She gets there at 12:00 -- a little before 12:30. You paid for 30 minutes?

A Yes.

Q 1:05 a.m.?

A I don't know the exact -- exact time. I just know it was after -- it was after 1:00 a.m.

Q A little bit after? Give us a best estimation of time.

A I really -- I really didn't pay attention to the time. I just know it was after 1:00 something. Before 1:15.

Q At any time did you hear any noise and commotion out in the driveway, coming from the vehicle specifically?

A No.

Q Did you ever see anyone else inside that vehicle?

A No.

Q Did you see that vehicle drive off after Ms. McArdle left? You no longer saw the vehicle in your driveway, correct?

A No. But once -- once she left from me, when we was outside?

Q Yeah. Did you watch her leave in the vehicle?

A No, I didn't watch her leave. No.
Q Did you see her get in the vehicle?
A No. I just seen her walk toward the car and that was it and I started walking back into the house.
Q So you never saw anybody in the vehicle, correct?
A Correct.
Q You never heard anything coming from that vehicle?
A No.
Q And did Theia, or Nikki, tell you there was anyone else with her that night?
A No.
MR. DANIEL: Thank you. Nothing further.
MR. VERNER: Just one brief follow-up.

RECROSS-EXAMINATION

BY MR. VERNER:
Q Is it possible that she was using a Smart Phone, or a cell phone to get directions as opposed to a GP -- you didn't see a GPS unit, did you?
A No.
Q Do you know anybody who sometimes uses their Smart Phone, like their iPhone to get directions?
A Yes.
Q Do you do that sometimes, too?
A Yes.
Q Is it possible that's what she was using to get to your

--

A Yes, to get -- to my knowledge, yes.

Q And just briefly. Bedenbaugh is a fairly quiet street, isn't it?

A Yes.

Q There wouldn't be a lot of heavy traffic or movement on Bedenbaugh, particularly after midnight?

A No.

MR. VERNER: Thank you.

THE COURT: All right, sir. Thank you. You can step down.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Ladies and gentlemen, we need to take a very brief break and then we'll proceed with the trial. So we'll be at ease for about 10 minutes. Adjourn back to the jury room. If you want a cigarette, let the bailiff know and he'll arrange that. Don't talk about the case. Thank you.

(Whereupon, the jury exited the courtroom at 3:15 p.m.)

THE COURT: We'll be at ease.

(Whereupon, a recess was held from 3:15 p.m. to 3:27 p.m.)

THE COURT: I think all the jurors are here; is that correct? Let's have them back out, please.

(Whereupon, the jury entered the courtroom at 3:27 p.m.)

THE COURT: The record should reflect that the jury is back and seated. Solicitor, please call your next witness.

MR. STUMBO: Thank you, Judge. The State calls Patrick Oliphant.

AGENT PATRICK OLIPHANT, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. STUMBO:

Q Mr. Oliphant, how are you doing today?

A I'm good. How are you?

Q Thank you for being here. You work with SLED?

A Yes, sir. In the crime scene investigation unit with SLED.

Q So you are a crime scene investigator with the State Law Enforcement Division?

A Yes, sir.

Q And how long have you been with SLED?

A Approximately two and a half years.

Q Did you have any prior law enforcement experience before you came to SLED?

A I worked as a patrolman at the City of Columbia Police Department for a year and a half prior to coming to SLED.

Q So you worked City of Columbia PD, moved over to SLED.

Have been doing crime scene investigations for about two and a half years?

A Yes.

Q About how many crime scenes have you invested in that two and a half years?

A Up until now upwards of 300, I think was my last count. Primarily death investigations.

Q Was one of those death investigations related to the trial that we're here for this week involving G.M. McArdle?

A Yes, sir.

Q I believe he was a little boy who just turned three on the day he was deceased, correct?

A Yes, sir.

Q Now, when you're called out -- you live in the Columbia area?

A That's correct.

Q So when you're called out to a crime scene somewhere around the state, typically if it's in the middle of the night, tell the jury how quickly you get there and where you go first?

A Generally I'll get a phone call from our dispatch and they'll give a kind of short synopsis of what information they're provided and give me a contact number for the local investigator on the scene or a point of contact. After that

I usually meet up with my partner at headquarters. We'll take one vehicle to go wherever it is we're going.

Q In this case about what time did you get called out and on what day? What date and time?

A On December 30th, 2014 at approximately 0450 hours, so 4:50 a.m. was when I got the phone call from our dispatch.

Q And that was to go to Newberry to investigate this case?

A Correct.

Q It was a Newberry City police department and not the county sheriff's department, correct?

A Right.

Q Now, so if you could just tell the jury, when you get there who with the police department do you make contact with?

A I first called on the phone was Captain Roy McClurken, and we responded first to the emergency room area parking lot right there, and then made contact with Captain McClurken in the -- I believe it was Chief Brown was the chief at that time was also out there.

Q So the first place that you -- did you do anything at the hospital, take pictures? What did you see there?

A My partner and I both, after we made contact, we go into the emergency room. Saw the victim, the little boy there in the -- on the table in the ER. And my partner used

a camera and documented his injuries and I made a few notes of injuries right there. After that we --

Q If you could, just -- let's stop there while we're at that point. You said you took photographs. I'm going to hand you State's 1 through 7 that are already in evidence. Those pictures are G.M. in the hospital; is that correct? The victim?

A Correct.

Q And they depict his injuries, correct?

A That's right.

Q And you and your partner processed those as part of your crime scene investigation; is that correct?

A That's correct.

Q Did you take any other pictures at the hospital?

A After documenting the victim we went outside to the parking lot to document the location of the suspect's vehicle. It was -- if you're at the ER there, it's kind of two banks of parking spaces and then there's a median. Then there's another two banks of parking spaces. It was a red or maroon colored Chevy Malibu backed into one of the spaces. So my partner took pictures there of the vehicle in place. It was pretty heavy rain when we got there. We couldn't really -- didn't really see much inside. But after we took pictures we notified Newberry PD to call a tow truck for further processing at the -- their public safety

building.

MR. STUMBO: If I may approach, Your Honor.

Q State's No. 8. Does this depict the car as it was parked in the parking lot in the lot?

A Uh-huh.

Q And you said it was two --

THE COURT: Answer yes.

A Yes. Yes, sir.

MR. STUMBO: Your Honor, we move State's 8 in at this time. Permission to publish.

THE COURT: No objection to 8, in evidence.

(Whereupon, State's Exhibit No. 8 was admitted into evidence.)

Q And I don't know if you can see the screen there.

A Yes.

Q This is how it was parked, the vehicle? And it's the maroon colored vehicle, correct?

A That's correct.

Q And that was how far it was parked when you took the pictures of early a.m. hours?

A Yes, sir.

Q How far is this car parked from the ER bay to the entrance to the hospital?

A It was easily several hundred feet, because the ER bay is kind of set back to the side of the hospital.

Q So it would be fair to say it was on the far end of the parking lot in the second set of --

A I wouldn't say the furthest point away, but it was -- it was -- yes, at the far end of that -- of that wing of the parking lot.

Q Was the parking lot full at that point?

A No. It was very early morning hours.

Q Sparse about of cars?

A Uh-huh.

THE COURT: You've got to say yes.

A Yes.

Q You said the car was towed to Newberry Police Department. Did you do a search of the vehicle at the police department?

A Yes, sir. After the vehicle was towed we again photographed the outside of the vehicle. We then opened the doors and started to document the inside. Documented everything in its place before we take any other actions. At one point my partner was taking pictures while I attended the victim's autopsy. She didn't really take any further steps until I got back on scene and cleared from the autopsy.

Q And you've had a chance to review some of these pictures before coming to court today?

A Yes, sir.

Q And the pictures fairly and accurately depict the search warrant of the car that night?

A Yes.

MR. STUMBO: Judge, I believe without objection, State's 9 through 43, we'd move those into evidence at this time. Permission to publish.

THE COURT: Subject to our earlier discussion --

MR. VERNER: Yes, sir.

THE COURT: We're okay with 9 through 43, right?

MR. VERNER: I don't think I had any objections of 9 --

THE COURT: Right.

MR. VERNER: -- through 43.

THE COURT: Correct. Those were in evidence.

(Whereupon, State's Exhibit Nos. 9 through 43 were admitted into evidence.)

Q Let's go through those for the jury here, Mr. Oliphant. This picture -- and there again, if you need to step down from the jury -- the witness can step down, Your Honor. If you want to stand on the other corner.

(Whereupon, the witness stepped down from the witness stand.)

Q We're going to go through these just one at a time, if you could describe for the jury. This is the vehicle? The same vehicle that was parked in the parking lot of the hospital?

A Yes, sir.

Q And to your understanding at that point, that belonged to the Defendant, right?

A Yes.

Q State's No. 10. If you could, just describe that for the jury.

A Generally we document -- like I mentioned before, we document everything as is, as we found it and before we take any further actions. So I also note this in my notes that this -- I believe it's the front driver door's slightly cracked, or the window is slightly cracked, and the sunroof was also cracked.

Q So the windows were cracked and the sunroof was cracked when you all found the car in the parking lot of the hospital; is that correct?

A Yes, sir.

Q So you all didn't roll those down before you got back to the police department?

A Yes, sir.

Q State's 11.

A I believe that's the -- where the locking mechanism on the trunk would be. But it's a closeup photo.

Q It doesn't appear that the locking mechanism is actually there?

A That's correct.

Q So were you able to access the trunk?
A Eventually we were. After I went to the autopsy and then came back we did open the trunk.
Q State's 12. What's the significance of this photograph?
A Again, this is just another part of general documentation. This is just looking in through that window on the --
Q Front seat, back seat? I mean, what part of the car?
A The rear -- this would be the rear driver's side window.
Q What was in the backseat of the car? Can you see that?
A I can't see very clearly. But in the -- upon opening the door and searching further, there was a black and gray colored -- not a booster seat but a child, you know, carseat.
Q Child restraint. Okay. Child restraint seat?
A Correct. In the rear driver's side seat area.
Q Was the back window rolled down partially, too?
A I can't tell from that picture.
Q Fair enough. And No. 13?
A That's the driver's -- front driver door pocket, and with various contents.
Q State's 14? Are those the contents that we saw --
A Yes, sir.

Q -- in the crack of the seat? What is that?
A It looks like some condom wrappers and Newport cigarette pack, and then it appears to be a bottle of -- bottle of hand sanitizer and a bottle of water.
Q State's 15?
A Again, as part of -- as part of general documentation we do as thorough job as we can to take pictures under car seats and that sort of thing. If I'm not mistaken, this is under the driver's seat.
Q State's 16?
A And that's a black colored pellet gun, or BB gun under the driver's seat.
Q So it's a BB gun?
A That's correct, yes.
Q State's 17.
A This is the front passenger seat with various contents. In a plastic bag there were -- I believe it was three cans of Straw-Ber-Rita, or -- that's a Budweiser Straw-Ber-Rita.
Q Were they full, empty?
A I believe they were empty. Just cans.
Q State's 18. That may give you a better view of the tops of the cans as well. This is State's 18. If you could describe that for the jury.
A This is just the next photo in the series.
Q Do you see whether the tops appear to be intact? I

mean, are they --

A Yeah, they appear to be intact.

Q So they're full Straw-Ber-Ritas?

A Yes, sir.

Q State's 19.

A This is just a picture of a receipt found from inside the vehicle.

Q And what -- if you can, just for the jury, on the top of that receipt. Where did that come from?

A The very top is Family Dollar. Immediately under is Store. The store number is number 47, at the address 102 Fleming Street, Laurens, South Carolina. It's got the phone number for I believe it's their front desk.

Q Does it have a date and time on it as well?

A I don't see a date up there.

Q I believe right there in the middle. Does it say 12/29/14? Would that be fair to say?

A That's correct. 12/29 and 09:01:07 for the time.

Q Now, 20 and 20 -- we're going to go 20 first. This appears to be back outside. This is one of the hospital parking lot pictures again, if I'm not mistaken.

A With a gazebo, yes.

Q Right. There's a gazebo in the background. It's a gazebo that's at the hospital?

A That's correct.

Q And this is how you find the front window?
A Yes, sir.
Q Number 21.
A Just another picture of the vehicle as we found it backed into -- it's a parking spot near a hedge and the gazebo in the back.
Q 22.
A It's a picture of a can of deterrent pepper spray or OC spray that was in the glove box of the Chevy Malibu. And also a folding knife that was immediately next to the can of pepper spray.
Q So a small pocket knife, a folding knife, and a can of mace?
A Yes, sir.
Q 23.
A This is a picture from the -- or looking into the rear driver's side of the vehicle, and there's the previously mentioned black and grey colored carseat. There were various trash items throughout the floorboard of the vehicle.
Q Agent Oliphant, is this how you found the carseat there when you opened the door?
A Yes, sir.
Q It was in that reclined position?
A Yes, sir.

Q And I can't really tell from the picture. Maybe you can elaborate on this. The seatbelt appears to be folded up behind the carseat; is that right?

A Yes, sir.

Q So was the seatbelt attached or was it secured? Was the seat secured with the seatbelt?

A Not to my recollection. No, sir.

Q It was just loose in the car?

A Yes.

Q 24.

A This is a closeup picture of the same series as the picture before just showing what would be the actual seat of the carseat, and then that's the -- would be the back of the driver's seat.

Q 25. A similar picture?

A A similar picture just showing the top, or the back part of the carseat.

Q Did you take the carseat or carseat cover into evidence?

A Later took the carseat into evidence.

Q State's 26.

A This is further -- further into the backseat of the car if you -- after removing the carseat. Just various clothing items, plastic bags. We did end up taking this white colored towel, kind of like tan, off-white colored towel,

had multiple brown stains that looked kind of like mucus stains, on that towel.

Q You took that towel into evidence?

A Yes, sir.

Q And were able to secure that and you had custody of that towel and took it down to the lab in Columbia?

A Yes, sir. When we collect something like that you generally put it in a sterile brown bag. And then when we get back to the laboratory have a drying chamber. Especially something -- since it includes hanging up and let it dry, usually overnight, is fine. After that we package it up, seal it, to preserve any kind of -- prevent any kind of spoiling of clues.

Q And that's to preserve whatever is on the item, correct?

A Yes, sir.

Q That's standard protocol for crime scene investigations?

A Yes, sir. That's in one of our policies.

Q 27.

A It appears to be one of the trash bags from the backseat with just various items.

Q Is that a -- was that a dirty diaper, a wet diaper?

A I believe so. We did end up finding multiple dirt wet diapers in the truck as well.

Q Number 28. This is the same towel that you referred to before that was collected?

A Yes, sir. The white colored tan towel from the -- well, it would be the middle -- middle seat and the back seat of the vehicle.

Q Was there anything on there that caught your eye that was of any relevance?

A Just the reddish brown stains. I believe there's a few others when the towel is turned over.

Q State's 29 I believe is what you're referring to. If we could go to State's 29. Is that the towel turned over?

A Yes, sir.

Q 30. Is that the other end of the towel?

A Yes, sir.

Q There again, marks on there that were potential for analysis at the lab?

A Uh-huh.

Q Yes?

A Yes.

Q 31.

A Another picture of the towel once it was -- we removed it and held it up.

Q 32.

A And as I mentioned before, kind of red brown mucus looking stains.

Q Is that a little yellow piece of something in there?
A Yes, sir.
Q What did that appear to be?
A Like I said before, mucus.
Q It appeared to be a piece of food of some sort?
A Yes, sir.
Q Part of vomit? 33.
A This is another picture of the backseat after we removed the carseat, the black puffy jacket and the tan colored towel.
Q 34?
A That's a -- the next picture in the series. It's a balled up small -- a real small child's tee shirt.
Q Did you take that shirt into evidence?
A We did. Yes, sir.
Q State's 35.
A This is the next picture in the series.
Q And is that the same tee shirt that you just referred to?
A Yes, sir. It's just a closer up view from the previous two photographs.
Q 36.
A Same shirt from the previous picture, just unfolded. And like the similar appearance of stains on the white towel, there's stains here as being, you know, similar

appearance.

Q Vomiting fluids, potential?

A Yes, sir.

Q 37.

A That's a picture of the towel and the black jacket before -- before we would --

Q Before it was removed and stretched out?

A Yes, sir.

Q 38.

A Another picture of the other side of the small shirt that was located -- balled up under the tan colored towel.

Q 39.

A And this is just a closer up view of the same shirt.

Q 40.

A Just a picture of the bottom half, or lower half of the shirt.

Q And the stains on there -- if you could go back to 40. The stains on there, Agent Oliphant, is that the stuff that you could -- it was apparent that need to be tested?

A Yes, sir. It certainly stood out to me knowing the victim's condition when he was admitted to the hospital. And, you know, we were provided he had thrown up, you know, something brown, or red brown in color. So once we found this in the car afterwards it was -- it seemed very pertinent to the investigation.

Q 41. This would appear to be some kind of picture identifying the paperwork involving Theia McArdle who's the Defendant, right?

A Yes, sir.

Q This was taken, I'm assuming, to identify the car as being hers? To confirm that?

A We generally do a very thorough job of documenting anything we find in a car. So especially paperwork and medical records and that sort of thing.

Q 42.

A This is just a picture of the inside of the -- a black colored plastic bag that we found in the trunk of the vehicle.

Q So when you came back you were able to access the trunk?

A Yes, sir.

Q And you had a search warrant that the police department had helped you get to search the vehicle, correct?

A Yes, sir. Captain McClurken provided a search warrant for the vehicle.

Q And this was just laid out in the back of the trunk in a similar fashion, or did you cut that bag open?

A If I remember correctly, the bag wasn't tied all the way. So we just kind of opened it up without tearing anything.

Q Finally State's 43.

A As I had mentioned before, the multiple dirty or soiled diapers that came from another one of the trash bags located in the trunk of the vehicle.

Q So all these dirty diapers were found in that bag in the trunk?

A Yes, sir. There were, I believe, three or four different trash bags.

Q You can return to the stand. Thank you, sir.

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

Q I believe at some point were you able to go to the Bedenbaugh Street address where the client of Ms. McArdle lived?

A Yes, sir. After we wrapped up and collected the items that we collected from the car and assisted SLED child fatality unit in recording a reenactment, we cleared up there and then headed over to [redacted] Bedenbaugh Street and basically just took pictures of the outside of the residence. We didn't end up going inside or taking anything from that location.

Q The homeowner was not home at the time; is that correct?

A I believe he was inside talking with one of the officers, but we didn't -- we didn't go in or take any pictures of the inside or anything like that.

Q After leaving Bedenbaugh Street is there anywhere else that you conducted a search warrant in this case?

A Captain McClurken notified myself and my partner at the time that he was requesting assistance for us to help execute a search warrant at the mobile home located at [redacted] I believe it's Union Highway, in Enoree. And that was the suspects' residence. It's where Ms. McArdle and Mr. Bowman were renting or had been staying there for a short period of time. So upon completion of taking pictures of Bedenbaugh Street my partner and I both headed over to the trailer in Enoree. And when we got on scene we met with several Spartanburg County investigators and they had -- already had a search warrant for the mobile home.

Q And you took pictures of that residence, too, or you and your partner as part of the investigation team you all took pictures of the inside of the house?

A Yes, sir.

Q And the outside of the house?

A Yes, sir.

Q You've had a chance to review those before Court today?

A Yes, sir.

Q And they fairly and accurately depict the scene as you saw it the day you executed the search warrant?

A Yes.

MR. STUMBO: Judge, I think after we've discussed this,

49 through 84 would go in without objection, I believe.

MR. VERNER: No objection, Your Honor.

THE COURT: All right. 49 through 84 are in evidence.

(Whereupon, State's Exhibit Nos. 49 through 84 were admitted into evidence.)

MR. STUMBO: If I may approach the witness, Your Honor.

THE COURT: Please.

Q I'm going to show you State's 150. Do you recognize that?

A Yes, sir.

Q And what is this?

A This is a -- my representation of the scene as we found it. It's a more final version of a sketch than a hand drawn sketch that I created using a Microsoft program.

Q It's basically a rough design of the residence in Enoree, correct?

A Correct.

Q I'm going to have you step down one more time and we're going to --

(Whereupon, the witness stepped down from the witness stand.)

MR. STUMBO: Permission to publish these to the jury, Your Honor.

THE COURT: You may proceed.

MR. STUMBO: Thank you.

Q All right. No. 49. If you could, just as we did before, describe this for the jury.

A This is the side of the mobile home. If you turn beyond Union Highway and take a right you go up a short dirt path hill and this -- the front edge of this would be the side that's facing the roadway. So this would be, I guess you could say, the right side of the mobile home. And that's a vehicle that we found on scene. We did a search of that vehicle after completing search of the house.

Q Is there anything of evidentiary value in that vehicle that you searched?

A No. We didn't -- we didn't end up taking or collecting or doing any processing of that vehicle other than taking photographs.

Q How far is this residence off of Interstate 26? How far is it off the exit?

A If you get off at exhibit 44 from north -- if you're heading north from here, and you get off that exit 44 and take a left. It's probably a quarter mile down the road. It would be on your right.

Q It's very close to the interstate exit interchange?

A Yes, sir.

Q No. 50.

A This is just a picture of the side of the mobile home that's facing the roadway, and it's got what was the street

address for the mobile home.

Q And it says [redacted] Is that the address?

A Yes, sir.

Q No. 51.

A This is a picture of the other side of the mobile home from the one that we previously saw where the Nissan was parked.

Q 52.

A This is a picture from the door, that would be the front door, that was right next to the Nissan that we looked at before. The door opens into a kitchen -- kitchen area that's also kind of an open hallway space.

Q 53.

A Immediately inside the front door that I just mentioned, this is the kitchen area. You know, further to the side of those cabinets is where that refrigerator would have been in that previous photograph. There's a cardboard box where a 50 inch television.

Q I'm going to stop right there and we're going to go to Exhibit 150 which I believe --

MR. STUMBO: Your Honor, I'm not sure if I moved 150 into evidence yet. The sketch.

MR. VERNER: Without objection.

THE COURT: Without objection. We'll call it in evidence at this point.

(Whereupon, State's Exhibit No. 150 was admitted into evidence.)

Q Maybe this will help put the pictures in context here. This is your sketch of the -- again, of the house?

A Yes, sir.

Q Now, if you could for the jury, just kind of go from left to right. The door we just saw where you go into the kitchen, if you could point that out for the jury.

A That door. So I didn't put the car in because the car's not permanent and it didn't have a whole lot of relevance. So that car would have been in this area. Here's the front door that opens immediately into this kitchen hallway and the place where the refrigerator would have been.

Q And going from left to right of the house, what's on the far left as we're oriented here?

A The far left, which would be the west bedroom, or room of this mobile home, was basically an empty room with a couple of cats and kittens and liter boxes there, and nothing else remarkable. Further down is this little hallway where the front door and kitchen are. This bathroom down here, which I believe I labeled as hallway bathroom in my crime scene notes. That bathroom contains a toilet with a red and brown substance that was kind of -- we couldn't really tell what it was.

Q Did it consist of vomit?
A I couldn't really say. I did end up taking two swabs from it --
Q And that was a bathroom
A -- a sample.
Q I'm sorry. And there was a bathtub in that bathroom?
A Yes, sir. There's a bathtub right next to the toilet that did have a little bit of -- still had a little bit of water in the bottom of it. It wasn't full by any means.
Q What kind of tub is this? Could you describe it? I know some of the mobile home tubs are a plastic kind of consistency. Was it a tile tub or like a plastic type tub?
A Kind of a run of the mill trailer plastic all the way to the end. Plastic all the way around the tub and shower.
Q So it wasn't the type of hard porcelain that you see in some bathrooms?
A No.
Q It was the plastic type tub?
A Correct. Plastic.
Q Moving into the kitchen area. Beside the door what is that? Is that the stove?
A Yes, sir. I'm not a graphic artist by any means, but this is kind of the stove and sink area right there.
Q And I believe you marked that as a hamper containing clothes with stains? That's kind of on the other side of

the wall from the refrigerator?

A Yes, sir. After we search and take pictures and kind of move all the way through, going through the search warrant we look through the hamper to see if there's any -- any kind of evidence of any blood stains or vomit or anything like that. And within that hamper I believe it was a grey hooded sweatshirt with some stains and the yellow real small child's tee shirt with red and brown stains.

Q You took those items according to the same protocol as you used before?

A Yes, sir.

Q Putting them in a bag and preserving the evidence?

A Yes, sir.

Q If you could, move on. What is -- you marked that as an air mattress. Could you describe that for the jury?

A in this corner of the -- what would be the livingroom area, there was a blown up air mattress and had several blankets on it, and I believe about four pillows. And on one of the pillows away from this exterior wall was a pillow case with kind of small red brown stain.

Q Did you take that pillow case as evidence?

A Yes, sir.

Q The air mattress you said had bedding on it. It appeared to have been slept in recently?

A Yes, sir.

Q Was there any other furniture in that room, if you can remember?

A Not that I recall. There's, you know, various items around in the livingroom. I think there were two kind of gift baskets on the floor.

Q And then the end of the house would be sort of the master bedroom?

A Right. In this next room was kind of a mattress on the ground, and then near this, I guess what would be the north exterior wall, there was a, you know, larger size flat screen television on a low TV stand. Also like a laptop computer that was open right there.

Q The laptop was open on the stand?

A Yes, sir. And then further down was an additional bathroom and a closet.

Q If we could go back to pictures, State's 53. We'll try to go through these quickly if we can for the jury. Is that the dirty clothes hamper in your sketch?

A Yes, sir.

Q And that's where you retrieved the sweatshirt and shirt?

A That's correct.

Q And the flat screen TV box, that's kind of in the kitchen area there, correct?

A Yes, sir.

Q It appears to be similar to the TV that's in the bedroom?
A Yes, sir.
Q And this is still in the kitchen area, State's 54. What's that looking out into?
A This is the -- in the lower right corner of the screen is the kitchen area, and further on in the photograph is what would be the livingroom with kind of a dividing wall similar to this, and then the -- a door opening into the master bedroom.
Q So that air mattress in the kind of left side of the livingroom?
A Yes, sir.
Q State's 55. Just an angle that's wider there?
A Yes, sir.
Q 56. Is this that substance in that hallway bathroom?
A The red or brown colored substance in the hallway toilet.
Q And that's actually found when you get there? It appears to be like a --
A Yes, sir.
Q 57.
A This is a picture looking into the bedroom. That would be on the westside of the mobile home, where the -- it was just cats and kittens and a few litter boxes, and really

nothing else to make note of.

Q 58.

A It's a picture further into that same bedroom with a cat sitting there in the corner. In this lower left corner is a liter box.

Q It still had feces in it?

A Yes, sir.

Q Anything remarkable about it's physical appearance? Go to 59.

A I believe that's a -- it's missing its right eye.

Q Referring to 59.

A Yes, sir. A cat that's missing its right eye. Or appears to be missing its right eye.

Q 60.

A Another cat and kitten and one of the boxes. That's kind of right in front of the door opening to that bedroom.

Q 61.

A It's a picture of some kitchen contents right next to the stove on the kitchen counter.

Q Is that like a drip pan of some sort underneath the griddle there?

A Yes, sir. It appears to be a drip pan.

Q That's made of Styrofoam?

A Yes, sir.

Q Does this look kind of like a George Foreman style

grill that you pick up and press down?

A Yes, sir.

Q 62.

A Another picture on the other side of the stove. Just the other contents on the kitchen counter.

Q 63.

A A picture of the sink. The sink that's a little further to the right of the stove on the kitchen counter.

Q 64.

A This is a little shelf that's kind of in between the kitchen area where the sink was, and then right next to the livingroom.

Q 65.

A A picture of the air mattress in that corner. The corner by the north wall in the livingroom.

Q 66.

A Another picture that's looking, you know, right at the foot of the air mattress.

Q Do you remember if that window was closed or open?

A I don't remember.

Q 67.

A A picture of the air mattress and the pillows and blankets that are laying there on top of the air mattress.

Q Take any evidence off that?

A This lower pillow case. I don't know if you can make

out the kind of dark colored stain near the bottom edge of that pillow case.

Q 68.

A This is a closeup view of that general area on the pillow case and the stains that were right there.

Q 69.

A This picture is inside the master bedroom, and there's the little -- little coffee stand, or coffee table, with the TV on top of it, and the laptop computer is on the farther -- far right side of the frame. And the various clothes, and you see the edge of the mattress right here. The bottom right corner.

Q 70.

A Another picture of the TV and the laptop.

Q 71.

A Just a different view of that general area that also shows the backside of the TV on the coffee table.

Q 72.

A It's a picture of the toilet that was on the far east bathroom in the mobile home.

Q 73.

A I believe this is a picture of just some medications. As a general policy we always take closeup pictures of medications any time you find any kind of prescriptions.

Q I believe 74 and 75 are the same. Appear to be the

same bottle; is that correct? A different -- actually a different bottle?

A Yeah, I believe it's a different bottle with the same store.

Q 75. Go to 76 now.

A This is a picture of the grey hooded sweatshirt that we located in the hamper right there in the kitchen. Kitchen area. As I said before, you know, after we take pictures and search, kind of do a general search, start looking through some other places like this hamper.

Q 77.

A And further down in that hamper, kind of under the -- or in a layer under the hooded sweatshirt is the small yellow tee shirt with the stains that are located near the collar of the shift.

Q 78.

A Just a closeup view of that same tee shirt.

Q And 79.

A This was a blue and white colored towel that was further down in the hamper with more stains that had a very similar appearance to the tee shirt. The red brown colored stains.

Q And 80.

A And this is an additional shirt with stains.

Q 81, 82, 83 and 84 -- or, excuse me, 81, 82 and 83 are

more medicine bottles? That's correct?

A Yes, sir.

Q All those were prescribed to Theia McArdle?

A Yes, sir. They all appeared to be prescribed to her.

Q 84.

A This is a small cell phone found in this pink colored purse. And I believe we located that in a shelf in the kitchen.

MR. STUMBO: You can return to the stand. Thank you, sir.

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

Q You mentioned collecting evidence in the car, correct?

A Yes, sir.

Q You collected evidence out of the house; is that right?

A Uh-huh.

Q I'm going to hand you what's been marked State's 156.

MR. STUMBO: If I may approach, Your Honor.

THE COURT: Please.

Q What's in this bag?

A This is a bag containing a tan colored pillow case from the livingroom in the mobile home.

Q So this is the pillow case off of the air mattress that we just saw in the pictures?

A Yes, sir.

Q And this is the bag -- you packaged it in this bag and

sealed it up at the lab; is that correct?

A Yes, sir.

Q After it goes to the lab it would go to an analyst to -- you wouldn't be the one to analyze it, correct?

A Correct. Generally we go in the field and assist local agencies, state agencies, in evidence collection, photography, processing, that sort of thing. As far as any further analysis for body fluids or DNA analysis or anything like that, we just route it to different departments within the SLED laboratory system. So if I package something -- in this case, if I collect something, come back and dry it, package it up, you know, mark -- mark its destination on its packaging and take it to our evidence control where they'll take it to the next department where the analysis can be conducted.

Q And you seal it with this yellow tape; is that correct?

A Yes, sir.

Q And you put your initials and the date that you seal it up on the yellow tape?

A Yes, sir.

Q And that's your writing?

A Yes, sir.

Q 157. What's in this bag?

A Tee shirt. A tee shirt with brown stains, white colored Puma brand.

Q So that's the Puma tee shirt that's in the backseat of the car crumbled up?
A Yes, sir.
Q The white and green one?
A White and green one.
Q You sealed this one and submitted it for analysis?
A Yes, sir.
Q 158.
A This is the white colored towel from the backseat of the Chevy Malibu.
Q And you packaged that up, State's 158 and you sealed it with yellow tape for analysis?
A Yes, sir.
Q 159.
A This is the yellow Coogi tee shirt from the hamper in the mobile home.
Q So that's the yellow tee shirt out of the hamper --
A Yes.
Q -- that we saw on the pictures?
A That's correct.
Q And again, those are your initials on the yellow tape?
A Yes, sir.
Q And you submitted it for analysis?
A Yes, sir.
Q Other individuals that work for the SLED lab actually

conduct the analysis, correct?

A That's correct. We're fairly specialized in what we do. So different departments will have kind of a very specific function. So they're not taking something and doing analysis. They're receiving it and doing the analysis in the lab.

Q Those were submitted for DNA analysis, those items that we just discussed?

A I believe the items from the car were sent straight away for DNA analysis, and the other items were packaged up and sent to Newberry and were later resubmitted.

Q Now, did you attend the autopsy? I believe you said earlier you did.

A Yes, sir.

Q And did you take any kind of blood standard or fluid standard from G.M. that came from Dr. Ross?

A Yes, sir. Generally every autopsy that we attend that's related to a criminal investigation we'll take a full toxicology panel. So they'll take blood from I believe it's three different areas of the body, and they'll take urine and they'll take vitreous, or ocular fluid sample to run toxicology. Then we'll also take a blood standard for a none DNA standard so that you know that that's person's DNA if you have to do analysis further on down the line.

Q So you did get, I guess, a vile of blood, or some kind

of bodily fluids?

A Yes, sir. Multiple blood vials.

Q And what was that SLED item, or item number that you assigned to that?

A I'd have to -- for the blood standard or for the --

Q Correct. The blood standard.

A Blood standard was item number five.

Q And that was submitted by you to the lab for analysis as well?

A Yes, sir.

Q All of these pieces of evidence that we discussed, the four in these bags and the blood standard from the autopsy, did you alter or manipulate those at any time?

A No, sir.

Q You basically collected them, you sealed them up, you preserved the evidence, you took it to the lab?

A Yes, sir.

Q And you logged it in there for analysis, correct?

A Yes.

Q Any other crime scene analysis work that you did on this case other than what we've talked about?

A While we were on scene, with the vehicle, after collecting the towel and the shirt, I used an alternate light source know by the abbreviation ALS. It basically resembles a big flashlight and it admits light in a

ultraviolet wavelength. And we use this in like a blood search or any kind of biological fluids. Basically you put a -- it admits light at a very specific wavelength. So I put on corresponding glasses and it lets you see stains or patterns that you can't see with the naked eye. So I used ALS to search the backseat of the car, and I ran the ALS over the carseat and saw what appeared to be a few dark colored stains. And generally in our training dark colored stains with an ALS indicate a blood -- blood or some -- it could be really any kind of fluid. That stood out to me. So that's the reason we collected the carseat.

Q The carseat. The cover?

A Cover. Yes, sir.

Q Any other blood that you found in the car, even traces that you couldn't see with the eye with the ALS light?

A No.

Q Just the little stains that you found on the carseat cover?

A Yes, sir.

Q Did you analyze the house for any other -- did you find any other blood stains anywhere in the Enoree residence?

A No, sir. Not to my recollection. Just the pillow case, the hall bathroom and various clothing items in the hamper.

Q Anywhere where you found a suspicious stain like that

you took that into evidence for analysis?

A Yes, sir.

MR. STUMBO: Beg the Court's indulgence, Your Honor.

THE COURT: Yes, sir.

MR. STUMBO: Thank you, Agent Oliphant. Please answer any questions Mr. Verner may have for you.

THE COURT: How long do you think your cross is going to take for this witness, Mr. Verner?

MR. VERNER: A little bit, Your Honor. I'm asking possibly for just a quick break.

THE COURT: I was about to ask for the exact same thing. So we'll be ease for a few moments, about 10 minutes or so, and then we're going to come back on the record and finish up with this witness. This will likely be the last witness for the day. So let's take a brief 10 minute break. Move about a little bit, get yourself something to drink. Don't talk about the case. We'll be back on the record shortly. Thank you. We're at ease.

(Whereupon, the jury exited the courtroom at 4:25 p.m.)

(Whereupon, a recess was held from 4:25 p.m. to 4:41 p.m.)

THE COURT: We'll go back on the record. The Defendant is present with counsel. Let's have the jury, please.

(Whereupon, the jury entered the courtroom at 4:41 p.m.)

THE COURT: The record will reflect that the jury is back and is seated. Mr. Oliphant, you're still under oath, of course. Mr. Verner, you may concern, sir -- or proceed.

MR. VERNER: If it may please the Court, Your Honor.

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. VERNER:

Q Agent Oliphant, I believe you testified it was raining on the morning that you arrived in Newberry?

A It was raining when I was driving there.

Q Do you recall whether it had been raining that whole night or --

A I don't recall. I was asleep all night until they called me.

Q But certainly by 4:00 in the morning it was -- was it a heavy rain driving from Columbia to Newberry or --

A It was a heavy rain when I was driving from headquarters -- our headquarters up to Newberry. Yes, sir.

Q Now, looking at the photographs of the Malibu, is it fair to say that the windows were tinted?

A I don't recall whether they were a factory tint or if they were, you know, something significantly darker.

MR. VERNER: Mr. Bentley, would you be able to put Exhibit 12 or 10 -- 12 or 9 on the screen?

Q That's the -- I think we're looking at No. 9. That's

the back of the Malibu?
A Yes, sir.
Q And that would be a tinted window?
A Like I said, I'm not sure if it's a -- it certainly appears dark. I'm not sure if it comes that way from the car lot or if that was something after market.
Q Well, I'm not talking about extra added tinted. I'm just saying it's not a clear -- there's some kind of tint --
A Correct.
Q -- on the back window?
A Correct. Yes, sir.
Q Whether it's something that has been after market or put on with the car.
A Yes, sir.
MR. VERNER: And 12, please, Mr. Bentley.
Q Also the side windows would be considered tinted?
A When I was on scene they didn't appear overly dark. It's -- you get a certain amount of glare with the camera in a heavy rain like that. There's just certain challenges to photography.
Q But at least from the photographs it's fair to say that you wouldn't be able to clearly see through that window, at least from that photograph, if that's a fair representation?
A You're asking if it would be hard to see --
Q It appears difficult for me to see through that window.

Do you recall whether it was -- would you have had to open the door to see the contents of the backseat or --

A When we were on scene --

Q Yes, sir.

A -- it was hard because it's dark outside and it's raining. When it's lit up in a carport like that you could see in through it, you'd just have to get a little closer. It wasn't like the tint was so dark that you can't make out anything inside the vehicle.

Q And that appears to me like that's the fire station here in Newberry/police complex?

A Yes, sir.

Q Which would be well lit on the inside?

A Correct.

MR. VERNER: May I have, Mr. Bentley, No. 17.

Q That is the front passenger seat?

A Yes, sir.

Q And that's a bag holding the Straw-Ber-Ritas, or however you pronounce the drink?

A Yes, sir.

Q Is it reasonable to think that if there was a bag of drinks on that front seat that that would be an unoccupied seat? People typically wouldn't sit on cans like that, would they?

A No, sir.

Q So, I mean, somebody might have been sitting in the front seat, but it appears that it was being used to keep the Straw-Ber-Rita cans on it?

A Yes, sir.

Q Was there anything else on the front passenger seats other than that bag?

A I mean, just from what I can make out there, just, you know, another red Solo cup.

MR. VERNER: Mr. Bentley, may I have 22.

Q You opened the glove box, right?

A Yes, sir.

Q And that is the mace or the pepper spray that's in the glove box?

A Yes, sir.

Q And there's -- I call that a Buck knife, but there's a lock blade knife in that --

A Folding knife, yes.

Q Is that a lock blade knife like a Buck, or do you recall? Do you remember?

A Where you -- if the knife is folded back you've got to press the little -- depress the button at the bottom to get it folded. Yes, sir. I'm not sure of the particular brand.

Q But it's a lock blade. I call it a Buck knife. But that's -- it's got the same -- you have to press the blade in the back to --

A Yes, sir.
Q -- for the blade to snap back into the handle?
A Correct.
Q And that's the same glove box that had what appears to be a pistol.
MR. VERNER: May I have No. 16, Mr. Bentley.
Q Now, to me that looks like a real gun. Is that a real -- you're indicating that's a pellet gun?
A Yes, sir. I believe it's a Gamo brand, G-a-m-o.
Q Do you know if that was a functioning pellet gun or whether it was just a --
A I'm not sure if it's -- if we go to a scene where there was no firearms used or anything like that, we generally take pictures and don't take it from the scene.
Q I take it that if Agent Oliphant is on patrol and you see somebody holding that, that looks close enough to real to not take any chances with, right? It's a fairly realistic looking --
A Yes, sir.
Q -- firearm? No red tags or anything, or orange noses?
A Black and proportional size to a --
Q And that was found in the same glove box that that black knife was found in?
A I believe that was under the driver's seat.
Q Oh, that's under the driver's seat?

A Yes, sir.

Q Are you sure of that? I don't want to argue with you. But are you sure that was under the driver's seat?

A It was under one of the front two seats.

Q Now, I believe you found --

MR. VERNER: No. 37, Mr. Bentley, if I could.

Q A black jacket in the backseat? Do you know whose black jacket that is?

A No, sir.

Q Did it appear to be a man's jacket or a woman's jacket, or you didn't --

A I couldn't really say. I mean, it's a puffy jacket. I don't remember seeing anything that would say whether it's a man or marketed to a man or marketed to a woman.

Q Now, at the home in Enoree, in the hamper you found several articles of clothing that had what appeared to be vomit on it?

A Yes, sir. Or stains on it.

Q And I apologize. I'm going to back up just one second on one question. You said you -- most of this stuff you had a partner with you?

A Yes, sir.

Q Just -- what was his or her name?

A Special Agent Dawn Claycomb.

Q Claycomb?

A C-l-a-y-c-o-m-b.

Q Does that Agent have anything -- that's no longer your partner?

A We were switched up in January of this year.

Q But to the best of your knowledge, that agent didn't do any reports? You did the reports in this particular case or --

A That's correct. Our standard business practice is one agent takes the pictures. The other takes notes, collects and --

Q But I just wanted to make sure --

A -- verifies the chain and that sort of thing.

Q But there wasn't, to your knowledge, there are no other reports that the other agent would have prepared or done?

A That's correct. I handled all the documentation for written reports.

Q And I was asking you --

MR. VERNER: If we could have No. 38, Mr. Bentley.

Q This is a picture of one of the tee shirts you found in the car?

A Yes, sir.

Q And there appears to be a stain in the -- just under the collar, which could be vomit?

A Yes, sir.

Q Was the shirt wet, or did you touch it or --

A I wear two pairs of gloves.
Q Yes, sir.
A Just so you have a working pair and you have a pair that always stays clean. So unless something is overly, overly damp I'm not really going to notice. Unless it's dripping I'm not going to necessarily notice if it's wet.
Q Well, that's my question. Is that -- did you notice whether that was damp vomit --
A No. It --
Q -- or whether it was dried vomit, crusty vomit?
A It was -- it was drier. Because generally if we take something and it's still wet we have to package it a different way. So prior to packaging anything we kind of make sure that it's on the dry side before putting it in a paper bag.
Q The same question with the articles of clothing you found in the hamper in the home in Enoree.
A They were all fairly dry.
Q Were there any other articles of clothing in the hamper other than -- was that entirely the child's hamper or were there adult articles of clothing?
A It was -- it was mixed. Adult sized clothing, child clothing and kind of like --
Q Did you find any adult sized clothing that had vomit -- what appeared to be at least vomit stains?

A The grey hood sweatshirt was a bigger --

MR. VERNER: 76, please, Mr. Bentley.

Q That's an adult size? That's not -- that would not have been the child's pullover?

A Yes, sir.

Q Yes, it would not have been?

A Yes. It was -- it was a larger size.

Q You would consider that an adult article of clothing?

A Yes, sir.

Q And in your opinion it had vomit on it, too?

A It had -- I think it was kind of mid-chest area. Kind of -- it looks kind of like a mucus stain to me.

THE COURT: The triangular stain?

THE WITNESS: Yes, sir. Yes, Your Honor.

Q Would it appear to be that's kind of a yellowish stained --

A Yes, sir. It was lighter in color.

Q And when we look at the towels they also appear to be yellowish stained vomit?

A I'd have to look at it again. I've got --

MR. VERNER: 32 please, Mr. Bentley.

A That's the towel from the --

Q Car?

A -- back of the car. Those had -- they did have -- they did have this lighter yellow colored stains, but the other

stains were that kind of dark red brown color.

MR. VERNER: 79 please, Walter. Mr. Bentley.

A This is the one.

Q That's the blue towel in the hamper?

A Yes, sir.

Q And does it have what appears to be corn chunks in the vomit? Yellowish --

A I didn't get that close to it. We took pictures of it and collected it.

Q But would you agree with me that there appeared to be yellow pellet sized lumps in the vomit?

A Yes, sir. Definitely something more solid.

Q And it may not be corn, but it could be corn chunks?

A Yes, sir.

Q I'm not asking your address, but you live in Columbia?

A Yes, sir.

Q Do you have a trash service that comes to your house where you have a roll-away trash can and they pick it up one day a week or --

A No, sir. No. I live further out in the country.

Q More of a rural area?

A Yes, sir.

Q How do you have to take your trash?

A Throw it in the bed of my truck.

Q And then you have to take it out to the dump?

A Yes, sir.

Q Is it fair to say that this mobile home in Enoree was also in a rural area like that?

A Yes, sir.

Q And it's possible that the bags of trash can and dirty diapers were put in the trunk to take to the -- this is the kind of place that would not have had a regular trash truck coming up that dirt hill, would they?

A Yes, sir. It's possible.

Q Did you see any roll-away trash cans?

A I don't -- I don't recall seeing any.

Q So, I mean, just like you, it's possible that living in that trailer you're responsible for taking your own trash to the dumpster every so often?

A Yes, sir.

Q And most of the stuff you found in the trunk was in black trash bags?

A In the trunk?

Q In the trunk. Yes, sir.

A There was a few other items back there, and kind of some car care related items as well.

Q So it's possible that the trash bags were put in the trunk to be taken to a trash can at some point?

A It's possible. Yes, sir.

Q Now, we've heard that the child, G.M. slept on an

air mattress in the livingroom; is that correct? Or that's where you assumed he was sleeping?

A Yes, sir. Just given the nature of three people, and a master bedroom with a big mattress and a little air mattress.

Q The smaller air mattress was in the living room?

A That's correct.

Q But the master bedroom didn't have a bedframe either? They were sleeping on the floor, too, weren't they?

A Yes, sir. I believe it was just a --

Q Just a mattress on the floor?

A -- mattress on the floor.

Q Were there any beds in the room where the cats were?

A No. I don't remember any furniture -- furniture items in that room.

Q And from your knowledge, Theia and her boyfriend had fairly recently moved into that mobile home?

A As far as I know. I know they'd previously lived out of state and this was --

Q Not exactly a posh house? Not a upper class or a wealthy type neighborhood or type living structure?

A No, sir.

Q And the child's air mattress is -- assuming the child was in the air mattress in the livingroom, that's pretty much near the door to the master bedroom?

A The bed was in the corner and the door is probably -- it's closer to the other -- closer to the exterior wall on the other side. The door to the master bedroom was.

MR. VERNER: Would you be able to make available photo No. 150, Mr. Bentley?

Q The air mattress would be on the same wall as the door to the master bedroom?

A Like I was trying to explain, the door was further towards this wall than it was towards the wall where the air mattress was located.

MR. VERNER: Can we have No. 65, Mr. Bentley?

Q I don't know if this shows it but -- okay. That's the air mattress that we're talking about?

A Yes, sir.

MR. VERNER: May we have 54, please, Mr. Bentley.

Q This is the photograph taken from the kitchen looking into the livingroom?

A Yes.

Q And the -- if I put -- there's an open door. That would be the door to the master bedroom?

A That's correct.

Q And then there's a vacuum cleaner on the wall?

A Yes, sir.

Q So that would be a fair depiction of how far the air mattress was to the master bedroom?

A Yes, sir. It's a pretty -- single-wide, pretty compact space from wall to wall.

Q So the -- it looks like if I had knocked that vacuum cleaner on the side, the distance between the air mattress and the door would be just slightly larger than the vacuum cleaner?

A Yes, sir.

Q And the vacuum cleaner is typically about three feet high or so? Is that a fair -- I don't know how big a vacuum cleaner is, but --

A Somewhere thereabouts.

Q -- it's not much further than the length of that vacuum cleaner if it was on the side?

A Yes, sir.

MR. VERNER: May I have 53, Mr. Bentley? You can step down, Agent.

(Whereupon, the witness stepped down from the witness stand.)

Q What is this item right there underneath the -- there's kind of a curtain with a --

A There's something like a window air conditioning unit.

Q That's right. Also a heater? An air conditioner and a heater, or can you tell?

A Yes, sir. I've never had one. I've never used one.

Q How many -- did this mobile home have central air?

A I don't remember seeing a thermostat or --
Q Typically when you see window air conditioning units it's a sign that you don't --
A Yes, sir.
Q -- don't need window units if you have central air?
A Yes, sir.
Q How many air conditioning units or heating units did you see that were in this mobile home?
A I don't -- I didn't make a note of it. Or normally --
Q Is it possible that was the only unit heating the entire mobile home?
A That's the only one I remember.
MR. VERNER: And on 150, please, Mr. Bentley.
Q Where would that heating unit be in the mobile home?
A Somewhere at the -- around where this kitchen -- kind of like an area where you would put a table. There wasn't a table there. But there's a window right here.
Q It would be kind of where the line is? Because the Judge can't see you mark. But there's a line kind of in the middle of the unit going up from the bottom wall?
A Yes, sir. That line kind of --
Q In that area?
A -- next to a little low -- low wall.
Q And that's the partition wall between the livingroom and the kitchen?

A Correct.
Q And that's in the general location where the window with the air conditioner, or the heating unit was in?
A Yes, sir.
Q So it's basically in the center part of the home heating the livingroom?
A Yes, sir.
Q The room on the left, that room that the cats were being kept, were you aware of any heating units or air conditioners in that room?
A I don't remember seeing one.
Q What about in the master bedroom? Any heating units or air conditioning units?
A I don't remember seeing one there.
Q Was it on when you -- when you entered that mobile home was the power on?
A We don't normally mess with anything or --
Q Well, I mean, do you recall whether it was --
A No, I don't remember.
Q Do you remember whether it was warm in the home or cold in the home?
A I don't remember. It was December, but it wasn't exceptionally cold that day.
Q I expect you probably -- particularly if it was raining like that, you had some kind of overcoats or heavier

clothing on a day like that?

A Well, the rain cut out, you know, mid-morning or thereabouts.

Q Is it possible that the rooms on either end of the mobile home would be considerably colder in winter than the center part of the house that had the heating unit in it?

A I couldn't say. But if that's the only -- if the only working unit was in the middle then it would -- it would follow that it would be colder on the sides.

Q And is it possible if you had a child you would want to keep the child where you've got the heat? That's a possibility?

A Yes, sir.

Q Now, you talked about you got the ultraviolet light and the special glasses to see the frequency in the light spectrum?

A Yes, sir.

Q And you found a stain. Tell me again where you found that stain?

A Basically if you're searching something that's dark colored --

Q Yes, sir.

A -- and you're looking for stains, you can't see with the -- you know, it's not going to be apparent. So using an ALS helps you kind of make out if there's a pattern or if

there's --

Q Oh, I understand the reason you're doing it.

A Yes, sir.

Q I'm just asking you again where you found the stain that you talked to the Solicitor about?

A I didn't -- I didn't circle it. And there was, you know, a couple different places on the carseat.

Q In the car?

A In the car. Yes, sir.

Q Did you use that unit in the home?

A No.

Q Did you find any blood? You found -- you certainly found what you think is vomit. It looks like that's vomit in the toilet. Would you agree with me that -- did it smell foul?

A It was very pungent.

Q If I said that was vomit, or guessed that that was vomit, that would be a fair guess?

A I couldn't say if it was that or if it was feces. Just --

Q Or it could be a combination of both?

A -- a strong odor. Yes, sir.

Q And the -- you found some articles of clothing with what you believe to be vomit in the hamper?

A Yes, sir.

Q And you found the stains in the car --
A Yes, sir.
Q -- that you -- the Solicitor asked you did you find any other blood. I didn't hear you say you confirmed that that was blood. Is that what you're testifying?
A I can't say whether or not something is blood.
Q So when the Solicitor said did you find any other blood, that assumes that what you found was blood?
A I wouldn't --
Q We don't know whether it was blood or not?
A Exactly.
Q So you found what very possibly could be blood, but it could be some other fluid, too?
A Yes, sir. That's why we take it and send it for analysis.
Q That's why it was sent for testing?
A Correct.
Q Could it have been urine?
A Which stain are you asking?
Q Would that have caused a stain similar that would have shown up on the ALS?
A In my experience, we -- we do a quarterly test on our individual ALS unit.
Q Yes, sir.
A And when I do a quarterly -- just for quality control.

And when I do a test and I look at a blood sample, and I look at a semen sample, it had the dark -- the dark appearance of blood or something --

Q Darker?

A -- of similar consistency, because that's really all it's checking.

Q So it's looking for darker fluids?

A Yes, sir.

Q So it's not really the type of substance it finds. It's just -- it more looks at the color or the tone of the fluid?

A Yeah. It's another search tool. It's not something that can presumptively say this is definitely this fluid or that fluid.

Q So water would be less likely to appear on that type of ALS search than blood?

A Yes.

Q What about milk?

A I haven't ever personally used it for --

Q And I just want to be clear. I'm going to close up soon. But you came to Newberry about 4:00 in the morning on the 30th of December?

A They called me at 5:00. I didn't show up until --

Q Maybe an hour after that?

A -- 6:13 hours. So 6:00 a.m. in the morning.

Q You photographed the car in the hospital parking lot?
A Yes, sir.
Q Then you had the car towed to the police station?
A Yes, sir.
Q And by you, I also mean you and your partner.
A Correct.
Q You viewed the body of G.M. in the hospital, or had it already been taken down to the morgue?
A The -- as far as -- the coroner stood by with the body and took the body to the morgue. The morgue didn't start until -- or the autopsy didn't start until 8:00 a.m. So I went with the car to the police station while the body was at the morgue. And then I came back on scene for the autopsy.
Q So you took the samples from the -- the vials at the autopsy?
A Yes, sir.
Q At some point either before or after you went back and searched the Chevy Malibu?
A Yes, sir.
Q And then you briefly went by [redacted] Bedenbaugh Street when there were other officers there and took a couple photographs of [redacted] Bedenbaugh?
A Yes, sir.
Q Then you went to Union County and searched --

A Spartanburg.
Q -- or Union Highway, Spartanburg County, and you searched the mobile home?
A Yes, sir.
Q I know you took some items and sent them in to SLED. Did you interview any witnesses?
A No, sir. I didn't personally.
Q Did you try to interview witnesses --
A No.
Q -- or just -- so you were almost entirely on kind of the forensic end of the examination?
A Yes, sir. Crime scene is part of the forensic lab at SLED and that's our --
Q Did you do anything else in this case that you haven't --
A I did my -- I briefly mentioned before my partner used the camera to videotape the reenactment.
Q And what do you mean by reenactment?
A It's basically something -- in my experience something we've only done with the SLED's child fatality unit, where basically we just loan our camera to them and they go through --
Q Who is they?
A Agents of the child fatality unit go through -- I'm not sure what their procedures are.

Q The reenactment was you basically had Richard Bowman physically go to the car and explain what he did when the baby --

A Yes, sir.

Q -- on the way to the hospital?

A It's basically, as far as I know, it's where the suspect, or the person in question, goes and kind of says how they found the child, or how they found the baby, and what actions they took.

Q But I'm not trying -- it's not a trick question. I'm just -- so we understand what the reenactment was. You asked Ms. McArdle and you asked Mr. Bowman show us what you did that night and they kind of went to the car and there's a video recording of them basically?

A It wasn't me personally running the show.

Q Right.

A We just -- that's something we generally do to assist child fatality unit. It's their -- it's their reenactment.

Q But those videos would be in the possession of the State right now?

A Yes, sir.

Q And again, as far as subpoena -- using the subpoena to get items in, that was not part of what you did in this case?

A Did I personally issue or request a subpoena?

Q Yes, sir.

A No.

Q And you would not do -- interview witnesses?

A No. I was -- I was present in the bay where the fire trucks are kept.

Q Right.

A It's in the same facility.

Q The last question is how did you get in the mobile home in Enoree?

A How did I get in?

Q Yeah. Was it unlocked or --

A I don't remember having forced entry. I don't recall whether it was unlocked or what.

Q So nobody let you in the mobile home but -- I know you had a search warrant.

A Yes, sir.

Q But you don't recall whether you all had to jimmy open a door or go through a window or whether there was an unlocked door?

A We went through, you know, the door that's on the right side of the home. I don't remember where it was locked or unlocked.

Q But that's the door you went in? It wasn't the landlord who let you in?

A If the landlord was there, it wasn't when I was there.

MR. VERNER: Agent, the Solicitor may have a few more questions.

THE COURT: Redirect?

MR. STUMBO: Nothing on redirect, Your Honor.

THE COURT: Sir, thank you very much for coming today. You are free to go.

THE WITNESS: Thank you.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Ladies and gentlemen, we're probably at a good stopping point in the evening, so we're going to go ahead and adjourn until 9:30 tomorrow morning. Please be back at that point in time. I'm hoping we would have taken care of most of the housekeeping matters and start promptly at 9:30.

Again, the same rules for this evening go as for last night. Please don't talk about the case with anyone. I promise you we're moving along as quickly as we can. I promise you we're moving along in this case. I'll see you all tomorrow morning at 9:30. I hope you have a pleasant night. Take care.

(Whereupon, the jury was released at 5:17 p.m. The proceedings adjourned at 5:17 p.m.)

TRIAL DAY 3-04/06/16

THE COURT: Ms. McArdle, I'm thinking the jury is here.

Counsel, of course, is present with Ms. McArdle. We're going to resume. Let's have the jury in, please.

(Whereupon, the jury entered the courtroom at 9:53 a.m.)

THE COURT: Madam Forelady, ladies and gentlemen of the jury, good morning. Thank you for being here, and I hope you had a good night last night. We're still in the State's case in chief, of course, in the case of the State vs. Ms. McArdle. At this point, Solicitor, if you'll call your next witness, please.

MR. DANIEL: Thank you, Your Honor. If it please the Court.

THE COURT: Yes, sir.

MR. DANIEL: The State calls Detective Allison Moore.

ALLISON MOORE, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DANIEL:

Q Ms. Moore, you are a detective of the City of Newberry Police Department?

A Yes, I am.

Q How long have you been employed with that agency?

A Ten years.

Q And I want to go back to December 30th of 2014, the early morning hours. Did you respond to a call at the

Newberry County Memorial Hospital?

A Yes, I did.

Q And what was that call in reference to?

A At approximately 3:30 a.m. I received a call, I was the investigator on call that week, from the road lieutenant, Jason Stur. He advised me that they had a deceased three-year-old at the Newberry Hospital and I needed to respond. I arrived approximately about 3:50, 20 minutes later, and was led into the room -- the emergency room number 3 where G.M. was in that room. I examined him. I did a quick examination of his body. Saw the multiple bruising throughout his body. And then left the room because I needed to wait on another investigator to bring a camera to start photographs.

Q Okay. Let me stop you there. So you respond to a call at the hospital and you get there about 3:50 a.m. and it's in reference to a deceased child?

A Correct.

Q And why -- why is the police responding to the fact that a child is deceased?

A Just because of the nature of the injuries and because it was suspicious in nature.

Q And you said that you went to room 3, I believe you just testified to?

A Yes, sir.

Q And the child was pronounced dead at that time?
A Yes. He was pronounced dead at 2:06.
Q And you observed injuries to this child?
A I did.
Q And what -- describe that first appearance of the child to the jury.
A He had a couple of bruises and marks on the forehead, discoloration around the eyes. I can't remember where. He had some bruising on his torso area, and a major bruising area around his groin.
Q You said major bruising on his groin?
A I would say severe.
Q I'm going to hand you what's been admitted into evidence -- it's not been published to the jury yet, but State's 1 through 7. Do you recognize these images? I'll give you a second to go through all of them.
A Yes, I do recognize these.
Q Okay. And they are images of what?
A This is G.M. of his injuries.
Q And these images are a fair and accurate depiction of what you observed the night of December 30th?
A That is correct.
Q Excuse me. The early morning hours of December 30th?
A Yes.
Q Okay. Tell us what happens after you initially observe

the injuries on this child. Go from there.

A At that point, like I said, I had to wait on another investigator to come with a camera. So I exited the room. I believe I went to Ms. McArdle -- or where Ms. Theia McArdle was and just talked with her briefly.

Q And where was Ms. McArdle?

A She was in another area of the emergency room. It's another room in the emergency room. So she wasn't in room number 3 at that time.

Q And what information had you been made aware of regarding Ms. Theia McArdle at that point?

A Well, I was told that she was the mother, and she was also advising that her boyfriend, Richard McArdle, was the father at that time.

Q Richard McArdle?

A Yes. I'm sorry. Richard Bowman. I'm sorry. She was actually saying he was the father at that time.

Q Theia McArdle was informing others that Richard Bowman was the biological father?

A That's correct.

Q And I'm sorry. And tell us what else.

A So I just did a brief chat with her. At that point the investigator was on scene with a camera. We went back into room number 3. Myself, who is now Chief McClurken, Deputy Coroner John Pollard. We then photographed G.M. body

and his injuries. At that point I went back -- we also at that point -- yes, at that point, too, I also spoke more with Theia McArdle and she said that she was coming to Newberry to hang out with a guy named Dion at some residence on Bedenbaugh Street. It was a blue in color house. I then seized her vehicle keys from her. She said she was driving a -- I believe it was a red -- a burgundy Chevy Malibu. I then seized her keys at that point because the car at that point is a crime scene.

Q And let me stop you. You initially approached Theia McArdle and you simply asked her how did you wind up in Newberry, what are the circumstances, those kind of questions?

A That's correct.

Q Describe her demeanor at this point. She just found out her child was deceased. But what was her demeanor?

A She -- I can recall that she had a little bit of emotion, but not the kind of emotion that I would -- I would feel like a mother should have of just knowing that her child had just passed. She -- her face -- if I can recall correctly, her face was not red like she had been crying constantly. So she was just not what I would depict a grieving mother would be at that point.

Q So she was coherent in her statements to you?

A Correct.

Q She seemed composed enough to be interviewed by you at this point?

A Correct.

Q So you seize her car keys?

A Uh-huh.

Q So you ask her to hand over the keys?

A Correct.

Q And she's compliant?

A She's compliant.

Q Tell us next what happens.

A We then -- she stays in the room. We go outside to find the car to take photographs of the vehicle where it's parked in the parking lot of the hospital.

Q Let me stop you there. I'm going to hand you what's been admitted into evidence as State's No. 8. Do you recognize that?

A Yes, I do.

Q And what is that?

A That is her car which is backed into a space at the hospital.

Q And how close -- how close is her vehicle to the entrance of the ER?

A It's not close at all.

Q Was the parking lot full?

A No, sir.

Q Okay. I'm going to hand you State's No. 21. It's in evidence. Do you recognize that, State's 21?

A Yes, sir. It's a picture of the same car, same spot.

Q And on the left side of that image there, tell us what that is. I see some kind of structure; is that correct?

A Yes, sir. That is the gazebo at the hospital near the playground.

Q So there is a playground out in the parking lot area?

A Yes, sir.

Q So obviously this spot is not right up on the door, near the playground?

A No, sir. It is nowhere near the front door.

Q So other investigators are at the vehicle with you?

A Correct.

Q And the vehicles, I guess, are being processed is what you would call it at this point, or --

A Well, at the beginning stages, correct?

Q Beginning stages. Okay.

A Uh-huh.

Q All right. And tell us about your exchange with Ms. McArdle at that point once you got to the vehicle?

A Well, at that point I go back and talk with Ms. McArdle and ask her we need to make sure of where she was at in Newberry. We need to make sure of the exact house. I asked her if she's willing to ride with me over to that home so we

can know where she exactly was.

Q And you're under the impression at this point she was visiting a guy in Newberry by the name of Dion?

A By the name of Dion. That's what she related to me then.

Q So then you ask her for her assistance in finding Dion's house?

A Correct.

Q All right. Continue. I'm sorry.

A And she's fully willing to do so. We exited the hospital. She gets into my car and we ride -- she described Bedenbaugh Street. We ride over to Bedenbaugh Street.

Q Is she in custody at this point? Is she handcuffed or anything like that?

A No, she's not.

Q Okay. Continue.

A And she -- we go over to Bedenbaugh and ride up and down the street and she points out [redacted] Bedenbaugh Street.

Q And she's able to tell you Bedenbaugh Street?

A Correct.

Q And she doesn't -- does she give you the exact [redacted] Bedenbaugh Street?

A Negative. No, sir.

Q She just generically says a house on Bedenbaugh Street?

A A blue house on Bedenbaugh Street.

Q I hand you what's in evidence as State's 44. Do you recognize that?

A Yes, sir. This is the picture of the house on Bedenbaugh. [redacted] Bedenbaugh Street.

Q And Ms. McArdle pointed that out as the residence she was --

A Correct.

Q Why did she say she was at this residence? What was her reason?

A Just to see a guy named Dion.

Q And she didn't give any specifics?

A Not at that point.

Q No special occasion? Anything like that?

A Not at that point.

Q But she identified the house, and then where do you go from there?

A I did ask her -- I believe I asked her before getting in my car did she mind riding over with me to Bedenbaugh, would she mind riding over there, but then also riding over to the police department so we can discuss more what happened to her child. And she was all willing to do so.

Q She was -- all right. So at that point she's willing. You ask her would she be willing to go to the police department to be interviewed?

A That's correct.

Q And she wasn't resistant to that?
A Not at all.
Q She wasn't mourning --
A No, sir.
Q -- exasperated, exhausted?
A No, sir.
Q She seemed very cooperative?
A Very cooperative.
Q So you all arrive at the police department, correct?
A Yes.
Q About what time do you get to the police department with Ms. McArdle?
A I don't believe I have that timeframe, but it was before -- it was before -- way before 7:47 a.m., because I was advised that the child fatality unit with SLED was also responding to assist. So I was just kind of waiting on them to arrive before I started the interview. So during that timeframe Ms. McArdle and I was just having idle conversation. Not interview type questions. Just questions about her, about her family. You know, did she have brothers and sisters, of that nature.
Q So you all were making small talk?
A Small talk, yes. And I do believe, if I can remember, that was the point she admitted that she's a little bit embarrassed about her occupation. And then that's when I

realized that she had put an ad on Back Page.

Q At that point she discloses that she -- the real reason she was at the [redacted] Bedenbaugh Street house?

A Yes.

Q She tells you -- what does she tell you about her occupation?

A Well, if I can recall correctly, she just said that I'm -- you know, the real reason I came here is because I put an ad on Back Page and he responded to my ad, and that's why I'm here.

Q And she tells her that -- who accompanies her to [redacted] Bedenbaugh Street?

A Well, we really don't -- I don't -- we don't really get into that until the interview. We just idly talk about -- so we don't get into that until the interview.

Q And you're waiting to -- you're waiting on the assistance of the SLED child fatality unit to arrive to arrive before you begin the interview?

A That's correct.

Q Who were you waiting on?

A Special Agent Kellie Williams.

Q Okay. I'm going to hand you what's been marked for ID purposes as State's 139. Do you recognize that?

A Yes, I do.

Q And what is that?

A This is our adult waiver of right forms that we use with the city of Newberry.

Q Explain what a adult waiver of rights form -- what is that? What's the purpose behind that?

A A waiver of rights is basically the Miranda warnings. It helps ones Fifth Amendment right of self-incrimination. So we have to read these rights with someone in custody, which she was not in custody at the time, or was just not free to leave. So pretty much you have the right to remain silent. Anything I say can be used against me. I have the right to talk to a lawyer and have a lawyer here with me to help me during questioning. If I want to have a lawyer with me during questioning but cannot afford to pay a lawyer, one will be provided to me at no cost before I am questioned. If I decide to answer questions now without a lawyer here I still have the right to stop answering questions whenever I want to. I also have the right to stop answering questions and talk to a lawyer. In fact, each one of those, I read them one by one, and she initialed by each one of them that she clearly understood what I meant. I even told her if she didn't understand each one, I could explain it to her. She initialed each one saying I understand. I'm willing to talk. But the bottom part of this also says, "That I understand my rights as explained by Officer Moore. I now state that I do wish to answer questions at this time and

that I do not wish to have a lawyer here during questioning. My decision to answer questions now without a lawyer is made freely and is my choice. No one has threatened me in any way or promised special treatment. To show my decision I'm signing my name in the space below." She signed her name. I signed as a witness, and Special Agent Kellie Williams also signed it as a witness.

Q So that's a one page advisement of rights form under Miranda --

A Correct.

Q -- Miranda rights. And what's attached to that?

A Her statement.

Q Written statement?

A Written statement.

Q Ms. McArdle handwrote a statement?

A Yes, sir. After we had a verbal interview, she then provided the written statement.

Q You said verbal interview. Was that recorded?

A That was -- yes, it was an audio recorded interview.

MR. DANIEL: Your Honor, I would offer State's 139 for admission into evidence.

THE COURT: Without objection?

MR. VERNER: No objection.

Q You said the interview was audio recorded, correct?

A Yes.

Q I'm going to hand you State's 137. Do you recognize that?

A I do. This is the audio recording of that interview which I had initialed.

Q And you've had a chance to listen to that?

A I have.

Q And you've done written summaries of that and you're aware of the contents of everything that's on that interview?

A I am.

MR. DANIEL: Your Honor, I'd offer State's 137, the audio recording disc, for admission into evidence.

THE COURT: Any objection?

MR. VERNER: No objection.

THE COURT: 137 and 139 are in evidence.

MR. VERNER: Well, this -- subject to what we raised earlier, but no objection.

THE COURT: Fair enough. Subject to the earlier pretrial motion, it is in evidence. They are both in evidence.

(Whereupon, State's Exhibit Nos. 137 and 139 were admitted into evidence.)

Q And Investigator Moore, was -- you said you were waiting on SLED Agent Kellie Williams to arrive?

A Correct.

Q Did you administer these Miranda rights with Agent Williams present?

A Yes, and on the audio recording.

Q Okay. And I'm going to go to the next page on the written statement.

MR. DANIEL: If you could, Walter, could you go to State's 139. Permission to publish, Your Honor.

THE COURT: You may.

Q What is this right here the jury's looking at again?

A That's the adult waive of rights form that we use.

Q And you just read that verbatim, correct?

A Yes.

Q And she appeared to understand everything?

A Clearly.

Q And knowing her rights, she chose to waive those rights and speak to you?

A Correct.

Q And did you -- was she in custody at that point?

A No, sir.

Q Was she in restraints, handcuffs?

A No, sir.

Q Was she free to leave if she wanted to?

A Not at that point, no.

Q Did she try -- did she try to get up at any point after this?

A No. She was willing. She was wanting to talk. She was willing to talk.

Q Did you threaten Ms. McArdle in any way?

A No, sir.

Q Did you exert any undue influence?

A No, sir.

Q Did you offer her anything in exchange, any offers of leniency in exchange for her providing you a statement?

A No, sir.

Q Was she able to go to the restroom if she wanted to?

A Yes, sir.

Q Was she able to get something to eat or drink?

A Yes, sir.

Q And so, you said the interview is audio recorded. Approximately how long is this interview?

A It was a very lengthy interview. It was probably about three hours long.

Q And you and SLED Agent Williams were asking questions?

A Correct.

MR. DANIEL: Walter, if you could, go to page two.

Q This is the written statement on the TV?

A Correct.

Q And I see at the top -- go ahead and read from the top, that information on the top of that.

A It says, "I, Theia McArdle, being 21-years of age, and

my present address is [redacted] Union Highway, Enoree. I have finished the GED grade in school and I can read and write. My date of birth is [redacted] and my Social Security number --"

Q You don't need to read that out.

A "My telephone number is," and then, "I make the following statement to Sergeant A.J. Moore."

Q Read the telephone number.

A It's [redacted].

Q And then again I see the Miranda rights one through seven, correct?

A Correct.

Q And you've already read those allowed. And I see initials.

A Correct.

Q Ms. McArdle initialed that?

A She did.

Q If you could, at what point in the interview did she provide this written statement, at the beginning, end or --

A It was at the beginning.

Q Go ahead and read the written statement.

A "On the night of December 30, 2014, Richard Bowman and myself, along with my son, G.M. drove to Newberry, South Carolina for a call of mine. When I went in the call my son was asleep in the backseat. Richard was also in the

backseat. When I came out 30 minutes or less later, Richard alerted me that he thought G.M. may have sleep apnea and that earlier in the call he had stopped breathing and was snoring. I tried to pull up an address on my GPS but had no signal. Richard told me G.M. was not breathing and I began to go back the way I came. As drove I saw the hospital sign and followed it. He said there was brown shit coming out of G.M. nose and I glanced back to see the vomit oozing out. I asked him to shake him, tickle him, something to try to get a response. He did it and was calling G.M. name each time telling me no response. I pulled in front of the ER entrance Richard took G.M. inside and I parked the car. I came in, gave some information, and was moved to the back. I asked was he breathing and was told no. I asked was his heart beating and I was -- and was told no. I went at last into his room and seconds later the doctor asked time of death. An angel was both lost and gained."

Q And about what time did this interview begin at the police department in your office?

A The verbal interview began at 7:47, and she signed this statement at the end at 12:23 p.m.

Q And was her written statement -- did that conclude the interview?

A That concluded the interview, yes.

Q So let's just say four hours. A little -- four hours, plus or minus?

A Correct.

Q And you all took breaks throughout the course of this interview?

A Yes, we did.

Q Bathroom breaks?

A Bathroom breaks, yes.

Q Water breaks, whatever?

A Whatever she needed.

Q And you've listened to the audio recording, correct?

A Correct.

Q Let's go through that. And you did summations. I'm sure you took notes of that interview, correct?

A Correct.

Q And I know it's a lengthy interview. If you could just begin in sequence of the questions and answers.

MR. VERNER: Your Honor, I object. I don't know if she's selectively picking out portions she wants to do or her opinion on what was said. I don't know the purpose of this questioning. If they want the tape in there I have no objection. But I would have some problems with the officer -- or not giving it completely.

THE COURT: I understand. I think when we had left this last night after I released the jury we were talking

about maybe playing specific portions and skipping over the small talk and the stuff that wasn't as -- is this the interview that we were discussing?

MR. DANIEL: Yes, sir, Your Honor.

THE COURT: Is that possible to do it that way? Play it and then actually have the jury hear the audio portion of the more relevant portions? And then obviously anything that you want to bring in --

MR. DANIEL: Yes, sir.

THE COURT: -- that isn't played. Or were you --

MR. STUMBO: Your Honor, I think we were content to play the entire thing but it's three hours long. We were trying to be efficient with the jury --

THE COURT: Right. Right.

MR. STUMBO: -- and the Court time by having Ms. Moore -- I think we've all taken notes and have verbatim what's in there, to have her testify to what's in the statement. That was kind of our way of being efficient. I think if we're going to play it starting and stopping and -- I mean, we may end up being here close to three hours anyway. I guess that was our intention. Maybe I misunderstood.

MR. VERNER: I just had a problem with a three hour interview being cherry picked for one individual sentence but without the context of the whole interview, Your Honor.

THE COURT: I'm going to let them -- I'm going to let

them proceed in the manner that they described, and if you feel like something is being taken out of context, I assume that you've got -- you've got a transcript of the interview or something or --

MR. VERNER: I've got the audio tape. I haven't been provided a transcript of it.

MR. DANIEL: And, Your Honor, the audio tape is in evidence and Mr. Verner can certainly, on his cross, play the interview if he feels anything is taken out of context.

THE COURT: Fair enough. That's the way we will handle it. You can proceed subject to your objection.

MR. DANIEL: Thank you, Your Honor.

Q Investigator Moore, tell us the substance of this interview, or tell us the questions you asked Ms. McArdle and the things she told you. Because I'm assuming not everything that was discussed is in that written statement, correct?

A Correct.

Q And everything she said is not in that witness statement?

A Correct.

Q Kind of go in sequence.

A Well, of course, we begin the interview by her adult waive of rights form that you had saw on the screen. She goes through and initials it and signs it and that's how we

begin the interview. She starts out by describing her relationship with Richard Bowman, how they had met around March 2013 after he was discharged from the military. At that time they lived in Asheville. She described Bowman as being the only father figure G.M. had ever known, and G.M. was one-years-old when Ms. McArdle and Mr. Bowman first met.

Q And so by her own admission she's saying Mr. Bowman is not the biological father, correct?

A Correct.

Q I'm sorry. Continue.

A I then asked how did Bowman treat G.M. Her reply was always kind. Treated him no different than his own. She goes on to talk -- and then she goes on and talks -- degrading Bowman. How he's kind of socially impaired, socially retarded. Calls him a whore, that he's unfaithful. She also continues to go on about how they -- you know, they had an up and down relationship and how -- she said that I'm the type of insane that knows I'm insane and needs medication, and pretty much Bowman didn't. Didn't understand. She goes on to talk about how Mr. Bowman never hit her son.

Q Did you ask her the question did Mr. Bowman ever hit G.M.

A Yes. I know -- I'm sure I've asked it at some point in

this interview. I don't know if was at this point. These are just little notes. But yes, I'm sure that was one of the questions, yes.

Q And Ms. McArdle's response was Richard Bowman never hit my son?

A Never hit my son that I saw at all.

Q Continue.

A And she talked about how she still loved Bowman. She goes on and talks about how she had financial problems, and that was the reason why she began taking men -- Johns, as she quoted.

Q And explain that just in case somebody doesn't get the reference.

A Of what a John is?

Q Uh-huh.

A I guess anyone just calling a male prostitute.

Q Well, that's the reason she began taking Johns?

A Yeah, taking Johns to get money.

Q Men started paying her for sex?

A Correct.

Q And Bowman -- and during these sessions that she had, Bowman would watch G.M.

Q She was -- Ms. McArdle was saying that Bowman would babysit G.M. while she would be with the clients?

A Correct. Then she finally said, I guess, later on she

earned enough money from working at hotels -- at this point they had moved to Spartanburg. Earned enough money working at hotels to secure a residence in Enoree, and they had only been living in Enoree about two months.

Q Let me stop you there. Ms. McArdle initially meets Richard Bowman in Asheville?

A Correct.

Q And then all three of them, Richard Bowman, Ms. McArdle and G.M. moved to Spartanburg together?

A Correct.

Q Okay. Keep going.

A I believe they were staying in hotels at that time. And then they earned enough money to secure a residence in Enoree.

Q A trailer in Enoree?

A Correct. She goes on and discusses that Bowman had gotten a job at Lear Corporation, I think it is. That he was to start it January of 2015. And, of course, this is December 30th of 2014.

Q So at that time of this interview Richard Bowman didn't have a job?

A She said he had secured it and was going to start after the new year.

Q But at that point in time he was unemployed though?

A Correct.

Q So she was the only one making money?

A Correct.

Q Continue.

A She then discusses how Mr. Bowman kept G.M. while she was on her service calls. The question was asked, "What do you do to punish G.M.

Q You asked her that question?

A Correct. Her answer was, "Up until he was two I couldn't do anything. I took away toys and privileges, put him in the corner for using profanity. I took away his sweets for his misbehavior, and I popped him on the butt for kicking and pitching a fit, which didn't phase him." She actually discussed how she had popped G.M. on the butt a couple weeks prior to his death when G.M. was in the backseat of the car pulling on her hair. She goes on to discuss that no domestic violence had occurred between her and Bowman since they had moved to Enoree.

Q So I guess at some point in the interview she did talk about, I guess, domestic disturbances she's had with Mr. Bowman?

A That's correct.

Q But since they had moved to Enoree they hadn't had any?

A Correct.

Q So she describes kind of a turbulent relationship at times with Mr. Bowman?

A She did.

Q All right. I'm sorry. Continue.

A And again, she repeated that Bowman was helpful because he would watch G.M. while she was with a client. I asked the question, "Did Mr. Bowman enjoy being around G.M. and her answer was "Yes." She said that she moved the mattress to the livingroom for G.M. to sleep there closer to her room. G.M. was doing well during potty training.

Q So I guess at that point you all start talking about the dynamics of their household in Enoree?

A Correct, yes.

Q So she's talking about the -- and her testimony yesterday was an air mattress in the livingroom?

A Correct.

Q So is she saying that that's the mattress G.M. slept on?

A Correct.

Q And what was the reason for that?

A She just said closer to her room.

Q Okay. Did she mention anything about the house not being properly heated or air conditioner or anything like that?

A No, sir. Not that I recall.

Q Okay. Continue.

A We moved on to talk about December 29th. The events

that led up into the early morning hours of December 30th. She said she got up around 9:00 or 10:00 that morning on the 29th. G.M. was still in his bed in the mattress. The blow up mattress. She said it's unusual for G.M. to sleep until 10:00. And I guess with her moving about, G.M. woke up. She said she made G.M. something to eat that day -- that morning. She did begin discussing leaving for her Spartanburg call. For a client call that she received going to Spartanburg. She talked about that was her first prostitution call of the day. She talked about that she left around dusk, which December 29th dusk, I guess, you would consider would be 4:00 or 5:00 in the evening. She said during that day though that her and G.M. was watching Penguins and Madagascar movie. That they would play ball in the house because it was raining outside. She said that the -- going to the call in Spartanburg took about 28 minutes, you know, one way, 28 minutes another way back, but the actual call took 45 minutes. So my summation, she was probably gone from the house maybe only an hour and a half away from G.M. at that point. She got back from the prostitution call and she said that -- she described how her and G.M. actually made supper. That they normally eat supper between 6:00 and 8:00.

Q Let me stop you. Yesterday we saw pictures of cats in

the house.

A Yes, sir.

Q Was that ever discussed? Because I know you -- we were talking about the dynamics of the house. Did she ever mention anything about cats?

A I recall that she said she loved cats and that she would pick up stray cats, and that she did really love having them in her house. She loved the companionship with them.

Q Did she mention picking up any cats recently?

A Yes. She recalled coming back from her call in Spartanburg. She stopped to get gas and she saw a stray cat and actually asked the store clerk if she could take the cat and they said yes. So she took it home.

Q On December 29th she picks up a stray cat?

A Correct.

Q All right. I'm sorry. Continue. I believe you left off about getting back from that first prostitution call. What happens then?

A Correct. She said that G.M. -- her and G.M. were making dinner. That they normally eat between 6:00 and 8:00. That night it was about 8:30 that they were -- they had steak, corn and garlic bread. She goes on and talks about how she admits -- and I can't recall why this was. But she admits to breaking Bowman's phone a few days prior

to the -- due to Bowman communicating with another woman. She actually laughed and joked about throwing the phone in the toilet.

Q So Ms. McArdle discussed -- she admitted to breaking Mr. Bowman's phone?

A Correct.

Q Were you all able to pull any phone records from Richard Bowman?

A No, sir.

Q All right. Continue.

A She did discuss his going to Newberry. She said that she wasn't -- she received that call -- I'm sorry. She had received a call at some point to go to a service call in Newberry. She discusses that she wasn't familiar with Newberry, so at this point she asked Mr. Bowman to ride along with her because she was a little fearful of what may happen. I believe the question was asked was G.M. ill on the way down. And she said -- she does not mention G.M. being ill in the car at all.

Q Did she mention G.M. being sick on December 29th at all?

A No, sir.

Q She goes on to discuss that he had -- she had to use her GPS coordinates to come to Newberry. And she was with the John for approximately 30 minutes or less.

Q Did she have a GPS system or was it -- a lot of people have GPS' on their phone. An app for that. What was --

A I believe it was on her phone. He just -- I believe he texted her his address and she used the GPS to come -- to use the GPS to come to [redacted] Bedenbaugh.

Q All right. Continue.

A Of course, she said that she was in the residence 30 minutes or less.

Q She was in the residence with the Newberry John for 30 minutes or less?

A Correct. She goes on to say she told the John, who was Justin Holmes, it wasn't necessary to walk her to the car. At this point she describes getting into the car and that Mr. Bowman said he thought G.M. had sleep apnea and had stopped breathing in his sleep. At this point she said that she was trying to find a hospital on her GPS but it didn't work. So --

Q Let me stop you. But her GPS presumably worked to find the [redacted] Bedenbaugh Street --

A Correct.

Q -- address?

A Correct.

Q But her GPS didn't work to find the nearest hospital?

A Correct. The closest -- and she also goes on to describe how the closest hospital that she is aware of was

in Laurens County. So she starts heading in that direction. She knows that stuff was coming out of G.M. nose. It looked like brown goo. So she knew something was terrible at that point. She said that G.M. was a soft sleeper and he appeared to be sleeping when she got back in the car.

Q Let me stop you. So she -- Ms. McArdle had already told you that Bowman would babysit G.M. when she'd go on these service calls, correct?

A Correct.

Q So I'm just confused why would -- why would Bowman and G.M. need to come with her then? Why couldn't they just stay home and let Bowman babysit him there with G.M. coming along for the ride? Did you question her on that?

A Her answer was that she was just fearful of coming to Newberry because she wasn't aware of the area.

Q All right. Continue.

A She said that she finally found a sign to follow to the hospital. That G.M. and Mr. Bowman got into the hospital first and she parked the car because she didn't want to waste any more time. She said that, "I called my mother." She starts crying about seeing her baby lifeless on the hospital bed.

Q Was that the first time Ms. McArdle was crying? Because I believe earlier you testified that she was pretty composed throughout the interview.

A She had cried -- she had cried a little, but it didn't -- again, it just was not to the amount of a grieving mother, in my opinion.

Q All right. Continue.

A She said that G.M. was asleep when she went into the John's house. G.M. pretty much was asleep the entire ride to Newberry. Prior to coming to Newberry G.M. was asleep on his mattress. I asked -- I asked Ms. McArdle did G.M. have any trouble eating that night because it was steak and corn on the cob. She said no, he ate most of his food. Nothing would have caused him to have an allergic reaction. And at this point she doesn't even mention the vomit in the house. She said that G.M. likes his independence. He does well with his potty training. And at this point, too, she admits to helping G.M. pull down his pants to use the bathroom on December 29th. And I do believe she would have pulled down those pants she would have seen that severe groin injury at that point.

Q And that's the injury you described earlier when you reviewed those photos?

A Correct. And that injury would have been there.

Q That injury is readily apparent to the groin?

A Readily apparent. She talks about as of late he hadn't had no poopy diapers. G.M. was already asleep in a shirt and pajamas when she received the Newberry service call.

Again admits to advertising her services on BackPage.com. She tells the John her rate of $120 for 30 minutes of service. The John had text her the address. GPS said it would take over 30 minutes to get there. She asked Bowman to come with her when she suspect the client may be capable of harming her. At this point I asked Ms. McArdle can she tell me about the events of December 28th. She said at that point her brain was too frazzled and she was too tired to remember those events at all.

Q So you were trying to ask her about, you know, at least 48, 72 hours, but she could only remember December 29th?

A That's correct. Yes. I was trying to establish a couple of days of timeframe of G.M. life.

Q Well, wasn't she talking about meeting Richard Bowman in Asheville in 2013 and stuff like that? Talking about stuff in her past?

A Correct.

Q But she can't remember something from December 28th?

A Correct.

Q All right. Continue, please.

A Again, I don't -- sometimes I don't remember the questions I ask. But the notes say park -- which I guess this is when we were talking about how -- more about the John's house. She said she parked in front of a red SUV in the carport while at the John's house. She tried to put his

address to get home after Bowman informed her that G.M. had stopped breathing.

Q So she was -- explain that statement. She was trying to put in an address to get us home after Bowman told her G.M. was -- what address is she referring to?

A I'm assuming her home address, or Laurens Hospital. I'm not -- I can't recall. I can't recall that at all.

Q She wasn't -- she wasn't suggesting she was trying to find the Newberry Hospital?

A I'm sorry. I can't recall at that point what she was meaning at that point.

Q I'm sorry. Keep on going. I was trying to clarify that. Continue.

A Well, the next thing is she tried to look up an address for the hospital and knew something was seriously wrong when she saw, I'm sorry, shit coming out of his nose.

Q Did she elaborate on what the shit was coming out of his nose?

A No. Just the word. She described how Mr. Bowman was in the backseat with G.M. and that G.M. was in his carseat. She then went on to say that she didn't even know Newberry had a hospital. She said if you see a hospital sign in the city, that usually means one is not far.

Q Is that -- are you from Newberry?

A Correct.

Q And there's generally -- I mean, I'm sure there's a state law or something that you have to post hospital signs if there's a hospital nearby or something.

A There's always hospital signs.

Q If you're coming from Spartanburg when would be the first Newberry Hospital sign you would see?

A The first hospital sign coming into Newberry would be exit 72.

Q Is that the first exit for Newberry?

A That's the first exit for Newberry.

Q So there's a hospital sign?

A Yes, sir.

Q I'm going to hand you -- one second. I'm going to hand you what's been marked for ID purposes as State's 141. What is that?

A This is a picture of the first exit sign of exit 72. It says Newberry one mile, and right underneath it says hospital in blue background.

MR. DANIEL: Your Honor, I offer State's 141 for admission into evidence.

MR. VERNER: Your Honor, I object for a couple of reasons. One, she wasn't at exit 72 when she was on Bedenbaugh Street. There's no evidence she came down or saw the sign. I don't dispute the sign's there, but that that jumps to conclusion that she saw the sign or was looking for

the sign.

THE COURT: Assume facts not in evidence. Sustained.

Q Do you know what route she took coming to Newberry? Did she take interstate, back roads?

A She took the interstate, but from there I don't know. I would image that exit 72 would be the first exit coming from the interstate that GPS would take you.

Q All right. Continue. I think you left off about Ms. McArdle saying something if you see hospital signs in a city that means it's not far or something, or didn't know Newberry had a hospital.

A Correct.

Q Continue.

A She then goes on and makes a unusual statement. She said, "If I wanted to emotionally move you, I could put on any act that would knock you on your," excuse my language, "fucking feet."

Q If I wanted to put on a -- so Ms. McArdle is saying if I wanted to emotionally move you I could put on a act that would knock you on your fucking feet?

A Correct.

Q Okay. Continue.

A And then she goes on again with another unusual statement. She discusses that once she had learned the death of her son, that she thought about just going off on a

tangent, traveling the world and doing every possible drug she could, which to me seems to be an odd reaction to just learning that your son had passed.

Q And so, she had learned -- Ms. McArdle had learned her son had died, what, just a matter of eight or nine hours prior to this?

A Correct.

Q All right. Continue.

A I did inform Ms. McArdle of the severe bruising that was found all over his body. She seemed to be in, you know, a little disbelief. She said, "I would never do anything like that to my child."

Q So you had informed Ms. McArdle about the bruising you observed at the hospital on G.M.

A Correct.

Q She said that she was not at the house most of the day, which she disclosed earlier she really had. She had only been gone, I would say, an hour and a half to two hours. So she was with G.M. most of the day, even going to Newberry. She talked about -- which is another unusual statement. "No way in hell this would cover everything," which she meant injuries. She said, "No way in hell this would cover every injury." So to me that implied that she knew there were some injuries there. She thought maybe the skates that her grandmother had given G.M. caused these

injuries.

Q Skates for Christmas?

A Well, I believe a couple days prior they had met at a park with her grandmother. That the grandmother had given him skates. That she was saying maybe he had fallen from those skates and that's what caused those injuries.

Q She's referring to multiple injuries, correct?

A That's the way I took it, yes.

Q All right. Continue.

A She goes on to say that the only time he could have been injured was on that December 27th when they visited her mother in Asheville at the park. She goes on to say that she would not take the time to inspect her child, which I find unusual because I think a parent needs to, you know, inspect their child. But she said that I would not look over my child's body for injuries.

MR. VERNER: Your Honor, that's -- my objection is, again, she's giving her opinion on what she would do.

THE COURT: Sustained. Sustained. That is sustained. The jury is instructed to disregard that last editorial. Go ahead.

Q Continue Investigator Moore.

A She said that she was -- that she had never -- again she talked about how she had never seen Richard hit G.M. Then she goes on to talk about how ever since my molestation

Ms. Bowman did not specifically observe her child's private areas, which would explain why she didn't observe the injuries to the groin. She talked about how maybe the injuries occurred because she asked Richard to shake G.M. in the backseat of the car trying to wake him up when they were on their way to the hospital. She thought that that maybe caused those injuries. She had very disbelief to the groin injury when I described that, which would have been -- which would have been apparent if -- when she was taking down his diaper. And she said I do not mess with his privates due to my molestation. And then I would ask her, "If you knew what happened to this baby, would you tell us?" And she said, "If I knew, I would tell you." She goes on to say that, "I wish there was somebody to blame." She again begins to talk about how Richard was a father figure. And she said, "If there was bruising, how could someone inflict that on someone so small." Again, she -- and repeatedly again talks about how didn't -- she didn't witness Mr. Bowman abusing her son. She goes on to say that she didn't drink on the morning of the incident, but she does take mental health medication. And she goes on to say that Mr. Bowman doesn't abuse drugs. Again, she makes another wild statement of "I'm the kind of crazy he knows I'm crazy." She also goes on to say, "I am not the kind of parent, not the kind of person that would injure a child." And again,

at the end of the interview, she repeated that, "I don't do body checks on my son. She repeatedly claims to have no knowledge of the bruises throughout his life."

Q And after observing the injuries to this child in the hospital, if, in your opinion, if someone is changing a diaper, or assisting changing a diaper, would they -- would it be reasonable that that person would have seen these injuries?

MR. VERNER: Again, Your Honor, she's not testifying about the statement. She's now -- he's asking her an opinion question would she see the bruises on the child. It's not --

THE COURT: Sustained.

Q All right. So tell us -- that's the conclusion of the interview essentially?

A Yes, sir.

Q And it ends around lunch?

A Yes, sir. Because of breaks and because of other -- the reenactment scene that you'll learn later.

Q What happens next after the end of the interview?

A At that point I do believe that warrants had already been obtained for her arrest.

Q Arrest warrants had been obtained?

A Yes.

Q So she was -- you had taken her into custody?

A At that point, yes.

Q So she's handcuffed and transported to jail at that time?

A Correct.

Q And what did you charge her with?

A Homicide by child abuse.

Q Explain what else you did in this investigation.

A I believe my next -- I interviewed -- let's see. Excuse me for a moment. I obtained search warrants on Ms. McArdle's cell phone. And --

Q And why did you need a search warrant on the cell phone? What's the purpose of that?

A Just to further investigate the incident, because her phone was a major factor in this case. Because it was utilized. So just to further investigate. To get more evidence.

Q Do you do like an extraction of the phone, like get all the digital contents and that kind of thing?

A I don't personally. But yes, we get the phone and give it to an agent that can, after we obtain search warrants.

Q Does SLED assist you with that?

A Correct, SLED. Yes.

Q And they have a, what, compute crime unit, or whatever they call it? Something like that.

A I believe it's the Fusion Center.

Q Did they issue a report of the phone? Contents of the phone?

A Correct.

Q I'm going to hand you what's been marked for ID purposes as State's 142. Do you recognize State's 142.

A Yes, sir. I do.

Q And what is that?

A This is the cell data extraction.

Q And SLED did this?

A Yes, sir. Agent Chris Johnson with the Fusion Center.

Q Okay. And so, you just pop this disk in a computer and it'll show you what's actually on that phone?

A Yes, sir.

Q In a particular format that's user friendly, or reader friendly?

A Correct.

MR. DANIEL: Your Honor, I offer State's 142 for admission into evidence.

THE COURT: Any objection?

MR. VERNER: If they have stuff specifically related to the case, Your Honor, I don't have any objection. I'm just -- just doing the massive data dump on the phone for unlimited dates or are we just -- is there specific stuff that they're trying to prove or they want to show the jury? I don't have any problem with that.

MR. DANIEL: Your Honor, it will be, I guess, narrowly tailored once Agent Johnson testifies.

THE COURT: Okay.

MR. VERNER: Subject to the Agent --

THE COURT: Let's leave it as -- let's leave it like this. Subject to the agent linking it up as to relevancy and specificity as to the day data that we're talking about. So it's not in evidence at this point in time. She's laid a foundation though for it. We'll let it come through the agent when he testifies.

MR. DANIEL: Thank you, Your Honor.

Q Well, what else did you do in this investigation aside from coordinating the cell phone extraction with cell?

A On December 31st I had an opportunity to speak with Patrice McArdle, who would be Theia McArdle's mother and G.M. grandmother.

Q You interviewed Patrice McArdle?

A Correct.

Q Okay. What else did you do?

A Along with the cell phone extraction I did a search warrant on T-Mobile -- her account at T-Mobile itself.

Q So T-Mobile is the cell phone carrier for Ms. McCardle?

A Correct.

Q And you obviously had her -- did she provide her cell phone number to you?

A Correct.

Q So you sent a search warrant and you asked T-Mobile for all the records associated with this particular phone number?

A Correct. With her 828 telephone number.

Q And so, T-Mobile typically sends back what? Incoming, out coming calls and that kind of thing?

A That's correct.

Q I'm going to hand you State's 153 and 136.

MR. VERNER: No objection, Your Honor.

THE COURT: Those are State's --

MR. DANIEL: 153, Your Honor. I'll ask Investigator Moore to identify that.

THE COURT: Go ahead.

Q What is State's 153?

A This is just a certificate, I guess, of authenticity for the records from T-Mobile.

Q From their records custodian?

A Correct.

Q Saying that the records they furnished you were actual authentic records?

A Yes, sir. Actual and correct, yes.

Q And I'm going to show you State's 136. What is that?

A Yes, sir. These are the actual records that they sent to me.

Q From T-Mobile?
A From T-Mobile.
Q And those are the records associated with Ms. McArdle's phone number?
A Correct.
Q Your Honor, 153, the affidavit, and 136, the actual records into evidence.
THE COURT: Without objection, they're in evidence.
(Whereupon, State's Exhibit Nos. 153 and 136 were admitted into evidence.)
Q Is that the extent of your role in this investigation? Anything else you did?
A Pretty much, except I did the -- you know, since she talked about going to Laurens Hospital I did some distance configurations.
Q What is -- just out of curiosity, what -- how far is -- what was the listed address for Ms. Theia McArdle? Where was she residing at the time of this crime?
A At [redacted] Union Highway in Enoree, South Carolina.
Q That's in Spartanburg County?
A At the Laurens County line.
Q How far is that Enoree residence to the Newberry John's house, [redacted] Bedenbaugh Street?
A It would have been 32.9 miles.
Q And how did you get those distances?

A I was using MapQuest.

Q Well, how far is [redacted] Bedenbaugh Street -- and that's in the city of Newberry, correct?

A Correct.

Q How far is that Bedenbaugh Street address to the Newberry County Hospital? How far is that?

A I'm sorry. Ask me that again.

Q How far is the Bedenbaugh Street address, where the John lives, how far is that from the Newberry Hospital?

A It's 2.3 miles.

Q And the hospital is in the city limits, too, correct?

A Correct.

Q 2.3 miles?

A 2.3 miles.

Q And you mentioned something about Ms. McArdle being familiar with the Laurens County Hospital?

A Correct.

Q Where is the Laurens County Hospital?

A Laurens County Hospital is located on US 76, which is right outside Clinton, in between Clinton and Laurens.

Q So the hospital -- Laurens County Hospital is actually in Clinton, which is in Laurens County?

A Correct.

Q And from her residents to that hospital was 11.9 miles.

Q So I would imagine in Spartanburg -- Enoree is on the

Spartanburg/Laurens County line?

A Correct.

Q So that would be close -- would that be closer -- the Laurens hospital is closer to Enoree than the Spartanburg hospital is closer to Enoree, correct?

A I'm sorry. Say that one more time.

Q Is it quicker to get to the Laurens hospital from Enoree or is it quicker to get to the Spartanburg hospital from Enoree?

A I would say Laurens hospital.

Q So that was 11 -- about 11 miles, you said?

A Yes.

Q So you can get from the Laurens hospital from Enoree in 11 -- it's 11 miles.

A Correct.

Q Any other relative distances that you kind of calculated as part of your investigation?

A The distance from the Newberry hospital to her address is 31.1 miles.

Q Okay. So -- about roughly the distance it took her to get to the John's -- I mean, to get to the John's house?

A Correct.

Q Newberry John's house.

A It would have been 31 miles, yes.

Q So it's obviously a lot closer to get to the Laurens

hospital if you need to --

A Correct.

Q -- from Enoree. Was your -- your investigation was just on Theia McArdle, correct?

A Correct.

Q Who handled -- was Richard Bowman -- I know he was with her that night you testified to. Was he taken into custody?

A Yes. I believe he was interviewed by Chief McClurken.

Q He wasn't chief then though, was he?

A No, sir. He was Captain McClurken.

Q So he was investigating -- so you all divided up the investigation between suspects and you took Theia McArdle and Chief McClurken took Richard Bowman?

A That's correct.

Q And he was taken into custody, Mr. Bowman?

A That's correct.

Q And was he charged as well?

A That's correct.

Q With the same offense as Ms. McArdle?

A Homicide by child abuse, yes.

Q Chief McClurken can answer questions -- or he would be familiar with the Richard Bowman aspect of the investigation?

A That's correct.

MR. DANIEL: Thank you. Please answer any questions

Mr. Verner has.

CROSS-EXAMINATION

BY MR. VERNER:

Q Good morning, Officer. Investigator Moore. At that time Captain McClurken was also an investigator was really his role, too, wasn't it?

A That's correct.

Q His rank may have been captain, but he was specifically trained as an investigator as well?

A That is correct.

Q And you were also an investigator at that time?

A Yes, sir.

Q The -- now, Theia had told you it had been -- the interview of Theia that you conducted was the day that the child died, December 30th of 2014?

A Yes, sir.

Q And she told you it had been raining that day, right?

A Yes, sir. I can recall that she said in the interview it had been raining, so that's why they played inside.

Q Well, just my question is, was that correct? Because if you were talking to her you would have been familiar with the weather of that day, too, I assume.

A From what I can recall, I think it was raining.

Q Well, if somebody -- if you interviewed somebody and I said the weather was sunny this morning and you knew that it

had been raining, you would have said no, that's -- you know, it was a sunny day. You would have corrected them, wouldn't you?

A Yes, sir.

Q So was that probably true that it had been raining?

A Yes, sir.

Q Or it certainly would have stuck out to your memory that somebody said that the weather was completely different than what you would have remembered from a short time before?

A Yes, sir.

Q If I went to the town of Prosperity, or a different town than Newberry, how would I know whether or not that town had a hospital in it unless I passed the hospital or was familiar with that town? I guess I'll do it this way. There are a lot of towns without hospitals in them, aren't there?

A That's correct.

Q And it's fair to say that Theia had only been in South Carolina for two months?

A That's correct.

Q And had never been to Newberry before, by her statements?

A That's correct.

Q Is it reasonable to assume that a person might not know

whether there's a hospital in that town?
A That's correct.
Q And there are hospital signs throughout the town, but even if you pass one you may not notice it if you're not specifically looking for a hospital sign?
A That's correct.
Q And I'm sure we have streets that have just a big H on them indicating you're on the route to the hospital?
A Yes, sir.
Q But again, a lot of street signs are kind of dependent on you looking for that particular type sign?
A Correct.
Q There could be billboards on the interstate that say big things, but if I'm not really paying attention to them I might not take them into my recognition?
A Correct.
Q And on top of that, it would have been raining that night as well?
A Yes, sir.
Q And presumably if she's trying to find an address she's also looking at her cell phone to some extent?
A Correct.
Q Do you have any evidence that Theia was actually aware that Newberry had a hospital prior to seeing the signs?
A No, sir. I have no evidence.

Q And you went so long I took two notebooks, so I've got to go back through them. You never interviewed Richard Brown -- Bowman?

A No, sir. I never did.

Q Did you see him or know that there was a -- prior to speaking to Theia were you even aware that there was a second person?

A Yes. Let me go back. I didn't interview Mr. Bowman, but I may have spoken briefly with him at the hospital.

Q Okay. Is it possible Mr. Bowman was the one who told you that they had met a guy named -- what was the -- named Dion?

A Dion.

Q Is it possible that you took that information from Mr. Bowman?

A Now, sir. Because I have in my notes that I spoke with McArdle who gave me that information.

Q But your notes are kind of written after the fact, aren't they? You talk to everybody and then at some point after you speak you try, to the best of your recollection, put all your notes own?

A Correct.

Q So that would depend on your memory?

A Correct.

Q And Bedenbaugh is not a particularly long street, is

it? It's like -- it's not a Nance Street, College Street, Wilson Road? It's a fairly short street, isn't it?

A That's correct. It's a short street.

Q Okay. So when she said she went to Bedenbaugh Street there wouldn't be that many -- and there's a blue house on it, that would be a fairly specific -- on a street that small? It would be a lot easier to find a blue house on Bedenbaugh than a blue house on Nance or College?

A Correct.

Q And she told you at the hospital she was an escort, didn't she?

A I can't remember exactly at what point she told me she was. It may have been at the hospital. It may have been on our ride. But at some point she did.

Q And you indicated that she appeared to be cooperating? I think you said that you characterized her as very cooperative?

A Yes, sir. She was.

Q And she wanted -- she said she wanted to discuss the child with you?

A Yes.

Q Now, your interview, was it conducted -- the three hour interview, that was you and a SLED agent? It wasn't just you, it was other officers as well?

A Yes, sir. It was SLED Agent Kellie Williams.

Q The cat with the one eye we heard about, that's the cat that she told you she found at the gas station that night, right? The stray cat? She said she found an injured cat and brought it home?

A Yes, sir. I'm assuming that's the cat, yes.

Q Now, she didn't say her phone didn't work when you were asking her whether she could find a hospital on it. She said she couldn't get a signal immediately from Bedenbaugh Street, right? She didn't say her phone was broken? She just said she couldn't get a signal? Or did she say her phone was broken? You told the jury that she told you her phone didn't work when she got back in the car with Richard Bowman. Was that indicating the phone was broken or just that she didn't get a signal immediately?

A I believe it was just that she didn't get a signal.

Q And when characterizing Richard she did tell you that Richard Bowman was the only father that the child, G.M. had ever really known?

A Yes, sir.

Q But he was not the biological father?

A That's correct.

Q Now, Richard's not really -- he lives with G.M. so he's not really babysitting. He's not being paid to babysit, is he?

A No, sir.

Q He lives with the mother and the child, so he's just watching the child, I guess, would be a --

A Correct.

Q Now, when she said she -- you indicated to the jury she said she didn't want to waste time at the hospital when she parked her car. She said that was the reason she let Richard and the baby out first and then she parked the car; is that right?

A I believe she just said that she let Richard and G.M. out at the door and then she went and parked, and that was just her comment. She said I just didn't want to waste any time.

Q Well, I mean, could that have meant that she didn't want to stop the car, get out, get the child out herself when Richard already had the child in his arms and was already in the backseat with the child?

A Say that again, sir.

Q Richard was already -- by her version, Richard was already in the backseat with the child?

A Correct.

Q And had taken him out of the baby seat to try and perform CPR on him, right?

A Correct.

Q Is it possible that's what she meant, that it was quicker to drop Richard and the child off?

A It's possible, sir.
Q And you said she did start crying when she talked about seeing -- when you brought up seeing the child's body that's when she started to cry?
A Yes, sir.
Q And then I think you said she -- you testified she cried off and on during the interview?
A She did, but it wasn't like I would --
Q You would hope that a mother would cry more than that?
A Correct.
Q Now, we understand when the child was with Dr. Holaday and they were performing all the resuscitation the child was still wearing the Pull-Up, right?
A I believe that's correct, yes.
Q Even the hospital never pulled off the clothes of the child other than the shirt?
A I believe. Yes, sir.
Q And those were the injuries that you were indicating were readily apparent?
A Correct.
Q So if Theia had seen the child naked that night after the injuries occurred, she should have been able to see the injuries on the groin?
A Yes, sir.
Q And so would Richard Bowman?

A Correct.
Q Or anybody who saw that child naked?
A Anybody. Yes, sir.
Q The statement that she said -- Theia basically said to the extent where she said, "Emotionally if I wanted to move you, I could." She was indicating to you that she wasn't lying to you? That's a statement saying if I was lying to you, I could like to you, but I'm telling you the truth. Is that the point of that statement?
A I don't know what the point of that statement was to her. It was just odd to me.
Q You've never had anybody before you've interviewed saying if I was lying to you, I could lie, but I'm telling you the truth?
A They would say it that way. Not the way she said it.
Q And then when she said she found out the child had died she just said, "I just felt like leaving, doing drugs and -- just leaving."
A Correct.
Q Would you characterize it -- fair to say that's kind of an emotional response?
A I would say it's emotional, but also odd at the same time.
Q It doesn't make a lot of sense, but you're dealing with a -- at that time a 21-year-old girl who had just lost her

child?

A Yes, sir.

Q You were aware that the child had bruises, significant bruises before the interview all over it's body, right?

A Yes, sir.

Q And you had learned that from both the medical people, I assume, and the other investigators?

A That's correct.

Q At the time you interviewed Theia though she hadn't been shown any pictures of the child, had she?

A No, sir.

Q At the hospital she hadn't seen -- there's no evidence she had seen the child without his Pull-Up on, right, because they never took it off?

A Not to my knowledge. I mean, I wasn't there when her and Dr. Holaday were in the room.

Q But you didn't present her any photographs of it. So you're describing injuries that she may not have seen, right? You're assuming that she had seen the same injuries that you had seen?

A I would have thought she would have seen the injuries at that point. And I did not show her any photographs.

Q But you're asking her how did the child get these bruises?

A Right.

Q And she said, well, I know that the child fell on his skates on -- two days beforehand and got some bruises?

A Correct.

Q And actually you met the mother who confirmed that the mother had given her skates for Christmas --

A That's correct.

Q -- and that the child had fallen and had minor bruises.

A Correct. But these injuries do not match falling from skates.

Q Right. But your question is, "Just explain to me how the child got all these bruises."

A No. I had -- I had described the injuries to her. I didn't show her any pictures but I did describe them.

Q When she said, "I wouldn't have had the time to see the child's injuries," she's talking about before she left from Spartanburg to Newberry, right? Or is that a possible explanation?

A That she hadn't seen them?

Q You told the jury she would not have taken the time to inspect the child. Could that possibly refer to from the time she left Spartanburg until the time she got to Newberry?

A She made that comment several times that she would not examine her child.

Q And she told you that night, or that morning that she

had not seen any significant bruises on the child?

A I believe that's correct, yes.

Q And, in fact, she turned over her phone to you, right?

A Yes, sir.

Q Now, you obtained a search warrant for the phone records. That's really more for T-Mobile. A company like that just doesn't respond to somebody calling them up and saying hey, send me phone records, do they?

A No, sir. We have to send in a search warrant.

Q So that was more for the benefit of getting it more expeditiously from T-Mobile than Theia refusing to let you all search the phone, right?

A That's correct.

Q And sometimes even when she would consist, or a reasonable person would consent to you taking something, you might just get a search warrant just out of an abundance of caution?

A Correct.

Q Because a lawyer like me might be saying did you have the right to search it?

A That's correct.

Q Okay. And she gave you her phone number?

A Yes, sir.

Q Now, I thought you also took some Facebook information. Sent a subpoena to Facebook and got those records, too?

A I believe Special Agent Kellie Williams did that, sir.

MR. VERNER: May I approach, Your Honor?

THE COURT: Please.

Q Is it fair to say that you are at least part of the email chain to Facebook to get the Facebook records?

A That's correct.

Q So you also subpoenaed Facebook records?

A I believe Kellie - I believe Special Agent Williams obtained the search warrant, but we were both investigating this case simultaneously.

Q And that was just kind of like the phone records. Nowadays with social medial sometimes it's good investigation to look at public records or social media?

A That's correct.

Q Because sometimes people post dumb stuff on Facebook or incriminating stuff on Facebook?

A That's correct.

Q And did you receive the Facebook records?

A If I can recall, yes. Via the email, myself and Agent Williams received them.

Q And we all know what Facebook is, but that's basically a way for people to post pictures and send comments over the Internet to other people?

A That's correct.

Q And they're usually accessible by anybody who's on that

program, Facebook?

A Yes, sir.

Q And usually when you post photographs they are time dated?

A Yes, sir.

Q And since your interview -- really since 2:00 in the morning, or since the baby died, Theia has always been in police custody, to today going back to December 29th, 30th?

A When she left my office around 12:30 that day, yes, she -- she left in police custody.

Q And, in fact, I think you downloaded -- or you and the other agent working with you downloaded her Facebook files?

A The search warrant was sent to Facebook which they sent us their files.

Q And typically when you're in jail you don't -- they don't give you access to computers and Internet?

A Typically, but it unfortunately slips under --

Q Some people do?

A Under the door.

Q But even if you did, if you post something on Facebook, it's time dated?

A Correct.

Q You would have to be pretty sophisticated to change a date stamp on --

A Yes, sir. I would assume so.

Q Have you reviewed her Facebook account?
A I have not lately.
Q Did you -- by the way, did you do the same for Richard Bowman?
A I did not, sir.
Q Are you aware of whether he had a Facebook account?
A I believe he did, but --
Q If I could just ask you the -- have you seen that picture before?
A Yes. I do recall seeing this in the Facebook records, yes.
MR. DANIEL: Your Honor, may I see that photo?
THE COURT: Go ahead, please.
MR. VERNER: Look at all of them.
Q You have Theia's Facebook password and her Facebook account name, right?
A I have her profile name. I do not have her password, no.
Q But you have a profile, which means that you could go see everything that she's got publically posted on Facebook?
A Through the Facebook records.
Q Right.
A Not just going onto Facebook online. No, sir. I can't.
Q They couldn't just up online Facebook right now and go

see her? Like I couldn't -- if you had a Facebook account I couldn't get on my Facebook account and see what's on yours if I knew my name?

A You could see a profile, unless my account was open to the public.

Q Right. And Theia's account was open to the public, isn't it?

A I believe it was, yes. I believe. I'm not --

Q Is this one of her Facebook posts?

A I remember seeing this from the records that Facebook sent us, yes.

Q And if I submit it to you that was posted on December 17th of 2014 --

A Well, I wouldn't know that without looking at the records specifically.

Q But it's possible for you, or at least the prosecutors, to verify that?

A If that's how the Facebook records sent us, yes. The time dates and stamps that I was referring to a while ago was on actually Facebook online, and how they came to us in the records I would have to view them.

Q Are you familiar with this Facebook photograph?

A Yes. That looks like another picture I saw on that.

Q Are you familiar with this photograph?

A Yes, sir. I believe I remember that picture as well.

Q Are you familiar with this photograph?
A Yes, sir. The same.
Q Have you seen this photograph?
A I believe so. I believe they were in the records, yes.
Q This photograph?
A Yes, sir.
Q And finally this photograph?
A Yes, sir. I'm sure it was in the --
Q If I submitted to you that those were all photographs posted within 30 days of the child's death, that would certainly be verifiable by you, wouldn't it? If you had access to her public --
A Yes, sir. I could verify that if I looked at the records.

MR. VERNER: Your Honor, I would -- I would offer these, and I would note that the State has filed an affidavit of authenticity on the Facebook records as part of this case.

THE COURT: Very good. If we could, let's just have all those collectively.

MR. VERNER: There are seven photographs I would introduce, Your Honor.

THE COURT: If we could, let's just have all those combined as one exhibit. We'll call it Defendant's 1. Is there any objection to Defendant's 1.

MR. STUMBO: There's no objection, Your Honor. We do have the affidavit that Mr. Verner was referring to. That's State's 155. It's already been marked.

THE COURT: Right.

MR. VERNER: I'm not sure if we've put it in evidence. Could I offer State's 155 as Defendant's 1?

MR. STUMBO: We can do that in redirect officially, Judge --

MR. VERNER: They can do it, Your Honor, but they're conceding the foundations.

MR. STUMBO: We planned to put this in through the next witness, so I think it would be --

THE COURT: We're going to make -- and you may have left one -- your client just took two photos.

MR. VERNER: I'm -- specifically just the seven in my hand.

THE COURT: All right. We'll staple those. If we don't already have a Defendant's 1, they'll be Defendant's 1.

MR. VERNER: Well, I was going to publish them first, Your Honor, and then maybe paperclip them. And then when they're put into evidence we can staple them.

THE COURT: That's fine.

Q If I submitted to you that these were all photographs of the child within 30 days, or at least uploaded on

Facebook within 30 days prior to the child's death, again, that is something that you can verify by just going on Facebook and looking at the pictures?

A Yes, sir. I would have to verify that it is within 30 days. I'm not sure.

Q Assuming -- assuming my information is correct what --

A Assuming your information is correct, yes, that's within 30 days.

Q What is the date of this photograph that was posted on Facebook?

A That's December 17th, 2014.

Q And that's about two weeks prior to the --

MR. VERNER: I can mark them 1 through 7 and then you can kind of --

THE COURT: How do you want to do it, Tara? Let it be 1A, 1B, 1C, 1D.

MR. VERNER: Your Honor, if I could, just do quickly do them --

THE COURT: Sure.

MR. VERNER: -- off of A, B, C, D, E and all the way --

THE COURT: Perfect.

Q I will ask you. Her Facebook account is actually in a fictional name -- fictional name; is that correct?

A That's correct.

Q What, Sally Daniels?

A I believe that's right.
Q But there's no question that is Theia's McArdle's images?
A That is correct.
Q It appears to be her account under a fictional name?
A Correct.
MR. VERNER: You want to go ahead and put the mark on them?
THE COURT: If you want to just hand them to him. We don't need to clip them. We'll mark them after they get done reviewing them.
Q And again, the dates they're uploaded, assuming they are correct --
A Yes, sir.
Q -- A is December 17th?
A That's correct.
Q And that's a picture of G.M. in the car -- in the Chevy Malibu?
A Yes, sir.
Q And that's about -- assuming it was posted on the date it was taken, that's about two weeks prior to the child's death?
A Yes, sir. That was when it was taken. Yes, sir.
MR. VERNER: May I publish, Your Honor?
THE COURT: You may. And ladies and gentlemen of the

jury, understand that you will have a chance to have these exhibits back in the jury room, so don't feel like you have to spend too much time looking at them at this point in time. Go ahead.

Q What's the date of B, assuming I'm correct?

A That is December the 2nd, 2014.

Q Less than a month before G.M. death?

A Yes, sir.

Q Same date?

A Correct.

Q And it appears really to be at the same location?

A Yes, sir.

Q November 29th?

A Yes, sir.

Q So exactly a month from the date that they went to the hospital?

A Yes, sir.

THE COURT: And that's D.

Q. All right. E. Who is the lady with G.M.

A That appears to be Ms. Patrice McArdle.

MR. VERNER: Would you like to handle these first, Judge?

Q And that's Theia's mother? The child's grandmother?

A Correct.

Q And the date of this is November 18th?

A Correct.

Q And this is appears to be a picture of G.M. on the potty?

A Correct.

Q And the date is October 30th --

A That's correct.

Q -- of '14? So just slightly more than a month prior to the child's death?

A Correct.

Q And finally October 29th, 2014?

A That's correct.

Q G.M. and his mother?

A That's correct.

THE COURT: And that's G.

MR. VERNER: Your Honor, I would offer those all as Defendant's 1. As we said A and what is it? What's the last, G maybe?

THE COURT: G.

MR. VERNER: G.

THE COURT: Correct. Very good. Without objection those are in evidence as Defendant's 1.

(Whereupon, Defendant's Exhibit No. 1A through 1G were admitted into evidence.)

MR. VERNER: And, Your Honor, I'm going to go ahead and offer an H as well, if I may.

THE COURT: All right.

MR. VERNER: G, H. I'm sorry.

(Whereupon, Defendant's Exhibit No. 1G and 1H were admitted into evidence.)

Q And what are we looking at in this photograph?

A That's Ms. McArdle and Richard Bowman.

Q And if my date is correct, that will be posted on September 13th of 2014?

A That's correct.

Q And have you seen Richard Bowman? You met him? You remember -- you remember what he looks like?

A Yes, sir. And that depicts him.

Q That's clearly Theia and Richard, the two people charged in this case?

A Correct.

MR. VERNER: Your Honor, I would like Defendant's 1 to be A through H.

THE COURT: It will be.

Q Theia indicated to you that Richard had been abusive toward her?

A Theia, she had disclosed that they had been in some domestic situations and that they were both involved in those. They were both.

Q Did you investigate any abusiveness in that relationship, or that was for somebody else, or --

A No, sir. That was not in our jurisdiction.
Q Did anybody else indicate to you that Richard was an abusive -- had been physically abusive of Theia?
A Not that I can recall, no.
Q And you actually -- you participated in obtaining the Facebook records? If not the main one, you were at least in the loop part of that process?
A I was just in the loop, yes.
Q And the same with the T-Mobile phone records, right? You were probably actually the main one for the phone records, right?
A I was the actual, yes.
Q Do you still have those phone records in front of you that T-Mobile provided?
A No, sir. I do not.
Q These are the documents that T-Mobile provided?
A Yes, sir.
Q Now, it appears to me -- I'm referring to the State's --
THE COURT: 136.
Q -- 136. At some point somebody has color coded some of these entries. T-Mobile didn't do that, did they?
A No, sir. T-Mobile did not.
Q So this is somebody preparing for trial had some reason color coded -- T-Mobile would not have provided --

A No, sir.
Q -- those records in that form, right?
A That's correct.
Q But that's not changing the substance of them? That's just --
A That's just highlighting what's --
Q Highlighting --
A Uh-huh.
Q -- what people intend to --
A That's correct.
Q And when people have a Smart Phone nowadays they can call -- they can make voice calls, right?
A Correct.
Q I can send a text message, right?
A That's correct.
Q And then it's possible maybe I can send email on a Smart Phone?
A That's correct.
Q And then there are God knows how many apps that I can some kind of app that would also send or receive information on?
A That's correct.
Q But for the most part we're talking text messages and phone calls?
A Voice mail and text message. Yes, that's correct.

Q And on the T-Mobile records voice calls under event type are called "voice" right?

A Yes, sir. I believe that is an actual phone call.

Q Right. The traditional I call you?

A That's correct.

Q And in text messages, how are they identified in it?

A Let's see.

Q Just SMS?

A I believe that's correct, yes.

Q And SMS, do you know what that stands for or --

A Actually I don't.

Q Okay. I don't either. But SMS is the text messaging. And then -- and then you can also send -- even text messages is just basically typing out words, usually poorly spelled --

A Yes, sir.

Q -- but quick messages to somebody else?

A Yes, sir.

Q And then you can also use the text message service to send photographs?

A Yes, sir. You can.

Q And that would be classified as MMS?

A I'm assuming so. I don't know about that.

Q Can you look at the very first page of -- what is this, 136?

MR. VERNER: Do we have, Mr. Bentley, these on the screen? If you need to step off, or if you can use your chart.

(Whereupon, the witness steps down from the witness stand.)

Q The T-Mobile records start from -- and they're in a bunch of columns. But T-Mobile starts their records at December 28th at 10:29 p.m., right?

A Yes.

Q And you no longer have the microphone, so make sure you --

A Yes, sir.

Q And the event type, this is either voice messaging, text messaging or sending media would be the event type?

A That is correct.

Q And it's using the date that it went to the cell towers?

A That is correct.

Q It can also say whether the text message or call was sent or received?

A That is correct.

Q A received message is classified as incoming?

A That's correct.

Q And -- or outgoing is I make the call myself?

A That's correct.

Q It gives the phone numbers of the recipient or the caller?

A Yes, sir.

Q To the extent that it was sent to a phone as opposed to like sent to an email account?

A Yes, sir.

Q And then at some point it will give -- if it's a telephone call it will actually give the latitude, longitude and the identification of the tower that receives the call?

A Yes, sir. I'm assuming that's correct, yes.

Q Okay. But the text messages don't, just the phone calls? You don't see any text messages that give the tower location in a typically standard but non-applicable --

A That's correct, yes.

Q But with all the phone calls you can see.

A Right off hand I'm not seeing it.

Q. Is it fair to say December 29th, 2014 is the date that we're concerned about? The date that Theia came to Newberry, right --

A Yes.

Q -- and Richard?

A Yes, sir.

Q It appears -- and these are all -- this is the cell phone number of Theia -- this is Theia McArdle's cell phone, 828-216-1341?

A Yes, sir. I believe that's correct.

Q And that will be the same for all the records because these were specifically her phone?

A That's correct.

Q It appears Theia, or whoever was using her phone, made the first outgoing text message call at 8:00 in the morning. Is that at least what the records show?

A That's what it indicates, yes.

Q So assuming Theia was using her own phone, you would think that she's awake at at least 8:00 that morning?

A Correct.

Q And then there is a lot of text messaging coming in and coming out.

MR. VERNER: Can we see the second page, Mr. Bentley?

Q Keep going down. Go to about 12:53 p.m. 12:53. Just leave that right there. 12:53 p.m. there's an incoming text message from a phone number that ends in 3790.

A That's correct.

Q And we know that 3790 is Justin Holmes, the man she met in Newberry's cell phone, right?

A I'm assuming.

Q And 940 is a Newberry --

A That is right, yes.

Q And you heard the -- were you hear for the witness, Mr. Holmes?

A I was.
Q Where he indicated 790 were his last three.
A I believe I recall that, yes.
Q And, in fact, it appears that your office has gone ahead and color coded those calls blue.
A Yes. I'm not sure who did that.
Q Somebody. But all calls that came from Mr. Holmes' cell phone seem to be in blue?
A Yes, sir.
Q Or text messages. So he first contacted Theia was an incoming text message just short of 1:00 on December 29th.
A That's what the records show.
Q And he's texted her at 1:00 and she texted him back at 1:10.
A Yes, sir.
Q Now, just go down to the next screen at 1:26 at the top. To the same -- it appears that Theia sent some kind of picture or file to Mr. Holmes at 1:30 which is highlighted in green.
A If that's what that MMS is. I'm not sure.
Q But that's different than a text message.
A I'm not sure what that is.
Q And then a second one at 1:43, but there are several text messages. They're texting each other so far at least about 10 texts? Well, let's count. They texted each other

10 times before she sent him this file?

A Yes, sir. It appears that way.

Q And about eight or nine more times on the next page.

MR. VERNER: Mr. Bentley, can we go to 8:04 p.m.

Q And again, as he's scrolling, all these blue times are them corresponding by text messages.

A Yes, sir.

Q So we didn't count them, but every time we passed a blue one that's a separate text message. And sometimes text messages can be very short, a heart or an emoji, and sometimes they can be longer, but -- we don't really know what was sent, but that's at least a text message going through?

A Yes, sir.

Q At 8:04 p.m. Mr. Holmes called Theia. Is that at least what the records show?

A That's what the records show.

Q And just interestingly enough. We'll come to this one in a second. But her location longitudely would be 34.603.

A Yes, sir. That's what the records indicate.

Q So the question is what is the location of 603. 34.603. She was at that location when he called.

MR. VERNER: And then, Mr. Bentley, if we could go to 12:22 in the early morning of December 30th.

Q There are a couple of times Theia called Mr. Holmes at

10:58 p.m.?

A That's what it indicates, yes.

Q At 11:30 p.m.?

A Yes, sir.

Q And at 12:22 after midnight?

A Yes, sir.

Q As of the call at 10:58, Theia is no longer at the 34.603 address?

A That's correct.

Q But by 11:30 p.m. she is at 34.603?

A Yes, sir.

Q And, of course, we know she's in Newberry when she calls him at 12:22 in the morning? According to his testimony she called --

A Yes, sir. Correct.

Q So 34.28 is likely the Newberry --

A Newberry. I'm assuming, yes. Without looking it up.

Q So assuming we know what the addresses mean we can tell exactly where Theia is on the day the 28th. Is that fair to say?

A I'm assuming. I don't know how the cell phone -- how this works. I'm not -- I don't -- I don't have information on how this works.

MR. VERNER: Again, Mr. Bentley, if we could go to the very top, December 28th again.

Q On the evening of December 28th we know that Theia makes two phone calls, or her phone makes two phone calls from 34.603. Is it possible that's the Spartanburg address?

MR. DANIEL: Your Honor, I'm going to object just because we have Chris Johnson subpoenaed and he is the telecommunications liaison with SLED and he will testify to this material.

MR. VERNER: If they let me go through it with the -- as long as I'm provided a witness I can do this through, Your Honor. I can do it through Ms. Moore, Officer Moore, or --

THE COURT: I'm not sure she understands or knows if 603 references Spartanburg or Newberry. So to be fair --

MR. VERNER: Well, I can show that through a -- I think it's logical. But if they've got a better witness they would rather me do that through, Your Honor.

THE COURT: If you wanted to ask a question -- assuming for the moment that whatever, 603 is Spartanburg, if you're trying to link this up with something else that this witness has independent knowledge of then we can assume for a moment -- we can work off of assumptions that you're making if you want to do it that way until such time as the communication officer comes in and testifies.

MR. VERNER: Okay.

Q But longitudely you have no idea what the 34.603 --

where that specific location is?

A No, sir. I do not. I don't know if that's -- I know nothing about this section of the --

Q But you're not disputing that these are the records --

A No, sir. I'm not --

Q -- received from T-Mobile?

A No, sir. I'm not disputing that at all.

MR. VERNER: I'm not going to get into where she is, Your Honor, but I just -- I would briefly like to just get in when they differ just quickly.

THE COURT: Go ahead.

Q So on the evening of 12/28 she's at the 34.603. It's the same with the latitude as the longitude.

A They are the same according to these records.

Q And that would have been on December 28th at 10:29 and 10:41 p.m.?

A That's correct.

Q So we're assuming she's generally in the same location?

A Yes, sir.

MR. VERNER: Mr. Bentley, if we could go down to 12:29 at 1:13 p.m.

Q At December 29th -- by the way, do we know what day of the week December 29th is of 2014?

A It's a Monday, I believe.

Q So Monday at 1:13 in the afternoon Theia still appears

to be at the same location, 34.603?

A It appears to be. Again, I'm not sure what that exactly means.

MR. VERNER: Can we go down to 1:54 p.m.?

Q At 1:54 p.m. on Monday Theia is no longer at that same address? She's now at 34.496?

A That's what it appears to be. Yes, sir.

MR. VERNER: Mr. Bentley, 2:25 p.m.

Q At 2:25 on Monday Theia is still at a different address, 34.545.

MR. DANIEL: Your Honor, again I'm going to object to foundation issues. This is cumulative at this point.

MR. VERNER: No, it's not cumulative because --

MR. DANIEL: It will be once we our -- Chris Johnson testify.

MR. VERNER: They're saying that they're going to offer evidence that's going to be cumulative to what I'm offering which is --

THE COURT: Right. I understand. Go ahead.

Q So she's still at a different location than 34.603? Assuming the longitude and latitude -- longitude and latitude are location identifications?

A They are. But again, I have no knowledge if that's --

Q How T-Mobile applies them?

A Yes. I'm not an expert in this.

Q But you're aware that longitude and latitude are used for maps to show locations?

A For locations.

MR. VERNER: 3:53, Mr. Bentley.

Q 3:53 on Monday it appears Theia's back at the 34.603 where she started. So by 4:00 she's back to the very first location?

A Yes, sir.

MR. VERNER: 6:33, Mr. Bentley.

Q At 6:33 on the evening of December 29th it appears the phone calls from the same location, 34.603?

A Yes, sir. That's what it appears.

Q 6:34 same location, 34.603?

A Yes, sir.

Q 7:25 same location, 34.603?

A That's what it represents.

Q 7:28, 34.603?

A Yes, sir.

Q And finally 7:39, 34.603?

A Yes, sir.

Q So all these phone calls appear to have the same longitudal and latitudal addresses, assuming that's how T-Mobile is using them?

A Yes, sir.

MR. VERNER: 8:11, Mr. Bentley.

Q At 8:11 a different address, 34.628?
A Yes, sir.
Q At 8:15 back to 34.603?
A Yes, sir.
MR. VERNER: 8:35.
Q 8:35 she's still at the 34.603 location, assuming --
A Yes, sir.
Q 8:52. At 8:52 the phone is now at 34.838, a different location?
A Yes, sir.
Q And it's also at the different location as of 10:58 p.m.?
A Yes, sir.
Q So there are no phone calls made from the 34.603 from at least 8:52 to 10:58 p.m. But she's back at 12 -- on 12/29 at 11:19 she's back at 34.603?
A Yes, sir.
Q And there are one, two, three, four phone calls at that same location, the last one being at 11:41 p.m.
A Yes, sir.
Q At 12:22, which we're presuming she's in Newberry, right?
A I'm assuming so. I don't know. I'm not an expert and I'm sure there's a method to this.
Q Well, it shows where the -- assuming longitude and

latitude stand for where the phone is, we can show whether she's at the same location or not, right?

A Again, I don't know how this operates. I'm sure there is a method. I don't know.

Q I'm sorry. I'm through with the phone records. So you can --

MR. VERNER: Thank you, Investigator Moore. I know a lot of that was out of your area, and the Solicitor may have some more.

THE WITNESS: Thank you.

THE COURT: Anything on redirect, Solicitor?

MR. DANIEL: No further questions, Your Honor.

THE COURT: Officer, thank you. You can step down.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Ladies and gentlemen of the jury, I don't know about you, I need a break, so we're taking one. We'll be at ease for about 10 minutes. If you need to step outside, let the bailiff know. She'll take you outside. Don't discuss the case. Thanks. And somebody make a point of grabbing those photos Charles put in.

(Whereupon, the jury exited the courtroom at 11:52 a.m.)

(Whereupon, a recess was taken from 11:52 a.m. to 12:10 p.m.)

THE COURT: We'll go back on the record. The record should reflect the Defendant is present with counsel. Let's have the jury in, please.

(Whereupon, the jury entered the courtroom at 12:10 p.m.)

THE COURT: The record should reflect the jury is back and seated. At this point, Solicitor, call your next witness, please.

MR. STUMBO: Thank you, Judge. The State calls Agent Kellie Williams to the stand.

AGENT KELLIE WILLIAMS, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. STUMBO:

Q I was about to say good morning, Agent Williams, but I believe it's --

A Good afternoon.

Q You work with SLED?

A I do.

Q And you work at the child fatality unit, I believe, with SLED?

A I do. I work in the special victim's unit and I specifically investigate child fatalities within that unit.

Q Based out of the Columbia headquarters?

A That is correct.

Q And what does the child fatality unit do? What's your all's mission?

A By law the child fatality unit receives information from all of the coroner's offices within every county in South Carolina. Whenever a child dies that is under the age of 18 and the child's death is somehow violent in manner, the death is possibly suspicious, unexplained death of a child under the age of 18, anything like that by law is required to come into the special victim's unit and then we investigate it or assist local law enforcement agencies as needed.

Q So it's a requirement of state law that SLED is tasked with assisting local law enforcement to come in and look at these child death cases?

A That is correct.

Q And how many agents do you all have working in that division?

A We have 10 agents total that specifically work child death investigations. Five in the midlands and upstate and then we have five in the low country. The Pee Dee region.

Q You all cover the whole state of South Carolina?

A That is correct.

Q And you're assigned to the midlands, upstate region, I assume?

A That is correct. I have several counties in the

midlands.

Q How long have you been with SLED?

A I've been with SLED for two years.

Q And where did you work before then?

A Prior to working at SLED I started my career at a City of Charleston Police Department. I worked there for about a year and a half. I was specifically patrol in that area. And after I left the city of Charleston I worked at the University of South Carolina Division of Law Enforcement Safety for about three and a half years, and for two of those years I was an investigator there.

Q So total from the time you've been with Charleston PD to South Carolina to SLED about seven years?

A That is correct.

Q Now, as part of your duties at the SLED brutality unit did you have occasion to work a child death here at Newberry County involving G.M.

A I did.

Q And that was a little boy who turned three the day he died; is that correct?

A That is correct.

Q And where -- that was December 30th, does that sound right, 2014?

A That is correct.

Q And where did you respond to first in Newberry?

A After I received a call from my Captain at about 5:20 on the morning of December 30th I was told to make contact with then Captain McClurken, get a little bit more information about the case and head down to the Newberry Police Department in order to assist with the interviews of Theia McArdle and Richard Bowman. So as soon as I could I drove down to -- up to Newberry and I drove to the Newberry police department. Once I arrived at the Newberry police department it was probably about 7:15 a.m. I made contact with Lieutenant Goodman and he gave me a little bit more information. And then I met with Sergeant and we then went ahead and interviewed Theia McArdle.

Q And you said you arrived about 7:15 in the morning?

A That's correct.

Q And you didn't go to the hospital first at that point? You just went directly to the police department?

A That is correct. I went straight to the police department.

Q And you said you met with Sergeant. Are you referring to Detective Allison Moore who just testified?

A That is correct, yes.

Q And what -- did you all interview Theia McArdle in a room there at the police department?

A We did. It was Sergeant Moore's office. An office area that she uses.

Q Was she in custody at that time?
A No, she wasn't.
Q She was not in handcuffs?
A No, she wasn't.
Q Free to take breaks if she needed them, or if she needed something to eat?
A That is correct.
Q And did you all read her -- or go over her Miranda rights with her?
A We did. Sergeant Moore went over her Miranda rights and I was sitting there and I was listening and watching as she signed the document.
Q Did she appear to understand her rights as you read them to her?
A That is correct?
Q Did you tell her she has the right to remain silent?
A That is correct.
Q Tell her she had the right to stop the interview at any time?
A That is correct.
Q Did you tell her she had the right to have an attorney if she so wished?
A That is correct.
Q That if she couldn't afford a lawyer, one would be provided to her. Was she advised of that?

A That is correct.
Q And she appeared to understand those rights?
A She did.
Q Did she waive them?
A She did.
Q And I did that -- I believe you're looking at State's 139. She initialed those and signed that waiver of rights form in State's 139?
A She did.
Q Did you pressure her to talk to you all?
A No, we didn't.
Q Did you threaten her in any way?
A No, we didn't.
Q At any time during the interview process that morning did she exercise her right to a lawyer?
A No, she didn't.
Q Now, how did this -- at the beginning this was audio recorded; is that correct?
A That is correct. The entire interview was audio recorded.
Q I believe the disk, State's 140, you've had a chance before today before court to review State's 140, the disk?
A I have.
Q And that fairly and accurately represents the interview that day that you and Detective Moore conducted with the

Defendant?

A It does.

Q And about how long is that audio about?

A Roughly I'd say right about three hours.

Q It's broken up into parts, correct?

A That is correct, in five different segments.

Q So when it breaks that's times when you all would break from the interview and bathroom breaks and that sort of thing?

A That is correct.

Q Now, also in the midst of the interview there's this reenactment. Can you tell the jury about -- is a reenactment something that's common in your investigations?

A Sure. I can explain that. During a child death investigation it is common to do a video reenactment or a scene reenactment. And what a video reenactment is, it is an investigative tool that law enforcement uses, as well as the coroner's office. It is also useful to a pathologist. What it does is it brings some clarification. After, you know, you might be interviewing an individual, say for an unsafe sleeping child death and then a caregiver or guardian is explaining how they placed the child in the crib or the bed the night prior to the child's death, or how they found the child. A lot of times law enforcement and the corner's office will use this video reenactment. And you can use a

prop. We use something like a baby doll to represent the child. We will ask the parent voluntarily or the caregiver voluntarily to participate in this video reenactment and show us how they placed the child in the crib, bassinet, a couch, whatever it may be. How they found the child. And while we are doing this it brings clarification as to the positioning of the child's body. But it also gives investigators a chance to use techniques that trained law enforcement investigators use in interviewing and interrogating. We look for body language, body demeanor. We look for statements of omission or excess statements throughout the video reenactment. Anything that may look odd to us. We pay attention to how the parent or the guardian handles the prop, whether it be a pillow, whether it be the doll that we use. We like to see how they are handling or caring for this prop. Because in some cases where you have a parent who it is completely accidental the parent realizes that they, you know, fell asleep while feeding the child and then found the child -- this child suffocated in the bed. These parents tend to become very emotional. They are caring the child as if it's an actual human being. I've even seen a parent kiss the baby doll on the forehead during the video reenactment. And in some cases where we're doing an investigation and there's obvious non-accident trauma, when you look -- when law enforcement

locates the child, these parents, they voluntarily agree to the video reenactment. And the way that they handle the child is completely different. You know, they're just -- you know, the child is -- a prop is a prop. They're throwing it around. They throw the prop on the bed. And so, investigators are looking for different -- different cues, different body language, demeanor. It helps out in the investigation. Not just with law enforcement. But also with the -- the obtaining of possibly the cause and the manner of the death, especially in unsafe sleeping cases where you have this overlaying. You need to know the position that the child was in. And in a nutshell that is what a video reenactment is. It's also a teaching tool for the parents as well. Especially in unsafe sleeping cases.

Q So it can be an investigative tool or a teaching tool?

A That is correct.

Q Now, you did conduct this reenactment hearing in one of the breaks of the audio interview, correct?

A That is correct.

Q And were you able to record that?

A Yes, we were.

Q And what equipment, whose equipment did you use to get that done?

A The SLED agents who are processing the crime scene, the cameras that they brought when them to take photographs.

They used that same camera, and it was all included in the photographs. I believe Agent Claycomb videoed the reenactment.

Q She's one of the crime scene agents?

A That is correct.

MR. STUMBO: Beg the Court's indulgence. 135, the disk, Judge. Do you have that up there? Just give us just a second, Judge.

THE COURT: I'm not sure that one is in evidence yet, to tell you the truth.

MR. STUMBO: While we're looking for that -- Judge, I can move on and finish this and maybe we could publish that reenactment - there it is. I thought it was up here. I've got too many papers, Judge.

Q Agent Williams, you had a chance to review State's 135, what's been marked for ID as State's 135 before today?

A I did, yes.

Q Were you able to initial that disk?

A I did.

Q And is 135 a fair and accurate representation of this reenactment you did with Ms. McArdle that day?

A Yes, it is.

MR. STUMBO: Your Honor, at this time we would offer State's 135 into evidence and permission to publish to the jury.

THE COURT: Any objection?

MR. VERNER: Subject to what the Court's already ruled on.

THE COURT: Subject to the Court's earlier ruling, you may proceed, Solicitor. It is in evidence.

(Whereupon, State's Exhibit No. 135 was admitted into evidence.)

MR. STUMBO: Thank you, Judge.

(Whereupon, State's 135, video recording, was published for the jury.)

Q That was -- the video cut off at that point. I mean, is that all we were able to capture?

A Yes, that was all we were able to capture. If I remember correctly, I think the battery or something died, or the memory card was full, so they had to exchange it. So that was --

Q That was the end though?

A Yes, that was the end of it.

Q You were asking her a question right before the end though. Was there any other questions asked of Ms. McArdle at that time or --

A No, there weren't.

Q -- of any evidentiary value to you?

A No, there weren't.

Q And then shortly thereafter did this reenactment

process wrap up? I mean, did you all finish up shortly after the video cuts off?

A We did, yes.

Q Now, as part of your investigation, you asked during the reenactment about the process of getting to the hospital and who brought G.M. inside the hospital and that sort of thing. Did you do any follow-up at the hospital on surveillance?

A I did, with the assistance of Sergeant Moore. She called the hospital and requested security, video footage from the security office. Any video cameras that the hospital would have. And later that day I went by and picked up a copy of the video that they made for us.

Q And you all were able to capture that and take custody of that at that time?

A Yes.

Q And you've been able to review what's been marked for ID as State's 140 for purposes of Court?

A Yes, sir.

Q And did it fairly and accurately depict the same surveillance footage that you watched as part of this investigation?

A That's correct.

Q And you all collected this evidence directly from the hospital?

A Yes, we did.

Q And I believe the -- there's been some still photos. I want to say they weren't --

MR. STUMBO: Walter, if we could get 132, please.

Q Can you see the screen there, Agent Williams?

A Yes.

Q If you could keep your voice up for Ms. Scott, the court reporter. Is this a still shot taken from State's 140 which is the surveillance video?

A Yes, it is.

Q And the time stamp at the bottom of State's 132 is what time?

A The time stamp says 1:35:28 a.m.

Q And this depicts Mr. Bowman bringing G.M. what appears to be unresponsive lifeless body in the hospital room?

A That is correct.

MR. STUMBO: Walter, if we could go to 133.

Q 133 depicts a still shot from the surveillance video. What's the time at the bottom of this one?

A The time on this one is 1:37:10 a.m.

Q And that -- again, Mr. Bowman, a couple minutes later he's walking out to take -- I assume to take G.M. to the back. He's no longer carrying him, correct?

A Yes, that's correct.

MR. STUMBO: 134.

Q Okay. State's 134.

MR. STUMBO: Walter, if we could scroll up a little bit and see what the time stamp is.

Q What's the time on 134?

A The time on 134 is 1:37:49 a.m.

Q And so, this 1:34 would be over two minutes -- well over two minutes after the initial shot of Mr. Bowman carrying G.M. into the ER, correct?

A That's correct.

Q And this in the pink top, as we just saw on the reenactment video, I'm assuming that's the Defendant, Ms. McArdle?

A That's correct.

Q She's dressed the same way in this jumpsuit?

A Yes.

MR. STUMBO: Your Honor, I believe we did put 140 into evidence. If we could publish the relevant portions of that at this time.

THE COURT: 140 is in evidence or --

MR. VERNER: That's the audio interview?

MR. STUMBO: No. 140 is the hospital surveillance video --

MR. VERNER: Oh, I'm sorry.

MR. STUMBO: -- that these stills were taken from.

THE COURT: I don't think it is in evidence. But if it's not, is there any objection?

MR. VERNER: That's the actual video itself at the hospital?

MR. STUMBO: It's the video itself.

MR. VERNER: Without objection, Your Honor.

THE COURT: Without objection, if it's not in evidence, it is now.

(Whereupon, State's Exhibit No. 140 was admitted into evidence.)

MR. STUMBO: And, Judge, I believe it will take just a moment for Mr. Bentley, based on the surveillance software, to get it to play.

MR. STUMBO: Stop it there, Walter. Thank you. Thank you, sir.

Q You have reviewed this surveillance video with Sergeant Moore?

A That is correct.

Q And I believe this has already been referred to. But the car was found backed into a parking place. This would be State's No. 8. It's already in evidence. Have you seen that before?

A Yes, I have.

Q That's backed into a parking place some distance away from the hospital?

A That's correct.

Q During the time you spent with Theia McArdle, what was her demeanor like? And this is between, you said, about 7:00 in the morning -- 7:00 a.m. or a little thereafter until just after noon when she completes her written statement, correct?

A That is correct.

Q Could you describe for the jury what the Defendant's demeanor was like during this time?

A Sure. Throughout the time that we were interviewing Theia McArdle her demeanor changed several times. At some point she would seem upset. She was crying. You know, we'd have to give her a minute to calm down. At other points in the interview she was joking around, laughing about things that she was telling us. I remember she was describing one of the times that she and Mr. Bowman were involved in a physical altercation and she said she punched him in the face and then she laughed. And then she said, "Oh, that's not funny." There was another instance in the interview, another time where she laughed. She was describing when she moved to Spartanburg and we asked her where she was staying, how she was providing for G.M. and she was explaining how she was staying in several different hotels and, hey, it was a roof over his head and, hey, cable, ha. You know, that cable was included. There were just some odd exchanges

throughout the interview. You know, she did cry at certain points. There were a lot of times where she went into great detail about certain instances that weren't necessary. She was very concerned about his safety in the carseat. Not only in the reenactment. She mentioned that about making sure he was buckled in the carseat. She was also talking about an incident where he was in the carseat, the time when she popped him on the bottom when he was in the carseat pulling on her hair. You know, she was making sure that he was staying inside his carseat. Throughout the interview, like I said, she did show some emotion as far as being upset but she would shift gears very quickly, going from crying to using very expletive language, describing Mr. Bowman or describing different instances where they were arguing. It was just a lot of up and down throughout the interview.

Q And I believe this has already been testified to. But at one point in the interview with you and Detective Moore she says if I wanted to put on an act I could put you on your f-ing feet, or something to that effect. Was that odd to you, that kind of statement?

A That was pretty strange to me considering the circumstances and what we were talking about.

Q You had an opportunity with Sergeant Moore's assistance to get a search warrant for Facebook records?

A We did.

Q And did Facebook ultimately comply with the search warrant? Send the records for your file?

A They did.

Q How voluminous was this? I mean, was it just a few pages or a lot of stuff?

A From what I remember it was a pretty large file.

Q Hundreds of pages?

A Yes.

MR. VERNER: Your Honor, I would ask to be heard on -- prior to introducing all the Facebook records.

MR. STUMBO: We're not intending to put all of them in, Judge.

MR. VERNER: I know.

MR. STUMBO: Just what he has in the Exhibits.

MR. VERNER: I just have some -- I do have an objection to them trying to offer what I would consider the prosecution photographs or the seductive photographs.

THE COURT: I understand. Let me ask this, Mr. Verner. How long do you anticipate taking with this witness on cross?

MR. VERNER: On cross?

THE COURT: Yes, sir.

MR. VERNER: Not long, Your Honor. I think she's played the video, so 10 minutes at the most.

THE COURT: Would you have any objection to her going

ahead and at least authenticating the exhibit --

MR. VERNER: I think --

THE COURT: -- then you can --

MR. VERNER: I'm not challenging that these are Facebook posts, Judge.

THE COURT: Here's the reason I'm asking. If you're okay with at least her authentication of that, we won't publish to the jury at this point in time. I'll address your objection at a later point. But if we can continue with the testimony I don't have to send the jury out and bring them back, because we're about a quarter -- or 15 minutes until -- 10, 15 minutes until lunch break usually. So let's keep rolling with it. You've got a foot in the door as far as your objection is concerned. We'll deal with it when we return from lunch.

MR. VERNER: But my objection would just be a 403.

THE COURT: I understand where you're coming from.

MR. STUMBO: And if need be, Judge, we can publish them through a future witness as well.

THE COURT: We'll deal with it later when the jury's not here.

MR. STUMBO: We're almost done. So thank you, Judge.

Q Agent Williams, I'm going to hand you State's 155. What is 155?

A It is the certificate of authenticity of domestic

records of regularly conducted activity for Facebook.

Q And this -- Facebook, when they send records, they also authenticate and try to say hey, these are records that they keep in the regular course of business, correct?

A That is correct.

Q And that is -- 155 is from a Facebook records custodian whose signature is on the page?

A That is correct.

MR. STUMBO: Judge, we'd offer 155 into evidence.

MR. VERNER: That's the Facebook authentication?

MR. STUMBO: Authentication.

MR. VERNER: Yes, sir. That's without objection.

THE COURT: Without objection, it is in evidence.

MR. STUMBO: Which I believe we've already put in Defense exhibits, Judge, and that's what I feel confident to cover that as well.

(Whereupon, State's Exhibit No. 155 was admitted into evidence.)

Q I hand you State's 148, Agent Williams. 148, the pages contain -- are they part of what Facebook - part of the records that Facebook sent to you in compliance with the search warrant?

A That is correct.

Q And this isn't obviously all the pages. It's several that were extracted out of that, correct?

A Correct.
Q And they fairly and accurately depict Facebook records?
A That's correct.
Q And you used the records in 148 as part of your investigation to try to -- what's the purpose of pulling Facebook records?
A Newberry police department requested that I type up the warrant for the Facebook records. And obtaining Facebook records, social medial records, and just provide any type of evidence that might assist with the investigation. In interviewing Ms. Patrice McArdle the day after G.M. death, December 31st, during the interview she told law enforcement that her daughter had been messaging her using Facebook and was kind of discussing what was happening at the hospital. And this was all the Facebook messaging. So because of the fact that Ms. Patrice McArdle relayed that information, that was even more of a reason for us to obtain that information, because it would assist with our investigation.
Q To corroborate statements that are being given to you by witnesses, correct?
A That's correct.
MR. STUMBO: Beg the Court's indulgence.
THE COURT: Yes, sir.
MR. STUMBO: Thank you, Agent Williams. Please answer

any questions Ms. McArdle may have for you.

THE COURT: Mr. Verner.

CROSS-EXAMINATION

BY MR. VERNER:

Q Were any of the -- you testified that during your three hour interview of Theia that her temperament changed at times? Went up and down?

A That's correct.

Q Over three hours if you were investigating me, do you think that just a reasonable person -- was that un-normal for somebody to say something sarcastic during a long interview or to laugh at something or get down enough? Is that unusual, too?

A No.

Q Are you aware that Theia takes medication for bipolar?

A Yes. She did relay that during the interview.

Q Which means she's prone to swings anyway? Bipolar, two different attitudes?

A I assume.

MR. STUMBO: Judge, I just would object to that. I don't --

THE COURT: To the extent the witness can answer, I think she has made an answer. Given an answer.

MR. STUMBO: Thank you, Judge.

THE COURT: Go ahead, Mr. Vernon.

Q Who prepared these photographs for today?

A For the Facebook?

Q These photographs that are shown to you.

A The Solicitor's office.

Q And you indicated that some of your concerns were that she -- her mother said that she had been Facebooking me from -- telling me what's going on from the hospital and that was part of your investigative concern?

A That's correct.

Q And, in fact, one of the pages does appear to be Facebook messages between Theia and her mother?

A That's correct.

MR. VERNER: I have no objection to that one coming in, Judge. May I approach, Your Honor?

THE COURT: Please.

MR. STUMBO: Does that mean they're in at this point?

MR. VERNER: Well, the one with the text messages I have no -- if you all want to put those in.

THE COURT: There's a 403 objection that's got standing. We'll deal with that later.

Q Is this a photograph of the child at all?

A No. I don't see him in that picture.

Q This is just a picture of Theia?

A Correct.

Q This is just to indicate that she appears to be a

prostitute? She's dress seductively?

A I can't determine whether or not that is seductive.

Q Then what's the point of putting it in evidence? How does it show that she murdered G.M. It's just trying to demean her character by showing that she's dressed --

MR. STUMBO: Judge, she can't answer that question what's the purpose of it being put into evidence. That's our decision. That's not in her mind.

THE COURT: Ask her if there's anything in that photograph that appears relevant to her investigation.

Q Is this photograph relevant to your investigation other than it appears --

A It identifies Theia McArdle.

Q As the owner of the account?

A Yeah.

Q Does this photograph further your investigation?

A It also varies -- it looks like this is --

Q Without identifying it. Just does it -- was this a relevant part of your --

A Yes. Yes.

Q The page 344 she indicates does. Does this?

A Yes.

Q Is this probative --

A Yes.

Q -- to your investigation? Other than Theia on the

account?
A Yes.
Q Does this further --
A Yes.
Q -- does this prove murder or the homicide?
A It's probative to the investigation.
Q To you? So one of these pictures is an actual picture of the child?
A That's correct.
Q Did Theia deny that she was an escort to you?
A No.
MR. VERNER: Mr. Bentley, would you put Exhibit 140 back up there for me.
Q 140 is the --
MR. VERNER: That's good enough right there.
Q Is there a reason when the video was played it was played at a slower version than normal speed?
A I'm not sure.
Q Were you looking at that dial that is turned down to slightly slower than normal when you played it for the jury?
A I didn't play it for the jury.
Q Well, when you were narrating it or introducing it for the jury?
A I had no control over that.
Q Do you notice it seems to be played at a somewhat

slower than -- it's not set on the middle dial, is it, for speed or fastest?

A It doesn't look like it, no.

Q If you put the dial in the middle would that be closer to accurate speed?

A I would assume.

Q What Theia said to you was if I wanted to be dishonest with you I could fool you, but I'm being honest, or if I wanted to lie I could lie, but I'm not. That's the extent of her statement during a three hour interview, isn't it?

A No. I believe she specifically --

Q Is that a statement? Is that on audio?

A Yes, that is on audio.

Q Can you tell me exactly what she said, or did you right down the verbatim?

A Sure. Hang on just a second. I found it.

Q Okay. What did she say?

A "If I wanted to emotionally move you I could put on an act that would knock you on your fucking feet," and then she proceeds to put on an act after that.

Q What do you mean then she proceeds to put on an act?

A She --

Q That's not what she said? That's your interpretation?

A No, no, no. What she said was, "If I wanted to emotionally move you I could put on an act that would knock

you on your f-ing feet."

Q And she didn't follow it up by saying I have nothing to hide, or did you not --

A He could have.

Q You're not telling me in your seven years of interviewing witnesses you've never had somebody say if I was going to lie, I'd lie, but I'm not? I find that hard to believe that you --

A I may have.

Q I don't understand. If you're investigating her, you told the jury some of the stuff that she told you was unnecessary to your investigation, like that the carseat could have -- should have been properly installed? I don't understand why in the world that's not relevant to the investigation. That's just your opinion that that's not -- it's not relevant to a beating death, is it?

A No.

Q But when you're asking how she took -- or how the child was taking out of the car and she says that the carseat needs to be secured properly, I don't understand why are you saying that's irrelevant when you're asking her to reenact what happened?

A In the portion of the interview where she went into that detail, it just seemed like there was some excessive information. She lingered on that portion of the interview

when we were discussing whether or not she ever punished G.M. and how she punished G.M. I believe that was during that portion of that interview. And so, for her to go into great detail within, you know, a five or six minute timeframe where she discusses how it's against the law in North Carolina to have a child improperly placed in a carseat -

Q Because you had asked her if she had ever disciplined G.M. before.

A That's correct.

Q And she said I popped him when he was trying to get out of his car safety seat.

A Well, that was part of the reason. She also went into detail about how he was kicking her seat and pulling her hair throughout the car ride.

Q But that's in direct response to either you or Agent --Investigator Moore saying have you ever disciplined the child before. It may have been longer than you intended her to answer, but that's still in reply to a direct question?

A Sure, correct.

Q Did you have anything to do with the interviews of Richard Bowman?

A No, I did not.

Q Did she indicate to you that Richard Bowman had been physically abusive of her?

A She did.

MR. VERNER: Thank you, Agent Williams.

THE WITNESS: Thank you.

THE COURT: Nothing on --

MR. STUMBO: Very briefly, Judge.

THE COURT: Go ahead then.

REDIRECT EXAMINATION

BY MR. STUMBO:

Q Agent Williams, Mr. Verner showed you 148. These pictures. There's a picture of the Defendant and in a mirror in the background there's another individual. Who does that appear to be?

A It appears to be Richard Bowman.

Q Is he holding the camera?

A He is.

Q So he's taking the pictures here in this Facebook photo, correct?

A That's correct.

Q And the relationship dynamic between Mr. Bowman and Ms. McArdle were very relevant to your investigation, correct?

A That's correct.

Q This is one of the things that caught you eye in the Facebook records?

A That's correct.

MR. STUMBO: Mr. Bentley, if we could go to State's

Exhibit 142, about the 15:20 mark. This will be the audio of -- part two of the audio portion of -- Oh, I'm sorry. We're on number -- I need 142. I apologize, Your Honor. Or excuse me, 137. I'm getting my numbers mixed up. The 137 part two at about the 15:20 mark. If you could play that, Mr. Bentley.

MR. VERNER: Has this been moved into evidence, Your Honor? I'm not quite sure off the top of my head what 137 is.

THE COURT: 137 is in evidence, I do believe.

MR. VERNER: This is the hospital --

MR. STUMBO: This is the audio --

THE COURT: 137 is in evidence.

(Whereupon, State's Exhibit 137, audio recording, was published for the jury.)

MR. STUMBO: Mr. Bentley, that's enough.

Q Now, the context, what prompted the statement. The statement about knocking you all on your f-ing feet. What prompted that?

A If I remember correctly, we were -- Sergeant Moore was speaking with Theia in regards to if she understood how hard the situation had been as far as Theia, you know, trying to provide for G.M. as a single mom. Just some of the obstacles that she had overcome, but overall she was doing a very good job. And that is when Theia McArdle said, you

know, she wasn't trying to get momma of the year award or anything like that, and if she wanted to put on an act, and that's when she goes into that statement.

Q Okay, thank you. Now, you're working as part of an investigative team, correctly, with -- correct, with Newberry police department, right?

A That is correct.

Q And at the end of this interview process that afternoon the decision is made to charge Ms. McArdle and Mr. Bowman with homicide by child abuse, correct?

A That's correct.

MR. STUMBO: No further questions of this witness.

MR. VERNER: Just one last question.

RECROSS-EXAMINATION

BY MR. VERNER:

Q Theia said when the baby died she thought of offing herself. That means killing herself, right? Is that the common understanding when -- if I say I'm going to off myself?

A That's correct.

Q And that wasn't --

MR. VERNER: Thank you.

THE COURT: Ma'am, thank you. You may step down.

THE WITNESS: Thank you.

THE COURT: And you're free to go. You're free to

stay. Your choice.

(Whereupon, the witness stepped down from the witness stand.)

THE COURT: Ladies and gentlemen, we're going to go ahead and take our lunch break at this particular point in time. I'm going to ask that you be back in the jury room, if you would, please, at 2:15. That should give you about an hour and five minutes to hopefully grab a bite.

Let me also ask you, over the lunch break, if you could, maybe just touch base. Here's kind of where we are. I am bound and determined -- I've never gone over with a trial, even when people have told me it's going to take two weeks to try something I told them no, it's going to take one week because I've got to be somewhere else next week, if for no other reason. I'm trying to keep us on schedule. I want to go a little bit later tonight than the 5:00, 5:30 than we've been breaking. If anybody has any obligation however this evening, firm obligation -- and we all have families, we all have things that we've got to do, we've got meetings, PTA, soccer games, football games, things that we've got to do outside of this life in this courtroom. So if you've got an obligation tonight, I'm not asking you to blow that off or miss that. However, if you're inclined and you're okay to go just a little bit later, maybe to 6:00 or 6:30 I would very much like to do that, because what I'm

trying to do is keep us on schedule and make sure that this case is to you at a reasonable hour on Friday at the latest. Okay? So if that's possible, great. If not, maybe we'll just start back a little bit earlier than we have been in the morning and I'll dodge logging trucks a little bit faster than I typically do. Think about that, look at that, and just kind of take a survey, Madam Forelady, and let me know if you all are okay to go a little bit later this evening or what a good quitting time for you all is. Okay? You're the ones we're inconveniencing.

Have a great lunch. Don't talk about the case. See you back at 2:15. Thank you.

(Whereupon, the jury exited the courtroom at 1:08 p.m.)

THE COURT: I'm going to address the 403 objection to State's 148 at some point in time, but I want to just keep rolling with the testimony and maybe we'll do that at the end of the day and I can be looking at it in the meantime and thinking about it. I know where you all stand probably. We're at ease for an hour and five.

(Whereupon, a lunch recess was held from 1:08 p.m. to 2:52 p.m.)

THE COURT: We'll go back on the record. The Defendant is present with counsel. Let's have the jury, please.

(Whereupon, the jury entered the courtroom at 2:52 p.m.)

THE COURT: The record should reflect that the jury is back and seated. Of course, we're still in the State's case in chief. At this point, Solicitor, if you'll call your next witness.

MR. VERNER: Your Honor, with the Solicitor's permission, I'm going to make a stipulation. The -- when Agent Williams was testifying I asked her why they were playing the video in the slow mode. Over the lunch break the Solicitor was letting me watch it, and had they played it in the normal speed it would have moved -- apparently the surveillance camera is a time lapse camera. Not a constant moving camera.

THE COURT: I see.

MR. VERNER: Had they played it actual time it would have moved much faster. Even in slow mode it probably moves slightly faster. I will stipulate that my question was based on incorrect evidence and should be stricken, and I would agree that the jury should disregard the speed that they played in on.

THE COURT: So it's one of those cameras that takes a picture and then takes a picture a few moments later, and so it's kind over very stilted and --

MR. VERNER: It was not a -- it was not a continuous video I was aware of. It was time lapse, every couple of seconds. And I apologize to Mr. Bentley. He works with the

Solicitor, not me. He does volunteer during trials just for the benefit of the jury to move things. And to the extent that it could affect him, I apologize, and the Agent. But they showed me the video and slow mode was actually the appropriate mode to play it on.

MR. STUMBO: We do appreciate Mr. Verner's candor, Judge. I believe the point was that the way it was played actually was faster than real time, not slower. So we appreciate Mr. Verner recognizing that at this point.

THE COURT: I was under the misimpression myself. So thank you all for clearing that up. Very good. Thank you, Mr. Verner. Call your next witness, Mr. Daniel.

MR. DANIEL: Thank you, Your Honor. The State calls Richard Bowman.

RICHARD BOWMAN, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DANIEL:

Q Mr. Bowman, you're going to have to speak up. You're soft spoken. Scoot closer to the microphone.

A All right.

Q You are Richard Bowman?

A Yes, sir.

Q And presently you are charged with the crime of homicide by child abuse as it pertains to the death of G.M. correct?

A Yes, sir.

Q And you are charged along with Theia McArdle for this crime, correct?

A Yes, sir.

Q Are you currently in custody at the Newberry County Detention Center?

A Yes, sir.

Q And you've been there ever since you were arrested, correct?

A Yes, sir.

Q And you were arrested on December 30th, 2014?

A Yes, sir.

Q You're testifying today as a witness -- one of the State's witnesses, correct?

A Yes, sir.

Q Have you been offered anything in exchange for your testimony today, such as a plea bargain?

A No, sir. None whatsoever.

Q No offers of leniency have been extended to you?

A No, sir.

Q Who is Theia McArdle to you? What's your relationship with her?

A She was a woman that I met once I was getting out of the military back in 2013. I got out March 26th, 2013.

Q So you met Theia McArdle in March of 2013?

A Yes, sir.
Q Right after you were discharged from the military?
A Yes, sir.
Q Which branch?
A Army.
Q How old are you?
A I'm 28, sir.
Q Twenty-eight. And where did you meet Theia McArdle?
A At Fort Bragg. Well, I came up to Asheville to meet an ex-girlfriend of mine and I meet Ms. McArdle. She was a friend to my ex.
Q And did Ms. McArdle have any children?
A Yes, sir. At that time. Yes, sir.
Q And who was her child?
A G.M.
Q G.M.
A Yes, sir.
Q Little boy?
A Yes, sir.
Q So you all eventually start dating, correct?
A We started dating like roughly a week after we started talking. I talked to her via Skype and online for a while. And then when I went up to Asheville and we actually face-to-face, that's when we actually started dating.
Q And did you all start living together?

A Not officially. I had to still get out of the military. So I was working on still processing out of the military at the time. And like roughly like two weeks after that, after I got out and I moved myself to my apartment down in Fayetteville, had to take her back up to Asheville because somebody she knew had passed away.

Q Okay. But eventually you all moved in together while in Asheville, correct?

A Yes, sir.

Q Did you all move to South Carolina eventually?

A Yes, sir. We moved to South Carolina around September 2014.

Q You and Theia and G.M. --

A Yes, sir.

Q -- moved to South Carolina?

A Yes, sir.

Q And what was the date when you all moved to South Carolina?

A I don't remember the exact date, but it was in September, I believe.

Q September of what year?

A 2014, sir.

Q And what part of South Carolina did you all move to?

A We lived in hotels for like roughly like a month and a half, and then around October -- it would either be in

October or November 8th that we actually got our trailer --

Q You said -- I'm sorry. You said hotels. But what city? What county? What town?

A Spartanburg County.

Q You all -- September 2014 you move down to the Spartanburg area?

A Yes, sir.

Q And you all were living in hotels?

A Yes, sir.

Q The three of you?

A Yes, sir.

Q So you were going from hotel to hotel, correct?

A Not hotel to hotel. We mainly stayed in one.

Q And were you working at the time?

A I was actually getting ready to have a job, sir. I got hired around December 14th at Lear Corporations.

Q At what Corporations?

A Lear Corporations, L-e-a-r.

Q Is that in the Spartanburg area?

A Yes, sir. It's in Duncan.

Q What kind of job is that?

A They make the chairs for BMW.

Q You said you were getting hired?

A Yes, sir.

Q So really you were unemployed?

A Yes, sir.
Q Was Theia -- did she have a job?
A She -- no, not a legal job, I would say.
Q Not a legal job?
A Yes, sir.
Q What did she do to make money?
A She was an escort. We both had did it in Asheville for a while. And when I move to -- when we moved down here I had stopped doing it to get an actual job, because I --
Q I'm sorry. You said you and Theia were both escorts at one time?
A Yes, sir. In Asheville, North Carolina.
Q So strangers would pay you all for sex?
A Yes, sir.
Q Now, a the time you all were in Spartanburg were you working as an escort?
A I was in the process of fading out of doing it, because I was trying to actually get a job. And I didn't like how -- I didn't like the predicament that it was putting me, her and G.M. in, and I didn't like the fact that the things that we said on the phone, G.M. would repeat them or whatnot.
Q So you were not working as an escort when you all first moved to Spartanburg in September 2013?
A Roughly I did it for like two weeks and then I stopped.

Yes, sir.

Q Was Theia working as an escort in Spartanburg?

A Yes, sir. She was.

Q So would it be fair to say that she was primary bread winner of the household?

A Yes, sir.

Q So she paid the paid the bills? She paid the rent at these motels?

A Yes, sir.

Q I'll ask you. Were you her pimp?

A No, sir.

Q She didn't invite you to come along these prostitution calls for protection?

A She told me to drive her because she didn't have no license, sir. She didn't want to get pulled over. She'd been pulled over in North Carolina numerous times.

Q She didn't use you as protection and let the clients know that you were around in case they got out of hand?

A She -- I'm not sure what she told the clients. But I had G.M. I took G.M. out of the room whenever she had a client and whatnot.

Q So were you babysitting G.M. while Theia would be with these clients?

A The times I was able to get G.M. out of the room before she had a client in there. Yes, sir.

Q And that's been established. You're not the biological father of G.M. correct?

A No, sir.

Q How old was G.M. when you first met Theia?

A When I first met Theia he was less than one, sir. If I remember correctly.

Q You all eventually stayed -- or did you all eventually move somewhere else?

A Yes, sir.

Q Where did you last reside, I guess?

A Enoree, South Carolina, on Union Highway. Highway 49 at 20 -- [redacted] Union Highway.

Q That's in Enoree. That's still in Spartanburg County?

A Yes, sir.

Q So you all went from living in a hotel to moving to Enoree?

A Yes, sir.

Q And when did you make that move to Enoree?

A I think about November 8th, sir.

Q Around when? I'm sorry?

A November 8th, sir.

Q And what kind of -- was it an apartment?

A No, sir.

Q A house?

A No, sir. It was a single-wide trailer.

Q And you all were renting this trailer?
A Yes, sir.
Q And again, were you making any -- were you earning any money at this time?
A At that time, sir, I was hired, but I did not officially start working at Lear yet.
Q Again, were you making any money at this time?
A No, sir.
Q Theia was making money from prostituting?
A Yes, sir.
Q So all three of you moved to this trailer in Enoree around -- in November of 2014?
A Yes, sir.
Q I'm going to show you some pictures. This has been admitted into evidence. State's 51. What is that?
A That's the trailer that we lived in.
Q And describe -- describe for me this -- the living arrangements of this trailer. The sleeping arrangements, that kind of thing.
A We had our room. G.M. did have a room, but she ended up moving G.M. out of his room because we had three cats at the time and she would get upset because the cats would run into our room, get in our faces when we're asleep. So she ended up putting him in the livingroom to get the cats moved into his room while he slept in the livingroom.

Like right on the other wall. On the other side of the wall of us.

Q So there was, what -- but there's multiple bedrooms in this trailer, correct?

A There's two bedrooms, two baths and a livingroom and a kitchen, sir.

Q So initially G.M. had a bedroom to himself?

A Yes, sir. He did.

Q But Theia was concerned about the cats being loose?

A Yes, sir.

Q So she gave that bedroom to the cats?

A Yes, sir.

Q So where would G.M. sleep?

A He slept in the livingroom on the other side of the wall from us.

Q Because the cats needed that bedroom?

A I'm guessing, sir.

Q Well, I'll fast forward. We had a -- you and I met a few weeks ago, correct?

A Yes, sir.

Q And you met with another prosecutor, Dale Scott?

A Yes, sir.

Q And your defense attorney was present?

A Yes, sir.

Q Russell Brown, your attorney?

A Yes, sir.
Q He's here today?
A Yes, sir.
Q He brought you those street clothes to wear?
A Yes, sir.
Q And you told us some things -- this was March 10th, correct? This interview a few weeks ago?
A Yes, sir. It was.
Q You told us some things that you didn't tell law enforcement originally when you arrested. Is that -- is that fair to say?
A Yes, sir.
Q And essentially what did you tell us that you didn't tell law -- what did you tell us a few weeks ago at that meeting that you didn't tell law enforcement initially?
MR. VERNER: Your Honor, my objection is that there's been no testimony of what he told law enforcement then. So I would argue that it's without a foundation for him to say what I said differently when they haven' introduced the evidence of what he said then.
MR. DANIEL: I'll rephrase, Your Honor.
THE COURT: Please.
Q Is it fair to say though that you told us information that we didn't have before, correct?
A Yes, sir.

Q And you will agree that G.M. was pronounced dead on December 30th, 2014?

A Yes, sir.

Q I want to ask you some questions about 48 hours, 72 hours leading up to his death, about the events. Tell me, was G.M. -- what kind of kid was he? Was he an energetic kid, hyperactive?

A Yes, sir.

Q He was energetic?

A Yes, sir. He was energetic. He was pretty happy. I mean, he was always playing around with us.

Q So he was a healthy kid?

A Yes, sir. He was.

Q And I want to know what happened -- what did you all do on December 27th of 2014?

A From the beginning of the day to the end of the day or --

Q Well, did you all do anything special that day?

A We went to Asheville, North Carolina for like a late exchange of gifts between her mother and her and for G.M. and whatnot. So we went up there. G.M. -- G.M. got some toy skates and everything and was skating at the playground up there. He ended up falling and busting his head on the concrete. He had a helmet on. And I went over to check on him and everything. His mother had laughed

about it.

Q Let me stop you. Did you witness on that day at any time before or after you all went to this trip up to Asheville Theia hit her son?

A Yes, sir.

Q Tell us about when you first witnessed Theia hitting her son on December 27th.

A It was that morning whenever we were getting him ready to get dressed and whatnot. I was getting myself dressed and in the bathroom getting ready. I came in there and I saw her hit him because he didn't have his shoes on the right feet and he wasn't putting on his clothes correctly and she got frustrated with him.

Q And you saw Theia hit G.M. where on his body?

A On the back of his head several times.

Q Open hand or closed?

A Open hand.

Q So would you characterize it as a smack on the back of the head?

A Yes, sir.

Q And what else?

A That day when she was -- we were putting him in the car seat I did see her hit him in the chest because he wasn't putting his -- buckling up the correct way and everything as well.

Q Did you say -- when she smacked his head did you say something about a coffee table?

A Yes, sir.

Q Say that again.

A His head had bounced off the coffee table that day. She had smacked him in the back of the head and his head had hit off the coffee table. The front of his head hit off the coffee table.

Q So I presume that G.M. was standing right in front of the coffee table?

A He was sitting.

Q Or sitting?

A Yes, sir.

Q And the force of the slap caused his head to hit the coffee table?

A Yes, sir.

Q What part of his?

A The front of his face hit the coffee table.

Q And that was in the morning as you all were getting ready to go to Asheville to meet Theia's mother?

A Yes, sir.

Q And you said that you all went to the park and he was skating?

A Yes, sir.

Q And you said he fell down?

A He fell down and hit his head on the concrete. And I rushed over to check and see if he was doing all right and everything and she had laughed about it. Her and her mother were talking and whatnot. And then from there he skated around a little bit more. He ended up taking off his skates. Him and his mom -- him and her mother ended up going over to the playground. Well, his mother -- her mother took him to the bathroom first and then they played at the playground for a while. And we stayed there, I believe, for like an hour and a half or maybe two, and then we ended up going to meet a friend of ours named James.

Q Did you witness Theia hit G.M. any other times that day on December 27th?

A When we got back to South Carolina. Yes, sir.

Q Where was it?

A I had saw her hit him in the chest.

Q Where were you all? In Enoree?

A In the house. Yes, sir.

Q You saw her hit open -- open hand or fist, closed hand?

A Closed hand.

Q So a punch?

A Yes, sir.

Q In the chest?

A Yes, sir.

Q And what prompted her to do that?

A A long story short. He ended up saying my mommy's a prostitute. He had repeated some of the stuff he had heard her say on the phone. And we've had that discussion before about trying to quit doing the escort stuff so he wouldn't say things like that. And I was trying to -- we had the discussion before about me letting her know like instead of getting mad at him, teach him something different. It's not his fault that he sees and observes what you do and he knows.

Q Did he cry when she hit him?

A Yes, sir. He did.

Q Does Theia hit hard?

A Yes, sir. She does.

Q How hard?

A She's blacked my eye before.

Q Is she a strong woman?

A Yes, she is, sir.

Q Is she hitting G.M. with a lot of force as if you'd hit another adult in a fight?

A Yes, sir. I've seen her do that before.

Q Any other incidents of striking G.M. on December 27th?

A Not on the 27th.

Q And that's a Saturday, correct?

A I believe so.

Q Let's fast-forward to the next day, December 28th. That's a Sunday.

A Okay.

Q Tell us about that day. Any incidents of abuse that day?

A That Sunday, I mean, I woke up -- because I normally wake up before all the rest. Before me, Gabe and her. I went out to start making breakfast. Well, take a bath first. Start making breakfast and stuff. Cleaning dishes and whatnot in the house. G.M. woke up a little bit after me and I asked if he was hungry, and I made him breakfast. And then he -- me and him started to play with some of his Christmas toys and whatnot. He ended up proceeding to pick up his cap gun. He went in there into the room and shot at his mom two to three times, and she ended up hitting him in the chest like twice because she got mad. She doesn't like being woken up when she's sleeping.

Q December 28th, that Sunday, did you all not go -- did you all take a trip to Laurens?

A Yes, sir. We went -- we went to the McDonald's in Laurens.

Q Did anything significant happen there?

A He ended up hurting a little girl there by accident and she got upset with him and punishing him at the Laurens -- while we were in the McDonald's. And I told her we was

getting ready to leave because she got -- was getting a little too volatile inside the McDonald's.

Q Get a little closer to the microphone. I'm having trouble hearing you.

A She had got a little too volatile at the McDonald's because she was punishing him for getting too rough with the little girl. She was trying to download a movie there at the Laurens County McDonald's.

THE COURT: Speak a little bit louder instead of getting closer, because we're actually running two different microphones here. The court reporter has one, and so just --

THE WITNESS: Oh, okay.

THE COURT: -- speak a little bit more loudly instead of closer, if you would, sir. Thank you.

THE WITNESS: Yes, sir.

Q G.M. got a little rough with a girl at the McDonald's play area in Laurens?

A Yes, sir.

Q You saw her strike him for that?

A Yes, sir.

Q Anything else that day, December 28th, while in Laurens?

A Yes, sir. We went by a friends house of ours. His name is David Moscerelli. We went by his house, and she was

trying to still download the movie that she was trying to download. And while we were there an incident happened where -- I'm not sure exactly what the conversation was, but I had said to her, "Your son has more balls than you," and I had grabbed my genitals and was joking with her, and he proceeded to copy me and he grabbed himself and said, "More balls, momma," and she ended up striking him.

MR. VERNER: Say that -- I'm having trouble hearing you.

A He said, "More balls, Momma," and she ended up striking him in his genitals with a closed fist. And she turned around and struck me and told me not to teach her son things like that.

Q So you made -- all right. You made the comment to Theia about "Your son has more balls than you"?

A Yeah.

Q And then G.M. sees you do that and he's mimicking you?

A Yes, sir.

Q And he grabs his groin area?

A Yes, sir.

Q And then you witnessed Theia punch G.M. --

A Yes.

Q -- in the groin?

A Yes, sir.

Q And by punching you mean closed --
A Yes, sir.
Q -- closed hand?
A Yes, sir.
Q How hard a punch was that?
A It looked like it was pretty hard, sir.
Q With one, multiple -- one hit, multiple hits?
A It was one time, sir.
Q Did she appear to hit him with a lot of force?
A It looked like a lot of force to me, sir.
Q Did he cry?
A Yes, sir.
Q And where did this happen again?
A We were at David Moscerelli's house that day.
Q Did -- who all witnessed this? Just you and --
A Just me, sir.
Q Where was -- you said you were at --
A David -- I believe David was in the kitchen at the time and we were in his room -- his living -- or not his livingroom but his bedroom.
Q And tell us about -- did G.M. require assistance -- was he potty -- was he in the process of potty training, or Pull-Ups, diapers? What was the status of that?
A He was still in diapers. He was kind of potty trained. Like whenever had to go, if you let him know and he had to

-- or if you asked him if he had to go to the potty, he'd go to the potty if he had to. But most times if you just -- if he was in the moment, or if we were doing something, he would either defecate or urinate on himself.

Q Would Theia take exception if he would poop his pants, things like that?

A Theia did get upset about things like that. About him urinating and defecating on himself due to the fact that we were trying to potty train him. And I tried to explain to her like instead of punishing him you need to like put -- try a little bit harder to potty training. Because I let her know, I said, my daughter has been out of like diapers since the age of one. Your son is going on three and you're not really trying to help him to get out of diapers since he's in your care now.

Q So is it fair to say Theia would use corporal punishment as a form of discipline?

A Yes, sir. Corporal as in like punishment and whatnot?

Q Yes.

A Yes. Yes, sir.

Q Yes. Hitting someone for disciplinary reasons --

A Yes. Yes, sir.

Q -- Yes?

A Yes, sir.

Q Anything else on the 28th noteworthy in terms of Theia

hitting G.M.

A We got into an argument that day and it was pretty much along the general lines of being upset with me texting somebody that she didn't want me texting. A young lady that was a friend of mine in North Carolina. And she got mad about that and we had a big argument. And she ended up taking G.M. and disappeared for like an hour or two. And when she came back she brought some bags in, and then she came back in and she slung G.M. on his bed. He was crying and whatnot, whinny. And I asked her what happened and she said that he crapped - well, I don't necessarily want to use the exact language she used, but she said that he s-h-i-t on himself inside the store. And so, now she had to waste money on getting more diapers for him and a change of clothes. But it was embarrassing for her.

Q This is December 28th?

A Yes, sir.

Q And this argument was because you were texting another woman?

A Yes, sir. A friend of mine.

Q All right. And we've heard testimony in evidence about your phone being broken.

A Yes, sir.

Q Can you speak to that?

A Yes. That was on -- that happened at the hospital.

Laurens County Hospital. She had dropped my phone while we were in Laurens County Hospital, and we had to take it to the repair shop in Laurens.

Q So how were you -- so how -- why was Theia getting upset with you for texting if you didn't have a phone? How were you --

A It was her phone.

Q You were using Theia's phone?

A Yes, sir.

Q She had Internet on her phone?

A Yes, sir.

Q And text messaging, obviously, is what you said?

A Yes, sir.

Q December 29th, the next day. It would be a Monday.

A Yes, sir.

Q Walk us through the events of that day.

A December 29th was pretty much almost like any other day. Wake up. I went to take a bath and everything like I normally do. Started cleaning up everything. Fixed him something to eat whenever he woke up.

Q You're going to have to talk louder.

A Oh, I'm sorry. I said I fixed him something to eat like I normally do. Fixed myself something to eat. I was cleaning and whatnot. He goes in there to try to wake her up and play with her a little bit. She gets mad at him and

she struck him. And I bring him back in there with me.

Q You said she --

A She struck him, yes.

Q She struck him?

A Yes. Yes, sir.

Q And Theia -- this is Monday morning, December 29th --

A Yes, sir.

Q -- and G.M. goes into y'all's -- to the bedroom?

A Yes, sir.

Q Wakes his mom up and she hits him for it?

A Yes, sir.

Q You got to describe the hit and where.

A She struck him in the chest.

Q Once?

A Yes, sir. And so, whenever I bring him back into the -- back inside the livingroom with me so we can like finish cleaning and he can listen to music and I can clean up and fix him something to eat. She goes back to sleep. She doesn't wake up until like around 11:30-ish pretty much. And then she gets up mad, upset because I had her phone. She saying, "I hope you're not in there texting other females off my phone and whatnot." And she was mad because I didn't wake her up for breakfast, or to make her breakfast or something. So I ended up making her something to eat and everything. I told her, I said, "It's not my job to wake

you up. You're an adult yourself." So he goes in there to play with his momma and whatnot and he ends up biting her and she ends up spanking him on his butt and ended up biting him back.

Q So is this around lunchtime that you're describing now?

A Yes, sir.

Q You said that G.M. bit Theia?

A Yeah, playfully. We were just playing with her and bit her playfully.

Q And then she wacks him in return?

A Yes, sir. And spanks him.

Q And spanks him?

A Yes, sir.

Q So open hand on the buttocks?

A Yes, sir. And so, afterwards I'm trying to explain to her like instead of, you know, hitting him for stuff like that, you don't really need to bite him back. And I explained to her, like we had the conversations numerous times, like instead of hitting him like try something different. Like put him in time out, take a seat, send him to bed early or something like that instead of hitting on him. Because I explained to her, I said, "Me as a kid, I'd rather have my time taken than be punished and hit all the time." So after that I make breakfast and I told her, I said, "We need to do laundry and take some trash out and

whatnot." So we go back out there to Laurens to the McDonald's again, and she tries to download the movie again at the McDonald's. And so --

Q So all three of you go to -- go into Laurens?

A Yes, sir. We go to the McDonald's again and we're sitting there and we try to download the movie again, and then we end up going to the laundry mat to get the clothes and everything. Then we finally get back to the house. And everything --

Q About what time do you get back to the house?

A We get to the house around like 4:00 something. And then we get back to the house. Everything seems okay and whatnot. She's still in a bad mood because she's saying that she saw me -- or seeing Facebook messages when I was texting some other female. A friend of mine back in North Carolina. So she ends up making dinner and whatnot. She tells me she has a call in Spartanburg.

Q Well now, let me back up. Were there any other incidents of abuse in the afternoon time that you witnessed?

A I'm trying to remember. Not that I can remember off the top of my head.

Q Anything before or after Laurens? Going to Laurens?

A Oh, my bad. Sorry. She did strike him when we were trying to get here. Well, not get there, but to Laurens. When she put him in the cars eat and whatnot. When she was

trying to help him get dressed and everything she got frustrated with that. Sorry, I forgot. But she -- whenever -- he normally gets dressed and whatnot she normally would get frustrated with him because, granted he was two and we were trying to teach him how to dress on his own and whatnot and put on his shoes the right way and everything on his own. It was still -- he still didn't kind of catch on fast enough for her, I guess. So she would punish him for not having his shoes on the right way, or he'd put his shoes on the wrong way and he'd be walking around and she's like, "You know that's not the right way." She made a comment one time saying, "I'm tired of my son acting like a dumb African," from him spending his time with Janice.

Q So you all get back from Laurens and eventually you all cook -- you all have dinner?

A Yes, sir.

Q You all cook at the house?

A Yes, sir. She does. She starts cooking dinner.

Q What did you all have for dinner that night?

A We had steak, garlic bread, and either mashed potatoes or corn. And that night he did make a reference to his groin. He said ouch. He grabbed himself. And I said, "Go show it to you mom," and she goes and -- he goes in there to tell his mom. She sends him back in there with me. She says, "Go watch the movie with your dad."

Q Is G.M. -- all right. You had supper. Was G.M. able to eat his food?

A He didn't all of his whole food. Like that whole -- since -- actually since like the 27th -- I'm sorry to mention. Since the 27th he wasn't really seeming like he was right. He seemed like he was groggy and kind of sluggish. I just kind of figured it, too, he might have been tired or something.

Q I thought that you said earlier he was an energetic kind of --

A The 27th.

Q So you noticed a change in him on the 27th?

A Yes.

Q December 27th?

A Yeah. Like about --

Q Going back to December 29th. You said -- tell us about supper and G.M. was eating.

A He ate some of his food. He ended up throwing up.

Q G.M. threw up?

A Yes, sir.

Q Was he able to hold anything down, or he threw up immediately?

A He threw -- he ate like a little bit of it. He ate like maybe five bits and he ended up throwing up.

Q Where did he throw up?

A He threw up on the bed.
Q He threw up on his bed, the air mattress in the livingroom?
A On our bed. On our bed, in our room.
Q Did he get sick in the bathroom as well?
A Yes. He ended up -- he had defecated on himself in the bathroom.
Q Did he throw up in the bathroom?
A No, he didn't.
Q There is a picture I want to show you. It's been admitted into evidence as State's No. 56. Do you recognize that?
A Yes, that's something that -- I had thrown up that night, too, as well.
Q Look at State's 56. Do you recognize that?
A Yeah.
Q And you said G.M. had got sick that night?
A Yeah. Yes, sir.
Q He didn't vomit in the toilet?
A No.
Q And you said he vomited in y'all's bed?
A On our bed.
Q Why would he have vomited in y'all's bed?
A He was on our -- he was in our room with us.
Q And did this alarm you all?

A It alarmed me. But, I mean, like I said -- like she got upset with him for throwing up on the bed.

Q Was he punished for that?

A Yes, he was.

Q How was he punished?

A She spanked him.

Q So detail times on December 29th where you saw Theia hit her son.

A In the morning?

Q Altogether. Start again so we get clarification, because I know we're kind of going back and forth. Let's be --

A From the morning from waking up it was whenever she did that morning, whenever he went in there to wake her up and talk to her and everything she struck him in the chest. When we got to --

Q Punched -- you said punched him in the chest?

A Yes, sir.

Q And that was in the morning.

A Yes, sir.

Q Tell us the next time.

A The next time whenever she was helping him to get dressed and whatnot she spanked him and punished him for not having his clothes on right and putting his clothes on the correct way. Then we got to Laurens County --

Q How did she do that?
A She spanked him on the butt and popped him on the back of the head a couple of times.
Q Open hand or closed on the back of the head?
A On the back of the head, open hand. And then when we got to Laurens County there was no striking then. We got back to the house she did strike him in the chest twice for repeating the stuff off that she says on the phone and whatnot.
Q She struck him in the chest after you all got back from Laurens?
A Yes, sir.
Q Describe how she struck him on the chest.
A With her hand. Closed hand.
Q Punched him in the chest?
A Yes, sir.
Q And that was before supper?
A Yes, sir.
Q And then you all have -- eventually all have supper?
A Yes, sir. We ate around, I believe, 5:00, 6:00.
Q And the meal consisted of what again?
A Steak, mashed potatoes or corn, and garlic bread.
Q It was either steak, corn, mashed potatoes, and garlic bread?
A Yes, sir.

Q And you say G.M. got sick immediately?
A Yes, sir.
Q And he vomited in y'all's bed?
A Yes, sir. On our bed. Yes, sir.
Q You said you got sick as well?
A Yes, sir. I did as well.
Q Was it bad food, food poisoning, something like that? What caused you to get sick, you think?
A Truly I don't know.
Q And what's G.M. saying at this point? What's he communicating?
A G.M. really didn't communicate anything at the time. I asked him was he feeling okay. He say uh-huh. I took him to he bathroom so he could -- so he could like wash up and everything, after she had stopped hitting him. Took him to the bathroom. He took off his clothes and was in the bathtub for a while. And I had noticed some bruising on his testicles. And so --
Q You noticed bruising on his privates?
A Yes, sir. And whenever he sat in the tub I noticed his genital, his area, looked purplish blue. So whenever he was sitting in the tub I went in there and talked to her. I said, "Your son, his stuff is like, you know, looking kind of messed up." I told her, I said, "That might be from when you hit him the other day and stuff." She said, "Well, you

shouldn't have taught him how to say that."

Q And you're referring to the incident where she punched him in the crouch, or in the groin area in Laurens on December 28th?

A Yes, sir. So he's in the bathtub getting -- or washing up and everything. Me and her were still talking and whatnot. When I go back in there to check on him he had pooped in the tub. I had to let her know and she said to spank him, so I just popped his butt.

Q Theia told you to spank G.M. for defecating or pooping in the bathtub?

A Yes, sir. So I had popped his butt. His head hit the tub. It was a plastic tub though, so that's clear.

Q Open hand on the buttocks?

A Yeah. Just open handed. It wasn't hard.

Q Once or twice on the butt?

A Just once.

Q And it caused him to fall forward?

A Yes, sir.

Q And he hit his head on the tub?

A Yes, sir.

Q Describe how hard he hit the tub.

A It wasn't hard. It's like the tub's right here and he was right here (indicating). He was bent over. So it really wasn't that far of a fall for him to actually hit the

tub.

Q And what part of his head hit?

A This part (indicating).

Q So Theia was at home when this occurred?

A Yes, sir.

Q Did you ever see -- so what areas of the body that day did you see her hit? You said chest area, buttocks. Did you see Theia hit him anywhere else/

A The head as well.

Q An open hand slap on the back of the head?

A Yeah. That was before we end up coming to Newberry.

Q Did you see Theia punch him in the stomach area?

A I saw her do that whenever we were getting in the carseat to come here to Newberry that night.

Q Does Theia go anywhere else before you all come -- before you all come to Newberry does Theia go anywhere else?

A Yes, sir. She goes to Spartanburg to -- first she leaves to go to Spartanburg County and she stops at a gas station and brings back a cat. And I told her, I said, "We don't really need another cat. We have enough cats already that we can't take care of. We've got stuff -- other stuff to take care of besides more cats."

Q And what was she doing in Spartanburg?

A She was going to a call in Spartanburg.

Q And she brings back, you said, another cat?

A Yes, sir.

So this is a stray cat?

A Yes, sir.

Q To go in that bedroom?

A Yes, sir.

Q Anything significant about this cat other than it was a stray?

A It had one eye.

Q One eye?

A It was a grey cat with one eye.

Q. I'm going to show you State's 59. It's been admitted into evidence. Do you recognize that?

A Yes, sir. That's the cat that she brought back.

Q And that was after she had been to the Spartanburg service call?

A She didn't go to the service call. I'm guessing she said she went to a gas station, then brought this back. Then she left again to go to that call.

Q I got you. About what time did she -- what time period was this when she leaves?

A To get the cat or to the call?

Q To go to Spartanburg?

A Roughly like maybe 40 minutes to 35, I believe, minutes.

Q Well, what time of -- what time of day on December

29th?

A Oh, I think it was either around 8:30 or 9:00, I'm thinking.

Q So how long was she gone?

A Roughly like 35 to 40 minutes.

Q And what's G.M. doing while she's gone?

A G.M. was asleep at the time. And I had dozed off myself waiting for her.

Q G.M. was asleep on the air mattress?

A Yes, sir.

Q Is it possible G.M. was sick on that air mattress as well? Vomiting on that air mattress?

A He seemed like he was okay whenever he had laid down. I didn't go out there to check whenever I went back into the room. I had laid back -- I had laid down myself and went to sleep.

Q So eventually Theia gets back from Spartanburg?

A Yes, sir.

Q And what happens next?

A She comes in, wakes me up and G.M. and she says -- tells us to get ready. And I'm like why don't she just go to the call herself. And she explained because she feels uneasy about it. She's never been to Newberry. She feels like it was -- she feels like it might be a setup for her or she feels just off about it. And I'm like, "Well, if that's

the case then don't go, because I'm tired myself, and G.M. sleeping. Why would you want to wake me and him up to come out to someplace that we've never been before?"

Q She was aware that G.M. had gotten sick around suppertime, correct?

A Yes, sir.

Q And a lot of times you would just stay at the house while she would go on service calls with G.M.

A Yes, sir. Or she brought -- or she told people to come to the house.

Q Clients would come to the house?

A Yes, sir. Even I explained to her and asked her not to do that, due to the fact of G.M. living there and myself, and her living there as well.

Q So, but she needed you to come to Newberry because she's unfamiliar --

A Yes.

Q -- with the area?

A Yes, sir.

Q So that's the reason you went on this call?

A Yes, sir.

Q But that was not a habit --

A No.

Q -- that you would go on these service calls?

A No, sir.

Q So it was unusual for you to actually go?
A I mean, unless we were living in the hotel. Which most times if we were living in the hotel she would go on the calls herself, too, as well. Unless we were already out eating somewhere. She would ask me -- she would let me know that she got a call and she's like, "Well, do you mind just coming along." So I would go along because I was already out with her.
Q So G.M. is asleep and you all had to wake him up?
A She woke him up coming in.
Q And was he upset?
A Yes, sir. He was. He was whiney and he was crying.
Q Did he appear ill still at this point?
A He sounded like he was tired and he could have been ill the way he was crying, whining.
Q And he's verbal? He's able to communicate yes, no, and use sentences and all that? He didn't have any developmental delays?
A No, sir.
Q Did he say, "No, I don't want to go," or anything to that effect?
A Well, he's not able to like sound -- like sound clear like that. But he didn't really seem like he wanted to wake up.
Q And what's Theia's reaction to his crying?

A Well, whenever I finally said I'd go she snatches him up and takes him out to the car seat. She yanks him up by his arm.

Q I want to show you Defense 1. Do you recognize this?

A Yes.

Q And what is that?

A That's G.M. in his other car seat. This is one of the car seats that she got whenever she left the house.

Q But is this a fair and accurate depiction of where G.M. would be positioned in the vehicle?

A Yes, sir.

Q In a car seat right behind the driver --

A Yes.

Q -- in the rear driver's side seat?

A Yes, sir.

Q And if I represent to you that's taken on December 17th that would appear accurate, in terms of his appearance?

A Yes, sir.

Q 2014? So you put him in the car seat, or --

A She puts him in the car seat.

Q Does she -- is he continuing to cry?

A He's still whinny and whatnot, and I come out to get inside the car and he's already in the carseat and she had turned around and struck him in the chest twice before I got in the car and I told her to stop. I said, "If it's a big

deal about him being upset, let us just stay and you go on to Newberry because --"

Q She struck him in the chest? Be specific.

A She struck him in -- like while he was sitting down. She struck him in the chest in this area (indicating) --

Q Closed --

A -- closed hand. Yes, sir. She turned around and hit him twice. And I told her, I said to stop. "If it's such a big deal, let us just stay here if you really want to go to Newberry, or just don't go at all," because we were both sleeping already.

Q And did Theia have an address for this Newberry service call?

A I'm guessing it would have been in her phone.

Q How did she find it?

A GPS on her phone. And she had talked to the guy a couple of times. She had called him. And we were still having a bickering argument, too, as well driving to Newberry.

Q And about what time do you all depart for Newberry?

A I think about 11:00. Anywhere from between 10:30 to 11:00. Somewhere in that area.

Q Best you can recollect, about 11:00 p.m.?

A Yes, sir. Best I can recollect.

Q Well, tell us what happens -- how do you -- how do you

get to Newberry? Do you take the interstate, highway or what?

A Yes, sir. We take the I-26. And he was still whining and everything. When we hit the Clinton exit he was snoring. He was sleeping by the time we hit the Clinton exit.

Q So he whined the whole way down I-26 up until you get around the Clinton exit?

A Yes, sir.

Q Then he stopped whining?

A Then he goes to sleep. I hear him snoring in the back while me and her were having our little disagreement and talking.

Q You heard him snoring?

A Yes, sir.

Q Is that common for him to snore?

A The times that I've heard him sleep, like maybe once or twice. But not really common.

Q Any more vomit?

A No. Not that I saw.

Q Any vomit in the vehicle --

A No, sir.

Q -- at that point?

A No, sir.

Q So he's snoring once you get to Clinton, and as you

continue to Newberry he's still snoring?

A Yes, sir.

Q So you all eventually pull up to the client's house in Newberry, correct?

A Yes, sir.

Q And do you recall what that house looked like?

A No, sir. It was nighttime. I didn't really get a look at it. I was covered up with the jacket.

Q And where are you riding in the vehicle?

A In the passenger seat covered by a jacket.

Q Front seat?

A Yes, sir.

Q So you all pull into the house of this guy? The residence?

A Yes, sir.

Q And do you recall where you all parked?

A It was in the driveway next to an RV, I believe. Or it was either an RV or a camper. I'm not sure exactly what it was.

Q There was a camper out there?

A That's what -- I think it was. It was nighttime at the time, so I couldn't really tell what it was.

Q I'm going to show you State's 46.

A Yeah, that's what it was right there.

Q There was an RV, you said, and you all parked near

that?

A Yes, sir.

Q Where would you all park in relationship to that RV?

A Do I need to stand up and show you on there?

Q You can just point or just -- yeah, you can stand up.

A In that area right there (indicating).

Q Was it lit? The --

A The area right there lit?

Q Yeah.

A No, sir. It really wasn't.

Q And about what time would you say you all arrived in Newberry at this residence?

A If I recollect correctly, I would say -- I would say it would be after midnight.

Q After midnight was when you arrived at this residence?

A Yes, sir.

Q G.M. was still asleep at that point when you all first pull up?

A Yes, sir.

Q And Theia gets out of the vehicle?

A Yes, sir.

Q Do you see this client come out and greet her?

A I heard the client, but I never saw him face-to-face. I was covered up with the jacket, so I never really got to see who the client was at all.

Q You're covered up with a jacket?
A Yes, sir.
Q What kind of jacket was it?
A It was a black jacket.
Q Heavy? Heavy jacket or light jacket or what?
A I'm guessing it was a heavy jacket.
Q So Theia gets out and greets him and then they go in his house, I assume?
A Yes, sir.
Q About how long was this service call? How long was she in the house?
A I fell asleep. So I really didn't have -- I didn't time her at all.
Q So what's happening out in the car once Theia leaves and goes inside with the client? What's G.M. doing?
A I dozed off for a little bit, and I -- I'm not sure how long. I ended up hearing a noise outside the car. I'm thinking it was her. I wake up. And I don't hear Gabe snoring back there no more, so I turn around and I shake him a little bit, "Hey, Buddy, you okay back there?" He wakes up. He's like uh-huh, and he goes back to sleep. So I got back to sleep myself.
Q So he was snoring, and then all of a sudden you don't hear him snoring?
A Yes, sir.

Q You wake him up?
A Yes, sir.
Q And ask him if he's okay?
A Yeah.
Q And he says uh-huh?
A Yes, sir. He says uh-huh like --
Q Like he's okay?
A Yeah.
Q Indicating to you?
A And he goes back to sleep. I go back to sleep myself for a while. And like a little bit after I go back to sleep I hear the client and her coming out. Well, I hear her laughing and talking with the client. And then she ends up coming in the car and I -- we're backing out, and I ask her, I said -- I started asking her about the whole snoring thing. Because me, myself, I snore, but I have sleep apnea. So I know when people snore sometimes they could have sleep apnea. So I'm asking her. I said, "Your son didn't sound like he was like breathing for a little bit. Like I didn't hear him snoring." She was like, "Stop overacting. He's okay. He's probably just sleeping hard." So she tells me to wake him up again. So I'm trying to wake him up and there's no response. So I let her know. She was like, well, keep trying to wake him up. So I climb in the backseat. I'm shaking him, pinching his fingers or whatnot.

She's telling me to pinch his fingers, continue to shake him. I'm pinching his fingers. I'm patting him on his cheek trying to wake him up. I'm letting her know that there's no response. So I pull him out the carseat to try to give CPR, because I was taught that in the military, and she's still on her way trying to head back home. And I'm like, "Hey, we need to get to a hospital because you're son's not responding." She's like, "Oh, he'll be okay. We'll go to Laurens."

Q How is she heading back home? She's got a GPS? How does she know her way around?

A She had the GPS on her phone. She was trying to head back by GPS. It kept -- the signal kept coming in and out. But she had her -- on the GPS. So we're trying to head back towards -- she's trying to head back towards home. I'm still letting her know we need to get to a hospital, because if your son's not responding, that's not a good thing. So I'm still trying to work with him back there, trying to give him CPR and everything. And then there's this brown stuff that comes out of his noise. And I let her know. And she turns around and looks back there and she sees the stuff coming out of his nose and she says, "Oh, shit. We need to get to a hospital." I'm like, "I've been telling you that for the past, you know, five, 15 minutes now. Like we need to get to a hospital." So she starts going toward the

hospital. And the GPS is still going on and off, and me and her bickering. I'm like, "You need to hurry up. We need to get to a hospital. Like this isn't cool. Like this stuff is coming out of his nose. He's not responding. Like we need to get there fast." So finally we end up getting, I guess, towards the college and we see the H sign for hospital. The blue sign that has H and the arrow. So we get to the hospital. And I jump out with him in my arms and I run inside the emergency room immediately, and she's, I guess, parking the car, or whatever she's doing out there. Takes her like a good 10, 15 minutes to get in. So they already take him to the back and whatnot. They asked me if I was the biological father and I let them know -- let them know that no --

Q Let me stop you. So when you initially tell Theia you thought he had stopped breathing while she was inside with the client she didn't seem too concerned at first?

A Not really.

Q And you were saying we need to get to a hospital fast?

A Yeah.

Q And then you said something about she said he'll be fine. We can just make it to Laurens.

A Yeah.

Q Was she referring to Laurens Hospital?

A Yes, sir.

Q Then you saw a brown --

A I tried CPR.

Q -- substance coming from his nose?

A Yes, sir. When I had tried CPR, yes.

Q Is she still -- does she stop the car so you can do CPR or is she still moving while -- driving?

A She was still moving and she had finally stopped at a stop sign. That's the only time when she had actually stopped.

Q Didn't think to call 911?

A Me or her? No, sir. Not at the time. I was trying to attend to him and see what was going on with him.

Q She didn't say anything about calling 911?

A No, sir.

Q She didn't say anything about contacting that Newberry client and asking him where the nearest hospital was?

A No, sir. She was actually trying to just get to the Laurens County Hospital because she knew where that was, she said.

Q So she just happened to see the hospital sign near the college, you said?

A Yes, sir. When we actually start trying to find the hospital.

Q Is she driving pretty recklessly, real fast?

A No, sir.

Q She's not?
A No, sir. Not at that time.
Q So you all find the hospital?
A Yes, sir.
Q You bring G.M. in?
A Yes, sir.
Q You're carrying him?
A Yes, sir.
Q Is he still has brown substance coming from his nose?
A Yes, sir. That ended up on my shoulder actually.
Q Okay. Did you have to take his tee shirt off or anything like that?
A Yes, sir. I did. I took his tee shirt off.
Q I show you State's 39. Do you recognize that?
A Yes, sir. I actually took his tee shirt off to get some of the stuff off his face.
Q Is that the tee shirt he was wearing that night?
A Yes, sir. It was.
Q And all that discoloration is from --
A His nose.
Q His nose?
A Yes, sir.
Q Anything coming from his mouth?
A No, sir.
Q Did you have to use any towels back there, anything

like that? Was it --

A I believe I did use a towel back there.

Q State's 26.

A That was a jacket that I'd used to cover up as well.

Q That's the jacket?

A Yes, sir.

Q Puffy jacket?

A Yes, sir.

Q And that towel on top of it?

A Yes, sir.

Q You used that to wipe him down?

A Yes, sir.

Q So you pull up -- the three of you all pull up to the Newberry ER. You carry him in.

A Yes, sir.

Q Why didn't she get out with you?

A She said she was going to go park the car.

Q Park the car?

A Yes, sir.

Q So you go to the ER entrance and to the registration desk, correct?

A Yes, sir.

Q And did the nurses take him away immediately?

A Yes, sir. And they asked me was I the biological father and I said no. I said the mother should be on her

way in now. So they told me to wait out there since I wasn't the biological father. She comes in, as I said, like 10 or 15 minutes later and she goes to the desk. They start --

Q You said 10 to 15 minutes later Theia comes in?

A Yes, sir. She starts -- she starts answering some of the questions that the nurses and everything have for him -- for her. Sorry. She -- when it gets to the part about the biological father she says I am, and the nurse said he already let us know that he's not the biological father. She turns around and starts cussing me out and calling me all types of stuff saying, "Why the hell would you say that. You're like the only father he know," and I said, "Well, I'm not technically the biological father. So I wouldn't be lying if I said -- told them I said no."

Q So you all are basically having an argument because you told hospital staff that you were not the biological father, correct?

A Yes, sir.

Q And then eventually you learned that G.M. was pronounced dead, correct?

A Yes, sir. Whenever we get brought back to the back we did -- that they were trying everything they can to like resuscitate him and everything. They were doing compressions and everything, clearing the vomit and stuff

from under his airway and whatnot. Was trying to resuscitate him and get him to come back. All the while she was either on the -- we were trying to get a hold of James and her mother. And she finally gets a hold of her mom and she lets her mom know, and her mother starts yelling and screaming, "What did you do? What did you do?" And she's like, "Well, mom, some people -- sometimes people die in life and the only thing you can do is move on."

Q Is she just hysterical at this point to find out her son died? Theia?

A No.

Q She's not?

A No, sir.

Q And she does contact her mother?

A Yes, sir. And we get a hold of James as well. James Dunn.

Q A friend of hers?

A A friend of ours. He's just a friend of ours. Yes, sir.

Q So law enforcement eventually shows up in the ER, correct?

A Yes, sir.

Q And so, you agree to be interviewed by law enforcement?

A Yes, sir.

Q Do you remember at that time Captain Roy McClurken?

A Yes, sir. I do.
Q He interviewed you, correct?
A Yes, sir.
Q And it's fair to say you did not tell Captain McClurken at the time everything you just discussed with us, correct?
A Yes, sir.
Q Why is that? Why aren't you telling him everything you just discussed?
A There's numerous reasons why, sir. First and foremost, I love G.M. and I cared about her, too, as well. I didn't really want her getting in trouble for all the stuff that was going on from the escorting to the child abuse and whatnot. I did call DSS one time when I was down here in South Carolina from the fact that she had hit him, and I told her I got tired of telling her to stop doing it. And she let me know that if I ever called DSS on her again that she'd be gone. So I didn't want her getting in trouble for anything like that. And I never thought that it would lead up to G.M. dying the numerous times of the hitting and abuse and whatnot.
Q So you were trying to protect Theia to a certain extent?
A Yes, sir. And I didn't want to get blamed for -- I didn't want to get blamed for it as well with myself.
Q What do you mean you didn't want to get blamed for it?

By not stopping it?

A Yes.

Q So you thought you were going to get into trouble?

A Yes, sir.

Q Are you and Theia still together?

A Right now?

Q Not physically together, but emotionally are you all still together?

A I can't even answer that one, sir. I don't know. I know after this whole ordeal I just want something to be done for him, in all honesty, and I would like to be able to move on with things in my life. Because I have a child of my own. She's five. She's going on six this year. And this is like taking me away from her. This whole ordeal. And I regret that I didn't let them know what happened from the beginning and something could have been done for G.M. from the very start. Maybe -- I don't know. Maybe G.M. could have been taken, put into kinship or -- I don't know. Something.

Q Why didn't you stop -- stop Theia? Like physically intervene when she's hitting on G.M. what you describe? Why didn't you stop her from doing that?

A The times that I did try to stop I ended up with an arrest for assaulting a female, and it wasn't even assaulting a female. I have an arrest record in North

Carolina for fraudulent charges that were dropped whenever I tried to stop her from doing things to G.M. or whenever I threatened to leave, or I did leave, so (pause) ---

Q Were you beating on that child in the car while Theia was with that Newberry client?

A No, sir.

Q You didn't hit him at all inside that car?

A No, sir. The only time that I struck him, sir, was whenever I patted his butt.

Q And you're saying that wasn't very hard?

A No, sir. It wasn't.

Q This is kind of a generic question. But describe Theia's temperament. Is she an angry person?

A When she's not on her medication she goes from zero to 100.

Q So did she have a short fuse when it came to G.M.

A Yes, sir. I've seen her get into arguments before. Like back when I first met her I saw her get into an argument with her mother outside at a Bojangles, her and her mother. They were throwing food and they were literally playing tug-of-war with him inside -- or outside in the parking at Bojangles, with G.M.

Q So Theia is kind of a volatile person?

A Yes, sir.

Q Is that an accurate description of her personality?

A Yes, sir.
Q And you realize how this looks, correct? That you're telling this stuff the first time a few weeks ago at the amen hour?
A Yes, sir.
Q And why are you saying this now?
A Because I want the truth out.
Q And why didn't you tell now Chief McClurken this initially?
A I just said, I didn't know if I was going to be in trouble for it as well as myself, and I was actually trying to protect her.

MR. DANIEL: No further questions. Please answer anything Mr. Verner might have.

THE COURT: Mr. Verner, may I assume that your cross-examination of this witness is going to take a while?

MR. VERNER: I apologize, Your Honor, but the -- he's the witness of the case.

THE COURT: Oh, I agree. I just -- if it is going to take a while the Court will take five. We're going to take five. Step outside if you need to. Adjourn to the back. We will be at ease for a quick five minutes. Don't anyone go too far away. Sir, you can step down or you can stay there.

(Whereupon, the jury exited the courtroom.)

THE COURT: If I may I want to go on the record real quick. The record should reflect that the Defendant is present with counsel. The witness that we are examining at this time is not present.

MR. VERNER: He is. He just walked in.

THE COURT: Okay, he is now present. The Court has somewhat of a concern. Obviously, that the Court admonished the witness not to use or not to communicate with anybody about the substance of his testimony. I walked through the hallway and I saw him using a telephone in the Solicitor's Office. It seems a peculiar time to order a pizza for the witness in this particular case. I know he had a brief conversation with his attorney after he came off the stand. I just wanted to put that on the record. I don't know if the Defense was aware of it. Since he was using the phone in the Solicitor's Office I assume they were aware of that. Is there an issue here that the Court needs to inquire into further, Mr. Verner?

MR. VERNER: No, Your Honor.

THE COURT: Are you sure?

MR. VERNER: I saw a brief chat with the lawyer. I took it more as a non-testimonial -- just -- he's got an impeccable reputation. So I did not see a problem. I did see the Defendant on the phone.

THE COURT: Good. Not so much the conversation with Mr.

-- with his counsel, but I'm concerned more with the telephone conversation. Let me hear you on that.

MR. VERNER: I took it as they afforded him the opportunity to call a family member or -- but could he answer who he called?

MR. BOWMAN: I called my mother.

MR. VERNER: I figured. It looked like a family call, Your Honor.

MR. BOWMAN: My mother was curious as to what was going on, and I told her I was on the stand today.

THE COURT: Did you discuss with her at any point in time any of the testimony, the substance of the testimony that you gave today?

MR. BOWMAN: No, Your Honor.

THE COURT: Or anything that you're going to testify to in the future? Did you talk to her about that?

MR. BOWMAN: No, Your Honor. As I said, my mother was just worrying about what was going on. She came up here on Monday and was turned away at the courthouse or whatever because she was told she couldn't be here. So she wanted to be let known what was going on.

THE COURT: Fair enough. No other questions then of this witness from anyone on that issue?

MR. STUMBO: Your Honor, my understanding -- I stepped in and grabbed a bottle of water when I came out. It looked

like Mr. Brown was in there with him the entire time, so. We didn't want to get in the middle of anything.

THE COURT: Very good. Let us have the jury please.

(WHEREUPON, THE JURY ENTERED THE COURTROOM TO RESUME.)

THE COURT: Thank you for your continued patience. Here's where we are. My understanding is that we have approximately an hour left to go with this witness. It is 6:15 at this particular point in time. I was indicating to y'all 6:30 or so. I was not indicating 7:15 or 7:30. It's very unusual to break in the middle of a witness, especially the cross of a witness. Mr. Verner has been so kind as to say that if y'all are fatigued this evening we can retire for the evening. He has no problem pausing in the middle of his cross-examination of this witness. I will leave it to your discretion. If you want to huddle up, Madame Forelady, and see if y'all are ready to call it an evening or if y'all want to keep going for approximately another hour and try to finish this witness. Whatever your choice is. You can huddle up there and take a quick survey and see where you stand.

MADAME FORELADY: We're ready to keep going.

THE COURT: You want to keep going. Everybody okay with that. Anybody not okay with that raise your hand. It's unanimous. Mr. Verner, you may continue, sir.

CROSS-EXAMINATION

BY MR. VERNER:

Q Mr. Bowman, the prosecutor's final question to you was that you were testifying today because -- I don't want to mischaracterize you, but you wanted to get the truth out, right?

A Yes, sir.

Q You're sure that's not because you want to get Richard out?

A Yes, sir.

Q How long has Richard Bowman been in custody in the jail right now?

A Four hundred some odd days, I believe.

Q Since December 30th of 2014?

A Yes, sir.

Q That's a long time, isn't it?

A Yes, sir.

Q Are you doing it -- are you testifying today on the hope that you will get some help from the prosecutors on resolving your charges?

A No, sir.

Q Are you testifying today because if you can pin this charge on Theia McArdle that there will be no charges on you?

A No, sir.

Q So you're only testifying today to get the truth out?

A Yes, sir. In all honesty, sir, I'll tell you this. If I still get a charge off this because for not stopping it, or whatever the case may be, I'll accept it, but I want the truth to be known for what happened to him.

Q And what is the punishment to you if you accept it?

A I don't know.

Q Your lawyer hasn't talked about what you're facing?

A Twenty to life for this charge here. I've read up on it. I've read up on the law on it.

Q And that's not some reason to want to cooperate to avoid a 20 to life -- mandatory 20 to life sentence?

A No, sir. I just want the truth out.

Q Because I believe you've told the prosecutors in the past that some of this stuff has happened to you in the past and it hurts you to see children --

A Yes, sir.

Q Because you yourself was a victim?

A Yes, sir.

Q And you've told several people that, right?

A Yes, sir.

Q It hurts you to see hurt children?

A Yes, sir.

Q The -- now, we've heard that Theia has a Facebook account. Do you also have a Facebook account?

A Yes, sir. I do.

Q And it's got a -- what does Z3R0 stand for?
A Zero.
Q Zero?
A Yes, sir.
Q That's just a way to write a zero?
A Yes, sir.
Q I want to ask you about some photographs you published within a couple of weeks of G.M. death, if I can.
A Okay.
MR. DANIEL: I'm going to have an objection to these photos. It's a matter of law.
(Sidebar outside of the presence of the jury.)
Q You had a Facebook account?
A Yes, sir.
Q Have you seen this photograph?
MR. DANIEL: Your Honor, objection. This hasn't been introduced yet and he's publishing it.
MR. VERNER: It's just his Facebook page. It's nothing --
(Sidebar outside of the presence of the jury.)
Q What Mr. Bentley is showing you, is that your Facebook?
A Yes, sir. It is.
Q The jury's looking at your Facebook account?
A I actually do have like three Facebook accounts. The main one --

Q You have several Facebook accounts?
A Yes. The main one I use is under my military email address. I'm not sure if that's the right one or not. The other two I barely use. I'm not sure if that's the main one. But that's under Richard.Bowman380. US.Army. So yeah, that's the main one.
Q The one that has Richard Bowman Z3RO on it?
A Yeah.
Q And it's got apparently a picture of you with some buddies?
A I'm not sure if that's the main one. Like I said, I have three.
Q Do you recognize this image?
A Yes, sir. I do. That's by a toy maker. That's a company that makes baby dolls, like -- baby dolls. A friend of mine in Chicago shared it to me. Showed it to me.
Q And you posted it on Facebook on November 14th?
A Yes, sir.
Q That's a picture you published on November 14th, about a month before G.M. was killed?
A Yes, sir.
Q What is that a photograph of?
A It's a baby doll. A friend of mine had found this company that makes like scary baby dolls. It's supposed to be like that. And she showed it to me and I thought it was

kind of cool. It was a baby doll.
Q So you posted it on your Facebook because it was uncool?
A It was cool. It was a baby doll. It wasn't a real human child.
Q It appears to be a baby beaten to death, two black eyes, blood around the mouth, blood all over the body?
A It's a zombie baby doll, if you like zombies.
Q A zombie baby doll.
A Yeah. It's not two black eyes.
Q Do you recognize this photograph?
A Yeah, it's supposed to be like Harry Potter, -- Voldemort, yeah.
Q That's a Voldemort baby?
A Yes.
Q Do you recognize this photograph?
A No.
Q You don't remember posting this on your Facebook account?
A I probably shared it but didn't really take a good look at it.
Q You don't remember making this your cover page for a while?
A No, I don't remember making that my cover page for a while.

Q I can bring my computer in here. Are you sure this wasn't your cover page?

A I don't remember making it my cover page. But if I did --

Q I guess let's go to 11/24. What are we looking at here?

A It's a scary picture of a clown and a kid.

Q A child and a --

A It's a made up --

Q -- kind of a monster clown?

A It's just a made up picture.

Q And that was posted on your Facebook on November 24th?

A Yes, sir.

Q Can we have the next picture? This photograph on October 20th that you posted appears to be a child with his face ripped open -- or her face ripped open?

A I don't believe it was a child, but okay. Just pictures that they share on Facebook. There's a lot of different stuff on Facebook.

Q That you've posted?

A Not -- I didn't actually post it. I just shared it. Somebody else --

Q You shared it? You're sharing --

A -- posted it.

Q -- is reprinting it on your account?

A Yes, sir.
Q This is the Voldemort baby?
A Yes, sir.
Q It appears to either be a baby with snake eyes or a dead baby?
A With snake eyes.
Q Then we have -- I think we already introduced the first screen shot. Screen shot two. What are we looking at here?
A A murder spree.
Q It appears to be blood in eyes and you posted on December 4th? I'm sorry. You didn't finish your answer. What are we looking at here?
A It's a thing me and my friends were talking about. Me and my buddies from the military, as you can clearly see. We were talking about scary movies like Freddie Krueger, Jason, and whatnot.
Q And this was on December 4th, 2014?
A Yes, sir.
Q This -- you might want to step down and tell us what this one is. Can you read -- you can step down all the way, for me.
A In 1934 families were receiving -- no one knows who they were or --
THE COURT: Sir, speak up some more, please. She can't hear you.

A In 1934 families were receiving. No on knows who they were or that they did. At --

Q And you got a comment. Lol stands for what?

A Laugh out loud. It's my sister. Me and my sister were talking about it.

Q This was posted apparently on November 12th of 2014. Can you read the caption for me?

A It says, "Hey, I just met you and this is crazy. My name is Slender. I take your babies."

Q And that's kind of a play off of a song. I don't know the --

A It's about Slender Man.

Q Slender Man is a mythological --

A Yes.

Q -- man who steals babies?

A No, he doesn't steal babies. He --

Q Or kills babies.

A No, he doesn't kill babies either. He just hates people, I guess. I don't really know the thing about it. It's from Creepypasta.com.

Q These were all posted as humor? Attempts at humor on your Facebook account?

A Some of them were humor. Some of them were to show just pictures.

Q As pictures of warnings to other people of what not to

do or --

A Yeah, and show it to my sister and whatnot, and friends in the military and whatnot.

Q Now, you've got more Facebook accounts?

A I've got three, due to the fact that she would hack into my Facebook accounts and talk crap to people on my Facebook. Friends of mine and whatnot.

Q So you had to keep -- one wasn't for business, was it?

A Nothing was for business.

Q Do you have them under the name Richard Bowman or --

A I have them under Richard Bowman, yes.

Q Now, just so I'll understand, how many times have you been interviewed by the police, or law enforcement?

A For this case? Once.

Q Yes, sir. Well, I mean --

A Once.

Q Just once?

A Yes. The first day whenever we got arrested. And then on the 10th when I talked to the Solicitors. That's it.

Q Are you sure about that?

A Yes, sir. Or would you be referring to a Spartanburg incident that happened?

Q No, sir. I'm just talking about this --

A This incident?

Q -- case with the dead baby G.M.

A That's only one time. And then I talked --
Q They've only talked to you one time?
A Yes, sir. They wouldn't talk to me any other time without my lawyers present, with that being Joseph St. Pierre or Mr. Brown.
Q So you have two lawyers in this case?
A Yes, sir. I did.
Q Well, I'm going to start off with just your testimony today, and then let's talk about some of the stuff you said earlier.
A Yes, sir.
Q The -- you don't like being called pimp, do you?
A I wasn't a pimp.
Q Well, I mean, a pimp is not just a guy who wears purple suit. It's a guy who lives with a prostitute and takes her to meet people and protect her from people, right?
A I guess, if that's what your version of a pimp is.
Q Who's black knife was that in the glove box of Theia's car?
A It wasn't mine. I believe that was hers.
Q So that was Theia's black knife?
A Yes, sir.
Q The same with the gun?
A That was my first time I ever seen that pistol. But that was hers.

Q You've been with her since 2013?
A Yes, sir.
Q First time you ever saw it?
A Yes, sir. She never had a pistol when we lived in Asheville. She had a BB gun when we lived in Asheville. I didn't even know that gun was inside the car until my lawyer was going through pictures and I saw that. And I was even alarmed by that and wondered what that was about.
Q What about the Mace?
A That was a friend of hers named Tiffany. Tiffany let her have that.
Q So you knew about the pepper spray in the car but just not the gun and the knife?
A Yes, sir.
Q Now, tell me, if you weren't a pimp, living off of her and protecting her, but you were a prostitute or an escort yourself?
A Yes, sir. I was an escort myself when I lived in Asheville, and I had a couple clients when I lived in Spartanburg, too, as well.
Q But you didn't enjoy that lifestyle?
A No, sir. I actually wanted to get an actual job. I didn't want to live like that in front of G.M. and whatnot.
Q Because of G.M. you didn't want to do that?

A Yes, sir.
Q Now, who is the client for a male escort? Are you doing that for women or men?
A I had males and females, sir.
Q So sexually you would ambivalent, yet you would -- it's all about money? You're not really interested in the man or woman. It's just the bottom line of I've got to get paid?
A I guess you could say that. Yes, sir.
Q Now, the mobile home that you stayed in in Spartanburg, Enoree, how many air conditioning units or heating units did you have?
A There's one.
Q Just one?
A Yes, sir.
Q Where was that?
A That was in the kitchen/livingroom area.
Q The kitchen is one big open room with the livingroom?
A Yes, sir.
Q Was it colder -- considerably -- in December, the two ends of the room, would it be considerably colder in the two bedrooms?
A If the AC was on.
Q So that window unit would warm the entire home?
A Yes, sir.
Q Even through the doors?

A Yes, sir.
Q The reason for moving Gabe to the livingroom wasn't to keep him closer to the master bedroom so she could hear him and that it's heated?
A No.
Q Not in your opinion?
A No. Actually I asked her about that. She wanted the cats inside his room because they kept running in, jumping on her face and being on her face and she would get mad and wake up in the middle of the night. And I told her, I said, "Well, you're the one that wanted all these cats, so..."
Q And the cats didn't stay in the room. They had the run of the house, didn't they?
A Before they got put in G.M. room, yes.
Q There's feces and there's cat stuff all over the house. The cats had free roam of the mobile home, didn't they?
A Whenever they were let out. Yes, sir.
Q And then when you all would leave and go out of town you'd put them in that one room?
A Yes, sir.
Q And the cat with the damaged eye was the cat she found the 29th? The day --
A Yes, sir.
Q Now, why did you and Theia go to Asheville on December 27th?

A For a late Christmas exchange gifts with her and her mother.
Q But you told people before that you all had court that day and that's why you all had to on the 27th?
A No, sir. I thought it was court, but --
Q But Saturday is really not a good day for court?
A No, sir. And I got it confused as well.
Q On the 27th was when you met Theia's mother, Patrice?
A I've been met Ms. McArdle. I've known Ms. McArdle since I met her daughter.
Q That's right. Are you all on a good -- does she like you?
A I'm guessing not, due to the fact the incidents that me and her mother -- or me and her daughter have had.
Q What kind of incidents are we talking about that you and her daughter have had?
A Me defending myself whenever she's put her hands on me and us having mutual disagreements and whatnot.
Q You're defending yourself has gotten you arrested a lot in incidents with Theia, hasn't it?
A There's only been two incidents where that happened. As I explained to the Solicitor, that the rest of the charges were fraudulent and were dropped. And I would not be with her. I would go somewhere else and then she would want for me to come back, or to try to mend things among our

--

Q All the charges were innocent? They were fraudulent?

A Yes, sir. There's no convictions of anything.

Q That's right.

A It should be in your record.

Q What happened on April 23rd, 2013?

A 2013, April 23rd? 2013. That was the first time, I believe, I got arrested when it was an argument that me and her had. She was drunk at the point in time and she wanted to argue with me and I was telling her to stop. There was also a witness that was there, too, Mitchell Gunter. Me and her were bickering back and forth. I told her to leave me alone. Let me go to sleep. We'll discuss it in the morning. She didn't want to leave it alone and drop it. I was sleeping on the bed in the livingroom. She then proceeded to pick up the bed and toss me out of the bed. I got up and I went to the second room, it was in her apartment, to lock her out to get her to leave me alone. She then proceeds to force her way in there and she gets into my face and everything and is still trying to yell and argue and cussing and whatnot. I put my earphones in my ear so I could block her out. She snatches my phone and throws my phone and breaks my phone against the wall. So I broke her phone in response to that, and she punches me in the eye. So after that, yes, I did proceed -- I did place hands

on her for punching me in the eye.

Q And by laying hands, you mean you choked her?

A Yes, sir. I did.

Q By my count, and tell me if I'm wrong, but since you've been together in March 2013 you, or you and she, have been arrested May 11th, 2013, July 6th, 2013, September 15th, 2013, June 16th, 2014. One of those incidents involving you stabbing her -- a man she was with.

A That was an incident where I came into the house and the man was beating on her and her face was bloody on the floor. And he then proceeded to jump on me. That's actually in the report that the dude had beat on her and whatnot. Her nose was broken and whatnot when she went to the jail. He had broken her nose and whatnot. And the dude then proceeded to jump on me. So yes, I defended myself from him. That was her ex-boyfriend. The guy that she had broke his skull with an iron skillet.

Q It's not that black knife that was in the car that you used that night?

A No. It was a cup that I used on him. I had --

Q It was a cup?

A Yes, a glass cup. I had hit him in the head with a glass cup. That wasn't a knife.

Q The car. How long had Theia had that --

A Theia had a 1994 Nissan Sentra. Not a Malibu at that

time. The same car that's in the parking lot at the house that's in the picture right there at the trailer.

Q Who's car was that?

A That first car is hers. The -- hers, yes.

Q In fact, when you -- how long had you been dating Theia before you moved in with her?

A Me and Theia were dating for roughly three weeks, and then I got stuck in Asheville when she wrecked my car. She took my car keys and drove off with her friend, Makayla, and she got into a car wreck and I got stuck in Asheville.

Q So you for the next three years couldn't make your way back to Fayetteville?

A I didn't have an ID and whatnot and I didn't have money. I ended up getting a job. Was working at Walmart for a while, and then got arrested and lost my job at Walmart.

Q So for these three years you were just trapped by Theia?

A No, not trapped. I actually did stay because me and her were in a relationship. I was trying to be with her and whatnot.

Q And even though you had been arrested and she'd been arrested probably half a dozen times for violence against one other?

A Yes, sir. I mean, when you care, love makes you do

stupid things. You can't really be held accountable for what makes you do stuff.

Q Now, where were you and Theia living when you first got together?

A She was living at -- in Erskine. I forget the address off the top of my head.

Q Erskine Street. Now, is that private housing or is that public subsidized houses?

A Public housing.

Q That's run by the Housing Authority?

A Yes, sir.

Q Were you allowed to be on Housing Authority property?

A At first. Yes, sir, I was. And then after the incident that happened, no, I wasn't. Whenever I did inform her that I wasn't supposed to be there she said, "You can stay as long as nobody knows that you're here. Go ahead and stay." I actually did try to leave numerous times, but she kept saying, "Stay, because as long as nobody knows it'll be okay." She had other folks that were living there, as well as drug dealers and other folks that had felonies as well, living in her house as well. And Jody Banks and April Banks, Junior and -- I think it was Danny and Junior as well.

Q You didn't get arrested twice for crawling in her windows and breaking back into her apartment?

A No. I only got arrested once for that, and I didn't crawl into the window. I was trying to get my stuff to leave. We had gotten into an argument that day. We were walking to the bus station. She put her hands on me and jacked me up and ripped my shirt, and I told her, I said, "You need to get your hands off me. You're not going to beat on me like you do your son." So I ran back to her house to get my stuff. Junior was there at the time, too. He could actually attest to that if he was here.

Q Who's Junior?

A Junior that's inside the motion. I don't know his full first name. But Junior was there, and I had knocked on the window to try to get in, and I knocked too hard and I broke the window. And I told him, I said, "I need to get my stuff because I'm trying to leave. I'm not trying to deal with this stuff. You're not going to keep putting your hands on me and beating me like you do with your son."

Q What about you taking a bath in her apartment and her catching you?

A She knew I was in the house because she had let me into the house that day. We got into an argument that day because she wanted to try to go on my phone and take my phone. And I told her, I said, "Get off my phone. You're not going to unlock my phone." Because she wanted to try to see who I was texting, this or that. Some female she was

mad over.

Q Not really good when you're -- for you to have other girlfriends while you're living with another woman, is it?

A Well, when you're dealing with craziness from one and you're trying to, you know, get out of that.

Q Trying to get out of it. Did you ever move to Georgia?

A Whenever I got out of the military, no, I didn't. I lived in Georgia before I joined the military. I was living in Winston-Salem after that time I got arrested. I came back to handle my court case in Winston-Salem. I was living with a young lady, that I had left her for at the time, by the name of Morgan. And I was gone for two months. And at that point in time I was not talking with Ms. McArdle, wasn't dealing with Ms. McArdle or anything. Out of nowhere I get a text message on a brand new phone. I don't know how she got my phone number or where I worked but she did.

Q And since you brought up your military career so extensively, how did your military career end?

A An other than honorable discharge.

Q An other than honorable discharge?

A I have two discharges. I have an honorable and other than honorable. Yes, sir.

Q How do you get two discharges, one honorable and one not honorable?

A Because whenever I finished my first tour in Iraq for

my 15 month tour I re-enlisted. And then whenever I came back I re-enlisted and I got in trouble.

Q So you are an Iraq veteran?

A Iraq, Afghanistan, and Kosovo.

Q Were you in combat?

A Yes, sir. I did patrols and whatnot. I did convoys as well.

Q Did you ever talk sometimes about seeing children killed?

A I did tell people about a lot of numerous things that I saw over there, from losing friends, to seeing children get stabbed, or an LT of mine as well, and killed an LT of mine.

Q Was that a traumatic thing to see?

A Yes, sir. Losing friends, seeing things like that, that is a traumatic thing to see.

Q You were aware that Patrice McArdle was trying to get Theia to leave you, weren't you?

A No, sir. I wasn't at the time. At one time she was but then she dropped it whenever her daughter said she was staying and whatnot. I wasn't --

Q Didn't Patrice at one time pick up Theia from your home and pay herself for her to move into a motel even though you had the hotel -- the mobile home in Spartanburg?

A The reason for that is because I called DSS and I called the police on her for striking G.M. and also

called me racist terms. And I called DSS in Spartanburg. Actually, then I called DSS -- or Janice, which was the person that G.M. was in kinship with in North Carolina from DSS stuff there. But I called her and told her to call DSS if she got back to North Carolina because of her striking G.M.

Q That's right. You called DSS, didn't you?

A Yes, sir. I did.

Q Do you know why DSS hasn't made any kind of notes or doesn't have any kind of record? Have you seen any notes or records from DSS?

A No, sir. But my mom did let me know that DSS was trying to get a hold of me from Georgia.

Q So you made a DSS call about an abused child, and DSS said we'll get back to you about without actually ever coming --

A They told me to call the police department. And the sheriff's department did come out there that day.

Q So you actually didn't call DSS? You called the sheriff's department?

A I called both that day. That's why the sheriff's department came out. DSS said they don't -- said that they didn't take children in this state. I need to contact the police department. So that's why I called the sheriff's department. And then the sheriff came out there and I

explained to them what happened. And they said, "Well, are you the biological father?" I said, "No. My name's not on the birth certificate." So they said, "So if she comes for her child we can't stop her." I said, "I don't plan on stopping her. But she did strike her son. You guys need to do something about that."

Q So you called the sheriff's department in Spartanburg County?

A Yes, sir. I did.

Q And said this lady has been beating her child?

A Yes. And then --

Q And the sheriff came out and said, "We can't do anything about that. You have to call DSS."

A Yes. And she wasn't supposed to be at the address anyways due to another incident that happened in Spartanburg County.

Q Do you remember what deputy that was?

A No, I do not remember off the top of my head. It's over a year.

Q Have you seen any paperwork on that call?

A No, sir. I did not.

Q Is it possible that sheriff came to your house on a child abuse call and just forgot to make any kind of record of it?

A I'm not sure. I asked them not to make a big deal over

it because we weren't supposed to be living together because of a no contact order.

Q It doesn't sound like good police work, does it?

A No, sir.

Q And then -- so the sheriff's department said don't call us, call DSS?

A DSS said call the sheriff's department.

Q Oh, so you called the DSS agency --

A Yes, I called both.

Q -- and they said don't call us about child abuse, call the sheriff's department?

A They said they don't take children in this state. Call the police department. So that's what I did.

Q So apparently they don't even investigate claims of abuse then?

A I'm guessing not.

Q That ain't really an efficient DSS office, is it? Do you remember what the date was that you called DSS?

A Not off the top of my head, sir.

Q And the phone you would have called DSS on was the phone that your girlfriend was actually paying for, wasn't it?

A Actually for a phone that I had actually had paid for with some of my calls. She had gave me the phone because it was a phone she had owed to me for breaking my other phone

and destroying some of my other stuff, property as well. So she let me get that phone and I was actually paying my own bill off of that whenever I had did my own calls. And I actually had paid for a phone for her too as well, because her son had broken her phone and she had spanked him for that. So I had gotten her another phone from the very same place that I was paying my phone from.

Q We seem to want to know where you were getting your money to pay the phone bill from.

A From my calls that I had made.

Q But I thought you said you only did that for two weeks and didn't like it?

A I still did some after a while. Remember I stopped before I started at whatchamacallit. Lear. I figured that I'd do it just to get a little bit of money. But it wasn't that long. I wasn't doing it for like continuously like that. I might do like one or two.

Q Male escorts make a whole lot less money than female escorts, don't they?

A It depends on if you're taking every single call or not.

Q What was the car -- the purple car that was left at the mobile home in Spartanburg?

A That was her first car.

Q What kind of car are we talking?

A It was a Nissan Sentra.
Q A Nissan Sentra?
A Yes, sir.
Q What happened to that car?
A She had disconnected the go plugs and whatnot, and we had argued at Moscerelli's house, because she was acting drunk and being argumentative there. And me and James Dunn decided to leave, and she had went outside and was fiddling with the car and whatnot. And I told her, I said I wanted to leave and whatnot because I didn't want to sit here and look at her act crazy and be drunk. So whenever me and James jumped in the car -- because James was drunk and he was sick, so I had to take him back to the house. I didn't --
Q What did you say that Theia disconnect?
A The go plugs. It was either the go plugs or something on the car. I didn't know exactly what she did. It was nighttime. Her and Dave were outside. All I know is whenever I got out there to the car it wasn't acting right. But I was still able to drive it back to the house.
Q Is this the same Dave that you said didn't see her strike Theia -- strike G.M. in his own house?
A Yes. The very same David that said in the motion that he figured that there was some form of child abuse and had let her know before to stop being so hard on G.M. as

well, and stop yelling at him and stop being so mean to him.
Q The same David who apparently while he was in the same home didn't hear the child the child beaten while she was -- crying while she was beating him in the home?
A She struck him one time. He cried. He's cried plenty of times in that house.
Q Just unfortunately Mr. Dave was not in that room when that happened.
A James was though for other instants.
Q Now, getting back to the purple car.
A Yes, sir.
Q You are at James' house?
A I'm at David's house.
Q David's house?
A Yes.
Q And David lives in Laurens?
A Yes, sir.
Q And Theia starts acting out.
A Drunk.
Q Drunk and acting out, and you say I'm leaving?
A I told her, I said, we need to leave because I'd rather not be at David's house sleeping in his bed and whatnot. I'd rather go home. And you've been drinking too much. You need to chill out. Her and James both were drunk and whatnot.

Q Her buddy James as also acting out, too?
A No. James was inside the -- inside the room with me, talking with me. She was in there with David yelling and screaming and acting foolish and whatnot, swinging at David and everything.
Q And she got so angry at you for not -- for telling you not to leave that she went out and yanked the spark plugs?
A It was more than that. We got into an argument, her -- talking about how she beats up on all these people. And I said, "You're jumping on -- beating up people that are smaller than you." She was bragging about how she tossed some woman and broken her hip and how she beat on this other chick for saying something to her and whatever, so --
Q You were standing up for G.M. then?
A No. I was standing up for other folks and told her to chill out and stop acting crazy.
Q Now, Laurens is probably how far from Spartanburg?
A From Union Highway, his house?
Q Yes, sir.
A Like maybe like 30 minute drive.
Q So how long did it take you all to push that purple car from Laurens back to the house without the spark plugs?
A We didn't push. David actually saw where she had disconnected them and whatnot and helped me to get it put back on and we drove out back there.

Q So you got the car working again?
A Yes. But it wasn't working fully completely.
Q So why did Theia have to get a new car?
A Because whenever you start a car up once the spark plugs are done, it messes like -- I think, I'm guessing the fuel or something starts happening or something goes wrong with it. I don't know off the top of my head or remember off the top of my head. But you're not supposed to try to crank a car without the spark plugs being started up.
Q Are you sure it's not because Theia and G.M. were leaving you and then you spanked (sic) the spark plugs while the car was in Spartanburg so she couldn't leave?
A It was nothing of the sort like that.
Q You didn't do anything with the key?
A No, sir. I didn't.
Q What about now taking the carseat out of the car?
A I didn't take the carseat out of the car. The carseat she took out of the car.
Q Well, why did she have to get another carseat for --
A Because the car was locked at that point in time. I didn't take the car -- the car keys out. But there was a person that was there that actually can attest to what happened that night, but I'm guessing --
Q Who is that?
A James Dunn. I'm guessing you didn't subpoena him

though.

Q Where is James Dunn now?

A He lives in Asheville.

Q Ms. McArdle over there lives in Asheville, doesn't she?

A Yes, but she wasn't there for present.

Q Now, on December 29th, apparently for the first time ever you're saying that Theia bit G.M.

A No. She's bitten him before.

Q He bit her, she got angry and bit him back?

A Yes, sir.

Q So you're saying that there should be some bite marks on that child's body?

A She didn't bite him hard. I'm not saying she tried to take like a chunk out of him. But she did bite him.

Q So she bite him but not hard enough to mark his body up?

A Yes, sir.

Q Now, what did you all have for dinner the night of the 29th?

A Steak garlic bread, either mashed potatoes or corn.

Q Well, you told the prosecutors just two weeks ago or so that you were sure you had mashed potatoes and not corn.

A I'm not sure which it was now honestly. I know we had steak, garlic bread. I'm not sure if it was mashed potatoes or corn. It could have been -- I think it was mashed

potatoes though.

Q They told you mashed potatoes couldn't be right because you've told the cops you ate corn, is that right?

A And then I did let them know, I said it could have been either/or. I don't remember off the top of my head.

Q Now, G.M. threw up on the night of the 29th?

A Yes, sir. He did.

Q But the vomit we see in the toilet was yours?

A Yes, sir.

Q Did the toilet not flush? Why would you leave that in there like that?

A Because I didn't think to flush it, and the toilet didn't act right. You had to take the top off of it and go inside and reach in and grab it and all that stuff, because it wasn't functioning right.

Q So how long were you going to leave vomit in the toilet like that?

A I was actually going to get that corrected once I started filling it with water. We had to let our landlord know that the toilet wasn't working.

Q You recall what kind of symptoms you had that night? What illness you had on the night of the 29th?

A My stomach was hurting.

Q Did you ever have it diagnosed? Was it a flu? Was it a stomach bug? What was it?

A No, I never got it diagnosed.
Q Is it possible G.M. could have caught what you had?
A I don't know.
Q Well, you said he was throwing up just like you.
A Yes, sir.
Q Are you sure that G.M. threw up in the master bed?
A Yes, sir. Some of this stuff off his bed was in there with us, too, as well. He was sitting on one of his pillows, I know that much, inside of our room.
Q So if the police had looked at the master bedroom they should have found vomit on the master bed, right?
A Yes, sir.
Q How much did he throw up? Do you know?
A It wasn't a lot. It didn't look like a lot, at least.
Q But they did find vomit on his -- do you know why the vomit is on his pillow, his cases, on the air bed?
A I just told you he had some of his pillows in our room.
Q And so, he was kind enough to put them on his own bed?
A I had cleaned it off and put it on his bed whenever I laid him down. Or I tried to clean it up a little bit. That's why there's vomit on some of the clothing and everything.
Q Who put all those clothes in the hamper?
A I did, after I finished cleaning this stuff up in our room.

Q That's right, because Theia wasn't there. She was on a call, right?

A Theia was actually there. That's the only time. Because I just explained, when I was talking to the Solicitor earlier, she left after he had vomited and everything, after he had already took his bath and everything.

Q You were the one that cleaned the house?

A For the most part, yes.

Q Did you do the laundry?

A We both did the laundry. We took it to the laundry mat.

Q But you were the one who put the clothes with the vomit in the hamper that night?

A Yes, sir. After I cleaned up.

Q Including the -- now, was that your grey sweatshirt that had vomit on it?

A Grey sweatshirt?

Q Did you have a grey hoodie?

A Yes, sir. I did.

Q Is it possible you may have thrown up while you were wearing that?

A I what?

Q Were you wearing your grey hoodie that night?

A I don't remember off the top of my head, sir. I

believe I had on a black hoodie whenever I came to Newberry at least.

Q Do you know why vomit -- your vomit is on the grey hoodie in the hamper?

A Probably because I vomited on it. It's the only thing I can think of.

Q Now, you said to the jury that when you ran out with G.M. to the hospital you said that Theia must have been parking the car or doing whatever she does?

A Yes, sir.

Q And you said she was gone about 15 minutes?

A Ten to 15 minutes. Yes, sir.

Q is it possible you're embellishing that time a little bit to try to make Theia look bad?

A No, sir.

Q Could it have been as little as two, two and a half minutes?

A No, sir.

Q You're sure it's closer to 10 to 15 minutes?

A That's what it seemed like, sir. Because I was in there and actually had a full conversation with the nurse about what was going on with him and everything.

Q When G.M. was not responsive in the car you did everything you could to save him?

A Yes, sir. CPR, was pinching his fingers, was trying to

wake him up to see what was going on with him.

Q Now, this isn't -- G.M. was too small to be in like a high seat. He had to be in one of the actual strap on across his shoulder seats, right?

A Yes, sir.

Q The safety restraint system?

A I don't think he was small enough to be in one of those, but that's the one she got for him.

Q And those things are buckled in to the metal parts of the car, aren't they?

A No, that one wasn't buckled in all the way, securely at least.

Q Don't those have like clips on either side of them and then there are little hoops in the seat of the car that you click them into?

A I'm not sure how that one was set up. But it wasn't hooked inside the car correctly. It was just sat in there.

Q You were in one of the holding cells in the courthouse earlier this week, weren't you?

A Yes, sir.

Q Is there a reason, or did you carve Gabe's name with his date of birth and date of death into one of those holding cells?

A No, sir. I didn't.

Q Who was the first officer that you met on December

30th?
A At the hospital or whenever we got to the police station?
Q Well, who was -- at the hospital did you meet any -- did any of the police officers come and speak to you?
A There was a woman that came and said something briefly. I didn't say -- we didn't speak too much. And there was a heavyset white guy with a bald head that separated us and just had us sit apart.
Q I apologize, Mr. Bowman. But I'm having a little bit of trouble hearing you. You're going to have to speak up.
A I said it was a woman that came and talked to us, and then there was a heavyset tall white officer with a bald head that came and separated us.
Q Was the woman who spoke to you a police officer or a highway -- I mean, a hospital employee?
A There was a hospital person that came and talked to us. But it was also an officer that came and talked to us.
Q And you told -- do you remember meeting Chief -- now Chief McClurken?
A I met him whenever we got to the police statement, yes.
Q Where is Chief McClurken? Do you recognize --
A He's behind Mr. Stumbo.
Q With the green top? Kind of the aqua blue and teal tie?

A And teal tie, yes.
Q At that time he was an investigator; is that right?
A Yes, sir.
Q Did you tell him that G.M. had been with you that entire day?
A I said he was with me and his mother the whole day.
Q And have you had access to all of the State's evidence in this case? You've had a chance to go over all the reports?
A I've went over most of them. The jail doesn't let me h handle all my motion and discovery. I just have bits and pieces of my motion and discovery.
Q Just bits and pieces?
A Yes, sir.
Q You haven't gone over with either or both of your attorneys the evidence in this case?
A I went over it with Mr. Brown once when I was in Laurens County. But the majority -- the bulk of it is inside of my property in Newberry County.
Q You hadn't had access to read every single report in this file?
A I've read the majority of them. But as I said, I don't have access to all of my full motion and discovery.
Q Now, you told Chief McClurken that G.M. pooped in his Pull-Up earlier and that you, quote/unquote, "popped him

in the butt with your hand," right?
A That was whenever he defecated on himself inside the bathtub.
Q I'm just asking you whether you told that to Investigator McClurken.
A That was my initial report. Yes, sir.
Q And that when you hit G.M. fell head first into the bathtub, but G.M. was okay.
A Yes, sir. That was my initial report.
Q In fact, G.M. was fine, you added?
A Yes, sir.
Q And then you and G.M. went to watch TV?
A Yes, sir.
Q And then you left G.M. in the bathtub by himself?
A Yes, sir.
Q Did you help bathe G.M.
A Not that night.
Q Did you ever take showers with G.M.
A A few times. Not every time. I didn't really feel comfortable with him being in the bathtub with me or in the shower with me.
Q Is it fair to say that you've told some -- at some times you've told investigators or police that you've only had one or two showers with him, and at other times you've testified that you've had a shower every time with him?

A Yes.
Q Well, which is it?
A But it was --
Q One time or every time?
A It wasn't every time.
Q And you had a relationship with G.M. since March of 2013, right?
A When?
Q When you first moved in with --
A No, because G.M. -- well, actually, the first time I met him he was there at the house. I never bathed him or anything. I didn't really know G.M. at the time.
Q Just what -- what time was that? What year was that?
A That was 2013. He was with her for about like two weeks before he was taken.
Q That's right. He was taken by whom?
A You want me to elaborate on that?
Q If you want to, sir, I'm opening the door for you.
A By DSS.
Q Why wouldn't DSS return him to her?
A Because of her smacking him in the face for breaking cigarettes.
Q It wasn't because they found you violent?
A They also didn't want me in the house because me and her had violent interactions. We got in the fight. The one

fight. It wasn't due to me. They didn't want her having him because she wasn't taking her medications like she was supposed to. She wasn't doing her classes like she was supposed to as well. And she wasn't -- she really kind of blew off the whole trying to get her son back. But that wasn't the first DSS case as well.

Q We'll get to that.

A But there's other people that have given testimony, too, know all about that. Enherica (PHONETIC)Butler, Justin Madore, Megan Cody.

Q You testified now that on December 29th that -- well, when G.M. pooped in his Pull-Up what room was he in then?

A He didn't poop in his Pull-Up that night. I just clarified that and cleared that up. That initial report, as I've already explained was out of me trying to protect and look out for her so she can't get in trouble for anything.

Q So it's not true that G.M. pooped in his pants?

A No, sir.

Q And it's not true that you hit him with your hand and he fell into the bathtub?

A I already explained that he had pooped in the bathtub and that's why I popped his butt.

Q I'm just asking you. Well, why would you pop his butt if he didn't poop?

A I just said he pooped in the bathtub.

Q And you just told the jury the only reason you did it was because Theia told you to hit him?
A Yes, because he had pooped in the bathtub.
Q But you've been telling Theia for years don't spank that boy, don't hit that boy, right?
A Yes, sir.
Q But she says hit him and, well, okay. Is that all it takes to hit him? But you left him in the bathtub alone?
A Yes, sir.
Q Did you see any bruises on him?
A I saw bruises on his testicle area.
Q Did you tell that to --
A Yes, I did.
Q Investigator McClurken?
A Oh, no. I didn't. I told that to his mother that night.
Q You told it to Patrice McArdle?
A To his mother.
Q To whose?
A G.M. mother.
Q Oh, you told it to Theia --
A His mother. Yes.
Q -- that you saw bruises on the testicles. But after the -- after G.M. dead and you're talking to a police officer you don't mention seeing any bruises on him?

A No, I didn't. I did explain to him that I did see a bruise on his stomach. From whenever her and G.M. had went to Spartanburg that day and I asked her what the bruise was, she said that he fell into the -- into the bed.

Q She fell into the what --

A That he fell into the bed.

Q Fell into the bed?

A Yes. At the hotel that they were staying in in Spartanburg.

Q Why were they staying in that hotel in Spartanburg?

A Because she wasn't supposed to be at the house with me, and I told her that I was tired of her hitting on G.M. and calling him racist terms. Like calling him a baboon.

Q So you threw her out of the house --

A Yes.

Q -- that she was paying for?

A Yes. We had a no contact order. We weren't supposed to be living together due to the fact of the Spartanburg incident that happened.

Q Well, that was nice of you to set her up in that hotel instead of the room she's paying for, right? She took G.M. with her, right?

A Yes, sir.

Q And then at some point Theia came back from her call. Do you know the man that she had seen in Spartanburg? The

customer, the client, the John?
A I just know him as Papi. That's what she calls him.
Q Papi Chulo; is that right?
A I'm guessing. I just know him as Papi. I don't know the Chulo part.
Q And that's kind of a person she had been seeing for a while, right?
A For about a month.
Q You didn't have any kind of foreknowledge that they were planning on moving in together?
A No, I didn't.
Q Is that news to you today?
A Yes, sir. It is.
Q You told Investigator McClurken a day after -- shortly after G.M. died that you were the one who woke G.M. up and put him in the car --
A Yes, sir.
Q -- before the trip to Newberry?
A Yes, sir.
Q Is that true?
A No, sir. I've already explained my full story about what happened.
Q So you were thinking about it so far in advance that you figured that if they knew you were the one who woke the child up and put the child in the seat that that would be

incriminating against her?
A Yes, sir. Not necessary incriminating, but --
Q But you did tell Investigator McClurken at the very beginning that you were the one who woke up Theia while she got cleaned up and you put him in the car? You put G.M. in the back of the car?
A Yes, sir.
Q And the car seat in the Chevy is directly behind the driver?
A Yes, sir.
Q Who drove?
A She drove.
Q Theia?
A Yes, sir.
Q Well, I mean, it's kind of hard to hit kids when they're directly behind you in the driver's seat, isn't it?
A Not necessarily, if you don't have on a seatbelt and you're not driving.
Q So you can -- she was flexible enough that she could at times reach back there and hit him?
A Yes.
Q Well, where were you sitting during the ride down to Newberry?
A In the passenger seat.
Q Front passenger seat?

A Yes, sir.
Q Were you all -- did you sleep on the ride over there, or were you all talking or listening to music or what?
A We were bickering back and forth.
Q You were fighting with her?
A Yes, sir. Going over some stuff that she was still upset about or mad about.
Q In fact, you told Investigator McClurken you were trying to use that ride down there to talk her out of quit prostituting herself, right?
A Yes, sir.
Q That that was a bad lifestyle, unwholesome?
A Yes, sir.
Q Now, You told Investigator McClurken that she didn't park at the house in Bedenbaugh. That she parked down the street.
A No. I said that she parked inside the parking -- or the driveway.
Q You didn't say that she parked up the street from the house?
A No. I said she parked in the driveway.
Q So that the man couldn't see -- the man in the house wouldn't be able to see the car?
A No.
Q You didn't tell Investigator McClurken?

A I said that she parked in the driveway.
Q When Theia went in the house you said that you and G.M. were in the car?
A Yes, sir.
Q You noticed G.M. stopped breathing a couple of times while Theia was in the home?
A Only once.
Q The actual answer is only once?
A Yes, sir.
Q But you told Investigator McClurken right after the death that he had stopped breathing several times; is that correct?
A Yes, sir.
Q And you said you awoke him and the boy said everything's fine?
A Yes, sir. He said uh-huh.
Q But even though he said that you started honking the horn several times to get Theia to come out of the home?
A I had honked it.
Q Well, just out of curiosity, were you in the backseat or the front seat?
A I was in the front seat.
Q So when you were checking on G.M. you were just kind of leaning through the gap between the seats?
A Yes, sir.

Q You said Theia never came out from the house once she went in?
A No, sir. Not until she got done with her call.
Q So at that point you went to sleep?
A Yes, sir.
Q If a child stops sleeping several times why do you go to sleep?
A He only stopped once.
Q Only he stopped --
A Yes.
Q -- breathing one time --
A Yes.
Q -- so you could go to sleep then?
A Yes, sir.
Q Okay. Well, that's a safer situation for him. At some point Theia came outside with the guy and they were talking. Is that true?
A Yes, sir.
Q Do you know how long they were talking?
A I don't recollect.
Q Was your car in the driveway or was it down the street?
A It was in the driveway.
Q Was it parked next to like a camper?
A Yes.
Q Then you told Investigator, now Chief McClurken, that

as you all were driving away -- who drove away, you or Theia?

A She drove away.

Q The -- and you were in the passenger seat with the black jacket to kind of cover yourself?

A Yes, sir. When we got out of the driveway I took the jacket off.

Q Why didn't you tell Theia right away that the child was not breathing?

A I did.

Q Did Theia bring you something called like a Strawberry Rita, or some kind of drink from inside?

A No. No, sir.

Q Do you know why there's a bag of drinks on the front seat?

A No, sir. I don't.

Q Were you sitting on them?

A No, sir. I just didn't know they were in the car. I seen all those pictures. A lot of the stuff that's that in the car I didn't even know was in the car. From the Strawberry Ritas, to the pistol, to the knife. I didn't know that stuff was even in the car. That's all news to me. I don't even drink like that. She's the one that actually likes the Strawberry Ritas and all that stuff. Not me.

Q But you didn't -- you didn't see her with a bag of

drinks that she brought back in then, at least, and put in the seat you were sitting in?

A She didn't put anything in my seat. I'm thinking that that might have been from when she came from the gas station or whatever, because there was nothing -- no alcoholic beverage that I saw in the car at least when we was going down to Newberry and when we left from Newberry -- trying to leave from Newberry.

Q So the Strawberry Ritas, you all had stopped at a gas station and she had bought some Strawberry --

A No. She stopped at a gas station when she got the cat.

Q When she got what?

A The cat.

Q A cat?

A Yeah.

Q I mean, when you all were driving down from Newberry where did she get the Strawberry -- were they at the home and you all brought them down?

A I just said I think she brought those with her. They were already in the car when she came back from Spartanburg.

Q So she had gotten those in Spartanburg?

A I'm guessing. I'm not sure. I had never seen them.

Q Was she drinking those while you all were going down the road talking to her?

A She didn't drink anything while we were driving down

there. I don't know what she did on the way coming back from Spartanburg.

Q The first thing you said that you told Theia was does this child have sleep apnea?

A I asked her about does he have sleep apnea or anything of the sort, because I explained to her about him having stopped breathing and what not. I told her, I said, "I have sleep apnea myself. I stop breathing in my sleep." So I asked.

Q But you hadn't been with that child long enough to know whether that child had sleeping issues or not?

A No. I'd never been to the hospital or the doctor's office with him.

Q And you said Theia said, "Oh, shit. He doesn't have that problem," and asked you to check on Gabe. Is that what you told the investigator?

A No. What she said, no, she doesn't think he has that. And then I started -- she told me to pinch his fingers and whatnot.

Q Well, initially you said -- whether it's true or not, initially you told Investigator McClurken she asked you to see if he was awake and okay --

A Yes.

Q -- and that's what you went back to do?

A And she told me to wake him up.

Q You said you started shaking G.M. feet extensively.

A Yes. I shake his feet. I pinched his fingers.

Q The child did not respond?

A No, sir.

Q And you told that to G.M. that the child was not breathing?

A You mean Theia?

Q Uh-huh.

A Yes.

Q And you then told Investigator McClurken Theia said, "Calm down. Keep trying."

A Yes.

Q And you continued to pinch his fingers, push his chest, tickle his feet, smack his cheeks --

A Yes, sir.

Q -- and shaking him profusely?

A Yes, sir. It wasn't like I was beating on him. I was just lightly tapping his cheek trying to get him to respond. She was still in the process of trying to ride back to the house, or towards Laurens County Hospital.

Q Do you know how that child's safety seat got on the floor of the backseat?

A No. Only thing I can think of, as I already explained to you. The seat -- that carseat has never been put in the

carseat correctly. It's never -- it's never been hooked up correctly. It's just been sat in the car.

Q So it just fell on the floor when you were initially taking G.M. to the hospital room?

A Yes, or maybe when I picked him up out of the carseat. That's the only thing I can think of.

Q You told Theia you know how to do CPR. You told Investigator McClurken you told Theia that you knew how to do CPR. And you didn't know --

A Yes, sir.

Q -- if you should do it?

A Yes, sir.

Q Or you might hurt him?

A Yes, sir.

Q You started pushing on G.M. chest and brown stuff then started coming out of his mouth and nose.

A I pushed on his chest and I had held his nose, and I did the whole full CPR.

Q You said at that point Theia then turned on the dome light inside the car, turned around and looked at G.M. and she say the brown stuff coming out and said, "We've got to get to the hospital".

A She said, "Oh, shit. We need to get to a hospital."

Q So that part is true, or that's just what you told Investigator McClurken?

A That's true.
Q And then you told Investigator McClurken you all went -- got to the hospital and you took G.M. inside while Theia parked the car?
A Yes, sir.
Q And at that point the ER staff took G.M. from you?
A Yes, sir.
Q At some point they came back and told you there was nothing more they could do for G.M. that he was dead?
A They couldn't bring him back, yes.
Q And then you told Investigator McClurken that both you and Theia started to cry?
A Yes, sir.
Q Investigator McClurken asked you what about all the bruises that G.M. had on his body; is that correct?
A Yes, sir.
Q And where they came from?
A Yes, sir.
Q You told Investigator McClurken, immediately after G.M. death, that you only saw one bruise on G.M. side.
A Yes, sir.
Q And that you has asked Theia about that?
A Yes, sir.
Q And then you told Investigator McClurken that Theia

probably did it to G.M.

A Yes, sir. That was the very same bruise that I just explained that I saw whenever they were staying at the hotel in Spartanburg and I asked her about it and she said that he fell into the bed.

Q And then you told Investigator McClurken that you've seen spank the child in the past?

A Yes, sir.

Q Well, how is that protecting Theia, if you're interest in being dishonest then was to protect Theia, how is saying that she was spanking the child protecting Theia?

A Spanking is a whole lot different than beating.

Q But your thinking was a whole lot different then. Investigator McClurken asked you about the severe injury to the child's stomach and head and he asked you how these occurred; is that correct?

A Yes, sir.

Q You said Theia's very strong and that she's given you a black eye in the past?

A Yes, sir.

Q The -- how big were you back in the -- well, let me finish what I was asking you and then I'll ask you that. How big were you back in December of 2014?

A I think I was like 205.

Q 205 pounds?

A Yes, sir.
Q Is it possible maybe you said you were 209 pounds at that time?
A Between 205 and 209. Yes, sir.
Q And, in fact, you told the officers at some point that you usually cooked yourself two meals a day; is that correct?
A Say that one more time?
Q You don't remember telling them that sometimes you had two lunches a day to keep yourself big?
A No, I never said I ate two lunches a day to keep myself big. I said I might make a snack or something like make a sandwich, but I didn't make two lunches a day to keep myself big.
Q Do you cook sandwiches?
A Yes, sir. I put them on the -- not Louis Armstrong, but that guy with the grill.
Q Is that a fair and accurate depiction of what you looked like in September of 2014?
A Yes, sir.
Q That's you standing next to Theia?
A Yes, sir.
Q And you're a little bit bigger than she is, aren't you?
A No, not bigger than her. She was at 250 before we got arrested.

Q You weren't a strong enough guy to keep a woman from beating you up?

A I really don't try to hit women like that. I really try not to.

Q Just have the misfortune of being arrested six or seven times for fight with -- because you were the victim each time?

A Say that one more time?

Q Every time you were arrested it was Theia's fault? She was the instigator of the fights?

A Yes, sir.

Q And you are a combat vet, 210 pound former soldier.

A Not 210. 209 and 205.

Q 209, sorry.

A Yeah.

Q Investigator McClurken told you how series the injuries were to G.M. but you told him you didn't have any explanation for any injuries?

A No, sir.

Q You said that G.M. was fine and awake at the residence before you put him in the back of the car to put him in Newberry, didn't you?

A Yes, sir.

Q And then you told Investigator McClurken that Theia had left earlier that day to go to the store, right?

A Yes, sir. The gas station. That's when she brought back the cat.

Q But actually that was a euphemism for her going to see a customer?

A No. No. She actually did go to the store, which was the gas station, and she brought that cat. The very same cat that's inside the motion discovery the Solicitor just showed me.

Q Now, Investigator McClurken asked you why you took the child's shirt off, right?

A Yes, sir.

Q Do you remember what you told him?

A No, I don't remember.

Q Did you tell him that you wanted to clean G.M. up before you took him inside the hospital?

A Yes, sir.

Q Why?

A To get the stuff off him while I was giving him CPR.

Q Because that would offend the hospital staff to see throw up on the child?

A No. There was still throw up on him when I was trying to give him CPR still.

Q And you told Investigator McClurken you just didn't want all that shit on him, right?

A No, sir.

Q And you said you're 100 percent sure that you did not cause any injuries to G.M.

A Yes, sir.

Q In fact, the only injury you were even aware of was the injury to G.M. side?

A Yes, sir.

Q The Investigator McClurken asked you about whether you had taken G.M. clothes off so he could bathe himself earlier that night, right?

A Yes, sir.

Q And Investigator McClurken asked you if you had seen the injuries to the groin, penis, crotch area?

A Yes, sir.

Q You said, "I don't look at G.M. naked body."

A Yes, sir.

Q Is that true or is that not true?

A Do I look at his naked body? Is that what you asked me?

Q Yes.

A No, I don't. Not like that.

Q But you just told the jury you looked at his naked body in the bathtub today and saw the penis?

A I said I saw his genitals, and I don't sit there and look at him.

Q That's not looking at his naked body?

A Okay. How can I define looking at his naked body so that it's clear to the jury.
Q Well, any way you want to.
A I don't look at it like that. But whenever I did go in and check on him, yes, I did see his genitals and whatnot and I saw the bruising on him. Like if you walked into a room and saw somebody standing there naked. You wouldn't see them.
Q You said you don't look at his naked body because -- you don't look at people like that because you had been abused as a child yourself?
A Yes, sir.
Q By your father and your sister?
A I didn't say my father.
Q You didn't say your father?
A No.
Q You said, "I don't want to be labeled a pedophile?
A Yes, sir.
Q Now, I don't know the answer to this question. But how can you be an escort if you don't look at peoples' naked bodies? I'll assume there's some degree of nudity involved in being a prostitute or an escort.
A Yes, sir. There is.
Q Do you not look at the customers' naked bodies?
A There's a difference between a 40 some odd year old man

and a two-year-old boy. I'm hoping you'll understand that.

Q I do understand that.

A Okay.

Q Investigator McClurken asked you about the manner that G.M. had struck his head when you had spanked him earlier, right?

A Yes, sir.

Q He was following up on that?

A Yes, sir.

Q And then that's when the agent brought you a doll to show -- kind of recreate --

A Yes, sir.

Q You said that G.M. had only fallen down two or three seconds and he got up fine?

A Yes, sir.

Q And then you performed a demonstration for them about what you had done in the car?

A Yes, sir.

Q And this was videotaped?

A Yes, sir. I believe it was. I'm not sure.

Q And again, you told him that you had spanked him because G.M. had soiled himself?

A Yes, sir.

Q And at that time that you spanked him when he defected in the tub you still had not seen any injury to the penis

area?

A I did see injury to the penis area. I stated that earlier when the Solicitor asked me a question.

Q Well, today for the first time you're saying that you did actually look at his penis area and see the bruises?

A Yes, sir.

Q And you said that you had G.M. pull his Pull-Ups down after he soiled himself?

A Yes, sir.

Q And then you spanked him?

A Yes, sir.

Q And then you made G.M. pull his soiled Pull-Ups back on himself?

A That's what I said.

Q Is that true?

A No, sir. I already explained he didn't have on the Pull-Ups. He was in the bathtub. I'm not sure if you were listening to the testimony earlier when I was talking to the Solicitor or not.

Q I just want to make sure it's clear. Did you get defense when you were with the Investigator?

A When he responded or referred to Ms. McArdle as in whoring around, and another statement she said, yes, I did get kind of a little offended.

Q You said that they were trying to make you laugh,

didn't you?

A I don't remember saying that.

Q You told Investigator McClurken he was trying to make you laugh. Is that true or not?

A I don't remember making any statement.

Q You deny that you ever caused any injuries to G.M. and that you never saw any bruises on G.M. except for the one on his side?

A Yes, sir.

Q And that occurred in the past when she was at the motel in Spartanburg?

A Yes, sir.

Q At that time he put you under arrest. Is that fair to say?

A Yes, sir.

Q And you've been in jail ever since on --

A Yes, sir.

Q -- on this homicide charge?

A Yes, sir.

Q You actually got a murder charge on you, too, don't you for this same incident?

A Murder charge?

Q Has that one been dismissed or are you still --

A What murder charge?

Q Were you indicated for murder?

A No.
Q Just homicide by child abuse?
A Yeah. Were do you get this murder from?
Q I might be wrong. I might be wrong.
A Yeah.
Q You're not aware of any other charges other than homicide by child abuse?
A No.
Q That's not a really good charge to have on you though, is it?
A No, sir. It's not.
Q In fact, you were even helpful enough to write a statement for the police, weren't you?
A I didn't write a statement. I gave a verbal statement.
Q You gave an oral statement?
A Yes, sir.
Q You also, in addition to Investigator, now Chief, McClurken, you were also interviewed by Nikki Cantrell with SLED?
A Yes, sir.
Q And that was the date that G.M. died?
A Yes, sir.
Q Was that conducted at the same time you were with --
A Yes, sir.
Q -- Investigator McClurken? You told the SLED Agent

that you had been with Theia and her son G.M. since March 2013?

A Yes, sir.

Q First met her in Asheville?

A Yes, sir.

Q You've been with her since you moved to Spartanburg in August of 2014?

A Yes, sir.

Q Was this -- was Agent Cantrell with you while Investigator McClurken was with you?

A Yes, sir. They were both --

Q So the two of them were asking you questions?

A Yes, sir. They were both present.

Q Where were you when you spoke to the -- at the hospital or in the police station?

A At the police station.

Q And they asked you about the evening of December -- or the day of December 29th?

A Yes, sir.

Q And you said that you woke up around 9:00 and fed the child breakfast?

A Yes, sir.

Q At some point Theia went to the Valero gas station and Walmart in Laurens County. Is that true?

A No. She went to a Valero gas station in Spartanburg

County.

Q Did you tell the investigator that she went to the Walmart in Laurens County?

A That was the day prior, yes.

Q Well, they were asking you about December 29th, weren't they?

A Yes, sir. But I was also telling them about the day prior to the 12th.

Q You told the agent, the SLED agent, that you gave G.M. a bath about 10:30 at night because the child had a bowel movement on himself?

A Yes, sir.

Q You agree that that's what you told the agent?

A Yes, sir.

Q You gave the child a bath, and then you put the child to bed?

A Yes, sir.

Q And then after that bath is when Theia came home with the cat that she had found at Valero?

A Yes. That's what I told the agent.

Q Is that true that she had found the cat at the gas station and brought it home?

A Yes, sir.

Q So that portion of your statement is true?

A Yes, sir.

Q And not too much incrimination about bringing a cat home?
A No, sir.
Q And then when she came home, that's when she told you that she had a call to go to Newberry, right?
A No. She told me that after she left again with the cat. Or she dropped the cat off and then she left again.
Q And then when she came back from that call is when she told you --
A Yes, sir.
Q -- she had to go to Newberry? She asked you to go because --
A She felt uneasy about it. She'd never been to Newberry before, and she felt as if it might have been a setup with the police or something.
Q And you actually said that G.M. slept the whole way in the backseat, right?
A Yes, sir.
Q And that you sat in the front passenger seat and Theia drove?
A Yes, sir.
Q When you got to the location a man came outside and spoke to both of you?
A No. He spoke to her.
Q So if you said them, either the agent misheard you or

you misspoke?
A I'm not sure. I said he spoke to her, not me. I don't even know the guy.
Q You told the agent that when the child was having trouble breathing you started honking the horn for Theia to come out of the home?
A Yes, sir.
Q Now, did the car horn work on that vehicle?
A Yes, sir. It did.
Q It's an old used car, right?
A Hmm?
Q It was a fairly used cheap car, right?
A No. It was a 2005 Malibu.
Q Okay. The -- how loud did that horn peep?
A Just like any car horn.
Q Is it -- I mean, some are like little beepers and some are big heavy horns. Which one is that?
A It's like a regular car horn. A big heavy beep would be like a truck or, you know, a semi.
Q So did you honk it horn or did you just do like quick hits on it?
A I did quick hits on it like two, three times.
Q Do you feel like you pressed that horn loud enough for Theia to have heard you and come out?
A Yes.

Q There's no point in pressing the horn unless it's loud enough for somebody to hear you, right?

A I guess. I don't know what was going on inside.

Q Neither Theia nor the man with her came out of the home?

A No, sir.

Q Now, did you all leave the headlights on the car while Theia was in the driveway or would you all have turned those off?

A Those were off.

Q And then you told the agent, after G.M. was unresponsive, that you started pressing his stomach and pinching his toes; is that right?

A Yes, sir.

Q You said the only injuries you saw on him that you had seen was a bruise on the right side and a scratch on his neck that had been given to him by the cat?

A Yes, sir.

Q Now, was there a scratch on G.M. neck?

A Yes, sir.

Q Was that a cat scratch? Is that a true statement or are you covering for Theia?

A That's a cat scratch.

Q So the scratch on G.M. would have been by one of the cats?

A Yes, sir.
Q Did the cats have names?
A Yes, they did. I don't remember them off the top of my head. I think the long-haired one was like Metalia or some -- some craziness. I don't remember.
Q You were unable to give the agent any timeframes that night, weren't you?
A Yes, sir.
Q And you told her that your phone was broken?
A Yes, sir, it is. Or -- yeah, it still is.
Q But you did come clean and tell the agent that you and Theia were both escorts. Is that fair?
A Yes, sir.
Q Are you sure -- while Theia is in the home with the man in Newberry were you sitting in the front passenger seat or sitting in the back seat?
A In the front seat. I moved to the backseat when I started to try to get him to respond.
Q Were you listening to music or just doing what?
A I was sleeping. I didn't have a phone to listen to music. She took her phone inside.
Q Did the car have a car radio?
A Yes, but I didn't have the keys at the time.
Q Oh, she took the keys?
A Yeah.

Q But you told Agent Cantrell that you -- before you pulled into the driveway that you crawled between the seats to get in the backseat so the man wouldn't see you in the car and get scared, right?

A Yes, I did.

Q But that's untrue?

A Yes, sir.

Q Why is your jacket in the backseat?

A Because when I crawled back there to give CPR and everything and check on G.M. I did take off my jacket. Actually, I didn't even have on a jacket that night, honestly. I had on my hoodie. The very same one that's in evidence.

Q You didn't have on that big black puffy jacket?

A That's her jacket. That's a woman's jacket. That's the very same jacket I just verified was hers in that picture an hour ago when the Solicitor was talking to me.

Q Now, you didn't tell the agent -- you did tell the agent, but it's false, that you stayed in the backseat the whole time that she was with --

A Yes, sir.

Q But you could still hear the child behind you having breathing problems?

A I woke up due to a noise outside. And I'm not deaf. So yes, I can hear.

Q So it wasn't G.M. -- a sound G.M. made? It was a sound in the neighborhood?

A Yes, sir.

Q And that's what made you check on the child?

A That what made me wake up. And then I noticed I didn't hear him snoring back there, so I checked on him.

Q And you had mentioned earlier that Theia had gone to Spartanburg to meet a Hispanic man for services, right?

A I'm guessing that.

Q And you told -- you admitted to the agent that you had smacked G.M. butt hard with your hand causing the child to fall forward on his head in the tub, right?

A Yes, sir.

Q I'm not 100 percent sure. Is that -- are you saying that that is true now or are you saying that's not true to protect Theia?

A The very same smack that I said that I did earlier, whenever his head hit the bathtub. You were in here when I told the Solicitor that.

Q Well, you've got it down kind of to just a little push, don't you?

A No. I said I patted his butt.

Q You patted his butt. You -- when you told the agent, the SLED agent, that if G.M. had a bruise on his butt or head it was probably from you hitting him?

A Yes, sir.
Q Was that true?
A No, sir.
Q That was said just to protect Theia?
A Yes, sir. The SLED even admitted that his head hitting the bathtub wouldn't have been hard enough to cause any damage to his head.
Q And then you told the agent, "I never saw a bruise, even though I was filling the tub with water, and I told G.M. to take the bath and then go to bed."
A Yes, sir.
Q You told the agent, G.M. not retarded. He's grown. He can bathe himself. Is that fair?
A Yes, sir. Because the agent asked why I wasn't bathing him and why his mother didn't bathe him. We actually taught him to bathe himself.
Q You told the agent you normally shower with G.M. every morning.
A Yes, sir. That's not true though.
Q That would be an untrue statement that you gave him?
A Yes, sir.
Q And later on I think you'll say that you only had one or two showers with that child in your life, right?
A I stated that like earlier when you asked me that question.

Q Then the -- at that point the officer showed you pictures of G.M. body.

A Yes, sir.

Q And you said you've never seen those bruises?

A Besides the one --

Q That they were new to you?

A Besides the one on his side, yes.

Q And you, again, told him because you had been abused physically and sexually at a child that you don't even look at G.M. in that area?

A Yes, sir.

Q Is that true or is that another lie?

A I really don't like that. But when I saw him get in the bathtub, yes, I did notice that.

Q And that you've never even washed him in that area as well?

A No, I don't wash him in that area. He washes himself.

Q If you don't look at it, you can't wash him in that area, right?

A He bathes himself.

Q And then you said several weeks ago that you saw Theia strike G.M. on the butt with her hand and he hit his head on a coffee table?

A I said on the back of his head. Not his butt.

Q Where was that?

A That was inside the house.
Q Is that a true a statement or is that another --
A That's a true statement.
Q So the one about Theia hitting him several weeks on the butt is a true statement?
A Yes, sir.
Q And you're saying that the child hit his head on the coffee table?
A Yes, sir.
Q Now, this coffee table that we're talking about, that was the coffee table that was in the master bedroom?
A Yes, sir. We had just gotten a new TV like after Black Friday. That coffee table hasn't always been in there.
Q Is that the coffee table that --
A Yes.
Q So that's what caused the -- that's what you said the child fell into, or was knocked into?
A Yes, sir.
Q Did it knock that 50 inch TV off the stand?
A I did just state we didn't always have that 50 inch as well, sir. We just got it at the Black Friday. You can actually verify that.
Q I will.
A Make sure.
Q How did you get that TV? I'm curious now. How did --

A She had put it on layaway.
Q So she paid for it on layaway?
A Yes, sir.
Q Is there anything wrong about that?
A What do you mean by is there anything wrong about that?
Q I mean, why -- I don't know. I mean, you said it like that's suspicious. But is there anything wrong with her putting the TV on layaway?
A I didn't say anything about it being suspicious. You said how did she pay for it. I said she bought it on layaway.
Q Okay. And, in fact, all three of you watched that TV in the house, didn't you? You watched -- you played movies for the child and you watched it and she watched right, right?
A Yes, sir.
Q That was the only TV set in the house, right?
A Yes, sir.
Q And then you also did a recreation -- or a recreation of the events of that day. And you did a recreation for SLED of what you did which was videotaped?
A Yes, sir.
Q So no more statements to law enforcement between December 30th and then a little over two weeks ago?
A Yes, sir. They can't talk to you if you don't have a

lawyer once you request a lawyer, correct?

Q That is the law. You've got that precisely.

A That's good.

Q So you didn't reach out to talk to them until -- were you aware that you were on trial notice this week?

A I was told that there was a trial for this week and the Solicitor asked me if I wanted to testify. That's about it.

Q And you, at this point, just wanted to get the truth out?

A Yes, sir.

Q Not about getting Richard out?

A Yes, sir. As I've already said, if I'm still charged after this, I'll take the charge, sir.

Q You're willing to take a child abuse --

A If I'm still charged with --

Q -- homicide by child abuse charge?

A If I'm still charged after this, which whatever the outcome of this is, I'll take the charge, sir.

Q So you're willing to take a homicide by charge abuse charge even if Theia is found guilty just on the principal of it, because you're saying you never hurt that child, right?

A Yes, sir.

Q Why would you in the world want to plead guilty to homicide by child abuse if you never touched the child?

A What I'm saying to you, sir, if I'm still charged with a charge --

Q That's right.

A -- whatever the charge may be, whether it's homicide by child abuse, whether it's whatever, I will still take the charge, sir.

Q So you're willing to plead guilty to homicide by child abuse?

A If that's the case. If people find me guilty for not informing DSS, whatever the case may be, yes, I will.

Q If people find me guilty of it.

A Yes, sir.

Q So if the next jury finds you guilty of it you're willing to take --

A Yes.

Q -- the consequences of it?

A Yes, sir.

Q You don't think it might help you out a smidgen if Theia is the one who's found guilty? You don't think that you all will introduced that as evidence at your next trial?

A I don't know, sir. I'm not an attorney. All I know is that I just stated I'll take the charge if it's deemed fit that I take the charge.

Q But you've had two attorneys. They didn't recommend to you that maybe that might be a good strategy for you?

A No. In fact, I had Mr. Pierre for like, I guess, three or four months and I fired him because he wasn't coming and talking to me enough about anything.

Q He wasn't working hard enough for you so you got a new one, right?

A He wasn't talking to me. Informing me what was going on.

Q You gave a audio recorded interview with the law enforcement, with some members of the Solicitors and prosecutors staff a little over -- I mid March, right? Sometime in the last two or three weeks you spoke to the prosecution? Some members of their office, at least?

A March 10th, yes.

Q Was that here in Newberry or was that -- where was that located?

A That was here in Newberry.

Q Was it here in the courthouse or was it at the jail or --

A It was here at the courthouse.

Q And your lawyer was present?

A Yes, sir. He was.

Q I have a taken the liberty of transcribing the audio. So can I ask you a few questions about that interview?

A Yes, sir.

Q Now, you had kind of a meeting with several prosecutors

and investigators. Is that fair to say?

A Just two.

Q And it was you and your attorney were present?

A Yes, sir.

Q About halfway down the page where it says DS, the prosecutor, or the person you spoke to said, "So that would have been on the 27th."

A I see where you're talking about.

Q I'm going to ask the question that they asked you, and can you -- RB would be your initials?

A Yes, sir.

Q Would you be kind enough to read your reply?

A I will.

Q "So that would have been on the 27th?"

A "Yes, sir."

Q "You saw her do it?"

A "Yes, sir. She slapped his head into the coffee table."

Q Now, what date incident are we talking that you said you saw Theia slap the child and he hit the coffee table?

A The 27th.

Q The 27th?

A Yes, sir.

Q Now, that's very similar to your story about hitting the child and falling into the bathtub. Is that a true

statement or were you trying to protect her, or implicate her?

A What are you talking about? Whenever his head hit the coffee table?

Q You're saying that's a true statement?

A Which one? This one or the one that I got about --

Q That the child hit his head on the coffee table.

A It's a true statement.

Q Did that actually happen?

A Yes, sir.

Q Were there bruises from that?

A I believe there was a light bruise right there. But we've always speculated because he always had a mark underneath his eye. There's a prior thing in North Carolina with them questioning about the bruise under his eye.

Q You're aware, from living with the child since Asheville, that the child has what are called Mongolian spots? Are you familiar with that term?

A No. And I wasn't told about that. They said that with DSS or whatever up there when he was taken.

Q But is that just stuff you learned from reading all of the reports and evidence in this case?

A Mongolian spots. What do you -- what do you mean by me learning --

Q My question is were you -- are you aware of whether the

child had a condition called Mongolian spots?
A No. She had told me about that from whenever she dealt with DSS in North Carolina.
Q So you are aware? It's an easy question. Were you aware or were you not aware that the child had a skin condition called Mongolian spots?
A Yes, but I'm unsure of what that is exactly.
Q So that could be some kind of disease to anything? You have no idea what that actually is?
A I'm not sure what it is.
Q But the name has stuck with you, that you've been aware of it for a while but just haven't bothered to find out what that was, right?
A Yes, sir.
Q Then your last statement on that page three, RB, it says, "We had got into an argument." Read that statement.
A "We had got into an argument. Instead of her taking her anger out on me she got mad at G.M. because she wasn't putting on his shoes correctly, and ended up hitting him."
Q Is that the incident on the 27th we're talking about?
A Yes, sir.
Q And on the top of the next page, read your statement.
A "She slapped him like grown -- she slapped as in like as grown woman would slap a grown man inappropriately

touching her."

Q Could that be like a grown ass woman?

A No.

Q You haven't heard that phrase before?

A Yes, I've heard of grown ass woman, but I didn't say grown ass woman.

Q And down to the prosecutor -- or the investigator asking, "In the back of the head?" And what's your answer?

A Yes, sir.

Q Then three lines down from that, "Then what did -- did the baby start crying?"

A Yes, sir.

Q And that would have been two days before?

A Yes, sir.

Q Go on.

A "But that day we'd already been in an argument two days prior. We were still bickering over small stuff. I woke up that morning. I started cleaning the house up and everything."

Q So your -- what time did you wake up on -- are you talking about the 27th or the 29th?

A The 27th.

Q So it was your job to clean the home?

A It wasn't my job. I just did it, because I don't live in filth, or I try not to at least.

Q So you kept the home tidy while she worked prostituting?
A For the most part.
Q Was the house in good condition?
A On the day that everything happened?
Q Okay. The --
A I was asking were you asking about on the day that everything happened.
Q Well, yes, sir.
A Not necessarily. We still had clothes we had to get washed and we had trash we still needed to take out.
Q What time did you wake up?
A I woke up probably around 7:30. If I remember, around 7:30 or 8:00. I started cleaning house.
Q So that's what you do at 7:30 in the morning? You just immediately wake up and start cleaning up?
A I clean dishes and I pick up stuff in the house. I change the cat liter. I feed the cats. Take a bath myself. I'll either use her phone to check my Facebook and text people on Facebook or sit in the bathtub and watch --
Q Well, under that the investigator says, "You didn't clean very much." Your answer?
A I said, "Well."
Q "I've seen the inside of that house."
A Yes, sir.

Q So you were cleaning that morning?
A Yes, sir. I was cleaning dishes at least.
Q Okay.
A "And so, from there I started making breakfast and everything for myself and G.M. Me and G.M. were playing with some of his toys."
Q So after you cleaned up the house then you get G.M. up and you start feeding breakfast for him and you?
A He normally wakes up on his own. But yes, I'll fix breakfast for him and myself.
Q Okay. And he asked you, "What did you make for breakfast?"
A "I got him some yogurt and I started cooking eggs and stuff, making some cereal for him and myself."
Q So he ate yogurt and cereal?
A Yes, sir.
Q Okay. Go on.
A "And then me and him was playing with his toys and whatnot. He went in there with his pellet gun and shot as his mom while she was asleep. She woke up and struck him."
Q A pellet gun?
A Yes. It was a pellet gun like a cap gun.
Q Was it the little gun that was found in the car?
A Yes, sir.
Q I thought you told us you've never seen that gun in

your life? Not -- less than an hour ago you said --

A You said the pistol that was in her car.

Q Right.

A If you -- she has a -- or that's not a -- that's a pistol.

Q Yeah, but it's --

A The little toy gun is a red gun. That's not the same gun. And that gun is inside the car. It's a real gun. Why would you let a two-year-old play with a real gun.

Q But I asked you was that the gun in the car and you said yes. That's incorrect?

A Yes, that's incorrect. I thought you were saying the gun -- the little toy gun was found in the car.

Q So that's another little red gun --

A Yeah. It's a little pellet cap gun that's inside the house, or it should still be in the house.

Q Have you seen all the photographs that SLED took of the home?

A Not every single one of them.

Q Have you seen any photographs of any red guns in that home?

A If I hadn't seen the pictures, I can't really say.

Q And the investigator says, "Go on. Okay, go on."

A "It didn't shoot BBs. It just made a really loud noise. It was like pow, pow, pow."

Q Okay. Now, you were making kitchen -- breakfast in the kitchen?

A Yes, sir.

Q Now, the kitchen's not connected -- there is a door into the master bedroom, right?

A Yes, sir.

Q You can't see the bed from the kitchen, can you?

A No, sir.

Q How would you see Theia slap the boy or hit the boy if you were in the kitchen?

A Because I went in there.

Q Why did you go into the bedroom?

A Because it was funny. He shot the gun and it was funny for her to get scared. Because when she initially bought the gun she didn't know it made noise like that. So when you open it on Christmas he actually shot it off. It scared her. And she was like, "I made a mistake on getting this for him."

Q So you both snuck in together, is what you meant to say, to scare her awake?

A Yes, sir.

Q Did you tell anybody that prior to day?

A No, sir. That's --

Q That's fresh news for everybody today, right?

A That's inside of here.

Q Well, you didn't say that you snuck in the room with her to scare her, too, did you?
A I didn't scare her. He shot the gun at her.
Q The investigator says, "Oh."
A "I guess it's just a cap gun, I guess. But she got mad at him for waking her up so she struck him that morning."
Q "Where did he hit her?" Where did she hit him?"
A "She hit him in the stomach."
Q "Show me how she did that?"
A Do you want me to show you?
Q I want you to read the answer that you gave the investigator.
A "She woke up like swinging her fist lazy like, I guess, a punch and hit him in the stomach that morning."
Q What did you mean, "Her fist lazy like, I guess, a punch"?
A When she woke up she just did this (indicating). One of these numbers.
Q Well, you told us earlier that she hit him hard enough to knock him on the ground and he was crying. Is that not true?
A Yes.
Q Which one's true?
A Both statements are true. You can still wake up and --
Q She hit him lazy like or she hit him hard like you said

earlier?
A This is a two-year-old child we're talking about. Not a grown man.
Q I'm well aware he's a dead three-year-old boy. Just me on that.
A Well, I'm just trying to clear this up for you so you understand the age.
Q The prosecutor -- or the investigator says, "You saw this happen?"
A "Yes, sir. I had told her to just chill out and go back to sleep. It wasn't that big of a deal. And I went back to finish cleaning the dishes."
Q I thought you said this was -- you were making breakfast? You were cleaning the dishes after breakfast?
A Yes.
Q On the next page a little slightly more down -- halfway down the investigator says, "Okay." Do you see that?
A Yes, sir.
Q All right. It says, "Around that time."
A Okay. "You told her to just go back to sleep and you continued cooking." Which --
Q No. The investigator says, "Okay" and you said, "Around that time."
A I see. "Around that time we were still cleaning dishes when she finally woke up around like 11:00, I guess, I

believe. We went back in there and was watching TV and everything. I had took a shower that morning myself."

Q What was the baby doing during this time?

A During that time we went to the bathroom and needed to get ready to start taking a shower. I finished taking my shower. I got out of the shower. He took off his clothes and he jumped in the shower while I was in the shower."

Q But I thought you said that you don't -- that you only showered once or twice in your life with the child?

A I got out of the shower as my statement stated. When you shower with a person you stay in there with him.

Q "He jumped in the shower while I was in the shower." Is that not what you told the investigator just two and a half weeks ago?

A Yes. And it also states, "I got out of the shower. He took off his clothes and jumped in the shower while I was in the shower."

Q In fact, he said, "Okay. But you would take showers with him in the morning times?"

A "Not always. I did it like once or twice."

Q But this morning you took a shower with him is what your statement says.

A Yeah, I didn't mean to say that. I didn't actually take a shower with him that morning. I was actually taking my clothes off. I was already in the shower. He was coming

in to get in the shower with me. I got out of the shower.
Q About four lines down from that the investigator says, "Now you're backing off of that statement and you're telling me that he went in the shower, watched you take a shower, waited for you to get out and then he took his clothes off and got in." Your answer?
A "No, he didn't wait for me to get out of the shower. He had already took off his clothes and was coming in the shower while I was in the shower."
Q How long do your showers take?
A I normally sit in the shower or take a bath for like two or three hours. That's just me. Because I normally --
Q You take a shower for two or three hours?
A Yeah. I sit in the bathtub and watch movies on the computer that was in the house.
Q Were you taking a bath or you were taking a shower?
A I was taking a shower that morning.
Q And this mobile home's got a -- basically that's how you eat up the morning is sitting in the bathtub or in the shower for two or three hours? Is that true?
A Sometimes.
Q And, in fact, I think when you all got in that fight back in Asheville you were taking a long bath, too, right?
A I actually had just gotten off of work that day.
Q This morning, how long was your shower?

A Like 20, 30 minutes before he came in there.
Q And the baby is sitting in the bathroom the whole time?
A No. He came into the bathroom when I was actually getting ready to finish up. He started taking off his clothes to get in the shower with me. I took with me -- I took and I got out of the shower while he was naked. He got in the shower while I was starting to -- getting -- in the shower and I started getting on my clothes and everything.
Q "What did you notice about him when he took his clothes off?"
A "I had already -- I just know the same bruise that I'd seen on him before. Like the bruise that I saw whenever I came to the hotel room which was -- I forget which day. Long story short, we'd gotten into an argument a week or two, I guess, before she disappeared with him. Went to a hotel in Spartanburg County. It's off New Cut Road. I forget the name of it off the top of my head. She went there. When I finally got there I noticed the bruise on him whenever he was in the bathroom. I was like where did this come from? She was like, oh, he fell into -- into the bed on the bed while he was in -- was at the hotel."
Q Okay. I'm asking you this question. Was that the hotel that she had let -- that her mother had paid for her when she moved out from you?
A Whenever she left, yes.

Q And you went there and got her back, right?
A I didn't go there. She came back to the house with a client to come pick me up because she called me like the very same day saying she missed me and wanted me to come back -- or come to the hotel with her and whatnot. She didn't want to argue about stuff. So --
Q So she voluntarily came back to the house?
A Yes, she did actually. She came with -- I forget the name of the black individual that she came back to the house in his car. He brought her to the house. And I got in the car with him, while Gab was in the backseat, and then I went back to the hotel.
Q When she went to the motel did she take her Malibu -- the red Malibu with her?
A She didn't have the Malibu at the time. She had a Nissan Sentra.
Q And that's not the car that somebody had disabled by pulling out the spark plugs?
A That was the car that she disabled.
Q She disabled --
A Yes.
Q -- and had somehow locked -- somehow lost the keys where it kept it locked up?
A The keys were inside the house that I showed her when she came back to the house. I said, "The keys are right

here by the bed."

Q And it's not really clear to me again. I'm going to go back. How did you all get that car back from Laurens to Spartanburg?

A It was still there to be driven.

Q But then it was driven back and then somebody re-pulled the plugs out of them? It was good enough to get from Laurens to Spartanburg, but then died there and never came back on?

A The car wasn't -- because the spark plugs were hooked back up. I'm trying to remember exactly what was wrong with it. I know we had took it to -- we had took it to -- well, there was a guy that actually came to look at the car. I forget off the top of my head what he said was wrong with it. Something about something. Either the timing was off or something because of the spark plugs being yanked off or whatnot. And when the timing gets off it's not going to start and crank right. I don't know if you know anything about cars and whatnot.

Q Just out of curiosity, what was your MOS in the military?

A I was a mechanic.

Q A mechanic?

A Yes, sir. I worked on diesel vehicles.

Q And this was a car?

A Yes, sir. I've never worked on a civilian car before. I've worked on military vehicles.

Q But the military vehicles are substantially different engines and models than the civilian cars?

A Actually they are.

Q I guess like the Humvee? Are you talking about the Humvee?

A Yeah, Humvee, forklift. The bigger -- the bigger vehicles. I've never worked on a regular vehicle.

Q So if I joined the Army and became a mechanic I would have no job skills as a car mechanic in the civilian world?

A As a mechanic out of the military I still have to go to a regular school to get my certification to become a regular mechanic.

Q But it wasn't good enough to figure out how to get the spark plugs back in?

A She put the spark plugs back in.

Q And you couldn't put spark plugs back in?

A I don't know. If I haven't looked at the specs on that car I wouldn't know how to.

Q So how long had that car been dead at the side of the mobile home?

A That car had been dead for like two or three days. It was actually --

Q Are you sure it wasn't longer?

A Yes, I'm quite sure.
Q So you all only gave it two or three days to try to fix it before her mother had to buy her a new car?
A Her mother didn't buy her that new car.
Q Where did she get it?
A She actually ended up doing that herself at Spartanburg. She sold herself and get the money for it.
Q Okay. On the very first line of that page the investigator says, "All right. That was the only thing you noticed about him when he took his clothes off?" And he's referring to the bruise on his hip that you said you saw from two days before at the hotel?
A Yes. That's the only bruise I noticed. But I wasn't really paying attention like that.
Q And the investigator says, "Left side --" a little bit further down there. He asked you, "Left side?"
A "If I remember correctly, it was over here. If I remember correctly."
Q And about halfway down the investigator says, "And he, G.M. was taking a shower by himself. Did you have to help him?" Your answer? "I didn't normally --"
A "I didn't normally help him. I explained to her, I said that I really didn't feel comfortable giving him or helping him take a bath like that, because there is too many cases in Asheville with people being hit with child

molestation charges and whatnot, and that's not my thing."

Q So you didn't want to help G.M. take a bath because too many people in Asheville get hit with child molestation charges?

A Yes, sir.

Q Is that true, or is that your belief, or was that just --

A That's actually true. Quite of her friends up there have child molestation charges. There's a guy named ET -- I think his name is like Richard something and has child molestation charges. My baby mother's brother has child molestation charges.

Q So the safe practice is not to give kids baths?

A I don't want any confusion.

Q That's fine. The investigator says, "But didn't you say in the interviews that you helped him with baths before? You did a lot of -- I mean, you helped?"

A "Yeah, I helped whenever I helped him teach to take -- yeah, I helped whenever I helped teach him to take a bath. After that I didn't do it anymore. She was in there with him at that time. I never did it after that. I showed him how to take it while she was in there helping me, and after that I never helped him take a shower or bath again. He normally sat in there and took his own bath by himself."

Q All right. Go on.

A "He got in the bath or in the shower. I got out."
Q Was it -- which was it, a bath or a shower?
A "Shower. I got out. Went about my business still trying to clean up, feeding the cats, putting for -- food out for the cats. Taking out the kitty litter and all that stuff. And I finally decided to get her up and wake her up."
Q So you had gotten up at 7:30?
A Yes, sir.
Q And again, are we still on the 27th?
A. Yes, sir.
Q And you had cleaned the -- you had started -- woke up, started cleaning?
A Yes, sir.
Q Then when G.M. got up you fed him?
A Yes, sir.
Q Then you took to your duties of feeding the cats?
A Yes, sir.
Q Had the cats, by the way, been sleeping in that room that night or were they --
A They had been sleeping in that room at night, yes.
Q So it's not just when you all leave you put the cats in that room, it's all the time, or it's just --
A She wanted them in there while we slept so they didn't run around and jump on our face.

Q And then the investigator says -- it's his second statement down there, "And then she finally got out of bed about what time?"

A That I cannot recall off the top of my head.

Q "But you said she got up at 11:00, then the shower happened."

A Yeah.

Q Okay. So you could remember what time. Is it true that she woke up at 11:00 on the 27th?

A Around 11:00. Yes, sir.

Q But you couldn't remember that two weeks ago?

A No, sir.

Q Okay. The -- go down to where the investigator says, "All right. Then what?" "After that."

A "After that we still continued to bicker and argue over just piddley dumb stuff. Trying to remember what we did throughout that day. We sat up and watched movies for most of the day off the computer. I do remember that much. I ended up making lunch, cooking for myself, her and G.M.

Q What did you all eat?

A That I don't remember off the top of my head. I think it was some type of soup or something and grilled cheese, I think.

Q Go on.

A "After that I was cleaning up and I heard him start

crying again. I didn't really ask what was going on. I didn't know what happened. Didn't ask what happened. I just heard him crying."

Q Well, I thought you just told us that you saw her hit him again? Is this true or is that --

A This is true.

Q And the investigator asked you again where.

A "Inside the room with his mom."

Q "The bedroom. The one that you and Theia use?"

A "Yes."

Q "What time was that?"

A "Could be around like 2:00 or 3:00, I believe." After that I said, "I stayed in there still cleaning up trying to fix up the house. As you said, it was a complete mess."

Q Man, you're doing a lot of cleaning for very little results.

A I do the cleaning. She messes up.

Q Go down to where you said "He had slept." You're talking about G.M. had slept in his room.

A "G.M. slept in the livingroom."

Q Go ahead.

A I just read the --

Q "He actually had a room at one point."

A "G.M. slept in the livingroom." That's what you're talking about, right?

Q Go a line in the middle of the page.
A Oh, my bad.
Q "He had slept in his room."
A "He slept in his room. He actually had a room at one point where the cats were. Then she moved him out of there to sleep in the livingroom."
Q So he was sleeping in the room with cats at one point?
A No. The cats weren't in there at that point. The cats were running around in everything. She got upset with the cats running in there in our room and whatnot and messing around when she went to sleep. So she put them G.M. room and moved him out into the livingroom.
Q "About 2:00 or 3:00 you hear him crying. What do you do after that?"
A "I minded my business. I didn't get into it. I left it alone."
Q I thought you told us that you had been telling her to leave -- you never -- you're testifying that you never stood up for him or investigated when he was crying?
A Yes, I did stand up for him. I would tell her that she needed to try other methods by not hitting him. But at that point in time I did not get into it.
Q But then you told the prosecutor, "As I said, I continued to clean, cook and whatnot."
A Yes, sir.

Q And the investigator says, "You're cooking again?"
A "Yeah, cleaning and cooking pretty much. I ate a lot."
Q You're cooking at 2:00 to 3:00?
A I was making something for myself to eat.
Q You had already eaten eggs and everything for breakfast, then you had a grilled cheese sandwich for lunch and you're eating again at 2:00?
A Yeah. I ate a lot before I came into jail. I was like 209.
Q And what were you eating them?
A Another sandwich.
Q Is that true that you had cooked yourself, I guess, what the Hobbits call a second lunch?
A It was a sandwich. I wouldn't define that as a second lunch.
Q You said you were cooking it?
A Yeah, I put it on the George Foreman.
Q All right. And then the investigator says, "All right. Then what?"
A "After that I think around 4:00 or 5:00 she said she had to go out to Spartanburg to do that whole ordeal and I told her I wasn't going because I really didn't want to be around her because I was kind of irritated with her. Didn't really want to be dealing with her and whatnot."
Q When you say "Go do that whole deal"?

A Her --
Q Prostitution?
A Yeah.
Q So you stay at home with G.M.
A Yes, sir. Yeah. Around -- she made dinner around 5:00 or 6:00, I believe, that day.
Q I thought you said she -- so it was between 4:00 and 5:00 or it was between 4:00 and 5:00 that she was gone?
A She didn't leave until like 7:00 or 8:00 that night.
Q You said four or five minutes ago -- you said 4:00 to 5:00 a minute ago?
A I said she got her call at 5:00 -- 4:00 or 5:00.
Q Got a call?
A She didn't leave until like 8:00.
Q And then third line from the bottom, "Okay. And what was for supper that night?"
A "She made steak, mashed potatoes and bread."
Q Now, I thought you told us earlier that you were the one who cooked dinner that night for G.M.
A No, she did.
Q And the investigator says, "All right. Wait a minute. Let's see where his statement -- what does he say in his statement where she went to Spartanburg." The -- and then on the next page where it says, "RB. At night, yes." Go ahead and start right there.

A "At night she asked -- cause I remember she came back before she went there. She went to the Valero, I think. Was off and brought another cat home, the one that had one eye, saying that she saw it outside the gas station. She had brought it back to the house."

Q So we're talking about the night of the 29th?

A Yes, sir.

Q And you're telling the investigators then that she had gone to the Valero. That's a gas station?

A Yes, sir.

Q And how far would the Valero be from your home?

A I'm guessing it's like one or two miles away from our house.

Q Not too far away?

A Not too far away.

Q Go down five lines from that and the investigator says, "All right. Here we go. You said they ate -- you all ate dinner. And what was the dinner again you all ate?"

A "Steak, mashed potatoes and bread. That's what we had that day."

Q "Steak, bread and corn is what you said before."

A "It's mashed potatoes. I remember mashed potatoes."

Q The bottom line, the investigator says, "She said you all ate steak, bread and corn in your first interview and you said bread and corn." Your line's on the next page.

A "We didn't have corn. I don't remember corn. I remember mashed potatoes that night because I know she knows how to make her mashed potatoes."

Q Did you help clean up the vomit from G.M. that night?

A Yes, sir.

Q You don't remember seeing pieces of corn on any of the articles of clothing or blankets?

A It's been over a year. I don't remember really what was inside the vomit, sir.

Q And the investigators say, "She wrote down the part about the corn. I think he says it, too, though." Your answer?

A "We might have had corn, but I really don't remember. But I think I remember mashed potatoes as much at that."

Q Six lines down the investigator says, "Tell me what -- what you all -- after you all ate and before she went." "He ended up," about halfway in the middle of the page.

A "He ended up throwing up and pooping on himself before she left."

Q "How was he eating that night?"

A "What do you mean by how was he eating?"

Q "I mean, was he -- how was he acting before dinner or during dinner?"

A "I remember at one point he said something about owe

about his wiener or something, and I'm like, hey, you talk to your mom about that. I didn't want to ask him anything else about that."

Q So now for the first time you're saying that the child was complaining about pain in his wiener?

A I stated that earlier when --

Q Who had you told that earlier to?

A The Solicitor when he questioned me earlier I mentioned that.

Q Did you tell law enforcement prior to --

A No, sir. I didn't.

Q So that was the first time that you brought up the child saying he had pain in his wiener?

A Yes, sir.

Q And that's after you had a chance to go over the case entirely with your lawyer. In fact, you all were -- you were given trial notice, weren't you?

A I was told that we had trial -- I was given two trial notices. One for March and another one for April.

Q So you've been on trial -- you've had trial notices for a while, right?

A Not for a while. Just two other ones.

Q And you're aware that this child had major injuries in his groin, penis area?

A I didn't see any of the pictures until like I got Mr.

Brown. Mr. Pierre didn't even show me the pictures. And I didn't see the pictures until we came here that day for --

Q But when you saw those pictures you decided that you'd better address those injuries, right?

A The very same day?

Q They were a lot more serious looking than you were thinking, right?

A I didn't even know about the injuries to that severity, no, honestly.

Q So this boy comes to you and he says, "Owe, my wiener," --

A Yes.

Q -- "and you say, hey, talk to your mom about that." Is that -- I mean, I didn't really ask him anything about that. Is that really what happened?

A Yes, sir.

Q And you cared for G.M.

A Yes, I did. But at the same time let me ask you a question. I'll just rephrase it. If you had a child yourself would you want some other girl or man looking at your child's penis?

Q If my child was in pain, probably. But let's go on. I'll try to be fair to you. But, I mean, I understand that they charge people in Asheville for child molestation, so I don't want to get you in trouble. The third line from the