

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Aug 24 2023

SC Court of Appeals

Appeal from Richland County
Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRICK DOCTOR,

APPELLANT

APPELLATE CASE NO. 2022-000554

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INDEX

INDEX i

TRIAL TRANSCRIPT DATED APRIL 18 – 22, 2022 1

NEIL V. BIGGERS HEARING 22

TESTIMONY

 ANDREW CALDWELL

 Direct Examination by Mr. Goldberg 22

 Cross Examination by Ms. Eigenbrot 31

 KEVIN ISENHOWARD

 Direct Examination by Ms. Gaston.....33

 Cross Examination by Ms. Eigenbrot 37

 KEVIN BLAND

 Direct Examination by Mr. Goldberg 38

 STACY MELTON

 Direct Examination by Mr. Goldberg 45

 Cross Examination by Ms. Eigenbrot 56

 Redirect Examination by Mr. Goldberg.....61

 NATHAN TELFORD

 Direct Examination by Mr. Goldberg 62

 Cross Examination by Ms. Eigenbrot 75

DEFENDANT’S MOTION REGARDING VOLUNTARINESS AND MIRANDA.....86

JACKSON V. DENNO HEARING.....86

TESTIMONY

 KEVIN BLAND

 Direct Examination by Mr. Goldberg 87

 Cross Examination by Mr. Tate 100

RULING OF THE COURT DECLINING TO SUPPRESS STATEMENT 125

OPENING STATEMENT BY MS. GASTON.....127

OPENING STATEMENT BY MS. EIGENBROT 133

TESTIMONY

LATAVISH ULMER

Direct Examination by Ms. Gaston.....	137
Cross Examination by Mr. Tate.....	147
Redirect Examination by Ms. Gaston.....	153

JOHN HAWKES

Direct Examination by Mr. Goldberg.....	170
Cross Examination by Mr. Tate.....	186

CHRISTOPHER MALONE

Direct Examination by Ms. Gaston.....	192

MICHAEL FITZGERALD

Direct Examination by Ms. Gaston.....	203
Cross Examination by Mr. Tate.....	207

CAREY ROBERTS

Direct Examination by Ms. Gaston.....	208

ROBERT OATES

Direct Examination by Mr. Goldberg.....	214
Cross Examination by Mr. Tate.....	238
Redirect Examination by Mr. Goldberg.....	249

NATHAN TELFORD

Direct Examination by Mr. Goldberg.....	250
Cross Examination by Ms. Eigenbrot.....	270
Redirect Examination by Mr. Goldberg.....	282

STACY MELVIN

Direct Examination by Mr. Goldberg.....	284
Cross Examination by Ms. Eigenbrot.....	309
Redirect Examination by Mr. Goldberg.....	323
Re-Cross Examination by Ms. Eigenbrot.....	326

ANDREW CALDWELL

Direct Examination by Mr. Goldberg.....	346
Cross Examination by Mr. Tate.....	355
Redirect Examination by Mr. Goldberg.....	356
Re-Cross Examination by Mr. Tate.....	356

KEVIN ISENHOWARD

Direct Examination by Ms. Gaston.....	357

HAROLD BOUKNIGHT

Direct Examination by Mr. Goldberg	363
Cross Examination by Mr. Tate	369

YVONNE WOODS

Direct Examination by Ms. Gaston.....	371
Cross Examination by Mr. Tate	376

MICHELLE SEAY

Direct Examination by Ms. Gaston.....	379
Cross Examination by Mr. Tate	385

TRISH ODOM

Direct Examination by Ms. Gaston.....	389
Cross Examination by Mr. Tate	396
Redirect Examination by Ms. Gaston	400

ASHLEY LEE

Direct Examination by Mr. Goldberg	401
Cross Examination by Mr. Tate	413
Redirect Examination by Mr. Goldberg.....	418

ROBBIE HINSON

Direct Examination by Mr. Goldberg	422
Cross Examination by Mr. Tate	426

TREVOR HOLT

Direct Examination by Mr. Goldberg	427
Cross Examination by Mr. Tate	431

MEGAN FLETCHER

Direct Examination by Ms. Gaston.....	432
Cross Examination by Mr. Tate	442
Redirect Examination by Ms. Gaston	447
Re-Cross Examination by Mr. Tate	449

SARAH HUMPHRIES HOLT

Direct Examination by Mr. Goldberg	449
Cross Examination by Mr. Tate	467

AMY DURSO

Direct Examination by Mr. Goldberg	472
Cross Examination by Mr. Tate	488

AMANDA METZ

Direct Examination by Ms. Gaston.....	507

Cross Examination by Mr. Tate	524
Redirect Examination by Ms. Gaston	537
KEVIN BLAND	
Direct Examination by Mr. Goldberg	539
Cross Examination by Mr. Tate	562
Redirect Examination by Mr. Goldberg.....	569
Re-Cross Examination by Mr. Tate	569
THE STATE RESTS	582
MOTION FOR DIRECTED VERDICT.....	582
RULING OF THE COURT	583
COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY	585
CLOSING ARGUMENT BY MR. GOLDBERG	588
CLOSING ARGUMENT BY MR. TATE.....	618
CHARGE ON THE LAW	634
VERDICT	646
MOTION FOR MISTRIAL	652
RULING OF THE COURT	652
SENTENCING	660
INDICTMENTS AND SENTENCE SHEETS.....	661
CERTIFICATE OF COUNSEL	673

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
COURT’S EXHIBIT #3 (THUMB DRIVE - INTERROGATION CAMERAS 1 AND 2)
AND
STATE’S EXHIBIT #89 (INTERVIEW DISK)**

1 State of South Carolina) In the Court Of General Sessions
2 County of Richland) Case No.: 2020-GS-40-04195-4197
3 State of South Carolina,)
4 Plaintiff,)
5 vs.) Transcript of Proceedings
6 Demetrick Doctor,)
7 Defendant.)
8 _____)

9
10 April 18th through 22nd, 2022
11 Columbia, South Carolina

12 BEFORE:

13 The Honorable Jocelyn Newman, Judge, and a
14 Jury.

15
16 APPEARANCES:

17
18 Daniel Goldberg, Assistant State Solicitor
19 Amanda Gaston, Assistant State Solicitor
Attorneys for the State/Plaintiff

20 John Tate, Assistant Public Defender
21 Megan Eigenbrot, Assistant Public Defender
Attorneys for the Defendant

22 ALSO PRESENT:

23 Demetrick Doctor
24
25

1	INDEX	
2	APRIL 18, 2022	
3	JURY SELECTION	
4	NEIL V. BIGGERS	
5	WITNESS	PAGE
6	ANDREW CALDWELL	
7	Direct Examination by Mr. Goldberg	51
8	Cross Examination by Ms. Eigenbrot	60
9	KEVIN ISENHOWARD	
10	Direct Examination by Ms. Gaston	62
11	Cross Examination by Ms. Eigenbrot	66
12	KEVIN BLAND	
13	Direct Examination by Mr. Goldberg	67
14	STACY MELTON	
15	Direct Examination by Mr. Goldberg	74
16	Cross Examination by Ms. Eigenbrot	85
17	Redirect Examination by Mr. Goldberg	90
18	NATHAN TELFORD	
19	Direct Examination by Mr. Goldberg	91
20	Cross Examination by Ms. Eigenbrot	104
21	JACKSON V. DENNO	
22	KEVIN BLAND	
23	Direct Examination by Mr. Goldberg	116
24	Cross Examination by Mr. Tate	129
25		

1	APRIL 19, 2022	
2	OPENING STATEMENTS	PAGE
3	By The Court	155
4	By Ms. Gaston	164
5	By Ms. Eigenbrot	170
6	WITNESS	PAGE
7	TOVISH ULMER	
8	Direct Examination by Ms. Gaston	174
9	Cross Examination by Mr. Tate	184
10	Redirect Examination by Ms. Gaston	190
11	JOHN HAWKES	
12	Direct Examination by Mr. Goldberg	207
13	Cross Examination by Mr. Tate	223
14	CHRISTOPHER MALONE	
15	Direct Examination by Ms. Gaston	229
16	MICHAEL FITZGERALD, M.D.	
17	Direct Examination by Ms. Gaston	240
18	Cross Examination by Mr. Tate	244
19	CAREY ROBERTS	
20	Direct Examination by Ms. Gaston	245
21	ROBERT OATES	
22	Direct Examination by Mr. Goldberg	251
23	Cross Examination by Mr. Tate	275
24	Redirect Examination by Mr. Goldberg	286
25	.	

1	APRIL 19, 2022	
2	WITNESS	PAGE
3	NATHAN TELFORD	
4	Direct Examination by Mr. Goldberg	287
5	Cross Examination by Ms. Eigenbrot	307
6	Redirect Examination by Mr. Goldberg	319
7	STACY MELTON	
8	Direct Examination by Mr. Goldberg	321
9	Cross Examination by Ms. Eigenbrot	346
10	Redirect Examination by Mr. Goldberg	360
11	Recross Examination by Ms. Eigenbrot	363
12	APRIL 20, 2022	
13	ANDREW CALDWELL	
14	Direct Examination by Mr. Goldberg	384
15	Cross Examination by Mr. Tate	393
16	Redirect Examination by Mr. Goldberg	394
17	Recross Examination by Mr. Tate	394
18	KEVIN ISENHOWARD	
19	Direct Examination by Ms. Gaston	395
20	HAROLD BOUKNIGHT	
21	Direct Examination by Mr. Goldberg	401
22	Cross Examination by Mr. Tate	407
23	YVONNE WOODS	
24	Direct Examination by Ms. Gaston	409
25	Cross Examination by Mr. Tate	414

1	APRIL 20, 2022	
2	WITNESS	PAGE
3	MICHELLE SEAY	
4	Direct Examination by Ms. Gaston	417
5	Cross Examination by Mr. Tate	423
6	TRISH ODOM	
7	Direct Examination by Ms. Gaston	427
8	Cross Examination by Mr. Tate	434
9	Redirect Examination by Ms. Gaston	438
10	ASHLEY LEE	
11	Direct Examination by Mr. Goldberg	439
12	Cross Examination by Mr. Tate	451
13	Redirect Examination by Mr. Goldberg	456
14	RONNIE HINSON	
15	Direct Examination by Mr. Goldberg	464
16	Cross Examination by Mr. Tate	468
17	TREVOR HOLT	
18	Direct Examination by Mr. Goldberg	469
19	Cross Examination by Mr. Tate	473
20	MEGAN FLETCHER	
21	Direct Examination by Ms. Gaston	474
22	Cross Examination by Mr. Tate	484
23	Redirect Examination by Ms. Gaston	489
24	Recross Examination by Mr. Tate	491
25		

1	APRIL 20, 2022	
2	WITNESS	PAGE
3	SARAH HUMPHRIES HOLT	
4	Direct Examination by Mr. Goldberg	491
5	Cross Examination by Mr. Tate	509
6	AMY DURSO, M.D.	
7	Direct Examination by Mr. Goldberg	514
8	Cross Examination by Mr. Tate	530
9	APRIL 21, 2022	
10	AMANDA METZ	
11	Direct Examination by Ms. Gaston	552
12	Cross Examination by Mr. Tate	569
13	Redirect Examination by Ms. Gaston	582
14	KEVIN BLAND	
15	Direct Examination by Mr. Goldberg	584
16	Cross Examination by Mr. Tate	607
17	Redirect Examination by Mr. Goldberg	614
18	Recross Examination by Mr. Tate	614
19	DEMETRICK DOCTOR	
20	Examination by The Court	615
21	STATE/PLAINTIFF RESTS	630
22	DEFENSE RESTS	634
23		
24		
25		

1	APRIL 22, 2022		
2	CLOSING ARGUMENT		PAGE
3	By Mr. Goldberg		646
4	By Mr. Tate		676
5	CHARGE OF THE COURT		692
6	VERDICT OF THE JURY		720
7	SENTENCE OF THE COURT		732
8			
9	Certificate of Reporter		737
10			
11			
12	EXHIBITS		
13	COURT'S		
14	NO. DESCRIPTION	ID	EVDS.
15	1 Defendant's Witness List	14	
16	2 Stipulation	139	
17	3 Thumb Drive	141	
18	4 Juror #90 Note	642	
19	5 Foreperson Selection	712	
20	6 Jury Question	712	
21	7 Jury Question	736	
22	8 Jury Note	736	
23			
24			
25			

1	EXHIBITS			
2	STATE'S/PLAINTIFF			
3	NO.	DESCRIPTION	ID	EVDS.
4	1	Photo Lineup	51	306
5	2	Photo Lineup	51	345
6	3	Advice of Rights	51	595
7	4	Interview Clips - Disk	51	
8	5	Shotgun	51	555
9	6	BWC Disk	51	179
10	7	BWC Disk	51	216
11	8	Glasses	51	264
12	9	Photo	51	262
13	10	"	51	262
14	11	"	51	262
15	12	"	51	262
16	13	"	51	262
17	14	"	51	262
18	15	"	51	262
19	16	"	51	262
20	17	"	51	262
21	18	"	51	262
22	19	"	51	265
23	20	"	51	265
24	21	"	51	265
25	22	"	51	265

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

1	EXHIBITS			
2	STATE'S/PLAINTIFF			
3	NO.	DESCRIPTION	ID	EVDS.
4	23	"	51	265
5	24	"	51	265
6	25	"	51	265
7	26	"	51	265
8	27	"	51	268
9	28	"	51	268
10	29	"	51	268
11	30	"	51	268
12	31	"	51	268
13	32	"	51	268
14	33	"	51	269
15	34	"	51	269
16	35	"	51	269
17	36	"	51	269
18	37	"	51	269
19	38	"	51	272
20	39	"	51	272
21	40	"	51	272
22	41	"	51	272
23	42	"	51	272
24	43	"	51	272
25	44	"	51	272

1	EXHIBITS			
2	STATE'S/PLAINTIFF			
3	NO.	DESCRIPTION	ID	EVDS.
4	45	"	51	272
5	46	"	51	272
6	47	"	51	272
7	48	"	51	272
8	49	"	51	272
9	50	"	51	272
10	51	"	51	272
11	52	"	51	404
12	53	"	51	404
13	54	"	51	404
14	55	Cartridge Casing	51	406
15	56	Swab	51	406
16	57	Photo	51	411
17	58	"	51	411
18	59	"	51	411
19	60	"	51	411
20	61	Swab	51	
21	62	Photo	51	468
22	63	"	51	
23	64	Swabs	51	
24	65	GSR Kit	51	480
25	66	Money \$233.00	51	494

1	EXHIBITS			
2	STATE'S/PLAINTIFF			
3	NO.	DESCRIPTION	ID	EVDS.
4	67	Cartridge Casing	51	508
5	68	Swab	51	508
6	69	Projectiles	51	502
7	70	Pellets and Wadding	51	503
8	71	Brown Hat	51	500
9	72	Photo	51	495
10	73	"	51	495
11	74	"	51	495
12	75	"	51	505
13	76	"	51	505
14	77	"	51	505
15	78	"	51	505
16	79	"	51	505
17	80	"	51	520
18	81	"	51	520
19	82	"	51	525
20	83	"	51	504
21	84	"	51	504
22	85	"	51	504
23	86	Handgun and Magazine	51	
24	87	Diagram Autopsy	51	525
25	88	" "	51	518

1 EXHIBITS
2 STATE'S/PLAINTIFF
3 NO. DESCRIPTION ID EVDS.
4 89 Interview Disk 51 597
5

6 EXHIBITS
7 DEFENDANT'S
8 NO. DESCRIPTION ID EVDS.
9 1 Thumb Drive 364
10
11
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1 April 18, 2022

2 Thereupon, the following proceedings were had,

3 BAILIFF: All rise. Court is now in session.

4 THE COURT: Thank you. Please be seated. All
5 right. Good afternoon, folks. This is the matter of the
6 State versus Demetrick Doctor. This is Mr. Doctor who is
7 present. All right. He's present with his counsel. And
8 we've got counsel for the State. I know that there are
9 some pretrial motions that the defense has. We will
10 handle those this afternoon. We are here this morning
11 for jury I guess this afternoon already, jury selection.
12 I have proposed voir dire from both the State and the
13 defense. Is there any objection from the State to the
14 defendant's requested voir dire?

15 MR. GOLDBERG: No, Your Honor. I think we've
16 covered all the reciprocal type things in our proposed
17 voir dire.

18 THE COURT: Okay. And does the defense have any
19 objection to the State's proposed voir dire?

20 MR. TATE: I don't believe that's been provided to
21 us, Your Honor.

22 MR. GOLDBERG: I'm sorry, Your Honor. I'm sorry,
23 Mr. Tate. I meant to send it to you. Sorry about that
24 (proffering.)

25 MR. TATE: Beg the Court's indulgence to read.

1 THE COURT: Yes, sir.

2 MR. TATE: When the Court is ready, Your Honor.

3 THE COURT: Yes, sir.

4 MR. TATE: Your Honor, the only thing I see is in
5 the proposed State's requested voir dire number 8, I
6 would just ask for the language to be added, or retired
7 from law enforcement, employed by law enforcement or
8 retired from law enforcement. Other than that we have no
9 objection to any of the other State's requested voir
10 dire. I think Your Honor and I have done this before and
11 Your Honor's standard voir dire is more than adequate.

12 THE COURT: Okay. Thank you, sir.

13 MR. TATE: Thank you.

14 THE COURT: Does the defense have a witness list?

15 MR. TATE: We do, Your Honor. If I may approach.

16 THE COURT: Yes, sir.

17 MR. TATE: I'll hand the original up. We would ask
18 that it be made a Court's exhibit please.

19 THE COURT: Yes, sir.

20 MR. TATE: I have provided a copy to Mr. Goldberg.

21 THE COURT: Okay.

22 (Whereupon, Court's Exhibit #1 marked for
23 identification.)

24 THE COURT: And does the State have a revised
25 truncated shortened witness list by chance?

1 MR. GOLDBERG: Your Honor, I put up there on the
2 bench for you the full potential list. It's certainly
3 not the State's intention to call anywhere near all those
4 witnesses. I believe it would probably be more around
5 the low 20's total, 22, somewhere in there.

6 THE COURT: Okay. But you would like for the Court
7 to inquire of the jury panel about their knowledge of all
8 of those people?

9 MR. GOLDBERG: Out of an abundance of caution, in
10 case something should change that we would necessitate
11 calling one of them, yes, ma'am.

12 THE COURT: Okey dokey. All right. And anything
13 from the State before we bring the jury panel?

14 MR. GOLDBERG: Your Honor, the only thing I would do
15 before we bring in the jury as a matter of housekeeping
16 for purposes of the record is that on April the 6th of
17 this year Mr. Doctor appeared in court with Mr. Tate at
18 which time I served him, and I'll hand a copy to the
19 Court, the State's notice of intention to seek the
20 sentence of life without parole should he be convicted at
21 trial based on a prior conviction of voluntary
22 manslaughter. He was served with that and accepted
23 service by Mr. Tate on the record on April 6th. I just
24 wanted to put that on the record before we got started.

25 THE COURT: Mr. Tate?

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

2 THE COURT: Okay. Anything from the defense before
3 we bring the jury panel?

4 MR. TATE: Nothing from the defense, Your Honor.

5 THE COURT: All right. Let's bring the jury panel
6 up please.

7 (Whereupon, the jury venire entered the courtroom at
8 12:25 p.m.)

9 THE COURT: All right. Good afternoon, folks.
10 Sorry for the delay, but one of your fellow jurors has
11 gone missing and we were trying to determine what to do
12 about that, but we are going to forge ahead without that
13 juror.

14 Anyway. My name is Jocelyn Newman. I'm a Circuit
15 Court Judge here in Richland County and you are here this
16 afternoon for jury selection for the trial of a criminal
17 case, that is the case of the South Carolina versus
18 Demetrick Doctor. I'm going to ask you some questions.
19 Those questions will be different from the ones posed to
20 you by Judge Hood this morning during jury qualification.
21 My questions are going to be more specific to your
22 fitness to serve as jurors for the trial of this
23 particular case. Before I ask you those questions, I'll
24 have the clerk place you under oath one more time.

25 (Whereupon, the jury venire was duly sworn by the

1 MR. GOLDBERG: Please present the juror.

2 THE COURT: Thank you. What says the defense?

3 MR. TATE: Please excuse this juror.

4 THE CLERK: Thank you. Juror number 298.

5 (Whereupon, April K. Spitz, a white female, was
6 called forward.)

7 APRIL K. SPITZ: Jury number 298. I'm an
8 endodontist.

9 THE CLERK: What says the State?

10 MR. GOLDBERG: Please present the juror.

11 THE CLERK: Thank you. What says the defense?

12 MR. TATE: Please excuse the juror.

13 THE CLERK: Juror number 33.

14 (Whereupon, Reynolda Brown, a black male, was called
15 forward.)

16 REYNOLDA BROWN: Juror number 33. University
17 administrator.

18 THE CLERK: What says the State?

19 MR. GOLDBERG: Please present the juror.

20 THE CLERK: Thank you. Does the defense challenge
21 for cause?

22 MR. TATE: No. We do not.

23 THE CLERK: Thank you.

24 THE COURT: Any objections to the jury selection
25 from the State?

1 MR. GOLDBERG: Nothing from the State, Your Honor.

2 THE COURT: From the defense?

3 MR. TATE: Nothing from the defense, Your Honor.

4 Thank you.

5 THE COURT: In case it makes a differences, I'll go
6 ahead and put on the record, one of the jurors I struck
7 was juror 154, that was number 17 on our strike list.
8 That name was removed because that juror did not appear
9 when it was time for the jury panel to come upstairs.
10 Evidently he was in jury qualification this morning, but
11 then disappeared at some point after that and so without
12 a phone number to contact him I went ahead and removed
13 him from the list of potential jurors because in my mind
14 the only remedy to that would have been to rerandomize
15 the panel, but since y'all didn't know what order the
16 names were in anyway I figured it wouldn't make a big
17 difference to counsel. I just want to go ahead and put
18 that on the record in case there is an objection to that
19 decision before I release the remaining jurors. Any
20 objection to that from the State?

21 MR. GOLDBERG: No, Your Honor.

22 THE COURT: From the defense?

23 MR. TATE: As his number was never called, Your
24 Honor, we have no objection. Thank you.

25 THE COURT: Exactly. Okay. That's sort of what I

1 pretrial stuff to do, but it's lunch time so we're gonna
2 have lunch. It's 1:20. 2:30. Y'all be back at 2:30 and
3 we will do some pretrial then. Thank you.

4 MR. TATE: Thank you, Your Honor.

5 (Lunch break.)

6 BAILIFF: Order in the court. All rise. Please
7 make sure all cell phones are turned off, not to vibrate,
8 but off and you may be seated.

9 THE COURT: All right. Good afternoon, folks.

10 MR. TATE: Good afternoon, Your Honor.

11 THE COURT: All right. I have a list of defense
12 pretrial motions. I don't know if the State has any, but
13 we will begin with the defense. Mr. Tate.

14 MR. TATE: Thank you, Your Honor. Mr. Goldberg
15 asked me earlier if we could do Biggers initially. I
16 don't have a problem with that if the Court doesn't. I
17 guess we've got most of the witnesses. We do have one
18 rather unusual matter just to put on the record, if I
19 may.

20 THE COURT: Yes, sir.

21 MR. TATE: Your Honor, I always do this with my
22 clients and I've always, any time investigator, I guess
23 that's lieutenant now.

24 CAPTAIN ISENHOWARD: Captain.

25 MR. TATE: Captain Isenhoward is involved in a case,

1 my wife and I had a theft from our home some years ago,
2 the captain was a detective at the time. He investigated
3 that theft, arrested the culprit and got us restitution.
4 I don't hang out with him. I've never been to his home.
5 I don't think I've ever had a drink with him, but I
6 always put that on the record. Mr. Doctor's indicated he
7 doesn't have a problem with that and I just wanted to
8 make the Court aware of that and that I'm continuing with
9 Mr. Doctor's consent.

10 THE COURT: Yes, sir. On that topic, let's see, I
11 just wanted to go through the State's witness list only
12 because I have socialized with, I know Maldonado is on
13 here. I don't know if he will actually be called as a
14 witness, Jerry Maldonado that is.

15 MR. GOLDBERG: If you want me to address them one by
16 one, I can.

17 THE COURT: Sure.

18 MR. GOLDBERG: It's unlikely Maldonado will
19 testify.

20 THE COURT: Okay. And actually I think that's the
21 only person that I socialize with. Perhaps Joanna
22 McDuffie at some point and maybe Sam Smith.

23 MR. GOLDBERG: Unlikely for McDuffie. Possibly for
24 Smith.

25 THE COURT: If I have socialized with Sam, it's been

1 a considerable period of time. I can't even recall the
2 circumstances. I just know that our lives, our social
3 lives might have crossed at some point, but I have no
4 specific recollection of hanging out with him. I do with
5 Maldonado. I mean, I just saw him two or these weeks
6 ago. Probably see him again this weekend in a social
7 setting. So I just wanted to put that on the record for
8 defense purposes.

9 MR. TATE: Your Honor, while we're doing this, we
10 would renew our Riddle motion as to all these folks on
11 this rather voluminous list and should the prosecution be
12 in possession of any information on these folks, we ask
13 them to pass it along because there ain't been a third of
14 them in discovery.

15 THE COURT: Mr. Goldberg.

16 MR. GOLDBERG: It's a continuing obligation that we
17 intend to honor as we have thus far.

18 THE COURT: All right. Good enough.

19 MR. TATE: Thank you, Your Honor.

20 THE COURT: I think that's it for me. I just, once
21 I saw Maldonado's name, I wanted to mention that because
22 I currently socialize with Maldonado, but if there's no
23 objection from the defense, apparently unlikely he'll be
24 called as a witness.

25 MR. TATE: No objection, Your Honor.

1 (Whereupon, State's Exhibits #1 through #89 marked
2 for identification.)

3 THE COURT: All right. So let's move onto the
4 Biggers hearing. Is that where we are?

5 MR. GOLDBERG: If that's all right with the Court.

6 THE COURT: Yes. Let's do it.

7 MR. GOLDBERG: All right. May it please the Court.
8 Your Honor, the State would call Sergeant Andrew
9 Caldwell.

10 Thereupon,

11 ANDREW CALDWELL

12 after having been first duly sworn, testified as follows,

13 THE CLERK: Please have a seat. Once you're seated,
14 state your full name for the record.

15 THE WITNESS: Andrew Caldwell.

16 DIRECT EXAMINATION

17 BY MR. GOLDBERG:

18 Q. Sergeant Caldwell, where are you employed?

19 A. Richland County Sheriff's Department.

20 Q. And were you employed there back in October of
21 2019?

22 A. Yes, sir.

23 Q. What was your role at that time?

24 A. I was a sergeant assigned to the investigations
25 division. I was the on-call night shift sergeant for that

1 particular week.

2 Q. Were you contacted about a shooting incident on
3 Ballenton Road on the night of October the 3rd?

4 A. I was.

5 Q. What was the basic information you got about the
6 nature of that incident?

7 A. That there had been a shooting at that location and
8 it was believed at that point in time one person was shot, two
9 others were deceased at the scene.

10 Q. Two deceased and one shot but alive?

11 A. Correct.

12 Q. The third person who was alive was receiving medical
13 treatment; is that right?

14 A. Correct.

15 Q. All right. And so once you got that information
16 were you initially provided information about who the suspect
17 may be, any nickname or anything associated with a suspect?

18 A. I was.

19 Q. Okay. And what was that nickname?

20 A. Meke Doctor.

21 Q. Meke Doctor. Is that commonly generally spelled
22 M-e-k-e?

23 A. As far as I know M-e-k-e.

24 Q. Initially who did you think that Meke Doctor --
25 Well, based upon the information that you got, did you then

1 put together a photo lineup?

2 A. I did.

3 Q. And did you attempt to include Meke Doctor in that
4 lineup?

5 A. I did.

6 Q. What was the given name of the individual named
7 Doctor that was put into this lineup?

8 A. Frank or Frankie Doctor.

9 Q. Frankie Doctor. Okay. And did you later learn as
10 the investigation went on that Frankie Doctor is different
11 from Meke Doctor?

12 A. Correct. They are two different individuals.

13 Q. And what was Meke Doctor's real name?

14 A. Demetrick.

15 Q. All right. But at this point you had information
16 that Frankie was in the lineup?

17 A. That is correct.

18 Q. All right. So what did you do upon getting that
19 lineup generally?

20 A. Generated the lineups and then I responded to the
21 scene with other investigators and the two eyewitnesses that I
22 was told were present.

23 Q. All right. You made contact with Investigator
24 Bland?

25 A. I did.

1 Q. All right. And did you speak to him?

2 A. I did.

3 Q. What were the names of the two witnesses that you
4 intended to show lineups to on the scene?

5 A. Mr. Telford and Ms. Melton, two witnesses that were
6 on the scene.

7 Q. And they were alleging that who was the suspect in
8 this case?

9 A. They were referring to Meke Doctor.

10 Q. Meke Doctor. Okay, and did you have an opportunity
11 to make contact first with Nathan Telford?

12 A. I did.

13 Q. And were you alone or were there other officers
14 with you?

15 A. Investigator Green was with me and at the time I
16 believe there were still uniformed officers about the scene.

17 Q. In the area. Okay. But you're the one that
18 actually showed the lineup to Mr. Telford; is that right?

19 A. Yes.

20 Q. What kind of lineup are we talking about?

21 A. Generally referred to as a six pack. It's a single
22 lineup with six individual photos present on that lineup.

23 Q. All right. And did you have an opportunity to show
24 that lineup to Mr. Telford?

25 A. Yes, sir.

1 Q. All right. And what did you say to him when you
2 presented the lineup to him?

3 A. It's usually always the same advice that I tell
4 someone, that I'm showing them a series of six photos. The
5 fact that I'm showing them photos doesn't mean the defendant
6 or defendants of whatever crime I'm investigating at the time
7 is in these photos and to take their time to look at it and
8 see if they recognize it.

9 Q. Was the other witness Ms. Melton standing there when
10 you advised Mr. Telford and gave him instructions?

11 A. They were separated prior to this. We do this
12 individually one on one.

13 Q. Okay. And so upon advising Mr. Telford of the
14 instructions that you just gave, what did you do?

15 A. I showed him the photo lineup.

16 Q. Did he review it?

17 A. He did.

18 Q. And was he able to identify Meke Doctor in that
19 lineup?

20 A. He was not.

21 Q. He was not?

22 A. No.

23 Q. Okay. And so did you ask him about that?

24 A. I did. I guess it took -- Let me back up. It was
25 my understanding that they knew each other, they were

1 acquaintances so then I asked Mr. Telford, do you recognize
2 anybody in the photo lineup whether they were related to the
3 shooting or not. He responded that he did.

4 Q. Okay. So he did not see Meke Doctor, but he did see
5 somebody else?

6 A. That is correct.

7 Q. And who was that?

8 A. Frank Doctor.

9 Q. Frank Doctor. Okay. And did you then ask him about
10 whether or not that was the suspect in this particular case?

11 A. I did.

12 Q. And what did he say?

13 A. That was when he explained to me that Meke and Frank
14 were brothers, that they were not the same individual.

15 Q. Okay. And did you have any further conversations
16 with Mr. Telford at that point?

17 A. At that point, no.

18 Q. You then spoke to him again later on that night?

19 A. That night.

20 Q. Before we get to that, what did you do about showing
21 that lineup to Ms. Melton?

22 A. I then met with Ms. Melton. I told her the same
23 thing about not picking someone just because I'm showing them
24 the photos, that the person may not be in there, and asked her
25 if she recognized the shooter in the photo lineup. She was

1 not able to pick Meke Doctor out of any of the photos.

2 Q. Okay. And so did you remain at the crime scene at
3 this point?

4 A. No.

5 Q. Where did you go?

6 A. I went back to headquarters to try to generate a
7 lineup of who we now know as Demetrick Doctor.

8 Q. And so over the course of the next period of time
9 did you, in fact, get a lineup put together including
10 Demetrick Doctor?

11 A. We did.

12 Q. All right. And did you then return to the scene?

13 A. I did.

14 Q. And did you make contact with Mr. Telford or Ms.
15 Melton once again?

16 A. At this time I only made contact with Mr. Telford.

17 Q. Mr. Telford. Okay. Was Ms. Melton standing there
18 at the time?

19 A. Well, off to the side. They weren't together. She
20 was still on the scene.

21 Q. She was still there, but she was separated?

22 A. Correct.

23 Q. All right. And so when you went to Mr. Telford,
24 what did you say to him this time?

25 A. I gave him the same advisement about I didn't want

1 him to pick someone out of this group of photos that I'm
2 showing him photos, probably referenced the other photo as
3 before that the alleged shooter was not in there, and asked if
4 he recognized any of the people in the photos.

5 Q. Sergeant Caldwell, I'm gonna show you what's been
6 marked as State's Exhibit number 1 for identification purposes
7 only. Do you recognize what that is?

8 A. Yes, sir.

9 Q. What is that?

10 A. That's our photographic lineup affidavit with my
11 signature at the bottom.

12 Q. What is the affidavit? What do you mean by that?

13 A. It's a document signed by the people that we're
14 showing the photo lineup to reflecting the date, the location
15 of where we were at, and which particular photo of the six
16 that they are identifying of the person that we're asking
17 about.

18 Q. So what is the information on that page on the
19 affidavit page.

20 A. That on that date Mr. Telford identified the person
21 in picture number 3 as being the shooter at the incident
22 location.

23 Q. And the second page contains the six photos?

24 A. The actual photos.

25 Q. Which photo did he select?

1 A. He selected and initialed photo number 3,

2 Mr. Demetrick Doctor.

3 Q. Also known as Meke?

4 A. Correct.

5 Q. All right. And when you presented this lineup,
6 State's 1 for ID, how quickly did he identify photo number 3
7 as being Demetrick Doctor?

8 A. Almost immediately.

9 Q. How certain was he of his selection?

10 A. He was very certain. He had no doubt.

11 Q. Did you or anyone in the area suggest to him whom he
12 should pick?

13 A. No, sir.

14 Q. And after making contact and going through that with
15 him, did you have any other involvement with Mr. Telford as it
16 relates to this?

17 A. No, sir.

18 Q. Did you go back and show this to Ms. Melton?

19 A. No. That was done by Captain Isenhoward.

20 Q. So that was the extent of your involvement in terms
21 of the photo lineups; is that right?

22 A. Yes, sir. It was.

23 MR. GOLDBERG: I believe that's all I have at this
24 time. Thank you.

25 THE COURT: Cross examination.

1 CROSS EXAMINATION

2 BY MS. EIGENBROT:

3 Q. Sergeant Caldwell, you said that you generated these
4 photo lineups, correct?

5 A. I generated the first one.

6 Q. The first one. And when you generate a photo
7 lineup, how do you go about doing that?

8 A. We're looking for individuals of obviously the same
9 race and sex, general age range, any physical characteristics
10 such as beards or mustaches to try to get a similar, five
11 other similar photos as well.

12 Q. And you base that on the photograph that you have of
13 the suspect, correct?

14 A. That is correct.

15 Q. And how do you generate those photographs?

16 A. The additional five?

17 Q. No. The suspect's photograph?

18 A. If we have it on file from previous arrests, that's
19 how I would have it.

20 Q. Do you recall how Mr. Demetrick's photo ended up in
21 this lineup? Did you have that photo?

22 A. No. We did not have that photo. That's why it had
23 to be generated by the SLED fugitive center.

24 Q. And do you know how SLED generates those photo
25 lineups?

1 A. I'm not sure if that's a booking photo they receive
2 from some other agency or they use the driver's license
3 photos. I'm unsure about that.

4 Q. So you don't know if that photo is an older one or a
5 newer photo of Mr. Doctor?

6 A. No, ma'am. I don't recall if I knew that or not.

7 Q. And when you generated both of these photo lineups,
8 did you check to confirm that there were no repeat individuals
9 in both lineups?

10 A. Yes. That's what we're trying to do, six distinct
11 individual people.

12 MS. EIGENBROT: Your Honor, I have no further
13 questions.

14 THE COURT: Anything further from this witness,
15 Mr. Goldberg?

16 MR. GOLDBERG: No, Your Honor.

17 THE COURT: Thank you. You may step down.

18 MR. GOLDBERG: The State calls Captain Isenhoward.

19 Thereupon,

20 KEVIN ISENHOWARD

21 after having been first duly sworn, testified as follows,

22 THE CLERK: Please have a seat. Once you're seated,
23 state your full name for the record.

24 THE WITNESS: My name is Kevin Isenhoward.

25 DIRECT EXAMINATION

KEVIN ISENHOWARD - DIRECT BY MS. GASTON

62

1 BY MS. GASTON:

2 Q. Captain Isenhoward, where are you employed?

3 A. Richland County Sheriff's Department.

4 Q. And in what capacity?

5 A. Captain in the major crimes unit.

6 Q. Did you work for the Sheriff's Department back in
7 October of 2019?

8 A. I did.

9 Q. Specifically on October 3rd of 2019, were you
10 contacted regarding a shooting incident?

11 A. Yes.

12 Q. And how did you become involved, I guess? What was
13 the nature of that contact?

14 A. Well, I was advised. I was the supervisor of the
15 unit. It was a fairly violent crime. Two people were
16 critically injured so I responded that evening to see if I
17 could assist my investigators any way I could.

18 Q. And throughout the course of that investigation,
19 were you provided some information regarding a suspect or any
20 possible nicknames for him?

21 A. I know initially there was some confusion about his
22 name being Meke or something to that effect. I know the
23 lineup, I didn't participate in it, but the lineup was shown
24 initially that had a relative in it and it was corrected.

25 Q. And you weren't involved, just to clarify, you

1 weren't involved in that first lineup?

2 A. No.

3 Q. And so this particular lineup that you were involved
4 in occurred after that first initial showing of the lineup to
5 the witnesses on site?

6 A. Correct.

7 Q. And what was your involvement, if any, in this
8 particular photo lineup?

9 A. I went back out to the scene with Investigator Green
10 to show a lineup to a witness that included a picture of
11 Mr. Doctor.

12 Q. And what kind of lineup is this?

13 A. It's a, per policy it's a six pack photo lineup that
14 we refer to it as, six pictures including one potential
15 suspect and that we show the one page to a potential
16 witness.

17 Q. And what did you do that evening with the lineup?

18 A. Like I said, I went back out to the scene, spoke
19 with the witness and I separated her from everyone else. It
20 was a little bit later. I believe there were not as many
21 people there probably, if I recall correctly, but she came to
22 us in our vehicle and I showed the lineup to her.

23 Q. Was that individual Stacy Melton?

24 A. It was.

25 Q. And in regards to the lineup, what did you tell her

1 as far as the procedure?

2 A. Yeah. Routine procedure is, I'm gonna show you a
3 lineup which has six individuals in it. If you see someone
4 that you recognize or see someone that you believe may have
5 committed a crime is what it amounted to, explain how you know
6 them -- and obviously not suggest anything -- or even if you
7 know anybody in there that you might recognize.

8 Q. Did you suggest who she should pick?

9 A. No.

10 Q. And from the lineup for this particular case, what
11 did it look like, do you remember?

12 A. It was a six pack lineup, six black males I believe
13 with slight facial hair, close cut hair, average man.

14 Q. And when you showed the lineup to the witness, was
15 she separated from other witnesses on scene?

16 A. Yes. She was in my vehicle.

17 Q. So there were no witnesses around her?

18 A. No.

19 Q. And was she able to ID a suspect out of the lineup?

20 A. She was.

21 MS. GASTON: Your Honor, I'm showing defense counsel
22 State's Exhibit 2 for ID. May I approach the witness,
23 Your Honor?

24 THE COURT: Yes.

25 BY MS. GASTON:

1 Q. Do you recognize that?

2 A. I do.

3 Q. What is it? What's on the first page?

4 A. The first page is an affidavit form, standard
5 Sheriff's Department document. It documents the date, time,
6 location of the lineup, where it was shown, the person
7 identifying who anybody was. In this case number 3, which was
8 a male, black, committing the crime of murder at 129 Ballenton
9 Road, Columbia, South Carolina on October 3rd, 2019.

10 Q. So does that affidavit page indicate that the
11 witness was able to identify an individual in this lineup?

12 A. Yes.

13 Q. And was that individual identified out of this
14 lineup as the defendant Demetrick Doctor?

15 A. Yes.

16 Q. And what does the second page of that document
17 show?

18 A. The second page of the actual lineup form that was
19 shown to the witness in this case, the suspect moves around
20 the lineup. We select where it goes or in this case SLED, but
21 at this point he's in position number 3 in the lineup so it's
22 a picture of six individuals including Mr. Doctor.

23 Q. And are there any identification markings on that
24 paper?

25 A. Yes. When someone is identified, I instruct the

KEVIN ISENHOWARD - CROSS BY MS. EIGENBROT

66

1 witness to circle the number and initial and date it so there
2 is no confusion.

3 Q. And is that what's on there?

4 A. Yes.

5 Q. And do you remember how quickly Ms. Melton was able
6 to choose Mr. Doctor?

7 A. Immediately.

8 Q. And how sure was she?

9 A. A hundred percent; at least that's what she
10 indicated.

11 Q. Captain Isenhoward, was that the extent of your
12 involvement in this case?

13 A. It was.

14 MS. GASTON: No further questions, Your Honor.

15 THE COURT: Cross examination.

16 MS. EIGENBROT: Just briefly.

17 CROSS EXAMINATION

18 BY MS. EIGENBROT:

19 Q. Captain Isenhoward, you were not involved in that
20 first one? I probably should have asked Lieutenant Caldwell,
21 but do you happen to have or have had available the initial
22 photo lineup with Frankie Doctor in it?

23 A. I did not possess that. No.

24 MS. EIGENBROT: Thank you.

25 THE COURT: Anything further from this witness?

1 MS. GASTON: No, Your Honor.

2 THE COURT: You may step down. Call you next
3 witness.

4 MS. GASTON: The State calls Investigator Kevin
5 Bland.

6 Thereupon,

7 KEVIN BLAND

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

9 THE CLERK: Please have a seat. Once you're seated,
10 state your full name for the record.

11 THE WITNESS: Investigator Kevin Bland.

12 DIRECT EXAMINATION

13 BY MR. GOLDBERG:

14 Q. Investigator Bland, where are you employed?

15 A. Richland County Sheriff's Department.

16 Q. And what are your duties there?

17 A. I'm an investigator with the gang unit crime team.

18 Q. Were you working for the Sheriff's Department back
19 in October of 2019?

20 A. Yes, sir.

21 Q. And what was your role with them at that time?

22 A. Investigator with major crimes unit.

23 Q. Major crimes. And did you have an opportunity to
24 become involved with the investigation of a shooting that we
25 have discussed here on Ballenton Road?

KEVIN BLAND - DIRECT BY MR. GOLDBERG

68

1 A. Yes.

2 Q. Did you actually respond out to the scene that
3 night?

4 A. Yes. I did.

5 Q. All right. And tell us what happened when you first
6 got out to the scene that night.

7 A. I'm not sure what number I was when I got there, but
8 on my approach several deputies was already there ahead of me.
9 Once I stepped out, I assessed the crime scene, moved, walked
10 around, made sure everything was good and set. At the time
11 when I got there EMS was pulling up and they was working on
12 the surviving victim at the time. I continued to walk around
13 to see if we had any witnesses on the crime scene. I made
14 contact with, uhm, made contact with uhm --

15 Q. One of the deputies?

16 A. Correct.

17 Q. Deputy Ulmer? Hawkes?

18 A. Hawkes.

19 Q. Hawkes?

20 A. Hawkes. Correct. Made contact with him, they
21 telling me what was going on. I think I may have got on the
22 phone, relayed to one of the supervisors in reference to what
23 I had going on as well. As I continued to walk around to
24 check the witnesses, I came in contact with Mr. Telford who
25 verbally gave me a statement of what took place that day.

1 Q. All right. And so initially just to set the scene a
2 little bit, you said there were two deceased victims; is that
3 right?

4 A. Correct.

5 Q. And their names were what?

6 A. Mr. Justin.

7 Q. Justin Glenn?

8 A. Correct.

9 Q. And Christine Hayes?

10 A. Christine Hayes was the second victim, and the
11 surviving victim was John Dickerson.

12 Q. All right. And was Mr. Dickerson transported away
13 from the scene to receive medical treatment?

14 A. Correct.

15 Q. And what was the nature of the injuries for all
16 three of these individuals generally?

17 A. I couldn't see the first victim, the white female.
18 She was laying face down in the dirt. I couldn't see exactly
19 what her injuries were.

20 Q. Were they stabbed or shot?

21 A. To my examination they were shot. I moved around to
22 the second victim who was Mr. Justin and he was partially in
23 the vehicle and out of the vehicle. His leg was slightly out
24 of the vehicle. Most of his upper torso was still in the
25 vehicle. He had injuries to the left side of his head I

1 believe it was. As I walked around the back of the trailer,
2 that's where Mr. Dickerson was at. He was being treated by
3 EMS.

4 Q. All right. And so at some point you said you made
5 contact with the witness in the case Mr. Nathan Telford; is
6 that right?

7 A. Yes, sir.

8 Q. All right. And prior to your interacting with
9 Mr. Telford, had you received information about who the
10 suspect in this case might be?

11 A. Not prior to. It was after we talked to
12 Mr. Telford.

13 Q. Okay. And that information was that who was the
14 suspect?

15 A. They said Meke.

16 Q. Meke Doctor?

17 A. Meke.

18 Q. Meke Doctor?

19 A. They didn't give a last name, just said it was
20 Meke.

21 Q. Okay. And did you end up developing that as a
22 particular person named Doctor?

23 A. Correct.

24 Q. Which one was that?

25 A. It ended up being Frankie Doctor.

- 1 Q. Initially?
- 2 A. Yes.
- 3 Q. Okay. But as we heard from testimony a moment ago,
- 4 that ended up being a mistake; is that right?
- 5 A. That's correct.
- 6 Q. And so eventually the investigation turned to
- 7 Demetrick Doctor; is that right?
- 8 A. Yes.
- 9 Q. Okay. So when you made contact with Mr. Telford,
- 10 the subject of your conversation was about Meke Doctor; is
- 11 that right?
- 12 A. Correct.
- 13 Q. Demetrick Doctor?
- 14 A. Demetrick Doctor.
- 15 Q. Okay. And after getting information from him, later
- 16 on did you have an opportunity to be present when he was
- 17 presented with a photo lineup?
- 18 A. Yes. I was present with Sergeant Caldwell at the
- 19 time.
- 20 Q. Okay. Was that for the first lineup or the second
- 21 lineup?
- 22 A. The second.
- 23 Q. The second lineup.
- 24 A. Correct.
- 25 Q. Okay. And that's State's number 1 for ID that I'm

1 showing you. Is that the lineup that he was showed,
2 Mr. Telford was showed?

3 A. Correct.

4 Q. And that has two pages, right?

5 A. Correct.

6 Q. The affidavit page and then the actual --

7 A. Pictures.

8 Q. -- photo pictures?

9 A. Correct.

10 Q. All right. And were you standing right there when
11 Mr. Telford was presented with that lineup?

12 A. Correct. All three of us was like on the trunk of
13 my vehicle under the light so we could look at the pictures.

14 Q. Okay. And what, if anything, did you say to him
15 about the lineup and what he should do or not do?

16 A. I didn't say anything because once Sergeant Caldwell
17 made his statement, there was nothing else for me to say but
18 to allow him to look at the pictures.

19 Q. So did you observe him actually seeing the lineup?

20 A. I did.

21 Q. And was he able to identify someone from the
22 lineup?

23 A. Yes.

24 Q. And which one did he pick out?

25 A. Number 3.

1 Q. As the shooter in the case?

2 A. Correct.

3 Q. The person he knew as Meke Doctor; is that
4 correct?

5 A. Correct.

6 Q. And how certain was he with his selection?

7 A. It took him just a couple seconds to identify who
8 Meke Doctor was. He was quite certain in his choice.

9 Q. To your knowledge did he actually know Mr. Doctor?

10 A. Yes. He does.

11 Q. All right. Did he give you any hesitation when
12 making that selection?

13 A. No. He did not.

14 Q. Did you have any other involvement with him in terms
15 of, Mr. Telford, in terms of the photo lineup?

16 A. No, sir.

17 MR. GOLDBERG: Thank you. That's all I have at this
18 time.

19 THE COURT: Cross examination.

20 MS. EIGENBROT: I have no questions at this time.

21 THE COURT: Thank you. You may step down.

22 MR. GOLDBERG: Your Honor, I believe our next
23 witness might be outside, that would be Ms. Melton.

24 THE COURT: Get Ms. Melton.

25 Thereupon,

STACY MELTON - DIRECT BY MR. GOLDBERG

74

1 STACY RENEE MELTON

2 after having been first duly sworn, testified as follows,

3 THE CLERK: Please have a seat. Once you're seated,
4 state your full name for the record.

5 THE WITNESS: Stacy Renee Melton.

6 DIRECT EXAMINATION

7 BY MR. GOLDBERG:

8 Q. It's okay. Do you mind spelling your last name
9 please.

10 A. M-e-l-t-o-n.

11 Q. All right. Ms. Melton, have you ever had an
12 opportunity to appear in court to testify before?

13 A. No.

14 Q. And have you ever been a witness to a shooting or
15 anything like that prior to this incident?

16 A. No.

17 Q. Can you tell us briefly a little bit about yourself,
18 where you're from and where you went to school and all that.

19 A. I live here in Columbia. I went to school at North
20 Central.

21 Q. I'm sorry. Where?

22 A. North Central.

23 Q. North Central. Okay. All right. And I want to
24 take you back to October the 3rd, 2019, okay? Remember that
25 day?

1 A. Yes.

2 Q. And did you have an opportunity to go over to
3 Ballenton Road that day?

4 A. I did.

5 Q. And that's an area off of a dirt road; is that
6 right?

7 A. Yes.

8 Q. Had you been there before?

9 A. Mm-hmm.

10 Q. Had you been there often?

11 A. Yes.

12 Q. What were the reasons why you usually would go over
13 to that area?

14 A. Uhm, to hang out.

15 Q. Hang out, party?

16 A. Yeah.

17 Q. All right. Have a good time. All right. And so is
18 that what you were doing that day?

19 A. Yes.

20 Q. On October the 3rd when you went there and when you
21 got to the area of Ballenton Road, who were you hanging out
22 with?

23 A. Uhm, I had gotten there, uhm, and I was actually,
24 uhm, going to meet my friend.

25 Q. Okay. Who were you going to meet?

STACY MELTON - DIRECT BY MR. GOLDBERG

76

1 A. Uhm, Jules.

2 Q. Jules. What is Jules' given name?

3 A. Tina.

4 Q. Christina Hayes?

5 A. Uh-huh.

6 Q. So you were going to meet her there?

7 A. Mm-hmm.

8 Q. Had you been with her earlier in the day --

9 A. Yeah.

10 Q. -- and the night before?

11 A. We were at a friend's, had been at one of our
12 friend's house and then I got a different ride than she did
13 and so, but we were both meeting back at the dirt road, on
14 Ballenton Road.

15 Q. Who did she ride with?

16 A. Uhm, she was riding with Julio.

17 Q. Is that Justin Glenn?

18 A. Mm-hmm.

19 THE COURT: You have to say yes or no.

20 BY THE WITNESS:

21 A. Yes.

22 MR. GOLDBERG: Thank you.

23 BY MR. GOLDBERG:

24 Q. Okay. And so when you got there, was Jules or

25 Mr. Glenn there yet?

1 A. No.

2 Q. Okay. So who were you hanging out with initially

3 when you were on the scene there?

4 A. Ferb.

5 Q. Ferb?

6 A. Yeah.

7 Q. Who is that?

8 A. Christopher Doctor.

9 Q. Christopher Doctor?

10 A. Mm-hmm.

11 Q. And what is his relationship to the defendant

12 Demetrick Doctor?

13 A. They're brother's.

14 Q. Brothers. Okay. And at some point when you were

15 hanging with Ferb, is that F-e-r-b?

16 A. Uh-huh.

17 Q. Okay. At some point when you were hanging out with

18 him, did Jules, Ms. Hayes and Mr. Glenn did they then come to

19 the area?

20 A. Mm-hmm. They did.

21 Q. Okay. Did you talk to them?

22 A. Mm-hmm. I went down to the car, uhm, and I got in

23 the back seat with Jules, Tina, Christina.

24 Q. All right. And then did you get out of the car

25 also?

1 A. Uhm, I got out of the car because, uhm, Ferb wanted
2 to borrow \$5.00 and as I was handing him the money, then that,
3 yeah.

4 Q. Okay. So as you were handing him the money, what,
5 if anything, did you notice about a car coming down the
6 road?

7 A. I saw a white car coming up real fast.

8 Q. Okay. And is there more than one way to get into
9 this area?

10 A. No.

11 Q. And it was coming towards where y'all were real fast
12 you said?

13 A. Uhm, it looked like it. Yeah.

14 Q. Okay. What, if anything, did you then hear or see
15 once that car pulled in?

16 A. Uhm, I just, I mean, there were, Ferb was telling me
17 something, I don't remember exactly what it was, but he
18 started running, and then I took off the other way. He went
19 one way and I went the other.

20 Q. Okay. Which way did you go?

21 A. Uhm, around -- I went to the right.

22 Q. Okay. And what did you hear or see as you took off
23 running?

24 A. Uhm, I didn't really know what the noise was so I
25 got nosey I guess and I turned around and went back the other

1 way which is the way I came.

2 Q. Back towards the front, in front of the trailer; is
3 that right?

4 A. Right. And, uhm, that's when I saw like three
5 flashes.

6 Q. Like muzzle flashes?

7 A. Yeah. It was like three I saw and, uhm, I realized
8 that it was fire coming out of a gun so that's when I turned
9 around and I went back again the other way.

10 Q. Back behind the trailer?

11 A. Uh-huh.

12 Q. Okay. At this point were you able to see who was
13 actually firing?

14 A. I couldn't see anybody.

15 Q. Okay. So when you go back behind the trailer, can
16 you describe where you went and what you saw? Take your time.

17 A. Okay. I'm just trying to remember.

18 Q. It's okay.

19 A. I just started running and then I ran into, uhm,
20 Meke.

21 Q. Meke?

22 A. He had --

23 Q. Now, who is Meke?

24 A. (Indicating.)

25 Q. What is his name?

- 1 A. Demetrick Doctor.
- 2 Q. Demetrick Doctor?
- 3 A. Yeah.
- 4 Q. Do you know Demetrick Doctor?
- 5 A. I had met him before.
- 6 Q. Okay. And had you met him through his brother
- 7 Chris?
- 8 A. (Witness nodding head.)
- 9 Q. I'm sorry?
- 10 A. Yeah.
- 11 Q. Okay. All right. And so you said you encountered
- 12 Meke?
- 13 A. Yep.
- 14 Q. All right. And what did you see or what did you
- 15 notice about Meke when you saw him?
- 16 A. He was angry.
- 17 Q. He was angry?
- 18 A. Yeah. He had, you know, a gun and he was, a gun in
- 19 each hand, but and then he didn't shoot me, you know. He went
- 20 around the other way. I just put my head down. I didn't know
- 21 what to do.
- 22 Q. And how certain were you that it was Meke?
- 23 A. I was pretty sure.
- 24 Q. Because you had been around him before, correct?
- 25 A. Mm-hmm.

- 1 Q. When you encountered him and you saw him with these
2 guns in each hand, do you recall about how close you were away
3 from each other?
- 4 A. Probably closer than me and him.
- 5 Q. You're talking about the court reporter next to
6 you?
- 7 A. Uh-huh. Pretty close.
- 8 Q. So a foot or two; is that fair?
- 9 A. Yeah.
- 10 Q. Did he say anything to you?
- 11 A. Uhm, not really. Uhm --
- 12 Q. Not to you?
- 13 A. Yeah. No. Not directly to me. He just put his
14 arms down.
- 15 Q. And did he then leave the area?
- 16 A. Mm-hmm. Uhm, I don't know where he went. I didn't
17 look. I just had my head down.
- 18 Q. All right. Did you, after this happened, did you
19 leave the area?
- 20 A. Uhm, after I, uhm, I didn't hear anymore gunshots
21 and I started to hear cars pulling off and, uhm, I got back up
22 and I just ran nextdoor, you know.
- 23 Q. You ran nextdoor?
- 24 A. (Witness nodding head.)
- 25 Q. Had you ever --

STACY MELTON - DIRECT BY MR. GOLDBERG

82

1 A. And --

2 Q. I'm sorry.

3 A. I just got up and I was looking for Jules and I
4 couldn't find her.

5 Q. You couldn't find Jules?

6 A. (Witness shaking head.)

7 Q. Had you ever seen or witnessed anything like this
8 before?

9 A. No.

10 Q. Fair to say you were paying pretty close attention
11 when you saw him?

12 A. (Witness nodding head.)

13 Q. You have to verbalize it.

14 A. Yes.

15 Q. Thank you. I'm sorry. And so did you ultimately
16 talk to law enforcement?

17 A. I did.

18 Q. Okay. And did they, in fact, show you two different
19 photo lineups that night on the scene?

20 A. Mm-hmm.

21 THE COURT: You have to say yes or no.

22 BY THE WITNESS:

23 A. Yes. I'm sorry.

24 BY MR. GOLDBERG:

25 Q. That's all right. So the first time they showed you

1 a lineup, they asked you to look at a grouping of six photos;
2 is that right?

3 A. Yes.

4 Q. And were you able to identify anyone in the first
5 one?

6 A. No. Not in the first.

7 Q. Okay. And what did they ask you when they showed it
8 to you?

9 A. If I had saw the person that I saw with the guns
10 that night.

11 Q. And you didn't see him in that lineup?

12 A. No. I didn't.

13 Q. All right. And then after that, did a different
14 officer show you a different photo lineup with six photos in
15 it?

16 A. Yeah.

17 Q. Okay. I'm going to show you State's number 2 for
18 ID. Is this, is that your signature on State's number 2?

19 A. Yes.

20 Q. All right. And is this the lineup that they showed
21 you of six photos?

22 A. Yeah.

23 Q. And were you able to identify anyone in the lineup
24 as the person you saw with the guns?

25 A. Yeah.

1 Q. Which one was it?

2 A. Number 3.

3 Q. Number 3. Is that the person that you knew as Meke
4 or Demetrick Doctor?

5 A. Yeah.

6 Q. And do you see Mr. Doctor in the courtroom today?

7 A. Uhm, yeah.

8 Q. Can you just describe what color his shirt is?

9 A. Blue.

10 Q. Blue shirt. Okay. Thank you. When the officers
11 showed you that lineup, did they suggest to you in any way who
12 you should pick?

13 A. No.

14 Q. Were you certain when you made the selection?

15 A. (Witness nodding head.) Yes.

16 Q. Did you make the pick pretty quickly?

17 A. Uhm, yes.

18 MR. GOLDBERG: All right. Ms. Melton, that's all
19 the questions I have at this time. Please answer any
20 questions the defense has.

21 THE COURT: Cross examination.

22 MS. EIGENBROT: Thank you, Your Honor. May it
23 please the Court.

24 THE COURT: Yes, ma'am.

25 CROSS EXAMINATION

1 BY MS. EIGENBROT:

2 Q. Ms. Melton, I know you're nervous. I'll make this
3 as painless as possible, okay?

4 A. Okay.

5 Q. Now back then in 2019, you were using drugs back
6 then, right?

7 A. Yes.

8 Q. Were you using drugs that day?

9 A. Yes.

10 Q. What kind were you using back then?

11 A. Uhm, crack.

12 Q. I know you had been with Jules earlier in the day.
13 Did you use crack then?

14 A. I did.

15 Q. And then I know you ended up on the dirt road,
16 right?

17 A. Yes. I'm sorry.

18 Q. That's okay. And you met up with Ferb, right?

19 A. Yes. Yes.

20 Q. And did you and him both use that night when you got
21 to the dirt road?

22 A. Yes.

23 Q. And what time do you think you got to the dirt road
24 that night?

25 A. Uhm, I think --

1 Q. Best guess.

2 A. Yeah. I guess around, it was between eight and 10 I
3 would say. I'm not real positive.

4 Q. And it was October, right?

5 A. Yes.

6 Q. So it's fairly dark when you get there?

7 A. Yeah. It's already dark when I get there.

8 Q. And the dirt road, it's kind of like a lot with a
9 trailer and a camper that was parked there; is that right?

10 A. Yes.

11 Q. And they've got the one light pole --

12 A. Yes.

13 Q. -- is that right? And that's on the one side of the
14 trailer on the far side, right?

15 A. Right.

16 Q. Now, you mentioned getting out of the car to hand
17 Ferb some money. Where were you standing when that
18 happened?

19 A. Uhm, I was kind of in front of the RV where the
20 camper was parked in front of the trailer.

21 Q. Okay. Would you say the front part of the camper or
22 the back part of the camper?

23 A. I'm thinking more in the middle I'm thinking.

24 Q. So right there in the middle between the trailer and
25 the camper, that middle section right there?

- 1 A. Yes, ma'am.
- 2 Q. Okay. And I think there was a car parked there at
3 the time, right? A Mercedes maybe?
- 4 A. Yes.
- 5 Q. So you're saying at the back end of that Mercedes?
- 6 A. I'm not real positive.
- 7 Q. That's okay. And then you said you took off to the
8 right. So when you say the right, are you referring to --
- 9 A. My right.
- 10 Q. -- looking at the trailer. So you're looking at the
11 trailer?
- 12 A. No. I was looking away from it.
- 13 Q. Okay. So you went the other - towards the light
14 pole if I'm understanding?
- 15 A. Right. Yes. I went actually - yes.
- 16 Q. And you were actually behind the trailer, correct?
- 17 A. Yes.
- 18 Q. When you heard the first boom or noise?
- 19 A. Uhm, yeah. On the side of it. You know, not quite
20 in the back yet, but I was sort of on the side.
- 21 Q. And you at that time did not see where that noise
22 was coming from necessarily?
- 23 A. (Witness shaking head.) I didn't even recognize
24 what it was.
- 25 Q. Now, I know you mentioned that you kind of came back

1 around. How far behind the trailer had you gotten when you
2 turned around?

3 A. I hadn't even made it around the building yet when I
4 turned around. I was still on the side. I wasn't even at the
5 back of the trailer yet when I turned around, before I turned
6 around.

7 Q. And then that's when you kind of very quickly turned
8 back around; is that right?

9 A. Yeah. I dropped on the fire, on the second round of
10 shots. That's when I realized what they were.

11 Q. Where did you go after that?

12 A. Uhm, I went, I turned around, around the back way
13 again. This way.

14 Q. When you were in the back of the property, where
15 were you standing at that time?

16 A. Uhm, I was running past the back porch. There's a
17 back porch on the trailer and a water fountain.

18 Q. And that's when you say you ran into Meke?

19 A. Yes.

20 Q. By the water fountain?

21 A. (Witness nodding head.)

22 Q. And that's on the opposite side of the trailer,
23 correct?

24 A. The back side.

25 Q. And, I mean, it's fair to say that you were pretty

1 terrified at that point?

2 A. Yes.

3 Q. Fairly panicked; is that right?

4 A. Yes.

5 Q. Ms. Melton, you wear contacts; is that correct?

6 A. I do.

7 Q. And you were not wearing them that night?

8 A. No.

9 Q. And then you said you ran nextdoor; is that right?

10 A. Yes.

11 Q. And is that Mr. Telford's house?

12 A. Yes.

13 Q. And Mr. Telford was inside when you got there?

14 A. Who? There's four different Telfords.

15 Q. Nathan Telford?

16 A. Okay. Yeah. Nate. Whenever I ran into Meke, Nate
17 was already laying down, uhm, and he was already like hiding
18 or covering.

19 Q. So you didn't see him after, right after the
20 shooting?

21 A. I saw him during the shooting. During when the
22 shots were being fired I ran into Nate. Where I fell out,
23 where I fell down, that's where Nate was laying.

24 MS. EIGENBROT: All right. Thank you, Ms. Melton.

25 I have no further questions.

STACY MELTON - REDIRECT BY MR. GOLDBERG

90

1 THE COURT: Anything further from this witness?

2 MR. GOLDBERG: Briefly.

3 REDIRECT EXAMINATION

4 BY MR. GOLDBERG:

5 Q. Ms. Eigenbrot asked you about contact lenses,
6 right?

7 A. Yes.

8 Q. You have a pretty good view of our court reporter
9 sitting right there, that kind of distance, and you said
10 that's about how close Mr. Doctor was to you that night?

11 A. Yeah. I just can't see far away.

12 Q. Are you wearing contacts now?

13 A. No.

14 Q. You said you can see pretty good where? I'm sorry.
15 You said something about close or far away?

16 A. Yeah. I can see him.

17 Q. But I'm sorry. I was talking, what did you say
18 about far away?

19 A. I can see up close. I can't see too well for a
20 distance.

21 MR. GOLDBERG: I understand. Okay. Thank you.
22 That's all I have.

23 THE COURT: Anything further, Ms. Eigenbrot?

24 MS. EIGENBROT: No, Your Honor.

25 THE COURT: Thank you, ma'am. You may step down.

1 Mr. Goldberg.

2 MR. GOLDBERG: The State would call Nathan Telford.
3 Thereupon,

4 NATHAN TELFORD

5 after having been first duly sworn, testified as follows,

6 THE CLERK: Please have a seat. Once you're seated,
7 state your full name for the record.

8 THE WITNESS: Nathan Telford.

9 DIRECT EXAMINATION

10 BY MR. GOLDBERG:

11 Q. All right. Mr. Telford, can you spell your last
12 name please?

13 A. T-e-l-f-o-r-d.

14 Q. All right.

15 THE COURT: Okay. You need to scoot forward or pull
16 that microphone back.

17 THE WITNESS: Okay. Can you hear me now?

18 THE COURT: Yes.

19 BY THE WITNESS:

20 A. Telford, T-e-l-f-o-r-d.

21 BY MR. GOLDBERG:

22 Q. Perfect. Thank you. Mr. Telford, just tell us
23 briefly a little bit about where you're from, where you went
24 to school and all that stuff.

25 A. I'm from Columbia, went to Eau Claire High School,

1 graduated Eau Claire High School, Midland Tech, graduated with
2 a degree in business management, from there went to Atlanta.

3 Q. Atlanta?

4 A. Yeah. Stayed in Atlanta 11 years, came back home,
5 I'm here back now.

6 Q. All right. You've got family in this area
7 generally?

8 A. Yeah, generally. Yeah. Like I say, I'm from
9 Columbia.

10 Q. Okay. All right. And have you ever testified in a
11 proceeding like this before?

12 A. No.

13 Q. Okay. And I want to take you back to October the
14 3rd, 2019. Were you over in the area of 129 Ballenton Road on
15 that day.

16 A. Yes. That's where my mother stay.

17 Q. Your mother stays there?

18 A. Well, not there. Right nextdoor. My brother stay
19 there.

20 Q. So can you describe for the Judge a little bit, like
21 we've got a house and a trailer and kind of what the scenario
22 is there.

23 A. Okay. It's a house on the one side, there's a
24 trailer. The whole neighborhood is family. All the
25 neighborhood is like family. That's where we grew up from day

1 one. You know, my mom stay in the brick house. My brother
2 stayed in the trailer. My mother stay there. My brother
3 stayed in the trailer.

4 Q. Okay. You say he no longer stays there?

5 A. No. He no longer stays there.

6 Q. Okay. And do you often go over there and hang
7 out?

8 A. Yes.

9 Q. And do a number of other people in the area come to
10 hang out as well?

11 A. Like I said, it's a family thing. They come out
12 there, they come over there, sometimes we have a cook-out
13 every other day.

14 Q. And sometimes people who aren't part of the family
15 will come hang out, right?

16 A. If they in our circle, yeah, they do.

17 Q. Okay. And they'll be partying a little bit, hanging
18 out, eating, all that kind of stuff?

19 A. Yes.

20 Q. Is it fair to say that on occasion there are some
21 folks using drugs around that area on occasion?

22 A. On occasion.

23 Q. Okay. All right. And so you've been there too many
24 times to count, right?

25 A. 54 year. I mean, yeah. That's where I live.

1 Q. I understand. All right. So I want to talk to you
2 a little bit about this incident. Can you tell the Judge a
3 little bit about prior to the incident that we're here to talk
4 about, like what you were doing there that day, who you were
5 hanging out with, that sort of thing?

6 A. Uhm, that night I was, I was in the back of the
7 trailer playing cards, me and a girl named Donna playing cards
8 by ourselves, you know, just hanging out like I said. Back
9 then I stayed with my momma. When I came from Atlanta, me and
10 my wife came with my mom to help my mom out. Like I said, we
11 was hanging out by the trailer, hanging out in the back, you
12 know. I was out there playing cards.

13 Q. So what was the first thing that you noticed in
14 terms of like a commotion or something happening that was
15 unusual that night?

16 A. Okay. Like I said, I was playing cards. I was
17 winning, too, and we heard a gunshot. No. First I heard a
18 car pull up.

19 Q. A car pull up?

20 A. Yeah. But that was nothing unusual on the dirt road
21 because that's how they drive that way. And so I'm still
22 playing cards and I'm winning and then I just heard a
23 commotion going on, somebody running. And I was like, what
24 are you running from? And I'm still playing cards. I wasn't
25 paying no attention, so I know it's a family thing, so I know,

1 you know, it's probably a joke or something like that. The
2 next thing I heard is a gunshot, heard gunshots, and then I
3 did right off what I was supposed to do, I took off. I ran to
4 the building and laid on the ground.

5 Q. You hid on the ground?

6 A. Yes.

7 Q. Okay. And do you recall while you were laying on
8 the ground if you saw any people going by you?

9 A. Yes. People going, people running. Everybody
10 running, you know, different places.

11 Q. Okay.

12 A. I wasn't --

13 Q. And -- I'm sorry. Go ahead.

14 A. I wasn't moving. I just stayed in my one spot.

15 Q. Staying in your spot?

16 A. Yes.

17 Q. Okay. And at some point did you -- Let me back up.

18 Do you know a gentleman named Christopher Doctor?

19 A. Yes. Yes.

20 Q. And does he go by the name Ferb?

21 A. Yes. That's my friend. That's my boy.

22 Q. That's your friend?

23 A. That's my friend.

24 Q. Okay. All right. And have you ever met his brother
25 Demetrick?

1 A. Yeah. Demetrick. Yeah. That's the Doctors. We
2 all friends. We all grew up together, all of us grew up
3 together as friends.

4 Q. Does Demetrick go by Meke sometimes?

5 A. Yeah. Yeah. We don't call each other our real
6 name, but we call him Meke. Yeah.

7 Q. Sure. Okay. All right. And had you seen
8 Christopher Doctor out there that night at any point?

9 A. Yeah. I mean, yeah. He came earlier. He came
10 earlier out there that day I seen him and that night I seen
11 him. Yeah.

12 Q. So now tell the Judge, when you were - you said you
13 took cover after you heard these gunshots, right?

14 A. Mm-hmm.

15 Q. And you saw people running by?

16 A. Yes.

17 Q. All right. At some point while that was going on,
18 did you see Meke or Demetrick come by?

19 A. Yeah. He came up behind me. I mean, I was laying
20 taking cover. Like I said, I heard gunshots in the front.
21 Yes. I heard - I mean, I was laying, I was laying like, it
22 looks like a chair came out the back of a vehicle, a Tahoe
23 truck.

24 Q. A chair came out of a Tahoe like a --

25 A. You know, like laying there on the ground. You know

1 what I'm saying? That's where we sitting on, the whole back
2 seat, and I was, I was laying like on the ground by it and,
3 yes, he came by. He didn't come by. He came like, I was
4 laying there and he be like, like came behind me, and I was
5 like, when I seen him, I was like (indicating.) So I know
6 somebody there, you know, gonna help me out, you know. I
7 didn't know what was going on.

8 Q. And is that because you recognized him?

9 A. Yeah. I recognized him. Yeah.

10 Q. How quickly did you recognize him?

11 A. Right there when I seen him.

12 Q. Okay. And what, if anything, did you notice about
13 what he had in his hands?

14 A. When he came by, he was, you know, when he came by,
15 he said, Telford. You know, I looked up, I looked right at
16 him. I said, it's Telford. He said, don't worry. I'm good.
17 You're good. He said, you're Telford. Okay, yeah. Yeah, he
18 had a gun in his hands. He had two guns in his hands.

19 Q. Okay. All right. And about how far away from you
20 was he when you saw him with those guns in his hands?

21 A. (Indicating.) Yeah. Right here. It wasn't, you
22 know --

23 Q. So for the record, are you saying that he was about
24 where the court reporter is now?

25 A. Like I said, I'm laying on the ground and he came

1 like he was right behind me and he was standing over the top
2 of me.

3 Q. Over the top of you?

4 A. You know, like standing over the top of me. Yeah.

5 Q. And he recognized you, too?

6 A. Yeah. He recognized me.

7 Q. Y'all have known each other for a while, right?

8 A. Years. That's my boy.

9 Q. Okay. All right. And do you see him in the
10 courtroom today? Describe what shirt color he's wearing. You
11 might have the microphone in your way. Move it out of your
12 way.

13 A. He's -- I really can't -- I mean, I can't, I can't
14 see.

15 Q. If you need to step down and look, you can.

16 A. That's Meke. That my boy Meke.

17 Q. All right. Wearing the blue shirt?

18 A. Yes.

19 Q. Okay. All right. And did he harm you at this
20 point?

21 A. No. We close. You know, we close. No harm. He
22 would never harm me. We was too close. Like I said, we
23 close.

24 Q. All right. And after you saw him with the guns, did
25 he stay around or did he leave?

1 A. He left. I mean, he left. He left.

2 Q. Okay. Did you stay or did you leave?

3 A. I left.

4 Q. Where did you go?

5 A. I went to my mom's house nextdoor.

6 Q. Nextdoor?

7 A. Yes.

8 Q. Police came, right?

9 A. Yeah, police. Well, not right then. Police didn't

10 come right then. After all the commotion there, my cousin was

11 in the back, a guy named Chris, you know, a guy named little

12 Chris, he had, he had, he told us somebody got shot back there

13 in the back where the cans was.

14 Q. Somebody got shot in the back by the cans?

15 A. Yeah, where the cans was. I was like, I didn't know

16 who it was. I had no idea. Somebody said call 911, and

17 everyone looking around like they stupid like they don't want

18 to call 911, so I said I'll go call. I call 911. I said

19 somebody was shot and then that's when the police came.

20 Q. You called 911?

21 A. I called 911, yeah, because nobody else called them.

22 I called 911, because my cousin got shot in the back, you

23 know, where the cans was.

24 Q. Okay. So there was a man shot laying by the cans in

25 the back?

1 A. Yeah.

2 Q. And he was alive, correct?

3 A. He was alive. Yeah.

4 Q. And then did you later see that there were two other
5 people that had been shot?

6 A. You know, I didn't know. I get to my mom's house, I
7 didn't know they was shot.

8 Q. Okay.

9 A. I mean, I was like, all I know is someone was shot.
10 I heard the shooting, but I didn't know anybody was shot. I
11 didn't know until 10, 15 minutes after. That's when the
12 police came by that time. I never did go in the front. I
13 never did go in the front. That's when I know. I was at my
14 mom's house, they had said so and so got shot. I say what?
15 They said in the front yard. I didn't see it. I didn't see
16 nothing about all that.

17 Q. And the guy in the back who had been shot, that was
18 sort of near where you saw Mr. Doctor with the guns,
19 correct?

20 A. Okay. If you want a distance for it, if you want to
21 say a distance, we standing here. Meke standing behind me.
22 I'm like from here to where the two ladies in the back room,
23 that's what the distance was.

24 Q. Okay. All right.

25 A. Like I say, I laid down so...

1 Q. All right. And so once law enforcement did get
2 there, you actually talked to them, right?

3 A. Yeah. Yeah. I talked to them.

4 Q. All right. And I think at one point you talked to
5 Investigator Bland?

6 A. Bland. Yeah. Bland. That's, that was the first
7 one I talked to.

8 Q. Okay. And told him a fellow named Meke Doctor?

9 A. No, sir. No. No. No. No. No. You wrong.

10 Q. Okay.

11 A. I didn't call no name. I didn't say no name. I
12 didn't see nobody shoot nobody. I didn't see him shoot
13 nobody. I didn't say, I didn't say that. He asked me, uhm,
14 his name to tell him. He said, the shooter. And I said I
15 didn't see him shoot nobody. That's when he showed me a photo
16 lineup, a photo lineup of Demetrick.

17 Q. Okay. So they actually showed you two photo
18 lineups?

19 A. Two. Two of them. The first one, he wasn't in the
20 first one.

21 Q. He wasn't in the first one?

22 A. No, sir.

23 Q. Did you see anybody you recognized in that, in that
24 one?

25 A. The first one?

1 Q. Yes. Was his brother in that one?

2 A. His brother, his brother was in the first one so I
3 knew his brother.

4 Q. But you didn't see his brother out there that night,
5 right?

6 A. No. His brother wasn't out there. No.

7 Q. We're not, just for the Court's clarification, we're
8 not talking about his brother Chris, right? We're talking
9 about a third brother Frankie?

10 A. Yeah. Frankie. Yeah.

11 Q. Frankie wasn't out there?

12 A. He wasn't there. No.

13 Q. Okay. So you told them, you said, hey, he's not in
14 this lineup, right?

15 A. He's not in the lineup. And then about 20, 30
16 minutes later, they came with another photo.

17 Q. Okay.

18 A. And I said, yes, that's him. That's who I saw.

19 Q. All right. State's number 1 for ID, is that the
20 one, the second one that they showed you?

21 A. Yeah. Yeah. The one. Yeah.

22 Q. Okay. And which one did you pick out?

23 A. Number 3.

24 Q. Okay. And that was the one that you saw with the
25 guns, right?

1 A. Yes.

2 Q. And that was Meke?

3 A. Yeah. I saw him with the guns. Yeah.

4 Q. All right. And that's State's number 1. All right.

5 When they showed you that lineup, I mean, how certain were you

6 that that was him that you knew in the lineup?

7 A. Meke. Yeah. I know it's him.

8 Q. Picked him out pretty quick?

9 A. Yeah.

10 Q. Because you had known him a long time?

11 A. Years. Years. Kind of like we grew up together.

12 Q. Did they say anything to you about who you should

13 pick or suggest who you should pick or anything like that?

14 A. No. Okay. I'll tell you, first they didn't know

15 who it was, I mean, and then Renee told me who it was. They

16 ask do I know who she's talking about. I said, yeah, I know

17 who she, I know who she's talking about. They said, can you

18 pick him out of the lineup. I said yeah. And I said that's

19 him.

20 MR. GOLDBERG: All right. Mr. Telford, that's all

21 I've got for you right now. These nice folks are gonna

22 ask you some questions, all right?

23 THE WITNESS: Oh, they are?

24 MR. GOLDBERG: Yes, sir. Please answer their

25 questions.

1 THE COURT: Stay right there. She gets a chance to
2 ask you some questions, too.

3 MS. EIGENBROT: Thank you, Your Honor. May it
4 please the Court.

5 CROSS EXAMINATION

6 BY MS. EIGENBROT:

7 Q. Good afternoon, Mr. Telford.

8 A. How you doing, ma'am?

9 Q. Good. How are you?

10 A. Fine, thank you.

11 Q. Good. I just have a couple questions for you, okay?

12 A. Yes, ma'am.

13 Q. You said you were playing cards, right?

14 A. Yes.

15 Q. Playing cards with was it Donna?

16 A. Donna Westman, yeah.

17 Q. All right. Where were you guys sitting when you
18 were playing cards?

19 A. Okay. I was, if you're facing the trailer from the
20 road, I was the back end on the right hand corner - left hand
21 corner.

22 Q. Left hand corner, okay.

23 A. Left hand corner. Yeah.

24 Q. All right. Do you remember which chair you were
25 sitting in?

1 A. I was sitting in the chair facing the trailer, her
2 back was to the trailer.

3 Q. All right. And you said you heard a car, right?

4 A. I heard a car pull up. Like I said, that's wasn't
5 unusual like on our road. It wasn't nothing unusual.

6 Q. And then you kind of, that's when you kind of heard
7 somebody running?

8 A. No. I heard the car drive up and we just kept
9 playing.

10 Q. Just kept playing cards. Okay.

11 A. And then a little later, that's when I seen, you
12 know, I heard people running.

13 Q. Okay. You said it was Ferb running?

14 A. No.

15 Q. You just didn't know who it was running?

16 A. I didn't know who it was running. I heard people
17 running.

18 Q. Okay. I think you said people running. How many
19 people were out there that night?

20 A. Well, on the other side, I'm not sure, but I seen, I
21 seen like two or three people running from there.

22 Q. Okay. And then you heard the gunshots, right?

23 A. Yes.

24 Q. And you took cover on the ground?

25 A. Yes. I did.

1 Q. And explain to me a little bit more where you took
2 cover at.

3 A. Okay. Where I was at, you had to go around on the
4 corner in back of the trailer, you go around the step part and
5 there's a tent, it was a tent, there was a tent up under there
6 and like I said, there was a back seat of a Tahoe, you know,
7 truck on the back on the floor. I laid down on the ground
8 beside the, beside the trailer.

9 Q. So it's kind of a covered area right there?

10 A. Yes. Like a, like a long tent like, yeah.

11 Q. All right. And it's dark outside, right?

12 A. Oh, yeah.

13 Q. And have you ever had any shootings out at this
14 place before?

15 A. Oh, yeah. We've had some shootings. Yes, ma'am.

16 Q. At your - at your, at that address?

17 A. Well, you know, yes, at that address.

18 Q. And you knew to take cover at that time?

19 A. Oh, yes.

20 Q. All right. I think you said once it's all kind of
21 done and over, you go to your mom's house?

22 A. I went nextdoor to my mom's house.

23 Q. All right. And little Chris is the one that said
24 somebody's in the backyard shot?

25 A. Yes. Somebody said call 911. He had a phone. I

1 grabbed the phone and that's when I called 911. And then I'm
2 still around in the back by the cans where he was shot at, you
3 know, waiting on the police. They kept asking, you know, as
4 far as what's your name. I said they don't need the name.
5 Just call.

6 Q. Who was at the house when you went over to your
7 mom's house?

8 A. I can't remember all. My brother was on the
9 inside.

10 Q. You say brother, which brother?

11 A. All of them. I got four brothers. They were
12 inside. But everybody came outside after they heard that, you
13 know, so I can't say like who all was there, who all exactly
14 was there outside.

15 MS. EIGENBROT: Mr. Telford, thank you. I have no
16 further questions.

17 THE COURT: Mr. Goldberg, anything further from this
18 witness?

19 MR. GOLDBERG: No, Your Honor.

20 THE COURT: Okay. Thank you, sir. You can step
21 down.

22 THE WITNESS: Thank you.

23 MR. GOLDBERG: Your Honor, that's all of the State's
24 witnesses for the Biggers hearing.

25 THE COURT: All right. Does the defense have any

1 witnesses?

2 MS. EIGENBROT: No, Your Honor.

3 THE COURT: All right. Let me hear argument.

4 MS. EIGENBROT: Well, Your Honor, I think the main
5 concern here is just the ability of witnesses to have
6 seen and perceived the incident. I know both testified
7 that they were fairly close to the individual they claim
8 to have seen that night, but it's also very, very dark at
9 this location. I would argue sitting next to the court
10 reporter in a lit courtroom during the day, not under the
11 influence of any drugs or alcohol would change your
12 perception or affect your perception when you're in a
13 dark area, so I think my bigger issue with these lineups
14 is that their ability to perceive these things.

15 Additionally, I have some concerns about them
16 identifying how they make the identification as far as
17 what the individual is doing. I believe both of those
18 lineups describe it as shooting. I think both of these
19 witnesses claim they see my client in the backyard, but
20 only with guns. Neither of them actually indicate they
21 see him firing any weapons. So I have some concerns
22 there as well, Your Honor, so for those reasons we
23 believe we should be able to limit the photo lineups from
24 coming into evidence and their ability to identify him in
25 the courtroom as the shooter from that night.

1 THE COURT: Okay. I think it's very clear
2 particularly with Mr. Telford that his intention is not
3 to identify the defendant as the shooter. I think he
4 even clarified when Mr. Goldberg posed a question to him,
5 they had, both witnesses have identified the defendant as
6 the person they saw in possession of two firearms that
7 night and that is what that is. I think those
8 identifications are sufficiently reliable. There is a
9 minimal likelihood of misidentification. Both witnesses
10 knew the defendant from prior circumstances. He wasn't a
11 stranger to either of them and they both indicated they
12 were one hundred percent sure, that they picked the
13 defendant very quickly out of the lineup with no
14 hesitation, no reservation. They were certain.

15 They certainly paid attention, close attention to
16 who they saw with the firearms that night at least
17 according to their testimony and so that enhances the
18 reliability of their identification. I don't find that
19 the procedure was done in a suggestive manner. All law
20 enforcement officers testified that they did not tell
21 either witness who to pick or that there was even anyone
22 in there and, in fact, the fact that there was a first
23 lineup in which both witnesses recognized someone, but
24 knew that that was not the shooter enhances the
25 reliability in this Court's view of their identification

1 because they weren't just picking someone for the sake of
2 picking someone. They only picked someone that they knew
3 to be the person who was out there possessing guns that
4 evening so the Court is not going to exclude the
5 identifications made by either witness of the defendant.

6 But, you know, your point is well taken, Ms.
7 Eigenbrot, for argument sake and for clarification in the
8 witnesses' testimony, but I think Mr. Telford in
9 particular is not going to let anybody get it wrong. No.
10 No. No. I didn't see anyone shooting. That's not what
11 I said. I said that I saw him with guns. So I think
12 that that's crystal clear and that is what it is. It's
13 certainly circumstantial evidence that the jury can
14 appropriately consider, so for those reasons the
15 identifications will be allowed into evidence.

16 MS. EIGENBROT: Thank you, Your Honor.

17 MR. GOLDBERG: Thank you, Your Honor.

18 THE COURT: Thank you. Additional pre-trial matters
19 from the defense?

20 MS. EIGENBROT: Your Honor, I think we had one kind
21 of collateral matter. I think it may be best handled
22 during testimony, but I did put it on the pretrial
23 motions list out of an abundance of caution. During Ms.
24 Melton's initial conversation with law enforcement at the
25 scene, she makes several comments about my client along

1 with his family about them all being crazy, all of them
2 maybe were, you know, in prison for murder, she's
3 terrified of all of them, this sort of thing. I would,
4 you know, object to that information coming in.
5 Obviously if we open the door, it's a different situation
6 but, you know, for opening sake I wanted to address that
7 on the front end.

8 THE COURT: Ms. Gaston.

9 MS. GASTON: We have no plans to bring up that
10 information in opening, Your Honor.

11 THE COURT: Okay. Would you though have a
12 conversation with Ms. Melton about that? I don't want
13 her to sort of go rogue and just sort of verbal diarrhea
14 and start talking about how afraid she is before you're
15 able to catch it.

16 MS. GASTON: Absolutely, Judge.

17 THE COURT: Okay. Anything else?

18 MR. TATE: Real briefly, Your Honor. Very, very
19 similarly we would ask that the witnesses be sequestered,
20 specifically the civilian witnesses even though they have
21 given statements because we've got information coming
22 from two different places. One were statements given to
23 law enforcement very early. Secondly, there was a body
24 worn camera which had a recording of the statement of
25 Mr. Telford, but that was destroyed by law enforcement.

1 It's no longer available. We then get Riddle material
2 which is not in contradiction of but is a great expansion
3 of what was originally told to law enforcement. So we
4 would ask that the non law enforcement witnesses to be
5 sequestered and while they're both here, it might not be
6 a bad time for the Court to instruct them not to have
7 conversations with each other because they still hang out
8 together.

9 THE COURT: Any objection to any of that from the
10 State?

11 MR. GOLDBERG: No objection to the sequestration and
12 we will certainly instruct them not to discuss the case
13 with each other in any way whatsoever.

14 THE COURT: Sounds good to me. Anything else,
15 Mr. Tate?

16 MR. TATE: Nothing, Your Honor.

17 MR. GOLDBERG: Just for the sake of clarity though
18 as far as law enforcement goes they can come and go?

19 MR. TATE: The police officers are free to come and
20 go as long as the State's fine.

21 THE COURT: Okay. Do we need to talk about criminal
22 records if any of the State's witnesses?

23 MR. TATE: We have not been aware of any except what
24 we were able to find through our own investigation. I
25 believe both of the witnesses who have testified today

1 may have had some priors. I don't know what sort of
2 updates Mr. Goldberg has accessed NCIC and I don't.

3 THE COURT: Understood.

4 MR. GOLDBERG: Let's see. Here's a copy. We just
5 got them run this morning just to keep up with them as
6 much as possible. Regarding Ms. Melton, let's see, she
7 has an arrest for simple possession of marijuana in '99,
8 a 2002 non conviction for drug charge, a 2016 possession
9 of a controlled substance, six months or a \$300.00 fine.
10 I don't believe any of that really is addressable with
11 Ms. Melton.

12 THE COURT: I don't believe so either. Do you
13 disagree, Mr. Tate?

14 MR. TATE: Without looking at the sentencing sheets,
15 I couldn't say, but it doesn't seem like that carries
16 more than a year.

17 MR. GOLDBERG: Mr. Telford non conviction in '93.
18 No disposition of a low level financial transaction card
19 fraud in 2009. There's a simple possession of marijuana
20 in 2012. Looks like a magistrate level charge. 2013,
21 PWID crack, six years suspended on two years probation.
22 Probation violation along with that in 2015. I believe
23 that's the extent for Mr. Telford. There's a child
24 support issue from way back in 1999.

25 THE COURT: Anything we need to address there,

1 Mr. Tate?

2 MR. TATE: Begging the Court's indulgence.

3 THE COURT: Yes, sir.

4 MR. TATE: Your Honor, it would appear from
5 documents Mr. Goldberg just handed me that Ms. Melton is
6 wanted by the Kershaw County Sheriff's Office.

7 MR. GOLDBERG: We have our investigator researching
8 that information to see if that is still accurate.

9 THE COURT: All right.

10 MR. TATE: Certainly subject to a sequestration
11 issue.

12 MR. GOLDBERG: You wouldn't send law enforcement out
13 to Ms. Melton's house, would you, Mr. Tate?

14 MR. TATE: There's plenty of them sitting right
15 here. I don't need to send them anywhere.

16 MR. GOLDBERG: I was making sure they showed up.

17 THE COURT: Is there anything that I need to address
18 with respect to anyone's criminal record?

19 MR. TATE: No. Nothing, Your Honor.

20 THE COURT: Good enough. Anything from the State
21 before we shut it down today?

22 MR. GOLDBERG: Judge, two matters. One is just
23 renewing our reciprocal. Obviously I'm assuming that Mr.
24 Tate's proposed witness outside of Mr. Doctor did not
25 generate any reports of any kind at this juncture.

1 MR. TATE: They absolutely have not.

2 MR. GOLDBERG: Thank you, Mr. Tate.

3 MR. TATE: Thank you.

4 MR. GOLDBERG: And then the other would be unless
5 the defense is willing to stipulate or consent to the
6 voluntariness of Mr. Doctor's interview, there is some
7 interview matters to take up in that regard as well.

8 MR. TATE: We don't believe we can do that, Your
9 Honor. We would like to move forward with Jackson v.
10 Denno both on the issue of voluntariness and on the
11 issues of Miranda.

12 THE COURT: Okay. Let's do it.

13 MR. GOLDBERG: If we could have about three minutes
14 so I can get the - the interview was recorded. I don't
15 intend to play the entire two hour long interview, but I
16 have picked out a few clips so in total it would probably
17 be about maybe 15 minutes worth of clips or so, maybe 20
18 that I think are just reference discussions about lawyers
19 and things of that that would be relevant in the hearing.
20 I just need to get it up on the machine here. Shouldn't
21 take but a moment.

22 THE COURT: Okay. Let's take a 10 minute break.

23 MR. GOLDBERG: Thank you, Your honor.

24 MR. TATE: Thank you, Your Honor.

25 (Short break.)

KEVIN BLAND - DIRECT BY MR. GOLDBERG

116

1 THE COURT: Okay. We've got everybody.

2 MR. GOLDBERG: May it please the Court, Your Honor.

3 The State calls Investigator Kevin Bland for the purposes
4 of the Jackson versus Denno hearing. Please the Court.

5 THE COURT: Yes, sir. He's already sworn so just
6 have a seat.

7 DIRECT EXAMINATION

8 BY MR. GOLDBERG:

9 Q. Investigator Bland, we heard from you earlier about
10 the lineup. Were you also involved in taking a statement or
11 conducting an interview rather with the defendant Demetrick
12 Doctor?

13 A. Yes, sir.

14 Q. All right. And was that on October the 5th of
15 2019?

16 A. Yes, sir.

17 Q. And that was approximately two days after the
18 alleged incident?

19 A. Correct.

20 Q. All right. And where is it you came in contact with
21 Mr. Doctor?

22 A. We got notified that Mr. Doctor was picked up by our
23 fugitive team and he was en route to headquarters.

24 Q. Okay. So is that headquarters where you actually
25 met with him?

1 A. Correct. 5623 Two Notch.

2 Q. Okay. And who else was present with you when you
3 met with him?

4 A. At the time Sergeant Dauway.

5 Q. And can you describe the room in which you
6 encountered Mr. Doctor?

7 A. It's a small enclosed room, one entry in and out
8 with a desk against a wall, a chair next to the left side of
9 the desk and then you have two other chairs where myself and
10 Lieutenant Dauway was sitting.

11 Q. Is it fair to say that's the typical room in the
12 Richland County Sheriff's Department where you all conduct
13 interviews with witnesses or suspects?

14 A. Correct.

15 Q. At that point in time was Mr. Doctor in custody?

16 A. Yes.

17 Q. He was not free to leave at that point; is that
18 right?

19 A. That's correct.

20 Q. Did he appear to you to be coherent?

21 A. Yes.

22 Q. Did he appear to you to be under the influence of
23 any drugs or alcohol?

24 A. Not to my knowledge.

25 Q. Did he appear to understand what you were talking to

1 him about?

2 A. Correct.

3 Q. Was he actually advised of his rights on that
4 occasion?

5 A. Yes. He was.

6 Q. Is that reduced to writing in some form?

7 A. Yes.

8 Q. I want to show you State's number 3 for ID. Do you
9 recognize that document?

10 A. Yes, sir.

11 Q. What do you recognize that to be?

12 A. My signature, Mr. Doctor's signature, and my
13 handwriting on the top.

14 Q. What is the form?

15 A. This is the interrogation advisement of rights
16 form.

17 Q. Okay. And can you actually tell the Judge what
18 rights Mr. Doctor was advised of?

19 A. It was stated your rights and before we ask you any
20 questions, you must understand your rights. You have the
21 right to remain silent. Anything you say can be used against
22 you in a court. You have the right to talk to a lawyer for
23 advice before we ask you any questions and to have a lawyer
24 with you during any questioning. If you cannot afford a
25 lawyer, one will be appointed for you before any questions, if

1 you wish. If you decide to answer questions now without a
2 lawyer present, you still have the right to stop answering at
3 any time. You also have the right to stop answering at any
4 time until you talk to a lawyer. It was witnessed by
5 signatures, mine and signed by Mr. Demetrick Doctor.

6 Q. Did Mr. Doctor appear to understand those rights?

7 A. Yes. He did.

8 Q. Did you make any promises to him?

9 A. No. I didn't.

10 Q. Any offers of leniency?

11 A. No.

12 Q. Any threats of violence?

13 A. No.

14 Q. All right. And again, looking at State's number 3,
15 is there a bottom portion on that regarding the waiver of
16 rights?

17 A. The waiver of rights says, it states that I have
18 read this statement of my rights and I understand what my
19 rights are. I am willing to talk and answer questions. I
20 understand and know what I am doing. No promises have been
21 made to me and no pressure or coercion of any kind has been
22 used against me. And there's a spot for two witness
23 signatures and the original signature of Mr. Doctor. The only
24 thing is there is a blank spot.

25 Q. Did Mr. Doctor ever sign that indicating that he was

1 willing to waive those rights?

2 A. No. He did not.

3 Q. Did he ever clearly or expressly say to you that he
4 was not willing to waive those rights?

5 A. No. He did not.

6 Q. And he did, in fact, talk to you and Lieutenant
7 Dauway; is that right?

8 A. Yes.

9 Q. And as we'll see in a moment other than the very end
10 of the interview, did he ever expressly say to you that he
11 wanted to stop talking?

12 A. No.

13 Q. Did he ever expressly say to you that he wanted a
14 lawyer?

15 A. No.

16 Q. There were numerous times however though where he
17 made reference to a lawyer; is that right?

18 A. Correct.

19 Q. How long approximately did you all meet with him
20 during this time?

21 A. This may have been a little bit over two hours.

22 Q. Okay. And that interview was audio and video
23 recorded; is that right?

24 A. Right.

25 Q. Was there a break in the middle as well?

1 A. Yes. There was.

2 Q. Where did Mr. Doctor go during that break?

3 A. He went to the - he was escorted to the back door of
4 the Sheriff's Department where we generally bring all the
5 prisoners in or suspects and he was offered a cigarette
6 break.

7 Q. Did he take you up on that?

8 A. Yes. He did.

9 Q. During that time during the cigarette break, was he
10 questioned at all about this matter?

11 A. No.

12 Q. And that lasted for about a half hour or so, does
13 that sound right?

14 A. Roughly.

15 Q. All right. Investigator Bland, we talked about how
16 this was recorded, correct?

17 A. Yes.

18 Q. There are some clips on here on the jumbotron we
19 call it, correct?

20 A. Yes.

21 Q. That's all on State's number 4 for ID; is that
22 correct?

23 A. Yes.

24 Q. Just referencing State's number 4 for ID in which
25 these clips are all a part of, let's talk about the first

KEVIN BLAND - DIRECT BY MR. GOLDBERG

122

1 clip. Investigator Bland, you testified earlier about
2 advisement of rights. Was that one of the things you talked
3 to the defendant about?

4 A. That's initially.

5 MR. GOLDBERG: Your Honor, at this time I'm going to
6 play that clip. That's the longest one of the bunch,
7 about six minutes.

8 (Playing State's #4.)

9 BY MR. GOLDBERG:

10 Q. All right. So at the conclusion of that clip about
11 three minutes later you continued to talk to the defendant and
12 at one point did you actually say something to him about
13 speaking from his heart, something to that effect?

14 A. Correct.

15 Q. Was his response to that again referencing a lawyer
16 in some way?

17 A. Not directly.

18 Q. Like --

19 A. Indirectly.

20 Q. Vaguely, some kind --

21 A. Correct.

22 Q. So did you all ask for clarification in that
23 regard?

24 A. Yes. We did.

25 MR. GOLDBERG: Your Honor, at this time I'll gonna

1 play clip three that addresses that issue that the
2 investigator just testified about.

3 (Playing State's clip #3.)

4 BY MR. GOLDBERG:

5 Q. Now, right after those exchanges about a few seconds
6 later Mr. Doctor indicates that he does want to talk,
7 correct?

8 A. Yes.

9 MR. GOLDBERG: Let's see. Clip four.

10 (Playing State's clip #4.)

11 BY MR. GOLDBERG:

12 Q. All right. And after that exchange, you all
13 continue to talk to the defendant?

14 A. Correct.

15 Q. And was there, it's fair to say there were a number
16 of topics covered after that; is that right? One of which
17 obviously for purposes of this hearing, some of which involved
18 Mr. Doctor's prior involvement in the criminal justice system,
19 right?

20 A. Correct.

21 Q. Did some of the conversation address the events of
22 the night before the shooting, the Wednesday night?

23 A. It did.

24 Q. Okay. And can you tell the Judge a little bit about
25 what, because the Judge doesn't know, what is alleged to have

1 occurred on the Wednesday night, the night before the
2 shooting?

3 A. During our investigation, we learned that the night
4 before Mr. Doctor and Justin had an altercation so to say.
5 What we was advised is that Mr. Justin was on the property and
6 in the same vehicle.

7 Q. When you say on the property, we're back on the dirt
8 road, Ballenton?

9 A. Ballenton. The dirt road. Correct.

10 Q. Okay.

11 A. There was an altercation took place. I guess
12 Mr. Doctor didn't like Mr. Justin I guess doing drug
13 transactions on the property. From my understanding is that
14 Justin pulled an assault rifle out on Mr. Doctor and before
15 Mr. Justin was able to pull it up, Mr. Doctor disarmed him,
16 took it away from him and kept it in his possession. From
17 what I understand he disarmed it, took the magazine out,
18 disassembled it. I don't know a hundred percent sure if he
19 threw it as he was exiting the dirt road.

20 Q. He, Mr. Doctor?

21 A. Correct. Justin, to my understanding, Justin never
22 got the gun back from my investigation and that's where
23 Wednesday's nights events came up to.

24 Q. The night before the alleged shooting?

25 A. Correct.

1 Q. So Mr. Doctor provided some details in response to
2 your questions about the Wednesday night incident, correct?

3 A. Correct.

4 Q. But was hesitant to go into particulars about
5 Thursday, correct?

6 A. That is correct.

7 Q. All right. And so those were some of the issues
8 that were covered in the interim period; is that right?

9 A. Yes.

10 Q. So about 25 minutes or so later after that last
11 exchange that we showed, does Mr. Doctor again make a
12 reference of some kind to a lawyer?

13 A. Vaguely. It wasn't direct. He kept beating around
14 the bush. He never did say he wanted one or didn't, but kept
15 mentioning the word, but didn't say anything pressing.

16 Q. All right. I'm gonna play clip 14 now. That would
17 be that exchange.

18 (Playing State's clip 14.)

19 BY MR. GOLDBERG:

20 Q. All right. So then about three minutes after that
21 once again there's another exchange about a lawyer. Do you
22 recall him mentioning something vaguely or generally about a
23 lawyer being on retainer?

24 A. Correct.

25 Q. And did you ask him to clarify if that meant that he

1 wanted a lawyer?

2 A. I did.

3 Q. All right. Between, and when I say you, was
4 Sergeant Dauway in the room, or Lieutenant Dauway in the room
5 as well?

6 A. Yes.

7 Q. So it could have been him, it could have been you.
8 You all were both questioning him as we've heard on the video;
9 is that right?

10 A. Correct. We were just trying to get
11 clarification.

12 Q. This is clip 16 as part of State's 4.

13 (Playing clip 16 of State's 4.)

14 BY MR. GOLDBERG:

15 Q. All right. And probably about five minutes later is
16 when this cigarette break occurred; is that right?

17 A. Correct.

18 Q. The camera was obviously off during that.

19 A. That is correct. Well, the camera was still
20 running.

21 Q. Thank you. The camera in the room is running --

22 A. Correct.

23 Q. -- but where you all were with him --

24 A. There is no camera.

25 Q. -- there is no camera.

1 A. No.

2 Q. But you weren't talking about the case at that
3 point?

4 A. No.

5 Q. Okay. So I'm gonna skip ahead to clip 29 and this
6 is the last part of the interview where Mr. Doctor finally in
7 your minds, we're not gonna go down this road anymore; is that
8 right?

9 A. Yes.

10 Q. We're gonna end this interview.

11 A. Correct.

12 (Playing State's #4, clip 29.)

13 BY MR. GOLDBERG:

14 Q. Did he ever give you a yes or no?

15 A. No.

16 Q. So that last clip there is somewhat similar to some
17 of the other clips we've shown, correct?

18 A. Correct.

19 Q. Why is it that you all decided that at that point
20 even though again the language is I'm probably gonna need
21 something, I don't know, why is it that you all decided to
22 terminate the interview at that point?

23 A. We just weren't getting any clarification whether he
24 wanted one or not. He was just wasting everybody's time. We
25 just assumed that he's gonna keep saying the same things so we

1 just ended the interview.

2 Q. And again, during the interim periods when the topic
3 of Wednesday night comes up, is he responsive to your
4 questions?

5 A. Yes.

6 Q. Is he forthcoming with information?

7 A. Yes.

8 Q. And then when it evolves to Thursday, is it fair to
9 say he was evasive?

10 A. He's unclear.

11 Q. Unclear?

12 A. Correct.

13 Q. I don't know?

14 A. Correct.

15 Q. I don't remember, things of that nature; is that
16 right?

17 A. Correct.

18 Q. At any point did you feel like -- How long have you
19 been in law enforcement?

20 A. Currently have 13 years.

21 Q. 13 years. And if you had to ballpark it, about how
22 many times have you been involved in interviews with
23 suspects?

24 A. Ever since 2015, too numerous.

25 Q. Okay. So about seven years worth?

1 A. Correct.

2 Q. So at this time about four years?

3 A. Yes.

4 Q. Okay. So in your experience of taking these types
5 of statements or interviews rather, at any point did you feel
6 like Mr. Doctor was clearly asking you to stop asking him
7 questions?

8 A. No.

9 Q. Did you feel like he was ever clearly stating to you
10 that he wanted a lawyer?

11 A. No.

12 Q. What would you have done if you thought that he was
13 clear about that?

14 A. Ended the interview. That's part of our
15 procedure.

16 MR. GOLDBERG: All right. I believe that's all I
17 have for now. Thank you, sir.

18 THE COURT: Cross examination, Mr. Tate.

19 MR. TATE: Thank you, Your Honor. May it please the
20 Court.

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION

23 BY MR. TATE:

24 Q. Investigator Bland, how are you?

25 A. I'm good, sir.

KEVIN BLAND - CROSS BY MR. TATE

130

1 Q. Good. Good to see you again. I trust you're from
2 the Sheriff's Office, you said, you testified on direct 13
3 years, sir?

4 A. 13.

5 Q. Okay. And during that time I assume you've attended
6 the Criminal Justice Academy?

7 A. I did.

8 Q. Graduated?

9 A. I did.

10 Q. Certified.

11 A. I am.

12 Q. Advanced training?

13 A. Yes.

14 Q. Some of the advanced training was on interviewing,
15 wasn't it?

16 A. It was.

17 Q. And quite of bit interviewing is the interpretation
18 of body language, isn't it?

19 A. Correct.

20 Q. And through that I believe the number we sometimes
21 hear is somewhere between 60 and 70 percent of our
22 communication is non verbal, would you agree with that?

23 A. That's correct. Approximately.

24 Q. Consistent with your training?

25 A. Correct.

1 Q. Fair. Okay. In your direct examination today I
2 believe you testified Mr. Doctor was picked up by the fugitive
3 team, but on the video we were hearing that he voluntarily
4 turned himself in, and that's really what happened, wasn't
5 it?

6 A. No. He didn't walk into headquarters saying I need
7 to talk to you. No. That is not the case. The fugitive team
8 went out to his last location on Slab Pile and picked up Mr.
9 Doctor.

10 Q. Okay. So they did bring him in?

11 A. Correct.

12 Q. Okay. But he didn't give anybody any trouble?

13 A. Not to my knowledge.

14 Q. Okay. Thank you. In the conversations you talk
15 quite a bit about protective mode. Do you recall that?

16 A. Protective mode?

17 Q. Mm-hmm. Protective mode. Going into protective
18 mode.

19 A. If I said it, I don't recall, but if I said it.

20 Q. Have you had a chance to review the interview in its
21 entirety before your testimony here today?

22 A. Yes.

23 Q. Okay. Or protection mode. How about that?

24 A. Okay.

25 Q. Do you recall anything about using those words?

1 A. Vaguely.

2 MR. TATE: Vaguely. Okay. Thank you. Your Honor,
3 I don't have any further questions for the investigator.
4 Is it investigator or Sergeant?

5 THE WITNESS: Investigator.

6 MR. TATE: Investigator. But, of course, we'll
7 reserve. Thank you.

8 THE COURT: Anything further, Mr. Goldberg?

9 MR. GOLDBERG: No, ma'am.

10 THE COURT: All right. Thank you, sir. You may
11 step down.

12 MR. GOLDBERG: Your Honor, I'd seek a little
13 guidance from the Court in light of what we just
14 witnessed in terms of the video. Lieutenant Dauway is
15 here and available. He was on video a number of times.
16 I'm happy to put him up and go through the, kind of the
17 basic questions. Obviously they've been covered. I
18 certainly would not intend to go through all the clips
19 again with him, but however Your Honor would like to
20 proceed at this time, I'll do it either way.

21 THE COURT: Did I overhear some conversation about
22 giving me the interview in its entirety to review?

23 MR. GOLDBERG: Your Honor, I can give you whatever
24 you need. You can have the full interview obviously and
25 the separate disk that just has the clips sorted out.

1 However you would like to do it.

2 THE COURT: I mean, I'm happy to rule on what's
3 presented to me. Is there something that I need to see,
4 Mr. Tate?

5 MR. TATE: Oh, absolutely there is, Your Honor, and
6 I'm going to give you the precise time stamps for those
7 things and tell you what they are, and I bet if your
8 court reporter printed you out two or three pages, you'd
9 have a road map.

10 THE COURT: The drama. The drama. Okay.

11 MR. GOLDBERG: Judge, would you like for me to go
12 through it with Lieutenant Dauway and all?

13 THE COURT: I don't think it's necessary if his
14 testimony is going to be virtually the same as.

15 MR. TATE: We've got the video. I'm perfectly fine
16 with Your Honor looking at that.

17 MR. GOLDBERG: If the defense would stipulate that
18 Lieutenant Dauway's testimony would be virtually the same
19 in terms of the questions asked about whether he was in
20 custody, advisement of his rights as you already heard
21 that he was advised, and a lot of questions that you
22 already watched were actually dispositive by the
23 lieutenant.

24 MR. TATE: I think it's all been covered, Your
25 Honor. We've got the video.

1 MR. GOLDBERG: Yes, sir.

2 THE COURT: Good enough. So I'm gonna ask that the
3 video be provided to me for me to watch in its entirety
4 this evening on a flash drive or via email, just not on a
5 CD. I don't have the ability to play a CD rom.

6 MR. GOLDBERG: Okay. Probably too large to email,
7 but we can get you a flash drive or extra large drive
8 would be the same.

9 THE COURT: Sure.

10 MR. GOLDBERG: Just not a disk, right?

11 THE COURT: Just not a disk. Ask Dana before you do
12 whatever. She's back there.

13 MR. GOLDBERG: I'm not the one going to be making
14 the copies.

15 THE COURT: Okey dokey.

16 MR. GOLDBERG: Do you want separate clips or do you
17 just want the whole thing in its entirety?

18 THE COURT: I think the whole thing because Mr. Tate
19 is going to give me some time stamps that I need to look
20 at or focus on at least.

21 MR. GOLDBERG: Sure.

22 THE COURT: Mr. Tate.

23 MR. TATE: That is correct, Your Honor. I have it
24 for argument.

25 THE COURT: Go ahead and give me those time stamps

1 now.

2 MR. TATE: Yes. I will. Thank you, Your Honor.
3 Beg the Court's indulgence. Very early on which is gonna
4 be probably about 2:13 right after the initial
5 advisement.

6 MR. GOLDBERG: Hold on one second. For clarity
7 purposes, I have run into this before, there are time
8 stamps and then there are time stamps.

9 MR. TATE: Yeah. I know where you're going.

10 MR. GOLDBERG: Right. So, for example, on clip one
11 here so you'll see on the actual video, Judge, it's got
12 the date and the time at that time, but then if it was a
13 video in its entirety, there's also the time on the
14 player as well.

15 THE COURT: Right.

16 MR. GOLDBERG: So which one are you talking about?

17 MR. TATE: This is a count up. This is a count
18 down. That's a count up or vice versa. I used this time
19 because this is the time stamp on the original. The only
20 thing is on the very first one when this counter is on
21 five minutes the counter, not the time stamp, that
22 counter is when Miranda was first given. I would ask
23 Your Honor to call Your Honor's attention to that.

24 MR. GOLDBERG: So you're not talking about the time
25 on the video. You're talking about the time on the

1 player, correct?

2 MR. TATE: Just for that one instance. Everything
3 else is the time stamp at the bottom.

4 MR. GOLDBERG: Okay.

5 THE COURT: Okay. Which is the current date and
6 time when the video was being recorded.

7 MR. TATE: It's just showing military time, right.

8 THE COURT: Right. But the time of day, so this one
9 -- I can't see from here.

10 MS. EIGENBROT: 2011.

11 THE COURT: 2011. Right. So those are the times
12 we're referring to, correct, Mr. Tate?

13 MR. TATE: Yes. That is correct.

14 THE COURT: For that first one. Okay.

15 MR. TATE: On 20:14 is the advisement of the
16 charges, 20:15:51 to put it in context, 20:15 is the
17 comment remain silent until a lawyer talks with him.
18 20:16:30 being told he doesn't need a lawyer. 20:17:16
19 Mr. Doctor saying he ain't got no lawyer, and I think
20 that is the most instructive with two exceptions of
21 things that are a little different. I think there are
22 two things. I certainly don't know how Mr. Goldberg is
23 gonna try his case, but I've got some educated guess. At
24 20:34 there's conversation about Mr. Doctor's, an
25 incident that occurred and Mr. Doctor's prior

1 incarceration. I think that absolutely cannot be played
2 for a jury.

3 MR. GOLDBERG: Yes. We have no intention of playing
4 that. It can and/or will be redacted out of the
5 statement.

6 MR. TATE: Okay. At 20:53, Your Honor, there's
7 another, actually 20:34 talking about prison. 20:55 was
8 another story that occurred while he was incarcerated and
9 I do not think that can come in.

10 MR. GOLDBERG: No intention of bringing that in,
11 Judge.

12 MR. TATE: At 20:56 and 20:57 that's where the
13 conversation is about a lawyer on retainer when he said
14 probably have to. At 21:09 there's reference to that
15 break that lasts about 35 minutes. At 20:51 in the video
16 Mr. Doctor in the video refers to himself as an old
17 prisoner. I do not believe that should be placed in for
18 the jury's consideration.

19 MR. GOLDBERG: No intention of bringing in anything
20 referencing Mr. Doctor's time in prison at any point.

21 MR. TATE: Thank you, Mr. Goldberg. Thank you, Your
22 Honor.

23 THE COURT: Okay. Was that it for the time stamps?

24 MR. TATE: That is all, Your Honor.

25 THE COURT: Wonderful. So if y'all would get me the

1 video before I leave this evening asap so that I can
2 leave. Oh, yeah. How long is it gonna take you to get
3 me the video?

4 MS. EIGENBROT: Your Honor, I believe I have, I can
5 make that available to the State.

6 MR. GOLDBERG: We have one. As far as the copying,
7 I don't think it lasts too long with a two hour video. I
8 would say 10 minutes maybe.

9 THE COURT: Okay. So I'll be waiting for that for
10 someone to bring it to my office. I will review it
11 tonight. Let's reconvene at 9:00 tomorrow morning and I
12 will hear arguments at that time on the Denno issue, but
13 I'm prepared to hear them and fully informed as to
14 specifically what Mr. Tate is going to argue. I have an
15 idea what the State's argument is so 9:00 tomorrow
16 morning.

17 MR. GOLDBERG: One more thing before I forget
18 because I know I will, Judge. I'm going to hand up to
19 you at this time, I don't know if it needs to be marked,
20 the stipulation about chain that Mr. Tate and I have both
21 signed regarding the, so long as the State is able to
22 produce the witnesses who collect physical items of
23 evidence and then those items are testified that they are
24 maintained in a safe and secure manner prior to analysis,
25 the internal chain folks will not be required for

1 testimony. Mr. Tate and I have both signed and dated on
2 that to speed us along.

3 THE COURT: Is that a fair representation, Mr. Tate?

4 MR. TATE: That's fair, Your Honor. Secured at the
5 scene, unsecured by the analyst if there was one that did
6 anything with it, resecured it, Ms. Eigenbrot and I have
7 sit with Mr. Goldberg when we cut all them boxes open one
8 day last week.

9 THE COURT: Okay. Good. So I'll mark this
10 stipulation as Court's 2.

11 MR. TATE: That is correct, Your Honor.

12 THE COURT: Anything else before we go for the day?

13 MR. GOLDBERG: No, ma'am.

14 THE COURT: All right. See y'all at 9:00 tomorrow.
15 Thank you.

16 (Whereupon, court was adjourned for the evening at
17 5:30 p.m.)

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1 April 19, 2022

2 BAILIFF: All rise.

3 THE COURT: Good morning.

4 BAILIFF: You may be seated.

5 THE COURT: All right. Good morning, everyone.

6 MR. GOLDBERG: Good morning.

7 MR. TATE: Good morning, Your Honor.

8 THE COURT: We have the defendant with his counsel.

9 We left off yesterday having heard testimony in the
10 Jackson v. Denno hearing. I then took the video home
11 with me focusing specifically on some time stamps the
12 defense counsel directed me to. I'm now ready to hear
13 argument on the Denno issue first from defense counsel.

14 MR. TATE: Thank you, Your Honor. May it please the
15 Court. I don't see any real need to reshow any video.
16 Your Honor has looked at it. We looked at it together
17 yesterday. I think everybody has reviewed it.

18 Your Honor, we would move to suppress the statement
19 from Mr. Doctor to law enforcement on several grounds.
20 First of all, it's black letter law that under the
21 Miranda decision and its progeny that a statement is not
22 admissible unless the two prongs of Miranda have been met
23 and we've met those, or the State has that Mr. Doctor was
24 indeed in custody, a little itty-bitty room, the second
25 half he was shackled and handcuffed after the smoke break

1 and if there's interrogation or its functional equivalent
2 and both of those have been met so Miranda indeed
3 applies.

4 Given that, Your Honor, we now turn to two things
5 and warnings were given, were published, the form was
6 signed by Mr. Doctor and Investigator Bland. We do
7 believe the warnings are adequate under Miranda. Then we
8 get to the waiver. Of course, also it's undisputed in
9 this matter that Mr. Doctor declined to sign the waiver
10 indicating his agreement to speak with law enforcement
11 and as conversations continued as we saw in the video,
12 and I trust we made the video a Court Exhibit for the
13 purposes of this hearing.

14 THE COURT: No, but let's do the video in its
15 entirety. The flash drive that I have will be Court's 3.

16 (Whereupon, Court's Exhibit #3 marked for
17 identification.)

18 THE COURT: All right. Continue, Mr. Tate.

19 MR. TATE: Thank you, Your Honor. Of course,
20 Miranda has a group of protections. One is the right to
21 remain silent and the other right is the right to not
22 move forward with questioning if counsel is requested.
23 Again, the right to remain silent, if a defendant asserts
24 that right, questioning must stop until a reasonable time
25 has past, then it may resume. On the other hand, if a

1 person requests counsel by asking for a lawyer, then
2 questioning must stop until either counsel is provided or
3 the defendant initiates contact with law enforcement
4 wishing to continue in the conversation. Now, there's a
5 lot of specificity things that have no relevance to this
6 matter and I won't bore the Court with those.

7 Your Honor, I think when you look at the tape, and I
8 think probably the first 10 minutes are the most
9 instructive, when Mr. Doctor is asked, and I specifically
10 asked Investigator Bland on the stand yesterday if indeed
11 he was observant of body language and had he been trained
12 in body language because we know police officers have
13 been trained in body language. It's probably 60 to 70
14 percent of the information conveyed in conversation. And
15 I think what's instructive about that is when asked if he
16 wanted to talk, Mr. Doctor shook his head no almost
17 immediately.

18 We as lawyers and judges because of the history of
19 the way we do our work here, we are so in tune to the
20 spoken word, our transcripts are spoken or typed from
21 spoken word, but in this scenario Mr. Doctor very clearly
22 indicated he did not wish to continue by shaking his head
23 no. Then came the conversations about the lawyer and
24 those were at 20:15. You can remain silent until a
25 lawyer comes, remain silent until a lawyer talks to him.

1 I don't know what to do. In one place at 20:16:30 he was
2 even told you don't need a lawyer, and he said he didn't
3 have a lawyer and didn't know if his family had a lawyer.
4 Then there was conversation about there may be a lawyer
5 on retainer where the honest answer from the officer
6 probably should have been, well, to reiterate the warning
7 published in Miranda but, you know, if you can't afford
8 one, we will get you one appointed to you. Given all of
9 that, Your Honor, we think he asserted his right to
10 remain silent initially and that should bar the
11 introduction of the video.

12 Secondly, he asked for a lawyer, even though there
13 was some confusion, he asked for a lawyer and just
14 because his family doesn't have one, doesn't mean he
15 doesn't get one before questioning can continue. Based
16 on that, what's in the video, we would ask the Court to
17 suppress the statement in its entirety after the head
18 shake. If I could beg the Court's indulgence for just a
19 moment.

20 THE COURT: Yes, sir.

21 MR. TATE: And, of course, Your Honor, all of that
22 is very consistent with the refusal to sign the waiver
23 form at the bottom of the Miranda Rights. Given that,
24 Your Honor, we would ask that the statement be
25 suppressed.

1 THE COURT: Let me hear from the State.

2 MR. GOLDBERG: Your Honor, may it please the Court.
3 I would concur with Mr. Tate that obviously there was a
4 custody interrogation situation triggering Miranda and
5 clearly the issues here are whether or not the defendant
6 invoked his right to counsel and his right to remain
7 silent as brought up by Mr. Tate. I have a couple of
8 cases to pass up for the Court's review (proffering.)

9 THE COURT: Thank you, sir.

10 MR. GOLDBERG: Judge, the first case I want to talk
11 about is, I think I might have handed it to you in
12 reverse order, Davis versus United States, Supreme Court
13 of the United States case, 512 U.S. 452, an opinion
14 offered by Justice O'Connor. That was a case where the
15 suspect made the comment maybe I should talk to a lawyer
16 and the holding in that case, well, the Court referenced
17 Edwards v. Arizona, of course, which stood for the
18 position that law enforcement officers have to
19 immediately cease questioning of a suspect who has
20 clearly asserted his right to have counsel present.
21 That's on page 4 of the printout here in the Davis case.
22 In that case the defendant was interviewed and then again
23 at some point he said maybe I should talk to a lawyer.
24 Turning to page 6 of the printout, the Court goes into
25 pretty detailed discussion about this issue, about the

1 indication of the right to counsel and that the Edwards
2 rule requires the Courts to determine whether the accused
3 actually invoked, emphasis added, actually invoked his
4 right to counsel which is clearly the issue that we have
5 got before you today.

6 The Court goes on to say that the defendant's
7 indication of right to counsel requires at a minimum some
8 statement that can reasonably be construed to be an
9 expression of the desire for the assistance of an
10 attorney, but if the suspect makes a reference to an
11 attorney that is ambiguous or equivocal, then the
12 reasonable officer in light of the circumstances would
13 have understood only that the suspect might, emphasize
14 added, be invoking the right to counsel are precedence do
15 not require the cessation of questioning and they go on
16 to say that the suspect's unambiguous request for counsel
17 is either a statement to the assertion of that right or
18 it's not.

19 The Court goes on further on the next page, page 7
20 to talk about reasonings behind this and stating that
21 when officers are conducting questioning and they
22 reasonably or do not know whether the suspect wants a
23 lawyer, that if there was a rule that required them to
24 immediately stop, that that would change the purpose of
25 Miranda. It would transform the Miranda safeguards into

1 wholly irrational obstacles for the police in their
2 investigation. That's what the Court said because it
3 would prevent the police from questioning a suspect in
4 the absence of counsel when they didn't even necessarily
5 want one there.

6 So the Court goes into great amount of detail to
7 this point, stating even further, well, in the middle of
8 the page, if we were to require questioning to cease, the
9 suspect making a statement that might, emphasis added, be
10 a request for an attorney, this clarity would be lost.
11 Police officers would be forced to make difficult
12 judgment calls about whether the suspect in fact wants a
13 lawyer even though he has not said so.

14 Now, they do say that it would be a good police
15 practice, which is interesting, of quote, "of course,
16 when a suspect makes an ambiguous or equivocal statement,
17 it will often be good police practice for the
18 interviewing officer to clarify whether or not he
19 actually wants an attorney", which is what, as you heard,
20 Investigator Bland and Dauway did several times
21 throughout specifically asking whether or not Mr. Doctor
22 clearly wanted an attorney. The Court says that if the
23 suspect's statement is not an unambiguous or unequivocal
24 request, then the officers have no obligation to stop
25 questioning.

1 Now, this case is referenced in two other cases that
2 I've handed up here in South Carolina, that's the Jett
3 case, 423 S.C. 415. Just briefly, that's 2018 Court of
4 Appeals case in which the victim was assaulted after a
5 home invasion, the suspect discovered near the scene, was
6 tased, detained, and handcuffed and placed in a patrol
7 car and while he was in the patrol car with the officer,
8 a detective came up to the suspect, the detective
9 introduced himself as a police officer and the defendant
10 immediately said, where my lawyer at? The detective then
11 read Mr. Jett his rights, asked if he wanted to talk with
12 her. The defendant responded, about what? About me
13 being intoxicated? Finding me in the car? That man
14 tased me to the back of my head. What did I do? What
15 did I do? And so forth.

16 So the Court went on to conduct an analysis of this
17 situation and our Court of Appeals stated that obviously
18 the Court has to determine whether or not the defendant
19 or the accused actually invoked his right to counsel, and
20 towards the middle of the page on page 4 they stated
21 indication of Miranda Right to counsel requires at a
22 minimum some statement that can reasonably be construed,
23 an expression, or desire for the assistance of an
24 attorney and then they actually referenced Davis stating
25 that the Supreme Court held that the suspect must

1 unambiguously request counsel.

2 Briefly, the third case is the State v. Palmer, 415
3 S.C. 502, again, a Court of Appeals case from 2017 and in
4 that case again the suspect was in custody, Mirandized,
5 and the line of questioning, if you look at page 17 of
6 the opinion, the officer asked, do you wish to talk to
7 us? And the defendant said, I wish to talk to you, but I
8 need for you to call Charles Barr, too. Which is the
9 lawyer in the case. The detective said, you want him
10 here? The defendant says, I want him to come, yes.
11 Before you talk to us? I'll talk to you. And it goes on
12 from there. The Court in Palmer back on page 16 notes
13 that waiver of Miranda is determined in totality of the
14 circumstances. They also go on to reference the Davis
15 case on page 18 for the same tenets that I have already
16 cited to the Court and ultimately find because the
17 defendant did not unambiguously invoke his right to
18 counsel, the officers were allowed to ask questions for
19 clarification.

20 So, Judge, I say all that to say obviously what
21 we've got to consider is voluntariness of this statement
22 and whether or not Mr. Doctor invoked his right to
23 counsel. He nodded in response to the officers that he
24 understood the rights given to him, he understood them
25 enough that he did not want to sign the form. I think

1 it's important for you to look at the totality of the
2 circumstances as referenced in the Palmer case and the
3 totality of the interview which you've reviewed the
4 entire interview and in consideration of the full context
5 of the questions and answers throughout the entire
6 interview, it's clear that Mr. Doctor knew what his
7 rights were, he decided to continue to engage, to
8 continue to, my words, play games of sorts as if he was
9 being somewhat intentionally vague about whether he
10 wanted a lawyer or not.

11 When I played clip 16, which is around the 49 minute
12 mark or so, 50 minute mark or so of the interview and
13 Mr. Doctor was asked, Lieutenant Dauway said, it sounds
14 like you're requesting a lawyer. And Mr. Doctor
15 responded, well, I probably have to because y'all are
16 asking me these questions. And Dauway says, well, we
17 just want to be clear that you're asking for a lawyer.
18 And his response was quote, the defendant's response was
19 quote, "well, I might be, but I might not be."

20 And, Judge, I think in my mind that sums up the
21 entire exchange between the defendant and these officers
22 throughout. He knowingly, intelligently engaged with
23 them and is back and forth about a lawyer almost a half a
24 dozen times over a two hour period. He was asked at the
25 beginning, are you willing to answer questions? And

1 Mr. Tate referenced his body language, that he shook his
2 head. And I watched the video, Judge, and it does appear
3 as though he shakes his head, but again, you have to look
4 at the totality of it. He gives a little shake of the
5 head and then immediately after that he says, probably
6 not. He says, probably not.

7 Now, is probably not a clear indication of your
8 right to remain silent? I would argue that it's not in
9 light of the continuing questions that were asked of him
10 to try to clear up this situation. He was asked later on
11 around the 15 minute mark, Lieutenant Dauway told him
12 that he needed to make a decision one way or the other
13 about whether he was going to talk with them or not. He
14 said, well, I'll probably talk to y'all. Then within a
15 minute of that he says, well, I'll just give y'all a
16 statement because I know exactly what happened. And
17 again later as pointed out in clip 14, I think, around
18 the 45 minute mark, he again says, I'm probably gonna be
19 talking to a lawyer. I probably rather do so 'cause I
20 gotta think. I don't know.

21 So it's the State's position that throughout this
22 time not only was the defendant's right to counsel as
23 well as his right to remain silent, that his assertion of
24 those rights was unclear, it was ambiguous throughout as
25 you can tell. I would argue throughout the context of

1 the two hour interview these officers did everything they
2 could to give him an opportunity to state clearly and
3 definitively, A, whether he wanted to talk to them, and
4 most notably, B, whether he wanted a lawyer present. He
5 declined to state that clearly and for those reasons in
6 light of the case law that I handed up and the arguments
7 made thus far the State respectfully asks that the
8 statement be admitted into evidence as being made
9 knowingly, intelligently, and voluntarily and effectively
10 upon waiver of counsel and the right to remain silent by
11 way of the fact that Mr. Doctor did not clearly assert
12 those rights.

13 THE COURT: Anything else, Mr. Tate?

14 MR. TATE: Very briefly, Your Honor. Initially when
15 Mr. Doctor shook his head no, I don't want to talk, the
16 law requires questioning to stop and cannot be
17 reinitiated by the government until a reasonable time has
18 passed. The cases indicate maybe two hours or so. In
19 this case the conversation continued. Mr. Goldberg talks
20 a lot about the totality of circumstances. The totality
21 of circumstances here is a gentleman not trained in the
22 law, in a room not much bigger than a phone booth. I
23 suppose I date myself when I say phone booth, based upon
24 the record, two police officers, shackled at least for
25 the last half of the conversation, continually talking

1 about wanting a lawyer, whether his family has one. But
2 we don't get that far because when he indicated specific
3 to the training of the officer, when he shook his head
4 no, I don't want to talk, that's when it has to stop,
5 Your Honor. We believe the entire analysis after that is
6 violative of Miranda and its progeny. Thank you.

7 THE COURT: All right. Go ahead.

8 MR. GOLDBERG: I was going to say just very briefly
9 again at the risk of being repetitive that you have to
10 consider the entire encounter which is not just the head
11 shake, but it's the head shake with the following
12 statement out of his mouth of probably not, which is in
13 the State's mind our position that would be unclear
14 assertion. Thank you.

15 THE COURT: All right. Let's take a five minute
16 break and I will rule on that and then we'll get started
17 after five minutes.

18 MR. GOLDBERG: Thank you, Your Honor.

19 MR. TATE: Thank you, Your Honor.

20 (Short break.)

21 THE COURT: All right. I know it's been longer than
22 five minutes, but I was trying to wait because we are
23 still missing a juror. We are still missing that juror,
24 but I figured I'd come in and at least rule on this
25 motion in case you all need to pivot in any way based on

1 the ruling and then we'll take another break while we
2 wait for the missing juror.

3 Having reviewed the video and heard counsels'
4 arguments, and then I took the break to review the
5 beginning portion of the video just one more time because
6 of Mr. Tate's argument, but I'm back to where I started
7 and that is with my notes from yesterday before I read
8 any bit of case law that the defendant is equivocating
9 and trying to equivocate to his benefit. That's where I
10 started. I sort of strayed from there, but now I'm back
11 to there.

12 Mr. Tate's point is well taken about the body
13 language, however, we're talking totality of the
14 circumstances not just for the entirety of the
15 conversation, but the entirety of that moment. The body
16 language of the defendant is not just the shake of the
17 head, but there's some gesturing with the hand where he
18 sort of, I know it's not picked up on the record, but
19 twists his wrist like, I don't know. That's what
20 generally this gesture means (indicating.) When you
21 couple that with shaking the head is I don't know and he
22 goes on to say I don't know. Maybe I do. I'm not sure.
23 And so I don't think that that was a clear invocation of
24 his rights. It wasn't a simple sitting still and
25 vigorously shaking of the head or something else that

1 would be clear to law enforcement that he is declining to
2 answer questions and so that's why I wanted to review it
3 again because I think that that hand gesturing is equally
4 important which then, as I said, brings me back to where
5 I was and I'm back with Mr. Goldberg's argument, the
6 State's argument and relying on State versus Jett, State
7 versus Palmer, Davis versus United States in particular.

8 I find that Mr. Doctor's statement was ambiguous and
9 equivocal and that because the officers did attempt to
10 clarify as it's suggested that they should, they're not
11 required to, but that would be a good practice and they
12 did try to clarify, there was no unambiguous, unequivocal
13 assertion of his rights and therefore the Court declines
14 to suppress the statement and will admit it into
15 evidence.

16 MR. GOLDBERG: Thank you, Your Honor.

17 MR. TATE: Thank you, Your Honor.

18 THE COURT: Thank you. All right. Let's take
19 another break while we try to find our rogue juror. Stay
20 close.

21 (Short break.)

22 BAILIFF: All rise.

23 THE COURT: Please be seated. Let's bring the jury
24 please.

25 BAILIFF: Yes, Your Honor.

1 and the way the witness acts on the witness stand. You
2 have the right to consider anything that is in the record
3 that will help you evaluate the testimony of the
4 witnesses. That means that it is your duty to pay close
5 attention to these witnesses, to observe them, to listen
6 to them, and to pay close attention to the attorneys and
7 to the Court. Do not let your thoughts wander, but give
8 strict attention to the testimony in the case so that at
9 the end of all of the testimony after the arguments of
10 counsel and the charge of the law by the Court, you will
11 then be in a position to determine what the facts are, to
12 apply the law to those facts and thus render a true and
13 just verdict.

14 It will be the added duty of the foreperson to
15 preside in the jury room and be the jury spokesperson
16 here in court, but we will discuss that in greater detail
17 later.

18 Now, before we begin the trial, in order to preserve
19 everyone's rights, I will give the attorneys an
20 opportunity to object to anything that I have just said
21 to you. Any objections from the State?

22 MR. GOLDBERG: No, Your Honor.

23 THE COURT: From the defense?

24 MR. TATE: Nothing from the defense, Your Honor.

25 Thank you.

1 THE COURT: All right. We will now begin the trial
2 of the case. Please give the attorneys your undivided
3 attention. I'll call the State first for opening
4 statement. Ms. Gaston.

5 MS. GASTON: Thank you, Your Honor. May it please
6 the Court.

7 Good morning. Anger is costly. Three people paid
8 the price in this case, three victims, two deaths, at the
9 hands of one man for one reason. Ladies and gentlemen,
10 we are here today because back on October 3rd of 2019 the
11 defendant, Demetrick Doctor, was angry and what he did
12 when he acted on that anger cost Christine Hayes her
13 life, it cost Justin Glenn his life, and it cost John
14 Dickerson his eyesight and changed his life forever.

15 It was around 10:30 at night when the defendant
16 showed up at 129 Ballenton Road. He was driving his
17 white Crown Vic, showed up as he had so many times before
18 that, but this night was different. You see, he had a
19 bone to pick. Those who are familiar with this location
20 refer to it as the d-r or the dirt road, and they call it
21 that because it's located right there, right next to a
22 dirt road, and on this dirt road there's a trailer and
23 there's an RV out in front. You will see a couple tents.
24 This is a party spot. Locals who are familiar with it go
25 there to hang out, drink, play cards, and on occasion

1 engage in some drug activity.

2 You might be wondering what made this night
3 different. Why was the defendant angry. Well, it turns
4 out the night before Mr. Doctor and Justin Glenn, who his
5 friends refer to him as Julio, they were down at the d-r
6 together, the dirt road, and they got into an argument
7 and this argument resulted in the defendant taking one of
8 Julio's guns. The argument didn't stop there because
9 Julio was upset about this and talked about it with some
10 of his friends, how he was angry and, well, word got back
11 to the defendant and that made him upset. He wasn't
12 going to let it go.

13 So, on this particular night armed with three guns
14 he comes in hot, speeding, honking his horn and he pulls
15 up at 129 Ballenton Road and there sitting in the
16 driveway is an SUV belonging to Christine Hayes, and
17 you'll hear us refer to her as Jules as her friends
18 called her, and in that SUV that's parked in the front
19 yard in the driveway, Julio is sitting in the front seat,
20 sitting in the front seat when the defendant pulls up,
21 coming in hot, speeding, honking his horn. The evidence
22 will show that he gets out of his white Crown Vic armed
23 with three guns, runs up to the SUV and he shoots Julio
24 close range one shot to the head. That's when he turns
25 his attention as Christine, or referred to as Jules

1 throughout this trial, is running away. He points the
2 gun at her and fires one shot. Like I said earlier,
3 anger is costly.

4 Ladies and gentlemen, my name is Amanda Gaston, and
5 I along with my co-counsel Dan Goldberg, we represent the
6 State of South Carolina. It's our job to prove to you
7 beyond a reasonable doubt that the defendant Demetrick
8 Doctor is guilty of two counts of murder and one count of
9 attempted murder. Murder is the killing of any person
10 with malice aforethought either express or implied.
11 Malice involves the defendant's state of mind when the
12 crime is committed. To put it another way, malice can
13 simply be described as hatred, ill will, or hostility
14 towards another. The elements of attempted murder are
15 the exact same except that the victim is still alive.

16 Now, earlier I mentioned that we as the State carry
17 the burden to prove our case beyond a reasonable doubt.
18 Beyond a reasonable doubt doesn't mean beyond any or all
19 doubt, just that which is reasonable. So to put it
20 another way, does the evidence we present leave you
21 firmly convinced of the defendant's guilt. In order to
22 do that we will be presenting you with various pieces of
23 evidence. Evidence comes in a couple different forms.
24 There is direct evidence and circumstantial evidence.
25 Direct evidence establishes a fact. So an example of

1 this would be witness testimony.

2 Circumstantial evidence is a little bit trickier.
3 It requires you as jurors to make a judgment or an
4 inference. So, we're all in this courtroom together and
5 you can see there aren't any windows in here. Well,
6 after court is over today, if you go out to your car and
7 you notice there are little droplets of water on it, you
8 might think to yourself it must have rained. Well, you
9 didn't see it rain because we're all in here together
10 without any windows, but you made a judgment about what
11 must have happened.

12 In this case in particular most of the evidence
13 presented to you will be in the form of direct testimony.
14 You will hear from a couple of the police officers who
15 were on duty that night and they will take the stand and
16 tell you about what they saw when they arrived at 129
17 Ballenton Road. Footage from their body cams will show
18 you the position of the two deceased victims and where
19 they were found. Jules face down in the front yard of
20 the d-r. You will see Julio in the front seat of that
21 Toyota Highlander. You will also see John Dickerson
22 laying in the backyard with a gunshot wound to his head
23 laying on a big pile of cans back there yelling for help,
24 crying out in pain.

25 In addition to police, you will also hear from two

1 eyewitnesses who were there that night, Stacy Melton and
2 Nate Telford. They were both just hanging out. Stacy at
3 the time had a relationship with the defendant's brother
4 and she will tell you about she remembers hearing the
5 honking and the defendant coming in hot and that when she
6 turned around, she saw him with a gun in each hand and he
7 was shooting everywhere. She will tell you about how
8 angry he was. You will also hear from Nate Telford as I
9 mentioned earlier. He was in the backyard when all this
10 happened back there playing cards. He will tell you that
11 he also saw the defendant with a gun in each hand and
12 that when that happened, he put his head down and he
13 stayed quiet. He waited for it to be over and he called
14 911 and waited for EMS to get there.

15 You will hear from some crime scene experts who
16 collected, tested, analyzed the evidence in this case.
17 They will tell you about the gunshot residue or the GSR
18 as we refer to it as that was found in the defendant's
19 car. You will hear about a shotgun shell that had been
20 fired and left behind in the gun, a sawed-off shotgun on
21 top of a pile of cans right next to where Dickerson was
22 laying. You will hear that the lead fragments recovered
23 from Julio's head were consistent with what an unfired
24 shotgun shell of the exact same caliber had in it.

25 Dr. Michael Fitzgerald, emergency room doctor who

1 was there that night when Dickerson came into the
2 hospital, he will testify about the injuries that
3 Dickerson sustained, how that bullet went through his
4 eye, through one eye, severed the optic nerve of the
5 other, how he's lucky to be alive today. Dr. Amy Durso,
6 the pathologist who performed the autopsies on Jules and
7 Julio, she will tell you how by her estimation Jules was
8 shot from no less than nine feet away, and Julio by her
9 estimation was shot at close range about two to four feet
10 away.

11 And finally you will hear from Investigators Bland
12 and Dauway. They were the ones who interviewed the
13 defendant. Pay close attention to what the defendant
14 says to them. Pay attention to what he said about anger,
15 about what he does when he's angry, adrenalin, anger
16 makes you run a little faster, see a little clearer.
17 Also pay attention to what he doesn't say. You will hear
18 him say, I didn't shoot a girl. You will hear him say, I
19 didn't shoot anybody.

20 At the end of the trial my co-counsel will come
21 before you and he'll make our closing argument. I want
22 you to remember that anger is costly. I want you to
23 remember the three people who paid the price. I'm
24 confident that the evidence that we'll present to you
25 will prove that what the defendant did when he acted on

1 his anger cost Christine Hayes and Justin Glenn their
2 lives, cost John Dickerson his eyesight and changed his
3 live forever. Therefore, I ask that you render the only
4 verdict consistent with that evidence. Find Demetrick
5 Doctor guilty on two counts of murder and one count of
6 attempted murder. Thank you.

7 THE COURT: Ms. Eigenbrot.

8 MS. EIGENBROT: Thank you, Your Honor. Please the
9 Court.

10 Good morning, folks. So, I have this friend who
11 constantly gets into those new fitness programs, weight
12 loss supplements. She always trying to convince me that
13 I should join in. When I say join in, I mean she wants
14 me to give her money so she can make money. And I always
15 hesitate because, you know, I need more information. In
16 fact, I need better information. I need a reliable
17 source. I need you to tell me where you're getting this
18 information from. You're probably wondering why in the
19 world I'm bringing this up, but that's kind of what this
20 case reminds me of because what I thought of when I first
21 read about the case, more information and better
22 information. I need more reliable information.

23 Now, before I go any further, I want to reintroduce
24 myself. I am Megan Eigenbrot. I along with Mr. John
25 Tate and Mr. Demetrick Doctor, Mr. Tate and I represent

1 Demetrick. Let me tell you a little bit about him.
2 Demetrick is 51 years old. He grew up here in Columbia,
3 born and raised. Raised by his grandmother. Attended
4 Eau Claire High School, and eventually found his way into
5 construction work. Actually even helped open a store
6 called It's Fashion and More. It's located in Newberry.
7 Him in a nutshell. A very simple individual.

8 Now, folks, on a more serious note, as you heard on
9 October 3rd, 2019 three people were shot, two died, one
10 seriously injured. And as Ms. Gaston told you, we're
11 gonna hear about how law enforcement was called out to
12 the scene, how they found the victims, how they then
13 asked their CSI investigators to come out and process the
14 scene. While CSI is there, they locate a number of
15 pieces of evidence. You will hear about a sawed-off
16 shotgun. You will hear about some fired shell casings,
17 four in total, three from one gun .40 caliber, and one
18 from a .380. You will also hear a little bit about this
19 white Crown Vic. I'll get back to that in a little bit,
20 but those are the main pieces of evidence you're gonna
21 hear, forensic evidence. But I also, I want you to focus
22 on what they cannot tell you about the evidence they
23 collected.

24 So, for instance, the shotgun, picked it up, took it
25 into custody, processed it. Not a single fingerprint.

1 No DNA. Nothing forensically to tie it to Demetrick.
2 Those .40 caliber shell casings, also processed, no
3 fingerprints, no DNA. The same with the .380. None of
4 that is tied to Demetrick Doctor. You also won't hear
5 about any actual firearms that shot those .40 caliber
6 shell casings or the .380, especially not any tied to
7 Demetrick.

8 Now, like I said you're gonna hear a little bit
9 about this white Crown Victoria. You're gonna hear some
10 testimony that that's the car they normally seen
11 Demetrick driving, but what you won't hear is that they
12 actually saw him driving the vehicle that night, that he
13 was physically in that car. No one can say that. You
14 will hear that it was located a day later, but again,
15 forensically no fingerprints, no DNA, nothing tying my
16 client to that car.

17 So at least the State has some witnesses as you have
18 hears from the State, and I'm not gonna go into
19 everything you're probably going to hear from them
20 because sometimes I don't know what they're gonna say,
21 but every single one of these people, witnesses are gonna
22 sit in this box, and as you heard from Judge Newman, this
23 is why you all are crucial to this system. You will
24 listen to each and every single individual that sits
25 here. Your job is to judge their credibility, whether or

1 not you believe them. And when I say believe them, you
2 don't actually have to believe all of everything they
3 say. You can believe some of it, believe parts of it, or
4 none of it at all. That is your job. That is why you
5 are here, and you take that information and you make your
6 determination from that. But I think it's really
7 important in this case about witness credibility, so I
8 ask you to pay attention to the witnesses' statements.

9 Now, as the State mentioned, they have the burden in
10 this case. It's very important to understand that the
11 burden is completely and entirely upon them. That means
12 a few things. One, that means I and Mr. Tate can
13 literally sit at that table and kick our feet up and not
14 say anything to you during this whole trial because
15 that's how much the burden is upon them. But more
16 importantly what that means is that as Demetrick sits
17 there, as my client sits right here with me, he is an
18 innocent man. He has pled not guilty and the only
19 thought that should be in your head about him as of right
20 now is that he is innocent. He is robed in a robe of
21 righteousness and that innocence remains with him
22 throughout this entire trial. I'm going to beg and plead
23 for you to remember that.

24 Like I said, the State has that burden. They have
25 to prove to you beyond a reasonable doubt each and every

LATAVISH ULMER - DIRECT BY MS. GASTON

174

1 single element of each and every single crime and I
2 believe at the end of this you will have some questions.
3 You will hesitate to act, and what that hesitation means
4 is there's reasonable doubt, that they have not met their
5 burden, and so at the end of this we will come back
6 before you and ask you to return the only just verdict in
7 this case which is not guilty. Thank you.

8 THE COURT: The State can call their first
9 witness.

10 MR. GOLDBERG: The State calls Sergeant Latavish
11 Ulmer.

12 Thereupon,

13 LATAVISH ULMER
14 after having been first duly sworn, testified as follows,

15 THE CLERK: Please have a seat. Once you're seated,
16 state your full name for the record.

17 THE WITNESS: Latavish Ulmer.

18 DIRECT EXAMINATION

19 BY MS. GASTON:

20 Q. Good morning, Sergeant Ulmer.

21 A. Good morning.

22 Q. All right. Sergeant Ulmer, please tell the jury a
23 little bit about yourself. What do you do for a living?

24 A. I'm a sergeant with Richland County Sheriff's
25 Department. I'm on patrol with SRO.

1 Q. What did you do before that?

2 A. Before school?

3 Q. Yes, sir.

4 A. Sergeant with road patrol, answer calls for service,
5 check property, patrol through the area which is from Farrow
6 Road to Monticello Road.

7 Q. Okay. So before you were the school, at the school,
8 you were a regular --

9 A. Regular deputy on the road. Yes, ma'am.

10 Q. And as a regular deputy with the Sheriff's
11 Department, what were some of the responsibilities associated
12 with your job?

13 A. Property checks, answer calls for service. Just
14 whatever dispatch calls, we respond.

15 Q. And how long did you do that before you switched to
16 your new job here at the school?

17 A. 15 years.

18 Q. Were you employed by the Sheriff's Department back
19 in 2019?

20 A. Yes, ma'am.

21 Q. How about October 3rd of 2019?

22 A. Yes, ma'am.

23 Q. So October 3rd of 2019, were you on duty that day?

24 A. Yes, ma'am.

25 Q. And you mentioned calls for service earlier. Can

1 you tell the jury what that means?

2 A. Basically when dispatch gets a call or a complaint
3 from a person, it's relayed back to the road units and we
4 respond to see what their complaint or the call is about.

5 Q. And on that particular day did you receive any calls
6 for service?

7 A. Yes. They gave out a, it's a tone out, shots fired
8 call and I was in the area of Farrow Road so I responded to
9 that call.

10 Q. And what is a tone out?

11 A. A tone out is when we get an alert saying this is a
12 major call, this is a major call, that all units need to
13 respond that's in that area.

14 Q. And would you get that call on your radio?

15 A. Yes. Radio and the computer in the car.

16 Q. And do you remember what address that call came out
17 to?

18 A. It was 129 Ballenton which is in Richland County.

19 Q. Is that Ballenton Road?

20 A. Ballenton Road. Yes.

21 Q. Here in Richland County?

22 A. Yes. It was close to HardScrabble Road.

23 Q. So before you get the call, that would be, I guess
24 after, you received the call after somebody has reported?

25 A. Yes. After a citizen reports it to dispatch.

1 Q. And so that night did you respond to that call
2 out?

3 A. Yes.

4 Q. And do you remember what you saw when you got
5 there?

6 A. When I pulled up, what I saw was a body not moving
7 on the ground and a gentleman stepped out from the back side
8 of a mobile home waving me down yelling for me to come here.

9 Q. Do you remember if you were the first one there or
10 was somebody else there already?

11 A. No. I was the first officer on the scene.

12 Q. And did you see a male? Were you able to see the
13 vehicle that was parked in the driveway?

14 A. Yes, ma'am.

15 Q. And what did you notice about that?

16 A. The driver's door was open and a male was slumped
17 over the steering wheel.

18 Q. And you just mentioned you heard someone in the
19 backyard. What did you see when you went back there?

20 A. When I was walking back there, the gentleman was
21 waving me, I saw the other victim. Excuse me, but I don't
22 know his name right now, but he was laying down, back down on
23 top of cans.

24 Q. And was there another individual with him or was it
25 just the victim?

LATAVISH ULMER - DIRECT BY MS. GASTON

178

1 A. The victim was laying on the cans, but there was
2 another gentleman there.

3 Q. Got you. And do you remember what kind of injury if
4 any the --

5 A. The victim had facial injuries. I did ask him what
6 happened and he did say he was shot in the face.

7 Q. All right. Is your body cam on and functioning this
8 night?

9 A. Yes.

10 MS. GASTON: Your Honor, permission to approach the
11 witness.

12 THE COURT: Yes.

13 BY MS. GASTON:

14 Q. I'm approaching with what's marked as State's
15 Exhibit 6.

16 A. Yes.

17 Q. Do you recognize what I've just handed you there?

18 A. Yes, ma'am.

19 Q. And have you had a chance to review the contents of
20 that disk?

21 A. Yes, ma'am.

22 Q. And what is on that disk?

23 A. It's a copy of my body camera as I was approaching
24 the scene and after I arrived on scene at the incident
25 location.

1 Q. Are there any identifying marks on that sleeve?

2 A. My initials are on the back of it. Yes, ma'am.

3 Q. Does that indicate that you've had a chance to
4 review the contents?

5 A. Yes, ma'am.

6 Q. Do the contents of those, of the disk fairly and
7 accurately reflect the footage from your body cam that
8 night?

9 A. Yes, ma'am.

10 MS. GASTON: Your Honor, the State moves to enter
11 what's been marked as State's Exhibit 6 into evidence.

12 THE COURT: Any objection?

13 MR. TATE: No objection, Your Honor. Thank you.

14 THE COURT: State's 6 is admitted without
15 objection.

16 MS. GASTON: Thank you, Judge. Beg the Court's
17 indulgence. Your Honor, I want to make sure you're able
18 to see it as well as the entire jury.

19 THE COURT: Make sure the jury can see it. I can
20 step down to watch it.

21 MS. GASTON: Yes, Your Honor.

22 MR. TATE: Do you mind if I stand where I can see?

23 THE COURT: Not at all.

24 BY MS. GASTON:

25 Q. Okay. Sergeant Ulmer, is this your body cam that we

LATAVISH ULMER - DIRECT BY MS. GASTON

180

1 just talked about?

2 A. Yes, ma'am.

3 Q. And did you turn it on after you got there or while
4 you were in your vehicle, still in your car?

5 A. It was turned on while I was still in my vehicle.

6 Q. And usually is there a time lag between when the
7 video --

8 It's a four second time lag before it cuts on.

9 (Playing State's #6.)

10 BY MS. GASTON:

11 Q. Did you turn it on right after you got the call and
12 you knew you were going to head over that way?

13 A. When I initiate blue lights, it automatically cuts
14 on in the car and on the person.

15 Q. So at this point you're getting directions from, at
16 this point you're getting directions from the radio?

17 A. Yes, ma'am.

18 Q. Bravo fox trot means what?

19 A. Black female.

20 Q. At this point?

21 A. Yes. At this point I assume it was a black
22 female.

23 Q. At this point what are you looking for?

24 A. Just securing the area more to see if I see anybody
25 else.

1 Q. Is it pretty standard for you to want to mark
2 evidence where you found it?

3 A. Yes. As far as the crime scene is there, we like to
4 go ahead and mark what we can find so they can use it to
5 locate.

6 Q. And so was that the purpose of the cards?

7 A. Yes.

8 MR. TATE: Your Honor, we would object. We would
9 like a side bar.

10 THE COURT: Pause it.

11 (Stopped playing State's #6.)

12 (Side bar off the record.)

13 (Playing State's #6.)

14 BY MS. GASTON:

15 Q. Okay. Sergeant Ulmer, at this point what's going on
16 at this point in the body cam footage?

17 A. At this point we're still searching the area and
18 just making sure we see to find more evidence, checking on to
19 see directing EMS to the right locations.

20 Q. And I wanted to draw your attention back to that,
21 the male on the cans.

22 A. Yes, ma'am.

23 Q. Was that individual later identified?

24 A. Yes. He was.

25 Q. Was he identified as John Dickerson?

1 A. Yes.

2 Q. And at some point earlier did you notice a firearm
3 on the pile of cans?

4 A. The shotgun that's near the cans that's sticking out
5 from the bottom of the cans, yes.

6 Q. Are you the one who secured that firearm?

7 A. Yes. Corporal Hawkes was the one that picked it up
8 and secured it in my vehicle and I was the one that placed it
9 into evidence.

10 Q. And do you know why you didn't secure it yourself?

11 A. I didn't have any gloves on my hands and he did.

12 Q. Safe to say it's important to be wearing gloves when
13 you secure a weapon --

14 A. Yes.

15 Q. -- or any evidence?

16 A. Yes.

17 Q. Do you think you would recognize that firearm if I
18 showed it to you?

19 A. Yes.

20 (Stopped playing State's #6.)

21 MS. GASTON: Your Honor, I'm showing the witness
22 what's been marked for identification purposes as State's
23 5.

24 THE COURT: Point it down. Don't ever point a
25 firearm loaded or unloaded.

1 MS. GASTON: Yes, Your Honor.

2 BY MS. GASTON:

3 Q. Is this the firearm that you saw?

4 A. Yes.

5 Q. Does it fairly and accurately depict the one on that
6 pile of cans that evening?

7 A. Yes.

8 MS. GASTON: Thank you. I apologize, Judge.

9 THE COURT: And just for the jury's edification, it
10 is unloaded and it's been secured. Is there a trigger
11 lock or something else?

12 MS. GASTON: Yes, Your Honor.

13 THE COURT: Okay. So, I mean, rule number 1 of gun
14 safety is you just don't point it at anyone, right,
15 whether it's loaded, unloaded, secured or unsecured, but
16 it is secured and unloaded. Give me the exhibit number
17 again.

18 MS. GASTON: That would be State's 5, Judge.

19 THE COURT: Was it offered?

20 MS. GASTON: No. Just for ID, Your Honor.

21 THE COURT: Okay. Got it.

22 BY MS. GASTON:

23 Q. Sergeant Ulmer, was that the extent of your
24 involvement with this investigation?

25 A. Yes.

LATAVISH ULMER - CROSS BY MR. TATE

184

1 MS. GASTON: No further questions at this time.

2 THE COURT: Cross examination.

3 MR. TATE: Can we relocate the jumbotron please?

4 THE COURT: Of course.

5 MR. TATE: Judge, thank you.

6 CROSS EXAMINATION

7 BY MR. TATE:

8 Q. Sergeant, thank you for coming this morning. Is it
9 fair to say you got there first?

10 A. Yes, sir.

11 Q. And other officers were close behind; is that
12 fair?

13 A. Yes.

14 Q. And Officer Hawkes and his trainee?

15 A. Yes.

16 Q. And how many other police officers?

17 A. Corporal - Master Deputy Bonds responded and other
18 units, supervisors responded from the area.

19 Q. About everybody?

20 A. Yes.

21 Q. What time did you leave?

22 A. I'm not certain. I could go back and look at the
23 report to tell you for sure.

24 Q. Did you start a crime scene log?

25 A. Master Deputy Bonds started a crime scene log.

1 Q. Thank you. Now, is it fair to say you've been a
2 sheriff 17 years I think?

3 A. Yes.

4 Q. Okay. And through that time you've been through the
5 South Carolina Criminal Justice Academy?

6 A. Yes.

7 Q. Graduated and certified?

8 A. Yes, sir.

9 Q. Probably a whole bunch of advanced training?

10 A. Yes, sir.

11 Q. And probably a whole lot of that training, or some
12 of that training was report writing, correct?

13 A. Yes.

14 Q. And you prepared a report from this incident, didn't
15 you?

16 A. Yes, sir.

17 Q. Isn't that training at the South Carolina Criminal
18 Justice Academy, the good folks out there taught you that
19 reports are important?

20 A. Yes.

21 Q. That they're important for these folks that prepare
22 cases for trial?

23 A. Yes.

24 Q. They're important to this courtroom?

25 A. Yes.

1 Q. Because it refreshes your recollection?

2 A. Yes.

3 Q. You would agree with me your recollection is much
4 clearer that night on Ballenton Road than it is today because
5 it's been a couple of years, fair?

6 A. Yes.

7 Q. Thank you. And you write an initial report,
8 correct?

9 A. Correct.

10 Q. And if there's more things you need to memorialize,
11 you can write a supplemental report, can't you?

12 A. Correct.

13 Q. And if something changes later, you can go back and
14 write another supplement, can't you?

15 A. Correct.

16 Q. And you were trained that police reports need to be
17 accurate?

18 A. Correct.

19 Q. Need to be complete and they need to be thorough,
20 correct?

21 A. Correct.

22 Q. In fact, some instructor probably said if you didn't
23 write it down, it didn't happen, fair?

24 A. Correct.

25 Q. Thank you. Now, is it fair to say as the first

1 responding officer your primary concern, first concern is your
2 safety and everybody else's?

3 A. Correct.

4 Q. And you would agree with me that all of your
5 responses are on the body cam?

6 A. Yes.

7 Q. Okay. And you would agree with me you never cleared
8 the trailer?

9 A. Correct.

10 Q. And you never went inside the camper?

11 A. No. I didn't.

12 Q. If you didn't go in, you didn't recover any
13 evidence, right?

14 A. No.

15 Q. And you never went inside what's described as the
16 sugar shack?

17 A. I did not go in.

18 Q. All right. Thank you. When you recovered the
19 shotgun that we introduced a moment ago, do you remember when
20 that happened?

21 A. Yes.

22 Q. Did you place any marks or any way to identify it?

23 A. Where it was located?

24 Q. No. On the shotgun, like your initials or
25 anything?

LATAVISH ULMER - CROSS BY MR. TATE

188

1 A. Not on the shotgun, but on the box.

2 Q. Just the box?

3 A. Yes.

4 Q. Thank you. And you would agree with me you didn't
5 clear the weapon?

6 A. Well, we cleared it before we -- No. We did not
7 clear it at that point. No.

8 Q. Okay. And when you went around the back and found
9 the gentleman on the pile of cans, Mr. Telford said, I don't
10 know who did this, on the video?

11 A. Mr. Telford?

12 Q. The gentleman you were talking to.

13 A. Telford or the gentleman that was --

14 Q. Either one?

15 A. Well, he did say Doctor. He gave me the last name
16 Doctor.

17 Q. A bunch of them, aren't there?

18 A. Yes.

19 Q. And when you asked Telford who did this, he said I
20 don't know.

21 A. Correct.

22 Q. Just didn't know. And Mr. Telford was right
23 there?

24 A. Yes.

25 Q. And you would agree with me it's pretty dark back

1 there?

2 A. Yes. It was.

3 Q. And when you didn't have your flashlight turned on,
4 you couldn't see much of anything, fair?

5 A. Correct.

6 Q. And I believe you testified you saw some .40 cal's?

7 A. I didn't. No.

8 Q. You did not?

9 A. I just said we found some shell casings. I did not
10 identify them at that time, no.

11 Q. You didn't know what they were?

12 A. No.

13 Q. But you saw them?

14 A. Yes.

15 Q. You don't have any idea where they came from?

16 A. No.

17 Q. Okay. You don't have any idea whether the shotgun
18 had been fired or not?

19 A. Not at that time. No.

20 Q. Did you see the .380 project - or the .380 fired
21 cartridge case?

22 A. No.

23 MR. TATE: Okay. Thank you, sergeant. I don't have
24 any further questions. Thank you for coming today and
25 thank you for what you do.

LATAVISH ULMER - REDIRECT BY MS. GASTON

190

1 THE WITNESS: Yes.

2 THE COURT: Ms. Gaston, anything further from this
3 witness?

4 MS. GASTON: Very briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. GASTON:

7 Q. Sergeant Ulmer, I just want to clarify for the jury,
8 when you went around back, how many people were back there?

9 A. There was two people in the back.

10 Q. And the individual who was standing up, was that
11 Mr. Nate Telford?

12 A. Yes.

13 Q. And the individual on the cans was Mr. Dickerson?

14 A. Mr. Dickerson. Yes.

15 Q. And did you ask Mr. Telford who did this?

16 A. Yes. I did.

17 Q. And what was his answer?

18 A. He said Doctor.

19 Q. And was there a hesitation there?

20 A. No. He repeated it twice.

21 Q. Was he hesitant giving you the first name?

22 A. Yes. He was.

23 MS. GASTON: No further questions, Your Honor.

24 THE COURT: Anything further from this witness?

25 MR. TATE: Nothing, Your Honor.

1 THE COURT: Okay. Thank you. You may step down.
2 Let's take a 10 minute break. Ladies and gentlemen,
3 return to your jury room. Do not discuss the case
4 amongst yourselves. We'll bring you back in in about 10
5 minutes.

6 (Whereupon, the jury entered the jury room at 11:35
7 a.m.)

8 THE COURT: Just before we break, for purposes of
9 the record, State's Exhibit 6 has been admitted into
10 evidence without objection. That is the body worn camera
11 from Ulmer. While it was being published to the jury,
12 there was an objection from the defense. During the side
13 bar we discussed the latter portion of the video and
14 muting the video. With the State's consent that's going
15 to happen even though it had already been admitted so the
16 exhibit 6 needs to be substituted for one that excludes
17 some of the background chatter or all of the background
18 chatter towards the end of the video. I just need for
19 Mr. Tate to identify a time stamp on that video where he
20 would like for it to be muted because certainly the
21 beginning portion of the audio is admissible, but we can
22 take that up at any point before it's sent to the jury.
23 I just wanted to put that on the record.

24 MR. TATE: Any point before deliberations.

25 THE COURT: Absolutely. Absolutely.

1 MR. GOLDBERG: While we're at it, Judge, the next
2 witness is officer, Deputy Hawkes who was also on the
3 scene. We intend to play a portion of his body cam, not
4 as long as the one that was just played. I don't know if
5 Mr. Tate has any similar type objections to that. If he
6 would like to view it prior to publishing to see.

7 THE COURT: How long is it?

8 MR. GOLDBERG: It's about an hour. Just kidding.
9 It's about 10 minutes, Your Honor, maybe 12.

10 THE COURT: Okay. Yeah. Can we have it rolling
11 during the break?

12 MR. GOLDBERG: Yes, ma'am. We have it right here.

13 THE COURT: I mean, just so - Mr. Tate, we'll break
14 for about 15 minutes.

15 MR. GOLDBERG: Yes, ma'am.

16 MR. TATE: Your Honor, I was listening to him,
17 Judge, I was not hearing, and all of the extraneous noise
18 until the volume was turned up on the jumbotron. Maybe
19 they got better technology than I got.

20 THE COURT: Probably. I think the funding is a
21 little different, but that's neither here nor there at
22 this point. All right. Let's take 15 minutes.

23 MS. GASTON: Your Honor, may I approach very
24 quickly?

25 THE COURT: Yes.

1 MR. TATE: Does Your Honor want to see the video
2 during the, after you get back?

3 THE COURT: Only if you have some objectionable
4 portion.

5 MR. TATE: Okay. Thank you.

6 (Short break.)

7 BAILIFF: All rise. Please be seated.

8 MR. TATE: Yes, Your Honor. This is our motion to
9 suppress parts of the body camera.

10 THE COURT: In its entirety?

11 MR. TATE: In its entirety as well as specific
12 portions and I will address each. One, it appears to be
13 duplicative of a lot of what I've already seen or what
14 the jury has already seen in the first one. Secondly, we
15 believe, and this is, these are officers doing their job,
16 we get that, and I also realize where it's not that new,
17 body worn cameras capture everything, good, bad, or
18 indifferent. But with that being said, we believe the
19 nature of this -- Mr. Goldberg hasn't proposed to me yet
20 which photographs he wants to introduce later in the
21 trial, still photographs. I'm sure we'll agree on a
22 bunch of them, we'll probably argue on two or three of
23 them. But in this case there's a face shot of a young
24 lady that's lying in a pool of blood in the front yard.
25 We believe the prejudicial nature of that outweighs its

1 probative value. Candidly, when this was provided to me
2 in discovery, I didn't think they would try to introduce
3 those particular portions even though it's what the
4 officers saw.

5 Secondly, there are multiple conversations in here
6 that are hearsay, but not only are they hearsay, they are
7 drawing conclusions based on evidence. One is as an exit
8 wound. There's extraneous conversation with one, I think
9 it's probably a USC police officer on the task force
10 talking to the victim in the car and the whole thing is
11 absolutely riddled with hearsay, including an officer
12 asking a paramedic to pronounce people dead. And I've
13 got a couple that was something even worse, and that is a
14 misunderstanding. This could easily confuse a juror and
15 here's why. In two places, one place in the other video,
16 and I missed it until I heard it on this video, in this
17 video, and this is something very unique to this case, of
18 course, this is Mr. Doctor, one of the police officers in
19 trying to calm the victim is saying the doctors are here,
20 meaning paramedics. We know that, but that could really
21 confuse a jury and it's hugely prejudicial.

22 Your Honor, we don't doubt these officers did a good
23 job. This is a very competent officer, been around
24 a long time, a lot of time in court. He can describe
25 what he saw and what he did. It's simply not necessary.

1 The video images are unduly prejudicial and that
2 prejudicial effect outweighs any probative value.

3 Secondly, the thing is riddled with hearsay and
4 folks making assumptions and reciting things that are
5 just outside of their knowledge or expertise. We
6 certainly wouldn't let a police officer testify somebody
7 was pronounced, that they pronounced somebody dead. We
8 certainly shouldn't, wouldn't let a police officer
9 without a whole lot of specific training testify to
10 something like entrance wound versus exit wound. We
11 would ask that the entire video be suppressed, but in the
12 alternative all those specific examples we cited.

13 THE COURT: Okay.

14 MR. TATE: I don't doubt, and here's what we
15 sometimes lose sight of. These officers have got a hard
16 job. They do a lot of things out there to do their job,
17 they get close, they communicate with each other, they
18 talk to other people, but just because things happen
19 never means a jury gets to hear them. We've got rules of
20 evidence and we've got rules of procedure and we must
21 filter anything that goes to that jury through those two
22 things and that's all I'm asking this Court to do.

23 THE COURT: Yes, sir.

24 MR. GOLDBERG: Please the Court.

25 THE COURT: Yes, sir.

1 MR. GOLDBERG: Your Honor, we would respectfully
2 disagree and ask Your Honor to allow publication of
3 portions of said video. There is a probative nature to
4 this video. It's not duplicative. And I realize Your
5 Honor has not seen it, but there is a portion of the
6 video where the next witness, Officer Hawkes, he actually
7 does make contact with the female victim on the ground.
8 We have not seen that on Deputy Ulmer's video yet, I
9 don't believe, as to where she was located and he's
10 actually checking her pulse to see if she has a pulse at
11 this time. I will concede that as he's kneeling down
12 checking her pulse his camera can't avoid some of the
13 blood on the ground as a result of the wound she has
14 sustained.

15 Your Honor, we would ask that as far as that portion
16 goes that that video be allowed to play up until the
17 moment where he kind of kneels down to check her pulse
18 and then it could be cut. I checked a moment ago.
19 There's about a 25 second period of time where he's
20 sitting there checking her pulse where you can see this
21 blood on the ground. We would agree to cut that out in
22 light of the fact that I believe there's a still photo,
23 you probably wouldn't let us use it anyway, so I've got
24 no problem with that, but I do believe it's important to
25 show that he is, as one of the first responders and one

1 of the first ones, checking on her, that he is checking
2 her pulse at that time and we can cut it before it gets
3 to the overly substantially prejudicial stuff.

4 As far as the other, another issue as far as it
5 being duplicative, you see in Ulmer's video he references
6 the shotgun and the shell casings and you see Hawkes kind
7 of coming in and out, he's handing him some business
8 cards for marking it, but then Ulmer walks away and you
9 don't see on Ulmer's camera Hawkes actually collecting
10 the gun, checking to see if it was fired, there was a
11 spent casing in it. This video shows that. It shows him
12 picking the weapon up on camera, checking it, seeing that
13 there's a spent shell casing inside of it, placing it
14 back in the gun and then taking the gun to Ulmer's car
15 and placing it in Ulmer's car where it's held until Ulmer
16 submits it into evidence. So we believe that that is
17 relevant and probative regarding the evidence, the
18 firearm evidence in the case that that weapon did, in
19 fact, have in it a spent shell casing.

20 There is some audio as Hawkes is carrying the weapon
21 to the car that Mr. Tate referenced about pronouncing
22 deceased, I have no problem in muting that. I don't know
23 that that's necessarily relevant. The comments he
24 brought up about the USC officer who's over by the victim
25 in the car making some comments, I have no problem muting

1 that. I quite frankly don't know what clip he's
2 referring to about something to do with an exit wound.
3 That would have to be pointed out for me. And then the
4 comment about the officer calming the victim down saying
5 the doctors are here, the paramedics, I mean, frankly I
6 don't find that at first blush to be prejudicial in
7 nature that it substantially outweighs the probative
8 value of him receiving treatment, but if the Court would
9 feel more comfortable with that particular statement
10 being muted out, I'm not going to fight about it.

11 That's kind of where I stand on those items. I do
12 have time stamps already just quickly that we can cut.
13 There was one other that we heard that Mr. Tate didn't
14 bring up about some information about the street that
15 Mr. Doctor may be found on. We obviously would consent
16 to muting that out as hearsay. So I have that time
17 stamp. I have the time stamp for the 25 seconds that I
18 referred to about the blood on the ground. It would take
19 me just a moment to flip through and find the other ones.
20 It shouldn't take but a couple minutes to find that
21 except for the one he referenced to the entrance wound
22 and exit wound.

23 THE COURT: As to Deputy Hawkes' body worn camera,
24 is there any portion of the audio that the State believes
25 is necessary or probative, more probative than

1 prejudicial?

2 MR. GOLDBERG: Right. I believe the portion,
3 there's two portions. I believe that the portion where
4 he is actually looking at the shotgun that is located
5 because he's kind of describing what we're looking at in
6 terms of pulling the casing out or the spent shell and
7 indicating that it appears as though it's been fired and
8 spent, I think that part is relevant and probative, the
9 fact that this is a weapon that we're gonna have
10 testimony later that says that those items are consistent
11 with the items removed from one of the victim's body. So
12 I think it's important to show that that item had
13 actually been fired. Can't say when it was fired, I
14 understand that, but that it had been fired at the point
15 that it was located and his verbal statement is
16 contemporaneous with that and I think are probative.

17 Otherwise, the only other thing that I would suggest
18 from this that would seem probative would probably be
19 there's a, at the tail end of the video when Mr. Hawkes
20 approaches the victim, Mr. Glenn in the vehicle, the
21 paramedics pull Mr. Glenn out of the vehicle onto the
22 ground. There was some signs that he may have had some
23 breaths that he was taking, but he had no pulse and they
24 were getting him on the ground to ensure he had a pulse.
25 After they take him out, on the driver's seat under where

1 he's sitting is a pistol that Deputy Hawkes sees, he
2 collects and he puts on top of the vehicle and he does
3 comment, when he sees it, he says, oh, there's a gun, and
4 he points it out and then he goes and grabs it and puts
5 it on the car.

6 I don't know what the defense is going to do in this
7 case. I don't know if it's going to be a self defense
8 claim. They certainly don't have to say that now, but I
9 do think it's important for Hawkes to be able to testify
10 or at least that part of his audio to say, oh, there's
11 this gun that I see and address that contemporaneously.

12 THE COURT: Okay. Mr. Tate, outside of the general
13 objections that you have already given me, is there any
14 specific objections to those two audio portions?

15 MR. TATE: Yes, Your Honor. They are duplicative.
16 The best evidence of a gun is sitting right here in this
17 box. Mr. Hawkes took possession, and I've got a funny
18 idea that he's on the chain of custody. I'm sure he is.
19 He's got the weapon. This is not an unavailable witness.
20 He's available to testify sitting right back here. He's
21 a competent, experienced officer. He's gonna talk about
22 what he did in a professional manner I'm sure, he has the
23 gun. He can identify it. There's photographs of this
24 gun in situ. They will be introducing them no doubt.
25 I'm not even objecting to the pictures of the gun on the

1 ground or the video of the gun on the ground, but him
2 narrating removing the shell, there's a firearms expert
3 on this list. They'll talk about that, whether it's
4 fired or not, how they know that.

5 This video particularly with the audio simply goes
6 to inflame the jury. It's prejudicial in nature, and I
7 didn't object initially at first. When we had some
8 conversation is when I heard it but, you know, we can
9 come up with seven videos with seven different responding
10 officers and it does nothing but ramp the emotions of
11 this jury up and causes them to, it exposes them and us
12 to the possibly of a decision being made on emotion, not
13 on reason. There's not a single thing in that video
14 that's not somewhere else in this case and that can't be
15 put forward by very competent testimony.

16 THE COURT: I would agree with you, Mr. Tate, if we
17 were at the seventh or eighth video, but this is number
18 2, so I just don't think we're there yet that it's
19 duplicative and inflaming jury, or directed towards the
20 jurors' sympathies so I'm gonna disagree with you there.
21 I will allow only the two portions of the audio just
22 referred to by Mr. Goldberg. The rest of the audio
23 should be removed from the video.

24 Also, as to the female victim lying in the pull of
25 blood, I tend to agree with the State on that too, that

1 any lingering footage of that should be cut out, but to
2 the extent that it overlaps some, I guess there's an
3 overlap between him checking the pulse and some view of
4 that, what we want to get is the checking of the pulse
5 and not any lingering footage of that. You can go ahead
6 and play it if you would like me to see it.

7 (Playing clip.)

8 MR. GOLDBERG: We can stop it virtually right there.
9 There's a shadow kind of over it. So you have basically
10 about seven seconds maybe of him to squat down and check.
11 It's about 10 or 11 seconds total with I'd say maybe a
12 good two count of which you can see what's on the ground,
13 the remainder seems to be either blocked by shadows or
14 the light.

15 THE COURT: That will be allowed over the
16 defendant's objection.

17 MR. TATE: Thank you.

18 MR. GOLDBERG: So just to be clear, the time stamp
19 on the video, that's 2:47:52 through 2:48:03 will be
20 allowed. Thank you, your honor.

21 THE COURT: Okay. And then as to the statement the
22 doctors are here, I don't know if that's on Hawkes.

23 MR. GOLDBERG: It is. Yes, ma'am.

24 THE COURT: Okay. Well, we're muting the audio
25 anyway. I know it was on Ulmer's body worn camera. I'll

1 tell you, when I heard it, I was initially confused, but
2 taking the statement in context, if you listen to what he
3 says afterward, I think it's fine. I don't think that
4 it's overly prejudicial. I mean, the defendant happens
5 to have the last name Doctor, but clearly these are first
6 responders referring to medical personnel. If you take
7 the sentence in its entirety, if you were to stop it say
8 right after saying the doctors are here, then perhaps
9 there would be some confusion, but in context it makes
10 sense because I think the next statement is they're
11 gonna, you know, trying to help you or something along
12 those lines so I will allow that in the first video and
13 Ulmer's video over the defendant's objection. It would
14 be redacted from Hawkes' body worn camera just because as
15 I've already indicated I'm only allowing those audio
16 portions specifically referenced by Mr. Goldberg in his
17 argument.

18 MR. TATE: Which, I want to ask Mr. Goldberg for
19 clarification, but we're cutting out the first part of
20 the video? All the audio is out except for two portions,
21 correct?

22 THE COURT: Correct.

23 MR. GOLDBERG: And I guess, that's correct about the
24 audio. I guess I kind of approached the time stamp
25 backwards. I spoke to what would be played about the

1 viewing of Ms. Hayes. What would be cut out appears to
2 be starting at, on the time stamp on the video 2:48:03
3 through 2:48:20 looks like. That would be the 17 extra
4 seconds of the scene.

5 MR. TATE: I'll ask for a little clarification, Your
6 Honor, and perhaps Mr. Goldberg can restate precisely
7 which audios that the Court is allowing him to play.

8 MR. GOLDBERG: It would be the discussion or the
9 statement that the officer makes while he's picking up
10 the shotgun and examining it up until the time that he
11 starts to walk away from there with it in his hand
12 because it's not long after that that he makes some of
13 these other extraneous comments and then at the end of
14 the video it would start, audio would start just as the
15 victim has been pulled out of the vehicle and Mr. Hawkes
16 observed the firearm on the seat.

17 MR. TATE: But not the comments of the USC officer?

18 MR. GOLDBERG: That was before he sees it.

19 MR. TATE: Okay. Thank you.

20 THE COURT: How long is Deputy Hawkes' testimony
21 gonna take? Similar to the duration of Ulmer's?

22 MR. GOLDBERG: Probably a little bit shorter, Your
23 Honor.

24 THE COURT: Okay. Let's bring the jury. I'm sorry.
25 I didn't ask. You needed time to make those changes.

1 Hold on with the jury.

2 MR. GOLDBERG: Well, I can do it. I can have the
3 sound off. Obviously I can hit mute, as far as that 17
4 seconds, I would just need to kind of turn it away, fast
5 forward it. I can do it. Might be a little awkward.
6 I'm fine to do it. It wouldn't get played in front of
7 them, but it will take me a second to kind of turn it.

8 MR. TATE: Your Honor, I think this gives a distinct
9 impression to a jury that we are trying to hide something
10 from them. I think what needs to happen, the Solicitor's
11 Office needs to produce a video consistent with Your
12 Honor's ruling and we need to come back and show that
13 video to this jury.

14 MR. GOLDBERG: That's fine.

15 MR. TATE: We can call the other witness now, if you
16 prefer, or break, however you would like to proceed.

17 THE COURT: I'm happy to take an early lunch break
18 and just come back and really hit it.

19 MR. GOLDBERG: Yes, ma'am.

20 THE COURT: So let's bring the jury.

21 (Whereupon, the jury entered the courtroom at 12:45
22 p.m.)

23 THE COURT: Welcome back, ladies and gentlemen. I'm
24 sorry for the delay. I know I told you 10 minutes. I'm
25 gonna try to stop telling you or estimating how long it's

1 gonna take because sometimes I just don't know. We've
2 got a little bit more work to do without you so I'm just
3 gonna excuse you for a lunch break at this point. Don't
4 discuss the case amongst yourselves or with anyone else.
5 Don't do any research about the case. Be back in your
6 jury room at 1:45 and we will resume the trial at that
7 point. Have a good lunch.

8 (Whereupon, the jury was released for lunch at 12:45
9 p.m.)

10 THE COURT: All right. I'll see y'all at 1:45.

11 MR. GOLDBERG: Thank you, Your Honor.

12 MR. TATE: Thank you, Your Honor.

13 (Lunch break.)

14 BAILIFF: All rise. Make sure your cell phones are
15 turned off at this point. You may have a seat.

16 THE COURT: All right, folks, have we worked out
17 what we needed to work out? Ready for the jury?

18 MR. GOLDBERG: Yes, ma'am, I believe so. Just for
19 the record I've showed Mr. Tate just now a copy on the
20 smart board of what is on State's 7 for ID which is the
21 approximate nine minute video of Deputy Hawkes' body cam
22 all of which is muted except for the parts that we
23 discussed relating to the handling of the firearms and
24 then also what has been cut out of this is the 17, 18
25 seconds involving when he was looking at this casing.

1 THE COURT: Okay. Outside of the previous
2 objections, any new objections, Mr. Tate, to that?

3 MR. TATE: Not at all, Your Honor. Thank you.

4 THE COURT: Okay. Got it. All right. Bring the
5 jury.

6 MR. TATE: Of course, subject to the proper
7 foundation being laid on direct examination.

8 THE COURT: Of course.

9 (Whereupon, the jury entered the courtroom at 1:55
10 p.m.)

11 THE COURT: Thank you. Welcome back, ladies and
12 gentlemen, and I hope you enjoyed your lunch. We are
13 still on the State's case. The State can call your next
14 witness.

15 MR. GOLDBERG: Thank you, Your Honor. May it please
16 the Court. The State calls John Hawkes.

17 Thereupon,

18 JOHN HAWKES

19 after having been first duly sworn, testified as follows,

20 THE CLERK: Please have a seat. Once you're seated,
21 state your full name for the record please.

22 DIRECT EXAMINATION

23 BY MR. GOLDBERG:

24 Q. Good afternoon. Will you please tell this jury your
25 name and where you're employed?

JOHN HAWKES - DIRECT BY MR. GOLDBERG

208

1 A. My name is John Hawkes. I'm a corporal with the
2 Richland County Sheriff's Department. I am currently assigned
3 to the training unit.

4 Q. How long have you been with Richland County?

5 A. Just over 10 years.

6 Q. All right. And how long have you been in law
7 enforcement altogether?

8 A. Corrections time about 18 and a half.

9 Q. Okay. Can you describe for the jury what your
10 duties are currently with the Sheriff's Department?

11 A. Currently I am assigned to our training division.
12 I'm a firearms instructor, defensive tactics, driving. I
13 split my time between training new hired recruits and
14 re-educating our veteran officers on aspects of the job that
15 they may not have seen all that much, try to keep them current
16 on what's up to date on training and manuals.

17 Q. Okay. And back in October 2019 you were still with
18 the Sheriff's Department at that time?

19 A. That is correct.

20 Q. What was your role with the department in October
21 2019?

22 A. I was the region three corporal, the road supervisor
23 responsible for control and activities for my squad. I
24 supervised four people.

25 Q. You mentioned region three. What is that?

1 A. That's correct. Region three is actually the area
2 of the county which would encompass Monticello, Fairfield,
3 North Main, Farrow Road and a little bit of Pelion Road as one
4 of our areas. I spent six and a half years in that region
5 within Richland County.

6 Q. Specifically turning to October the 3rd of 2019, did
7 you receive a call out to 129 Ballenton Road?

8 A. Yes. We did.

9 Q. And were you familiar with that location?

10 A. Very familiar.

11 Q. All right. And what was the nature of the call that
12 you received?

13 A. The call was toned out as Sergeant Ulmer described
14 earlier, tone out is a radio broadcast, a loud beeping tone,
15 we also received a call on our MVT's that stated that there
16 had been a shooting at 129 Ballenton. The only other
17 information other than people shot was that the suspect had
18 left the scene in a white Crown Victoria.

19 Q. All right. And upon arrival I believe Sergeant
20 Ulmer testified he was the first one there; is that right?

21 A. I believe that's correct.

22 Q. So he was there prior to your arrival?

23 A. Minutes before. Yes.

24 Q. Okay. When you arrived, what did you observe as you
25 first made your way over to the crime scene?

1 A. I arrived, pulled in the driveway behind one of the
2 vehicles which had a body laying halfway in and halfway out of
3 the door. The body was slumped over the apex of the door
4 inside against the steering wheel. I observed the person to
5 have a large caliber hole in the back of their head just below
6 the left ear. I saw evidence of blood and brain matter on the
7 dashboard and windshield and inside the vehicle.

8 Q. Is that the male or female?

9 A. It was a male.

10 Q. Okay. Later identified as Justin Glenn; is that
11 right?

12 A. I believe so.

13 Q. Okay. You may proceed.

14 A. After that we discovered a female maybe 50 yards,
15 not 50 yards, 50 feet to my left from the vehicle in front of
16 the trailer which is the largest residence on the property.
17 She was face down. She was deceased. She had no pulse. She
18 did have heavy blood loss around the face and neck area. I
19 believe she had an entry wound to the back of her head and to
20 her shoulder as well.

21 Q. All right. And when you, I'm going back to -- I'm
22 sorry. That person was later identified as Christine Hayes;
23 is that right?

24 A. Yes, sir.

25 Q. Going back to when you encountered Mr. Glenn, did he

1 have a pulse when you checked him?

2 A. I don't believe he did. Judging by the nature of
3 his injury, it was a non survivable injury. Due to my
4 training and experience I have seen it many times before and
5 it was not a survivable type of wound.

6 Q. So after you observed the two of them, checked their
7 pulse, where did you go next?

8 A. I called to Sergeant Ulmer to find out where he was.
9 He had cleared the scene. He had apparently cleared the front
10 yard as well, had gone to the back of the house. I yelled for
11 him. He said he was around back. I went on back to assist
12 him in identifying any other victims and collecting any
13 evidence and just looking around.

14 Q. What, if anything, did you observe in the
15 backyard?

16 A. In the backyard we encountered a gentleman who was
17 laying on his back in a large pile of aluminum cans. He
18 appeared on first inspection, it looked like he had been
19 beaten about the face quite extensively. Both of his eyes
20 were bulging out with kind of little slits in them which I
21 assumed were his eyelids. It looked to me like he was beaten
22 about the face. I learned later that he had been shot in the
23 head. While there while we were checking him for
24 responsiveness, vital signs, Sergeant Ulmer started noticing
25 shell casings on the ground. I provided some business cards

1 to be used as little markers for the evidence to be recovered
2 later.

3 Q. What is a common way to describe what a shell casing
4 is?

5 A. A shell casing is actually a spent cartridge without
6 the projectile in it. It would be just the brass casing. The
7 projectile had already been fired from the weapon. In a
8 semi-automatic handgun it will eject, it will fire the
9 cartridge out the barrel and the shell casing will be ejected
10 from the side of the weapon and another round will be
11 subsequently put into the breech of the weapon. Normally
12 while policing a scene we will find brass from a shooting. It
13 will be laying around on the ground.

14 Q. At this point you guys, you and Ulmer observed three
15 shell casings you said?

16 A. There was a number of shell casings Sergeant Ulmer
17 was identifying with his flashlight and I was trying to get
18 some cards out of my pocket to use as markers.

19 Q. What kind of cards?

20 A. Just business cards. Plain business cards from my
21 pocket.

22 Q. Was it your job at this point to actually pick those
23 items of evidence up and take them into custody?

24 A. Not the shell casings. Shell casings don't exactly
25 pose a threat of harm to anybody.

1 Q. That would be something a crime scene investigator
2 would likely handle upon them coming back, correct?

3 A. That's correct.

4 Q. All right. And so in that same area did you observe
5 any firearms on the ground?

6 A. I did.

7 Q. What was that?

8 A. My left at the periphery of the pile of cans there
9 was a sawed-off shotgun, had a pistol grip with duct tape
10 wrapped around it, the barrel was no longer than 12 inches.
11 It was laying in the cans. It was closed. I picked it up, I
12 opened it. I did observe a spent shell casing or a spent
13 shotgun shell, the primer had already been struck.

14 Q. Meaning what?

15 A. The primer is the small dot on the back of the shell
16 casing. When the firing pin hits it, it will make an
17 impression on that primer igniting the cartridge and sends the
18 projectile down range. I removed the shell casing. The shell
19 was exploded at the end. I could tell that it had been fired.
20 The firing pin had also been struck. It was still in the
21 weapon. I recovered it, resealed it, and placed it in
22 evidence.

23 Q. So why would you actually check an item like that in
24 this type of scene to see if it had been fired at all?

25 A. Because firearms can be dropped and they can go off.

1 Somebody can catch the trigger on something. It's not common
2 practice for us to leave a firearm in place laying out in the
3 middle of a active crime scene. We hadn't secured everything
4 yet. Standard procedure if we take any firearm we find, we
5 usually drop the magazine, clear the chamber, put it in a
6 locked open position making it safe and mark it so later on it
7 can be collected by either crime scene or a deputy processing
8 the crime scene, collecting it and processing it properly
9 after that.

10 Q. So unlike those shell casings that were on the
11 ground, did you actually physically take control of the
12 shotgun and place it in a secure location?

13 A. Yes. I did.

14 Q. What did you do with it?

15 A. Because I was wearing gloves, I told Sergeant Ulmer
16 that I inspected the weapon, made sure it was clear, there
17 wasn't nothing else, it was a one shot weapon, I took it and I
18 have a marking photograph of my body cam to mark the section
19 on the tape where it was discovered, I secured the weapon in
20 the back of Sergeant Ulmer's car to safeguard it.

21 Q. I'm not gonna pull it out at this point because the
22 jury has already seen it and they'll see it again, but this is
23 State's number 5 for ID. I'm gonna show you that. Is that
24 the -- What is that?

25 A. That would be the shotgun that I found in the

1 periphery of the cans.

2 Q. And also as part of State's 5 is this little
3 envelope here. I'll ask you what is that inside there?

4 A. That would be the spent 12 gauge shotgun shell that
5 was inside the breech of that shotgun.

6 Q. When you found it?

7 A. Yes, sir.

8 Q. Okay. And so that went, that was inside the firearm
9 when you put it in Sergeant Ulmer's vehicle, correct?

10 A. That's correct.

11 Q. All right. And you indicated you had body cam on
12 during this time?

13 A. Yes, sir.

14 Q. All right. And how does that work?

15 A. Body cams are activated any time we activate the
16 blue lights on our vehicles. Like before we begin conducting
17 a traffic infraction, make sure you hear our vehicle, start
18 the blue lights flashing, at that point in the vehicle it
19 starts the body cam recording sequence. While en route to the
20 scene my body cam was already activated and it ran the entire
21 time until which time we decided to terminate the body cam
22 footage and there was nothing further of value to be gained.
23 It was just the collection of evidence, not the collection but
24 the leading up to the crime scene before that and after as
25 well.

JOHN HAWKES - DIRECT BY MR. GOLDBERG

216

1 Q. You had the body cam on that night, correct?

2 A. Yes. I did.

3 Q. All right. And I'm gonna show you what's been
4 marked as State's 7 for ID. Do you know what that is?

5 A. That would be the body cam footage.

6 Q. Okay. Would you say that the footage on this is a
7 fair and accurate depiction of how your body cam appeared on
8 that night out at the crime scene?

9 A. I would. Yes, sir.

10 MR. GOLDBERG: All right. Your Honor, at this time
11 I would offer State's number 7 into evidence and request
12 it be published to the jury subject to our previous
13 discussions.

14 MR. TATE: Without objection, Your Honor.

15 THE COURT: All right. 7?

16 MR. GOLDBERG: Yes, Your Honor.

17 MR. TATE: 7 is the copy we just made.

18 THE COURT: Understood. State's 7 is admitted over
19 defense's objection.

20 MR. GOLDBERG: Thank you, Your Honor.

21 MR. TATE: Your Honor, if you don't mind, could I
22 move up and possibly sit with madam clerk?

23 THE COURT: Absolutely.

24 MR. TATE: Thank you.

25 (Playing State's #7.)

1 BY MR. GOLDBERG:

2 Q. Corporal Hawkes, this is the body cam that we were
3 referring to as State's 7, correct?

4 A. Yes. That's the inside of my vehicle. That will be
5 my response to the call.

6 Q. And that video that we're seeing is not from the
7 vehicle though, it's from your body cam, correct?

8 A. Yes. I'm wearing it now outside.

9 Q. At this point in the video are you checking Ms.
10 Hayes?

11 A. I believe I may have had my sequence in reverse. I
12 checked Ms. Hayes first before going to the vehicle and
13 finding the gentleman and his girlfriend.

14 Q. Okay. At this point in the video you were heading
15 back over to check on Mr. Glenn in the vehicle, correct?

16 A. That's correct.

17 Q. On the video at this point that's Mr. Dickerson?

18 A. Yes.

19 Q. This is the gentleman that you were describing with
20 the facial wounds who was conscious?

21 A. Yes, sir.

22 Q. Without going into what they are saying, what sort
23 of other people were there assisting you at this point? What
24 type of agencies would you have there?

25 A. At this point I believe I saw Master Bonds was in

1 the frame as well as the fire department.

2 Q. EMS also?

3 A. EMS may have been still behind the fire department.
4 Our general practice is we have to secure the scene before EMS
5 can actually enter the crime scene. The fire department had
6 gotten there well before them. They usually start off with a
7 patient assessment or something like that and try to stay as
8 long as they can before EMS arrives and in conjunction with
9 EMS they will assist with the subject.

10 Q. Where is the light coming from we see on the
11 video?

12 A. That would be my flashlight surveying the area just
13 to see if there's any more victims or if there's any evidence
14 that would probative to the investigation.

15 Q. Earlier you testified about the shell casings being
16 located. Is that what we're watching here?

17 A. I believe this is Sergeant Ulmer calling my
18 attention to the shell casings and asking if we had something
19 to mark them with.

20 Q. And that would be so when the crime scene
21 investigators arrive, they can do whatever they need to do and
22 see where these items are located?

23 A. That's correct.

24 Q. As you described earlier this is a similar procedure
25 in regards to the shotgun that was found; is that correct?

1 A. That's correct, sir. I cleared the shotgun, tried
2 to take a still photo with my body cam.

3 Q. Is that what we're about to see here?

4 A. This is where I reach over and pick it up after I
5 took the photograph, correct. Marked the spot with the tape
6 where we find it.

7 Q. As you're walking around at this point you still
8 have it in your possession, correct?

9 A. That's correct.

10 Q. And it remained with you until you placed it into
11 Sergeant Ulmer's vehicle?

12 A. That is also correct.

13 Q. What did you say there about gloves?

14 A. When I arrived on scene, I went in my trunk and I
15 pulled out a pair of rubber gloves just to prevent any DNA or
16 fingerprint transfer. Sergeant Ulmer hadn't had gloves on at
17 that point and I had a weapon in my hand that had already been
18 cleared by me so there should be no fingerprints except for
19 whoever the shooter was, I handed it to him, when I saw he
20 didn't have any gloves, I just went and placed it in the back
21 of his car.

22 Q. After you did that, you have now walked back over
23 towards the SUV where Mr. Glenn was found, correct?

24 A. That's correct.

25 Q. And he's actually pulled out of the vehicle in a

1 moment, correct?

2 A. They do pull him out of the vehicle.

3 Q. And that was for EMS to conduct further examination,
4 correct?

5 A. There were signs of what they call agonal breathing
6 and they were mistaken for actual breath signs or signs of
7 life. Once they pulled him out of the vehicle and placed him
8 on the ground, they determined that he was deceased.

9 Q. After he was removed from the vehicle, tell me what,
10 if anything, did you observe in the driver's seat underneath
11 where Mr. Glenn had been sitting in the vehicle?

12 A. On the seat I saw a pistol, it was dark in color. I
13 saw, I think there was a bottle of soda or a can of soda, and
14 in the center console there was some either crack cocaine or
15 powder cocaine that was in the center like on the lower
16 portion between where the seats would come together.

17 Q. You said the pistol was on the seat?

18 A. Yes, sir.

19 Q. And when you first approached Mr. Glenn, could you
20 see it at all?

21 A. No. I could not.

22 Q. Okay. And after he was removed, that's when you
23 observed it?

24 A. I did and I stayed there with the camera on the gun
25 on the seat.

1 Q. All right. I'll play that now.

2 (Playing video.)

3 BY MR. GOLDBERG:

4 Q. That's it right in the middle of the seat there?

5 A. That's correct.

6 Q. And you're picking it up. The video stops at this
7 point, but what did you do with the firearm upon taking it out
8 of the vehicle?

9 A. I removed it from the vehicle, I rendered it safe, I
10 dropped the magazine, cleared the chamber, leaving the slide
11 unlocked in an open position, I placed it on top of the
12 vehicle, and I later alerted our crime scene detective that
13 there was a weapon on top of the vehicle that needed to be
14 collected and processed. I had gloves on the whole time. I
15 was informing them that I put one in Sergeant Ulmer's car as
16 well so he was aware of it and he collected it.

17 Q. So unlike the other weapon where you checked to see
18 if it had been fired, this one your primary goal was just to
19 remove any potential projectiles, et cetera, to make it safe
20 for anyone who might come in contact with it, correct?

21 A. That's correct.

22 Q. And did you actually take that firearm and put it
23 into evidence or anything or did you leave that for crime
24 scene investigators to handle?

25 A. I did not. I turned it over to Investigator

1 Oates.

2 Q. The crime scene unit?

3 A. Yes. I notified Mr. Oates when he arrived on scene
4 that we had two weapons that he needed to secure. I told him
5 where they were and what condition they were left in.

6 Q. Okay. So at this point though in a case like this
7 where you've got multiple dead bodies, another injured, is it
8 common practice for you or Sergeant Ulmer to continue on with
9 this investigation afterwards or is it turned over to others
10 within the department?

11 A. Common practice is for us to gather as much
12 information as we can at the scene while it's fresh in
13 everyone's mind, we'll speak to witnesses, we'll make either
14 mental or written notes of where a vehicle was, where items
15 were found. We'll speak to other investigators. As they
16 arrive we'll brief them on situations. We do a lot of the
17 evidence collection, kind of a firsthand cursory collection,
18 let them know what we do have, who we're talking to. If we
19 had something that was pretty much cut and dry, we knew what
20 happened, we would give them our opinions as to based on
21 different statements from what the witnesses, what they
22 observed, how things happened, how it transpired.

23 Q. In this situation you mentioned Investigator Oates.
24 That's one of the crime scene investigators, correct?

25 A. That's correct.

1 Q. And he responded out to -- Well, he'll tell the jury
2 what he did, but he came out to examine the crime scene
3 further, correct?

4 A. He did.

5 Q. And then you made contact with Investigator Bland
6 who was one of the investigators or detectives who would be
7 working the case, correct?

8 A. That's correct.

9 MR. GOLDBERG: All right, sir. Thank you. Please
10 answer any questions Mr. Tate may have.

11 THE COURT: Cross examination.

12 CROSS EXAMINATION

13 BY MR. TATE:

14 Q. Corporal, how are you?

15 A. Good, sir. How are you?

16 Q. Good. Thank you. Thank you for coming. Looked
17 like from your body cam it's pretty dark out there?

18 A. Yes, sir.

19 Q. Other than the one street light, any illumination we
20 would have seen would have been from police officers'
21 flashlights, headlights, spot lights, fair?

22 A. That's correct. I don't remember if there was a
23 bright moon that night or not, but we did have a few
24 flashlights to see anything well.

25 Q. Okay. And you would agree with me there was a motor

1 home in the front yard?

2 A. That's correct.

3 Q. And a Mercedes automobile between the motor home and
4 the house trailer?

5 A. There was numerous cars there on any given time. As
6 you said there was a Mercedes vehicle there.

7 Q. You wouldn't disagree?

8 A. Wouldn't disagree.

9 Q. How many cars do you think was out there not
10 counting police cars?

11 A. I believe there may have been two more in the
12 driveway to the right of the SUV where the body was. I know
13 there's at least one or two pickup trucks behind the shelter
14 next to the little ante room they had back there, may have
15 been another truck or car off to the side as part of the
16 Telford's, the neighbor's yard. I didn't do a cursory count
17 of how many vehicles were there that night.

18 Q. I believe you testified on direct examination that
19 your body camera comes on when you activate your blue lights
20 on your car?

21 A. Yes, sir.

22 Q. And it stays on until you turn it off?

23 A. Yes, sir.

24 Q. And you turned it off after y'all searched the other
25 cars. Do you remember how long it stayed on?

- 1 A. I honestly do not remember when I turned it off.
- 2 Q. But if you were there, it was on?
- 3 A. Yes.
- 4 Q. And is it fair to say, I realize you don't know what
5 everybody did, but you personally didn't clear the single wide
6 mobile home?
- 7 A. The single wide trailer --
- 8 Q. Right.
- 9 A. -- or the mobile home in front?
- 10 Q. Either one.
- 11 A. They were both secured.
- 12 Q. Okay. You didn't clear the sugar shack?
- 13 A. That was secured. Pad locked from the outside.
- 14 Q. Okay. Thank you. As to the shotgun, I trust from
15 the way you handled the weapon you have some familiarity with
16 these breech loaded single shots?
- 17 A. Yes, sir.
- 18 Q. And would it be fair to say that you removed, you
19 opened the weapon, opened the breech, fair?
- 20 A. Yes.
- 21 Q. Removed the shell?
- 22 A. That's correct.
- 23 Q. Reinserted the shell?
- 24 A. That's correct.
- 25 Q. Closed the breech?

1 A. That is correct.

2 Q. Watching it would seem like when you broke it the
3 first time, when you opened the breech, the ejector failed to
4 function; is that correct?

5 A. It may have been I didn't hit it hard enough. I
6 think you see on the video when I did it the second time with
7 a little bit more force and it did separate the length of the
8 shell from the breech about maybe a quarter of an inch and I
9 was able to pick it out.

10 Q. Okay. And you would agree with me that that weapon
11 sitting down here is the same weapon you recovered on
12 Ballenton Road?

13 A. Yes, sir.

14 Q. And that weapon can only be fired one time?

15 A. It can be fired one time before being reloaded --

16 Q. Exactly.

17 A. -- and fired a second time.

18 Q. Exactly.

19 A. Correct.

20 Q. And one must, to reload one must stop, breech the
21 weapon, remove the shell, put a fresh shell in, reclose the
22 breech and cock the hammer, correct?

23 A. Yes, sir.

24 Q. Okay. And at that point it can be fired a second
25 time?

1 A. That is correct.

2 Q. Thank you. And you would agree the shotshell that
3 you removed from there was 7F birdshot?

4 A. I could not determine at that time what type of
5 round it was whether it was buckshot, birdshot.

6 Q. You were just making sure it was a spent round and
7 not a live round?

8 A. That's correct.

9 Q. Thank you. As to the front yard where Mr. Glenn was
10 seated, you testified on direct examination that that vehicle
11 was a Toyota Highlander?

12 A. I'm not sure what the make of the vehicle was. It
13 was an SUV.

14 Q. SUV where the gentleman was sitting, fair?

15 A. The deceased?

16 Q. Yes.

17 A. Yes, sir. He was slumped over in the front driver's
18 side door apex area in the vehicle.

19 Q. And you recovered a nine millimeter handgun from the
20 seat he was sitting in, fair?

21 A. I recovered a handgun. I didn't check the caliber
22 on it. I just made it clear and put it on top of the
23 vehicle.

24 Q. And you rendered that weapon safe as well?

25 A. Correct.

JOHN HAWKES - CROSS BY MR. TATE

228

1 Q. And you did that by removing a live round from the
2 chamber?

3 A. Correct.

4 Q. And removing a magazine with additional rounds?

5 A. The magazine came out first, the weapon was cleared,
6 and I put all the items, the magazine, the fresh cartridge and
7 the pistol itself were all placed on top of the vehicle.

8 Q. On top of the car. Thank you. And you also based
9 on your training and experience you saw cocaine in the car?

10 A. I did.

11 Q. And it was immediately apparent to you based on your
12 training and experience that it was cocaine?

13 A. Yes, sir.

14 Q. Thank you. Did you also find a pound of marijuana
15 in the back of the white pickup truck?

16 A. (Witness shaking head.)

17 Q. That what was not you?

18 A. I don't believe I found a pound of marijuana that
19 night.

20 MR. TATE: Thank you very much. Thank you, officer.
21 I don't have any further questions.

22 THE COURT: Any redirect?

23 MR. GOLDBERG: No, Your Honor.

24 THE COURT: Thank you, sir. You may step down.

25 Call your next witness.

1 MS. GASTON: The State calls Chris Malone.

2 Thereupon,

3 CHRISTOPHER MALONE

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

5 THE CLERK: Please have a seat. Once you're seated,
6 state your full name for the record.

7 DIRECT EXAMINATION

8 BY MS. GASTON:

9 Q. Mr. Malone, please introduce yourself to the jury.
10 Tell them a little bit about what you do for a living?

11 A. Hi, my name is Chris Malone. Christopher Malone. I
12 work for Richland County EMS as a paramedic. I've worked for
13 Richland County EMS as a paramedic since 2019, having
14 previously come from Charleston County also working as a
15 paramedic.

16 Q. So how long have you been a paramedic? How many
17 years in total if you had to guess?

18 A. I think since 2015 been a paramedic, but I have been
19 in EMS over a decade doing it also in the military as well.

20 Q. So would it be fair to say around five to six years
21 as a paramedic?

22 A. Yes, ma'am.

23 Q. Before that, before you were a paramedic, what
24 title?

25 A. EMT basic. So in EMS there's three different

1 levels. There's an EMT basic which handles basic calls such
2 as slips, trips, falls, minor fractures, minor injuries, some
3 things that people might refer to as common cold or sniffles.
4 Then you have an EMT advanced which is the next level up which
5 can start IV's, do IV therapy and you give a couple of
6 medications. I'm not really sure what they're allowed to
7 give. I went right from EMT basic to paramedic which is the
8 third and the highest level for the emergency pre-hospital
9 care.

10 Q. And did you have to do any sort of schooling or
11 training to become certified?

12 A. Yes, ma'am. I went to Trident Technical College in
13 North Charleston. It's a two a year associates degree program
14 in the paramedic degree program.

15 Q. Can you please tell the jury as a paramedic what are
16 some of your day to day job responsibilities?

17 A. Uhm, basically calls of service from anything to
18 assisting people up off of the floor to assisting people that
19 are seriously sick or injured, unseen stuff such as traffic
20 accidents. Pretty much anything as you've driven down the
21 road and seen an ambulance on the side of the road with
22 flashing lights on, we respond to any number of medical
23 things. Anything where people can't get to the hospital
24 themselves or basically just kind of want EMS to come out
25 there to give them advice on whether they should go to the

1 hospital or not.

2 Q. I want to draw your attention back to October of
3 2019, specifically October 3rd, 2019. Were you employed by
4 Richland County back then?

5 A. Yes, ma'am. I was.

6 Q. As a paramedic?

7 A. Yes, ma'am. As a paramedic.

8 Q. And were you working that night?

9 A. Yes, ma'am. I was.

10 Q. Did you receive any calls for service that day?

11 A. Yes, ma'am. We did. Multiple.

12 Q. And would that call of service be to 129 Ballenton
13 Road?

14 A. No, ma'am. It was not. May I get my report? I
15 actually pulled my report. I pulled it or do you have one I
16 can look at?

17 MS. GASTON: Your Honor, which do you prefer? I
18 have a copy. I believe Mr. Malone also has his report.

19 MR. TATE: I've a copy, too, if you need mine.

20 THE COURT: Doesn't matter to me.

21 BY THE WITNESS:

22 A. I have one. I did come prepared, ma'am.

23 BY MS. GASTON:

24 Q. Okay. Feel free to take a look.

25 A. The address that we responded to was actually

1 dispatched to 239 Ballenton Road.

2 Q. So did that happen sometimes that dispatch might
3 give you guys the wrong address initially?

4 A. Yes, ma'am. Unfortunately it does.

5 Q. Did you end up arriving at 129 Ballenton Road?

6 A. I believe so. I don't know what the exact address
7 was, but I do know that we were in the correct spot because
8 there was a lot of firefighters and police officers indicating
9 to stop here.

10 Q. Is it fair to say you knew where to go because there
11 was a lot of commotion going on?

12 A. That it correct, ma'am.

13 Q. All right. So what happened when you arrived at the
14 location? What happened first?

15 A. Uhm, as best I can recall, we exited the ambulance.
16 There was already several emergency responders that were
17 already there waiting for us, the fire department, the
18 Sheriff's Department, so very quickly they kind of gave us a
19 rundown so we had a quick synopsis of what we were walking
20 into, so within a couple of seconds I already knew that we had
21 multiple injuries, that there was one patient that was
22 probably not going to be a viable patient, that's what we
23 often refer to as DOA, or dead on arrival. Also an individual
24 that was sitting in a vehicle as well as another patient that
25 was in the back of the residence where they found him where

1 the cans were that was for all intents and purposes he was
2 alert so he had a pulse and had respiration.

3 Q. Okay. I want to back up just a little bit to that
4 male that you referred to. Did you assess him first?

5 A. I don't remember if it was first, but I do remember
6 we went up, we did what's called a rapid assessment or
7 basically a doorway assessment. It's where we walk up and we
8 get a general impression in our mind whether this is going to
9 be an emergent patient or a patient that we can kind of sit
10 down and we have more time to assess the situation. Judging
11 from the situation I automatically knew that we were in an
12 emergent situation no matter who the patient was, but upon
13 walking up and assessing him, the first thing I did was check
14 for a threaded pulse. That was absent. I did notice that
15 there was what we call agonal respirations.

16 Q. I want to slow you down just a minute. I'm sorry.
17 I don't mean to cut you off. I want to make sure we're all
18 following you.

19 A. No. I'm sorry.

20 Q. So I just want to clarify, this individual that
21 you're talking about right now, is this the black male who was
22 in the SUV?

23 A. Yes, ma'am.

24 Q. Okay. And he did not have a pulse?

25 A. Correct.

1 Q. And I know you just mentioned agonal breathing, if
2 you could please -- I apologize again. I just want to make
3 sure --

4 A. No. I'm sorry to get ahead. The agonal
5 respirations, that's not what is considered true respirations.
6 It's at best considered a natural reflex of the body. It's
7 the brain's last ditch effort to attempt to get oxygen to
8 itself, but it's not effective breathing.

9 Q. Is it fair to say that agonal breathing is not true
10 respiration, it's not true breathing?

11 A. Absolutely, ma'am. That's almost the definition.

12 Q. And this individual, when you did your rapid
13 assessment of him, did you notice any wounds on him?

14 A. Yes, ma'am. There was a pretty sizeable wound to
15 the head, one that, I don't know if I can repeat the other
16 officer's testimony, he said not compatible with life, that
17 was also my independent determination as well was that the
18 individual, the black male's wounds were not compatible with
19 life.

20 Q. And then after you did the assessment on this first
21 individual in the SUV, who did you go to next?

22 A. I think it was the female, the one that was on the
23 ground face down.

24 Q. And what -- I apologize. Did you perform a rapid
25 assessment on this individual as well?

1 A. Yes, ma'am. As I was approaching, I was looking for
2 massive hemorrhaging and then if there is a lot of blood on
3 the ground, I'm checking to make sure it actively bleeding
4 because if there's a lot of blood on the ground, there's no
5 motion such as it's not actively bleeding, that's something we
6 consider an ominous sign, ma'am.

7 Q. And were you able to get a pulse from this
8 patient?

9 A. No, ma'am. Checked real quick. She did not have a
10 threaded pulse, checked for approximately 10 seconds.

11 Q. And after you did that assessment, did you make your
12 way to the back of the residence?

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

14 Q. And what happened when you got back there?

15 A. Uhm, we assessed the patient. He was found amongst
16 the cans I believe. I'll check just to make sure. I believe
17 that we found him in a supine position. I apologize. Let me
18 check.

19 Q. What does supine mean?

20 A. Laying on their back. Yes, ma'am. He was found
21 lying supine. He was conscious. He wasn't alert. So there's
22 a difference between somebody unconscious and alert and
23 conscious and not alert, and then there's unresponsive which
24 is what the female and other gentleman was.

25 Q. Do you mind explaining the difference to the jury?

1 A. Absolutely not, ma'am. So conscious and alert means
2 you can tell us basically who you are, what the date is,
3 what's going on. I'll make it a habit of asking a complex
4 question such as, if I give you three quarters and a dime, how
5 much money do you have? And then if I take away one of those
6 dimes, how much money do you have? That's just a way that we
7 can get a determination to get their orientation.

8 Q. You might have just mentioned it, just one more
9 time, what did you determine this individual to be?

10 A. He wasn't fully alert. He wasn't telling us who he
11 was. As far as injuries were going or as far as injuries
12 sustained, he wasn't being forthcoming and I say that it's not
13 because I felt that he was trying to be belligerent or not
14 wanting to answer, I felt it was probably because he was in a
15 position where he was maybe just not able to fully answer
16 us.

17 Q. And did you provide a rapid assessment on this
18 individual as well?

19 A. Yes, ma'am. I did. As I was approaching him, I had
20 made the determination that this was gonna be an emergent
21 patient, also known as load and go, you try to keep your scene
22 time as minimal as possible. To be fair, I also made the
23 determination even before I actually seen the patient because
24 as I previously mentioned, we had like a little quick
25 synopsis. We were filled in by the Sheriff's Department and

1 by the fire department so I had already knew through blind
2 faith that there was a patient that was still conscious, but
3 had a gunshot wound or GSW injury to the head.

4 Q. And you just mentioned load and go. So what
5 happened after you determined that this was a situation where
6 he needed to be transported?

7 A. Yes, ma'am. We did go ahead and put a cervical
8 collar on the patient and that was simply because I just
9 didn't want him turning his head back and forth, basically a
10 way to prevent further injury. In that type of a situation a
11 patient can unknowingly cause further harm to themselves in a
12 situation where they aren't fully alert. If I told a patient
13 to remain calm and still, they may not have mental capacity at
14 the time to do so, so we went ahead and applied a cervical
15 collar and we utilized a long spine board which helps us to
16 facilitate movement of the patient from the ground where he
17 was at to a supine laying on his back position so that we can
18 place the patient safely on the stretcher without the use of a
19 backboard and it's kind of like just grabbing a limb and
20 flopping him so to speak.

21 Q. And did you ride, did you help transport this
22 individual to the hospital that day?

23 A. Yes, ma'am. I was in the back of the ambulance so I
24 was the primary care technician in the back of the vehicle
25 with the patient.

1 Q. When you were in the vehicle, did you notice any
2 other injuries other than the wound to the head?

3 A. No, ma'am. We took most of his articles of
4 clothing, personal effects, we did go ahead and remove that on
5 the scene for the most part which is pretty much standard
6 process. We just want to make sure that there's not another
7 wound present that we missed that could eventually lead to
8 death.

9 Q. Mr. Malone, is it common when you're helping
10 transport an individual for you to ask him or her questions
11 about what happened for purposes of treatment?

12 A. Yes, ma'am. That's gonna be considered part of the
13 orientation. Also as much information as we can get, also
14 helps us to relay that to the medical staff, the trauma
15 physicians at the hospital.

16 Q. And did you ask this individual about anything that
17 happened?

18 A. Yes, ma'am. I asked --

19 MR. TATE: Your Honor, objection.

20 THE COURT: Y'all approach.

21 MR. TATE: Thank you.

22 (Side bar off the record.)

23 THE COURT: Objection sustained.

24 BY MS. GASTON:

25 Q. All right. So, Mr. Malone, once you transport the

1 individual to the hospital, is that the extent of your
2 involvement?

3 A. For the most part. Once we get there, we just
4 basically do a rough synopsis with the triage team essentially
5 the same way that the Sheriff's Office and police department
6 did for us when we got there.

7 MS. GASTON: Thank you, Mr. Malone. No further
8 questions, Your Honor.

9 THE COURT: Cross examination.

10 MR. TATE: Thank you.

11 CROSS EXAMINATION

12 BY MR. TATE:

13 Q. Is it corporal, sergeant?

14 A. Technically it's corporal.

15 MR. TATE: Corporal Malone, thank you for your
16 service. I don't have any questions of this witness,
17 Your Honor.

18 THE COURT: Okay. Thank you. You may step down.

19 Call your next witness.

20 MS. GASTON: The State calls Dr. Michael Fitzgerald.

21 Thereupon,

22 MICHAEL FITZGERALD, M.D.

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

24 THE CLERK: Please have a seat. Once you're seated,
25 state your full name for the record please.

MICHAEL FITZGERALD, M.D. - DIRECT BY MS. GASTON

240

1 THE WITNESS: Michael Thomas Fitzgerald.

2 DIRECT EXAMINATION

3 BY MS. GASTON:

4 Q. Dr. Fitzgerald, please tell the jury a little bit
5 about what you do for a living.

6 A. I'm a trauma surgeon at Prisma Richland and I've
7 been here since August of 2019. A trauma surgeon's training
8 includes five years of general surgery which I did at Mercy
9 University, Macon, Georgia, prior to that I was in medical
10 school at USC in Charleston, and I did an additional two years
11 of training in trauma emergency prior to arriving here in
12 August of 2019.

13 Q. And so if you had to guess, how many years, about
14 how many years have you been a practicing physician?

15 A. I've been practicing as an attending for four years
16 now, but from the start of our training as a resident we take
17 care of trauma patients from our first year so I started
18 residency in 2012 so it's been 10 years.

19 Q. I want to draw your attention back to October of
20 2019, specifically October 3rd of 2019. Were you on-call that
21 day?

22 A. I was.

23 Q. And what does on-call mean?

24 A. So on-call for a trauma surgeon means we are the
25 first physician when a trauma is alerted. So our

1 paramedics/EMT colleagues who were here earlier identify the
2 patient to determine if they're critically ill and would need
3 attention by a surgeon immediately. It's a higher level of
4 evaluation. As an emergency medicine physician we are trained
5 to intervene surgically. I am not a neurosurgeon which would
6 be somebody who operates on the brain. I am not a bone
7 surgeon, an orthopedic surgeon. I operate primarily from the
8 neck to the abdomen, but we also start resuscitation, start
9 the blood, do the intubation if their airway is not protected,
10 essentially try to stabilize, get whoever else we need to care
11 for the patient present.

12 Q. Dr. Fitzgerald, were you, did you receive a call
13 regarding a patient by the name of John Dickerson on October
14 3rd, 2019?

15 A. So he was paged out as a 911 which is our highest
16 tier activation meaning our most critically ill patient. I
17 believe we received him around 11:00 at night in our trauma
18 unit, evaluated him at that time and continued our care
19 through the end of my shift the next morning at 7:30.

20 Q. And when you say you evaluated Mr. Dickerson, was
21 does that entail?

22 A. So in the trauma bay it's team support. As the
23 attending physician I'm in charge of everyone else in terms of
24 establishing his airway. He was shot in the face. He had
25 altered mental status. We were concerned about protecting the

1 airway so we went ahead and intubated him. Form there we get
2 IV access. We assess if he needs IV fluids or blood, then
3 from there we take him to CT scan to evaluate what his
4 injuries are and to find out who we need to consult to further
5 manage him.

6 Q. And did you review that CT scan?

7 A. I did.

8 Q. And what did it show?

9 A. It showed an entrance wound just below the left eye
10 exiting out the right side of the head. There was significant
11 facial fractures to both of his orbits meaning the bones that
12 control the eyes, contain the eyes. It showed a bleed of the
13 brain in two locations, a subarachnoid and a subdural
14 hemorrhage as well as what we call midline shift. He had
15 bleeding in two areas of his brain with a visible track from a
16 bullet coursing through his right hemisphere of his brain as
17 well as swelling and bleeding that was compressing the brain
18 causing it to cause further damage.

19 Q. Did you have to induce a coma for this particular
20 patient?

21 A. That would be a term -- We say intubate, but for
22 them to tolerate having a plastic tube in your trachea we do
23 have to put them on sedative medications. Upon his initial
24 evaluation in our trauma bay, his GCS or his Glasgow coma
25 score which shows us kind of their mental status was 14 which

1 deteriorated to 8 meaning he was not following commands. He
2 was not listening to us. He was not making our exam easy.
3 With the concern of a brain injury it's better to be
4 aggressive in those cases and intubate the patient, protect
5 their airway so we can get an evaluation, progressing to give
6 the appropriate medical consults all the information they
7 need. So you can say we gave him sedative medication that
8 kept him asleep from the time, about 10 minutes from the time
9 he arrived in our trauma bay.

10 Q. What sort of treatment did this injury require?

11 A. So after his CT scans, we consulted our neurosurgeon
12 who are primarily our brain surgeons. They requested an
13 additional imaging study to see if the bleeding was ongoing in
14 the brain which it showed it was. At that time they took him
15 for craniotomy which means they removed part of his brain - or
16 excuse me, part of his skull to control the bleeding from the
17 bullet and to allow the brain to swell in a non confined
18 space.

19 Q. And based on your experience is it fair to say that
20 Mr. Dickerson could have died from this injury?

21 A. Yes. Some studies show between 45 to 75 percent of
22 penetrating trauma to the skull ends in mortality or death.
23 Yes.

24 Q. And did Mr. Dickerson have to have one of his eyes
25 removed?

1 A. Yes. On top of his emergent craniotomy that he had
2 the first day, his left eye was substantially damage requiring
3 ophthalmology or an eye specialist to remove his left eye and
4 it also caused damage to his right optic nerve meaning his eye
5 was intact but the nerves connecting his brain to his eye no
6 longer worked.

7 Q. So to put it simply --

8 A. He was blind.

9 Q. -- he was blind?

10 MS. GASTON: Thank you. No further questions of
11 this witness, Your Honor.

12 THE COURT: Any cross examination?

13 CROSS EXAMINATION

14 BY MR. TATE:

15 Q. Doctor, I want to ask you just a very brief
16 peripheral question, if I may. Do you recall if his hands
17 were bagged while in your care?

18 A. I do not.

19 MR. TATE: Okay. Thank you. I don't have any
20 further questions for this witness. Thank you for what
21 you do, doctor.

22 THE COURT: Any redirect?

23 MS. GASTON: No, Your Honor.

24 THE COURT: Thank you. You may step down, sir.

25 MS. GASTON: Your Honor, the State calls

1 Investigator Carey Roberts.

2 Thereupon,

3 CAREY ROBERTS

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

5 THE CLERK: Please have a seat. Once you're seated,
6 state your full name for the record please.

7 THE WITNESS: Carey Roberts.

8 DIRECT EXAMINATION

9 BY MS. GASTON:

10 Q. Good afternoon, Investigator Roberts. Please
11 introduce yourself to the jury. Tell them a little bit about
12 what you do.

13 A. Hi, my name is Carey Roberts. I'm an investigator
14 with the Richland County Sheriff's Department assigned to the
15 major crimes unit.

16 Q. How long have you been employed by the Sheriff's
17 Department?

18 A. I'm coming up on seven years with the Sheriff's
19 Department.

20 Q. And how long have you been an investigator for?

21 A. I've been an investigator for just over three
22 years.

23 Q. So were you employed by the department back in
24 October of 2019?

25 A. I was.

CAREY ROBERTS - DIRECT BY MS. GASTON

246

1 Q. What was your position back then?

2 A. I was a burglary investigator.

3 Q. And what are some of your responsibilities as a
4 investigator?

5 A. As an investigator we investigate cases that are
6 assigned to us, we follow up with victims, witnesses, speak
7 with suspects as they permit, assist other investigators with
8 cases and we go on an evening shift rotation.

9 Q. Do you also call that being on-call?

10 A. Yes.

11 Q. I want to draw your attention to October 3rd of
12 2019, were you on-call that night?

13 A. I was.

14 Q. And do you remember receiving a call about an
15 incident at 129 Ballenton Road?

16 A. Yes. I do.

17 Q. How, as investigator on a call, how do you receive
18 calls?

19 A. Uhm, we have an on-call sergeant who supervises the
20 shift of investigators. Whenever a call for service comes out
21 that requires investigators to respond, usually the deputy
22 will call our front desk, our desk sergeant and they will call
23 the on-call sergeant and the on-call sergeant will then assign
24 an investigator to go to the call and make contact with the
25 deputy, things like that.

1 Q. And this night in particular October 3rd, 2019, what
2 kind of call did you receive?

3 A. Uhm, it was a call regarding three persons that were
4 shot by gunfire and I was advised to respond to Prisma Health
5 Richland to make contact with one of the victims.

6 Q. And did you go to Prisma Health Richland that
7 evening and make contact with the victim?

8 A. I responded to Prisma Health Richland and when I was
9 able to get into the emergency room, I observed a black male
10 who was being worked on by the Prisma Health Richland staff.
11 He had already been intubated at this point and I couldn't
12 speak with him. I couldn't really see a whole lot what they
13 were doing because they were getting ready to rush him to CT
14 for CAT scan so I waited to find the charge nurse so I could
15 get a little bit more information about what was happening.

16 Q. At this point what are you trying to do?

17 A. I'm trying to identify who came in. I wasn't given
18 any information on who he was. I don't believe he had any
19 identification on him when deputies arrived on scene.

20 Q. So I think, did you mention that he was unable to
21 talk to you at that time when you arrived?

22 A. Yes. He was intubated and unable to speak to me so
23 I couldn't ask him who he was or get any sort of response from
24 him. I believe the hospital staff or EMS already cut away his
25 clothes so I could see some tattoos on him so I tried to take

1 notes the best I could because I wasn't able to get any
2 pictures or any other investigators to stand ready after I was
3 gone.

4 Q. So what did you do in an effort to try to identify
5 Mr. Dickerson?

6 A. I observed some of the tattoos that he had. I
7 usually try to look at people's tattoos, scars, marks,
8 tattoos, birthmarks, or anything distinctive to help identify
9 them and I did observe that he had some very distinctive
10 tattoos so I made note of them in the event that we were able
11 to get someone from a family member or a friend saying, hey,
12 he had these tattoos.

13 Q. And were you able to get some information from
14 friends or family at the hospital?

15 A. Yes. I was able to speak with the family of Mr.
16 Dickerson who told me that he had two distinctive tattoos, one
17 I believe was the word "cookies" and one was a gas pump that
18 had flames around it which were consistent with the tattoos
19 that I saw on the individual that was intubated.

20 Q. And did the family of Mr. Dickerson provide a little
21 bit of information so that you were able to try to match up
22 those tattoos?

23 A. They gave me his name, they gave me the tattoos. I
24 tried to pull up a photo of him from the South Carolina
25 Department of Motor Vehicles database but due to his injuries

1 I wasn't able to definitively say yes, this is him, but they
2 described the tattoos that I saw and to me they were
3 consistent with what description was given.

4 Q. You just mentioned due to his injuries. Do you mean
5 the swelling to his eyes?

6 A. Yes. His whole basically upper face was I guess
7 swollen and bandaged so I couldn't look at a driver's license
8 photo and definitively say one way or the another just due to
9 his injuries.

10 Q. Is there anything else that you did? Were you given
11 any further instruction about things to do that night
12 involving the investigation?

13 A. Before my shift was over, I was asked by, I believe
14 it was Investigator Green and Sergeant Caldwell if I could
15 send a lineup request for a six picture lineup to the State
16 Law Enforcement Division for a Demetrick Doctor and I filled
17 out a form and sent that request off.

18 Q. This form that you just mentioned, is this a
19 standard form?

20 A. Yes, it's provided to us by the State Law
21 Enforcement Division.

22 Q. Did you fill out the form?

23 A. I did.

24 Q. Did you submit it for a lineup request?

25 A. I did.

1 MS. GASTON: No further questions from the State,
2 Your Honor.

3 MR. TATE: Thank you for coming this afternoon. I
4 don't have any questions.

5 THE COURT: All right. Thank you. You may step
6 down.

7 MR. GOLDBERG: Your Honor, may we approach the
8 bench.

9 THE COURT: Sure.

10 (Side bar off the record.)

11 THE COURT: All right. Ladies and gentlemen, let
12 take an afternoon break. Please return to your jury
13 room. I won't say for how long. My plan is 10 or 15
14 minutes, but it could go longer than that. Don't discuss
15 the case among yourselves. We'll get you back shortly.
16 We should have chips and Coke and snacks and things like
17 that for you back there.

18 (Whereupon, the jury entered the jury room at 3:05
19 p.m.)

20 THE COURT: Before we break, there are a number of
21 leading questions coming from the State towards its
22 witnesses. I don't know if this strategy in failing to
23 object to them, but the State needs to calm it down, cut
24 it out. Defense counsel needs to be more aware, and it
25 may be strategy. I'm going to assume it's strategy.

1 MR. TATE: It is. I promise you.

2 THE COURT: All right. Sounds good.

3 MR. GOLDBERG: Thank you, Your Honor.

4 MR. TATE: Thank you, Your Honor.

5 THE COURT: All right. About 15 minutes.

6 MR. GOLDBERG: Yes, ma'am.

7 MR. TATE: Flies in flight and I don't see no court
8 to swat them, Judge.

9 (Short break.)

10 THE COURT: Bring the jury please.

11 (Whereupon, the jury entered the courtroom at 3:30
12 p.m.)

13 THE COURT: Okay. The State can call their next
14 witness.

15 MR. GOLDBERG: Thank you, Your Honor. The State
16 calls Robert Oates.

17 Thereupon,

18 ROBERT OATES

19 after having been first duly sworn, testified as follows,

20 THE CLERK: Please have a seat. Once you're seated,
21 state your full name for the record please.

22 THE WITNESS: Robert Oates.

23 DIRECT EXAMINATION

24 BY MR. GOLDBERG:

25 Q. Good afternoon.

ROBERT OATES - DIRECT BY MR. GOLDBERG

252

1 A. Good afternoon.

2 Q. Mr. Oates, can you tell this jury a little bit about
3 yourself. Who you are and where you work.

4 A. Hello, my name Robert Oates. I currently work in
5 region five which is our court securities right now. I also
6 have worked for 17 years in our University County Sheriff's
7 Department crime scene investigation or crime lab prior to my
8 working in region five.

9 Q. How long have you been in law enforcement
10 altogether?

11 A. 25 years.

12 Q. You described 17 years working in crime scene. What
13 does that mean?

14 A. Well, as a crime scene investigator basically we
15 respond to any crime scene in unincorporated areas of Richland
16 County, and when we get there, we assess the crime scene. We
17 document, photograph, video the scene and then we also collect
18 and we can also run analysis on certain types of evidence also
19 and we also perform blood pattern analysis and crime scene
20 reconstruction.

21 Q. Back in October of 2019, what was your role with the
22 Sheriff's Department?

23 A. I was senior investigator in CSI with Richland
24 County.

25 Q. Did you get a call to report out to 129 Ballenton

1 Road on October 3rd, 2019?

2 A. I did.

3 Q. About 11 p.m.?

4 A. 11 p.m., right.

5 Q. And what was the nature of the call that you
6 received generally?

7 A. The nature of the call was shots fired, possibly two
8 down or hit, two hit, and that's the initial. I basically was
9 on-call and I heard the call out or the tone out earlier and
10 then I have a CAD on my computer which is what the officers
11 have at the location as everything is going on, so I was
12 looking at, I always like to have that available so I can look
13 at the narrative and I know exactly even before I get out
14 there so I went ahead and started heading that way toward the
15 crime scene.

16 Q. What does it mean for a crime scene investigator in
17 terms of being on-call?

18 A. Basically the department provides a cell phone and
19 most or all of our full-time crime scene investigators have a
20 departmental phone and each shift out of a 12 hour shift that
21 I was on, it's seven hours out of that 12 you are on-call for
22 any calls, you had to respond to, you were the initial
23 investigator to go.

24 Q. When you get a call to respond to a scene such as
25 this one, what are you going there to do?

1 A. Well, basically I went there first of all to protect
2 the integrity of the evidence. That's the biggest thing of
3 crime scene investigations. We make sure that we get --
4 That's why I went ahead and left. I didn't wait for nobody to
5 call me because I wanted to go ahead and get out there to see
6 what we had at the crime scene, secure it, there was crime
7 scene log already established, things like that of sort, so we
8 try to save as much evidence as we can and integrity.

9 Q. And upon arrival at the scene, what did you do when
10 you first arrived?

11 A. The first thing I did was I made contact, try to
12 make contact, you've already heard the testimony, with the
13 initial officers who had already responded, EMS has already
14 responded, and things like that. So what I do is I don't know
15 anything else so now I've got to piece together a little bit
16 of the puzzle of what's happened prior to me getting there.
17 So I first make sure that the scene is secured. It's a hectic
18 scene so I'm trying to make sure that we're getting folks out
19 of the scene that don't need to be in there, you know, trying
20 to secure everything. But also try to find --

21 Q. I'm sorry. If I could stop you. When you say
22 people out of the scene, in the scene, what types of people
23 should be in the crime scene versus people that should not be
24 inside the crime scene?

25 A. Those who should be, when I'm there, when I get

1 there and I find out EMS has already been there, then
2 basically the only ones, the only ones that I would want in
3 the scene with me would be those who are walking in to show me
4 so I can assess the scene and what's going on. It takes a
5 little time. It's not like television. I wish it was. But
6 once everybody gets, you know, once everybody gets going here,
7 then I can get everything straight as far as getting someone
8 who was there first and to take me through so I can assess the
9 scene to see what equipment I'm gonna need, how I'm gonna
10 process the scene.

11 Q. What was your initial assessment of this scene?

12 A. My assessment was, I would say that I knew because
13 of the broadness of the size of the scene that I would have to
14 call in backup so I went ahead and called in one of my
15 investigators just to let them know because they're on-call.
16 We have a nighttime person that's on-call. He works 8:30 to
17 five. They're on-call until five so I went ahead and called
18 that person before I got started because I knew I would need
19 that person to come out there to help me because I was the
20 only one that was out there at the scene.

21 Q. Who was that that you called?

22 A. It was Investigator Sara Holt.

23 Q. All right. And at the time was she, did she go by
24 the name Sara Humphries?

25 A. I think so. Yes, sir. Sorry. Excuse me.

1 Q. And you talked about the broad area of the scene,
2 what did you mean by that?

3 A. Well, from the actual entrance, entrance being --
4 I'm trying to explain this. Of course, it's a dirt road where
5 this is, so basically when I got there, there's a patch of
6 woods to my right, so it would be to your right if you're
7 looking straight ahead, and that's where the actual property
8 opens where we find, I find the trailer, there's a trailer
9 there, and then there's a camper, a lot of vehicles out there
10 also so and then that's just on one side and the other side
11 there's a lot more objects that are out there so...

12 Q. All right. What part of the town was this in here
13 in Richland County?

14 A. Columbia northeast.

15 MR. TATE: Your Honor, may I move around a little
16 bit so I can see?

17 THE COURT: Yes, sir.

18 MR. TATE: Thank you.

19 BY MR. GOLDBERG:

20 Q. I just want to show you this for demonstrative
21 purposes so that we can talk about kind of the area. What do
22 we see her on the board?

23 A. It's like a satellite image of basically the
24 Columbia area from Lake Murray all the way across to northeast
25 Columbia.

1 Q. All right. So when we're talking about northeast,
2 this area up here Dentsville?

3 A. Right. Right. Yeah. Forest Drive area. Right
4 there.

5 Q. Killian and that sort of thing?

6 A. Killian.

7 Q. All right. And the Ballenton Road location was in
8 that area you say?

9 A. Yes.

10 Q. So that interstate there is which one?

11 A. Yes. That's 77. Yes. Right along 77. Yes.

12 Q. All right. Now, this image that we're looking at is
13 a grainy satellite photo. That's not how the scene appeared
14 the night you got there, correct?

15 A. It's not. No.

16 Q. Generally obviously this shows daytime. What time
17 of day was it when you got out there?

18 A. Well, it was 11:00 at night. It was dark.

19 Q. Okay. And this image doesn't show any vehicles or
20 anything. What was the, we'll get into more photos of that,
21 but what was the nature of the area that night? Were there
22 vehicles actually in the yard?

23 A. Yes. There was. There's a little shadow, a little
24 shadow box in the front right there on the front lawn, that's
25 like a mailbox, and behind that was where the big RV was.

1 There was an RV parked in the front yard there. Behind that
2 RV was like a little Mercedes Benz vehicle. There was,
3 looking at the picture to your left you've got a manhole cover
4 at the bottom, okay, can you go up where that little, where
5 the grass is, if you're standing right there in the grass,
6 that's exactly where the first victim was.

7 Q. Okay. So the reason I brought this out is just you
8 were talking about the broad area --

9 A. Right.

10 Q. -- of the scene. So can you use this to kind of
11 describe what you're referring to?

12 A. Oh, yes. What I was talking about, when I parked my
13 vehicle and I walked up, to my left was a wooded area here on
14 the left and then what you've got is a dirt portion here like
15 a driveway, okay? It extends all the way across toward that,
16 on the right side where that other shadow is on the ground,
17 big large round shadow, and that's a tree right there and then
18 back all the way to that older building behind that, so
19 basically a big wide square or rectangle, excuse me,
20 rectangle.

21 Q. And generally speaking as was described earlier but
22 I'll ask you, where were the three individuals that were part
23 of this crime scene, the three victims as it were? You
24 mentioned the first one already in the front yard.

25 A. I saw the female there, the first part. The, it was

1 a Toyota Highlander, and second drive on your left right there
2 there's sandy gravel, right there, that was parked there. It
3 wasn't backed in. It was pulled straight in right there and
4 the victim was down on the ground on the driver's side door.
5 The third victim facing the trailer now on the left-hand side
6 all the way back you see like cans back there or shiny
7 objects, that's where the aluminum cans were and that's where
8 the third victim, which he was transported prior to me getting
9 there, but that's where he was.

10 Q. All right. I'm gonna leave this out here just in
11 case we need to refer to it a little bit as we go through the
12 items that were found for right now. All right. So, earlier
13 you were talking about your responsibilities on this scene.
14 So after you assess where everybody was, what did you do next?

15 A. Okay. After I assessed where everybody was, I went
16 ahead, what we need to do before we do anything else after the
17 assessment is done is to take photographs, area photographs of
18 any kind of markers or anything, basically all photograph, 360
19 photographs of the crime scene and surrounding area before
20 anything else is moved.

21 Q. Did you do that in this case?

22 A. Yes.

23 Q. Okay. All right. Let's go through it piece by
24 piece. So, did you first work in the area where the female
25 victim, Ms. Hayes, is found?

1 A. Right.

2 MR. TATE: Your Honor, we can't see the jury or the
3 witness with the jumbotron.

4 THE COURT: Well, you can walk over there or --

5 MR. TATE: Okay.

6 THE COURT: -- you know, get in a position where you
7 can see, but it's more important that the jury be able to
8 see the witness and the jumbotron.

9 MR. TATE: Okay. I'll come back over here. Thank
10 you. I just didn't want to stay up here longer than I
11 have to.

12 THE COURT: No. That's fine.

13 BY MR. GOLDBERG:

14 Q. So the female, Ms. Hayes, was the first victim that
15 you were addressing?

16 A. Yes.

17 Q. I want to show you some photographs here. First of
18 all I want to show what's marked as State's number 9 for ID.
19 Do you know what that is?

20 A. Yes.

21 Q. What is that a picture of?

22 A. This is a picture of the numbers on the trailer
23 right there.

24 Q. And what is the address there?

25 A. 129.

1 Q. Okay. And what road is that?

2 A. Ballenton.

3 Q. Okay. Now I'm gonna show you State's 10 through 18.
4 If you would just look at those and generally describe what
5 they are photos of.

6 A. Okay. Exhibit 10 is a medium range photograph from
7 basically from my vehicle toward the crime scene right beside
8 the wooded area on my left basically an entry type photograph
9 basically from the dirt road where I am all the way to the
10 other side. So basically one side of the crime scene from
11 both sides of the far side of the crime scene.

12 Q. And you can take them as a group if you'd like just
13 to kind of describe overall what those are photographs of,
14 that group.

15 A. Okay. Yes. It's also the next photograph exhibit
16 11 is basically just a forward shot moving to the left now
17 seeing the back corner of the left back corner of the actual
18 trailer. Exhibit 12 is moving forward on Ballenton Road, the
19 dirt road portion close to the mailbox right there in the
20 front and showing also the RV that's in the front yard, but
21 the far driveway right there in front of the house. Exhibit
22 13 is a mid range photograph of the front yard right there
23 where the first driveway, the dirt driveway is facing toward
24 the steps of the trailer. It's basically showing a trailer,
25 or the victim and in close proximity to the RV and the

ROBERT OATES - DIRECT BY MR. GOLDBERG

262

1 Mercedes Benz and the steps right there so it's an in between
2 shot between all of those three objects basically. And
3 exhibit number 14 is basically a mid range photograph taken
4 from the steps of the trailer back toward the first driveway,
5 first dirt portion of the driveway. And exhibit number 15 is
6 taken beside the RV back toward the victim in that direction.
7 And exhibit number 16 is a pack of Marlboro cigarettes,
8 Newport cigarettes and a drink cup, drink holder drink cup
9 that is laying beside the female victim. And exhibit number
10 17 has been already marked with the evidence marker of the
11 cigarettes and the actual drink cup and a pair of glasses.

12 Q. All right. Thank you. Do these photos 9 through 18
13 fairly and accurately depict the items you described as they
14 appeared on that date?

15 A. Yes.

16 MR. GOLDBERG: Your Honor, at this time we would
17 offer State's 9 through 18 into evidence.

18 THE COURT: Any objection?

19 MR. TATE: Without objection, Your Honor.

20 THE COURT: State's 9 through 18 are admitted
21 without objection.

22 MR. GOLDBERG: Thank you, Your Honor.

23 BY MR. GOLDBERG:

24 Q. All right. Now, again, we talked about State's
25 number 9. This is a view kind of looking which way?

1 A. Yes. Looking towards, it's going to be from the
2 dirt portion, front dirt portion all the way across the front
3 of the trailer.

4 Q. It's a little hard to see off in the distance there,
5 but does that actually depict the female victim laying there
6 in the yard?

7 A. Yes.

8 Q. And again, with State's number 11.

9 A. Yes. That's gonna be another mid range low light
10 photograph basically the first driveway there on the left.

11 Q. With the victim laying in front of the trailer?

12 A. Yes. Victim laying in front of the trailer. Yes.

13 Q. State's 13.

14 A. Yes. That's another picture of the front of the
15 front yard with the victim in this picture near the RV and the
16 car in front.

17 Q. RV, and what was the other car?

18 A. Mercedes.

19 Q. Mercedes.

20 A. Mercedes Benz.

21 Q. 14 and 15.

22 A. Basically it's a reverse view with the camera right
23 beside the RV back toward the first left side driveway with
24 the victim there in the picture.

25 Q. And 16 and 17.

1 A. 16 and 17 basically are close-up photographs of the
2 items cigarette container, drink cup and they have an evidence
3 marker attached to them.

4 Q. And those are lying next to who?

5 A. Yes, the female victim in the front yard.

6 Q. (Indicating.)

7 A. 18 is a pair of black, or glasses, rimmed glasses.
8 They were in close proximity of the victim, the female victim,
9 so they were photographed and marked.

10 Q. I'll show you what's marked as State's number 8 for
11 identification. Just look in there and tell me what those
12 are.

13 A. Those are those glasses.

14 Q. These are the glasses you collected at the scene
15 that we were just talking about?

16 A. Yes. They are.

17 MR. GOLDBERG: Your Honor, at this time I offer
18 State's number 8 the glasses into evidence.

19 THE COURT: Any objection?

20 MR. TATE: No objection.

21 THE COURT: State's 8 is admitted without
22 objection.

23 MR. GOLDBERG: Thank you, Your Honor.

24 BY MR. GOLDBERG:

25 Q. You said those were found where?

1 A. In close proximity of the female victim's body in
2 the front yard.

3 Q. All right. After you addressed the part of the
4 crime scene dealing with Ms. Hayes -- Well, let me back up.
5 You described earlier kind of the scope of the scene. For the
6 sake of time, I'm showing you what's been marked as State's 19
7 through 26. Would you agree with me that State's 19 through
8 26 generally describe the area around kind of the left side
9 towards in the back of the trailer?

10 A. Yes. They do.

11 Q. Do the photographs fairly and accurately depict that
12 scene as it appeared that night?

13 A. Yes.

14 MR. GOLDBERG: Your honor, at this time I offer
15 State's 19 through 26 into evidence.

16 THE COURT: Any objection?

17 MR. TATE: No objection.

18 THE COURT: State's 19 through 26 are admitted
19 without objection.

20 MR. GOLDBERG: Thank you, Your Honor.

21 BY MR. GOLDBERG:

22 Q. So just to kind of orient the jury here, State's 19
23 and 20, that's kind of related to where we've been talking
24 about.

25 A. Yes. That's a mid range photograph of the rear

1 corner of the trailer facing the backyard.

2 Q. On the left side or the right?

3 A. Left side. Yes.

4 Q. And then 21 is looking back which way?

5 A. You're looking back toward the front, from the left
6 rear corner of the property back toward the front left of the
7 property from the back.

8 Q. From here?

9 A. Yes. From here back to front. Yes.

10 Q. Okay. 22.

11 A. That's gonna be a mid range shot from the left
12 corner all the way back toward the rear right corner of the
13 backyard, back area of the crime scene.

14 Q. 23.

15 A. Okay. That's gonna be behind where there's a pile
16 of, looks like shiny objects in the left rear corner, that's
17 where the aluminum cans were, and that's gonna be from the
18 aluminum cans in the back toward the front. Yes. From the
19 left corner right there. Yes.

20 Q. Looking toward the back of the trailer?

21 A. Yeah. Toward the back.

22 Q. There's actually in 23, what is that right there, a
23 chair?

24 A. That's gonna be just some objects there on the TV
25 table in the left rear corner.

1 Q. So 24 is kind of a closer view of that?

2 A. Yes. That's a close-up.

3 Q. What does that appear to be in that close-up of
4 24?

5 A. Playing cards. Yeah. Playing cards and a soft
6 drink can.

7 Q. All right. Again, that was in the rear of the
8 trailer?

9 A. Yes.

10 Q. In the rear of the yard?

11 A. Yes. In the rear of that corner.

12 Q. 25 and 26.

13 A. That's gonna be another mid range shot of the
14 backyard of the aluminum cans, a backyard view.

15 Q. Now, you testified earlier at this point Mr.
16 Dickerson, the victim who was alive, was not on the scene at
17 the time you were there, correct?

18 A. Right.

19 Q. All right. I want to show you another grouping
20 here, State's 27 through 32. Would you agree with me that
21 State's 27 through 32 are some photographs of firearms
22 evidence found at the scene?

23 A. Yes.

24 Q. And did you denote that with some markers?

25 A. Yes. I did.

ROBERT OATES - DIRECT BY MR. GOLDBERG

268

1 Q. Yellow markers. What markers did you use?

2 A. I used marker AA, AB, and AC.

3 Q. Okay. And what did those denote located in those
4 areas?

5 A. They were three fired cartridge casings.

6 Q. And the photographs that I've shown you, State's 27
7 through 32, do they fairly and accurately depict --

8 A. They are. Yes.

9 MR. GOLDBERG: Your Honor, at this time I offer
10 State's 27 through 32.

11 MR. TATE: Without objection.

12 THE COURT: State's 27 through 32 are admitted
13 without objection.

14 BY MR. GOLDBERG:

15 Q. All right. Describe for the jury what we see
16 here in 27.

17 A. That's a mid range photograph of the backyard with
18 where the aluminum cans were located in the left rear and that
19 is of the three markers. That was markers where the three
20 fired cartridge casings were located on the ground.

21 Q. 28 and 29.

22 A. It's just another angle from a different angle from
23 the backyard basically of the same three cartilage casings
24 fired cartridge casings AA, AB, and AC.

25 Q. Okay. 30 through 32.

1 A. Those are close-up photographs now. We'll do
2 overall, mid range, and close-up. Those are close-ups of the
3 actual, of the three fired cartridge casings, close-ups.

4 Q. Did you actually collect those items?

5 A. I did not.

6 Q. A different crime scene investigator took care of
7 those?

8 A. Yes.

9 Q. Was that Investigator Holt?

10 A. It was.

11 Q. All right. State's 33 through 37. Would you agree
12 with me that State's 33 through 37 show another area of the
13 can pile with some clothing items and such on there?

14 A. Yes.

15 Q. And in regards to State's 34, what is in State's
16 34?

17 A. State's 34 is fresh brown stains, what appear to be
18 blood on some of the aluminum cans and a white bag of trash.

19 Q. State's 33 through 37, those are fair and accurate
20 depictions of the scene that night?

21 A. Yes.

22 MR. GOLDBERG: Your Honor, we would offer 33 through
23 37 please.

24 MR. TATE: Without objection.

25 THE COURT: State's 33 through 37 are admitted

ROBERT OATES - DIRECT BY MR. GOLDBERG

270

1 without objection.

2 BY MR. GOLDBERG:

3 Q. 33 and 34 you just touched on.

4 A. Yes. Mid range and close-up of the fresh brown
5 stains and the trash cans.

6 Q. From your understanding which victim was back in
7 this area?

8 A. That would be Mr. Dickerson.

9 Q. Dickerson?

10 A. Yes.

11 Q. And then 35 through 37.

12 A. Yes. That's just a mid range photographs of the,
13 with a marker AA, appear to be Mr. Dickerson's clothes that
14 were cut off by EMS prior to his transporting.

15 Q. It's not unusual to find clothes from a possible
16 victim located at a scene like that?

17 A. No. It isn't.

18 Q. Why is that?

19 A. It's not unusual. Because of the severity of the
20 victim's injuries, EMS will go ahead, of course, and do what's
21 necessary for life and our opinion is that life is more
22 important than evidence so that happens, so it's not unusual.
23 It's something we work with all the time.

24 Q. And were those clothes collected and put into
25 evidence?

1 A. Yes.

2 Q. I want to turn your attention to State's 38 through
3 51. All right. State's 38 through 51 for ID. What part of
4 the, this whole crime scene area does that depict?

5 A. It's gonna be the left. Yes.

6 Q. (Indicating.)

7 A. Correction. Yes. Yes. The right, far right facing
8 the mobile home there, so that's the right, it's gonna be the
9 right dirt driveway right there entrance is what 38 is going
10 to be.

11 Q. And that whole grouping 38 through 51, does that
12 display a particular vehicle that was in that area?

13 A. Yes. It does.

14 Q. What was that?

15 A. It's a Toyota Highlander.

16 Q. And who else is observed in those photographs? Is
17 there any persons present in those photographs?

18 A. Yes. It appears that I have two members of the
19 Coroner's Office in there and Sergeant Ulmer and I can't make
20 out the other person.

21 Q. Is one of the victims present in one of those
22 photographs?

23 A. Yes. He is. He's down by the driver's side of the
24 Highlander.

25 Q. If I may have those back. 38 through 51, do they

1 fairly and accurately depict the scene as it appeared that
2 night?

3 A. Yes.

4 MR. GOLDBERG: Your Honor, we move 38 through 51
5 into evidence.

6 MR. TATE: Without objection.

7 THE COURT: State's 38 through 51 are admitted
8 without objection.

9 BY MR. GOLDBERG:

10 Q. All right. We were talking about the right side of
11 the trailer, correct, facing the trailer?

12 A. Yes.

13 Q. State's 38?

14 A. Yes.

15 Q. Can you tell us what we're looking at?

16 A. We're looking at a mid range photograph showing the
17 victims vehicle beside the trailer right side driveway.

18 Q. All right. Does it actually display the victim,
19 Mr. Glenn, on the ground?

20 A. It does.

21 Q. Where is he in relation to the vehicle?

22 A. He is down on the side laying down on the side the
23 driver's side, beside the driver's side door.

24 Q. Okay. State's 40, is that just looking at -- Well,
25 tell me what that is.

1 A. Yes. That's another mid range photograph showing
2 from the right side driveway all the way toward the left side
3 driveway right across from where the Highlander is located.

4 Q. Okay. State's 44 and 45.

5 A. That's going to be, okay, so 44 is going to be a mid
6 range, basically the whole Toyota Highlander there and that's
7 gonna be with the victim lying there on the ground right
8 beside the driver's side door of that vehicle. There he is.
9 There's a close-up, one close-up photograph of the victim as
10 he lies beside the Highlander.

11 Q. 46 and 47.

12 A. Yes. It's another close-up photograph, another
13 angle of the victim.

14 Q. And you denoted some markers next to the victim at
15 that point, correct?

16 A. I did. Yes. There was some evidence that was lying
17 beside him. Yes.

18 Q. Marker AG shows what?

19 A. A cigarette butt.

20 Q. Okay. And AH?

21 A. It's going to be a cell phone.

22 Q. Were those items collected and put into evidence?

23 A. Yes. They were.

24 Q. All right. State's 48.

25 A. That's gonna be a close-up shot of the driver's side

1 driver's seat of the vehicle.

2 Q. And that's the - is that the condition of the
3 vehicle as you found it --

4 A. Yes.

5 Q. -- at the time?

6 A. It was. Yes.

7 Q. And again State's 51.

8 A. Yes. That's gonna be a mid range photograph from
9 the steps of the trailer toward the Highlander showing the
10 victim on the ground beside the driver's side of the Toyota
11 Highlander.

12 Q. All right. Thank you. There was also a firearm
13 that was located in relation to the Highlander; is that
14 right?

15 A. That's correct. Yes.

16 Q. Did you collect that item?

17 A. I did not collect that item.

18 Q. Would that have been collected by a different crime
19 scene investigator?

20 A. Yes. It would have. Yes.

21 Q. All right. As well as some other items off of
22 Mr. Glenn?

23 A. Right. Yes.

24 Q. Last thing, Investigator Oates. Other than this
25 particular night, was there one other involvement that you had

1 in the case?

2 A. Yes. There was. Yes.

3 Q. Okay. And what did that relate to?

4 A. After I had finished the crime scene, I returned
5 back to the lab and I did receive some clothing from the
6 hospital from the investigator which I collected the chain of
7 custody.

8 Q. And you did what with that clothing?

9 A. The clothing was -- I'm trying to see if it was -
10 yes. Any evidence from the hospital that's wet, that may be
11 still wet, we have drying cabinets in our forensic garage and
12 it was placed in there in order to be dried. After it dried,
13 it was placed into our evidence room.

14 Q. What were those items?

15 A. It was a black Nike Air Jordan sneaker, multi
16 colored red boxer shorts, blue and yellow pants, and one gray
17 sock.

18 Q. Belonging to whom?

19 A. Mr. Dickerson.

20 MR. GOLDBERG: Thank you, sir. That's all I have.

21 THE COURT: Cross examination.

22 CROSS EXAMINATION

23 BY MR. TATE:

24 Q. Is it corporal or sergeant?

25 A. Just corporal.

ROBERT OATES - CROSS BY MR. TATE

276

1 Q. Corporal. You would agree with me that even for
2 demonstrative purposes there's a whole lot missing from this
3 picture, isn't there?

4 A. Yes, sir. There is.

5 Q. Like a big old motor home, a Mercedes car, and a
6 whole bunch of trucks and stuff?

7 A. Yes, sir.

8 MR. TATE: All right. Thank you. And if y'all will
9 move that out of the way. Thank you. Your Honor, I'll
10 give them just a moment.

11 THE COURT: Yes, sir.

12 MR. TATE: Corporal, thank you again for coming
13 today. Beg the Court's indulgence. I'm trying to find
14 one specific photograph.

15 BY MR. TATE:

16 Q. Corporal, I started from the back first. Sometimes
17 that's easier because it's fresh in our minds. The clothing
18 you processed and in the drying cabinet, it's your
19 understanding that belonged to the gentleman at the
20 hospital?

21 A. Yes.

22 Q. Mr. Dickerson?

23 A. That's right. That's what I was told. Yes.

24 Q. You keep looking down. I'm assuming you're
25 referring to something?

- 1 A. I'm just looking.
- 2 Q. At your notes or your report?
- 3 A. Just the investigation report.
- 4 Q. I'm sorry?
- 5 A. Just the investigation report. Yes.
- 6 Q. Is that the same report that I've got here?
- 7 A. Yeah.
- 8 Q. Sure.
- 9 A. Yes.
- 10 Q. Your signature?
- 11 A. Yes. That's me.
- 12 Q. Okay. It would have seemed that there were three
- 13 crime scene technicians here on this scene; is that correct?
- 14 A. I only had two.
- 15 Q. Only two. Yourself --
- 16 A. Myself and Investigator Humphries, yes.
- 17 Q. Okay. And Investigator Humphries and she's since
- 18 changed her name?
- 19 A. Yes. After that, after the incident, she was
- 20 married.
- 21 Q. And her new name is?
- 22 A. Holt. Holt.
- 23 Q. Okay.
- 24 A. H-o-l-t.
- 25 Q. So who is Seay, Investigator Seay?

ROBERT OATES - CROSS BY MR. TATE

278

1 A. Seay.

2 Q. Seay.

3 A. Yes. She's with us.

4 Q. Okay. Was she also present?

5 A. I don't remember her being out there when I was
6 there, not in the early morning.

7 Q. Okay. Thank you. And you early in your testimony,
8 in your direct testimony you talked about scene security is
9 important, and that is important so nothing gets contaminated
10 --

11 A. Right.

12 Q. -- correct?

13 A. Right.

14 Q. So nothing is brought in, correct?

15 A. Yes.

16 Q. So nothing is taken out without being documented,
17 fair?

18 A. Yes.

19 Q. And you also mentioned that you were, that a crime
20 scene log had been established?

21 A. Yes.

22 Q. And that would have been established by maybe one of
23 the original officers?

24 A. Yes. It was.

25 Q. And I think you said that that was -- Do you

1 remember the deputy's name?

2 A. Yeah. A. Bonds.

3 Q. Bonds?

4 A. A. Bonds. Yes.

5 Q. And at some point in the early morning hours that
6 log was terminated, correct?

7 A. To my knowledge we ended the scene so yes,
8 eventually it was.

9 Q. Okay. Do you know what time it was finally turned
10 loose?

11 A. Let's see. Looks like ten four zero two forty-eight
12 and it ended 06:26:04. 06:26:04.

13 Q. So the scene was released back to the Telford family
14 or whoever owned the property?

15 A. Right. Right. Yes.

16 Q. Thank you. And when you have that scene secured,
17 you're in absolute control?

18 A. Right.

19 Q. The Sheriff's Department that is. And on this scene
20 you were working together with the coroner; is that correct?

21 A. Yes.

22 Q. Okay. And there were two people from the Coroner's
23 Office, correct?

24 A. Yes.

25 Q. I'm gonna hand you a photographs marked and

1 introduced in evidence as State's Exhibit 38 and ask you to
2 take a look at that please.

3 A. Mm-hmm. (Witness complies.)

4 Q. There are a whole bunch of folks in there?

5 A. Right. Mm-hmm.

6 Q. And are those, the gentleman in the white shirt, is
7 he a county coroner?

8 A. He is. Yes.

9 Q. All right. Okay. Also authorized to be there,
10 fair?

11 A. Okay. Yes.

12 Q. Doing his job. He takes photographs, you take
13 photographs?

14 A. Mm-hmm. Yes.

15 Q. And did y'all, was the scene divided up between
16 different people?

17 A. Yes. Eventually when it came time to process the
18 victims, we had Investigator -- correction. Yes.
19 Investigator Humphries. At that time we decided to divide up
20 the victims as far as processing the bodies. Yes.

21 Q. All right. Who did you take?

22 A. Mr. Glenn.

23 Q. You took Mr. Glenn?

24 A. Yes. Mm-hmm. Yes.

25 Q. And I understand the County Coroner divided their

1 work up sort of the same way, fair?

2 A. I guess. Yes.

3 Q. Well, Mr. Sears, Coroner Sears was with you?

4 A. No. He was not with me. No. Mmm-mmm.

5 Q. Okay. Is he the gentleman in the white shirt
6 there?

7 A. No. That's not him. That's not him. That's a
8 different coroner. Yes.

9 Q. But Sears is a deputy coroner?

10 A. Yes. He was then. Yes.

11 Q. Okay. So Humphries took Hayes, you took Glenn when
12 y'all started working on specific parts of the scene?

13 A. Yes.

14 Q. And the coroner split it up, but you don't know who
15 was where?

16 A. Right. Mm-hmm. Yeah. Normally we don't have the
17 coroners in our scene. That's shows the fight we have
18 sometimes with the coroner.

19 Q. Thank you. But they were also taking photographs
20 and doing coroner stuff?

21 A. Right.

22 Q. Did either of the coroners ever bring to your
23 attention a bullet hole in one end of that trailer?

24 A. Not to my knowledge.

25 Q. Okay.

1 A. Not to me at the time that I was there.

2 Q. Did anybody ask you about a bullet hole or ask you
3 to process a bullet hole in one end of that trailer?

4 A. Not to my knowledge.

5 Q. Did anybody ask you to search for a projectile
6 inside that trailer?

7 A. Not at the time that I was there.

8 Q. Okay. Thank you. Now, in your report at the top of
9 your second page you saw the nine millimeter handgun on the
10 driver's seat?

11 A. It was on top of the roof when I saw it. It had
12 already been cleared and everything by the corporal who
13 testified earlier, Hawkes.

14 Q. Hawkes?

15 A. Yes.

16 Q. And you note in your report that you collected a
17 gunshot residue kit from Mr. Glenn?

18 A. Yes. I did. Yes.

19 Q. Why might that be important?

20 A. A lot of times when it involves a shooting, gunshot
21 residue can transfer, okay? Can transfer. And also whether a
22 person fired a firearm, so that's why we always would collect
23 that on any deceased or anyone involved in a shooting.

24 Q. Not unusual?

25 A. Not unusual.

1 Q. So you're basically there just to collect
2 information and see where it goes?

3 A. Yes. I do.

4 Q. You also indicated that you took nail scrapings?

5 A. Yes, sir. Mm-hmm.

6 Q. Why did you do that?

7 A. Well, what we do, what I'm doing there is I'm
8 basically trying to assess that any type of contact or
9 anything that could have happened between any parties, even if
10 it's not evidence, we would do that.

11 Q. And it would require something beyond what you can
12 do in the field to make those determinations, would it not?

13 A. Right. Right.

14 Q. It might be something like human tissue
15 identification?

16 A. Right.

17 Q. Might be something like serology?

18 A. Yes.

19 Q. Could be something like recovery of DNA, correct?

20 A. Could be. Yes.

21 Q. But it would have to be examined by someone to get
22 that?

23 A. Yes.

24 Q. Someone beyond what you can do in the field?

25 A. Yes.

ROBERT OATES - CROSS BY MR. TATE

284

1 Q. And the Richland County Sheriff's Office has a DNA
2 lab, correct?

3 A. Yes. Mm-hmm.

4 Q. Okay. You also collected buccal swabs from Glenn's
5 body?

6 A. Yes.

7 Q. Please explain to the jury what that is.

8 A. Basically post mortem procedure we have is, one of
9 them is collecting a buccal swab which is a saliva sample for
10 DNA purposes. A lot of this is done at the autopsy so what
11 we're doing is we're doing this procedure on scene and that
12 way when they get to the autopsy, they can go ahead and get
13 into the autopsy examination and not have to wait for us to go
14 through all this evidence collection so we do it, we go ahead
15 and collect that on the scene.

16 Q. Seems like it would be good practice because there's
17 less chance of contamination, less people handling the body,
18 fair?

19 A. Right. Yes. Yes.

20 Q. Okay. And you also found a big old bag of dope
21 somewhere in the back of a white Chevy truck, didn't you?

22 A. Yes. We were, I was notified by Deputy Hawkes that
23 there was green leafy type substance in the back of a pickup
24 truck. We looked at it. It looked, you know, it looked
25 green and leafy and so we collected it.

1 Q. About that big around, ain't it (indicating)?

2 A. It was a big package. I was a big package.

3 Mm-hmm.

4 Q. Corporal Oates, I'm noting, and I'm looking at the
5 crime scene log, that it shows you showing up about five
6 minutes after 11, you leaving about 3:17. Sound accurate?

7 A. I beg the Court's indulgence.

8 Q. Certainly. Take your time. This is important. I
9 have a copy of the log if you would like to look at it.

10 A. Maybe in the copy you have.

11 Q. (Proffering.)

12 A. All right.

13 Q. Does that help refresh your recollection?

14 A. Mm-hmm. On the one of these they misspelled it, on
15 one of these.

16 Q. I'm sorry.

17 A. They misspelled it. That's why I didn't find it.

18 Yes. 23:05. Yes, sir. Sorry about that.

19 Q. You were there working about for hours?

20 A. Yes. Yes.

21 Q. Thank you.

22 A. Thank you.

23 Q. Corporal Oates, do you recall a gentleman after
24 y'all had been there about a gentleman found sleeping in the
25 shed in the backyard?

1 A. Yes. I did. Yes.

2 Q. And he had been sleeping in there?

3 A. Apparently. Yes. It was reported to me that he was
4 in there. Yes. I was surprised myself. Yes.

5 Q. Sleeping in your crime scene?

6 A. Yes.

7 MR. TATE: Thank you. I don't have any further
8 questions.

9 THE COURT: Redirect.

10 REDIRECT EXAMINATION

11 BY MR. GOLDBERG:

12 Q. Mr. Tate asked you just a moment ago about a person
13 being found in a shed; is that right?

14 A. Yes.

15 Q. Where in State's 11, can you describe in the photo
16 of State's 11 generally where that shed is located?

17 A. It would be, looking at the picture, it's gonna be
18 to the far left into the wooded, it's in the wooded area.

19 Q. In the wooded area?

20 A. Mm-hmm. The wooded area. It's not right, it's not
21 right beside the trailer. It's in the wooded area.

22 Q. Do you recall at all how far in the woods it was?

23 A. Maybe 20 yards maybe.

24 Q. 20 yards?

25 A. Roughly. Yes.

1 Q. And did you speak to that gentleman at all?

2 A. I did not.

3 Q. What evidence relating to this crime scene did you
4 find approximately 20 yards into the woods where that shed
5 was?

6 A. Nothing. Nothing.

7 MR. GOLDBERG: Thank you.

8 THE COURT: Anything further from this witness?

9 MR. TATE: Nothing. Thank you, Your Honor.

10 THE COURT: Thank you, sir. You may step down.

11 Call your next witness.

12 MR. GOLDBERG: The State calls Nathan Telford.

13 Thereupon,

14 NATHAN TELFORD

15 after having been first duly sworn, testified as follows,

16 THE CLERK: Please have a seat. Once you're seated,
17 state your full name for the record please.

18 THE WITNESS: Nathan Telford.

19 DIRECT EXAMINATION

20 BY MR. GOLDBERG:

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. Mr. Telford?

24 A. Yes, sir.

25 Q. Can you please tell this jury a little bit about

1 yourself. Who you are, where your from.

2 A. My name is Nathan Telford from Columbia, born and
3 raised. Went to Eau Claire High School, went to Midlands
4 Tech.

5 Q. Born and raised in Columbia you said?

6 A. Yes. Born and raised.

7 Q. You've lived here your whole life?

8 A. My whole life. Well, you know, besides I was in
9 Atlanta a couple years, came back, but I've been here in
10 Columbia.

11 Q. Okay. What part of town did you grow up in?

12 A. Northeast side.

13 Q. And do you still have family out that way?

14 A. Yes, sir.

15 Q. Whereabouts is that?

16 A. Farrow Road, Blythewood.

17 Q. All over the northeast area?

18 A. All over the northeast area.

19 Q. Yes, sir. All right. How familiar are you with the
20 Ballenton Road?

21 A. Born and raised.

22 Q. Born and raised?

23 A. Born and raised.

24 Q. Do you still have family that lives there?

25 A. Yes. I do. My mother still stay there.

- 1 Q. Your mother stays there?
- 2 A. Yes, sir.
- 3 Q. Okay. The address that we've been referring to in
4 this case is 129 Ballenton. Are you familiar with that
5 location?
- 6 A. [REDACTED], yeah. 129 is nextdoor.
- 7 Q. Okay. What's [REDACTED]?
- 8 A. That's where my mom lives at.
- 9 Q. Okay. And what kind of residence is it? Is it a
10 trailer? Is it a house?
- 11 A. It's a house, a brick house.
- 12 Q. Brick house?
- 13 A. Yes.
- 14 Q. What's [REDACTED]? Or excuse me. 129?
- 15 A. That's the trailer nextdoor. That's my brother's
16 trailer.
- 17 Q. Okay. And you mentioned a moment ago, how often
18 have you been going out that way since you came back from
19 Atlanta?
- 20 A. Well, I just left there that May so I was living
21 there. When I came back from Atlanta, I stayed with mom,
22 helped my mom out, dad passed away, so I came there, helped my
23 mom out, and then me and my wife got our own place on this
24 side.
- 25 Q. Okay. So back in October of 2019, where were you

1 living?

2 A. Yeah. I was on Ballenton.

3 Q. You were staying on Ballenton with your mom?

4 A. Mm-hmm.

5 Q. In 125?

6 A. 125, yes.

7 Q. Okay. All right. And tell me a little bit and tell
8 the jury a little bit about 129 in terms of spending time
9 there hanging out.

10 A. Okay. Like I said, my brother lived in the trailer
11 and, you know, everybody come to the house in the summertime.
12 We have cookout there, we have barbeque every other day during
13 the summertime. It's just like, you know, the whole
14 neighborhood, if you come in our neighborhood, is family. So
15 everybody, that's where everybody come and join and drink, eat
16 food, we have fun. We have fun when we come there.

17 Q. Barbeque?

18 A. Barbeque, cook-outs. We do it all. I mean,
19 everybody have fun. That's where everybody gather to have
20 fun.

21 Q. Sometimes that fun includes drinking?

22 A. Drinking.

23 Q. Right.

24 A. Yes.

25 Q. Sometimes does that fun include people who aren't

1 family coming out there?

2 A. Yes. Yes. Yes. We have certain people that come
3 there. Yes.

4 Q. All right. And what other kinds of things do people
5 do for fun over there when they come there from time to
6 time?

7 A. Well, like I say, I can't say for everybody else,
8 but I can say for me. That's all. I can't speak for nobody
9 else.

10 Q. Okay. Have you ever seen anybody use drugs in that
11 area before?

12 A. Of course. Yes. That's everywhere you go. That's
13 in your area, my area.

14 Q. Absolutely.

15 A. Everywhere you go.

16 Q. Yes, sir. And so back on October the 3rd of 2019,
17 were you at the 125 or 129 Ballenton Road?

18 A. Yes. I was.

19 Q. What were you doing there that day?

20 A. I was in the back of the trailer playing cards with
21 a friend of mine playing cards.

22 Q. Playing cards. All right. I want to show you
23 State's Exhibit number 24. Do you recognize that?

24 A. That's the table. That's my playing table. That's
25 where I was playing at.

1 Q. That's where you were playing cards?

2 A. Yes.

3 Q. Who were you playing cards with?

4 A. A friend of mine.

5 Q. Okay. Were you all the only two people out there
6 that night.

7 A. What you mean, back in the back?

8 Q. Just on the whole property?

9 A. No. Not the property, no. Like I said, I'm in the
10 back. I can't tell you who was in the front.

11 Q. Okay.

12 A. Because I was in the back, just me and Donna was in
13 the back.

14 Q. You and Donna?

15 A. Me and Donna was in the back.

16 Q. All right. Do you remember what y'all were
17 playing?

18 A. Tonk.

19 Q. Tonk.

20 A. Yes, sir.

21 Q. Okay. Who was winning?

22 A. Yeah, me. I was winning. I got my money off the
23 table too.

24 Q. Fair enough. Had you seen anybody else out there
25 that night that you knew?

1 A. Man, you know, when you say it like that, of course
2 I do. They coming and going, coming and going, coming and
3 going. I mean, name specific people? No. I can't just say,
4 well, yes, I seen this one, or yes, I seen -- I mean, yes, I
5 seen a lot of people coming and going.

6 Q. Okay. A lot of people that you know?

7 A. Yes.

8 Q. Some people you don't know?

9 A. Well, if they come down there, I knew them.

10 Q. If they come down there, you knew them?

11 A. If they came down there, I knew them.

12 Q. At any point that night did you -- Well, let me ask
13 you this: Do you know a gentleman named Christopher Doctor?

14 A. Yes. I know him.

15 Q. How do you know him?

16 A. Because that's - we grew up together. We all grew
17 up together. Like his family, my family, we grew up together.
18 We were like family.

19 Q. You were like family. All right.

20 A. Yes. Like I say, we follow in a circle, you know.

21 Q. Okay. And does Christopher Doctor have a nickname
22 of any kind that you call him?

23 A. We call him Ferb.

24 Q. Ferb?

25 A. Ferb, yes.

1 Q. F-e-r-b?

2 A. I don't know how you spell it, but I called him
3 Ferb.

4 Q. Ferb. Got it.

5 A. That's what we refer to him today.

6 Q. Yes, sir. Did you see Ferb out there that night?

7 A. Not the first part of the night, no. Later on that
8 night I seen him.

9 Q. Okay. And do you know anybody else related to Ferb,
10 any of his brothers?

11 A. I know all his brothers. As I say, the family grew
12 up together.

13 Q. Okay. Would that include Demetrick Doctor?

14 A. Yes. It would. I know Meke.

15 Q. Meke you said?

16 A. Meke.

17 Q. You call him Meke?

18 A. I call him Meke, yeah.

19 Q. Okay. How long have you known him?

20 A. Years. Like I say, we all, the family grew up
21 together.

22 Q. All right. So you were in the back playing cards,
23 right?

24 A. Yes.

25 Q. All right. Can you describe for the jury what you

1 may have heard that drew your attention away from your card
2 game?

3 A. Okay. We was playing cards. Like I said, I heard a
4 car coming down speeding in the driveway pretty fast, but that
5 ain't nothing new. That's, you know, that's their
6 neighborhood, and then so I kept on, you know, I kept on
7 playing cards, and I heard gunshots. Now, you know, I put my
8 cards down. I heard three gunshots in the front and I ran and
9 I seen people scattering around and that's when I went and
10 took cover.

11 Q. When you said you saw people scattering around, was
12 that in front or back?

13 A. They came from the front to the back.

14 Q. All right. And you said you took cover?

15 A. Yes. I did.

16 Q. Where and how did you do that?

17 A. Quick. Took cover quick. It was like, how would I
18 describe it? You got to kind of like be there to see it. The
19 back of the trailer there's like a tent.

20 Q. Okay.

21 A. And up under the tent there's like the back of a car
22 seat, a Tahoe, the back of a Tahoe seat just sitting down on
23 the ground. That's where people sit. So I took cover in
24 front of it, laid down on the ground in front of it.

25 Q. I'm gonna show you State's number 26. Is that the

1 tent that you're talking about over there?

2 A. That's the tent. If you look, there's a seat up
3 under the tent, right up under the tent. See the tent?

4 Q. Mm-hmm.

5 A. Right here. I laid down in front of that.

6 Q. Right here you say where my finger is?

7 A. No. Inside the tent.

8 Q. Oh, okay.

9 A. Inside of the tent.

10 Q. Okay. And you laid down by that you said?

11 A. In front of it.

12 Q. Okay.

13 A. I was right in front of it.

14 Q. Okay. And so you're laying there. What happens
15 next?

16 A. I'm laying there. I mean, I seen people running,
17 running, scattering around. I'm trying to figure out what's
18 going on and so the next thing I know, what happened out
19 there? What happened out there? I laid down on the ground.
20 Oh, yeah, that's when someone come running behind me, you
21 know, he's stood behind me, Meke stood behind me.

22 Q. Meke is behind you?

23 A. Yes. Meke stood behind me between the tent and
24 trailer right over there and then I felt a little relieved
25 then because I knew, that's who I knew who I knew. You know

1 what I'm saying?

2 Q. Now, when you said you saw him, can you describe
3 again kind of how you were sitting or laying?

4 A. I was laying down. I was laying down on my side, on
5 my right side. I just looked up and he was standing over
6 me.

7 Q. He was standing over you?

8 A. Yes.

9 Q. And when you say "he", you're talking about Meke?

10 A. Meke was standing over me. Yes.

11 Q. Okay. What, if anything, did you see that was in
12 his hands?

13 A. He had a gun in his, two guns in his hands. He had
14 two guns in his hands. And then he said that I'm looking for
15 the ones who say they gonna kill me on sight, shoot me on
16 sight.

17 Q. All right. I'm gonna back you up. He had two guns
18 in his hands and he said what now?

19 A. I'm looking for the ones who gonna shoot me on spot.
20 I said, I ain't one of them. He said, Telford, you all
21 right.

22 Q. I'm looking for the ones who were gonna shoot me on
23 sight?

24 A. He said, he said, you know, they threatened me.
25 They threaten me all week long. Said they gonna shoot me on

1 sight.

2 Q. Did he recognize you?

3 A. Yeah. He recognize me. Yeah.

4 Q. And he said what to you again?

5 A. He said, Telford, you all right.

6 Q. All right. Do you know a gentleman named John

7 Dickerson?

8 A. Yeah. That's my cousin J boy.

9 Q. Did you see him out there that night?

10 A. I seen him running in front of me. He ran across to

11 where the cans was back in the woods part where the cans

12 was.

13 Q. So he ran in front of you?

14 A. Like if I'm laying down, like -- Let me show you on

15 that picture again.

16 Q. Yes, sir. State's number 26. Yes, sir.

17 A. Okay. He ran this way across this way and he ran

18 around this way where the cans are around the back.

19 Q. Okay. And so he ran towards the cans you say?

20 A. Towards the cans to the right and towards the woods.

21 There's woods back there.

22 Q. Okay.

23 A. Yeah.

24 Q. And when he did that, was that before or after you

25 saw Meke standing above you?

1 A. That was after I saw Meke standing above me. It was
2 after. Afterwards.

3 Q. I'm sorry. Say that again.

4 A. That was after.

5 Q. Which one?

6 A. That was after. Okay. I saw Meke first, then
7 that's when he came running around in front of me. Meke was
8 over me first and then that's when he came around.

9 Q. And tell us, the jury about the guns that you saw.
10 What do you recall about them?

11 A. I seen a shotgun and a sawed-off shotgun.

12 Q. A shotgun and a sawed-off shotgun?

13 A. Yes.

14 Q. What, if anything, did you see in his waistband?

15 A. He had a pistol, but I don't know what kind. I
16 think it was a pistol in his waist. I'm not sure.

17 Q. Okay. So that's a total of three weapons?

18 A. That's what I saw. Yes. I might be mistaken about
19 the one in the waist, but I'm pretty sure it was.

20 Q. I understand. After you have this exchange with
21 Meke, where do you go, where does he go?

22 A. I ain't move. I ain't moved and then after that
23 then Meke, he ran around outside the cans, and he ran out, out
24 in front. He never was up under the tent. He was between the
25 house and the trailer and the tent, you know, and he ran like

1 ran around, ran back out around, ran out.

2 Q. All right. And while he was back there before he
3 ran out, did you see or hear Ferb back there?

4 A. No.

5 Q. So you didn't see Ferb talking to, say anything to
6 Meke?

7 A. Not then. No.

8 Q. Okay. At any point that night did you see that?

9 A. Yeah. I told -- Yeah. Yes. He, he telling him
10 calm down, man, bro. Come on, calm down. Let's go. Calm
11 down. Let's go. He said --

12 MS. EIGENBROT: Objection, Your Honor. At this
13 point it's hearsay.

14 THE COURT: Sustained. Ladies and gentlemen,
15 disregard that last response, the question and response
16 from counsel and from the witness.

17 BY MR. GOLDBERG:

18 Q. The time when you saw them, was that in the front
19 yard or the backyard?

20 A. Backyard.

21 Q. And you said a moment ago that Mr. Meke Doctor ran
22 around to the front, correct?

23 A. No. Ran around -- Yes. Ran around to the front.
24 Yes.

25 Q. The front. Did you see him again that night after

1 that?

2 A. Not after that.

3 Q. Did you hear anything else once he made his way
4 around past you?

5 A. After he passed me, I just heard two gunshots, boom,
6 boom. That's all I heard.

7 Q. And after all this went off, what, if anything, did
8 you hear in terms of vehicles or anything like that?

9 A. After I was running, I was running toward my mama
10 house, and a friend of mine said somebody call 911 but nobody
11 was moving, so I went and snatched a phone out of a friend of
12 mine hand and I called 911. But I heard, I heard cars leaving
13 out, screeching out, but like I said, I didn't see any car. I
14 didn't know the cars, didn't know who was in it, didn't know
15 who was driving or nothing.

16 Q. You said screeching out?

17 A. Yeah, you know, like going pretty fast. As I said,
18 I don't know who was in the car or what the car was or
19 anything.

20 Q. I understand. And you called 911?

21 A. I called 911 'cause my cousin had got shot. I'm
22 standing, I'm standing over him, over my cousin.

23 Q. Mr. Dickerson?

24 A. Yes.

25 Q. Did you talk to law enforcement that night?

1 A. Yes. I did.

2 Q. All right. And when they arrived, what did you tell
3 them?

4 A. I mean, they want to know, you know, when I talked
5 to them, when the police came, I, I went to the house. The
6 thing, the next person I talked to was Brand. Brand is the
7 next person I talked to.

8 Q. Did you give him the last name of the person that
9 you saw?

10 A. No. I can't, I can't remember if I did that or
11 not.

12 Q. You can't remember?

13 A. I don't think I did.

14 Q. All right.

15 A. I don't think I did. Like I said, I mean, I know
16 who was there, but I can't say I seen nobody, I didn't see
17 nobody actually shoot.

18 Q. I understand. When you saw Meke standing over you
19 with the guns, how close was he from you to him?

20 A. From right here. Like if you stand up now and I'm
21 laying on the ground, like that.

22 Q. Right over you?

23 A. Right over me. I'm looking right up at him.

24 Q. So later on that night is it fair to say there was a
25 lot of police out there?

- 1 A. A lot of police.
- 2 Q. And you said you talked to Bland?
- 3 A. Yeah. I talked to Bland.
- 4 Q. Right here?
- 5 A. Yes, sir.
- 6 Q. Prior to -- Well, let me back up. At some point
- 7 that night did law enforcement actually show you photographic
- 8 lineups?
- 9 A. Two of them.
- 10 Q. Two of them. Okay. The first one that they showed
- 11 you, can you describe what that was about?
- 12 A. Well, they asked me did I see in the first one who I
- 13 think did it was in the picture. I said no. I don't see him
- 14 in there. Then they asked me if I saw the person in the
- 15 second picture and I saw him in the second.
- 16 Q. Let's talk about the first one first.
- 17 A. Okay.
- 18 Q. So they showed you a photo lineup, and how many
- 19 photos did it have in it?
- 20 A. Six.
- 21 Q. Six. And asked you if you recognized anybody as the
- 22 person you described being involved, correct?
- 23 A. No. The first one they said was involved.
- 24 Q. Okay. And you didn't see anybody in that first
- 25 lineup?

- 1 A. In that first lineup, no.
- 2 Q. Okay. Did you see anybody else that you
- 3 recognized in the lineup?
- 4 A. Yeah.
- 5 Q. Okay. Who was that?
- 6 A. I seen his brother.
- 7 Q. Whose brother?
- 8 A. Meke's brother.
- 9 Q. Meke's brother?
- 10 A. Mm-hmm.
- 11 Q. Was that Ferb?
- 12 A. No.
- 13 Q. Okay. Another brother?
- 14 A. Yes.
- 15 Q. What's his name?
- 16 A. I'm not - we call him Frankie.
- 17 Q. Frankie?
- 18 A. Yes.
- 19 Q. Okay. So you see Frankie in this first lineup. Did
- 20 you see Frankie out at the scene that night ever?
- 21 A. No.
- 22 Q. All right. And so what did you tell law enforcement
- 23 when they showed you that lineup?
- 24 A. I told them that the one that they was looking for,
- 25 the one they said they was looking was not there.

1 Q. All right. Did they then return later that night to
2 show you the second lineup?

3 A. Yes. They did.

4 Q. All right. And they showed it to you?

5 A. Mm-hmm.

6 Q. All right. Let me show you what's benn marked as
7 State's number 1 for ID. Do you recognize that?

8 A. Yes. I do.

9 Q. And what is that?

10 A. That's the lineup that I picked out.

11 Q. That's the lineup --

12 A. Yeah.

13 Q. Is that the first lineup or the second lineup?

14 A. The second lineup.

15 Q. And the first page of this is that your signature?

16 A. Yes. It is.

17 Q. Okay. And the date on this?

18 A. The 4th.

19 Q. October the 4th. All right. And which picture did
20 you select from the lineup?

21 A. Number 3.

22 Q. As the person they were looking for?

23 A. Number 3.

24 Q. Number 3. All right. And you recognize number 3 to
25 be who?

1 A. Demetrick.

2 Q. Demetrick Doctor, correct?

3 A. Mm-hmm.

4 MR. GOLDBERG: Your Honor, at this time we'd offer
5 State's number 1 into evidence.

6 MS. EIGENBROT: I'll just renew our initial
7 objections, Your Honor.

8 THE COURT: State's 1 is admitted over defendant's
9 objections.

10 MR. GOLDBERG: Thank you, Your Honor.

11 BY MR. GOLDBERG:

12 Q. And the gentlemen that you identified in the lineup,
13 do you see him in the courtroom here today?

14 A. Yes.

15 Q. All right. Can you describe what color shirt he has
16 on?

17 A. Pink.

18 MR. GOLDBERG: Pink shirt. All right. Mr. Telford,
19 those are all the questions I have. The defense is gonna
20 ask you some questions, okay?

21 THE WITNESS: Okay.

22 MR. GOLDBERG: Thank you.

23 THE COURT: Cross examination.

24 MS. EIGENBROT: Thank you, Your Honor. May it
25 please the Court.

1 CROSS EXAMINATION

2 BY MS. EIGENBROT:

3 Q. Good afternoon, Mr. Telford.

4 A. Good afternoon. How you doing?

5 Q. I'm well. How are you?

6 A. I'm fine.

7 Q. Thank you for asking. All right. I have some
8 follow up questions for you.

9 A. Yes, ma'am.

10 Q. I want to start a little bit with some of the other
11 people that were out there that night --

12 A. Okay.

13 Q. -- okay?

14 A. Okay.

15 Q. You mentioned a young lady by the name of Donna.

16 A. Yes.

17 Q. Who is Donna?

18 A. That's who I was playing cards with.

19 Q. And what about Ms. Stacy Renee Melton, do you know
20 her?

21 A. Yes. I do know her.

22 Q. How do you know her?

23 A. I known her for years.

24 Q. Does she hang out at the d-r with you?

25 A. Not with me but she hangs out there sometimes.

1 Q. I'm sorry. When I say d-r, we're talking about
2 129?

3 A. Dirt road.

4 Q. Ballenton?

5 A. The dirt road. That's right.

6 Q. Thank you. And we've mentioned in this case a young
7 man by the name of Justin Glenn who goes by Julio. You know
8 him, right?

9 A. Yes. I do.

10 Q. He hangs out there sometimes too?

11 A. He, he, not like that. No. He don't come and hang
12 around. No. Not a lot.

13 Q. All right. And then we also talked a little bit
14 about Ms. Christine Hayes, goes by Jules. You know her,
15 right?

16 A. Yes. I do.

17 Q. And she hangs out there?

18 A. Not like that.

19 Q. But sometimes?

20 A. Sometimes. Now, you say, when you say sometimes,
21 when you call hang out, what you call hang out? What you call
22 hang out and what I call hang out might be different.

23 Q. I got you.

24 A. People like come in, speak, and then go. Jules, she
25 might come in, speak, and she go. But it ain't like they come

1 in and hang out, hang out on the spot. No. It ain't like
2 that.

3 Q. So they're not there playing cards with you?

4 A. No, ma'am.

5 Q. Drinking beer?

6 A. No, ma'am.

7 Q. None of that?

8 A. No, ma'am.

9 Q. Okay. They're kind of in and out, but you know
10 them?

11 A. Yes, ma'am.

12 Q. And I guess when Jules shows up, is she usually with
13 Ms. Melton?

14 A. Yes.

15 Q. Okay. Now let's switch gears. I want to talk a
16 little bit about the night of.

17 A. Yes, ma'am.

18 Q. Okay. So you said you're playing cards?

19 A. Yes, ma'am.

20 Q. It's about 10:00 at night?

21 A. Right now I couldn't tell you what time it was.

22 Q. Okay. Was it dark outside?

23 A. Yes. It was.

24 Q. Okay. Now, it's your property, right?

25 A. Yes, ma'am.

1 Q. Okay. We've heard a little bit that there's a
2 trailer that sits on the property?

3 A. That's where I was behind playing cards.

4 Q. Okay. And then there was a camper parked in front
5 of that trailer?

6 A. Yes, ma'am.

7 Q. And it's kind of parallel to it?

8 A. Yes, ma'am.

9 Q. And there was a Mercedes car parked in between those
10 two?

11 A. A gray one. Yes, ma'am. There was.

12 Q. And like you said, you're around back playing
13 cards?

14 A. Yes, ma'am.

15 Q. I think we saw a picture of that little table which
16 you call your card table?

17 A. Yes, ma'am.

18 Q. All right. And then there's a wooden shack kind of
19 in the back almost between the two properties, right?

20 A. That's the sugar shack. Yes, ma'am.

21 Q. Sugar shack. So the sugar shack as I said is kind
22 of in between the property. On the other side of the trailer
23 you got one light bulb, right?

24 A. Yes.

25 Q. It's kind of a green light almost, right?

- 1 A. Well, no. The way you talking about now, when you
2 said --
- 3 Q. All right. Mr. Telford, I'm looking at the trailer.
- 4 A. If you standing in the road.
- 5 Q. Standing in the road looking at the trailer to your
6 left.
- 7 A. To my left.
- 8 Q. Left of the trailer there's one light pole over
9 there?
- 10 A. Oh, yeah. On the, on the corner, yes.
- 11 Q. Yes.
- 12 A. Yes. Yes. Yes. On that corner. Yes, ma'am.
- 13 Q. Okay. Now, that light pole was on that night,
14 right?
- 15 A. Yes, ma'am.
- 16 Q. That's the only light in the yard?
- 17 A. Only light in the backyard on that side.
- 18 Q. Okay. So there's a light in the front yard?
- 19 A. No.
- 20 Q. Okay. Now, did you have a flashlight with you that
21 night?
- 22 A. I couldn't remember. I don't think, I don't think I
23 would have.
- 24 Q. Okay.
- 25 A. I might have because I usually carry a flashlight

1 with me.

2 Q. You usually carry a flashlight?

3 A. Yes, ma'am.

4 Q. So on your phone?

5 A. On my phone also.

6 Q. Okay. Now, did you have your flashlight on --

7 A. No.

8 Q. -- that night?

9 A. No.

10 Q. Okay. Now, you said you're sitting in the back
11 there playing cards?

12 A. Yes, ma'am.

13 Q. Hear a car?

14 A. Yes.

15 Q. Not unusual, right?

16 A. No.

17 Q. So you're still playing cards?

18 A. Still playing cards.

19 Q. That's when you hear gunshots?

20 A. Yeah. About a minute after I heard the car pull up,
21 that's when I heard gunshots.

22 Q. Okay. And you heard three gunshots is what you
23 said.

24 A. Yes. I heard the first one first and I was like
25 looking around, then I heard two more, that's when I

- 1 scattered.
- 2 Q. Okay. You scattered over to that tent, right?
- 3 A. Up under the tent.
- 4 Q. Under the tent.
- 5 A. Up under the tent. Not over by the tent. Under the
- 6 tent.
- 7 Q. All right. So you're -- I'm gonna show you this
- 8 picture, State's Exhibit 26. That's the tent you're under,
- 9 right?
- 10 A. I'm playing cards over this way and then I heard
- 11 gunshots, that's when I kind come this way.
- 12 Q. All right. So you're underneath this big tent right
- 13 here --
- 14 A. Yes.
- 15 Q. -- right?
- 16 A. Mm-hmm.
- 17 Q. Okay. And I think you said there's kind of like
- 18 some bucket seats or some seats from a car?
- 19 A. Well, just, just like a back seat.
- 20 Q. Back seat.
- 21 A. Just one back seat.
- 22 Q. All right. And you're laying right in there --
- 23 A. Right in front of it.
- 24 Q. -- under that covered area?
- 25 A. Yes. Mm-hmm.

- 1 Q. Okay. Now, you heard people running, right?
- 2 A. Yes. I saw people running.
- 3 Q. And somebody is shooting a gun?
- 4 A. Mm-hmm.
- 5 Q. Kind of scary?
- 6 A. Yes.
- 7 Q. It's dark out?
- 8 A. Mm-hmm.
- 9 Q. Can't really see much, right?
- 10 A. No. You can't.
- 11 Q. And you're worried about your safety?
- 12 A. Oh, yes.
- 13 Q. And, Mr. Telford, I know you testified about seeing
- 14 Mr. Demetrick Doctor. But again, like I said, it's dark
- 15 outside, right?
- 16 A. It ain't that dark.
- 17 Q. Ain't that dark?
- 18 A. It ain't that dark. You talking about dark, you
- 19 looking, you looking at your picture. Look at it.
- 20 Q. Mr. Telford, you weren't -- Were you present when
- 21 these photos were taken?
- 22 A. I don't know whether I was or not.
- 23 Q. Now, you also said that you did not see who fired
- 24 those weapons?
- 25 A. I didn't see. No, ma'am.

1 Q. But you saw Mr. Dickerson run?

2 A. Yes. It was not just him now. Everybody running.

3 Q. Everybody's running. Okay. You didn't see him fire
4 the weapon?

5 A. No, ma'am.

6 Q. In fact, you thought he was there to help you?

7 A. Well, I just knew he was there and I didn't have,
8 you know, I didn't have my pistol on me right at the time
9 so...

10 Q. Mr. Telford, you testified in a hearing yesterday,
11 did you not?

12 A. Yes. I did.

13 Q. And at that hearing you sat in that same seat.

14 A. Yes. I did.

15 Q. You swore to tell the truth?

16 A. Yes. I did.

17 Q. And it's your testimony right now that yesterday you
18 did not say that you thought he was there to help you?

19 A. I mean, I was just like telling you help me. I said
20 I felt relieved. I didn't say, you know, help me. No. I
21 don't need help.

22 Q. When you appeared -- When you saw him there, you
23 felt relieved?

24 A. I felt relieved. Yeah. I'm like, you know, because
25 I knew somebody else there. You know what I'm saying? I

1 didn't know who was in the front, you know.

2 Q. And then you stayed there in that same position,
3 right?

4 A. Yes. I did.

5 Q. And waited until things calmed down?

6 A. Yes. I did.

7 Q. You didn't see where that individual went?

8 A. No, ma'am. I didn't.

9 Q. You didn't see if he got into a vehicle?

10 A. No. I did not.

11 Q. And you went back to your house, right?

12 A. I was going back towards my house. That's when
13 somebody say call 911. That's when I went back and that's
14 when got the phone from a friend of mine, I snatched the phone
15 from him and that's when I called 911.

16 Q. When you say friend, that was your brother's phone
17 you used, right?

18 A. No, ma'am.

19 Q. But your brother was there?

20 A. He was on the inside.

21 Q. Of the house, right?

22 A. Yes. I don't know who phone I used. I don't
23 remember.

24 Q. Okay. Fair enough. But you called 911?

25 A. Yes. I did.

1 Q. And you told 911 there had been a shooting?

2 A. Yes, ma'am.

3 Q. And there was someone hurt?

4 A. Yes, ma'am.

5 Q. But you did not say that you knew who the shooter
6 was?

7 A. No. I didn't. No.

8 Q. And then --

9 A. Like I say, in the front, I didn't know the two was
10 in the front, that they was dead. I didn't know that.

11 Q. You didn't see any of that?

12 A. I didn't see none of that in front. I didn't know
13 they was dead. I didn't know until I went over to my house --

14 Q. And all --

15 A. -- after the police came.

16 Q. And all you really saw in the back was you getting
17 down and seeing Mr. Doctor, right? I mean Mr. Dickerson
18 running? That's all you saw in the back, right?

19 A. Well, when I got up, I mean, I seen him running and
20 then I seen two gunshots, I heard two gunshots.

21 Q. You heard two gunshots. So now I'm confused. Did
22 you hear them or did you see them?

23 A. When I left, Meke, Meke, he came around like where
24 my cousin was running, he was running behind like where my
25 cousin was running at. Immediately I heard two gunshots,

1 boom, boom, okay? And then that's when, that's when my
2 brother came and told him let's go. Let's go.

3 Q. But you didn't actually see any of that?

4 A. No. I did not actually personally. No.

5 Q. And then the cops show up?

6 A. Yes.

7 Q. And you talk to law enforcement?

8 A. After I went to my mom house, yes. I did.

9 Q. Mr. Telford, you said you know Demetrick pretty
10 well, right?

11 A. Yes. You know, like, I know him. Yes.

12 Q. He's got family you know?

13 A. Yes.

14 Q. Lots of brothers, right?

15 A. Yes.

16 Q. How many brothers has he got?

17 A. As far as I know four.

18 Q. Okay.

19 A. About four.

20 Q. And you know his family fairly well?

21 A. Mm-hmm.

22 Q. Demetrick hangs out there sometimes, too, right, at
23 the dirt road?

24 A. Well, yeah. Like I say, he come and go. They come
25 and we all drink beer and Meke, he come and then go. He hangs

1 around a little while and then he go.

2 Q. He drinks beer in back?

3 A. Yeah. He did at one point.

4 MS. EIGENBROT: Thank you, Mr. Telford. I
5 appreciate your time today.

6 THE WITNESS: Thank you.

7 THE COURT: Redirect.

8 REDIRECT EXAMINATION

9 BY MR. GOLDBERG:

10 Q. Mr. Telford, you talked about how you've been down
11 on the d-r your whole life, right?

12 A. Yes.

13 Q. The gunshots that you heard on October the 3rd,
14 2019, is that the first time you've ever heard gunshots down
15 in that area?

16 A. No.

17 Q. No?

18 A. No.

19 Q. If you had to guess, how many times do you think
20 you've heard gunshots over the years ballpark?

21 A. Oh, man, come on. That's -- I mean, like I said,
22 let me tell you about our neighborhood. One thing about our
23 neighborhood, there's one way in, one way out. If any trouble
24 come, they bring the trouble to us. We don't bring, we don't
25 try to make trouble. It comes to us. If you come there, you

NATHAN TELFORD - REDIRECT BY MR. GOLDBERG

320

1 come that way. You got to come that way, okay? Like I said,
2 it's a whole family thing down there. When you first turn
3 down that road, we're all family. It ain't like we bring
4 trouble. Trouble comes to us. Like I said, I heard gunshots
5 maybe including that night probably prior to that night 10
6 times total, total. That's all my life. Like I said, we
7 don't bring no trouble. Trouble come to us.

8 MR. GOLDBERG: Thank you, Mr. Telford.

9 THE COURT: Anything further from this witness?

10 MS. EIGENBROT: No, Your Honor.

11 THE COURT: Okay. Thank you, sir. You may step
12 down.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Thank you. Approach.

15 (Side bar off the record.)

16 THE COURT: The State can call their next witness.

17 MR. GOLDBERG: Thank you, Your Honor. The State
18 calls Stacy Renee Melton.

19 Thereupon,

20 STACY RENEE MELTON

21 after having been first duly sworn, testified as follows,

22 THE CLERK: Please have a seat. Once you're seated,
23 state your full name for the record please.

24 THE WITNESS: Stacy Renee Melton.

25 DIRECT EXAMINATION

1 BY MR. GOLDBERG:

2 Q. Ms. Melton, good afternoon.

3 A. Hey. How are you?

4 Q. Good. We're gonna need you to try to keep your
5 voice up, okay?

6 A. Okay.

7 Q. There you go. You've got that microphone.

8 A. Okay.

9 Q. Can you tell this jury a little bit about who you
10 are and where you're from?

11 A. Sure. My name is Stacy Melton and I'm from Camden.
12 I moved to Columbia in 2013.

13 Q. So you say you're from Camden. You grow up there?

14 A. Yes. I did.

15 Q. Where did you go to high school?

16 A. North Central.

17 Q. North Central. And now you live in Columbia?

18 A. I do.

19 Q. How long have you been in Columbia?

20 A. Around, since around 2013.

21 Q. All right. Let's move this a little closer to you.
22 The court reporter has to take down what you say, okay? All
23 right. Ms. Melton, who is Christine Hayes?

24 A. She's my friend.

25 Q. Your friend. How did you know Christine Hayes?

STACY MELTON - DIRECT BY MR. GOLDBERG

322

1 A. Uhm, her husband and my fiance worked together.

2 Q. Okay. How long have you known her?

3 A. Uhm, since I was in seventh grade.

4 Q. All right. Spent time with her socially?

5 A. I did.

6 Q. How often?

7 A. Uhm, we lost touch for a few years, but, uhm, we had
8 recently ran back in touch with each other.

9 Q. When you say recently, are you talking about back in
10 2019?

11 A. Yes.

12 Q. Okay. Specifically October of 2019?

13 A. No. It was a few months before that.

14 Q. Okay. How often did y'all spend time together?

15 A. We were together almost every day.

16 Q. What part of town were you living in at that time?

17 A. Northeast.

18 Q. How about her?

19 A. Blythewood.

20 Q. When you would spend time with her on a daily basis,
21 what is it that y'all would do together?

22 A. Uhm, just, you know, hang out, girl stuff. We would
23 be at her house or, you know, at a friend's house or
24 something.

25 Q. Okay. Did you guys party sometimes?

- 1 A. We did.
- 2 Q. Drink a little bit?
- 3 A. Mm-hmm.
- 4 Q. Smoke at all?
- 5 A. Yeah.
- 6 Q. Some drug use?
- 7 A. Yes.
- 8 Q. Each of you?
- 9 A. Yes.
- 10 Q. So I want to -- Okay. Let me ask you this: Do you
- 11 know or did you know Justin Glenn?
- 12 A. I did.
- 13 Q. How did you come to know him?
- 14 A. We just met through a mutual friend.
- 15 Q. Do you remember about how long you had known him?
- 16 A. Uhm, probably in 2018 maybe. I'm not real sure
- 17 about that.
- 18 Q. Did you hang out with him as much as you did with
- 19 Ms. Hayes?
- 20 A. No.
- 21 Q. How would you refer to Ms. Hayes? Would you call
- 22 her Christine or did you have another name you called her?
- 23 A. I called her, called her Jules.
- 24 Q. Jules. How about Mr. Glenn?
- 25 A. I called him Julio.

STACY MELTON - DIRECT BY MR. GOLDBERG

324

1 Q. Julio. I want to turn your attention to October of
2 2019, the incident that we're here for. Can you tell the jury
3 a little bit about what you and Ms. Hayes had been doing in
4 the days leading up to October the 3rd?

5 A. We had just been hanging out at, uhm, various spots,
6 you know, doing --

7 Q. It's okay.

8 A. -- drugs.

9 Q. Using drugs?

10 A. Yeah.

11 Q. Okay. What was your drug of choice at that time?

12 A. Crack.

13 Q. Crack. And how about Ms. Hayes?

14 A. The same.

15 Q. So for the days leading up, you guys were using, is
16 that what you said?

17 A. Yeah.

18 Q. And was that -- Where was that around town? Was it
19 at one spot or multiple locations?

20 A. Uhm, different spots. You know, we would be at her
21 house or, uhm, the dirt road, you know.

22 Q. Okay. The dirt road?

23 A. We would get, we'd have motel rooms and stuff.

24 Q. So you mentioned the dirt road. Is that Ballenton
25 Road?

- 1 A. Mm-hmm. Yes.
- 2 Q. How often would you go there?
- 3 A. Everyday.
- 4 Q. Everyday. Did Ms. Hayes go there everyday?
- 5 A. (Witness nodding head.)
- 6 Q. Or at least around that time?
- 7 A. Yeah.
- 8 Q. Did you all go there together?
- 9 A. Majority of the time. Yeah.
- 10 Q. How about Julio?
- 11 A. He was not normally there everyday.
- 12 Q. Had you seen him there before?
- 13 A. Yeah.
- 14 Q. Okay. And these couple days leading up to October
- 15 the 3rd, did you see Julio at all?
- 16 A. Yeah.
- 17 Q. Okay. Where was that?
- 18 A. Uhm, I saw Julio, uhm, the night before this
- 19 happened me and Jules and Julio were together.
- 20 Q. So that would have been Wednesday, October 2nd; is
- 21 that right?
- 22 A. Yes. Yes.
- 23 Q. You, Jules and Julio were together?
- 24 A. Yes.
- 25 Q. Were you on the dirt road?

STACY MELTON - DIRECT BY MR. GOLDBERG

326

- 1 A. We were.
- 2 Q. Whose car were you in?
- 3 A. Jules.
- 4 Q. And what kind of car was that?
- 5 A. A Highlander.
- 6 Q. Highlander. Who was driving that night?
- 7 A. Julio.
- 8 Q. Julio. And where were you and Jules seated?
- 9 A. We were both in the back seat.
- 10 Q. Okay. This was Wednesday night the 2nd, correct?
- 11 A. Yes. The night before the --
- 12 Q. The night before the shooting?
- 13 A. Yes.
- 14 Q. What were y'all doing that night?
- 15 A. Uhm, Julio had stopped, just stopped by there, you
- 16 know. Me and Jules didn't get out of the car. We were
- 17 staying in the car. He got out.
- 18 Q. Okay. While you were in the car were you using?
- 19 A. Yes.
- 20 Q. You said Julio got out of the car?
- 21 A. (Witness nodding head.)
- 22 Q. Did you go with him?
- 23 A. To get out of the car?
- 24 Q. Mm-hmm.
- 25 A. No.

1 Q. Could you see who he was with?

2 A. No. We weren't paying attention.

3 Q. Do you recall how long he was out of the car?

4 A. I think less than an hour.

5 Q. When he returned to the car, what would you describe
6 his demeanor like?

7 A. He was upset.

8 Q. At any point that night, Wednesday night, did
9 you see him with any firearms?

10 A. Wednesday?

11 Q. Wednesday.

12 A. I didn't. No. I didn't.

13 Q. You said he was upset?

14 A. (Witness nodding head.)

15 Q. Do you have any idea what was said or anything out
16 there? I mean, don't say what was said. Did you just --

17 A. I didn't see nothing why he was upset. No.

18 Q. You just knew he was upset?

19 A. Yes.

20 Q. When he got back in the car, what did y'all do?

21 A. Uhm, he was, uhm, upset about the situation that had
22 occurred a few minutes before he got back in the car and, uhm,
23 then he went to a friend's house down the road from the dirt
24 road and Jules and I sat in the back again, you know. We did
25 not get out so I don't know who he talked to or anything like

1 that.

2 Q. You rode with whom?

3 A. Julio.

4 Q. You rode with Julio?

5 A. Yeah.

6 Q. In Jules car?

7 A. Yes.

8 Q. Did you then go back to the dirt road that night or
9 not?

10 A. No. We went back to, uhm, Jules' house and, uhm,
11 and we were both using and, uhm, she got uncomfortable and so
12 we went to a motel room.

13 Q. One thing I'm gonna ask you before we go to the
14 motel room. When you were on the dirt road that night, before
15 y'all left, did you see anybody else that you knew there?

16 A. I'm not sure who all, you know.

17 Q. Okay. That's fine.

18 A. Okay.

19 Q. All right. So now we've left the d-r and you said
20 you guys went to a motel room?

21 A. Mm-hmm.

22 Q. Who went to the motel?

23 A. Uhm, me, Jules. Me and Jules. Julio had taken us
24 to the motel room and me and Jules stayed there and then, uhm,
25 he took her car and he left us there in the room.

1 Q. Okay. Do you recall how long you stayed there in
2 the motel?

3 A. Until the next morning and actually, uhm, until that
4 afternoon and then we went to a friend of mine house, if that
5 makes sentence.

6 Q. Who did you go there with?

7 A. Jules and I went, uhm, the following afternoon, uhm,
8 the actual afternoon of the incident Jules and I went to see a
9 friend of mine.

10 Q. Okay. And did you hang out with this friend?

11 A. Yes.

12 Q. Where did you go from there?

13 A. Uhm, we were actually leaving his house and, uhm,
14 Julio was, Julio was, we had called Julio to come pick us up
15 and while I was waiting for, while Jules and I were waiting
16 for Julio to come and get us, another friend of mine rode by
17 so I rode with them to the dirt road and Julio had picked up
18 Jules and we were supposed to meet back at the dirt road.

19 Q. All right. So just to make sure I got it, you and
20 Jules are waiting for Julio to come pick you up, right?

21 A. Mm-hmm.

22 Q. A different person comes and picks you up?

23 A. Yes. Just happened to ride by.

24 Q. And Jules stays there and waits for Julio to pick
25 her up, correct?

1 A. Mm-hmm.

2 Q. All right. And the plan was to meet at the d-r?

3 A. Right.

4 Q. Okay. Did you have your phone on you at this
5 time?

6 A. No. Jules' phone had died while we were at the
7 motel room because she didn't have her charger so I gave her
8 mine and because, you know, she was staying there by herself
9 and I was riding with someone I knew so I gave her my phone in
10 case she needed it.

11 Q. Did you, in fact, go down to the d-r?

12 A. I did.

13 Q. Okay. Did you get dropped off down there?

14 A. I actually got dropped off a little before there and
15 I just walked the rest of the way.

16 Q. While you were walking, who, if anybody, did you see
17 that you knew?

18 A. Ferb had drove by in the car he was driving and
19 stopped.

20 Q. Ferb?

21 A. Uh-huh.

22 Q. What's Ferb's real name?

23 A. Christopher Doctor.

24 Q. Christopher Doctor. How long have you known him?

25 A. Uhm, a few years. Since I moved to Columbia

1 probably.

2 Q. And can you describe what your relationship with
3 Ferb is like?

4 A. Just, you know, we hung out sometimes and partied
5 together.

6 Q. Partied together?

7 A. Mm-hmm.

8 Q. All right. Did you use together ever? Did you ever
9 use together?

10 A. Yes. Yes.

11 Q. Did you ever have any romantic involvement with
12 Ferb?

13 A. Yes.

14 Q. All right. So you said he came driving by, Ferb
15 did?

16 A. Mm-hmm.

17 Q. All right. When you saw him, what did you do?

18 A. He pulled over and just asked, you know, what you
19 doing or whatever and, uhm, I ended up getting in the car with
20 him and then we actually went back to the dirt road.

21 Q. Okay. Parked the car?

22 A. Yes.

23 Q. Where?

24 A. Uhm, it was right there by the light pole.

25 Q. By the light pole. So if you're facing the trailer,

1 is that the left side or the right side?

2 A. It's gonna be the left.

3 Q. The left side?

4 A. Yeah. We were actually facing the road though. We
5 weren't facing the light pole. We were facing the road.

6 Q. Okay. State's number 11.

7 A. Yeah.

8 Q. By that light pole?

9 A. Mm-hmm.

10 Q. Okay. You said the car was facing toward the road;
11 is that right?

12 A. Right. We were probably in between the light pole
13 and the trailer.

14 Q. Was it just you and Ferb in the car?

15 A. Yes.

16 Q. All right. What were y'all doing while you were in
17 the car?

18 A. Using.

19 Q. And at this point had Jules and Julio arrived yet?

20 A. No.

21 Q. So what did you do?

22 A. It was taking them a long time to get there so, uhm,
23 I went nextdoor to, uhm, where the mother lives and I borrowed
24 a phone from one of the brothers and I took it back to the car
25 and I was gonna call my phone to see what was taking so

1 long.

2 Q. Did you call your phone?

3 A. I did.

4 Q. How many times did you call your phone?

5 A. A lot and, uhm, Jules finally picked up.

6 Q. All right.

7 A. She said that they would be there, down there in a
8 little bit. They were at the store I think, Exxon or Amoco,
9 whichever that is.

10 Q. At any point did Ferb use that phone?

11 A. I think he did. Yes. I'm sure. I think I gave it
12 to him.

13 Q. You gave him that phone?

14 A. (Witness nodding head.)

15 Q. Did he make a call in your presence?

16 A. No.

17 Q. Where did he go?

18 A. He walked away from the car.

19 Q. All right. And how do you know that he tried to
20 make a call?

21 A. Because he had to come back, I remember he came back
22 and had to ask me how to get it back to the dial pad screen.

23 Q. So what did you do?

24 A. I just showed him how to use it. You know, I got it
25 back to the dial pad for him.

STACY MELTON - DIRECT BY MR. GOLDBERG

334

- 1 Q. And then what did you do with the phone?
- 2 A. Gave it to him.
- 3 Q. But you weren't around when he, with him and the
- 4 phone?
- 5 A. No. I wasn't.
- 6 Q. Did you end up getting the phone back?
- 7 A. Yes.
- 8 Q. Okay. What did you do with it?
- 9 A. I took it back from him.
- 10 Q. So about how much after this whole phone episode
- 11 we'll call it did you see Jules or Julio at the d-r?
- 12 A. Uhm, less than 30 minutes I would say.
- 13 Q. And when they arrived -- Did they arrive?
- 14 A. Yes.
- 15 Q. And was it in the Highlander?
- 16 A. Yes.
- 17 Q. Who was in the car?
- 18 A. Uhm, Jules and another guy and then Julio.
- 19 Q. Who was driving?
- 20 A. Julio.
- 21 Q. All right. When they got there, what did you do?
- 22 A. I got in back with Jules. She was behind Julio.
- 23 I'm sorry.
- 24 Q. That's okay. So again, we've referenced State's 11,
- 25 where y'all, where you and Ferb were parked on the left side

- 1 of the trailer, correct?
- 2 A. (Witness nodding head.)
- 3 Q. Where did Julio pull in with the Highlander?
- 4 A. He was on this side of the trailer that's not
- 5 showing.
- 6 Q. That's not showing in State's 11. All right.
- 7 Here's State's 38. Do you see the Highlander?
- 8 A. Yes.
- 9 Q. Sorry. Here you go.
- 10 A. Uhm, yeah. Yeah.
- 11 Q. Is that where, in State's 38 is that where it was
- 12 parked when you walked over to it?
- 13 A. Mm-hmm.
- 14 Q. Okay. You said you got in the car. What did you do
- 15 in the car?
- 16 A. Uhm, I just, I talked to Julio and - I talked to
- 17 Julio.
- 18 Q. Where was he seated?
- 19 A. In the driver's seat.
- 20 Q. Where did you sit?
- 21 A. Behind the passenger in the back.
- 22 Q. Where was Jules?
- 23 A. Behind Julio.
- 24 Q. What was your purpose in going to talk to Julio?
- 25 A. I had to get something from him.

1 Q. What did you go get from him? It's okay.

2 A. I just got some dope from him.

3 Q. Did you have any money on you?

4 A. Yeah. I did.

5 Q. After you met with Julio, did you have more or less
6 money than you had when you got there?

7 A. Less. Less. I had, uhm, I had less. Ferb wanted
8 to borrow five dollars so, uhm, I had got, I had got out to
9 give him the five dollars.

10 Q. You got out of the Highlander to go give Ferb the
11 five dollars?

12 A. Yeah. And then I saw this white car coming down
13 real fast and then Ferb looked at me and said --

14 MS. EIGENBROT: Objection, hearsay.

15 MR. GOLDBERG: Your Honor --

16 THE COURT: Y'all approach.

17 (Side bar off the record.)

18 THE COURT: Defense objection is overruled.

19 BY MR. GOLDBERG:

20 Q. Let's back up a second. You got out of the
21 Highlander to take Ferb the five dollars, correct?

22 A. Right.

23 Q. And you were describing there was a white vehicle
24 coming down the road?

25 A. Mm-hmm.

1 Q. Was it coming in fast or slow?

2 A. It was pulling in fast.

3 Q. What kind of car was it?

4 A. A white Crown Vic.

5 Q. And when that car was coming in fast, tell us what
6 -- You said you saw Ferb?

7 A. Oh, yeah. I handed him the five dollars and it was
8 like right as I was handing it to him, he said something and I
9 don't remember what he said, something like two words and I
10 just knew to take, you know, I knew there was danger so he ran
11 one way and I took off the other way.

12 Q. He said two words to you and you said you knew it
13 was danger?

14 A. I knew, I knew it was something was wrong. I knew,
15 you know, to get out of the way. I just felt like --

16 Q. You knew -- I'm sorry. Go ahead.

17 A. I can't remember what those two words were for some
18 reason and I don't know why, but I knew it was just danger.
19 You know, I knew it scared me the way his body language was.
20 I knew something was wrong.

21 Q. Do you recall later that night after law enforcement
22 arrived that the police took a statement from you that
23 night?

24 A. Yes.

25 Q. Do you remember that?

STACY MELTON - DIRECT BY MR. GOLDBERG

338

1 A. Mm-hmm.

2 Q. All right. And that was actually put in writing; is
3 that correct?

4 A. Mm-hmm.

5 Q. If I showed you that statement about what Ferb said
6 to you, would that help refresh your memory about what those
7 words were if you take a look at it?

8 A. It's possible, yeah. I didn't say I didn't remember
9 that night. I'm not sure.

10 Q. Can you tell me is this your statement? Is that
11 your name at the top?

12 A. Yeah.

13 Q. Okay. And the date?

14 A. That's not my handwriting.

15 Q. Right. You didn't write it.

16 A. Okay. Yeah. Can I --

17 Q. Yeah. You can take it (proffering.)

18 A. Mm-hmm.

19 Q. You see the part about Ferb talking to you?

20 A. Yeah.

21 Q. All right. Now, based on that, do you recall what
22 he said to you?

23 A. It says "take cover." I'm not sure if that's, you
24 know, if it -- Julio was warning me to danger is what it
25 sounded like to me. I don't remember the two words that he

1 used.

2 Q. So when you heard that, what did you do?

3 A. I took off running to the right.

4 Q. To the right. Can you describe how that relates to
5 the trailer?

6 A. I ran towards the light. I'm sorry. I ran towards
7 the light pole and trailer and I ran in between those two.

8 Q. And so again, referencing State's 11 as a frame of
9 reference, which way did you go?

10 A. In between the light pole and the trailer.

11 Q. Towards the front or towards the back?

12 A. Towards the back.

13 Q. As you are running, what, if anything, did you hear
14 or see?

15 A. I heard a noise and I didn't know what it was so I
16 actually turned around and was gonna see what that noise was,
17 but then as soon as I turned around, that's when I realized, I
18 saw like fire, like three shots or something, fire coming out
19 of a gun, you know, that's what I thought. I saw flashes of a
20 gun and so then I realized what the noise was and I turned
21 back around to the original way that I was going.

22 Q. All right. The direction, I'm gonna ask you what
23 direction you were looking when you saw these fire or shots as
24 you call them. I want to show you State's 13. Is that the
25 direction you were looking?

STACY MELTON - DIRECT BY MR. GOLDBERG

340

1 A. I'm not real sure because --

2 Q. That's okay.

3 A. -- it was dark. I know I was, uhm, had, you know,
4 almost turned that corner of the trailer.

5 Q. Towards the front?

6 A. Yes. Or I was about to turn the corner of the
7 trailer. I was somewhere on the side of the trailer and going
8 back that way.

9 Q. Back which way, towards the front or the back?

10 A. The front.

11 Q. Okay. All right. Thank you. That's when you saw
12 these three shots?

13 A. Flashes.

14 Q. Flashes. When you saw that, after you saw that,
15 what did you do next? Where did you go?

16 A. I turned and I got scared and I realized what that
17 noise was I heard, so I turned around the original way and
18 went around to the back of the trailer.

19 Q. All right. As you went around the back, what did
20 you do? What did you see?

21 A. I was just running and, uhm, I think I had tripped
22 over something and the steps or something and then I ran into,
23 uhm, Meke.

24 Q. Meke.

25 A. And, uhm, he had a gun in each hand and he just, I

1 fell to my knees and he just, you know, he just didn't shoot
2 me and, uhm, then he went around me, you know, and I just put
3 my head down and I don't know. I heard one more shot and I
4 don't know what happened.

5 Q. And Meke is who in relation to Ferb?

6 A. His brother.

7 Q. And you said you saw him with a gun in each hand?

8 A. I did.

9 Q. Can you describe what the guns looked like at all?

10 A. Uhm, it looked, it looked like one was a black
11 handgun like and then one was a sawed-off shotgun it looked
12 like. That's the only thing I saw.

13 Q. Had you ever seen that shotgun before?

14 A. I had seen one like it before.

15 Q. One like it before.

16 A. I had seen -- I don't know if I had seen that one,
17 but I have seen one like it before.

18 Q. What about the gun that made you think you had seen
19 it before? Anything in particular about how it looked?

20 A. Uhm, I think it looked like one his brother had had
21 before.

22 Q. Is there anything unique about like the barrel, the
23 handle, the color, or anything on it?

24 A. Some duct tape was on it.

25 Q. Duct tape. Okay. And where had you think you had

STACY MELTON - DIRECT BY MR. GOLDBERG

342

1 seen a similar looking weapon before?

2 A. I mean, Ferb had it. I saw it at his house.

3 Q. And how often did you go to that house?

4 A. Uhm, less than, probably less than 10 times
5 altogether, you know. Not frequently.

6 Q. During those times, did you ever see Meke there?

7 A. A few times. Not, you know, less than five
8 probably.

9 Q. All right. Did you know if they lived together at
10 all?

11 A. Who?

12 Q. Ferb and Meke?

13 A. I think that they lived there.

14 Q. Can you described, when you saw Meke behind the
15 trailer with the gun, can you describe what his demeanor was
16 like?

17 A. He just looked upset.

18 Q. Looked upset.

19 A. And he was, uhm, saying, you know, something. I
20 heard him saying something about Meke killers. You know,
21 that's all. I couldn't really make it out.

22 Q. Something about Meke kill?

23 A. Meke killers.

24 Q. Meke killers.

25 A. I don't know. I couldn't make that out.

1 Q. All right. Now, when you say upset, what do you
2 mean by that?

3 A. Angry.

4 Q. After he went by you, what, if anything, did you see
5 him do?

6 A. I didn't. Uhm, he just went, you know, walked --
7 Actually, I don't even know what direction he went because I
8 just put my head down.

9 Q. How long did you stay there?

10 A. Uhm, until, you know, I heard another gunshot and
11 then, uhm, the gunshots stopped and then I heard cars starting
12 to pull off so I got up.

13 Q. So just to be clear, after he walked off or left
14 your area, you said you heard another gunshot?

15 A. I did.

16 Q. Let me ask you, when you saw him with these guns,
17 how close were you to him?

18 A. About we were closer than me and him.

19 Q. Than you and the court reporter?

20 A. Mm-hmm.

21 Q. You said you heard another gunshot, they left, and
22 then what did you do?

23 A. I ran nextdoor. You know, I ran around for a little
24 while.

25 Q. Did you see Jules?

1 A. I never could find her. I didn't seek to look in
2 the front yard, but I later found out that's where she was,
3 but I couldn't find her, but I saw Julio.

4 Q. You saw Julio?

5 A. It looked like, it looked like he was -- I thought
6 he was okay, but he wasn't.

7 Q. At some point that night a number of cops, police
8 officers arrived, correct?

9 A. Yes. They did.

10 Q. And as we talked about earlier, you actually spoke
11 to some of them; is that right?

12 A. I did.

13 Q. Did any of those police officers have an opportunity
14 to show you photographic lineups?

15 A. They did.

16 Q. How many different ones did they show you?

17 A. Two. The first one didn't have his picture on it.

18 Q. When they showed you the first one, did you see
19 anybody you recognized in that lineup?

20 A. In the first one, no. No. I didn't.

21 Q. And the second one, I want to show you what's been
22 marked as State's number 2 for ID and ask you if you recognize
23 on the second page what this generally is?

24 A. I do.

25 Q. What is this?

1 A. Uhm, a lineup sheet.

2 Q. Is this the one --

3 A. Oh, yes. That's the second one.

4 Q. The second one they showed you?

5 A. Yes.

6 Q. The first page of it, is that your signature
7 there?

8 A. It is.

9 Q. Okay. And which picture did you identify as the
10 person as the suspect?

11 A. Number 3.

12 Q. Number 3. And who did you recognize that to be?

13 A. Meke Doctor.

14 MR. GOLDBERG: Your Honor, at this time we offer
15 State's number 2 into evidence.

16 MS. EIGENBROT: Just renew our original objection,
17 Your Honor.

18 THE COURT: State's 2 is admitted over the
19 defendant's objection.

20 MR. GOLDBERG: Thank you, Your Honor.

21 BY MR. GOLDBERG:

22 Q. The individual that you know as Meke, do you see him
23 the courtroom here today?

24 A. (Witness nodding head.)

25 Q. And can you point out what color shirt he's

STACY MELTON - CROSS BY MS. EIGENBROT

346

1 wearing?

2 A. Pink.

3 Q. I'm sorry?

4 A. Pink.

5 MR. GOLDBERG: Ms. Melton, thank you for your time.

6 The defense is gonna ask you some questions now, okay?

7 THE WITNESS: Okay.

8 THE COURT: Cross examination.

9 MS. EIGENBROT: Thank you, Your Honor. May it
10 please the Court.

11 CROSS EXAMINATION

12 BY MS. EIGENBROT:

13 Q. Hi, Ms. Melton.

14 A. Hey. How are you?

15 Q. I know this is tough. I'll get through this as
16 quickly as possible with you, okay?

17 A. Okay.

18 Q. I do have some questions for you. All right. So to
19 start with the easy stuff, all right? Let's talk about all
20 these people involved here.

21 A. Okay.

22 Q. You mentioned on direct that you called Ms.
23 Christina Hayes, Jules, right?

24 A. Yes. I did.

25 Q. And you guys have known each other a very long

1 time?

2 A. (Witness nodding head.)

3 Q. You have to say yes or no.

4 A. Yes. I'm sorry. I did.

5 Q. Since seventh grade, right?

6 A. Right.

7 Q. Good friends?

8 A. Yes.

9 Q. Sounds like you really looked out for her and she

10 looked out for you, right?

11 A. Yes.

12 Q. And I know you said you hadn't known Julio quite as

13 long, but you knew him for about a year maybe?

14 A. Might be a little longer.

15 Q. That's fine. Okay. You said you were mutual

16 friends, right?

17 A. Right.

18 Q. And I know it's difficult to answer, but would you

19 say your relationship with him was kind of based on your

20 addiction at the time?

21 A. Somewhat.

22 Q. And sometimes you and Jules and him would kind of

23 hang out and do some drugs, right, or he would --

24 A. Right.

25 Q. -- sell it to you? And Jules was letting him use

1 her car a good bit at that time, right?

2 A. Yes.

3 Q. And I know you talked about hanging out at the d-r a
4 good bit, right? You said everyday.

5 A. I would. Yeah. I would go there everyday.

6 Q. And Jules would be with you?

7 A. Mm-hmm.

8 Q. And so you met people that also hung out at the d-r,
9 right?

10 A. Right.

11 Q. So you know Mr. Telford?

12 A. Yes.

13 Q. Mr. Nathan Telford.

14 A. Yes.

15 Q. I'm sorry. There's a few Telfords, right?

16 A. Yeah.

17 Q. I think you mentioned Nate Telford?

18 A. Mm-hmm.

19 Q. He would also stay there in that area?

20 A. Right.

21 Q. And those are people you would talk to --

22 A. Mm-hmm.

23 Q. -- right? Would you consider Nathan Telford a
24 friend of yours?

25 A. Yeah.

1 Q. Hang out too?

2 A. Yes.

3 Q. And I know we talked a little bit about your
4 relationship with Mr. Christopher Doctor. I think you said
5 you've known him a couple of years about at that point,
6 right?

7 A. Uhm, maybe a little longer, you know. Definitely
8 since I moved to Columbia.

9 Q. You guys were a little bit closer than most of these
10 other people, right?

11 A. Right. We are.

12 Q. Now, Ms. Melton, a lot of these relationships though
13 revolved around drug use, right?

14 A. Right.

15 Q. And I think you even, I don't know if you mentioned
16 it or not, but you had met Demetrick on occasion; is that
17 correct?

18 A. I have.

19 Q. You knew his nickname, right?

20 A. Right.

21 Q. But he's not somebody you spent a significant amount
22 of time with, right?

23 A. No.

24 Q. Now, I know the State talked to you a little bit
25 about what led up to this. You had mentioned I guess kind of

STACY MELTON - CROSS BY MS. EIGENBROT

350

1 maybe hanging out with Jules and partying a good bit --

2 A. Mm-hmm.

3 Q. -- up to October 3rd, 2019, right?

4 A. Right.

5 Q. I know you guys talked a little bit about drug use
6 then, right?

7 A. Mm-hmm.

8 Q. When you're using, you're not relaxing and sleeping
9 and resting, right?

10 A. Right.

11 Q. You're up and doing your thing?

12 A. Yeah.

13 Q. Okay. And that night you ended up at the d-r after
14 doing some of that partying, right?

15 A. Yes.

16 Q. And then I think you said you used when you got
17 there too?

18 A. Yes.

19 Q. And I guess at that time it's not just you and Ferb
20 at the location, right.

21 A. Right. There were several other people.

22 Q. Several other people. Did you know any of those
23 people?

24 A. I knew pretty much everyone there.

25 Q. How many people do you think were out there?

- 1 A. Uhm, over 10 probably, but I don't know who they
2 were.
- 3 Q. You don't keep track of everyone that was there?
- 4 A. Right. Right.
- 5 Q. You kind of just know they're there?
- 6 A. Mm-hmm.
- 7 Q. All right. And then I think you said at some point
8 Ferb asked to use Ant's phone?
- 9 A. Mm-hmm.
- 10 Q. Because you had been using it, right?
- 11 A. Mm-hmm.
- 12 Q. I'm sorry. Yes or no?
- 13 A. Yes. Yes. I'm sorry.
- 14 Q. And that's when you were calling Jules?
- 15 A. Right. Yes. I was.
- 16 Q. And he asked to use it. When you say a phone, is
17 this a smart phone?
- 18 A. Right. It is.
- 19 Q. Was it -- Do you remember what kind of smart phone
20 it was?
- 21 A. It's an android.
- 22 Q. And you're aware smart phones can be used for lots
23 of things, right?
- 24 A. Right.
- 25 Q. You know, Internet searches?

STACY MELTON - CROSS BY MS. EIGENBROT

352

1 A. Yes.

2 Q. Text messages, right?

3 A. Yes.

4 Q. Phone calls. But definitely Internet usage,
5 right?

6 A. Mm-hmm.

7 THE COURT: You have to say yes or no.

8 BY THE WITNESS:

9 A. Yes. Yes. Yes. I'm sorry.

10 BY MS. EIGENBROT:

11 Q. And I know you've mentioned, you let Ferb borrow the
12 phone?

13 A. Yes.

14 Q. And you showed him how to use it, right?

15 A. Yes.

16 Q. But you were not present when he used the phone --

17 A. No.

18 Q. -- actually on it? You didn't see what he was doing
19 on it?

20 A. I did not.

21 Q. You got the phone back, right?

22 A. I did.

23 Q. And then I think you said about 30 minutes later is
24 when Jules and Julio showed up?

25 A. Yes.

1 Q. And I think you put a third person in the car,
2 right, when they showed up?

3 A. There was.

4 Q. And you don't know who that is?

5 A. I don't know his name.

6 Q. And he was sitting in the front seat, the front
7 passenger seat?

8 A. That's right.

9 Q. But it was not Mr. Dickerson, right?

10 A. Who?

11 Q. Mr. Dickerson. I believe we talked a little bit
12 about him this week.

13 A. Right. No. It was not.

14 Q. Okay. And I think at that point you said you got in
15 the car, right?

16 A. I did.

17 Q. And then I guess Ferb came over and asked you to
18 borrow some money?

19 A. No. We had already talk about it when I was over
20 there so I just, you know, did what I had to do and I got out
21 because I think I was actually standing in the background so I
22 got out to give him the five dollars.

23 Q. You at sometimes would let him borrow money --

24 A. Yeah.

25 Q. -- to buy drugs, right?

STACY MELTON - CROSS BY MS. EIGENBROT

354

1 A. Yeah.

2 Q. And that's what you were doing at that point,
3 right?

4 A. That's right.

5 Q. So at that point you said you hear a car coming in
6 fast?

7 A. I just saw one coming in.

8 Q. It was white?

9 A. Mm-hmm. Yes. It was white. Sorry.

10 Q. It's okay. I know it's tough up there. And you
11 guys were standing in between the trailer and the camper when
12 you saw that car, right?

13 A. Yes.

14 Q. And I think we mentioned a Mercedes parked there.
15 Do you recall that Mercedes being parked there?

16 A. Yes.

17 Q. Did you say you were standing at the back of that
18 Mercedes or in front of it?

19 A. I think in the back, but I'm not a hundred percent
20 sure.

21 Q. It's a long time ago?

22 A. It was.

23 Q. And that's when he said something to you?

24 A. Yes.

25 Q. You take off?

1 A. We both did.

2 Q. Both of you. I think you said you took off towards
3 the side of the light pole, right?

4 A. I did. Yes.

5 Q. You hear a boom?

6 A. Mm-hmm. Yes.

7 Q. Or a noise I think you called it.

8 A. I did. Yes.

9 Q. Actually let me back up a little bit. When you took
10 off, you were rounding the side of the trailer, but you did
11 not see who actually parked that car?

12 A. I did not.

13 Q. You did not see anyone get out of that car, right?

14 A. No, ma'am. No. I did not.

15 Q. And I think you said that noise kind of brought you
16 back around for a second --

17 A. Mm-hmm.

18 Q. -- right?

19 A. It did.

20 Q. And I think you said you saw three flashes, right?

21 A. Yes.

22 Q. And then you went back around?

23 A. Yes.

24 Q. You realized was this is, it's gunshots, right?

25 A. Yeah.

STACY MELTON - CROSS BY MS. EIGENBROT

356

1 Q. Ms. Melton, you've not been in this type of
2 situation before?

3 A. Never.

4 Q. And at that point you don't know where your friends
5 are, right?

6 A. I don't. Yeah. I don't know where anyone is.

7 Q. Last time you saw Jules was --

8 A. In the car.

9 Q. I would imagine you were absolutely terrified, would
10 you agree?

11 A. Absolutely. Yes.

12 Q. And you said there were several people out there. I
13 would imagine everyone else is also running around at that
14 point too?

15 A. Yeah. There was people, uhm, there was people
16 running everywhere, and the horn blowing the whole time.
17 Right after the first boom when that horn started and it just
18 blowed the whole time.

19 Q. So very chaotic?

20 A. Mm-hmm.

21 Q. Yes?

22 A. Yes. It was.

23 Q. Very stressful for you?

24 A. It was.

25 Q. And I don't know if I asked you this. I know we

1 talked a little bit about drug use. Had you had any alcohol
2 that night too?

3 A. Yes. I had a little.

4 Q. And the d-r is dark?

5 A. Yeah. It is. Yes.

6 Q. There's only one light pole out there, right?

7 A. Just on that side. Yes.

8 Q. Now, you're hearing all these gunshots, people are
9 running, you're scared, you don't know where your friend is
10 and you've now managed to run to the opposite side of the
11 trailer; is that right?

12 A. Yes.

13 Q. And that's where you say you run into this
14 individual; is that correct?

15 A. Yes.

16 Q. And I know your testimony here today was that it was
17 Mr. Demetrick Doctor; is that right?

18 A. Yes.

19 Q. And I think you said that you saw him with two guns,
20 right?

21 A. Yes.

22 Q. I think you also described them as one as a
23 sawed-off shotgun?

24 A. Yes.

25 Q. And one was a pistol, right?

STACY MELTON - CROSS BY MS. EIGENBROT

358

1 A. A black gun. Yes.

2 Q. Now, Ms. Melton, you spoke to law enforcement that
3 night; is that right?

4 A. Yes.

5 Q. And it was closer in time to when this incident
6 occurred?

7 A. Yes.

8 Q. And law enforcement asked you that question, didn't
9 they?

10 A. Yeah. I think so.

11 Q. They asked you about the gun?

12 A. Okay.

13 Q. And your response was, I don't know. I didn't see
14 anything; is that right?

15 A. Okay. I don't remember what I said. Honestly I
16 don't.

17 Q. If I showed you a clip of that video, would that
18 remind you?

19 A. Uhm, if it's, if it's what I said on the video, that
20 is what I said. I mean...

21 Q. I think you actual told them you wear contacts,
22 right?

23 A. Mm-hmm. Yes.

24 Q. And you didn't have them in that night.

25 A. I didn't.

1 Q. All right. So it's dark out, you're panicked and
2 you don't have your contacts in, right?

3 A. Right.

4 Q. Now, we talked a little bit about the shotgun and
5 you now believe it's something you my have seen before,
6 right?

7 A. I thought so. Yeah.

8 Q. You've never handled it, correct?

9 A. No.

10 Q. You've never held it, looked at the serial number,
11 any of those things, right?

12 A. No.

13 Q. And I don't think you even mentioned that to law
14 enforcement originally?

15 A. I didn't.

16 Q. Ms. Melton, I think after you said you put your head
17 down after that, correct, after you ran into this
18 individual?

19 A. I did.

20 Q. And you stayed there?

21 A. Yes.

22 Q. I think you said you heard one more gunshot?

23 A. Right.

24 Q. Heard some cars leaving, correct?

25 A. Yes.

STACY MELTON - REDIRECT BY MR. GOLDBERG

360

1 Q. But you didn't see anyone getting in those cars?

2 A. No.

3 Q. Didn't know who left the scene, right?

4 A. No.

5 Q. You were still in back of the trailer, right?

6 A. I was.

7 Q. And then you went nextdoor to Mr. Telford's house,

8 correct?

9 A. Yes.

10 Q. And that's where you waited until law enforcement

11 arrived?

12 A. Right.

13 MS. EIGENBROT: Thank you, Ms. Melton. I have no

14 further questions for you.

15 THE COURT: Redirect examination. Any redirect?

16 MR. GOLDBERG: Just a couple questions, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. GOLDBERG:

19 Q. Ms. Melton, Ms. Eigenbrot asked you about your
20 testimony today versus what you told law enforcement back then
21 about the guns in Demetrick's hands; is that right?

22 A. Right.

23 Q. And back then what did you tell them, do you
24 remember, about the guns in his hands?

25 A. I don't remember word-for-word.

1 Q. All right. If I showed you that statement that we
2 were talking about, would that help refresh your memory?

3 A. It would.

4 Q. All right. I'll direct your attention down to about
5 four lines from the bottom.

6 A. It just says, you know, he ran past me with a gun in
7 each hand.

8 Q. All right. And Ms. Eigenbrot asked you about some
9 of the things you saw and heard as this was all occurring,
10 correct?

11 A. Mm-hmm.

12 Q. And what did you hear?

13 A. Uhm, you know, people were screaming and a horn was
14 blowing.

15 Q. How many gunshots do you recall hearing?

16 A. During the whole night?

17 Q. No. At this portion after Meke and you have kind of
18 --

19 A. After I put my head down, I only heard one more
20 shot.

21 Q. Okay. And what did you see Meke doing at this
22 point.

23 A. I didn't see him do anything because I had my head
24 down.

25 Q. One more time, we're gonna go back to the statement.

1 Would that help refresh your memory about what you saw him
2 doing --

3 A. Yeah.

4 Q. -- if I showed it to you? (Proffering.) Go down to
5 the bottom. Don't read it verbatim, just read it to yourself.

6 A. (Witness complies.) Okay.

7 Q. All right. Now, having reviewed your statement from
8 that night, do you recall what you saw in terms of Mr. Doctor
9 and the guns?

10 A. From my knowledge I don't remember seeing anyone
11 shoot or anything. Today I don't remember.

12 Q. What about back on October the 4th of 2019?

13 A. It says that he was shooting all around.

14 Q. Ms. Eigenbrot asked you about your contact lenses?

15 A. Mm-hmm.

16 Q. Is that right?

17 A. Yes.

18 Q. And why do you wear those lenses, ma'am?

19 A. To see better.

20 Q. Okay. Does it help you see close or far away?

21 A. I can see. I can't see for away.

22 Q. You cannot see far away?

23 A. Right.

24 Q. Without the contacts you mean?

25 A. Right.

1 Q. If you do not have your contacts on, can you see
2 well or poorly up close?

3 A. I can see well up close.

4 MR. GOLDBERG: Thank you, ma'am.

5 THE COURT: Anything further from this witness?

6 MS. EIGENBROT: Yes, Your Honor.

7 THE COURT: Okay.

8 RECROSS EXAMINATION

9 BY MS. EIGENBROT:

10 Q. Ms. Melton, I'm sorry to harp upon this contact
11 situation, but you talked to law enforcement that night,
12 right?

13 A. Mm-hmm. Yes.

14 Q. I think you were talking to three different officers
15 at the time, correct?

16 A. Yes.

17 Q. I believe it was Investigator Bland who is sitting
18 right here?

19 A. I guess. I'm not sure. I don't remember.

20 Q. That's okay. But you remember speaking to them?

21 A. Yes.

22 Q. And I know you probably don't remember every little
23 single question in that conversation, but at some point they
24 asked you about a gun or what you saw about the guns?

25 A. Mm-hmm.

STACY MELTON - RECROSS BY MS. EIGENBROT

364

1 Q. Do you remember that at all?

2 A. Yes.

3 (Whereupon, Defendant's Exhibit #1 marked for
4 identification.)

5 BY MS. EIGENBROT:

6 Q. All right. I'm gonna have this little flash drive
7 in my hand, Ms. Melton, marked as defense exhibit 1, okay, and
8 I'm gonna show you a clip when you were talking to law
9 enforcement that night. I don't know how to use that
10 jumbotron so I'm just going to use my computer. I know it's a
11 little difficult, but are you in this little bottom corner
12 right down here --

13 A. Yes.

14 Q. -- talking to a law enforcement officer?

15 A. Yes.

16 MR. GOLDBERG: Your Honor, if I may.

17 THE COURT: Hold it. Stop it. Stop the laptop.

18 MR. GOLDBERG: May we approach?

19 THE COURT: Yes.

20 (Side bar off the record.)

21 THE COURT: What's the objection?

22 MR. GOLDBERG: The objection, Your Honor, is that
23 the defense was attempting to publish an item that's not
24 in evidence.

25 THE COURT: Yes, sir. That objection is sustained.

1 MS. EIGENBROT: Ms. Melton, I apologize. We'll get
2 headphones so you can listen to that clip about what you
3 said that night.

4 THE COURT: I don't want to interrupt your
5 examination, but do you have any other questions that you
6 can be asking?

7 MS. EIGENBROT: No, Your Honor. Based on the
8 redirect this is most of what I wanted to get at. I
9 apologize for...

10 THE COURT: Okay. I don't want to send you out of
11 the courtroom, ladies and gentlemen. I know it's getting
12 a little late in the day, but really this is the last
13 shot at questioning this witness so if y'all just sit
14 tight, it shouldn't take too long, but after this we'll
15 break for the day.

16 BY MS. EIGENBROT:

17 Q. All right. Ms. Melton, let's try this one more
18 time. I'm gonna play this clip for you and hopefully you will
19 remember what you said. Put those headphones on. I got it
20 for you.

21 A. (Witness complies.) Okay.

22 Q. Can you see that?

23 (Playing clip from Defendant's Exhibit #1 for
24 identification on laptop.)

25 BY MS. EIGENBROT:

1 Q. Ms. Melton, that officer asked you if you could
2 describe the guns, correct?

3 A. Right. He did. But I couldn't see well. I didn't
4 have my contacts in.

5 Q. And you said, I don't know, I don't know?

6 A. I don't have my contacts in.

7 MS. EIGENBROT: Okay. Thank you, Ms. Melton. Your
8 Honor, I have no further questions.

9 THE COURT: Okay. Thank you, ma'am. You may step
10 down. All right. Ladies and gentlemen, we're gonna call
11 it a day. Please be back in your jury room tomorrow
12 morning at 9:30. Don't discuss the case amongst
13 yourselves or with anyone else. Don't do any research
14 about the case. Get some rest because I know some of you
15 have been a little tired over there today. I've been
16 watching, and so get some rest, get some coffee in the
17 morning. Please, please, please be on time. See you at
18 9:30 tomorrow.

19 (Whereupon, the jury was released for the evening at
20 5:55 p.m.)

21 THE COURT: Anything we need to discuss before
22 tomorrow morning? Anything from the State?

23 MR. GOLDBERG: Nothing from the State.

24 THE COURT: Anything from the defense?

25 MR. TATE: Nothing from the defense, your honor.

1 THE COURT: See y'all at 9:30.

2 (Whereupon, court was adjourned for the day at 5:55
3 p.m.)

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1 think a couple of steps ahead and it may not be a
2 problem. Like I said, it was only a few minutes late
3 this morning, but just in case, so that's all I have.
4 Anything from the State before we start this morning?

5 MR. GOLDBERG: One thing, Your Honor.

6 THE COURT: Yes, sir.

7 MR. GOLDBERG: I anticipated that at some point
8 today probably after lunch it's possible we could get to
9 the video portion of the defendant's statement being
10 introduced so I wanted to go ahead and bring up, I know
11 Mr. Tate had mentioned and we talked about some of the
12 references in the interview to Mr. Doctor's prior stint
13 with the Department of Corrections that are referenced in
14 there and there's a couple. I've identified a couple of
15 them that I've already redacted out, but I wanted to go
16 ahead and put it out there so that if there are other
17 portions that I've missed, the defense by this afternoon
18 or by lunch or something can tell me so I can get
19 Mr. Martin working on those redactions as it will take
20 him a little bit of time depending upon the amount that
21 needs to be cut out so I just kind of wanted to get the
22 jump on that.

23 THE COURT: Ms. Eigenbrot.

24 MS. EIGENBROT: Your Honor, I would like to address
25 that. We do have an objection to some of the other stuff

1 in the statement coming in, but mostly from the
2 investigators. You know, when they do these interviews,
3 the investigator speak, the client responds. I would
4 object to any of the investigator's questioning and/or
5 statements allowed to be played in the video in front of
6 the jury. It is inadmissible hearsay, it is improper
7 bolstering, it is burden shifting. There are times when
8 they're basically saying to the client, well, give us
9 your side. Why aren't you telling us your side? Why
10 aren't you proving your information? We're having a
11 conversation with you so you can give us your side of the
12 story. And essentially that would be improper in front
13 of a jury normally. And I do have a couple of cases, if
14 I can hand them up to Your Honor. It is State v.
15 Washington, 431 S.C. 619 and State v. Brewer, 411 S.C.
16 401 and we've also provided a copy to the State.

17 Essentially, Your Honor, in those cases those
18 objections were sort of raised by defense counsel when
19 the video confessions were introduced and ultimately our
20 courts have decided that that is improper and those
21 statements by investigators or questioning by
22 investigators should be prohibited when introduced, when
23 the videos are introduced.

24 THE COURT: Anything further on that, Mr. Goldberg,
25 from the State?

1 MR. GOLDBERG: Just a moment, Your Honor.

2 THE COURT: Sure. Yes, sir.

3 MR. GOLDBERG: Thank you, Your Honor. Your Honor,
4 respectfully, we're in a strange place I believe in the
5 legal world as it pertains to this issue. Washington
6 came out in 2020. The Court of Appeals opinion, it was a
7 split decision as I understand it. It was a two to one
8 decision by the Court of Appeals that the State has
9 sought for further clarification in that case and other
10 cases by the Supreme Court and is yet to be ruled on. I
11 guess what I'm trying to say is it's an evolving issue
12 with our courts as the video, the prevalency of video and
13 recorded confessions increases now as it has been over
14 the years.

15 The problem that we've got here, Judge, even looking
16 in the opinion itself in the Washington opinion the court
17 says while we acknowledge that Brewer did not create a
18 categorical rule that any statement made by a police
19 officer during interrogation is inadmissible, we also
20 acknowledge that such statements will rarely be proper
21 for a jury's consideration.

22 So, I mean, frankly, that's a little unclear.
23 They're saying, hey, we're not gonna say altogether you
24 can't ever have statements by a police officer admitted,
25 but in this situation in this case, you know, it's rarely

1 gonna be allowed, but rarely obviously doesn't mean never
2 and so the question is what makes it proper. The problem
3 that we have, Judge, is they don't really go into that.
4 They don't address it, and I wouldn't expect them to in
5 this opinion. The Court made the ruling. It's not like
6 some of our opinions that the Supreme Court will offer at
7 later times where they'll go into great detail about
8 these things and say, oh, this scenario is okay, this
9 scenario is not because there's not a lot of case law on
10 this issue.

11 So that's just kind of my backdrop in saying that I
12 don't believe that everything that the investigators say
13 in this interview is inadmissible. The problem with what
14 was being done here is that I think the spirit behind the
15 Court's analysis in Washington was that the investigators
16 were kind of offering their slant on the evidence, and I
17 think that's what the Court is trying to avoid. They
18 don't want the jury to hear the officers saying to the
19 suspect, you know, well, we got this and we got that, so
20 how can you explain what happened to you because it makes
21 it seem like whatever the officer is talking about is, I
22 guess, being offered for the truth of the matter
23 asserted, that that evidence does, in fact, exist against
24 the witness, or the suspect which I don't think that
25 that's what the officers are doing in this case.

1 There might be some particular instances in there
2 that they do do that and if that's the case, I don't
3 think I have an objection to those portions, if we can
4 talk about the specific portions at issue, being taken
5 out, but to ask that the entirety of all statements made
6 by the investigators be redacted is problematic in this
7 case because as the Court is aware, the State has the
8 burden of proof and one thing that we are required to
9 prove and show the jury is that the statement made by
10 Mr. Doctor to these investigators was made freely and
11 voluntarily and there was obviously, as Your Honor has
12 seen in the video as we have talked about it at great
13 length here, there was an extensive amount of
14 conversation between them about that very issue as we
15 litigated before Your Honor over the last two days,
16 whether or not he waived his right to remain silent,
17 whether or not he waived his right to a lawyer. There's
18 a whole lot of back and forth there and I think this jury
19 has to hear something about that exchange so that they
20 know Mr. Doctor spoke freely, or excuse me, not that they
21 know, so they can make their own determination as it's
22 their job to determine whether or not he gave a voluntary
23 statement. I think if you cut all that out, then they
24 don't know. They just see him in there talking and they
25 won't hear anything about that aspect of his statement.

1 Also, the last thing I'll add as I already touched
2 on these, we'll call them slanted questions from the
3 investigators, and not every question that an
4 investigator offers is slanted, especially when we're
5 talking about the incident from, we'll call it the
6 Wednesday night incident, where the night before where
7 Mr. Doctor is talking about what happened on the dirt
8 road the night before and the altercation that he got
9 into with the firearm there. I mean, they're asking him
10 to tell them what happened and he sometimes just talks on
11 his own. So that is my round about way, Judge. Sorry to
12 take a minute to get there. I had to kind of think it
13 through on the fly the State's position regarding defense
14 request to suppress all of the statements made by the
15 investigators.

16 THE COURT: So, and I'll hear from you again in a
17 moment, Ms. Eigenbrot. What I wish had happened in State
18 v. Washington is that I wish the Court had addressed
19 hearsay more specifically. I say that because it says
20 Brewer didn't create a categorical rule that any
21 statement by a police officer during interrogation is
22 admissible, they're rarely proper for a jury's
23 consideration, then the State argued that the
24 investigator's statements were not hearsay because
25 they're not offered for the truth of the matter asserted

1 but to give the suspect's answers context. And then
2 their explanation in their ruling is that there's no
3 context exception to the hearsay. Absolutely. I think
4 we all know that. We all have a rule book, we've all
5 read hearsay exceptions and studied this for years.

6 What they don't talk about is the truth of the
7 matter asserted and I guess because that's the more
8 difficult inquiry maybe or because it has to be an
9 inquiry done on a question by question basis. I don't
10 disagree with the defense or with the Court of Appeals
11 and the Supreme Court on these cases that a good number
12 of the investigator's questions would be inadmissible
13 hearsay; that is, or their statements, not questions,
14 their statements generally speaking and I can't remember
15 specific language from this interview, but generally
16 speaking when an investigator says this witness told me
17 that, what do you have to say? Well, yeah, that's
18 hearsay offered for the truth of the matter asserted.

19 But the questions themselves, and I'm gonna get to
20 burden shifting, but the questions themselves are not
21 offered for the truth of the matter asserted. They're
22 inquiries, so I don't know how the questions generally
23 speaking could be impermissible hearsay and that's
24 something not addressed in State v. Washington. I think
25 that State v. Brewer does a better job and I can't lay my

1 eyes on the language right off. But I think it just
2 creates a real problem in admitting any video
3 interrogation of any suspect and I don't know if that's
4 the direction the court wants to go, the court being the
5 Appellate Court. Maybe it is.

6 MR. GOLDBERG: I hope they'll clarify one day.

7 THE COURT: I'm hoping. That would be instructive
8 for all of us particularly for law enforcement. Look,
9 you've got to conduct your interview the way you do it
10 absolutely because you're trying to get information so I
11 know in that moment law enforcement officers are not
12 necessarily thinking about the admissibility of their
13 statements or questions. That's something down the road.
14 You're just trying to figure out what happened and do you
15 have probable cause to make an arrest. So I don't know
16 how much it will change the nature of the interviews, but
17 I think it poses a real problem if you're trying to admit
18 video because you're gonna have to really dice this up
19 question by question, here two hours minus a smoke break
20 but, you know, the first thing might be this witness said
21 this, tell me what you have to say about that, and the
22 investigator can't do that. That would be inadmissible
23 hearsay.

24 But then if you only play the defendant's response,
25 it could be very largely out of context and it depends on

1 the way they phrase their response, but it may have
2 little to no meaning so then what's the point. But then
3 the very next thing out of the investigator's mouth could
4 be a legitimate non hearsay question, and so you almost
5 have to pick and choose and then once you do that, I
6 mean, you might, a two hour interview you might end up
7 with four minutes of salvageable video to play before the
8 jury and is it worth it and should you do that.

9 There's also the issue of burden shifting, tell us
10 your side, so even though those aren't statements for the
11 truth of the matter asserted, it's clearly burden
12 shifting, clearly inadmissible and so that's what I'm
13 saying, you take a two hour interview and remove the
14 burden shifting portions and hearsay portions, I'm not
15 sure what you have left of the video and in this
16 particular case the interview of Mr. Doctor, I watched
17 it, but I didn't write down any time stamps, I don't have
18 a transcript so as I sit here, I'm unable to tell you
19 specifically what must be redacted or what is
20 inadmissible. I disagree with the defense to the extent
21 that there's an argument that the entirety of the
22 interview is inadmissible. I think it's more along the
23 lines of my rough, rough, rough guess of four minutes of
24 salvageable footage, you know. I just picked that number
25 out of the sky. I don't know. It could be 30 seconds,

1 it could be 14 minutes. I don't know. But I think it's
2 very, very limited. Those are my thoughts at this point.
3 I don't know if I've left anything out.

4 MS. EIGENBROT: No, Your Honor. I did want to add,
5 you know, Mr. Goldberg mentioned times change, technology
6 is growing, we're now being provided more recordings,
7 which obviously the defense would like because they're
8 realtime, things that we can see as they're happening,
9 stuff like that. However, I don't know that these
10 courts, and while we do change the technology, ever
11 imagined a situation where video would take over
12 testimony. We have the two investigators that were in
13 that interview that have been here this entire time and
14 it's worked for years and years and years where
15 investigators testify to what this man said without
16 having to go into your questions and having to chop the
17 videos and to do all of those things. And while I can
18 understand what the State would want the jury actually
19 hearing the words out of our client's mouth, the fact of
20 the matter is, is there are issues with it and there's
21 issues with the way that would have to be presented to a
22 jury.

23 I take these to kind of mean that we need to kind of
24 back up again and use videos more as information finding
25 and preparation as opposed to using them to provide

1 testimony to the jury without them actually testifying.
2 I can't confront a video. We cannot confront the video.
3 I understand I can ask them about stuff on the video, but
4 it kind of puts us in an awkward situation where again
5 we're addressing possible statements that probably
6 shouldn't have been admitted in front of a jury to begin
7 with.

8 THE COURT: That's always the defense argument.

9 MS. EIGENBROT: So I think that's kind of why I was
10 leaning towards just not admitting the video at all.
11 Your Honor has ruled with respect to voluntariness. I
12 know the investigators will testify to portions of the
13 statement. I just think at this point with this
14 additional information with this case law I just don't
15 think it should be admitted.

16 THE COURT: And I'll hear from Mr. Goldberg in a
17 second, but the reason I'm hesitant to say there's a
18 wholesale ban on the video is because I understand those
19 issues we're talking about, but it's one thing for
20 somebody to testify this man told me X, Y, Z, and it's
21 something else for a jury to hear it out of his own mouth
22 and have video and because he's not required to testify,
23 you know, or whatever, is not required to prove anything,
24 that's why we have Jackson v. Denno and Neil v. Biggers
25 and all these other things to test the reliability of

1 information. But, you know, obviously it makes a
2 different impact. It has a different probative value
3 hearing it straight from the person's mouth and seeing
4 them on video.

5 There's also I recognize what we used to call the
6 CSI effect. I don't know if that name should be sort of
7 modified where jurors know that there is all sorts of
8 technology and they expect to see that in court to some
9 extent and that includes video, a suspect being
10 interrogated by law enforcement officers. You're gonna
11 see it on Dateline, you're gonna see it on Law and Order,
12 you see it everywhere, and whatever they see on TV, they
13 want to see in court. So I don't discount any of that.
14 I just think we have a real problem trying to dice it up
15 and figure out what is admissible. Mr. Goldberg.

16 MR. GOLDBERG: Thank you, Judge. Just briefly in
17 response to Ms. Eigenbrot's recent position about kind of
18 taking it back to just questioning the officers, the
19 irony that I find in that is that the law enforcement
20 officers in the room to include one who will remain
21 nameless both was smiling when that was being made
22 because I believe was thinking the same thing as me,
23 which is the irony of it in that before these videos,
24 what is one of the very standard questions from the
25 defense to the investigator? Were there any cameras in

1 the room? No. Well, wouldn't it be better for this jury
2 to hear and see it for themselves? So when we didn't
3 have cameras, we should have, and now that we do have
4 cameras, we shouldn't use them? I understand what she's
5 saying, but it just puts us in this place where nobody
6 knows what is right and what is wrong, and I think that
7 that is kind of it. I'm just gonna leave it at that.

8 THE COURT: Absolutely. I wouldn't have said it,
9 but you did.

10 MS. EIGENBROT: And, Your Honor, I have no issue
11 admitting -- I definitely made this argument, however,
12 they have never worked, ever, as far as I can tell, but
13 again, I think we're just kind of getting into it and
14 there are certain portions of those videos I think Mr.
15 Goldberg would like to play. Maybe that should just be
16 that very limited portion where he's talking about the
17 night. That's it. That's essential what's most
18 important, and the officers can testify to you reading
19 Miranda and continuing their conversation. I'm not gonna
20 say Mr. Tate's not gonna cross them on it but...

21 MR. GOLDBERG: The good news is, is we don't intend
22 to do it this morning so we've got a little bit of time.

23 MS. EIGENBROT: And, Your Honor, I do have somebody
24 working on trying to transcribe some of the videos and
25 have more specifics. Fortunately our transcribers are

1 doing it. I cannot do it all myself, but I have somebody
2 working on some of it right now.

3 THE COURT: Okay. A transcript would be helpful
4 because there are large portions that are inadmissible so
5 what I would like is for the State to make a good effort
6 at redacting all that it believes the Court might rule
7 inadmissible and that's just a starting point for
8 discussion going forward because I know that the State
9 may disagree and certainly you can't get inside my mind,
10 but with my ruling, you know, do your best effort at
11 redacting the video consistent with my ruling. I do
12 think that the introductory portion of it is admissible,
13 you know, the advice of rights and all of that because
14 certainly they're gonna argue that the statement was not
15 voluntary and all those things so you've got to set it
16 up, but then you've got to also exclude any statements by
17 the witnesses, I heard this witness told me this, this is
18 what we know about what was happening out there, and also
19 exclude, you know, we want to hear from you, tell us your
20 story, you know.

21 You can also cut out the you're playing games, grown
22 men don't play games, whatever, however it was that
23 Dauway phrased it. Grown men don't play games. Just
24 tell us your side. And it may be that the court should
25 reinforce those. Those have no real sort of place in

1 discovery and not before a jury. I don't know where
2 they're going and the make up of the court is about to
3 change with a couple of justices retiring in the near
4 future so we'll see. I don't know. I just do as I'm
5 instructed by the Supreme Court, but I'm trying to find
6 the middle ground or address the things that are left
7 unaddressed by the case law so...

8 MR. GOLDBERG: Thank you.

9 THE COURT: Anything else from the State before we
10 start?

11 MR. GOLDBERG: No, ma'am.

12 THE COURT: Anything else from the defense?

13 MS. EIGENBROT: No, ma'am.

14 THE COURT: Wonderful. Let's bring the jury in.

15 (Whereupon, the jury entered the courtroom at 10:10
16 a.m.)

17 THE COURT: All right. Good morning, folks. You
18 did a better job about punctuality this morning, but
19 there was still some, a couple little stragglers so we
20 need to do just a little bit better than that. As it
21 turns out it didn't make a huge deal because I kept you
22 waiting this morning so I'm sorry for that, but as I told
23 you there are matters of law that always come up. Not
24 always, but sometime come up and I have to discuss those
25 outside of your presence and I can never, or rarely

1 anticipate when that will happen so I thank you for your
2 patience. We are still on the State's case. I hope
3 you're all rested, bright-eyed and bushy tail and ready
4 to give the State your undivided attention. Call your
5 next witness.

6 MR. GOLDBERG: Thank you, Your Honor. May it please
7 the Court. The State calls Andrew Caldwell.

8 Thereupon,

9 ANDREW CALDWELL
10 after having been first duly sworn, testified as follows,

11 THE CLERK: Please have a seat. Once you're seated,
12 state your full name for the record please.

13 THE WITNESS: Andrew Caldwell.

14 DIRECT EXAMINATION

15 BY MR. GOLDBERG:

16 Q. Good morning.

17 A. Good morning.

18 Q. Where are you employed, sir?

19 A. Richland County Sheriff's Department.

20 Q. How long have you been there?

21 A. Approximately 33 years.

22 Q. Can you describe to the jury what you do during that
23 time?

24 A. Largely investigations, five years in uniform
25 patrol, 27 or 28 in investigations, and now I serve as the

1 specialty coordinator for the department.

2 Q. When you say investigations, what does that mean?

3 A. Criminal investigations, crimes that are reported to
4 the Sheriff's Department, incidents are documented and
5 depending on the type of crime, the severity reported to
6 investigations to continue that follow up to determine what
7 happened in that particular case.

8 Q. Broadly speaking, what types of cases are you
9 involved with investigating?

10 A. Financial crimes, burglary, major crimes, motor
11 vehicle theft, narcotics.

12 Q. What are major crimes?

13 A. Crimes against persons, aggravated assaults,
14 attempted murder, homicide, shootings.

15 Q. Were you in investigations back in October of
16 2019?

17 A. Yes, sir.

18 Q. Specifically on October the 3rd of 2019, did you
19 become involved with the case that we're here about today?

20 A. Yes, sir.

21 Q. How did you get involved in this case?

22 A. I was the on-call or the evening shift sergeant for
23 investigations at that particular time. I was notified about
24 the incident and responded to the scene.

25 Q. Generally speaking what kind of information did you

1 have about what occurred?

2 A. I was advised there had benn a shooting, two people
3 were dead, and one, a third was shot but still at that time
4 still alive.

5 Q. And that occurred where?

6 A. That occurred at 129 Ballenton Road in Richland
7 County, basically the northeast area of Richland County.

8 Q. Upon being notified about this incident occurring,
9 what steps did you take to get involved?

10 A. I began to respond to the scene. I was advised that
11 one of our investigators was already at the scene,
12 Investigator Kevin Bland. I made telephone contact with him
13 as I was traveling to the scene and he advised me of certain
14 facts about the incident that he had learned thus far.

15 Q. Okay. So what were you tasked with doing as your
16 initial involvement in the investigation?

17 A. When I arrived scene, typically I'm going to make
18 sure that do we have any witnesses, have we covered the area,
19 canvassed the area, has the proper forensic people been
20 notified, are they en route. That type of questioning.
21 Seeing is there anything that investigators need that I can do
22 to help them out because quite often some of these scenes can
23 be chaotic and many things need to be done right away.

24 Q. What was some of the things that you were tasked
25 with early on?

1 A. Creating a photo lineup.

2 Q. What's a photo lineup?

3 MR. TATE: Your Honor, we probably have a matter of
4 law.

5 THE COURT: All right. Ladies and gentlemen, please
6 return to your jury room. Don't discuss the case amongst
7 yourselves. I'll bring you back shortly.

8 MR. TATE: We can do it at side bar, Your Honor.

9 THE COURT: All right. Y'all have a seat. Don't go
10 anywhere. Sorry.

11 (Side bar off the record.)

12 THE COURT: Objection overruled.

13 MR. TATE: Thank you, Your Honor.

14 BY MR. GOLDBERG:

15 Q. So you were tasked with creating a photographic
16 lineup you said?

17 A. Yes, sir.

18 Q. Can you describe what that means?

19 A. When we develop a potential suspect for a particular
20 crime, we've got that person identified, if I'm able to locate
21 a picture of that individual, I'll place it in what's called a
22 photograph lineup with five other individuals thus creating a
23 one single photo lineup of six people. That is shown to
24 potential witnesses or victims in an effort to see if they can
25 identify the suspect in a particular crime out of the six

1 total photos.

2 Q. And the lineup that you were to generate -- Let me
3 ask you this: How many lineups did you show the witnesses on
4 this night total?

5 A. Two.

6 Q. Two. Okay. So let's talk about the first one
7 first. Who were you going to put in that lineup? Who was the
8 suspect that you were putting in the lineup?

9 A. At that particular time I had been advised the
10 defendant was Frank Doctor.

11 Q. Okay. And was there an alias that was provided to
12 you, a nickname?

13 A. The nickname was Meke.

14 Q. Meke. All right. And so did you generate a lineup
15 with a Frank Doctor in the lineup?

16 A. I did. In fact, before I ever even got to the
17 scene, I redirected traveling to the scene, redirected to my
18 office, to our headquarters on Two Notch Road to generate that
19 lineup and bring it back to the scene.

20 Q. Once you got that lineup with Frank Doctor in it,
21 did you then go back to the scene?

22 A. I did.

23 Q. Upon arrival at the scene, what did you do?

24 A. I made contact with the witnesses that had been
25 pointed out to me, Mr. Telford, Ms. Melton, I believe, and I

1 started off with Mr. Telford. He was the first person I
2 showed the photo lineup to.

3 Q. Can you describe to the jury the circumstances in
4 which you showed that lineup to Mr. Telford?

5 A. Mr. Telford -- This is still at the scene.

6 Q. At Ballenton Road?

7 A. Correct. We were at the house, part of the scene,
8 not the trailer, outside, we were either on the hood or trunk
9 of a car, I don't recall which, and I showed -- Before I
10 showed the photo lineups of people, we kind of tell them the
11 same advisement, that first and foremost because I'm showing
12 you these six photos, I don't want you to think that the
13 person you saw or know did this crime is in these photos and
14 we may not have the right photo; that I don't want them to
15 pick someone out just because I have shown these photos.
16 These photos, they are all similar as far as sex and race and
17 facial characteristics, beards, mustaches, that type of thing
18 so they're all gonna be generally the same physical
19 characteristics.

20 Q. And when you showed this lineup to Mr. Telford, was
21 Ms. Melton standing there as well?

22 A. No. We're separating the witnesses at this time
23 because I don't want what is said by one to influence the
24 information that the other may or may not give so they're
25 separated out from earshot from each other.

1 Q. I want to show you what's been marked as State's
2 Exhibit number 1 that's already in evidence. Do you recognize
3 that?

4 A. Yes, sir. I do.

5 Q. All right. What is that?

6 A. That's both the photographic lineup as well as the
7 affidavit from the lineup.

8 Q. I jumped the gun on that. Let me back up. Sorry
9 about that. State's number 1, is this the first lineup that
10 you showed to Mr. Telford?

11 A. No.

12 Q. No. Okay. Tell the jury what happened when you
13 showed the first lineup to Mr. Telford with a Frank Doctor?

14 A. With Frank Doctor. I showed Mr. Telford, gave him
15 the advisement, don't pick somebody just because I'm showing
16 you these six. Generally say take your time. There's not a
17 time clock, gave the photo lineup to Mr. Telford, he looked at
18 it, and after several moments didn't pick anybody. Said Meke
19 is not in there, and that kind of puzzled me. They're
20 acquaintances. So I asked him if he knew anybody in the
21 lineup, and he pointed out Frank Doctor, identified Frank
22 Doctor and stated that Frank Doctor was Meke's brother.

23 Q. Okay. So at that point did you then even show that
24 lineup to Ms. Melton or no?

25 A. I did.

1 Q. All right. And what happened when you met with her
2 on that?

3 A. Again, outside of the presence of Mr. Telford we go
4 through the same process as far as the advisement and asked
5 her could she pick anybody out that she knew, and she was also
6 not able to identify anybody in those six photos as the person
7 she knew.

8 Q. Okay. So after that occurred, did you remain on the
9 scene or did you go back to headquarters?

10 A. I went back to headquarters.

11 Q. And what did you do on returning there?

12 A. At that point we developed information that Frank
13 Doctor not being Meke, that Meke was the defendant and I made
14 a request of Investigator Carey Roberts to generate a photo
15 lineup with the defendant Demetrick Doctor.

16 Q. Was that provided to you?

17 A. It was.

18 Q. And what I showed you a moment ago, State's 1, is
19 that the lineup that Investigator Roberts provided to you of
20 Demetrick Doctor?

21 A. Yes, sir. It is.

22 Q. And so who then went and showed that lineup, the one
23 in your hands, State's Exhibit number 1, to Mr. Telford?

24 A. Myself and Investigator Bland showed this particular
25 photo lineup to the witness Mr. Telford.

1 Q. So you went back to Ballenton Road again?

2 A. Correct.

3 Q. And tell the jury about your encounter with Mr.
4 Telford with State's Exhibit 1.

5 A. We go through the whole same process again and based
6 off the first photo lineup telling him that because there's
7 six, doesn't mean the person that you know is in here who did
8 this crime, showed him the photo lineup, referred to as the
9 six pack, and he immediately recognized the defendant out of
10 the six photos, identified him as Meke.

11 Q. He immediately picked him out?

12 A. He did.

13 Q. How certain did he seem about the selection?

14 A. Very certain. No hesitation.

15 Q. Did you or Investigator Bland suggest to him in any
16 way who he should select?

17 A. No, sir. We did not.

18 Q. And was that the extent of your involvement in this
19 matter?

20 A. Yes, sir.

21 Q. All right. And just going back to State's 1, which
22 one did he select?

23 A. He identified number 3, and that's his initials in
24 the upper corner of the photograph. We have them initial the
25 photograph that they're identifying in addition to the

1 affidavit.

2 Q. Mr. Telford, you're talking about his initials?

3 A. Yes, sir.

4 MR. GOLDBERG: Thank you, sir. Please answer any
5 questions the defense might have.

6 THE COURT: Cross examination.

7 MR. TATE: Very briefly.

8 CROSS EXAMINATION

9 BY MR. TATE:

10 Q. Investigator, good to see you again.

11 A. Good to see you.

12 Q. Thank you. You would agree with me that you didn't
13 show either person, either Ms. Melton or Mr. Telford a lineup
14 with Chris Doctor's photograph?

15 A. No. I did not.

16 Q. And you would agree with me you didn't show, other
17 than these two lineups, these 12 photographs, you showed no
18 other photographs to Mr. Telford?

19 A. Correct.

20 Q. And you showed no other photographs to Ms. Melton?

21 A. Ms. Melton only saw the one.

22 Q. The one?

23 A. The one lineup.

24 Q. I don't have any further questions, Sergeant?

25 A. I'm sorry.

1 Q. Is it Sergeant Caldwell?

2 A. Yes, sir.

3 MR. TATE: Thank you for coming.

4 THE COURT: Any redirect?

5 MR. GOLDBERG: Briefly.

6 REDIRECT EXAMINATION

7 BY MR. GOLDBERG:

8 Q. At what point between your initial notification of
9 what had occurred and the times that you showed these lineups
10 of all these folks were you told to consider Christopher
11 Doctor as a suspect?

12 A. None.

13 Q. You were never told that?

14 A. No.

15 MR. GOLDBERG: Thank you.

16 THE COURT: Anything further from this witness?

17 RECROSS EXAMINATION

18 BY MR. TATE:

19 Q. Sergeant Caldwell, one question.

20 A. Yes, sir.

21 Q. The folks in the first photo lineup except for -
22 none of those are repeated in the second lineup, are they?

23 A. You're asking if the same individuals were in the
24 two different lineups?

25 Q. Yes. Was there any individual duplicated in the

KEVIN ISENHOWARD - DIRECT BY MS. GASTON

395

1 lineup?

2 A. No, sir.

3 MR. TATE: Thank you.

4 THE COURT: Thank you, sir. You may step down.

5 Call your next witness.

6 MS. GASTON: Yes, Your Honor. May it please the

7 Court. The State calls Captain Kevin Isenhoward.

8 Thereupon,

9 KEVIN ISENHOWARD

10 after having been first duly sworn, testified as follows,

11 THE CLERK: Please have a seat. Once you're seated,

12 state your full name for the record please.

13 THE WITNESS: My name is Kevin Isenhoward.

14 DIRECT EXAMINATION

15 BY MS. GASTON:

16 Q. Good morning, Captain Isenhoward. Where are you
17 employed?

18 A. The Richland County Sheriff's Department.

19 Q. How long have you worked for the Sheriff's
20 Department?

21 A. 24 years.

22 Q. And what do you do there?

23 A. Captain of the major crimes unit responsible for
24 investigating any suspicious deaths, homicides, violent
25 crimes, robbery, generally the bad stuff.

1 Q. And what are some of your day to day
2 responsibilities?

3 A. Well, I supervise two lieutenants, three lieutenants
4 and three sergeants and a host of investigators. On a daily
5 basis we receive reports of crime, we assign the investigator
6 and obviously assist them and supervise them in
7 investigations.

8 Q. Were you working for the Sheriff's Department back
9 in October 2019?

10 A. I was.

11 Q. Were you working specifically on October 3rd of
12 2019?

13 A. I was at home and they reported to me there was a
14 particularly violent incident where several people were
15 injured. I don't live too far away so I left home and went
16 there that evening.

17 Q. And were you provided any information involving a
18 suspect or a nickname or any sort of identifying features?

19 A. Well, yes. While I was on scene the investigation
20 was evolving and I learned from one of the investigators that
21 a suspect identified as being Meke I believe is the
22 nickname.

23 Q. And what did you believe the full name to be? I
24 know you just mentioned a nickname.

25 A. Well, there was some initial confusion. I think the

1 first one was Frank Doctor is what initially we thought it to
2 be and we would learn later through the investigation that was
3 incorrect.

4 Q. And were you asked to do anything in particular
5 involving the investigation?

6 A. Sure. After initially responding to the scene,
7 I went to our office to assist in any way I could in the
8 investigation. Some of the investigators had created a
9 photographic lineup with Frank Doctor and later learned that
10 was incorrect.

11 MR. TATE: Your Honor, same objection as the
12 previous witness.

13 THE COURT: Overruled.

14 MR. TATE: Thank you.

15 BY THE WITNESS:

16 A. Once a second lineup was generated with a suspect we
17 believed to be correct, I volunteered to go meet with the
18 witness and the night was dragging on at that point so I
19 wanted to help and so I volunteered along with Investigator
20 Green to go to meet with Ms. Melton and show a second
21 lineup.

22 Q. And did you actually create that second lineup?

23 A. I did not.

24 Q. And did you actually go the scene and make contact
25 with Ms. Melton?

1 A. I did.

2 Q. And what did you tell her when you got there?

3 A. I told her I would like for her to look at another
4 photographic lineup. She came to my vehicle, sat in my car
5 with Investigator Green with the lights on inside so she could
6 see. It was dark. And I told her that I was gonna show her a
7 photographic lineup, explained the process, that it's gonna be
8 six individual photographs, some of the appearing people, if
9 she recognized anybody, to point them out to me and then
10 explained how she knows them or where she seen them and that
11 by me showing this to her it doesn't mean she has to pick
12 anybody and I'm not gonna, I can't assist her in any way.

13 Q. And generally is that the process that you would
14 typically use?

15 A. It is.

16 Q. And did you suggest who she should pick?

17 A. No.

18 Q. Do you recall what this particular lineup looked
19 like?

20 A. In general, yes. It was six photographs of middle
21 aged black males with similar facial features, hair, that sort
22 of thing.

23 Q. Was Ms. Melton separated at the time you showed her
24 the lineup?

25 A. She was in my vehicle with just myself and

KEVIN ISENHOWARD - DIRECT BY MS. GASTON

399

1 Investigator Green.

2 Q. So were there any other witnesses around her?

3 A. No.

4 Q. Did she identify a suspect out of that lineup?

5 A. She did.

6 MS. GASTON: Your Honor, I'm approaching the witness
7 with what's been I believe entered as State's 2.

8 THE COURT: Yes, ma'am.

9 BY MS. GASTON:

10 Q. Do you recognize that document?

11 A. I do.

12 Q. And what is the first page of that?

13 A. The first page is a form at the Sheriff's
14 Department, it's an affidavit which just explains when and
15 where this lineup is occurring, is being shown, who is showing
16 it and if the person identifies somebody. These pictures are
17 numbered 1, 2, 3, 4, 5, 6 so which number and what that person
18 generally looks like, is it a male or female, white, black,
19 Hispanic, Asian, and if so if you believe, you're saying that
20 you saw this person involved in an incident, a crime, then
21 what type of crime was it to your knowledge and where it
22 occurred and what date and then it's notarized by me.

23 Q. Is Ms. Melton's signature on the front page?

24 A. It is.

25 Q. Does that indicate that she was able to pick someone

1 out of that lineup?

2 A. It does.

3 Q. And what does the second page show?

4 A. The second page is actually the actual photographic
5 lineup including the six photographs numbered as I said 1
6 through 6.

7 Q. Are there any identifying marks on that second
8 page?

9 A. So if someone identifies someone in the lineup, I
10 ask that they circle the number and initial and date it so
11 that there's no confusion.

12 Q. And did Ms. Melton make any identification on this
13 page?

14 A. She did.

15 Q. And what is that indicated by?

16 A. Circle. She circled number 3 and initialed it and
17 dated it.

18 Q. And who is the individual pictured in number 3?

19 A. Demetrick Doctor.

20 Q. Do you remember how quickly she was able to pick out
21 Mr. Doctor?

22 A. Yes. I've shown a few of these in my career. She
23 was what I would characterize as very, very sure. She
24 immediately identified him. Even showed some emotion when
25 identifying him.

HAROLD BOUKNIGHT - DIRECT BY MR. GOLDBERG

401

1 MS. GASTON: Thank you, Captain. No further
2 questions from the State, Judge.

3 THE COURT: Cross examination.

4 MR. TATE: Thank you. Kevin, how are you this
5 morning?

6 THE WITNESS: Good, sir.

7 MR. TATE: Good. Good. Thank you. I don't have
8 any questions for this witness, Your Honor. Thank you.

9 THE COURT: Okay. Thank you, sir. You may step
10 down.

11 MR. TATE: Thank you for coming.

12 THE WITNESS: Yes, sir.

13 THE COURT: Call your next witness.

14 MR. GOLDBERG: The State calls Harold Bouknight.
15 Thereupon,

16 HAROLD BOUKNIGHT

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

18 THE CLERK: Please have a seat. Once you're seated,
19 state your full name for the record please.

20 THE WITNESS: Lieutenant Harold Michael Bouknight,
21 B-o-u-k-n-i-g-h-t.

22 DIRECT EXAMINATION

23 BY MR. GOLDBERG:

24 Q. Lieutenant, good morning. Tell this jury a little
25 bit about who you are, where you work, and what you do.

1 A. As I said, I'm Lieutenant Harold Bouknight. I work
2 at the Richland County Sheriff's Department, crime scene unit.
3 I'm a lieutenant there. I've been in law enforcement 25
4 years, 20 years at the Sheriff's Department, and almost 17
5 years in crime scene. I supervise and act as supervisor
6 on-call where I respond to assist, and also work scenes, and
7 process, identify, document, collect evidence and then
8 sometimes process the scene, bring it back to process and
9 generally help where needed.

10 Q. You used that word process a few times. Can you
11 tell the jury what that means?

12 A. Depending on the type of evidence, we use different
13 evidence with black powder, florescent powders, things like
14 that, or chemicals if it's a porous surface. We use iodine,
15 ninhydrin, we'll use cyanoacrylate, Super Glue to help develop
16 prints on certain surfaces.

17 Q. Those things you described can be used to try to
18 develop fingerprints, is that what you're saying?

19 A. Fingerprints, foot impressions, things like that.
20 Anything that goes with leaving an impression on an item if it
21 has a surface that's good for leaving and there's something on
22 the fingerprint to actually deposit on that surface, then
23 there is a chance it will pick it up.

24 Q. Were you called out to be involved in the
25 investigation of the incident that we're here today about at

HAROLD BOUKNIGHT - DIRECT BY MR. GOLDBERG

403

1 129 Ballenton Road?

2 A. I was.

3 Q. Did you actually respond there on the night in
4 question?

5 A. No, sir. If I can refer to my notes?

6 Q. Sure.

7 A. I responded on October 4th at 10:30 in the
8 morning.

9 Q. And that was to Ballenton Road?

10 A. Yes. To 129 Ballenton.

11 Q. Upon your arrival at that location, what did you
12 do?

13 A. I searched the area for any additional evidence and
14 just seeing, you know, being in daylight hours if anything
15 extra was there and I found a fired cartridge casing of a .380
16 caliber.

17 Q. Is that unusual to go back to the scene when this
18 jury has already heard from Investigator Oates who was there
19 the night before, is it unusual for somebody to return the
20 next day?

21 A. No, sir. It's pretty typical. It just depends on
22 the type of scene, if it's an indoor scene or outdoor scene,
23 if there's other things we need to do, if we need to do blood
24 stains, powder analysis or any shooting reconstruction, do
25 trajectory rods, process more evidence, search for more

1 evidence in the daylight when we have better lighting just to
2 make sure that we've done our due diligence to collect all the
3 evidence that we can.

4 Q. And you said that you found a fired cartridge
5 casing?

6 A. Yes, sir. I did.

7 Q. I want to show you what's been marked as State's 52
8 through 54. Can you just kind of describe what those are
9 photos of?

10 A. They're photos in the rear at a location next to a
11 pile of cans and some trash cans that show -- When we
12 photograph a scene or especially an item of evidence, we'll
13 take what we call general mid range and close-up photographs.
14 Those are to help us establish the pieces, the item of
15 evidence and its location within the crime scene and 52 is a
16 general and then mid range and up close.

17 Q. Thank you. And do those photos 52 through 54 fairly
18 and accurately depict what the scene looked like on October
19 4th?

20 A. Yes, sir.

21 MR. GOLDBERG: Your honor, at this time we would
22 offer 52 through 54 into evidence.

23 MR. TATE: Without objection.

24 THE COURT: State's 52 through 54 are admitted
25 without objection.

1 MR. GOLDBERG: Thank you, Your Honor.

2 BY MR. GOLDBERG:

3 Q. Now if you'd like to come and show them what you're
4 talking about. You can refer to the exhibit numbers.

5 A. 52 you can see that there's a pile of cans here and
6 then two Herby Curby type trash cans and if you look really
7 close, you can see that there's what we call a tent marker
8 that's labeled AA that's in between the two Herby Curbys.
9 Then in item 53 you can see closer where you can actually see
10 the tent marker better between the Herby Curbys, and you can
11 see there's something there, but you can't tell what it is
12 then we would take the close-up. And then this item, State's
13 54 shows the tent marker and the fired cartridge casing as it
14 was found by me and that way you can see and identify the
15 pieces of evidence in the original photograph.

16 Q. I want to show you two items that have been labeled
17 as State's 55 and 56. Can you tell us what those are?

18 A. This item is a .380 caliber fired cartridge casing
19 that I found at the scene. I brought it back that day to
20 process at our lab and I used black powder which would adhere
21 to it to make a fingerprint if it was there, but there was
22 nothing developed and then I swabbed that which is pretty
23 typical for us. After we process something for fingerprints,
24 we'll swab it for DNA. And then this is the swab that I
25 collected from the .380 fired cartridge case.

1 Q. State's number 55 is the actual casing and 56 is the
2 swab?

3 A. Correct.

4 MR. GOLDBERG: Your Honor, at this time we'd offer
5 State's 55 and 56.

6 MR. TATE: Without objection.

7 THE COURT: State's 55 and 56 are admitted without
8 objection.

9 BY MR. GOLDBERG:

10 Q. You touched on it a moment ago. I'm just gonna have
11 you briefly go back through. Can you talk about what you were
12 doing when you processed the fired casing for prints and the
13 results that came therefrom?

14 A. I had a fired cartridge casing and I processed it
15 with black powder which is just like it sounds, it's black
16 powder with a brush, brush it on there and then look at it to
17 see if there's anything that wasn't visible before that is
18 visible now, latent print. Latent is invisible and then using
19 a powder to make that print visible, but there was nothing
20 there.

21 Q. Is that uncommon?

22 A. On fired cartridge casings it's not uncommon at
23 all.

24 Q. Why is that?

25 A. It's very hard to develop fingerprints. They're

1 very fragile anyway. They're mainly water and whenever a
2 cartridge casing is fired, unless somebody picks it up
3 afterwards, it's hard for that liquid to stay on that print -
4 or on that fired cartridge casing once it goes through being
5 fired through a weapon and the heat produced from it.

6 Q. All right. And then lastly you touched on how you
7 then took a swab from the casing and the purpose of that was
8 what?

9 A. To attempt to get any DNA that could also have been
10 left on there and that is a sterile cotton swab, a couple
11 drops of distilled water and swab around the base and the rim
12 of the fired cartridge casing and then on the side to see if
13 there's anything that could have been collected.

14 Q. What do you do with that swab after you take it?

15 A. I box it up and turn it into evidence.

16 Q. And did you turn in both 55 and 56 into evidence
17 after you were done with them?

18 A. I did.

19 Q. Was that the extent of your involvement in this
20 case?

21 A. Yes, sir.

22 MR. GOLDBERG: Thank you, sir.

23 CROSS EXAMINATION

24 BY MR. TATE:

25 Q. Good afternoon or good morning. How are you?

1 A. Doing well.

2 Q. Good to see you again. I believe you testified on
3 direct you got there sometime around 10:30 in the morning of
4 the 4th; is that correct?

5 A. Yes, sir.

6 Q. Thank you. And at that time the scene had already
7 been released, hadn't it?

8 A. No, sir. It was still secured and there was a crime
9 scene log being maintained still.

10 Q. So there was another deputy still there?

11 A. Yes, sir.

12 Q. And you didn't locate any fingerprints on the fired
13 cartridge case?

14 A. Correct.

15 Q. And although you swabbed, you didn't get any, no DNA
16 was identified?

17 A. I don't know. I don't have the results from that.

18 Q. Thank you. That would have gone to Investigator
19 Bland most likely as case agent?

20 A. I don't know, sir.

21 Q. Okay. Thank you. And you don't know when that
22 cartridge case got there?

23 A. No, sir. I do not.

24 Q. Other than being a .380, you don't have any idea
25 what weapon it was fired from?

YVONNE WOODS - DIRECT BY MS. GASTON

409

1 A. No, sir. I do not.

2 MR. TATE: Thank you very much. I don't have any
3 further questions for this witness. Thank you.

4 THE COURT: Any redirect?

5 MR. GOLDBERG: No, Your Honor.

6 THE COURT: Thank you, sir. You may step down.
7 Call your next witness.

8 MS. GASTON: The State calls Investigator Yvonne
9 Woods.

10 Thereupon,

11 YVONNE WOODS

12 after having first affirming, testified as follows,

13 THE CLERK: Please have a seat. Once you're seated,
14 state your full name for the record please.

15 THE WITNESS: Yvonne Woods.

16 DIRECT EXAMINATION

17 BY MS. GASTON:

18 Q. Good morning, Investigator Woods.

19 A. Good morning.

20 Q. Will you introduce yourself to the jury. Tell them
21 a little bit about what you do for a living.

22 A. I'm Yvonne Woods. I work with Richland County
23 Sheriff's Department and I have been in law enforcement for 25
24 years. I work for crime scene.

25 Q. So what specifically do you do there? I think you

1 just mentioned you work for crime scene.

2 A. I process all crime scenes, makes no difference
3 whether it's burglary, homicide, shooting, theft, I process on
4 the scene.

5 Q. When you say processing, what does that mean?

6 A. I will arrive at the scene. If it's a burglary, I
7 will process it with black powder to see if there's any
8 fingerprints. If there isn't, if there's an item I cannot
9 process there, I bring it back to the lab and process it
10 there.

11 Q. Were you working on crime scene back in October of
12 2019?

13 A. Yes. I was.

14 Q. Did you have occasion to become involved with the
15 investigation involving a Mr. Demetrick Doctor?

16 A. Yes. I did.

17 Q. And how did you become involved in the case?

18 A. A processed items. There was some evidence which
19 was downstairs in evidence. I collected that evidence and
20 brought it back upstairs to process.

21 Q. And do you remember what items of evidence that was
22 in this case?

23 A. Yes. It was a 12 gauge sawed-off shotgun and a
24 fired a 12 gauge shell casing.

25 Q. Investigator Woods, did you take any photographs

YVONNE WOODS - DIRECT BY MS. GASTON

411

1 when you received those items?

2 A. Yes, ma'am. I did.

3 MS. GASTON: Your Honor, I'm approaching the witness
4 with State's 57 through 60 for ID.

5 BY MS. GASTON:

6 Q. Do you recognize those photographs, Investigator
7 Woods?

8 A. Yes. I do. These are photographs that I took of
9 the weapon which was in evidence.

10 Q. And are those photographs, do those depict the
11 items, the firearm and the shell casing in the same or
12 substantially in the same condition that you received them
13 in?

14 A. Yes, ma'am.

15 MS. GASTON: Your Honor, the State moves to enter 57
16 through 60 into evidence.

17 MR. TATE: Without objection.

18 THE COURT: State's 57 through 60 are admitted
19 without objection.

20 MS. GASTON: Thank you, Your Honor.

21 BY MS. GASTON:

22 Q. Did you process this firearm, Investigator Woods?

23 A. Yes, ma'am. I did.

24 Q. When it comes to firearms, what is the processing
25 mean? What does that mean exactly?

1 A. In this case this was put in cyanoacrylate, Super
2 Glue, put into a tank to see if I could bring out any prints
3 on this weapon. I could not visibly see any prints on the
4 weapon. Once that was through, I went to black powder and
5 processed it with black powder to see if I could visibly see
6 any prints and I could not.

7 Q. And what does State's 58 show?

8 A. It shows the cartridge, fired cartridge in the
9 barrel.

10 Q. And was this cartridge in the firearm when you
11 received it?

12 A. Yes. It was.

13 Q. Did you remove it?

14 A. Yes. I did.

15 Q. Is that pretty standard?

16 A. Yes. To process it as well.

17 Q. And did you take any swabs of that firearm?

18 A. I did. I took swabs from the firearm and the fired
19 cartridge, the 12 gauge cartridge.

20 MS. GASTON: Your Honor, I'm approaching with
21 State's 61.

22 BY MS. GASTON:

23 Q. Do you recognize that envelope?

24 A. Yes, ma'am. It's the swab that I collected from the
25 gun and the shell casing.

YVONNE WOODS - DIRECT BY MS. GASTON

413

1 Q. When you collect swabs, how do you go about doing
2 that?

3 A. We use sterile swabs and we use distilled water and
4 wipe, I do, every inch of the weapon down looking for any
5 DNA.

6 Q. And after you collect those swabs, what do you do
7 with them?

8 A. They are boxed up and submitted to evidence and
9 processed.

10 MS. GASTON: Your Honor, I'm approaching with
11 State's 5 for ID.

12 BY MS. GASTON:

13 Q. Is this the item that you processed?

14 A. Yes, ma'am.

15 Q. And once you finish the processing, what did you do
16 with it?

17 A. I repackaged it and took it back to evidence and
18 property.

19 Q. Is that the extent of your involvement in this case,
20 Investigator Woods?

21 A. Yes, ma'am.

22 MS. GASTON: Thank you, ma'am. No further questions
23 at this time, Your Honor.

24 THE COURT: Any cross examination?

25 MR. TATE: Very briefly.

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. TATE:

4 Q. Investigator, it was your testimony that you did not
5 visit the scene; isn't that correct?

6 A. That is correct.

7 Q. And your work is limited to your laboratory most of
8 the time?

9 A. That is correct.

10 Q. You didn't recover this weapon?

11 A. No, sir.

12 Q. You got it out of the evidence locker?

13 A. Yes, sir.

14 Q. It sounds like you were very thorough?

15 A. Yes, sir.

16 Q. And you testified I believe that you Super Glue and
17 then you used black powder?

18 A. That is correct.

19 Q. And you didn't find anything?

20 A. No, sir.

21 Q. You testified that you swabbed for DNA?

22 A. That is correct.

23 Q. I think you testified that you swabbed every square
24 inch was your testimony?

25 A. Yes, sir.

1 Q. If it had been on there, you would have found it,
2 wouldn't you?

3 A. Yes, sir.

4 Q. Do you know anything about the results of these
5 tests?

6 A. No, sir.

7 MR. TATE: Thank you. I don't have any further
8 questions.

9 THE COURT: Any redirect?

10 MS. GASTON: No, Your Honor.

11 THE COURT: Okay. Thank you. You may step down.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Folks, let's take a short break. Return
14 to your jury room. Don't discuss the case amongst
15 yourselves. We'll bring you back soon.

16 (Whereupon, the jury entered the jury room at 10:00
17 a.m.)

18 THE COURT: Was State's 61 offered?

19 MR. GOLDBERG: Which one was that, Judge?

20 THE COURT: I don't know.

21 MS. GASTON: The swabs were 61, Your Honor, and that
22 was just for ID.

23 THE COURT: Just making sure I'm keeping up.

24 MR. TATE: I don't care anyway, Judge.

25 MR. GOLDBERG: Your Honor, one thing. I'm sorry.

1 THE COURT: Go ahead.

2 MR. GOLDBERG: Did you want to put your objection on
3 the record about them any further? Do we need to do that
4 about the objections made during Caldwell and Isenhoward?
5 Does that need to be noted in anyway?

6 MR. TATE: I would like to because I understand Your
7 Honor seriously doesn't like speaking objections. I'm
8 doing everything I can to avoid them.

9 THE COURT: I appreciate it. The rules prevent
10 them. People keep saying I don't like them. The rules
11 say don't do it. It's not me.

12 MR. TATE: Old people and the rules change, Judge.
13 But we object to the testimony of Sergeant Caldwell and
14 Captain Isenhoward. We renewed that objection. It was
15 based on a foundation of improper bolstering as the photo
16 spread six pack lineups are already into evidence.

17 THE COURT: Yes, sir. And the State's response was?

18 MR. GOLDBERG: State's response was that it was not
19 offered for bolstering purposes, but rather because the
20 State has the burden of proof part of which includes this
21 jury having to make a determination about whether or not
22 the identification is made by the witnesses that is
23 provided by the law enforcement. Law enforcement did
24 that in an unduly suggestive manner and so it allowed the
25 jury to consider more testimony to decide whether or not

MICHELLE SEAY - DIRECT BY MS. GASTON

417

1 they believe the witnesses made those selections on their
2 own or whether they were subject to any undue pressure or
3 suggestion from someone else.

4 THE COURT: And for those reasons the objections
5 were overruled. Anything else, folks?

6 MR. TATE: Nothing else, Your Honor.

7 THE COURT: 15 minutes.

8 (Short break.)

9 THE COURT: Okay. Bring the jury please.

10 (Whereupon, the jury entered the courtroom at 11:25
11 a.m.)

12 THE COURT: The State can call your next witness.

13 MS. GASTON: Thank you, Your Honor. The State calls
14 Investigator Michelle Seay.

15 Thereupon,

16 MICHELLE SEAY

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

18 THE CLERK: Please have a seat. Once you're seated,
19 state your full name for the record please.

20 THE WITNESS: Michelle Seay, S-e-a-y.

21 DIRECT EXAMINATION

22 BY MS. GASTON:

23 Q. Investigator Seay, where do you work?

24 A. I work for Richland County Sheriff's Department.

25 Q. And what do you do there?

1 A. I'm currently a crime scene investigator as well as
2 a crime scene examiner.

3 Q. How long have you been working at the Sheriff's
4 Department?

5 A. I've been working at the Sheriff's Department since
6 2015, and I've been in the crime scene unit since 2018.

7 Q. Before you were in crime scene, what were you
8 doing?

9 A. I was a road deputy.

10 Q. Back in October of 2019, what division were you
11 in?

12 A. In the crime scene unit.

13 Q. As a member of the crime scene unit, what are some
14 of your day to day tasks and responsibilities?

15 A. I attend autopsies if they're needed. I also do any
16 lab processing that might be needed, vehicle processing that
17 might be needed and I respond out to crime scenes as they
18 arise.

19 Q. And what is the process of collecting evidence?

20 A. The process of collecting evidence is going to be
21 documenting any items with photographs and with bench notes
22 and then it will be collection, placing it in whatever kind of
23 container it needs to be based on what type of evidence it is,
24 filling out evidence labels, packaging it and submitting it to
25 evidence and property.

1 Q. And what kind of evidence do you typically look
2 for?

3 A. When processing?

4 Q. When you're processing a scene, what types of
5 evidence are you trying to collect?

6 A. Typically we'll be looking for latent print
7 evidence. We'll be swabbing for possible DNA evidence, and
8 then depending on what kind of scene it is looking for other
9 types of evidence that might be pertinent to that.

10 Q. What does latent mean?

11 A. Latent means invisible.

12 Q. How do you process something that is invisible as
13 you said?

14 A. When I'm looking for latent prints because they're
15 invisible, I will use black powder typically is the most
16 common thing that I'll use. I will use that with a brush
17 technique in areas that are commonly touched by people in
18 normal day to day handling of items.

19 Q. Does this create an impression?

20 A. An impression left by a fingerprint?

21 Q. Yes.

22 A. If someone touches a surface, there's a possibility
23 that a fingerprint impression will be left behind.

24 Q. Are these impressions, are they able to be lifted?

25 A. Yes. So if you do leave behind a fingerprint on a

1 surface after handling it, I can develop it or make it visible
2 with black powder or any of our other chemicals that is able
3 to be lifted and collected by placing tape across it and then
4 removing the tape and placing the tape back down, sticky side
5 down onto a card.

6 Q. Did you have the opportunity to process any evidence
7 from this case in particular?

8 A. Yes, ma'am.

9 Q. How did you become involved in processing evidence
10 from this case?

11 A. I was advised that there was a Crown Victoria
12 located in our forensic garage and there was a search warrant
13 that --

14 MR. TATE: Your Honor, we would object at this point
15 and ask for a side bar.

16 THE COURT: Yes, sir. Y'all approach.

17 (Side bar off the record.)

18 THE COURT: As I understand it, the reasons for the
19 objection are still out there, but the objection itself
20 is withdrawn at this time or reserved.

21 MR. TATE: Reserved.

22 THE COURT: Reserved.

23 MS. GASTON: Your Honor, I'm approaching the witness
24 with State's 62 and 63 for ID only.

25 BY MS. GASTON:

MICHELLE SEAY - DIRECT BY MS. GASTON

421

1 Q. Do you recognize those photographs?

2 A. I do.

3 Q. And what do they depict? What's in those
4 pictures?

5 A. 62 is a picture of the Crown Victoria I processed
6 and 63 is a picture from the interior of the front passenger
7 window that I took that I processed.

8 Q. So for this case in particular what exactly was - I
9 know you said processed, but what did you do?

10 A. For this particular vehicle I looked, I processed
11 areas that commonly touched for latent prints for anything
12 that might be left behind, I searched for any firearm related
13 evidence and I also collected swabs for possible DNA and I
14 also collected a gunshot residue kit from the vehicle.

15 Q. Do you remember where in the car you were able to
16 collect prints?

17 A. May I refer to my notes?

18 Q. Yes.

19 A. I collected a latent print card from the exterior
20 driver's window, the interior driver's window and the interior
21 front passenger's window.

22 Q. Once you collect those prints, what do you do with
23 them?

24 A. I make photocopies of them for my report and then I
25 package them up and submit them to evidence and property.

1 Q. Did you take any swabs in this case?

2 A. Yes, ma'am. I did.

3 Q. State's 64 and 65, do you recognize those two
4 envelopes?

5 A. Yes, ma'am.

6 Q. What are they?

7 A. 64 is an envelope that contains all the swabs that I
8 collected from the Crown Victoria and 65 is an envelope that
9 contains the gunshot residue kit that I collected from the
10 Crown Victoria.

11 Q. As to the swabs, where in the vehicle did they come
12 from?

13 A. There is a swab from the exterior driver's window, a
14 swab from interior driver's window, a swab from interior
15 driver's door, a swab from the steering wheel/gear shift, a
16 swab from the interior front passenger's window, a swab from
17 the interior front passenger's side door, and a swab from the
18 front passenger seat belt buckles.

19 Q. And the other envelope that you have up there,
20 State's 65 I believe?

21 A. Yes, ma'am.

22 Q. What's in that envelope?

23 A. That's a gunshot residue kit that I collected from
24 the Crown Victoria.

25 Q. And generally what is your process for doing that?

MICHELLE SEAY - DIRECT BY MS. GASTON

423

1 A. Our kit comes with two sticky tabs, two vials that
2 have sticky tabs inside of them. I take off the top and I
3 place the sticky tab on top of the surface in question and
4 then I reclose it by just snapping the lid back on and then
5 place it back inside the kit.

6 Q. Is that what you did in this case?

7 A. Yes, ma'am.

8 Q. Where did you collect the, where did you collect the
9 kit from in this particular vehicle?

10 A. May I look at my notes?

11 Q. Yes.

12 A. I collected, I used one sticky tab on the steering
13 wheel and one on the interior driver's door.

14 Q. And once you collect that kit for testing, do you do
15 the analysis yourself?

16 A. No, ma'am.

17 Q. What do you do with the kit?

18 A. I fill out the form that comes inside of it, I then
19 package it up and submit it to evidence and property.

20 MS. GASTON: No further questions, Your Honor.

21 THE COURT: Cross examination. Any cross
22 examination, Mr. Tate?

23 CROSS EXAMINATION

24 BY MR. TATE:

25 Q. Investigator, please pronounce your last name for

1 me.

2 A. Seay.

3 Q. Seay.

4 A. Yes, sir.

5 Q. Thank you. I wanted to make sure I get it right.

6 Thank you. And I trust you've been referring to something. I
7 trust you've got a copy of your report in front of you?

8 A. Yes, sir.

9 Q. Any time you want to stop and check, this is
10 important, so please stop me and check your notes if you need
11 to in your report. Is your testimony on direct that you
12 lifted latent prints?

13 A. Yes, sir.

14 Q. Okay. And it was your testimony, and you also
15 photographed the locations that you took those prints from,
16 correct?

17 A. I photographed them in their location. Yes.

18 Q. And you prepared, did you prepare the little cards
19 with a hand drawn diagram of where you lifted prints from or
20 potential lifts from?

21 A. Yes.

22 Q. And really the quality of that lift or if I can use
23 an inartful term, usability is sort of something for some down
24 the road?

25 A. At the time I collected it, yes.

1 Q. Another technician trained in technoscopies
2 if you will, fair?

3 A. Yes.

4 Q. Now, you also testified that you took DNA swabs?

5 A. Yes.

6 Q. And you took those from six or seven different
7 locations?

8 A. Approximately. I would have to count.

9 Q. Okay. And you numbered those swabs?

10 A. What do you mean by numbered?

11 Q. So you can tell which one came from which
12 location?

13 A. I labeled them as to their location.

14 Q. Did you also draw diagrams for each of those?

15 A. For the swabs, no.

16 Q. You did not. Okay. And based on your personal
17 knowledge no one was in the car?

18 A. When I processed it?

19 Q. Yes.

20 A. No, sir.

21 Q. Okay. And you also testified that you recovered,
22 and this is a different page in your report, a GSR kit?

23 A. I collected a GSR kit from the vehicle. Yes.

24 Q. Just one kit?

25 A. One kit that contained two bottles of swab for GSR.

1 Yes, sir.

2 Q. And those were swabs from the interior of the
3 automobile?

4 A. Yes.

5 Q. And at the point of collection you have no idea
6 what's there, correct?

7 A. It's gunshot residue is trace evidence which means
8 you can't easily see it always.

9 Q. Somebody else has to work on it, fair?

10 A. Yes.

11 MR. TATE: Thank you. No further questions. Thank
12 you, Your Honor.

13 THE COURT: Any redirect?

14 MS. GASTON: No, Your Honor.

15 THE COURT: All right. Thank you, ma'am. You may
16 step down. Call your next witness.

17 MS. GASTON: The State calls Trisha Odom.

18 Thereupon,

19 TRISHA C. ODOM

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

21 THE CLERK: Please have a seat. Once you're seated,
22 state your full name for the record please.

23 THE WITNESS: My name is Trisha Collins Odom. Last
24 name is O-d-o-m.

25 DIRECT EXAMINATION

TRISHA ODOM - DIRECT BY MS. GASTON

427

1 BY MS. GASTON:

2 Q. Investigator Odom, where are you employed?

3 A. At the Richland County Sheriff's Department.

4 Q. And in what capacity?

5 A. I'm the technical leader for the latent prints
6 section of the crime scene latent print section.

7 Q. As somebody in that position, what are some of your
8 day to day responsibilities?

9 A. Our primary responsibility is trying to identify the
10 source of the latent prints that are collected from crime
11 scenes and from the evidence collected from the crime scene.

12 Q. And please tell the jury a little bit about your
13 educational background.

14 A. I have a degree in criminal justice from the
15 University of South Carolina. I'm also a certified police
16 officer since 1995. In 1999 I got promoted to what we called
17 back then the forensic section and, uhm, during that process I
18 went through an internal training program mostly where I would
19 ride with other investigators and learned how to do the job.
20 Part of that was learning how to do latent fingerprint
21 comparisons so after I did a little bit of internal training,
22 then I started attending classes outside of the department.
23 Would you like me to read some of the classes that I've
24 attended?

25 Q. About how many do you think you've attended?

1 A. Probably latent specific I'd say somewhere in the
2 area of 25 or 30.

3 Q. If you had to guess, about how many years have you
4 been specifically working on latent print analysis?

5 A. I started doing latent prints right after I got
6 promoted and that was November of 1999.

7 MS. GASTON: Your Honor, the State offers
8 Investigator Trisha Odom as an expert in the area of
9 latent print analysis.

10 THE COURT: Any voir dire or objection?

11 MR. TATE: Without objection.

12 THE COURT: All right. Ladies and gentlemen,
13 Investigator Odom is qualified as an expert in the area
14 of latent print analysis. That means that she will be
15 permitted to give you her opinions with respect to that
16 area of expertise and the reasons for those opinions.
17 Normally a witness has to testify about what they saw,
18 touched, heard, tasted, smelled, et cetera, and generally
19 don't give opinion testimony, but when a person is
20 qualified by virtue of their education, training and
21 experience, they are permitted to give you those opinions
22 and the reasons for those opinions. That does not mean,
23 however, that you must accept her testimony as fact.
24 Just like any other witness you weigh her credibility and
25 determine her credibility and give the testimony that she

TRISHA ODOM - DIRECT BY MS. GASTON

429

1 offers you the weight that you think it deserves. You
2 may continue, Ms. Gaston.

3 MS. GASTON: Thank you, Your Honor.

4 BY MS. GASTON:

5 Q. Investigator Odom, what is a latent print?

6 A. So the term latent is an umbrella term that we use.
7 You've heard other people talk about the word latent meaning
8 invisible or unseen and it does mean that, but for crime scene
9 purposes we use it as an umbrella term to describe any kind of
10 latent or any kind of fingerprint evidence that's collected
11 from a crime scene or from a piece of evidence. So we have
12 the latent prints that you have to do something to. You have
13 to process it in some way with the black powder and the
14 chemicals that make it visible, but then you also have prints
15 that are found on some things that are visible. That could be
16 in oil or blood or any other kind of contaminant that might
17 make it visible. Think about the things that you touch and
18 you leave a mark behind after that and then you also could
19 have a type of fingerprint left behind that's called plastic
20 which just means it just leaves an impression like you would
21 find on something like Silly Putty.

22 Q. If someone touches something, will there always be a
23 print left behind?

24 A. Not always. It depends on the condition of the
25 surface being touched. A nice smooth surface like glass

1 that's flat is a great surface for leaving fingerprints
2 behind, but then you have other surfaces that are made
3 specifically not to show fingerprints like the dashboard of
4 your car or something like that. That's a lot harder for
5 fingerprints to show up. Also, you have to consider the state
6 of the person's fingers. So I'm always cold so I'm not
7 sweating as often especially in an environment where the air
8 conditioning is on so my pores aren't creating the sweat that
9 would come and put the sweat on my fingertips to help me leave
10 that behind, or you could have damage that's done to your
11 fingers from people who do a lot of manual labor, they work
12 with their hands a lot, sometimes the fingerprint source, the
13 ridges that are on your fingers and palms, they get damaged
14 from touching things over and over again, and also clearly if
15 something has been cleaned up recently you're not gonna have
16 any kind of fingerprint evidence left behind.

17 Q. Were you involved in performing any sort of latent
18 print analysis in this case?

19 A. I was.

20 Q. And how did you become involved with this case in
21 particular?

22 A. So the way our process works is we will have
23 investigators or road deputies who actually lift the latent
24 prints from the evidence or from the crime scene and they'll
25 bring it back to our office, they'll deposit it in evidence,

TRISHA ODOM - DIRECT BY MS. GASTON

431

1 and then we go down and collect that evidence for our part of
2 it. All latent print cards that are turned in are all
3 analyzed to see if they are suitable to be entered into our
4 computer data base and in this case another investigator found
5 that there was some prints that could be entered into our
6 computer data base, the automated fingerprint identification
7 system, it searches the local data base here at SLED to see if
8 it can find a source for a particular fingerprint that's being
9 searched. So once the first analyst, we call them AFIS
10 operators, once the first AFIS operator submits a print, they
11 get the possibilities back and they look at one and they say
12 we need to look at this more. We call that a hit. We call it
13 a preliminary association is what we call it saying, hey, we
14 see some stuff here and we need somebody else to look at it
15 just a little bit more and so at that point all of that
16 evidence is packaged up and all the documentation is passed
17 over to another investigator and that's where I came in on
18 this case. I was given the information by an AFIS operator
19 and then I was given the opportunity to do one on one
20 comparison between the latent prints the hit came back on and
21 a known, in this case a palm print card, and then once I did
22 that, I turned over all of the stuff over to a third qualified
23 latent analyst and that person did a verification of my work
24 to make sure that what I said in my opinion was correct.

25 Q. So I just want to back up just a little bit,

1 Investigator Odom. So which item did you receive in this
2 particular case?

3 A. May I refer to my notes?

4 Q. Yes, ma'am.

5 A. In this case I received an item that was marked
6 with, our evidence data base is called AFIS and the AFIS
7 number for this item was .29.

8 Q. And was there a description provided as to that item
9 that you examined?

10 A. I don't have a photocopy of the evidence label so
11 what those typically say is they'll say the case number, where
12 it was lifted or where the evidence came from, uhm, who
13 submitted it and the number of latent print cards that are in
14 that envelope. That's what we see on the label, but I don't
15 have a copy of that.

16 Q. Okay. And so I know you mentioned earlier about the
17 print cards. How many did you receive in this case?

18 A. In this case I received three that we labeled L-7,
19 L-8, and L-9.

20 Q. And of those cards, if you did, if any, how many did
21 you examine of the three?

22 A. We compared one print from the three cards.

23 Q. And which print was that?

24 A. So that was L-7.1. So the .1 comes from sub
25 numbering. Each of the individual latent cards is numbered in

1 this case 7, 8, 9, the L standards for latent and then we sub
2 number the individual latent prints that we see on that card
3 because the card could have more than one print on it. In
4 this case we actually examined L-7.1.

5 Q. And where did that print, where in the vehicle did
6 that print come from?

7 A. That came from the front passenger interior
8 window.

9 Q. And did you perform a comparison with this
10 particular print?

11 A. I did.

12 Q. And how do you go about doing that?

13 A. So what you're looking for when you do a comparison,
14 if you look at your hands, you see that they're not completely
15 smooth. They're covered with these ridges and these ridges
16 are called friction ridges. They help you grip, but they're
17 not just straight across, they're not continuous. They break
18 and they restart and sometimes you'll have extremely small
19 ridges that look just like little dots and so when we are
20 comparing fingerprints or palm prints in this case, what we're
21 looking for are specific areas of detail that we find on these
22 and seeing if we can find them in the known prints that we are
23 provided.

24 Q. And were you able to generate a known print to
25 compare this particular print from the vehicle?

1 A. A known print card was provided for me. Yes.

2 Q. And who did that known print card belong to?

3 A. Norma Dunn.

4 Q. And this print was from the front passenger interior
5 window?

6 A. Yes, ma'am.

7 Q. And did you receive any requests to further examine
8 the other print cards that were submitted?

9 A. No, ma'am. We did not.

10 Q. And why might this be in your experience?

11 A. Well, I really can't speak to that. Our process is,
12 is that when we get an AFIS hit, we want to get that
13 information out to the investigator so that they can, if
14 that's a lead, they can start working on that. In this case
15 we had only the one hit. We did the comparison on that and
16 then in our report we actually say we have more latent prints,
17 but we've done no further work and at that point it goes back
18 on the investigators to request additional work.

19 MS. GASTON: No further questions from the State,
20 Your Honor.

21 THE COURT: Any cross examination?

22 CROSS EXAMINATION

23 BY MR. TATE:

24 Q. Investigator Odom, how are you this morning?

25 A. I'm doing great, sir. How are you?

1 Q. I think on direct testimony you've testified that
2 one of the ways people leave fingerprints is through sweat?

3 A. Yes, sir.

4 Q. And that the prints that are recovered by
5 investigators are latent prints as opposed to patent prints?

6 A. In this case they were latent prints, but both can
7 be collected from the crime scene. Yes, sir.

8 Q. For example, if I touched a hot wax candle and left
9 a print, that would be an example of a patent print?

10 A. That would actually be an example of a plastic
11 print.

12 Q. Plastic print.

13 A. Yes, sir.

14 Q. Yes. But would these prints require a process?

15 A. The ones that were turned into me?

16 Q. Yes.

17 A. Yes, sir.

18 Q. And there are multiple processes for finding
19 fingerprints, would you agree?

20 A. Yes, sir.

21 Q. Okay. And some of those are cyanoacrylate which I
22 think we call Super Glue now?

23 A. Cyanoacrylate. Yes, sir.

24 Q. Yes. And some are dusted?

25 A. Yes, sir.

1 Q. Magnetic powder still around?

2 A. It is actually.

3 Q. Okay. And one of the things you said that from, now
4 the black powder used in this case responds to moisture,
5 fair?

6 A. I think that it, except for the chemical processes,
7 that would be true for any kind of powder. It's actually
8 going to adhere to any kind of moisture that's left behind
9 from the impression.

10 Q. And you testified on direct examination that
11 sweating would be one way?

12 A. Yes. So, the way it works is, of course, you sweat,
13 you have pores on your ridges and as you sweat, the sweat
14 coats the pores and actually helps you to grip better.

15 Q. So your fingerprints really are to help you hold
16 things?

17 A. That's exactly right.

18 Q. And would you agree with me that on a 99 degree day
19 you would sweat more than a 50 degree day?

20 A. I would say in general terms that's probably true.

21 Q. Would you be surprised to learn that on October 3rd
22 of 2019, the day in question, it was 99 degrees, a record
23 setting day in Columbia, South Carolina?

24 A. I'm not surprised in the least.

25 Q. We have those days, don't we. And through these

1 various processes it is important for analysts to get the
2 sequence proper; isn't that correct?

3 A. That's not what I'm specifically here to talk about,
4 but yes, there is a specific order of things the way things
5 are processed, yes.

6 Q. And why is that important?

7 A. Uhm, well, it will help you to see prints better.

8 Q. And if you mess up the order, you could mess up the
9 ability to later get other prints; isn't that correct?

10 A. I think depending on what the process is that could
11 not necessarily inhibit your ability, but you might not be
12 able to see them quite as well.

13 Q. And it could also affect the recovery of DNA, could
14 it not?

15 A. I can't speak to that. I'm not a DNA expert.

16 Q. All right. Thank you. And you would agree with me
17 that you were only handed a fingerprint card of Norma Dunn?

18 A. That was the print. Yes.

19 Q. You were never handed a fingerprint card of anybody
20 else?

21 A. No, sir.

22 Q. And you certainly never compared any print from
23 anywhere in this scene with Mr. Doctor?

24 A. No, sir.

25 Q. Never asked?

1 A. No, sir.

2 MR. TATE: Thank you.

3 THE COURT: Any redirect?

4 MS. GASTON: Very briefly, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. GASTON:

7 Q. Just to clarify, Investigator Odom, in this case did
8 you do the analysis on the print submitted to you?

9 A. I did.

10 Q. And did you compare that to the print provided from
11 Norma Dunn?

12 A. I did.

13 Q. Were they a match?

14 A. Yes. It was made by Ms. Dunn's right palm.

15 Q. Is that the extent of your involvement in this
16 case?

17 A. Yes, ma'am.

18 MS. GASTON: No further questions.

19 THE COURT: Anything further from this witness,
20 Mr. Tate?

21 MR. TATE: Nothing. Thank you very much.

22 THE COURT: Thank you. You may step down.

23 MR. TATE: Thank you for coming, investigator.

24 THE COURT: Call your next witness.

25 MR. GOLDBERG: The State calls Ashley Lee.

ASHLEY LEE - DIRECT BY MR. GOLDBERG

439

1 Thereupon,

2 ASHLEY LEE

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

4 THE CLERK: Please have a seat. Once you're seated,
5 state your full name for the record please.

6 THE WITNESS: My name is Ashley Lee, L-e-e.

7 DIRECT EXAMINATION

8 BY MR. GOLDBERG:

9 Q. Good morning.

10 A. Good morning.

11 Q. Tell this jury a little bit about who you are and
12 where you work.

13 A. Yes, sir. My name is Ashley Lee and I'm a DNA
14 analyst with the Richland County Sheriff's Department.

15 Q. And how long have you been employed there?

16 A. For almost four years.

17 Q. Can you tell the jury what it is that you do and
18 what that means?

19 A. Yep. I'm a DNA analyst so we look at evidence from
20 crime scenes and known standards that may come from
21 individuals related to the incident and take and compare those
22 two.

23 Q. Tell the jury about your education, background,
24 training, that sort of thing in this field.

25 A. I have a bachelor's of science in biochemistry from

1 the University of Tennessee, and then after being hired as an
2 analyst in the Sheriff's Department, I began an intensive
3 training program that included mock samples, training sample
4 practice cases, a mock court, a written and oral exam and
5 other training.

6 Q. Okay. And do you also attend continuing
7 education?

8 A. I do. We are required to have at least eight hours
9 of continuing education per year.

10 MR. GOLDBERG: Your Honor, at this time we would
11 offer Ms. Lee as an expert in DNA analysis.

12 MR. TATE: Without objection, Your Honor.

13 THE COURT: In DNA analysis?

14 MR. GOLDBERG: Yes, ma'am.

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, Ms. Lee, is an expert in the area of DNA analysis.
17 The same rules that I've told you applied for the
18 testimony of Investigator Odom apply for Ms. Lee. You
19 may continue, Mr. Goldberg.

20 MR. GOLDBERG: Thank you, Your Honor.

21 BY MR. GOLDBERG:

22 Q. What is DNA?

23 A. DNA is basically what makes you who you are so
24 genetic material that's found in all of your cells. You get
25 half from your mom and half from your dad, and apart from

1 identical twins it's unique to every person.

2 Q. So when we are talking about DNA analysis, what does
3 that entail?

4 A. Yes. So we will get evidence from a crime scene and
5 our process is to process that and analyze it and hopefully
6 create a profile and that profile can then be compared to what
7 we call a known standard which could have come from a person
8 that is known and could be related to the incident.

9 Q. When you say a profile, what is a DNA profile?

10 A. So, a profile basically boils down to a set of
11 numbers and the set of numbers that we get from the known
12 standard can be compared to a set of numbers that we may get
13 from AFIS.

14 Q. And you mentioned a known standard also known as
15 what.

16 A. A known standard would have come from an individual
17 that would have been known so a buccal swab or a known
18 standard from me, you knew it came from me.

19 Q. If you were able to in your analysis develop a DNA
20 profile, what do you do with that information?

21 A. So, the profile developed from evidence we would
22 then compare to any standards that we received for that case
23 and then issue a report based on the conclusions made.

24 Q. How do you make those comparisons? How do you do
25 that?

1 A. We basically put the data that we get from the
2 evidence besides the data that we get from the standard and we
3 compare the two to get the numbers from the standard that are
4 present and the numbers that we get from the evidence.

5 Q. And so if you compare a DNA swab or a swab from a
6 piece of evidence to a standard, what does it mean if that DNA
7 profile is included or found in the -- Well, you explain it.

8 A. Yeah. So, if the profile is present in the evidence
9 data, then it would be called an exclusion - or an inclusion.
10 My apologies. If it's present, it's an inclusion. If it is
11 not present, an exclusion.

12 Q. And can you tell the jury what you mean by
13 inclusion/exclusion?

14 A. Yeah. So, basically included is the number that we
15 found on the standard are present on the numbers that we got
16 on the evidence. If somebody is excluded, those numbers do
17 not line up.

18 Q. So inclusion, to put it another way, does that just
19 kind of mean that a person's DNA profile from the standard is
20 present in the evidence that was obtained?

21 A. That is correct.

22 Q. And if it is excluded, it's not present?

23 A. Correct.

24 Q. Are inclusion and exclusion the only results that
25 you can get or are there other options?

1 A. There are other options. We may report an
2 inconclusive. There's not enough there to really tell if
3 somebody is included. We may report something that's too weak
4 if we don't get enough data from the evidence to make it
5 inclusive.

6 Q. Okay. And you said that you report out your results
7 of these analyses?

8 A. Yes, sir.

9 Q. How do you do that?

10 A. We issue a report that state's the items tested and
11 the conclusions that were made.

12 Q. I want to turn your attention to the specific items
13 that were tested in this case. Did you actually generate a
14 report in connection with this?

15 A. Yes, sir. I did.

16 Q. Do you have that in front of you?

17 A. I do.

18 Q. Let's go through the items that you received. Can
19 you tell the jury what item 2 is and what your analysis
20 revealed about item 2?

21 A. Yes, sir. So item 2 is a swab from a 12 gauge
22 shotgun serial number 280817 and for item 2 the results were
23 too weak for match purposes.

24 Q. Okay. I think you touched on it briefly a minute
25 ago, but if you could please explain to the jury what does it

1 mean when it's too weak?

2 A. Yeah. So, for a profile too weak, it basically
3 means that we didn't get enough there to make a match for an
4 inclusion to a known standard.

5 Q. Not enough to make a match for inclusion?

6 A. Yes, sir.

7 Q. To a known standard, is that what you said?

8 A. Yes, sir.

9 Q. All right. And you could have one known standard or
10 you could have a hundred different known standards to compare
11 this profile to, but if the result was too weak, would you be
12 able to include any of those standards as part of that piece
13 of evidence?

14 A. No. If the results too weak, then it's - if it is
15 too weak, then it's too weak to do anything with regardless of
16 the number of standards submitted.

17 Q. And that was your finding for the swab from the
18 shotgun provided to you, correct?

19 A. Yes, sir.

20 Q. All right. Can you also tell the jury about items
21 36 through 40? First of all, what are those items.

22 A. Yes, sir. So, item 36 is swabs from prints on the
23 driver's door window interior. Item 37 is a swab from the
24 steering wheel gear shift. 38 is a swab front prints on
25 passenger's window interior. 39 is a swab from prints, swab

1 from interior passenger side front door. 40 is a swab from
2 print on passenger front seatbelt buckle.

3 Q. And then also for number 85 please?

4 A. 85 is a swab from interior driver's door, and the
5 results for all of those items would have been, they were all
6 too weak for match purposes.

7 Q. And I believe we just heard from Investigator Seay a
8 moment ago that took those, they were all from the white Crown
9 Victoria; is that right?

10 A. They were from the car processed in the case.

11 Q. And you said each one of those was too weak?

12 A. Yes, sir. Too weak.

13 Q. Same as what you described for the swab from the
14 shotgun?

15 A. Yes, sir.

16 Q. Okay. Now, let's move onto item 3. What is that?

17 A. Item 3 is a swab from a 12 gauge shotgun shell
18 casing.

19 Q. And what was your finding on analyzing that item?

20 A. For that it was insufficient DNA for -- I apologize.
21 Insufficient DNA was extracted from that item.

22 Q. Tell the jury what that means.

23 A. Okay. So that means basically we do a process
24 called quantification where we figure out how much DNA is
25 present on the item and so if it's below a certain amount, we

1 won't get a profile from that so for that item and a couple
2 others there was not enough DNA to even push it forward to
3 develop a profile.

4 Q. Not enough DNA present to develop a profile?

5 A. Yeah. So we didn't push it forward for that next
6 step.

7 Q. Okay. So the question that I have then is, I mean,
8 either DNA is there or it's not, right? Why does it matter
9 how much is present for you to analyze?

10 A. Yeah. So we need a certain amount to move forward
11 and a lot of times we'll run stuff that is less than that and
12 we get these partial profiles where we don't have a complete
13 set of data or items with the amount of DNA as low as
14 something like this so we wouldn't get anything on it.

15 Q. Is that industry standard to approach it in that
16 manner?

17 A. It is.

18 Q. So that was your finding for item 3. You referenced
19 that there were a couple other items on which you reached the
20 same conclusion; is that right?

21 A. Yes, sir.

22 Q. Which items were those?

23 A. Item 27 which is a swab from a .380 FCC or fired
24 cartridge casing and item 35 is a swab from prints on driver's
25 door window exterior.

ASHLEY LEE - DIRECT BY MR. GOLDBERG

447

1 Q. Now let's look at item 13. What was that that you
2 received?

3 A. Item 13 was a swab from three FCC's or fired
4 cartridge casings .40 caliber.

5 Q. Tell the jury what your result was in your analysis
6 of those items.

7 A. No DNA was extracted from item 13, so again that
8 process where we quantify how much DNA there is, we didn't get
9 anything off of it so we got what's called a non detected.

10 Q. The previous category, the insufficient, there was
11 something but it wasn't enough, but are you saying on this one
12 there was nothing?

13 A. Correct.

14 Q. Okay. And then items 5 and 6, what are those?

15 A. Item 5 is nail scrapings left hand and item 6 is
16 nail scrapings right hand.

17 Q. And your results and your analysis of those two
18 items?

19 A. We did not perform any analysis on those two
20 items.

21 Q. Can you speak to why?

22 A. Yeah. So we work on a request basis process so
23 whatever is requested of the evidence to be tested, that is
24 what we processed and those two items were not requested to be
25 processed.

1 Q. Would it be -- Let me ask you this: When there has
2 been a stabbing, for example, would it be common to test for
3 nail scrapings or not?

4 A. Yes. So if there's some indication of physical
5 contact oftentimes nail scrapings would be requested to be
6 analyzed.

7 Q. How about a shooting?

8 A. It would depend on a case scenario.

9 Q. So you said if there was some evidence of what?

10 A. Physical contact.

11 Q. Physical contact?

12 A. Yes.

13 Q. Okay. All right. Just a couple more questions.

14 I'm gonna ask you a hypothetical here. If someone was the
15 primary driver of the vehicle, would it be possible for their
16 DNA profile to be found in that particular vehicle?

17 A. It would be.

18 Q. Is it possible that their DNA profile would not be
19 found in that vehicle?

20 A. It's possible.

21 Q. And why is that? How are those two things --

22 A. Some people are what we call shedders which
23 basically means that they shed off more skin cells, they leave
24 more DNA behind. A person who is not a shedder may not leave
25 a lot of DNA behind in a vehicle. They may clean their car

1 regularly and their DNA wouldn't be present. There's a
2 variety of situations.

3 Q. So taking it a step further, if that person's DNA,
4 the primary driver of a vehicle is not found in the vehicle,
5 does that mean that that person has never been inside of that
6 vehicle?

7 A. Not necessarily.

8 Q. You talk about firearms or shell casings next. What
9 are some of the reasons why a person's DNA might or might not
10 be found on a firearm?

11 A. A lot of the same things. If a person is a shedder,
12 their DNA may be left behind on a gun. If they're not, it may
13 not. And, of course, shell casings, they go through a,
14 they're fired through a chamber and they're exposed to a lot
15 elements. We don't typically get great results from shell
16 casings for DNA.

17 Q. If an item like a firearm or a shell casing is
18 swabbed and analyzed and the results as you described for some
19 of these items are too weak for analysis purposes, does that
20 mean that a particular person has never touched them?

21 A. No. It does not.

22 Q. Does it mean that they never used in any way
23 whatsoever?

24 A. No.

25 Q. Does it mean they could have used it thought?

1 A. They certainly could have.

2 Q. You just don't know?

3 A. Correct. We don't know.

4 Q. Same thing with insufficient DNA, could they have
5 touched the item?

6 A. It's possible.

7 Q. A particular person that is?

8 A. Yes.

9 Q. And a particular person may not have?

10 A. They may not have.

11 Q. And, of course, lastly with no DNA being found, the
12 same answer, the same thing; is that fair?

13 A. Correct.

14 Q. If crime scene investigators were to collect the pen
15 that I've been waving around up here and provide it to you and
16 it's analyzed by you, would you automatically find my DNA
17 profile on this pen?

18 A. Not necessarily. A lot depends on how long you've
19 been using that pen, if anybody else has handles that pen, if
20 you're a shedder, if you're not. It just depends on --

21 Q. A number of factors?

22 A. -- a number of factors, correct.

23 MR. GOLDBERG: Thank you. Those are all my
24 questions.

25 THE COURT: Any cross examination.

ASHLEY LEE - CROSS BY MR. TATE

451

1 MR. TATE: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. TATE:

4 Q. You would agree with me that what is collected in
5 the swabbing process, I might not even be able to see it,
6 could I?

7 A. For sure. Yes. I would agree.

8 Q. And what we're collecting commonly, you used the
9 term shedding, I believe, is skin cells?

10 A. In this instance, yes, sir.

11 Q. And there's a big difference between contact DNA, in
12 your world, DNA analysis, and DNA that is found in blood or
13 hair or semen in a crime scene?

14 A. Correct. There is a difference.

15 Q. And with blood or hair or semen you make a fairly
16 definitive finding, fair?

17 A. A lot of times we will get more DNA from body fluids
18 or hair than we would from a touch --

19 Q. And you're looking at 22 locations inside DNA?

20 A. Yes, sir.

21 Q. And you were never asked to look at any hair in this
22 case?

23 A. No, sir.

24 Q. You were never asked to look at any blood?

25 A. No, sir.

- 1 Q. Never asked to look at any bodily fluid?
- 2 A. No, sir.
- 3 Q. Now, you would agree with me that DNA samples can be
- 4 collected in more than one way, can't they?
- 5 A. They can.
- 6 Q. They can be swabbed?
- 7 A. Yes, sir.
- 8 Q. Items can be washed to collect DNA, fairly recent
- 9 technology?
- 10 A. Yes, sir.
- 11 Q. Better chance of finding DNA, isn't it?
- 12 A. It would depend on the item and what's on it and the
- 13 scenario for the case.
- 14 Q. And you would agree with me DNA is transferred?
- 15 A. It is. Yes.
- 16 Q. If I shook your hand and you touched the Judge's
- 17 bench, my DNA may be somewhere I've never been, couldn't it?
- 18 A. There is a chance that that would happen.
- 19 Q. And I think you testified that your agency works on
- 20 a request basis?
- 21 A. Yes, sir.
- 22 Q. That means you do what the investigator asks you,
- 23 right?
- 24 A. Yes, sir.
- 25 Q. Fair?

1 A. We do what's requested.

2 Q. If he asks you, you do it. If he doesn't, you
3 don't?

4 A. That is correct.

5 Q. Now, I trust you've got your report in front of
6 you?

7 A. Yes, sir.

8 Q. The same one that we got through discovery I'm sure.
9 Let me back up a minute. Now, you actually used a process
10 called PCR amplification?

11 A. Yes, sir. We did.

12 Q. And that takes those little what, three, four, five,
13 six skin cells sometimes and gives you data you can use by
14 making it your own?

15 A. We make copies through PCR of the DNA that is
16 present, yes, sir.

17 Q. Developed by a gentleman named Kary Mullis?

18 A. Yes, sir.

19 Q. Who went to high school in Columbia, South Carolina,
20 correct.

21 A. He did. Yes, sir.

22 Q. And won a Nobel Prize, correct?

23 A. He did. Correct.

24 Q. As to the nail scraping, item five and six, now,
25 based on this information do you know whose nail scrapings

1 those might have been?

2 A. No, sir. I do not. They would likely have come
3 from one of the victims.

4 Q. You didn't do nothing because they asked you not to
5 do anything, fair?

6 A. Yeah. They were not requested to be run.

7 Q. Now, buccal swabs on Mr. Glenn and Ms. Hayes is
8 where they put a Q-Tip in somebody's cheek and get skin cells,
9 fair?

10 A. Yes, sir.

11 Q. And you call that a known because you know where it
12 came from, fair?

13 A. That's correct.

14 Q. As to 27 through 39, I'm sorry, 35 through 39 and
15 40, they came from some car somewhere?

16 A. It did come from a car.

17 Q. You never saw the car?

18 A. I did not. We just got swabs.

19 Q. Never saw the collection process?

20 A. No, sir.

21 Q. Don't know nothing about it?

22 A. No, sir. We just processed what was requested.

23 Q. Didn't find anything, did you?

24 A. No, sir. What I got was insufficient, too weak.

25 Q. You certainly found no DNA belonging to

1 Mr. Doctor?

2 A. That is correct. We did not run a standard for
3 him.

4 Q. Thank you. As to the second items 2 and 3, your
5 understanding and what you processed were swabs?

6 A. Yes, sir. I did not process the swabs specifically,
7 but I ran analysis on them.

8 Q. And you made a determination that there was nothing
9 there that helped identify anybody?

10 A. Correct. What was present on item 2 was too weak
11 and what was present on item 3 was insufficient.

12 Q. And you certainly didn't find any DNA or anything to
13 do with Mr. Doctor?

14 A. No. One was too weak and the other was
15 insufficient.

16 Q. Item 85, swab from interior driver's door. You
17 following me on your report?

18 A. Yes, sir.

19 Q. You did some science on that one too?

20 A. Yes, sir. We did.

21 Q. And you didn't find any DNA?

22 A. No, sir. That one was also too weak.

23 Q. And you certainly didn't find anything implicating
24 Mr. Doctor?

25 A. No. It was too weak for match purposes.

1 MR. TATE: Ms. Lee, thank you for coming and thank
2 you for your testimony. I don't have any further
3 questions.

4 THE COURT: Any redirect?

5 MR. GOLDBERG: Yes, ma'am.

6 REDIRECT EXAMINATION

7 BY MR. GOLDBERG:

8 Q. Mr. Tate asked you about hair, blood, and bodily
9 fluids; is that right?

10 A. Yes, sir. He did.

11 Q. And what is it that he asked you about the, I don't
12 know, quantity or quality of the DNA that comes from those
13 items?

14 A. Yes.

15 Q. And what was your answer to that?

16 A. Yes. A lot of times there's more DNA present in
17 blood or bodily fluids than there would be from touch DNA.

18 Q. Okay. And is it a common practice for a -- Let me
19 back up. Maybe I have to -- If you were provided with a hair
20 sample from a suspect in a case and compared that to a swab,
21 the items such as the ones collected in this case, would your
22 results have been different?

23 A. No. It still would have been too weak. The result
24 we got was too weak.

25 Q. Because your result, is it fair to say your result

ASHLEY LEE - REDIRECT BY MR. GOLDBERG

457

1 was based on the DNA that was or was not present on the items
2 of evidence, not on the standards provided for comparison,
3 correct?

4 A. Correct.

5 Q. So you could have been given a blood sample from a
6 suspect and compared it to those items and your results would
7 have been the same?

8 A. Correct. Regardless of the known standards the
9 results would have been the same.

10 MR. GOLDBERG: Thank you.

11 THE COURT: Anything further from this witness?

12 MR. TATE: Nothing further. Thank you.

13 THE COURT: Thank you. You may step down. Call
14 your next witness.

15 MS. GASTON: The State calls Megan Fletcher.

16 Thereupon,

17 MEGAN FLETCHER

18 after having been first duly sworn, testified as follows,

19 THE CLERK: Please have a seat. Once you're seated,
20 state your full name for the record please.

21 MS. GASTON: Your Honor, may we approach briefly?

22 THE COURT: Yes.

23 (Side bar off the record.)

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, Ms. Fletcher actually will testify after lunch.

1 We're gonna to take a lunch break at this point. Don't
2 discuss the case amongst yourselves or with anyone else.
3 Don't do any research about the case. Be back in your
4 jury room at 1:45. See you then.

5 (Whereupon, the jury was released for lunch break at
6 12:20 p.m.)

7 THE COURT: Ms. Fletcher, you have been placed under
8 oath. You are not allowed to discuss your testimony over
9 the lunch break, otherwise, do as you wish. See you all
10 at 1:45. Do we have an issue?

11 MS. EIGENBROT: I just wanted to go back to the
12 statement issue.

13 THE COURT: Okay.

14 MS. EIGENBROT: I also wanted to put on the record,
15 I think the probative value of that statement is less in
16 this situation because we're not challenging necessarily
17 what Mr. Doctor said in that interview. I think that's
18 the difference between, you know, the statements back
19 then and the statements now on video and the arguments
20 that defense attorneys make. A lot of times when they
21 typed up statements for our clients, our clients disputed
22 what was being said so we challenged it saying, well, if
23 you guys had just recorded it, we couldn't challenge that
24 because it would be on video and I think that's kind of
25 what I use the videos for and what I consider and what I

1 Fletcher was sworn in before we took the lunch break and
2 I thought she was going to testify after lunch and she
3 is, but she's not the very next witness, and just I want
4 to point out or have you recognize, of course, these are
5 all human beings with lives and other things going on so
6 even though they're here to testify, some of the order of
7 witnesses is sometimes based on the availability of the
8 witnesses and so Ms. Fletcher, the witness that we had
9 that could have gone this morning, since we've taken the
10 lunch break other witnesses that maybe should have
11 testified before her have become available just because
12 of their schedule or whatever life circumstances so you
13 will still hear from Ms. Fletcher, but she's not going to
14 be the very next witness. We've sort of reordered things
15 just a little bit so the State will recall her at some
16 point, but I'm going to call on them now to call their
17 next witness.

18 MR. GOLDBERG: Thank you, Your Honor. The State
19 calls Investigator Ronnie Hinson.

20 Thereupon,

21 RONNIE HINSON

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

23 THE CLERK: Please have a seat. Once you're seated,
24 state your full name for the record please.

25 THE WITNESS: Investigator Ronnie Hinson,

1 H-i-n-s-o-n, Richland County Sheriff's Department.

2 DIRECT EXAMINATION

3 BY MR. GOLDBERG:

4 Q. Sir, tell this jury what your role is with the
5 Richland County Sheriff's Department.

6 A. I am a victim's advocate for the Richland County
7 Sheriff's Department assigned to the investigation division.

8 Q. How long have you been with the Sheriff's
9 Department?

10 A. Roughly 12 years now.

11 Q. Tell the jury a little bit about your duties over
12 those 12 years.

13 A. I began as a burglary investigator and moved my way
14 up to major crimes investigator. At the time of this
15 investigation I was assigned to major crimes. Since I moved
16 on to be a victim advocate.

17 Q. Okay. So this was back on October the 4th of 2019
18 when you were in investigations; is that right?

19 A. Yes, sir.

20 Q. Did you have an opportunity to become involved with
21 the case we are dealing with here today?

22 A. Yes, sir. I did.

23 Q. Were you in fact dispatched to a particular
24 location?

25 A. Yes. I was assisting the investigation and was

RONNIE HINSON - DIRECT BY MR. GOLDBERG

465

1 dispatched or went to an area of Slab Pile Road in Richland
2 County.

3 Q. Okay. And approximately -- I'm sorry. What date
4 was that?

5 A. That was on October 4th, 2019.

6 Q. Approximately what time?

7 A. I think it was around two p.m. in the afternoon.

8 Q. All right. And what was the purpose of you
9 responding to Slab Pile Road?

10 A. There was, our aerial unit found a white colored
11 Crown Vic in a wooded area on Slab Pile Road that was possibly
12 associated with this investigation.

13 Q. And you actually went to that location where the
14 white Crown Vic was located?

15 A. Yes.

16 Q. What did you do upon arrival?

17 A. Went to the location, went the vehicle, observed a
18 white Ford Crown Vic in a wooded area, saw that it had a paper
19 tag on it, the vehicle that we were actually looking for, and
20 at that time I would call a tow service to have the vehicle
21 towed to our location.

22 Q. Were there other officers present at this scene?

23 A. Yes. There were other officers in the area.

24 Q. Okay. And did you or to your knowledge any of those
25 officers enter the vehicle at any point?

1 A. No. We didn't.

2 Q. And why was that?

3 A. Our normal protocol when we have a vehicle that's
4 involved in an investigation is to simply identify the
5 vehicle, then have a tow truck come and pick the vehicle up,
6 and at that time we follow it back to a secured location for
7 it to be processed at a later time by our crime scene unit.

8 Q. So at this point it's not your job to look for
9 evidence in the vehicle or anything like that?

10 A. Right. It's not my job.

11 Q. So is that what occurred in this case in terms of
12 notifying the tow company?

13 A. Yeah. That's what I did.

14 Q. Which tow company responded?

15 A. We notified Schroder's Towing who is on our rotation
16 to come and get the vehicle.

17 Q. Did you observe them actually take control of that
18 vehicle?

19 A. Yes.

20 Q. And did they tamper with the vehicle?

21 A. No. As far as, they just got it on the, and I can't
22 remember if it was a roll back or a regular pickup, regular
23 tow truck, just attached to that vehicle and we told them
24 where it needed to go and we followed it to our
25 headquarters.

RONNIE HINSON - DIRECT BY MR. GOLDBERG

467

1 Q. So that was my next questions. Where did the white
2 Crown Vic get towed to?

3 A. Our normal protocol is to follow the vehicle to
4 where it's going to be secured. For this investigation we
5 followed it to our headquarters on Two Notch Road and we have
6 an evidence processing garage at that location. It was towed
7 there and then at that time it was turned over to Investigator
8 Holt with crime scene investigation.

9 Q. As it was being towed, were you in the tow truck or
10 where were you?

11 A. No. I followed behind in our vehicle behind the tow
12 truck. The tow truck knows where to go, the tow truck driver
13 and we make sure we follow it so we can view the vehicle the
14 whole time until it gets turned over to our crime scene
15 unit.

16 Q. And I believe you mentioned a moment ago that once
17 it was brought into the garage at the Sheriff's Department, it
18 was turned over from you to whom?

19 A. Yes. Investigator Holt. I signed the custody form
20 over to him, he took custody of the vehicle and then they did
21 their process of investigation from there.

22 Q. All right. I'll show you what's marked as State's
23 62 for ID. Do you recognize?

24 A. Yes. That's the white Crown Vic.

25 Q. Where is it located?

1 A. At that time it's in our evidence garage at the
2 Sheriff's Department.

3 Q. Doe this photograph fairly and accurately depict the
4 Crown Vic inside the garage?

5 A. Yeah. That's it. Yes, sir.

6 MS. GASTON: At this time we offer State's 62 into
7 evidence.

8 MR. TATE: Without objection.

9 THE COURT: State's 62 is admitted without
10 objection.

11 MR. GOLDBERG: Thank you, Your Honor.

12 BY MR. GOLDBERG:

13 Q. Following turning the vehicle over to Investigator
14 Holt, did you have any further involvement in this case?

15 A. No.

16 MR. GOLDBERG: Thank you, sir. No further
17 questions.

18 THE COURT: Cross examination.

19 MR. TATE: Very quickly.

20 THE COURT: Yes, sir.

21 CROSS EXAMINATION

22 BY MR. TATE:

23 Q. Investigator Hinson, did you have a set of keys for
24 the automobile?

25 A. I don't remember having a set of keys. No, sir.

TREVOR HOLT - DIRECT BY MR. GOLDBERG

469

1 Q. Do you remember if the tow operator opened the car
2 up?

3 A. I don't remember if he opened it up or not.

4 Q. Do you remember if he crawled up under it to
5 uncouple the transmission?

6 A. No, sir.

7 MR. TATE: Okay. Thank you. I don't have any
8 further questions.

9 THE COURT: Any redirect?

10 MR. GOLDBERG: No, ma'am.

11 THE COURT: Thank you, sir. You may step down.
12 Call your next witness.

13 MR. GOLDBERG: Yes, Your Honor. The State calls
14 Trevor Holt.

15 Thereupon,

16 TREVOR HOLT

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

18 THE CLERK: Please have a seat. Once you're seated,
19 state your full name for the record please.

20 THE WITNESS: Trevor Holt.

21 DIRECT EXAMINATION

22 BY MR. GOLDBERG:

23 Q. Good afternoon. Would you tell this jury where
24 you're employed and what you do?

25 A. I'm employed with the Richland County Sheriff's

1 Department. At this time I'm assigned to the technical
2 service unit.

3 Q. How long have you been with the Sheriff's Office?

4 A. Since December 1995.

5 Q. Can you tell the jury a little bit about your duties
6 over those number of years?

7 A. Yes. In 1995 I started here in the courthouse
8 actually waiting on an academy date. Once I successfully
9 completed the police academy I went on to uniform patrol and
10 did 12 years uniform patrol. I was a line supervisor. I
11 applied for the crime scene investigation unit, went through
12 testing, four interviews, I was accepted, I began my career
13 February 2008 as a crime scene investigator until February of
14 this year.

15 Q. So approximately 14 years in the crime scene area?

16 A. Approximately.

17 Q. During that time, did you ever have occasion to
18 process items of evidence?

19 A. Absolutely.

20 Q. And this jury has already heard kind of about what
21 that means, but just briefly in regards to processing what
22 does that mean?

23 A. Sure. So part of our processing is gonna be
24 documentation, collection, preservation of physical evidence,
25 and then maybe gone through different methods of photography,

1 sketches, notes, actual collection of physical evidence,
2 whatever those items may be that are related to a scene or to
3 an incident that occurred that we are investigating.

4 Q. And back on October the 4th of 2019, were you asked
5 to participate in the investigation in this case?

6 A. I was. I was asked to process a 2017 Toyota
7 Highlander that was secured in our forensic garage.

8 Q. How did you go about processing that vehicle?

9 A. The vehicle was documented through photography
10 initially. After that I was request to process the interior
11 and exterior of the driver's door for latent prints and touch
12 DNA. I did that successfully with six latent print cards
13 collected and submitted. I collected swabs from the interior
14 and exterior driver's door handles. I also documented a few
15 items in the vehicle of interest, a bag of white rock that was
16 located on the front passenger's floor, another white rock
17 that was located on the center console, a third white rock
18 that was on the floor driver's area. I collected two scales,
19 one was on the driver's area of the floor, one was in the dash
20 area, and then the two swabs from the door handles.

21 Q. The swabs that you took, what did you do with
22 those?

23 A. They were packaged and submitted to evidence and
24 property.

25 Q. And the items you described, the white rock

1 substances and scales?

2 A. They were also packaged and submitted to evidence
3 and property.

4 Q. Okay. And you indicated that you were able to
5 obtain multiple latent prints. What did you do upon lifting
6 those prints?

7 A. The latent print cards are filled out. It's got the
8 case information on the back of the card, it's got my
9 information so they'll know who collected the print and it's
10 got the location of where the print was actually collected
11 from on the vehicle. These items were then packaged and
12 submitted into evidence and property.

13 Q. That same day did you, I believe a little earlier
14 that day did you come in contact with a second vehicle related
15 to this case?

16 A. I did. I made contact with Investigator Hinson and
17 via chain of custody I received a '96 Ford Crown Victoria
18 white in color.

19 Q. I'll show you State's 62 that's already in evidence.
20 Do you recognize that?

21 A. I do.

22 Q. And what is that?

23 A. That is the '96 Ford Crown Vic vehicle white in
24 color.

25 Q. And in this photo is located where?

TREVOR HOLT - CROSS BY MR. TATE

473

1 A. In the forensic garage.

2 Q. You said you received that from Investigator Hinson
3 and upon doing so did you process the vehicle at that time?

4 A. I did not. I just secured it inside the forensic
5 garage.

6 MR. GOLDBERG: That's all I have. Thank you.

7 THE COURT: Cross examination.

8 MR. TATE: Very brief, Your Honor.

9 CROSS EXAMINATION

10 BY MR. TATE:

11 Q. Investigator Holt, thank you for coming today. How
12 are you?

13 A. I'm doing well, sir.

14 Q. Good. Toyota Highlander.

15 A. Toyota Highlander.

16 Q. What color?

17 A. Bluish gray.

18 Q. And the fingerprint cards or the fingerprint lifts
19 you forwarded was for comparison?

20 A. They were submitted to evidence and property and
21 they will eventually go for comparison, yes, after that.

22 Q. Three white rocks, one in a sack and two not,
23 fair?

24 A. Yes.

25 Q. And you submitted those for drug identification?

1 A. Yes, after they go to evidence and property, they go
2 forward to --
3 Q. Go to the drug lab?
4 A. What's that?
5 Q. Go to the drug lab?
6 A. Correct.
7 Q. And I'm guessing you probably hadn't, you didn't
8 receive any results on those?
9 A. No, sir. I did not.
10 Q. And two digital scales?
11 A. Yes.
12 MR. TATE: Thank you. I don't have any further
13 questions, Your Honor.
14 THE COURT: Any redirect?
15 MR. GOLDBERG: No, Your Honor.
16 THE COURT: Thank you, sir. You may step down.
17 Call your next witness.
18 MS. GASTON: The State recalls Megan Fletcher.
19 THE COURT: And Ms. Fletcher is still under oath.
20 DIRECT EXAMINATION
21 BY MS. GASTON:
22 Q. Good afternoon, Ms. Fletcher.
23 A. Good afternoon.
24 Q. Please introduce yourself to the jury and tell them
25 about what you do for a living.

MEGAN FLETCHER - DIRECT BY MS. GASTON

475

1 A. My name is Megan Fletcher, F-l-e-t-c-h-e-r, I'm
2 employed by the South Carolina Law Enforcement Division in the
3 forensic services laboratory as a trace evidence analyst.

4 Q. And is the South Carolina Law Enforcement Division
5 commonly referred to as SLED?

6 A. Yes, ma'am. It is.

7 Q. How long have you been working there?

8 A. Approximately 14 and a half years.

9 Q. Please tell the jury a little bit about your
10 educational background.

11 A. I have my bachelor's degree from Chatham College in
12 biochemistry and English. I also have my master's degree from
13 Marshall University emphasizing in computer forensics and
14 forensic chemistry. When I obtained my employment with SLED,
15 I also underwent in-house training on every discipline in
16 which I am competent to perform analysis which includes fire
17 debris, paint, fibers, paint explosives, general chemical
18 unknowns, glass and gunshot primer residue.

19 Q. Do you hold any certifications in the area?

20 A. No, ma'am. SLED just deems us competent through a
21 series of tests both written, practical and oral.

22 Q. And are your reports peer reviewed?

23 A. Yes, ma'am. A hundred percent of our reports are
24 technically and administratively reviewed.

25 Q. And if you had to guess, about how many courses have

1 you attended over the years?

2 A. Probably around 50 or so in all of trace evidence.

3 Q. And what is trace evidence?

4 A. So trace evidence is basically things that you can't
5 see with the naked eye, so if you're talking about gunshot
6 residue, we're talking about microscopic particles that are so
7 tiny you could fit anywhere between one and ten on a human
8 hair. If we're talking about fire debris, we're talking about
9 the vapors from gasoline or paint chips left behind from a hit
10 and run so it's just basically evidence that you can't see
11 with the naked eye.

12 Q. And has the majority of your work been in this area
13 of trace evidence?

14 A. My entire career has been in trace evidence.

15 MS. GASTON: Your Honor, the State offers Megan
16 Fletcher at this time as an expert in the area of trace
17 evidence.

18 THE COURT: Any objection or voir dire?

19 MR. TATE: I don't think so, Your Honor. No
20 objection. Thank you.

21 THE COURT: Ladies and gentlemen of the jury, Ms.
22 Fletcher is an expert qualified in the area of trace
23 evidence and the same rules that I told you apply to the
24 other expert witnesses will apply to Ms. Fletcher. Give
25 her testimony the weight and credibility you think it

MEGAN FLETCHER - DIRECT BY MS. GASTON

477

1 deserves. Go ahead, Ms. Gaston.

2 MS. GASTON: Thank you, Your Honor.

3 BY MS. GASTON:

4 Q. Okay. Ms. Fletcher, you mentioned trace before.

5 Did you also mention gunshot residue?

6 A. I did mention gunshot residue. Yes.

7 Q. Can you please tell the jury what that is.

8 A. So gunshot residue is everything that comes out of a
9 gun when it's fired, the smoke, the flame, particles, pieces
10 and fragments from the bullet and from the cartridge cases,
11 unfired particles of gun powder, but it also includes gunshot
12 primer residue which is actually what we're looking at and
13 primer residue are microscopic molten particles that contain
14 elements lead, barium and antimony.

15 Q. And how do you get primer residue on you?

16 A. There are three ways in which gunshot primer residue
17 is deposited onto a surface; by discharging a firearm, coming
18 in contact with a surface that has gunshot residue on it, or
19 being in the vicinity to the discharge of a firearm.

20 Q. Can it be transferred from person to person?

21 A. Yes, ma'am. It can.

22 Q. Are you able to put a time stamp on residue found on
23 an inanimate object?

24 A. No. He we cannot determine how long a particle or
25 particles of gunshot primer residue have been on any inanimate

1 objects like clothing or vehicles because there's nothing that
2 is actively removing it. Gunshot residue is very easily
3 removed and transferred from various surfaces. If I have it
4 on my hands, I can transfer it to the inside of my pocket or
5 to a doorknob or I can simply wash it away. But if it's on
6 clothing or a vehicle, you have to actively remove it by
7 wiping it or it has no rain on it or something like that.

8 Q. And do you collect the actual kit for the gunshot
9 residue?

10 A. No. I do not.

11 Q. Is it submitted to you?

12 A. Yes. A submitting agency, an investigating agency
13 submits it to the SLED laboratory for analysis.

14 Q. The analysis would be something that you perform?

15 A. Yes.

16 Q. And how is this analysis performed on gunshot
17 residue?

18 A. So the particles that are included in the gunshot
19 residue kit are basically stamps and they have a sticky
20 surface and any evidence that's really collected with it, it
21 could be dirt, debris, anything that it comes in contact with.
22 What we do is analysis it with a very powerful microscope that
23 uses electrons instead of light and that is called a scanning
24 electron microscope. It's also analyzed with a detector on
25 that microscope that allows us to determine when particles

MEGAN FLETCHER - DIRECT BY MS. GASTON

479

1 contain certain elements so if we're gonna find gunshot primer
2 residue particles, we're going to be looking for molten
3 particles that contain the elements lead, barium and
4 antimony.

5 Q. And in order to indicate the presence of gunshot
6 residue, do you need all three of those particles?

7 A. Yes. If a particle is deemed to be characteristic
8 of gunshot primer residue, it has to have lead, barium and
9 antimony in combination with one another in a singular
10 particle.

11 Q. Okay. Do you report particles that have less than
12 all three of these elements?

13 A. We do not.

14 Q. And did you have occasion to test any evidence or
15 analyze any evidence from this particular case?

16 A. I did.

17 MS. GASTON: Your Honor, I'm approaching the witness
18 with what's been previously marked but not entered as
19 State's 65.

20 THE COURT: Yes, ma'am.

21 BY MS. GASTON:

22 Q. Do you recognize that envelope?

23 A. I do recognize this envelope.

24 Q. And what is it?

25 A. I recognize this envelope based upon the SLED

1 laboratory number L20-18305 item number 1 which was a gunshot
2 residue kit from a '96 white Ford Crown Victoria and it also
3 has the vehicle identification number on the outside of the
4 package.

5 Q. Is there, on the back of that envelope is there any
6 sort of identification from the South Carolina Law Enforcement
7 Division?

8 A. There is also a seal across the opening of the kit
9 with SLED forensic services evidence tape and it has the date
10 on which it was closed and my lieutenant initialed on that.

11 Q. And this is the item that you performed the analysis
12 on?

13 A. This is the item that the analysis was performed on.
14 Correct.

15 MS. GASTON: Your Honor, the State moves to enter
16 State's 65 into evidence.

17 THE COURT: Any objection?

18 MR. TATE: Without objection, Your Honor. Thank you
19 very much.

20 THE COURT: State's 65 is admitted without
21 objection.

22 MS. GASTON: Thank you, Judge.

23 BY MS. GASTON:

24 Q. Ms. Fletcher, how did you become involved in testing
25 this particular piece of evidence?

MEGAN FLETCHER - DIRECT BY MS. GASTON

481

1 A. The gunshot residue kit was submitted to SLED with a
2 gunshot residue request on it and so it was analyzed.

3 Q. And when you did your analysis, did you use the same
4 process that you described earlier?

5 A. Yes. We used a scanning electron microscope with an
6 energy dispersive x-ray detector which is the standard for
7 analyzing gunshot primer residue.

8 Q. And please tell the jury what your results of your
9 analysis showed for this particular gunshot residue kit?

10 A. One particle of gunshot primer residue was found on
11 this kit.

12 Q. And again, does the presence of gunshot residue
13 particles tell us anything about time, when it was put there
14 or anything like that?

15 A. Not on an inanimate object such as this vehicle.
16 No.

17 Q. Just a few more questions, Ms. Fletcher. Typically
18 what is the time frame where you would test for the presence
19 of gunshot residue on a human being?

20 A. On a human being, somebody who is living, somebody
21 who is active, we will only test gunshot residue kits up to
22 six hours and that's because they are active, they are moving
23 around, they're touching different surfaces, they're putting
24 their hands in and out of their pockets, they're sweating, and
25 so they are actively removing the gunshot primer residue or

1 actively transferring it to other surfaces. Studies have
2 shown both in and out of our laboratory that gunshot primer
3 residue and the presence of it after discharging a firearm
4 rapidly dissipates around four to six hours.

5 Q. And can you please tell the jury about transferred
6 gunshot residue and what that would mean as far as the amount
7 of particles you might find.

8 A. So gunshot residue can be easily transferred. Like
9 I said, if you shot a gun and then you touched another object,
10 you may transfer some of that gunshot primer residue to that
11 object. You are not necessarily going to transfer all of it,
12 but you may transfer some of it.

13 Q. So hypothetically if you test for gunshot residue on
14 a hand that's fired a firearm and then later touched other
15 things, would you expect there to be more gunshot residue on
16 the hand or the other items that they touched later?

17 A. It would depend on a number of variables just
18 depending on the entirety of the activity of this individual,
19 but in general a hand that has recently discharged a firearm
20 would have more gunshot primer residue than an object that
21 they touched in a secondary transfer situation.

22 Q. And what are some things that would affect on a
23 human body the presence of gunshot residue or not?

24 A. It's not just on a human body, but it's the type of
25 gun, the type of ammunition, how many shots were fired, the

1 time elapsed between the incident and the collection, whether
2 the person is active, like they're running and sweating,
3 whether they're wiping their hands on their clothing, whether
4 they have used the restroom, whether they've washed their
5 hands. There are so many variables involved in what effects
6 how much gunshot primer residue can be found on somebody's
7 hands after the discharge of a firearm.

8 Q. Ms. Fletcher, can you please tell the jury what is
9 the difference between finding no particles versus finding one
10 or one or two particles? What is the difference there?

11 A. I mean, that's hard to really give an answer to. I
12 mean, all I can say is that there was one particle there. I
13 can't really provide difference of opinion. I can just say
14 that one is there. I can't tell you how it got there. I
15 can't say that it was in the vicinity to the discharge of a
16 firearm or somebody transferred it there, just like if there
17 was no particle there, I can't say that it wasn't in the
18 vicinity to the discharge and I can't say that nobody
19 transferred anything there either.

20 Q. And hypothetically if you shoot a firearm from
21 inside a vehicle, would you expect to see lots of particles
22 there?

23 A. In my experience in past cases when somebody has
24 discharged a firearm within a vehicle, the collected particles
25 or the collected gunshot residue kits do tend to show numerous

1 gunshot residue particles, yes.

2 Q. Ms. Fletcher, based on what you just said, for this
3 case in particular the fact that we have found as you just
4 mentioned one particle in the vehicle, are you able to draw
5 any possible conclusion regarding how that gunshot residue
6 might have been there transferred or otherwise?

7 A. I really don't have an opinion. I can't tell you
8 when or how it really got there. It came from within an
9 inanimate object either in the vicinity to the discharge of a
10 firearm or somebody transferred it there or an object with
11 gunshot primer residue transferred it there.

12 MS. GASTON: No further questions at this time, Your
13 Honor.

14 THE COURT: Any cross examination?

15 MR. TATE: Just a bit, Your Honor. Thank you.

16 CROSS EXAMINATION

17 BY MR. TATE:

18 Q. Is it Investigator Fletcher?

19 A. Just Ms. Fletcher is fine.

20 Q. Ms. Fletcher is fine. You're sworn law
21 enforcement?

22 A. I am.

23 Q. Graduated from the Criminal Justice Academy?

24 A. Just the two week legal classes.

25 Q. Okay. Work for SLED, correct?

MEGAN FLETCHER - CROSS BY MR. TATE

485

1 A. Yes, sir. I do.

2 Q. Out on Broad River Road?

3 A. Yes, sir.

4 Q. And I think you testified on direct examination six
5 of these little particles will fit on the width of a hair?

6 A. Anywhere between 10 to 100 so typically gunshot
7 primer residue can be one to ten micrometers in width or in
8 diameter and a human hair can be up to 100 micrometers - or
9 1000 micrometers in width so one millimeter.

10 Q. Really, really small?

11 A. Very, very small.

12 Q. How does a scanning electron microscope identify
13 individual elements necessary to be positive?

14 A. So the scanning electronic microscope doesn't
15 identify it. The scanning electron microscope allows the
16 analyst to be able to look at individual particles. The
17 detector that's attached to the microscope will actually scan
18 over an individual particle that we focused using the
19 microscope and it will send x-rays to the detector that have
20 characteristic x-rays from elements and those characteristic
21 x-rays tell us what elements are in that particle. If it's a
22 gunshot primer residue particle, it will contain lead, barium
23 and antimony.

24 Q. Is any other laboratory analysis undertaken to
25 confirm that finding?

1 A. No, sir. Scanning electron microscopy with energy
2 dispersive x-rays spectrometry is the gold standard for
3 gunshot primer residue analysis.

4 Q. And in this matter you found one particle,
5 correct?

6 A. That is correct, sir.

7 Q. And if you found one less, you would have found
8 none, fair?

9 A. That is correct, sir.

10 Q. And based on the information provided to you, you
11 have no idea where inside that automobile it came from?

12 A. The information form did state where that article
13 that it was collected from, yes, sir. It did.

14 Q. Where was that?

15 A. If I can refer to my notes?

16 Q. Please.

17 A. The one particle characteristic of gunshot primer
18 residue was located on the particle lift that was taken and to
19 have been collected from the interior driver's door.

20 Q. Thank you. More often than not you find more than
21 one particle, don't you?

22 A. It really is case dependent. We do so many cases,
23 we probably get 50/50 negatives and positives.

24 Q. There's no way of knowing where that gunshot
25 particle came from from your analyses, is there?

1 A. No. I'm just identifying the gunshot primer residue
2 particle.

3 Q. You don't know if that gunshot primer residue
4 particle came out of a shotgun? You have no way of knowing
5 that, do you?

6 A. No, sir. I can't identify the type firearm it came
7 from.

8 Q. Or a pistol?

9 A. No, sir.

10 Q. Or a rifle?

11 A. No, sir.

12 Q. Or a revolver?

13 A. No, sir.

14 Q. Or transferred from somebody else that it may have
15 touched?

16 A. That's correct, sir.

17 Q. And they could have touched another surface with
18 gunshot residue?

19 A. Yes, sir. Tertiary transfer has been shown to
20 happen with gunshot primer residue.

21 Q. So we have primary transfer, if I shoot a gun, shake
22 your hand, you touch the Judge's bench, that is swabbed, that
23 is primary transfer, correct?

24 A. Primary transfer would be if you touched that gun,
25 you got it off the gun so that would be primary transfer. If

1 you then touched the Judge's bench, that would be secondary
2 transfer. If somebody else touched that bench and got it on
3 their hands, that would be tertiary transfer.

4 Q. It moves all around, fair?

5 A. That is a fair statement.

6 Q. And no idea what kind of gun it was taken from, is
7 there? I think you testified to that.

8 A. That's correct.

9 Q. You have no idea from your testimony when that
10 residue could have been left there?

11 A. With an inanimate object I am not able to determine
12 when a particle is deposited on a surface.

13 Q. Don't know if it was the day before?

14 A. No, sir.

15 Q. Don't know if it was a week before?

16 A. No, sir.

17 Q. Don't know who left it there?

18 A. No, sir.

19 Q. Don't know what kind of gun it came from?

20 A. No, sir.

21 Q. In this matter were you asked to analyze any other
22 gunshot residue kits or swabs?

23 A. For this particular case I believe another kit was
24 submitted to the laboratory from a victim in this case,
25 however, that request was terminated.

MEGAN FLETCHER - REDIRECT BY MS. GASTON

489

1 Q. What does that mean it was terminated?

2 A. It was terminated by the submitting agency which was
3 the Coroner's Office.

4 Q. So they asked you not to test it?

5 A. That's correct.

6 MR. TATE: Ms. Fletcher, I don't have any further
7 questions. Thank you for coming today.

8 THE COURT: Any redirect?

9 MS. GASTON: Yes, Your Honor, briefly.

10 REDIRECT EXAMINATION

11 BY MS. GASTON:

12 Q. Ms. Fletcher, Mr. Tate just asked you about a GSR
13 kit that was submitted to the lab for one of the victims in
14 this case?

15 A. Yes, ma'am.

16 Q. Does SLED have a current policy on testing GSR kits
17 collected from victims?

18 A. Yes. We will not analyze gunshot residue kits
19 collected from victims who have sustained a gunshot wound.

20 Q. Why is that?

21 A. That's primarily because the majority of gunshot
22 primer residue is coming out of the muzzle of a gun. Not only
23 is it coming out of the muzzle of the gun, it also follows
24 along with the bullet along its path.

25 Q. So it would be fair to say GSR travels with the

1 bullet?

2 A. Yes. It travels along with the bullet.

3 Q. And does that make it difficult to differentiate
4 between whether someone who is shooting or shot at?

5 A. We cannot determine whether somebody was shooting or
6 shot at. We can only say that gunshot primer residue was
7 found on that victim and in fact around 75 to 80 percent of
8 cases that were previously analyzed at SLED from people who
9 sustained gunshot wounds did have particles characteristic of
10 gunshot primer residue on them.

11 Q. One more time, what is the time period for testing
12 GSR on human skin?

13 A. So for a living individual it is six hours.

14 Q. What happens after six hours?

15 A. We will not test the kit, that's because four to six
16 hours is really when we see a drop off on the amount of
17 particles that are present if any are left and studies in the
18 laboratory and in peer review papers, they demonstrate that as
19 well in that four to six hour range there's really no
20 particles left after a shooting incident.

21 Q. How about two days?

22 A. We would not test that kit.

23 MR. GOLDBERG: Nothing further, Your Honor.

24 THE COURT: Anything further from this witness?

25 MR. TATE: Very briefly.

SARAH HOLT - DIRECT BY MR. GOLDBERG

491

1 THE COURT: Yes, sir.

2 RECROSS EXAMINATION

3 BY MR. TATE:

4 Q. In this matter the request for the second test of
5 the victim was withdrawn by the Coroner's Office; is that
6 correct?

7 A. That is correct, sir.

8 MR. TATE: Thank you. No further questions.

9 THE COURT: Thank you. You may step down. Call
10 your next witness.

11 MR. GOLDBERG: The State calls Sarah Humphries.

12 Thereupon,

13 SARAH HUMPHRIES HOLT

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

15 THE CLERK: Please have a seat. Once you're seated,
16 state your full name for the record please.

17 THE WITNESS: Sarah Holt, H-o-l-t.

18 DIRECT EXAMINATION

19 BY MR. GOLDBERG:

20 Q. I'm sorry. I think I called you Sarah Humphries. I
21 apologize.

22 A. I got married so it's Holt now. It was Humphries.

23 Q. Thank you, investigator. And could you please tell
24 this jury where you work and what you do?

25 A. I work at the Richland County Sheriff's Department

1 and I'm a sergeant over the crime scene unit.

2 Q. How long have you been in the crime scene field?

3 A. I've been in the crime scene unit about six years.

4 Q. Tell the jury briefly about your duties in the crime
5 scene unit.

6 A. So in crime scene we respond to all different types
7 of crime scenes. We do training in there. We process items
8 for prints. We collect swabs from items. Uhm, we'll process
9 vehicles. We attend autopsies, and anything an investigator
10 may need us to process we'll process it.

11 Q. Did you have an opportunity to respond to a crime
12 scene on Ballenton Road on October the 3rd and the early
13 morning hours of October the 4th, 2019?

14 A. I did.

15 Q. And was that 129 Ballenton?

16 A. It was.

17 Q. What time did you respond to that location?

18 A. I arrived there about 12:25 a.m.

19 Q. How did you know to go there?

20 A. I was requested by Investigator Oates. I was the
21 on-call supervisor. He requested me to come in and help.

22 Q. Upon arrival what did you do?

23 A. When I got there, I assisted Investigator Oates with
24 searching and marking evidence. I assisted with the victims
25 in collecting items from them.

SARAH HOLT - DIRECT BY MR. GOLDBERG

493

1 Q. All right. Let's talk first about the female victim
2 Christine Hayes, did you have an opportunity to investigate
3 her situation?

4 A. I did.

5 Q. Okay. And what items did you collect from her at
6 the scene on Ballenton Road?

7 A. From the victim Hayes I collected a gunshot residue
8 kit, I collected nail scrapings, I collected buccal swabs, I
9 collected post mortem prints and I collected several items
10 from her pockets.

11 Q. And all of those items upon collection what would
12 you have done with them?

13 A. All of those items would have been submitted to
14 evidence and property once I had gotten back to headquarters
15 and packaged them.

16 Q. Packaged and sealed?

17 A. Correct.

18 Q. Did you have an opportunity to make contact with the
19 victim Justine Glenn?

20 A. I did.

21 Q. What did you do or find with Mr. Glenn?

22 A. From Mr. Glenn I collected cash from the pockets of
23 the jeans he was wearing.

24 Q. I'll show you what's been marked as State's 66 for
25 identification. Do you recognize what this is?

1 A. Yes.

2 Q. And what is in this folder?

3 A. That's the cash that I collected from his pockets.

4 Q. Approximately how much money is it?

5 A. It was \$233.00.

6 MR. GOLDBERG: Your Honor, I would offer State's 66
7 into evidence.

8 MR. TATE: Without objection.

9 THE COURT: State's 66 is admitted without
10 objection.

11 BY MR. GOLDBERG:

12 Q. Okay. And additionally did you collect some other
13 items in the vicinity of Mr. Glenn?

14 A. I did.

15 Q. Specifically was there a firearm near him that was
16 collected?

17 A. There was.

18 Q. Can you tell us what that consisted of?

19 A. So it was a black handgun with a magazine that
20 contained unfired cartridges and then there was one loose
21 unfired cartridge with that handgun.

22 Q. I want to show you what's been marked as State's 72
23 through 74. Take a look at those for yourself and describe
24 what that is.

25 A. So this is the black handgun that I collected. It

1 was located on top of a SUV in the driveway. And then this is
2 a picture of the handgun after I collected it.

3 Q. Do these photos fairly and accurately depict the
4 handgun as it appeared on the Highlander on that night?

5 A. It does.

6 MR. GOLDBERG: Your Honor, the State's moves 72
7 through 74.

8 MR. TATE: We talked about them earlier, Judge.
9 Without objection, Your Honor.

10 THE COURT: State's 72 through 74 are admitted
11 without objection.

12 BY MR. GOLDBERG:

13 Q. Briefly 72 there, what is this?

14 A. That's the SUV and the gun is on the top of the roof
15 of the SUV.

16 Q. State's 73.

17 A. That is a closer up picture of the gun on the
18 vehicle.

19 Q. And State's 74.

20 A. That is the weapon, the gun that was on the
21 vehicle.

22 Q. And when you're talking about cartridges and
23 magazines and the like, can you kind of describe how you can
24 in State's 74 what you're referring to?

25 A. Sure. This is the magazine that was with the gun

1 and this is the unfired cartridge and there are unfired
2 cartridges in this magazine as well.

3 Q. All right. I want to show you what's marked as
4 State's 8 and 6 just for identification at this time. Can you
5 describe that without showing the jury what this is.

6 A. It's the black handgun with the black magazine in
7 it.

8 Q. That you just talked about collecting; is that
9 right?

10 A. Correct.

11 Q. All right. Thank you. Upon collecting that handgun
12 and the associated contents, again, did you package that up
13 and pass it on into the evidence collection process?

14 A. Correct. After I processed it, I packaged it and
15 submitted it to evidence and property.

16 Q. So you actually did process that weapon?

17 A. I did.

18 Q. Can you tell us what you did in that regard?

19 A. So let me get my report real quick.

20 Q. Sure. While you're looking for that, the jury has
21 heard the word processed too many times probably at this
22 point, but is it fair to say that you're looking for latent
23 prints when you're processing the firearm at that point?

24 A. Correct. So I did process that firearm. I
25 processed it for latent prints with negative results, and then

1 after that I swabbed it with a swab and submitted that to
2 evidence and property.

3 Q. Okay. And you said negative results on the
4 processing. How many different methods did you try to get
5 prints off of that?

6 A. It was two different methods.

7 Q. Came up empty both times?

8 A. Both times.

9 Q. And that is in regard to was items in particular?

10 A. It was the black handgun and the black magazine.
11 There were five unfired cartridges that were in that magazine
12 and then the one loose unfired cartridge, and I processed all
13 of that.

14 Q. Thank you. And then you said you also swabbed those
15 items as well?

16 A. Correct.

17 Q. And submitted those onto evidence?

18 A. Correct.

19 Q. The Highlander, what happened to it in terms of
20 where it was transported to?

21 A. So the Highlander was transported from the scene to
22 our forensic garage at 5623 Two Notch Road.

23 Q. And who actually accompanied the tow company, the
24 towing of the Highlander to the garage?

25 A. I did.

1 Q. And once it made its way to the garage, what
2 happened to it?

3 A. So once it got to the garage, I chain it over to the
4 garage, I fill out a piece of paper stating that I placed it
5 into the garage, and then it was secured in our garage and the
6 doors were locked.

7 Q. Did you then at some point later that same morning
8 actually process that vehicle further?

9 A. That morning later on I was requested by an
10 investigator, there were two phones in the vehicle that he
11 wanted me to collect so I collected those.

12 Q. And did what with them?

13 A. I chained them over to him.

14 Q. All right. Thank you. When was that? You said
15 that morning about what time?

16 A. I believe it was around 8:00. Let me confirm. It
17 was 8:05.

18 Q. So that would have been 8:05 on the 4th, right?

19 A. Correct.

20 Q. Thank you. Just to clear it up a little bit, we're
21 talking about the same night/early morning of the incident,
22 correct?

23 A. Correct.

24 Q. Thank you. That same day then did you keep working
25 the case?

SARAH HOLT - DIRECT BY MR. GOLDBERG

499

1 A. I did.

2 Q. About an hour later did you go to the hospital?

3 A. I did.

4 Q. What did you do there?

5 A. I attended the autopsies of both victims.

6 Q. Which one was performed first?

7 A. It was Ms. Hayes.

8 Q. What, if anything, did you observe when you
9 encountered Ms. Hayes's body during autopsy?

10 A. At the autopsy I took photographs and I observed the
11 clothing she was wearing and injuries.

12 Q. Did you collect any of that clothing?

13 A. I did.

14 Q. What did you collect?

15 A. I collected bluejeans, a black shirt, red panties,
16 two flip flops and a brown hat.

17 Q. I'll show you what's been marked as State's 71 for
18 ID. Can you identify State's 71?

19 A. That's the brown hat that I collected.

20 Q. This is the hat you took from the autopsy of Ms.
21 Hayes?

22 A. Correct.

23 MR. GOLDBERG: Your Honor, we would move State's 71
24 into evidence.

25 MR. TATE: Without objection, Your Honor.

1 THE COURT: State's 71 is admitted without
2 objection.

3 BY MR. GOLDBERG:

4 Q. That's the hat?

5 A. Yes.

6 Q. Can you tell what it says on it?

7 A. "Don't give a flock."

8 Q. Is there a --

9 A. It has a flamingo.

10 Q. Thank you. Okay. And then so this was for the
11 purpose of the autopsy being performed on Ms. Hayes. Were you
12 present for that procedure?

13 A. I was.

14 Q. Who conducted that procedure?

15 A. The pathologist.

16 Q. Who was that in this case?

17 A. It was Dr. Durso.

18 Q. Did you remain there for the entire procedure?

19 A. I did.

20 Q. Upon completion of that procedure or
21 contemporaneously, did you actually collect some evidence that
22 was retrieved from the autopsy?

23 A. I did.

24 Q. What did you collect?

25 A. So, at autopsy everything that is within that body

SARAH HOLT - DIRECT BY MR. GOLDBERG

501

1 bag the Coroner's Office initially takes it and then chains it
2 over to me, but I am there the entire time and so with the
3 clothing and the nose ring and four projectiles were given to
4 me.

5 Q. And who would those have been given to you by?

6 A. So, they would have been given to me by H. Jefferson
7 with the Coroner's Office.

8 Q. Would you have observed those items being removed
9 from Ms. Hayes?

10 A. Yes.

11 Q. I want to show you what's been marked as State's 69.
12 Based on the packaging can you describe what we have there in
13 State's 69?

14 A. So, for the packaging these are the four projectiles
15 that I received that I then took back, packaged and submitted
16 to evidence and property.

17 Q. And how are they described, each of the
18 projectiles?

19 A. Projectile from left brain, projectile from brain,
20 projectile from left scalp, and projectile from left neck.

21 Q. And the projectiles in that envelope are the ones
22 that were given to you in the chain during the autopsy?

23 A. Yes.

24 MR. GOLDBERG: Your Honor, at this time we'd move
25 State's 69 into evidence.

1 MR. TATE: Without objection.

2 THE COURT: State's 69 is admitted without
3 objection.

4 MR. GOLDBERG: Thank you, Your Honor.

5 BY MR. GOLDBERG:

6 Q. We're not gonna do all of them, but if I could have
7 you take a look at that one there and describe what that is.

8 A. So for me this is a piece of metal.

9 Q. That was removed from Ms. Hayes?

10 A. Correct.

11 Q. (Indicating.)

12 A. Yes.

13 Q. And there were four total packages like that. These
14 are the three similar to this one, correct?

15 A. Correct.

16 Q. Once you received those items, you would have
17 submitted them into evidence; is that right?

18 A. I would have. Yes.

19 Q. And upon completion of the autopsy of Ms. Hayes, did
20 you then attend another autopsy?

21 A. I did.

22 Q. And was that Mr. Glenn?

23 A. It was.

24 Q. When did that take place?

25 A. That started at 10:37 a.m.

SARAH HOLT - DIRECT BY MR. GOLDBERG

503

1 Q. That same morning?

2 A. Correct.

3 Q. Okay. Same pathologist?

4 A. Same pathologist.

5 Q. And tell the jury what you observed in that regard
6 with Mr. Glenn?

7 A. So, I observed the clothing that he was wearing. I
8 observed injuries to the victim.

9 Q. Okay. And during the autopsy, were there any items
10 other than the clothing that were recovered from Mr. Glenn's
11 body.

12 A. There was.

13 Q. What was that?

14 A. Along with the clothing there was some jewelry.
15 There was also some pellets and wadding.

16 Q. What are pellets and wadding generally?

17 A. It would be used with a shotgun.

18 Q. This is State's number 70. Can you identify what
19 that is?

20 A. It's the pellets and the wadding that I received.

21 MR. GOLDBERG: Your Honor, at this time we move
22 State's 70 into evidence.

23 MR. TATE: Without objection.

24 THE COURT: State's 70 is admitted without
25 objection.

1 MR. GOLDBERG: Yes, ma'am. Thank you.

2 BY MR. GOLDBERG:

3 Q. Rather than do what we just did on the previous
4 item, I'm gonna show you some photographs, State's 83 through
5 85. What do you recognize those to be?

6 A. So these are the pellets and the wadding that I
7 received at autopsy.

8 Q. Same ones that are in State's 70 that was just
9 admitted?

10 A. Correct.

11 Q. Those photos fairly and accurately depict them as
12 they appeared that day at the autopsy?

13 A. They do.

14 MR. GOLDBERG: You Honor, we'd offer State's 83
15 through 85.

16 MR. TATE: Without objection.

17 THE COURT: State's 83 through 85 are admitted
18 without objection.

19 MR. GOLDBERG: Thank you, Your Honor.

20 BY MR. GOLDBERG:

21 Q. State's 83 through 85, are those the pellets or the
22 wadding?

23 A. Those are the pellets.

24 Q. All right. And State's 84?

25 A. That's the wadding.

SARAH HOLT - DIRECT BY MR. GOLDBERG

505

1 Q. I should have done this a moment ago. I'm sorry.
2 We're gonna jump back to Ms. Hayes regarding the pellets that
3 were collected from her, the metal objects. I'll show you
4 State's 75 through 79. What are those?

5 A. Those are the projectiles that I received at
6 autopsy.

7 Q. Are these photos a fair and accurate depiction of
8 the items contained in State's number 69, the projectiles from
9 Ms. Hayes?

10 A. Correct.

11 MR. GOLDBERG: Your Honor, we move State's 75
12 through 79.

13 MR. TATE: Without objection, Your Honor.

14 THE COURT: State's 75 through 79 are admitted
15 without objection.

16 MR. GOLDBERG: Thank you, Your Honor.

17 BY MR. GOLDBERG:

18 Q. State's 75.

19 A. That's the projectile from the left brain.

20 Q. I apologize. We're back to Ms. Hayes now,
21 correct?

22 A. Yes.

23 Q. All right. State's number 76.

24 A. The projectile from brain.

25 Q. 77.

- 1 A. That is the projectile from left neck.
- 2 Q. 78.
- 3 A. That is the projectile from left scalp.
- 4 Q. And finally 79.
- 5 A. It's a picture of all four of them together.
- 6 Q. Thank you. Once you collected the items recovered
- 7 from Ms. Hayes and Mr. Glenn, those were submitted into
- 8 evidence; is that correct?
- 9 A. Correct.
- 10 Q. It's not your job to conduct analysis on any
- 11 projectiles at that point, right?
- 12 A. It's not.
- 13 Q. What else were you tasked to do on that day.
- 14 A. After the autopsies, I went and collected a GSR kit
- 15 which is a gunshot residue kit from the third victim.
- 16 Q. What's that individual's name?
- 17 A. The name I have is John Dickerson.
- 18 Q. All right. Just a couple more things. I apologize
- 19 for jumping around. Real quick we're gonna go back to
- 20 Ballenton Road --
- 21 A. Okay.
- 22 Q. -- on the original night you were there or early
- 23 morning hours. You referenced earlier that one of the items
- 24 you collected was some fired cartridge casings; is that
- 25 right?

SARAH HOLT - DIRECT BY MR. GOLDBERG

507

1 A. I did collect fired cartridge casings, yes.

2 Q. So can you tell the jury about that?

3 A. So the fired cartridge casings that I collected were
4 in the backyard of the residence. They were previously marked
5 by Investigator Oates and then I collected them.

6 Q. How were they marked by Investigator Oates?

7 A. They're marked with markers AA, AB and AC.

8 Q. State's number 27 through 29 which are already in
9 evidence, what do you see in State's 27 through 29?

10 A. So these are photographs of where the fired
11 cartridge casings are at with the yellow tent markers AA, AB
12 and AC.

13 Q. What area of the crime scene was this found in? Was
14 this the front or the back?

15 A. This was in the backyard.

16 Q. Okay. And one more time looking at State's 27, can
17 you just tell the jury real quick where those markings are
18 in connection to the pile of cans?

19 A. They're just to the right of the pile of cans.

20 Q. All right. Thank you for clarifying that. And
21 State's 67 and 68, what do you recognize State's 67 to be?

22 A. These are the three fired cartridge casings that I
23 collected.

24 Q. And 68?

25 A. This is a swab from the three fired cartridge

1 casings that I collected.

2 Q. You actually had an opportunity to process those
3 casings?

4 A. I did.

5 Q. And what did you discover in terms of whether there
6 were any prints on these fired casings?

7 A. There were none.

8 Q. There were None. You took the swabs and passed that
9 on?

10 A. I did.

11 MR. GOLDBERG: Your Honor, at this time we would
12 offer State's 67 and 68 into evidence.

13 THE COURT: Any objection?

14 MR. TATE: No objection, Your Honor. Thank you

15 THE COURT: State's 67 and 68 are admitted without
16 objection.

17 MR. GOLDBERG: Thank you, Your Honor.

18 BY MR. GOLDBERG:

19 Q. After your full day at the hospital there and the
20 crime scene and the hospital, did you have further involvement
21 with the investigation there?

22 A. Let me double check. I believe after the hospital
23 is when I processed items that I had collected.

24 Q. When you processed the pistol that we talked about
25 already?

SARAH HOLT - CROSS BY MR. TATE

509

1 A. I believe I may have processed the pistol that
2 morning. Let me double check.

3 Q. Tell you what, other than the things that we just
4 talked about, did you have further involvement in the case?

5 A. That was it.

6 MR. GOLDBERG: Thank you. That's all I have.

7 THE COURT: Cross examination, Mr. Tate.

8 MR. TATE: Thank you.

9 CROSS EXAMINATION

10 BY MR. TATE:

11 Q. Investigator Holt, correct?

12 A. Correct.

13 Q. On direct testimony you testified that you took
14 gunshot residue kit from the hands of Mr. Glenn, correct?

15 A. Not from Mr. Glenn. No.

16 Q. Okay. But from Ms. Hayes?

17 A. Yes.

18 Q. When did you do that?

19 A. I did that at the scene.

20 Q. Didn't need to bag her hands. You did it right
21 there?

22 A. Correct.

23 Q. And do you know anything about the results of
24 that?

25 A. I do not.

1 Q. That is somebody else's job, fair?

2 A. That's somebody else's job. Yes, sir.

3 Q. Thank you. You processed the .40 caliber Smith and
4 Wesson cartridge cases you collected, correct?

5 A. I did.

6 Q. You didn't find any fingerprints, did you?

7 A. I did not.

8 Q. If you don't find any fingerprints, there's nothing
9 to pass on to an analyst, is there?

10 A. For fingerprints, no.

11 Q. And you also swabbed those for DNA, correct?

12 A. I did.

13 Q. And those results would not be returned to you, they
14 would be returned to somebody else, fair?

15 A. Correct.

16 Q. Thank you. As to the wadding and pellets, you
17 collected those with, or Dr. Durso collected them and handed
18 them to you, fair?

19 A. So Dr. Durso would have removed them out of the body
20 and handed them to the Coroner's Office who then gives them to
21 me once they're packaged by Dr. Durso and the Coroner's
22 Office.

23 Q. Do you have any opinion whether that's wadding or
24 whether those are shot pellets?

25 A. So I use it as --

SARAH HOLT - CROSS BY MR. TATE

511

1 MR. GOLDBERG: Objection, Your honor.

2 MR. TATE: Withdraw the question.

3 BY MR. TATE:

4 Q. As to the nine millimeter, I think you testified on
5 direct you recovered that from the roof of the Toyota
6 Highlander?

7 A. The handgun?

8 Q. Yes.

9 A. Let me make sure it's a nine millimeter. Excuse me.
10 I have to look through my notes. Yes. The nine millimeter is
11 from the roof of the Highlander.

12 Q. And that was the Highlander where Mr. Glenn's body
13 was next to?

14 A. Correct.

15 Q. Do you know how that gun got on the roof?

16 A. I believe a deputy did it from what I --

17 Q. Okay. For safety, fair?

18 A. Correct.

19 Q. When you processed that weapon, you didn't find any
20 fingerprints, did you?

21 A. I did not.

22 Q. And when you processed that magazine, you didn't
23 find any prints, did you?

24 A. I did not.

25 Q. And when you processed the unfired cartridge cases,

1 you didn't locate any prints?

2 A. I did not.

3 Q. But you took a DNA swab from the weapon?

4 A. I did.

5 Q. And you took a DNA swab from the magazine?

6 A. Yes. It was one DNA swab from all.

7 Q. From all three. Thank you. And while you were at

8 the scene, it would seem like maybe you took half and

9 Investigator Oates took half?

10 A. Correct.

11 Q. You took the things around Mr. Glenn and his

12 automobile?

13 A. So we kind of split it up. I think Investigator

14 Oates did some stuff with Mr. Glenn, I did some stuff with Ms.

15 Hayes and then I helped Investigator Oates with whatever else

16 he needed help with with Mr. Glenn.

17 Q. Now, also there was some other folks at that crime

18 scene, weren't there?

19 A. Correct.

20 Q. And folks from the Coroner's Office?

21 A. Correct.

22 Q. Did you do any work with Coroner Sears?

23 A. I do not remember.

24 Q. Okay. And did Coroner Sears or anyone else point

25 out another gunshot hole in the trailer to you?

SARAH HOLT - CROSS BY MR. TATE

513

1 A. Not that I remember. No.

2 Q. Thank you. And you took a GSR kit from the hands of
3 John Dickerson?

4 A. I did.

5 Q. And that was at Palmetto Health Richland or Prisma
6 or whatever we called it then?

7 A. It was. Yes.

8 Q. At the hospital, fair?

9 A. Yes.

10 Q. And you wouldn't know anything about the results of
11 that?

12 A. I would not.

13 Q. You also collected a couple of cell phones from the
14 car Mr. Glenn was in, didn't you?

15 A. Correct.

16 Q. And you turned those into evidence?

17 A. I turned them over to the investigator.

18 Q. All right. You don't have any clue what happened to
19 them?

20 A. I don't.

21 MR. TATE: Thank you. Investigator Holt, thank you
22 for coming. I don't have any further questions for this
23 witness.

24 THE COURT: Any redirect?

25 MR. GOLDBERG: No, Your Honor.

1 THE COURT: Thank you. You may step down. Call
2 your next witness.

3 MR. GOLDBERG: The State calls Dr. Amy Durso.
4 Thereupon,

5 AMY DURSO, M.D.
6 after having been first duly sworn, testified as follows,

7 THE CLERK: Please have a seat. Once you're seated,
8 state your full name for the record please.

9 THE WITNESS: Amy Durso, D-u-r-s-o.

10 DIRECT EXAMINATION

11 BY MR. GOLDBERG:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. Dr. Durso, where are you employed?

15 A. I'm employed by Professional Pathology Services
16 which is a private group of pathologists and I'm a forensic
17 pathologist.

18 Q. What does that mean, forensic pathology?

19 A. So I'm a medical doctor, but my main specialty is
20 examining bodies after death to determine not just solely the
21 cause of death but also to document injuries, illnesses, that
22 sort of thing.

23 Q. Can you tell the jury a little bit about your
24 background, education and training?

25 A. Sure. So I got my four year bachelor of arts degree

AMY DURSO, M.D. - DIRECT BY MR. GOLDBERG

515

1 from Emory University, I then got my four year medical degree,
2 M.D., at University of North Carolina Chapel Hill, and then
3 I went to Wake Forest University where I spent four years
4 doing a residency in pathology, and then I spent a fifth year
5 at Wake Forest to do a one year fellowship in the field of
6 forensic pathology and took the boards in anatomical
7 pathology, clinical pathology and forensic pathology so I'm
8 board-certified in all three of those areas.

9 Q. Approximately if you had to ballpark it, how many
10 autopsies have you conducted?

11 A. A little over 3000.

12 Q. And how many times have you testified in court?

13 A. I don't keep up with that. I would say 50 plus
14 times maybe.

15 MR. GOLDBERG: Your Honor, at this time we offer Dr.
16 Durso as an expert in forensic pathology.

17 MR. TATE: Without objection. Thank you, Your
18 Honor.

19 THE COURT: All right. Ladies and gentlemen of the
20 jury, Dr. Durso is an expert in the area of forensic
21 pathology. We've had a number of experts in this case.
22 The same rules that apply to those experts apply to Dr.
23 Durso. Continue, Mr. Goldberg.

24 MR. GOLDBERG Thank you, Your Honor.

25 BY MR. GOLDBERG:

1 Q. Dr. Durso, did you have an opportunity to conduct
2 two autopsies in this case?

3 A. I did. I did an autopsy on Justin Glenn on October
4 4th, 2019 at 10:30 in the morning and then an autopsy on
5 Christine Hayes the same day earlier actually at 9:00 in the
6 morning.

7 Q. Please tell the jury when we talk about an autopsy,
8 what that means and what you're doing.

9 A. Right. So an autopsy is an examination of a body
10 after death starting with the outside, we're looking for
11 identifying marks, scars, eye color, and obviously noting any
12 injuries like gunshot wounds. We then open the body and look
13 at the inside, weighed, I examine all of the organs again
14 noting anything abnormal and the same with the head, we
15 actually make an incision in the back of the head, remove the
16 top of the skull and look at the brain as well and after that
17 I prepare a report with all of my findings.

18 Q. Okay. Let's begin if you will with Ms. Christine
19 Hayes please.

20 A. Okay.

21 Q. Again, what date was that that you --

22 A. October 4th, 2019.

23 Q. All right. And describe for the jury what you
24 observed about Ms. Hayes.

25 A. So the most obvious thing was there were several

1 defects all kind of to the right side of her face and scalp
2 that were gunshot wounds. Ended up being buckshot shotgun
3 pellets. There were six of these that either perforated into
4 or went through the right side of her face and head. I think
5 it was at least two that went -- sorry -- so three of them
6 actually go through the skull and kind of obliterated, this is
7 what gunshot wounds, they have so much power, they just
8 obliterated the frontal lobe of her brain. Let's see.
9 There's another one that goes through the facial bones which I
10 actually recovered that from the left neck soft tissue.
11 There's another one that kind of goes right through like where
12 the eyes are and caused bruising around the eyes, and then
13 there was one that kind of grazes by the lips, so a total of
14 six that hit her.

15 Q. Did you actually generate some sort of drawings that
16 document where these injuries were on Ms. Hayes?

17 A. I did.

18 Q. Okay. Let me show you State's 88. If you could
19 take a look at that and what you recognize that to be.

20 A. That is a copy of my diagram.

21 Q. All right. And does this diagram fairly and
22 accurately depict the original diagram that you made in
23 regards to Ms. Hayes?

24 A. Yes.

25 MR. GOLDBERG: Your Honor, at this time we'd offer

1 State's 88 into evidence.

2 MR. TATE: Without objection, Your Honor.

3 THE COURT: State's 88 is admitted without
4 objection.

5 MR. GOLDBERG: Your Honor, may the witness step
6 down?

7 THE COURT: If she can keep her voice up.

8 THE WITNESS: I'll do my best.

9 THE COURT: Okay. And it might be better for you to
10 stand closer to the wall, Mr. Goldberg, and her to face
11 back the other way so she's facing more towards the court
12 reporter.

13 BY MR. GOLDBERG:

14 Q. If you can kind of describe to the jury here what
15 you were just talking about and the wounds on Ms. Hayes's
16 skull?

17 A. Right. So this is the right side of her face, so
18 there were four of these perforations, like I said, A, B and C
19 go actually right into her skull and perforated through the
20 front part of her brain. D is the one that goes, it kind of
21 goes kind of in here on the right side of her face and I
22 recovered the projectile from her left neck area, and then E
23 kind of goes, you can see it enters here by the right eye and
24 comes out over by the left eye so it kind of goes through the
25 facial bones here fracturing those, and then there was a

1 little abrasion here by the right side of the lips where it
2 kind of just grazes by so...

3 Q. Thank you. You can have a seat.

4 A. (Witness complies.)

5 Q. So I want to ask you a little more detail about E
6 and F, the one that you described in the nasal area I guess.
7 Was there a projectile that was recovered in connection with
8 those injuries?

9 A. E and F, no.

10 Q. Okay. And why would that be?

11 A. Because either they just grazed or they went through
12 the body so they're no longer there at autopsy. So I'm only
13 able to find the ones that are in the body when I do the
14 autopsy.

15 Q. The projectiles that were recovered, they're already
16 in evidence in State's 69, are those from the wounds that you
17 have discussed already?

18 A. Yes.

19 Q. Those would be A through D; is that right?

20 A. Yes.

21 Q. And tell the jury again, you said one of those
22 projectiles went through the frontal lobe, what that does.

23 A. So three of them actually go through the skull and
24 just like I said, the power of a shotgun is a lot more than a
25 small handgun, so it causes kind of temporary region of cavity

1 with the velocity and the power behind it so it basically just
2 obliterated the frontal lobe of her brain which is universally
3 fatal. There is no surviving that.

4 Q. I'm gonna show you what's been marked as State's 80
5 and 81. Were there some x-rays taken of Ms. Hayes?

6 A. Yes. So on all of our, pretty much all of our
7 gunshot wound cases we take x-rays in order to see what
8 projectiles are in the body prior to autopsy so we can get as
9 many out as we can.

10 Q. Did you have an opportunity to review those x-rays
11 on that particular day?

12 A. I did.

13 Q. Do those photographs 80 and 81 fairly and accurately
14 depict the x-rays as they appeared that day?

15 A. Yes.

16 MR. GOLDBERG: Your Honor, at this time we'd offer
17 State's 80 and 81 into evidence.

18 MR. TATE: No objection.

19 THE COURT: State's 80 and 81 are admitted without
20 objection.

21 BY MR. GOLDBERG:

22 Q. You said these x-rays were taken prior to your
23 autopsy, correct?

24 A. Yes.

25 Q. And you can remain in your seat if you like, can you

1 describe in State's 80 what we're looking at?

2 A. So this is what we call an AP x-ray, so it's a
3 straight on picture. You can see, it's hard to tell, so
4 there's a bunch of little pieces in there. She actually had
5 like little weaves braided into her hair. You can also see on
6 the lateral it's somewhat easier to see in State's 81. All
7 these little tiny perfectly square things are actually from
8 her hair. Those are projectiles from the outside of her head,
9 but these more irregular, so this piece here in the front,
10 this piece, this piece, and you can see this piece way down by
11 her neck is the other projectile and on this one you can see
12 they're all kind of off center and to the left and this is the
13 one that is actually in her neck tissue. It's hard to see
14 because you have a lot of tissue in this area still in the
15 body there and so that's, those are the four that we were able
16 to dig out on autopsy.

17 Q. Thank you. And you mentioned a moment ago in
18 talking about State's number 80 that a number of the
19 projectiles that were recovered from Ms. Hayes's head were on
20 the left side of her head?

21 A. Right. So the shotgun wound came from the right
22 side so this is coming from the right and so it goes through,
23 so the projectile ended up in the left side concluding in the
24 left neck.

25 Q. And going back to State's 80, can you describe, I

1 believe you referenced in State's 80 for about Ms. Hayes some
2 skull fractures?

3 A. Right. So and these little lucent areas that have
4 the black line are all where her skull is fractured so a
5 shotgun wound again can do a lot of damage so it obliterates
6 that part of the brain and also caused just massive fractures
7 in her head and together is just an unsurvivable injury.

8 Q. What, if anything, else did you observe about Ms.
9 Hayes?

10 A. Uhm, just a few bruises I think on her left lower
11 leg.

12 Q. Okay. And regarding the trajectory of the
13 projectiles, you already indicated right to left; is that
14 correct?

15 A. Right to left and just slightly downwards and very
16 slightly, you know, back to front because the one is kind of
17 grazing to her lip here so yeah.

18 Q. The bruising you referenced, did that contribute in
19 any way to her demise?

20 A. No. It did not.

21 Q. And you referenced earlier that this type of wound
22 or these were buckshot; is that right?

23 A. Yes.

24 Q. Okay. And based upon the nature of her injuries,
25 what, if anything, can you tell about how far away Ms. Hayes

1 possibly would have been shot from?

2 A. So the thing with shotgun wounds, they're different
3 than regular just handgun wounds is that the projectile is
4 gonna be multiple projectiles coming out of the end of the
5 barrel of a shotgun that actually spread as they go, so just
6 in general one that is actually causing separate entrance
7 wounds, six separate, it's gonna be at least about nine feet
8 away.

9 Q. All right. Now, let's say hypothetically that
10 somebody was shot at extremely close range with a shotgun with
11 this type of projectile of buckshot or similar, what would you
12 expect to find in terms of the nature of that injury?

13 A. So then there would just be one hole, one hole and
14 even the wadding from the shotgun would be inside the head
15 so...

16 Q. As far as Ms. Hayes goes, you say it was at least
17 nine feet away in your opinion?

18 A. Yes.

19 Q. All right. Anything else note worthy as it pertains
20 to Ms. Hayes?

21 A. Not that I can discuss, no.

22 Q. Oh, were you made privy to any toxicology
23 examinations conducting upon her?

24 A. Yes. So we do toxicology testing mainly on everyone
25 that has an autopsy so we collect blood, urine, fluid from the

1 eyes. In her case we were able to get some blood from her
2 heart, cardiac blood and it got sent to SLED for testing.

3 Q. What was that result?

4 A. So it was positive for mucinex which is a cough
5 medicine and it was positive for cocaine and for
6 benzoylecgonine which is a cocaine metabolite.

7 Q. Thank you. Let's turn your attention now to
8 Mr. Justin Glenn.

9 A. Okay.

10 Q. And that examination was conducted I believe you
11 said the same morning?

12 A. The same morning at 10:30.

13 Q. I'm sorry. One final thing regarding Ms. Hayes. I
14 believe you already alluded to it, but officially the cause of
15 death for Ms. Hayes?

16 A. Shotgun wound to the head.

17 Q. Thank you. Now on Mr. Glenn, what did you observe
18 about Mr. Glenn as you examined him.

19 A. So he actually had also a shotgun wound to his head,
20 but his was one large defect, kind of severed just in front of
21 the left ear and like I said, it was one defect instead of
22 several separate ones and also what we recovered from him is
23 what we described as birdshot, the tiny little pellets.

24 Q. Okay. Again, were x-rays taken prior to your
25 examination?

AMY DURSO, M.D. - DIRECT BY MR. GOLDBERG

525

1 A. Yes.

2 Q. Did you have an opportunity to review those
3 x-rays?

4 A. Yes.

5 Q. Did you also have an opportunity to make a diagram
6 of the injuries that Mr. Glenn sustained?

7 A. Yes.

8 Q. State's 82 and 87, do you recognize those?

9 A. Yes. I do.

10 Q. What is State's 82?

11 A. 82 is a copy or a picture of the x-ray taken of the
12 head.

13 Q. Does that photo in 82 fairly and accurately depict
14 the x-rays taken that day?

15 A. It does.

16 Q. State's 87.

17 A. Is a copy of my diagram that I made that day.

18 Q. Does that copy fairly and accurately depict your
19 diagram?

20 A. It does.

21 MR. GOLDBERG: Your Honor, at this time we'd offer
22 State's 82 and 87.

23 MR. TATE: Without objection, Your Honor. Thank
24 you.

25 THE COURT: State's 82 and 87 are admitted without

1 objection.

2 MR. GOLDBERG: Thank you, Your Honor.

3 BY MR. GOLDBERG:

4 Q. All right. Let's start with the diagram if you
5 don't mind. And you can stay seated. If you can describe
6 what you documented in your diagram in State's 87.

7 A. I have to warn you I'm not the best artist. So this
8 is the picture. This is a large defect again, just in front
9 of the left ear so on the left side and actually has little
10 scallops margins. Again, I'm not an artist, but this is just
11 demonstrating the basic location of the shotgun wound
12 entrance.

13 Q. Okay. When you describe it as large, can you
14 expound on that?

15 A. So eight by six so, I mean, it's a large defect
16 gunshot wound. Shotguns cause large defects.

17 Q. Can you describe, you used the word defect, can you
18 describe in this instance what that means?

19 A. So a hole in the head unfortunately so basically the
20 skin is gone, the subcutaneous tissue is gone, the bone is
21 gone. So again, shotgun wounds, very powerful, so this caused
22 again massive skull fractures. It caused bruising of the
23 brain. It caused again massive destruction of parts of the
24 brain that it went through and again, a lot of skull
25 fractures, so again, a very large powerful weapon causing

1 those wounds.

2 Q. And what did you observe, if anything, about the
3 possible direction of travel of projectiles?

4 A. So this one is actually going left to right and just
5 very slightly front to back. You can see in the x-rays the
6 entrance is here on the left side sort of in front of the ear
7 and the pellets are towards the back of the skull within the
8 cranial cavity and it didn't go upwards or downwards.

9 Q. Okay. Just for clarification sake, before I show
10 you Mr. Glenn's x-ray, I'm gonna jump back to Ms. Hayes just
11 so I can make sure this jury sees it. These square,
12 rectangular metal objects in Ms. Hayes, you said those are
13 like metal hair clips of some kind and not projectiles,
14 correct?

15 A. Correct.

16 Q. And the larger --

17 A. The larger more irregular dark white piece are the
18 actual buckshot pellets that we recovered.

19 Q. Okay. So now we're talking about Mr. Glenn in
20 State's 82, can you please show the jury and describe what
21 they're looking at?

22 A. So all of these tiny dots are very different than
23 the other one, all these tiny dots up here are the birdshot
24 pellets and this is the back of the brain where the x-ray was
25 eventually taken.

1 Q. And when you were pointing to those pellets, is that
2 where my pen is kind of pointing to here?

3 A. Yes. You can see some scattered all around in front
4 of that so it's a pretty wide collection there which is what
5 the pellets are gonna bounced off each other and spread out.

6 Q. Thank you. And again, using State's 82 I believe
7 you referenced some skull fractures?

8 A. Yes.

9 Q. Can you talk about how this wound would have caused
10 that to happen?

11 A. Again, the same as the other ones, the temporary
12 cavity and just that cavity and the physical, you know,
13 properties of that kind of thing are gonna cause everything to
14 try to expand and there's really no place for it to expand
15 inside the skull, it's a very closed area so what it hits with
16 those is gonna fracture.

17 Q. Would that type of wound have been survivable?

18 A. No.

19 Q. What else, if anything, did you note about
20 Mr. Glenn's condition?

21 A. So the only other thing we noted at the autopsy,
22 again, we just, even if it's a shotgun wound, we look at
23 everything and he had just a nodule in his right upper lobe of
24 his lung that we looked at under the microscope and it was
25 just a foreign body reaction to some kind of crystal.

1 Q. Did that contribute to his demise in any way?

2 A. Not at all.

3 Q. And the pellets, I showed you Ms. Hayes, but the
4 ones from Mr. Glenn, these are already in evidence, State's
5 70, that was what was collected and submitted, correct?

6 A. Yes.

7 Q. And then there was also, I believe you referred to
8 it as wadding; is that right?

9 A. Yes. So if you're close enough, the actually
10 pellets that were inside the shotgun would actually enter the
11 wound as well and I was able to get a little cut.

12 Q. And those are submitted into evidence. Here's
13 State's number 70, correct?

14 A. Yes.

15 Q. And officially the cause of death for Mr. Glenn?

16 A. Same, shotgun wound to the head.

17 Q. Dr. Durso, I'm gonna wrap up here. Regarding
18 Mr. Glenn, based upon your experience and your observations of
19 the nature of his injuries, what can you tell this jury about
20 the distance within which this shotgun would have been fired
21 at Mr. Glenn?

22 A. Right. So his wound had little scalloped margins so
23 you think of like little scallop ends, that means the little
24 tiny pellets were actually starting to separate, but hadn't
25 completely separated from any others so that gives me a

1 general idea that it's probably around two to four feet
2 away.

3 MR. GOLDBERG: Thank you. That's all I have.

4 THE COURT: Cross examination.

5 MR. TATE: Thank you.

6 CROSS EXAMINATION

7 BY MR. TATE:

8 Q. Dr. Durso, nice to see you again.

9 A. You, too.

10 Q. I believe on direct examination Mr. Goldberg asked
11 you if as part of your report and information gathering if you
12 collected toxicology on Ms. Hayes?

13 A. Yes.

14 Q. And I believe you answered in the affirmative that
15 you did and there were cocaine metabolites?

16 A. Yeah. Cocaine and cocaine metabolites. Yes.

17 Q. And what's the distinction?

18 A. So coke could have came in the body and your body
19 breaks it down trying to get rid of it in one of those
20 metabolites and those metabolites are in there.

21 Q. Thank you. And as to Mr. Glenn --

22 A. Yes.

23 Q. -- did you also as part of your examination prepare
24 or review toxicology studies?

25 A. Yes. So we had cardiac blood and we were able to

1 get ocular fluid on him to send to SLED.

2 Q. And why do you pull ocular fluid?

3 A. It's just another really good way to look for
4 ethanol levels. Sometime the other blood can get mixed in car
5 accidents and that sort of thing so it's more accurate.

6 Q. And what did you find in the examination of those
7 specimens?

8 A. So the SLED report came back positive for oxycodone,
9 tetrahydrocannabinol and tetrahydrocannabinol metabolites, so
10 THC is the active ingredient in marijuana, and then the eye
11 fluid, ocular fluid was negative for alcohol.

12 Q. Okay. And tetrahydrocannabinol is marijuana,
13 fair?

14 A. Yes.

15 Q. And oxycontin or oxycodone which was the --

16 A. It's an opioid for pain medication.

17 Q. Okay. Thank you. As to Mr. Glenn, I believe you
18 testified the injury he succumbed to was consistent with
19 birdshot, fair?

20 A. Yes.

21 Q. Seven and a half shot?

22 A. Yes.

23 Q. And the projectile from whatever weapon shot Ms.
24 Hayes was double aught buckshot?

25 A. Yes.

1 Q. And you would agree with me there's nine pellets in
2 double aught buckshot?

3 A. That's what I believe to be true. Yes.

4 Q. And there were six pellets in Ms. Hayes?

5 A. Yeah.

6 Q. Two did not enter?

7 A. Two did not enter. No.

8 Q. Thank you. And I believe you testified on direct
9 examination about approximate distances; is that correct?

10 A. Yes.

11 Q. And those distances are also regulated by the type
12 of weapon, aren't they?

13 A. Yes.

14 Q. And the choke of that weapon?

15 A. That's correct. That's why it's a very, I gave
16 a range. So if you want to know exactly, you would have to
17 have that exact same weapon with that exact same ammunition,
18 you know, test fired to see exactly what the spread is. But
19 if you don't have the exact weapon and the exact ammunition,
20 you can't ever be anymore accurate than just a range.

21 Q. Because if a shotgun had a pull choke, the shot
22 would be closer together at the same distance?

23 A. Exactly.

24 Q. Up to a point?

25 A. Up to a point, right.

1 Q. And a modified choke slightly broader?

2 A. Yes.

3 Q. And improved cylinder even broader?

4 A. Yes. That's why it's a range.

5 Q. And in the shotgun world you can't match shots from
6 a shotgun in any individual weapon?

7 MR. GOLDBERG: Objection, Your Honor. I believe
8 this is not within the --

9 MR. TATE: She talked about guns, bullets,
10 distances, Your Honor.

11 THE COURT: Y'all approach.

12 (Side bar off the record.)

13 THE COURT: Objection sustained. State's objection
14 was sustained.

15 MR. TATE: Thank you, Your Honor. Dr. Durso, thank
16 you for coming today. We don't have any further
17 questions for you.

18 THE COURT: Any redirect?

19 MR. GOLDBERG: No, Your Honor.

20 THE COURT: Thank you. You may step down. Y'all
21 approach again about scheduling.

22 (Side bar off the record.)

23 THE COURT: All right. Ladies and gentlemen of the
24 jury, as I told you part of getting a trial done is
25 dealing with witness schedules and talking about matters

1 April 21, 2022

2 BAILIFF: All rise. Court is now in session.

3 THE COURT: Good morning, everyone.

4 MR. GOLDBERG: Good morning.

5 MR. TATE: Good morning, Your Honor.

6 THE COURT: I apologize for the delay, but I'm
7 telling everybody it seems like when it rains, it pours,
8 either judges are sort of sitting in their office doing
9 paperwork and a lot of nothing or you're in trial and
10 you're the duty Judge for search warrants for Camden and
11 SLED and CPD. That's about all we had this morning so
12 far and the day is just getting started so I was
13 otherwise occupied. Let's talk about, we've got two
14 videos. I don't care which one goes first. Let's hear
15 from the defense. Have y'all had the opportunity to
16 review whatever redacted portion I assume the State has
17 provided to you.

18 MS. EIGENBROT: Yes, Your Honor. They sent it to us
19 last night and we were able to review it last night. And
20 then I think Mr. Goldberg informed us after downloading
21 it that there was an additional minute and 47 seconds
22 which I was able to review. I would just renew the
23 objection from yesterday. I understand, you know, the
24 Court's position, but again, I would just reiterate that
25 simply because we have these new technologies and these

1 abilities to observe and collect evidence that we didn't
2 have before doesn't mean the rules of the court have
3 changed, and we still have a right to confrontation.
4 Both investigators have been present this entire time,
5 both have presented testimony about the video, about what
6 Mr. Doctor said during that interview, the disputes about
7 what he said. You know, I understand that the State has
8 a burden to show it was voluntarily given but again, both
9 investigators testified in the Denno hearing making those
10 damnifications. We would just ask this Court to
11 completely exclude the video and simply allow the
12 investigators to testify.

13 THE COURT: Well, I don't think that the video
14 impinges on the right to confront witnesses. That could
15 and would occur if you just played the video and didn't
16 have a witness. Of course, you know, the evidence comes
17 in through and as part of a witness's testimony and
18 certainly that witness is present and can be confronted
19 and cross examined about the video and anything else that
20 they've testified about so as a whole my ruling remains
21 the same as to the video and I understand you needed to
22 renew the objection. Are there specific objections now
23 knowing that some portion of the video can come in, are
24 there specific objections as to its redacted version?

25 MS. EIGENBROT: Well, I think that's my only concern

1 is now that the redactions have been made overall I think
2 most of the investigators' statements have been
3 completely removed except for a few questions on Miranda.
4 That being said though, and I recognize this simply just
5 makes it look like what we're able to do with this
6 current technology, but there are parts where it kind of
7 goes black as though something happened and is cut out.
8 I would contend that it may lead to some prejudice. I
9 believe the jury may be confused by that and wonder,
10 well, it's not a part of the interview that they are not
11 hearing and so I think the video should be left out, Your
12 Honor.

13 THE COURT: You know, sometimes, and I've seen it,
14 but sometime it's possible to make redactions that seem
15 seamless, but sometimes it's not and I think with so much
16 of this having been redacted as I understand is going to
17 be clear to the jury that things are missing whether
18 that's the screen going black or otherwise. I think that
19 will just be obvious, and will they wonder? Maybe.
20 Probably. I don't know, but I don't know that that's a
21 reason to exclude it and so, you know, the Court's not
22 going to exclude the video in its entirety so with that
23 then you can't sort of have it both ways, I guess. You
24 can't say, well, now they know something's been removed,
25 well, it's only removed at your request and upon the

1 Court's ruling and so there is more that could be filled
2 in to give context, but then you have to weigh some
3 objection to some portion of it. I mean, I haven't seen
4 it. If it's wholly ridiculous, I'm sure the State
5 wouldn't even want to play it, but I don't know. What
6 says the State?

7 MR. GOLDBERG: Your Honor, I mean, I think you put
8 it better than I can honestly. We are talking about a
9 over two hour recording that pursuant to the objection
10 and the Court's ruling therewith it's been cut down to
11 the parts that we believe are admissible. There is no
12 seamless way to do it. The way that we intend to present
13 the information is not to just hit play and let random
14 clip into random clip into random clip. It would be more
15 of a asking the investigator a question on the witness
16 stand and then having him allude to what the response is
17 and then playing the exchange, or if not the exchange,
18 perhaps just the defendant's response depending upon the
19 clip, and I don't know how else to do it in this
20 scenario. I've tried my best to come up with a better
21 way to do it so, you know, there is a time stamp on the
22 video. If they're paying attention and they look at it,
23 they're gonna see that there are gaps in time. I don't
24 think there's any way as you put it that we can avoid
25 that.

1 So, I don't know. If we are allowed to play any
2 portion of it, I don't know how we do that without it
3 being choppy other than trying to streamline it somehow
4 and give it some sort of flow by way of the fact that I
5 would be asking a question to kind of lead into the clip
6 so to speak which I would argue is very similar to what
7 we've done with redacting body cam. We don't play the
8 entire portions of body cam. We would ask the police
9 officer about it, and then play a portion, stop it, ask
10 him another question, then play a new part so I would
11 liken it to that.

12 THE COURT: Have you prepared a version of the video
13 with the redactions that can be introduced into evidence
14 as opposed --

15 MR. GOLDBERG: Yes, ma'am.

16 THE COURT: Okay. And that's only the portions that
17 should be consistent with my ruling.

18 MR. GOLDBERG: What we've prepared on this disk is a
19 copy of the exact thing that I sent, we sent to the
20 defense and to Your Honor's chambers a little while ago
21 so that is what we would intend to introduce. Now,
22 obviously if that's admitted and it's back there and they
23 want to watch it, it's just gonna be clip after clip and
24 clearly would not have my questions on the stand
25 obviously, but I don't know how else to do that.

1 THE COURT: Right. And that is what that is. I
2 just wanted to make sure it wasn't the full video and you
3 were just going to hit mute or something like that. I
4 mean, it's something that can be presented to the jury.

5 MR. GOLDBERG: It's 16 minutes and 47 seconds total
6 of clips.

7 THE COURT: Okay. All right. What about Ulmer's
8 body worn camera?

9 MS. EIGENBROT: Your Honor, if I understood your
10 ruling on Tuesday and I apologize, I was not up watching
11 the video so I don't know where and what time the video
12 Mr. Tate objected and we viewed it, so I didn't know how
13 far to go, but that being said, I attempted to give some
14 times to the State yesterday. My understanding was your
15 order was to have all background chatter removed. I
16 don't know how to do that without muting the entire
17 thing. There's definitely a portion in the beginning
18 where it's just Sergeant Ulmer speaking. I believe he
19 arrives. Mr. Telford directs him to Mr. Dickerson's
20 body. There's a brief exchange there which I would
21 consider Mr. Telford's statement is hearsay, but the rest
22 is, you know, him moving around the scene talking to law
23 enforcement and the conversations are quick and fast and
24 kind of bits and pieces of seconds. I don't know how to
25 parse all of that out and I did notify the State. I did

1 give them some times of things in the beginning with
2 radio chatter and the information with Mr. Telford, but
3 unfortunately it was -- I don't know how else to do it in
4 those other sections that were already shown to the jury.

5 THE COURT: What has the State prepared?

6 MR. GOLDBERG: Your Honor, Ms. Eigenbrot did provide
7 a list of time stamps from the beginning part of the
8 video which is in the first over the course of about the
9 first three minutes as Lieutenant Ulmer is en route to
10 the scene where there is an extensive amount of
11 background chatter. To be consistent with Your Honor's
12 ruling about that, I don't have an objection to muting
13 or, yeah, muting on whatever it is that's occurring on
14 that part because I believe that is consistent with what
15 you were ruling in regards to when the issue came up
16 during Officer Hawkes's testimony about the chatter in
17 his video. So that we're clear, that's when the
18 objection to Ulmer's video was made.

19 Ulmer's video had already been played. The jury
20 already heard it. Hawkes is up there. We got the
21 background chatter going on. The objection is made about
22 Hawkes's background chatter as we call it. We agreed to
23 mute that, and then it's raised about Ulmer's. So in
24 regards to that first few minutes, I don't have a problem
25 muting that in the spirit of Your Honor's decision about

1 the background chatter. The part about the conversation
2 with Mr. Telford I do have a problem with, Your honor.
3 Defense is asking that that part be, that sound be
4 redacted and I do believe that that part should be
5 admissible and remain admissible. That part of Ulmer's
6 video shows him walking from his car to the backyard. He
7 has his flashlight on the cans, he's looking around, he
8 encounters and he says, who are you? He says, I'm Nate,
9 and he's pointing in the direction of Mr. Dickerson and
10 then he says, he's asking, well, who did this? Mr.
11 Telford says, it was a man named Doctor.

12 And, Judge, I understand that hearsay objection, but
13 there's two points I want to make about it. Number 1, I
14 believe it's an excited utterance, okay? You've got
15 excited utterance which is, for the record, a statement
16 relating to a startling event. Well, his cousin has just
17 been shot in the face. That's a startling event. That
18 statement has to be made while he was under the stress of
19 the excitement caused by the event.

20 Judge, I would argue that the event is still
21 ongoing. It's not as though Mr. Dickerson has been
22 removed from the scene and this is over and they're just
23 standing around with hands in their pockets. He's
24 actively kind of panicking telling the officer where his
25 cousin is laying on the ground shot and bleeding, needing

1 assistance. So I believe, I would argue that the event
2 is still ongoing as he's laying there with the shot in
3 the face thus making it an excited utterance.

4 And to further that, Judge, the objection, as I
5 stated, was about the background chatter. There was no
6 objection contemporaneous to the playing of that video of
7 Mr. Telford's statements to the officer. To take it a
8 step further, on cross examination of Ulmer, Mr. Tate
9 actually asked Ulmer about the exchange. He asked him
10 about the part where Mr. Telford said there's a man named
11 Doctor and Mr. Tate actually commented on Ulmer's
12 testimony to that and in response said something to the
13 effect of, well, there's a bunch of them, aren't there?

14 Additionally, later when Mr. Telford was on the
15 stand talking about what he said to the officer, he said
16 it was a Doctor, Mr. Tate also asked Mr. Telford about
17 that exchange and commented or asked Mr. Telford about
18 the defendant having lots of brothers. So my position
19 would be that if the defense effectively from a
20 strategical standpoint tried to put this out there,
21 there's lots of Doctors by way of their questions of the
22 witness, so I don't know how they can ask those questions
23 of the witnesses and now come back and say, oh, but wait,
24 what he said is hearsay, even if it is an exception under
25 excited utterance. So for those reasons I would argue