

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TAMAR JAVEELL NANCE,

APPELLANT

APPELLATE CASE NO. 2023-000172

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

State's Exhibits #1, #2, #3 – clips from body cam at the apartment; State's Exhibit #6 – surveillance video from CK Mart June 23, 2021; State's Exhibit #7 – Audio of 911 call; State's Exhibit #10 – Video of July 5, 2021, interview; State's Exhibit #70 – Photo of Appellant at CK Mart; State's Exhibit #81 - #90 – Photos of car; State's Exhibit #99 – surveillance video from ATM; State's Exhibit #107 – footage from body cam June 30, 2021; State's Exhibit #128 – surveillance video from ATM

1

2

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) 2022-GS-32-02762, 02763,
) 02764, & 02765
)

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COUNTY OF LEXINGTON)

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6

STATE OF SOUTH CAROLINA,)

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Plaintiff,)

8

vs.)

TRANSCRIPT OF RECORD

9

NANCE, TAMAR J.,)

10

Defendant.)

11

12

January 23 - 27, 2023

13

Lexington, South Carolina

14

15

B E F O R E:

16

HONORABLE DEBRA R. MCCASLIN, JUDGE

17

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4	CD		X	64
5	CD		X	65
11	Still photo		X	67
12	Still photo		X	67
13	Still photo		X	67
15	Still photo		X	67
16	Still photo		X	67
17	Still photo		X	67
20	Still photo		X	88
25	Still photo		X	88
26	Still photo		X	88
31	Still photo		X	88
35	Still photo		X	88
27	Still photo		X	93
18	Still photo		X	97
21	Still photo		X	97
22	Still photo		X	97
23	Still photo		X	97
24	Still photo		X	97
6	CD		X	102
14	Photo		X	107

1	<u>Court's</u>				
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>	<u>PAGE#</u>
3	8	CD		X	123
4	38	Waiver of rights		X	125
5	40	Photo		X	129
6	41	Photo		X	129
7	42	Photo		X	129
8	43	Photo		X	129
9	48	Photo		X	131
10	46	Photo		X	132
11	47	Photo		X	132
12	9	CD		X	145
13	50	CD		X	165
14	51	Search warrants		X	187
15	52	Stipulation		X	387
16					
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18					
19					
20					
21					
22					
23					
24					
25					

1	<u>State's</u>				
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>	<u>PAGE#</u>
3	7	CD		X	217
4	121	Photo		X	221
5	113	Photo		X	227
6	64	Aerial map		X	233
7	52	Photo		X	236
8	53	Photo		X	236
9	57	Photo		X	236
10	48	Photo		X	249
11	54	Photo		X	249
12	55	Photo		X	249
13	56	Photo		X	249
14	26	Bank records		X	258
15	118	Photo		X	289
16	1	CD		X	291
17	2	CD		X	291
18	3	CD		X	291
19	109	Photo		X	302
20	110	Photo		X	302
21	111	Photo		X	304
22	112	Photo		X	304
23	103	Photo		X	310
24	114	Photo		X	310
25	115	Photo		X	310

1	<u>State's</u>				
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>	<u>PAGE#</u>
3	116	Photo		X	310
4	117	Photo		X	310
5	119	Photo		X	310
6	58	Photo		X	319
7	59	Photo		X	319
8	127	Photo		X	332
9	99	CD		X	335
10	128	CD		X	335
11	77	Photo		X	339
12	102	Photo		X	342
13	6	CD		X	343
14	71	Photo		X	343
15	126	Photo		X	343
16	100	Still photo		X	357
17	129	Still photo		X	357
18	130	Still photo		X	357
19	131	Still photo		X	357
20	132	Still photo		X	357
21	11	Still photo		X	365
22	12	Still photo		X	365
23	107	CD		X	368
24	108	Still photo		X	369
25	13	Still photo		X	370

1	<u>State's</u>				
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>	<u>PAGE#</u>
3	74	Still photo		X	372
4	14	Still photo		X	373
5	15	Still photo		X	373
6	17	Still photo		X	374
7	16	Still photo		X	375
8	31	Still photo		X	399
9	35	Still photo		X	399
10	20	Still photo		X	406
11	25	Still photo		X	406
12	60	Still photo		X	406
13	61	Still photo		X	406
14	62	Still photo		X	406
15	69	Still photo		X	406
16	72	Still photo		X	406
17	134	Still photo		X	406
18	137	Still photo		X	406
19	18	Still photo		X	480
20	27	Still photo		X	410
21	28	Still photo		X	410
22	29	Still photo		X	410
23	21	Still photo		X	410
24	22	Still photo		X	410
25	23	Still photo		X	410

1	<u>State's</u>				
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>	<u>PAGE#</u>
3	30	Still photo		X	440
4	38	Waiver of rights		X	448
5	75	Photo		X	458
6	138	Buckle swab		X	460
7	81	Photo		X	481
8	82	Photo		X	481
9	83	Photo		X	481
10	70	Photo		X	482
11	84	Photo		X	485
12	85	Photo		X	485
13	86	Photo		X	485
14	87	Photo		X	485
15	88	Photo		X	488
16	89	Photo		X	488
17	90	Photo		X	488
18	136	Photo		X	488
19	144	Receipts		X	491
20	145	Receipts		X	491
21	147	Receipts		X	491
22	149	Envelope	X		503
23	151	Diagram		X	511
24	92	Photo		X	536
25	93	Photo		X	536

1	<u>State's</u>				
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>	<u>PAGE#</u>
3	94	Photo		X	536
4	149	Photo		X	541
5	142	Jeans		X	559
6	141	Hoodie		X	560
7	152	Envelope	X		565
8	152	Envelope		X	576
9	10	CD		X	596
10	39	Photo		X	596
11	140	Still shot		X	598
12	101	Full phone extraction	X		606
13	95	User account info from cell phone		X	607
14	96	User account info from cell phone		X	607
15	154	User account info from cell phone		X	607
16	40	Photo		X	612
17	41	Photo		X	612
18	42	Photo		X	612
19	43	Photo		X	612
20	44	Photo		X	612
21	45	Photo		X	612
22	46	Photo		X	612
23	47	Photo		X	612
24					
25					

1 THE COURT: Alright. I'm going to let the attorneys
2 for the State introduce themselves and anyone else assisting in
3 the prosecution of this case.

4 MS. MAYES: My name is Suzanne Mayes, I'm deputy
5 solicitor here in the Eleventh Judicial Circuit. I work as a
6 prosecutor on behalf of the State of South Carolina and law
7 enforcement. I work exclusively in Lexington County, Saluda
8 County, Edgefield County, and McCormick County as part of the
9 Eleventh Judicial Circuit. Also present in the Courtroom is
10 co-counsel, she is assistant solicitor, Whitney Taylor, she is
11 originally from Newberry County, and she also works in
12 Lexington, McCormick, Saluda, and Edgefield Counties as part of
13 the Eleventh Judicial Circuit. Also present in the Courtroom
14 is the Eleventh Circuit Investigator, James Sullivan, he is
15 known as Sully. Formally, he was with West Columbia Police
16 Department. Also present in the Courtroom is paralegal,
17 Kaitlyn Clark, a native of Lexington County, she is Kaitlyn
18 Grisby Clark. Also present in the Courtroom is from the State
19 Law Enforcement Division, SLED agent, Tyson Hass, formally with
20 the Columbia Police Department. Also present in the Courtroom
21 is Investigator or Detective Damaris Ortiz with the Columbia
22 Police Department. Also seated in the back of the Courtroom is
23 the Eleventh Circuit Victim's Advocate, Heather Clamp, she is a
24 native of Lexington County.

25 THE COURT: Alright. Thank you, Ms. Mayes.

1 Now let me ask the Defense attorneys to introduce themselves.
2 I'm also going to, I don't think there's anybody, everybody's
3 with the public defender's office. Alright. Let me ask Ms.
4 Mauldin to introduce her table.

5 MS. MAULDIN: Thank you, Judge. My name is Sarah
6 Mauldin, I'm one of the lawyers here today representing Tamar
7 Nance, the Defendant in the case. Also with me is Stephen
8 Story. And working with us is Shannon Opain and not present,
9 but you may see him later in the week is Michael Spencer
10 Watson.

11 THE COURT: Alright. Thank you, Ms. Mauldin.
12 Alright. Let me ask the jury panel. Has any, the attorneys in
13 this case just introduced themselves. Has any member of the
14 jury panel ever been represented by any of the attorneys
15 involved in this case or by their organizations? If so, please
16 stand. Is any member of the jury panel related by blood or
17 marriage, know personally, or have any religious, political,
18 social, or business association with any of the attorneys
19 involved in this case or anyone in their organization? If so,
20 please stand. Is any member of the jury panel related by blood
21 or marriage or have a close personal, professional, or social
22 relationship to a Tamar J. Nance of [REDACTED] in
23 Columbia, South Carolina? If so, please stand. The following
24 is a list of possible witnesses in this case and I'm going to
25 tell you it's rather lengthy, so I'm probably going to call

1 about 10, if you know any of these people, please stand. A
2 Sargent Benjamin Arrowood from the Columbia Police Department,
3 a Kenneth Gleaton from the Columbia Police Department, a
4 Damaris Ortiz from the Columbia Police Department, James Fisher
5 from the Columbia Police Department, Lance Crocker from the
6 Columbia Police Department, a Meagan Beattie from the Columbia
7 Police Department, Allison Fitzgerald from the Columbia Police
8 Department, Bailey Haynes from the Columbia Police Department,
9 an Amber Hynes, and I'm going to spell this for you, H-y-n-e-s,
10 from the Columbia Police Department, and a Kathryn Kiser from
11 the Columbia Police Department. Let me ask the jury panel, is
12 there anyone who knows the names that I've just called? If so,
13 please stand. Alright. I've got a Matthew Lybrand from EMS, a
14 Robert Sledge from EMS, and a Larissa Strong from EMS, **D.K.**
15 **[REDACTED]**, a Theresa Moons Buckland, and I'm going to tell you
16 the next couple of names that I call are all from the Columbia
17 Police Department. A Lieutenant Markevicz, Amy Mostella,
18 Sargent John Myers, a George Potash, a Kevin Schmidt, Estaban
19 Senteno, let me spell that, S-e-n-t-e-n-o, did I pronounce that
20 wrong?

21 MS. MAYES: That's right.

22 THE COURT: Senteno. Jamie Rogers, George Smith,
23 Tara Watson, Zachary Jackson, Mason Frier, Lakita Anderson, all
24 of these are from the Columbia Police Department. If anyone in
25 the jury panel knows the names that I've just called, please

1 stand. Alright. A Theresa Hines from SLED, a Tyson Hass, H-a-
2 s-s from SLED, a Brigitte DeGuzman, she's a nurse, a Courtney
3 Thompson from SLED, a Ryan Dewane from SLED, Donna Money or
4 Money, M-o-n-e-y, from SLED, a Mike Phipps from the Lexington
5 County Sheriff's Department, a James Hickman from the Lexington
6 County Sheriff's Department, and a Michiko Rene Anderson who is
7 a nurse, Doris Yarborough from SLED, and Jackie Davis from
8 SLED. Let me ask the jury panel, is anybody familiar with any
9 of these names or knows these people? If so, please stand. A
10 Carey Shealy, a Shoddin Abdul from Columbia, a Kanwal Singh, S-
11 i-n-g-h from Columbia, an Amber Arseneault, she works at TD
12 Bank, a Melissa Griffin, a Heather Collins, an Angie Gunter, a
13 Chris Watkins, Shannon Opain and a Michael Watson. Let me ask
14 the jury panel, does anyone know the names that I've just
15 called? Are you related by blood or marriage, know personally
16 or have any religious, political, social, or business
17 association with any of the witnesses in this case? Please
18 stand. Yes, ma'am, your juror number?

19 JUROR 181: 181.

20 THE COURT: Juror number 181. That's Ms. Smalley.
21 Ms. Smalley, can you tell me who you know on the list of names
22 I just called out?

23 JUROR 181: Heather Collins.

24 THE COURT: Heather Collins. Let me ask you,
25 Ms. Smalley, if you were selected as a juror in this

1 case, could you be fair and impartial to both the State and the
2 Defense?

3 JUROR 181: Yes, Your Honor.

4 THE COURT: Thank you. I'll keep you. Anybody else?
5 Yes, ma'am, your juror number?

6 JUROR 82: 82.

7 THE COURT: Juror number 82. That's Ms. Haddad?

8 JUROR 82: Yes, ma'am. That's good enough.

9 THE COURT: Close enough?

10 JUROR 82: Yeah.

11 THE COURT: Alright. Can you tell me who it is on
12 the list that you know?

13 JUROR 82: I'm not sure if I know Ms. Gunter, but
14 there's a ---

15 THE COURT: That's enough.

16 JUROR 82: Okay.

17 THE COURT: Alright. Let me ask you, if you know Ms.
18 Gunter, if it's the lady that you think it is and you were
19 selected as a juror in this case, could you be fair and
20 impartial to both the State and the Defense?

21 JUROR 82: Yes, Your Honor.

22 THE COURT: Thank you. We're going to keep you.

23 JUROR 82: Okay.

24 THE COURT: Anybody else? Is any juror related by
25 blood or marriage to any law enforcement officer, a state

1 constable or any other person having authority to enforce the
2 laws of this state, whether it be county or city? If so,
3 please stand. Your juror number?

4 JUROR 59: 59.

5 THE COURT: Juror number 59. Mr. Eastman?

6 JUROR 59: Yes. Youngest son former Lexington
7 County Deputy, school resource officer, and investigator and
8 now is with the Department of Social Services of Richland
9 County.

10 THE COURT: Okay. Thank you, Mr. Eastman.

11 Let me -- I'm not finished with you yet. Let me ask
12 you, if you were selected as a juror in this case,
13 could you be fair and impartial to both the State and the
14 Defense?

15 JUROR 59: I'm very pro law enforcement.

16 THE COURT: Okay. That's not good enough for me.
17 You're going to be excused. Okay. Thank you. Yes, ma'am,
18 your juror number?

19 JUROR 165: 165.

20 THE COURT: Juror number 165. Ms. Robinson?

21 JUROR 165: Yes, ma'am.

22 THE COURT: Ms. Robinson, who do you know in law
23 enforcement?

24 JUROR 165: My husband is a federal correctional
25 officer at FBI in Edgefield.

1 THE COURT: Well, Ms. Robinson, let me ask you, if
2 you were selected as a juror in this case, could you be fair
3 and impartial to both the State and the Defense?

4 JUROR 165: Yes, ma'am.

5 THE COURT: Thank you. Anybody else? Have you, a
6 relative, or a close friend now or in the past ever been a
7 member of a law enforcement agency, whether it be federal,
8 state, county, city or military police? If so, please stand.
9 I know, Ms. Robinson, you just told me about your husband. I'm
10 going to ask you again, if selected as a juror in this case,
11 could you be fair and impartial to both the State and the
12 Defense?

13 JUROR 165: Yes, ma'am.

14 THE COURT: Thank you, Ms. Robinson. Yes, ma'am,
15 your juror number?

16 JUROR 20: 20.

17 THE COURT: Juror number 20. That is
18 Ms. Burress. Yes, ma'am, who do you know in law
19 enforcement?

20 JUROR 20: My husband is a military major, a military
21 police officer, Robert Burress, still serving in the reserves.

22 THE COURT: Okay. Let me ask you, Ms. Burress, if
23 you were selected as a juror, could you be fair and impartial
24 to both the State and the Defense?

25 JUROR 20: Yes, ma'am.

1 THE COURT: Thank you. Yes, ma'am, your juror
2 number?

3 JUROR 181: 181.

4 THE COURT: 181. Ms. Smalley. Ms. Smalley, who do
5 you know in law enforcement?

6 JUROR 181: My mother.

7 THE COURT: And can you tell me what position she
8 holds in law enforcement?

9 JUROR 181: She is Deputy Director of 911
10 Communication for the City of Columbia.

11 THE COURT: Okay. Let me ask you, Ms. Smalley,
12 if you were selected as a juror in this case, could you
13 be fair and impartial to both the State and the
14 Defense?

15 JUROR 181: Yes, Your Honor.

16 THE COURT: Thank you. Has any member of the jury
17 panel or an immediate family member ever been investigator for
18 or charged with an offense involving a violent crime including
19 burglary, or sexual assault? If so, please stand. Your juror
20 number?

21 JUROR 137: 137.

22 THE COURT: 137. I'm going to step down and come
23 talk to you.

24 JUROR 137: Okay.

25 THE COURT: Okay.

1 JUROR 137: It's not here. My brother was charged
2 with burglary when he was a minor in North Carolina.

3 THE COURT: Okay. Let me ask you ---

4 JUROR 137: It won't affect my ---

5 THE COURT: For the record I have to ask you, we make
6 a record of everything we do. It's Ms. Messner, right?

7 JUROR 137: (Nonverbal response.)

8 THE COURT: Ms. Messner, alright, so you told me your
9 brother ---

10 JUROR 137: My half-brother, yep.

11 THE COURT: Right. If you were selected as a juror
12 in this case, could you be fair and impartial to both the State
13 and the Defense?

14 JUROR 137: Absolutely, yes, ma'am.

15 THE COURT: Thank you.

16 BAILIFF: 192, Your Honor.

17 THE COURT: 192. Okay. Do you remember my question?

18 JUROR 192: Yes, ma'am.

19 THE COURT: Can you tell me?

20 JUROR 192: Well, I have a nephew that's currently in
21 Lexington County.

22 THE COURT: He is?

23 JUROR 192: Robert Hastin Rogers. He is awaiting
24 trial for burglary.

25 THE COURT: And who is he to you?

1 JUROR 192: My nephew.

2 THE COURT: Your nephew. Alright. Let me ask you,
3 Ms. Sox, if you were selected as a juror, could you be fair and
4 impartial to both the State and the Defense?

5 JUROR 192: Yes.

6 THE COURT: We'll keep you.

7 JUROR 192: Thank you.

8 BAILIFF: 119, Your Honor.

9 THE COURT: Ms. Lynch?

10 JUROR 119: Yes, ma'am.

11 THE COURT: Who do you know?

12 JUROR 119: My dad went to jail in a domestic
13 violence charge.

14 THE COURT: Okay. Let me ask you if you were
15 selected as a juror in this case, could you be fair and
16 impartial to both the State and the Defense?

17 JUROR 119: I'm not sure.

18 THE COURT: Gotta let you go.

19 JUROR 119: Okay.

20 THE COURT: That's not good enough for
21 me.

22 JUROR 119: Okay. Thank you.

23 THE COURT: Thank you for coming.

24 BAILIFF: 157, Your Honor.

25 THE COURT: You can reschedule her.

1 CLERK: Ma'am? She's going to switch you to another
2 term.

3 THE COURT: I'm just going to put you to another
4 term.

5 JUROR 119: Okay.

6 THE COURT: 157. Ms. Redmond. Okay. Ms. Redmond?

7 JUROR 157: My brother.

8 THE COURT: Your brother, and what was he charged
9 with?

10 JUROR 157: Burglary, accessory.

11 THE COURT: Here in Lexington County?

12 JUROR 157: In Mississippi.

13 THE COURT: In Mississippi. Let me ask you, Ms.
14 Redmond, if you were selected as a juror in this case, could
15 you be fair and impartial to both the State and the Defense?

16 JUROR 157: Yes, ma'am.

17 THE COURT: We're keeping you.

18 BAILIFF: 150, Your Honor.

19 THE COURT: Is it Ms. Postell?

20 JUROR 150: Yes.

21 THE COURT: Ms. Postell, who do you know that was
22 involved in a crime?

23 JUROR 150: My brother.

24 THE COURT: Your brother?

25 JUROR 150: He actually killed someone.

1 THE COURT: Was that in Lexington County?

2 JUROR 150: No. It was in New Jersey, like, years
3 ago.

4 THE COURT: Alright. Let me ask you, Ms. Postell, if
5 you were selected as a juror in this case, could you be fair
6 and impartial ---

7 JUROR 150: Yes, I could.

8 THE COURT: --- to the State and the Defense,
9 both?

10 JUROR 150: Yes, I could.

11 THE COURT: Okay. I'm keeping you.

12 BAILIFF: 173, Your Honor.

13 THE COURT: Mr. Saunders.

14 JUROR 173: Yes. I was falsely accused about 10
15 years ago of sexual assault, and I was, had evidence planted
16 against me from the State in Florida and it caused me my
17 reputation and everything. I don't know if I would be
18 impartial here because of my own experience. I'm just being
19 honest ---

20 THE COURT: I appreciate that.

21 JUROR 173: Everything was expunged, but ---

22 THE COURT: Absolutely. I'm going to go ahead and
23 transfer you to another term of Court for another case,
24 alright?

25 JUROR 173: Okay.

1 THE COURT: You can go over and talk to the lady in
2 the maroon. Anybody else? Now let me take up the issue with -
3 - what juror number?

4 MS. MAYES: 181.

5 THE COURT: Can I see juror number 181, please? We
6 just need to clarify something. Your mom works for 911?

7 JUROR 181: Yes. She is Heather Collins.

8 THE COURT: Okay. Then I'm going to have to strike
9 you for cause.

10 JUROR 181: Absolutely.

11 THE COURT: I just wanted to make sure. I'm going to
12 transfer you to another term.

13 JUROR 181: Sounds good. Thank you.

14 THE COURT: Thank you. Anybody else? Does any
15 member of the jury panel have any religious or moral beliefs
16 which would prevent them from passing judgement on another
17 person as a member of the jury? If so, please stand. Yes,
18 ma'am, your juror number?

19 JUROR 77: 77.

20 THE COURT: Number 77. I'm going to come down. Ms.
21 Gooding.

22 JUROR 77: Hey, if this comes down to a child or
23 anything that references anything, abusiveness to a minor or an
24 animal or anything like that, I don't know if I can be
25 objective to any of this. And I'm sorry.

1 THE COURT: Well, it doesn't involve any of that, but
2 out of an abundance of caution, I think I'm going to just
3 transfer you to another term of Court.

4 JUROR 77: Okay. I'm so sorry.

5 THE COURT: No, no. I'm going to transfer you to the
6 civil docket.

7 JUROR 77: Okay. Thank you.

8 THE COURT: If you go to the lady in the maroon,
9 she'll take care of you. Alright. The next question, are you
10 or any of your close friends or relatives currently employed or
11 previously employed in a jail, prison, or other detention
12 center? If so, please stand. Your juror number?

13 JUROR 137: 137.

14 THE COURT: Ms. Messner?

15 JUROR 137: Yes.

16 THE COURT: Who do you know that's employed at the --
17 -

18 JUROR 137: My husband was previously a correction
19 officer before I met him.

20 THE COURT: Let me ask you, if you were seated as a
21 juror in this case, would you be fair and impartial to both the
22 State and the Defense?

23 JUROR 137: Yes, ma'am.

24 THE COURT: Thank you. Yes, ma'am, your juror
25 number?

1 JUROR 35: 35.

2 THE COURT: Juror number 35. Ms. Christian?

3 JUROR 35: Yes.

4 THE COURT: Who do you know that was employed?

5 JUROR 35: My brother-in-law was previously employed
6 as a correction officer.

7 THE COURT: Okay. Ms. Christian, if you were
8 selected as a juror in this case, could you be fair and
9 impartial ---

10 JUROR 35: Yes.

11 THE COURT: --- to both -- I got to ask the question.
12 I'm telling you we make a record of everything we say. So let
13 me ask you, if you were selected as a juror, could you be fair
14 and impartial to both the State and the Defense?

15 JUROR 35: Yes, Your Honor.

16 THE COURT: Thank you. Yes, ma'am, your juror
17 number?

18 JUROR 87: 87.

19 THE COURT: Juror number 87. Ms. Herrin?

20 JUROR 87: Yes, ma'am.

21 THE COURT: Can you tell me if you know that's
22 employed at the detention center?

23 JUROR 87: My daughter.

24 THE COURT: Your daughter. If you were -- at which
25 one, Lexington?

1 JUROR 87: DJJ.

2 THE COURT: At DJJ. Alright. Let me ask you, if you
3 were selected as a juror in this case, could you be fair and
4 impartial to both the State and the Defense?

5 JUROR 87: Yes, ma'am.

6 THE COURT: Thank you.

7 JUROR 179: Juror number 179.

8 THE COURT: Juror number 179.

9 JUROR 179: Previous ---

10 THE COURT: Wait just a second. That's Ms. Simms,
11 juror number 179. Ms. Simms, who do you know that's employed
12 at the Department of Corrections or the Detention Center?

13 JUROR 179: I was a previous prison therapist at SCDC
14 from September 2022 and then from 2013 to 2016 I was a
15 correctional officer at Alvin S. Glenn.

16 THE COURT: Alright. Ms. Simms, if you were selected
17 as a juror in this case, could you be fair and impartial to
18 both the State or the Defense?

19 JUROR 179: Yes, ma'am.

20 THE COURT: Thank you.

21 JUROR 166: Juror 166.

22 THE COURT: Juror number 166. That is Ms. Robinson,
23 okay.

24 JUROR 166: Yes, my sister works at SCDC and I think
25 it's Broad River.

1 THE COURT: Alright. Ms. Robinson, if you were
2 selected as a juror in this case, could you be fair and
3 impartial to both the State and the Defense?

4 JUROR 166: Yes, Your Honor.

5 THE COURT: Thank you, Ms. Robinson. Yes, ma'am,
6 your juror number?

7 JUROR 112: 112.

8 THE COURT: Juror number 112. Ms. Lardner.

9 JUROR 112: My son worked at SCDC, but he doesn't
10 anymore.

11 THE COURT: Okay. Let me ask you, Ms. Lardner, if
12 you were selected as a juror in this case, could you be fair
13 and impartial to both the State and the Defense?

14 JUROR 112: Yes, Your Honor.

15 THE COURT: Thank you. Yes, ma'am, your juror
16 number?

17 JUROR 82: 82, Your Honor.

18 THE COURT: Number 82. Sooner or later I'm going to
19 know all of y'all's names. Ms. Haddad. Who do you know at the
20 Department of Corrections or Detention Center?

21 JUROR 82: I have a working relationship with
22 executive director at the EOC.

23 THE COURT: Knowing that, if you were selected as a
24 juror, could you be fair and impartial to both the State and
25 the Defense?

1 JUROR 82: Yes, Your Honor.

2 THE COURT: Thank you. Yes, ma'am?

3 JUROR 176: 176.

4 THE COURT: 176?

5 JUROR 176: Yes, ma'am.

6 THE COURT: Hang on one second. Alright. Ms.
7 Shuford?

8 JUROR 176: My dad used to be a probation parole
9 officer a long time ago.

10 THE COURT: Do you know what county?

11 JUROR 176: I believe it was, I think, I'm not
12 sure.

13 THE COURT: Okay. Let me ask you if you were
14 selected as a juror in this case, could you be fair and
15 impartial to both the State and the Defense?

16 JUROR 176: Yes, Your Honor.

17 THE COURT: Thank you. Anybody else? Alright. And
18 this next question, I'm going to ask you to stand, and I'll
19 come down and speak to you in private. Have you or any of your
20 close friends or relatives ever been the victim of an act of
21 violence or sexual abuse? If so, please stand. I'm going to
22 come down and speak with you.

23 BAILIFF: Number 91, Your Honor.

24 THE COURT: Mr. Holliman.

25 JUROR 91: I was, domestic violence.

1 THE COURT: Okay. Let me ask you, if you were
2 selected as a juror, could you be fair and impartial to both
3 the State and the Defense?

4 JUROR 91: Yes.

5 THE COURT: Thank you.

6 BAILIFF: 215, Your Honor.

7 THE COURT: Juror number 215. 215?

8 JUROR 215: Yes, ma'am.

9 THE COURT: Ms. Wild.

10 JUROR 215: Yes.

11 THE COURT: Alright. Ms. Wild, who do you know that
12 was a victim?

13 JUROR 215: Myself.

14 THE COURT: Yourself. Can you tell me if you were
15 selected as a juror, could you be fair and impartial?

16 JUROR 215: No.

17 THE COURT: What I'm going to do is I'm going to
18 excuse you and just send you to another term.

19 JUROR 215: Okay. Thank you.

20 BAILIFF: 126.

21 THE COURT: Okay. Ms. Martin?

22 JUROR 126: Yes, ma'am.

23 THE COURT: Can you tell me who -- you can come up a
24 little closer. You'll be okay. Can you tell me who you know?

25 JUROR 126: My mother was a victim.

1 THE COURT: Let me ask you if you were selected as a
2 juror, could you be fair and impartial to both the State and
3 the Defense?

4 JUROR 126: Yes.

5 THE COURT: I'll keep you.

6 BAILIFF: Number 87, Your Honor.

7 THE COURT: Ms. Herrin?

8 JUROR: Yes, ma'am.

9 THE COURT: Who do you know who was a victim?

10 JUROR 87: Myself. 30 years ago.

11 THE COURT: Okay. Let me ask you if you were
12 selected as a juror in this case, could you be fair and
13 impartial to both the State and the Defense?

14 JUROR 87: Yes, Your Honor.

15 THE COURT: I'm going to keep you.

16 BAILIFF: 146, Your Honor.

17 THE COURT: Mr. Norris?

18 JUROR 146: Yes.

19 THE COURT: Who do you know that was a victim?

20 JUROR 146: I was the victim.

21 THE COURT: You were the victim. Let me ask you if
22 you were selected as a juror in this case, could you be fair
23 and impartial to both the State and the Defense?

24 JUROR 146: Yes, Your Honor.

25 THE COURT: I'm keeping you.

1 BAILIFF: Number 19, Your Honor.

2 THE COURT: Ms. Brown?

3 JUROR 19: Yes, ma'am.

4 THE COURT: Ms. Brown, were you the victim or someone
5 you know?

6 JUROR 19: Yes, ma'am.

7 THE COURT: Was it you?

8 JUROR 19: No, no, not me. My best friend's sister
9 was shot multiple times in the chest and abdomen in Columbia,
10 the case is still open.

11 THE COURT: Okay. Let me ask you if you were
12 selected as a juror in this case, could you be fair and
13 impartial to both the State and the Defense?

14 JUROR 19: Yes, ma'am.

15 THE COURT: I'm keeping you. Anybody else? Alright.
16 Next question, have you or any of your close friends or
17 relatives ever been the victim of a financial crime or identity
18 fraud? If so, please stand. Juror number?

19 JUROR 102: 102.

20 THE COURT: 102. Mr. Johnson?

21 JUROR 102: Yes, Your Honor.

22 THE COURT: Mr. Johnson, if you were selected as a
23 juror, could you be fair and impartial to both the State and
24 the Defense?

25 JUROR 102: Yes, Your Honor.

1 THE COURT: Thank you.

2 JUROR 30: Juror number 30.

3 THE COURT: Juror number 30. Mr. Caulder, let me ask
4 you if you were selected as a juror in this case, could you be
5 fair and impartial to both the State and the Defense?

6 JUROR 30: Yes, Your Honor.

7 THE COURT: Yes, sir?

8 JUROR 146: 146, Your Honor.

9 THE COURT: Juror number 146, I know, Mr. Norris.
10 Mr. Norris, if you were selected as a juror in this case, could
11 you be fair and impartial to both the State and the Defense?

12 JUROR 146: Yes, Your Honor.

13 THE COURT: Thank you. Ms. Haddad, what's your juror
14 number?

15 JUROR 82: 82.

16 THE COURT: Juror number 82. Let me ask you if you
17 were selected as a juror in this case, could you be fair and
18 impartial to both the State and the Defense?

19 JUROR 82: Yes, Your Honor.

20 THE COURT: I'm keeping you. Alright. Next question
21 are you or are any of your close friends or relatives presently
22 or in the past a member of, a financial supporter of, or
23 otherwise involved or connected with any group that promotes
24 stricter enforcement of the laws or the promotion of law
25 enforcement, or victims' rights. These groups include but are

1 not limited to MADD, SADD, or any local police or troopers'
2 association? If so, please stand. Have you or any of your
3 close friends or relatives ever provided financial or volunteer
4 support for or been employed by or involved in any way with any
5 organization that promotes prevention of violence or abuse or
6 provides treatment or other services for victims of violence or
7 abuse? If so, please stand. Alright. I'm going to ask you
8 what organization you're involved in and whether it was
9 financial or volunteering. Your juror number?

10 JUROR 23: 23.

11 THE COURT: Juror number 23, Mr. Cannon.
12 Mr. Cannon, what group are you involved with or any of your
13 relatives?

14 JUROR 23: It was my wife, she's a non-profit in
15 Columbia.

16 THE COURT: Okay. But you yourself were not involved
17 with it?

18 JUROR 23: No.

19 THE COURT: Let me ask you, Mr. Cannon, if you were
20 selected as a juror, could you be fair and impartial to both
21 the State and the Defense?

22 JUROR 23: Yes, ma'am.

23 THE COURT: Thank you.

24 JUROR 102: 102.

25 THE COURT: Juror number 102. Mr. Johnson,

1 can you tell me what group you're associated or a friend that's
2 associated with?

3 JUROR 102: Myself. US Navy sexual assault division
4 response coordinator.

5 THE COURT: Okay. Let me ask you if you were
6 selected as a juror, could you be fair and impartial to both
7 the State and the Defense?

8 JUROR 102: Yes, Your Honor.

9 THE COURT: Thank you. Yes, ma'am, your juror
10 number?

11 JUROR 126: 126.

12 THE COURT: Juror number 126. Ms. Martin, can you
13 tell me what group you or a family member are associated with?

14 JUROR 126: I used to do volunteer work at
15 the Wichita Crisis Center and also Wichita Women's
16 Shelter.

17 THE COURT: Okay.

18 JUROR 126: And we did counseling, and we did some
19 type of financial and legal support of women of color.

20 THE COURT: Okay. Let me ask you, Ms. Martin, if you
21 were selected as a juror, could you be fair and impartial to
22 both sides, meaning the State and the Defense?

23 JUROR 126: Yes.

24 THE COURT: Okay.

25 BAILIFF: 146, Your Honor.

1 THE COURT: Mr. Norris. Can you tell me
2 what group you or a family member have been associated
3 with?

4 JUROR 146: Yes, Your Honor, I'm vice president of
5 membership for the Boy Scouts of America.

6 THE COURT: If you were selected as a juror in this
7 case, could you be fair and impartial to both the State and the
8 Defense?

9 JUROR 146: Yes, Your Honor.

10 THE COURT: Yes, ma'am?

11 JUROR 113: 113.

12 THE COURT: Juror number 113. Ms. Leapheart. Can
13 you tell me what group you or a family member is associated
14 with?

15 JUROR 113: It's a friend's affiliate with Sister
16 Care, it's financial.

17 THE COURT: Let me ask you then, Ms. Leapheart, if
18 you selected as a juror, could you be fair and impartial to
19 both the State and the Defense?

20 JUROR 113: Yes, ma'am.

21 THE COURT: Thank you. Yes, sir?

22 BAILIFF: 44, Your Honor.

23 THE COURT: Juror number 44. Mr. Curry.

24 Alright. If you tell me what group you or a family member or
25 close friend is associated with?

1 JUROR 44: I was a sexual harassment, assault rape
2 prevention coordinator, United States Army, years ago.

3 THE COURT: Okay. Let me ask you if you were
4 selected as a juror in this case, could you be fair and
5 impartial to both the State and the Defense?

6 JUROR 44: Yes, ma'am.

7 THE COURT: Thank you. Alright. During the course
8 of this trial, all of the jurors will be asked to listen
9 carefully to testimony from witnesses, review and consider
10 various exhibits that get admitted as evidence and follow my
11 instructions on the law in this case. Is there any member of
12 the jury panel who feels that they will not be able to listen
13 carefully to the testimony from witnesses, review and consider
14 various exhibits, and follow my instructions on the law in this
15 case? If so, please stand. Has any member of the jury panel
16 formed or expressed an opinion about any issue or matter
17 involved in this case? If so, please stand. Is any member of
18 the jury panel aware of any bias or prejudice toward either the
19 State or the Defendant in this case? If so, please stand.
20 Does any member of the jury panel know of any reason whatsoever
21 why he or she should not serve as a juror in this case with
22 particular emphasis being placed on your ability to be fair and
23 impartial to both the State and the Defense? Please stand.
24 Does the State have any additional questions it would like to
25 have asked?

1 MS. MAYES: Yes, Your Honor. There were three
2 additional witnesses on the witness list, Rhonda Fields with
3 the State Law Enforcement Division.

4 THE COURT: Hang on, let me catch up with you.

5 MS. MAYES: Page 2.

6 THE COURT: Page 2. Okay.

7 MS. MAYES: Rhonda Fields with the State Law
8 Enforcement Division. Kambiz Emamifard, Columbia, South
9 Carolina, and then Melissa Patrick, Lexington County 911
10 Center, if needed.

11 THE COURT: Melissa Patrick? I see. Alright. Let
12 me ask the jury, these are potential witnesses so please stand
13 if you know any of these people. A Rhonda Fields with SLED, a
14 Kambiz Emamifard, I'm going to spell that last name, E-m-a-m-i-
15 f--a-r-d, from Columbia, and a Melissa Patrick. Let me ask the
16 jury do any of the jury panel know the names that I just
17 called, please stand. Okay. Thank you, Ms. Mayes. Anything
18 else, Ms. Mayes?

19 MS. MAYES: Nothing from the State, Your Honor.

20 THE COURT: Okay. How about from the Defense?

21 MS. MAULDIN: No, Your Honor.

22 THE COURT: Alright. That means we're going to pick
23 a jury. Let me tell you when they call your name, I need you
24 to come up in front of this podium and turn around. If you are
25 selected, you are going to go straight to the jury box, so when

1 they call your name, bring everything you've got with you
2 because we're going to place you in the jury box. You might
3 have the opportunity tomorrow; I am not going to excuse this
4 panel. I think y'all have little cards that have the call-in
5 number, you'll need to call in this evening after 6:00 to know
6 if you need to report back for jury duty. Alright. Give us
7 just a few minutes and we're going to go ahead and select this
8 jury. The jury that's selected today, we'll not start this
9 case today, we'll start it first thing in the morning. But
10 I'll explain later to you once we have a jury selected.

11 BAILIFF: Folks, when your name is called, come up to
12 the thing, turn around, face backward and if they take you, you
13 go to that gentleman over there and have a seat in the box.

14 THE COURT: State ready?

15 MS. MAYES: Yes, Your Honor.

16 THE COURT: Defense ready?

17 MS. MAULDIN: Yes, Your Honor.

18 THE COURT: Let me see the lawyers just for a second.

19 (Off the record.)

20 CLERK: Juror number 82, Cynthia Haddad. What say
21 you for the State?

22 MS. MAYES: Please seat this juror.

23 CLERK: What say you for the Defense?

24 MS. MAULDIN: Please seat the juror.

25 CLERK: Please have a seat in the jury box.

1 THE COURT: Welcome.

2 JUROR 82: Thank you.

3 CLERK: Juror number 146, Jack Norris. What say you
4 for the State?

5 MS. MAYES: Please present the juror.

6 CLERK: For the Defense?

7 MS. MAULDIN: Please excuse the juror.

8 CLERK: Please return back to your seat. Juror
9 number 44, William Currie. What say you for the State?

10 MS. MAYES: Please present the juror.

11 CLERK: For the Defense?

12 MS. MAULDIN: Please excuse the juror.

13 CLERK: Please return back to your seat. Juror
14 number 121, Tommy Maddox. What say you for the State?

15 MS. MAYES: Please present the juror.

16 CLERK: From the Defense?

17 MS. MAULDIN: Please seat the juror.

18 CLERK: Please have a seat in the jury box. Juror
19 number 137, Michelle Messner. What say you for the State?

20 MS. MAYES: Please excuse the juror from the trial of
21 this case.

22 CLERK: Please return to your seat. Juror number
23 109, Ryan Kopp. What say you for the State?

24 MS. MAYES: Please present the juror.

25 CLERK: For the Defense?

1 MS. MAULDIN: Please excuse the juror.

2 CLERK: Please return to your seat. Juror number
3 179, Raquel Sims. What say you for the State?

4 MS. MAYES: Please present the juror.

5 CLERK: For the Defense?

6 MS. MAULDIN: Please seat the juror.

7 CLERK: Please have a seat in the jury box. Juror
8 number 214, Sara Whitehead. What say you for the State?

9 MS. MAYES: Please present the juror.

10 CLERK: For the Defense?

11 MS. MAULDIN: Please excuse the juror.

12 CLERK: You can have a seat at your seat. Juror
13 number 150, Sarita Postell. What say you for the State?

14 MS. MAYES: Please excuse the juror from the trial of
15 this case.

16 CLERK: Thank you. Please return to your seat.
17 Juror number 103, Steven Johnson. What say you for the
18 State?

19 MS. MAYES: Please present the juror.

20 CLERK: For the Defense?

21 MS. MAULDIN: Please seat the juror.

22 CLERK: Please have a seat in the jury box. Juror
23 number 97, Ronnie Jackson, Jr. Ronnie Jackson?

24 THE COURT: Juror number 97, Ronnie Jackson? Oh, did
25 we excuse him? Self-employed.

1 CLERK: Juror number 52, Denise Dooley. What say you
2 for the State?

3 MS. MAYES: Please present the juror.

4 CLERK: For the Defense?

5 MS. MAULDIN: Please excuse the juror.

6 CLERK: Please return to your seat. Juror number 20,
7 Samantha Burress. What say you for the State?

8 MS. MAYES: Please present the juror.

9 CLERK: For the Defense?

10 MS. MAULDIN: Please excuse the juror.

11 CLERK: Please return to your seat. Juror number
12 157, Diane Redmond. What say you for the State?

13 MS. MAYES: Please excuse the juror from the trial of
14 this case.

15 CLERK: Please return to your seat. Juror number 96,
16 Lonnie Huffstetler. What say you for the State?

17 MS. MAYES: Please present the juror.

18 CLERK: From the Defense?

19 MS. MAULDIN: Please seat the juror.

20 CLERK: Please have a seat in the jury box.
21 Juror number 212, Michael Visser. What say you for the
22 State?

23 MS. MAYES: Please present the juror.

24 CLERK: For the Defense?

25 MS. MAULDIN: Please seat the juror.

1 CLERK: Please have a seat in the jury box. Juror
2 number 23, James Cannon. What say you for the State?

3 MS. MAYES: Please present the juror.

4 CLERK: For the Defense?

5 MS. MAULDIN: Please seat the juror.

6 CLERK: Please have a seat in the jury box. Juror
7 number 101, Scott Jesky. What say you for the State?

8 MS. MAYES: Please present the juror.

9 CLERK: For the Defense?

10 MS. MAULDIN: Please seat the juror.

11 CLERK: Please have a set in the jury box. Juror
12 number 35, Lashawn Christian. What say you for the State?

13 MS. MAYES: Please present the juror.

14 CLERK: For the Defense?

15 MS. MAULDIN: Please seat the juror.

16 CLERK: Please have a seat in the jury box. Juror
17 number 106, Tawwna Jones. What say you for the State?

18 MS. MAYES: Please present the juror.

19 CLERK: For the Defense?

20 MS. MAULDIN: Please seat the juror.

21 CLERK: Please have a seat in the jury box. Juror
22 number 87, Marcella Herrin. What say you for the State?

23 MS. MAYES: Please present the juror.

24 CLERK: For the Defense?

25 MS. MAULDIN: Please excuse the juror.

1 CLERK: Please return to your seat. Juror number
2 165, Laurie Robinson. What say you for the State?

3 MS. MAYES: Please present the juror.

4 CLERK: For the Defense?

5 MS. MAULDIN: Please excuse the juror.

6 CLERK: Please return to your seat. Juror number 41,
7 Kristina Corson. What say you for the State?

8 MS. MAYES: Please present the juror.

9 CLERK: For the Defense?

10 MS. MAULDIN: Please seat the juror.

11 CLERK: Please have a seat in the jury box. Juror
12 number 28, Jonathan Castillo. What say you for the State?

13 MS. MAYES: Please present the juror.

14 CLERK: For the Defense?

15 MS. MAULDIN: Please seat the juror.

16 CLERK: Please have a seat in the jury box.

17 THE COURT: Alright. Two alternates.

18 CLERK: Juror number 202, Jamison Temples. What say
19 you for the State?

20 MS. MAYES: Please present the juror.

21 CLERK: From the Defense?

22 MS. MAULDIN: Please seat the juror.

23 CLERK: Please have a seat in the jury box. Juror
24 number 30, William Caulder. What say you for the State?

25 MS. MAYES: Please present the juror.

1 CLERK: For the Defense?

2 MS. MAULDIN: Please excuse the juror.

3 CLERK: Please return to your seat. Juror number 91,
4 Michael Holliman. What say you for the State?

5 MS. MAYES: Please present the juror.

6 CLERK: For the Defense?

7 MS. MAYES: Please seat the juror.

8 CLERK: Please have a seat in the jury box.

9 THE COURT: Alright. That concludes jury selection.
10 Can I see the lawyers just for one moment, please.

11 (Off the record.)

12 THE COURT: Alright. Let me address the rest of the
13 jury panel. I'm going to let you go for the day, and I'm going
14 to tell you you need to call in after 6:00 today. Does
15 everybody have the number on there, is it the pink form, Myria?
16 I think it's a little pink card. Make sure you call in because
17 we might be selecting another jury for another case, okay? I
18 hope all of y'all have a great day, thank you so much for
19 coming and maybe I'll see you tomorrow. And you do get a small
20 check, don't get real excited with it, you do get a small check
21 for coming. It might buy you lunch. Alright. Thank you. You
22 can be excused.

23 (Non-jury leaving Courtroom.)

24 THE COURT: Alright. Ladies and gentlemen of the
25 jury, welcome. Y'all are now the jury in this case. We will

1 start this trial tomorrow morning, there's some matters that I
2 need to take up with the lawyers before we start. But let me
3 give you a little instruction. I don't allow cell phones, so
4 you can bring your cell phone with you, but I'm going to tell
5 you the Bailiff is going to take them up and you can use them
6 at lunchtime, but at no time while you're in the jury room are
7 you allowed to use your cell phone. If you're on break, you
8 can come out and the Bailiff will let you use it. I also do
9 not allow note taking, so don't come with pad and pencil. I
10 expect you to listen to the witnesses and the evidence that's
11 presented. Also, you are not allowed to watch anything about
12 this case on tv, the radio, look it up on the internet. You
13 are not allowed to do any of that, any social media. In fact,
14 you're not allowed to go home and say, hey, you're not going to
15 believe this, but I just got picked on a jury for this case.
16 You can't talk about this case at all, period, until I tell you
17 to. So don't go home, get on the phone, don't go look up these
18 lawyers' names, don't go look up the Defendant's name. Believe
19 it or not, we always find out about it, always, it's amazing to
20 me. So I'm telling you you are not allowed to look up, do any
21 independent research or talk about this case on any social
22 media, television, radio, I mean, they've got all sorts of
23 stuff out there. I don't do social media, but I know they got
24 the tweet tweet and whatever they got out there. I'm including
25 all that, you're not allowed whatsoever to do that. I will

1 tell you I will do my best to keep you informed of the day to
2 day, usually how it plays out. Let me ask you, Mr. Johnson,
3 would you do me the honor of being my foreman?

4 MR. JOHNSON: Yes, ma'am.

5 THE COURT: If there is any messages that you need to
6 get to me, they must be in writing.

7 MR. JOHNSON: Yes, ma'am.

8 THE COURT: You're not allowed to relay a message to
9 the Bailiff. It must be in writing and signed by any member of
10 the jury. If, if there's something's that gone wrong, or if
11 there's anything I can help you with, just please put it in
12 writing. I will tell you also that I'm pretty prompt in
13 starting Court. If you're late, none of us can start. I have
14 to have all the jurors and all the alternates before we can
15 begin. What time would the lawyers like to start in the
16 morning?

17 MS. MAYES: 9:30, Your Honor?

18 MS. MAULDIN: Sounds good to me, Your Honor.

19 THE COURT: Everybody okay with 9:30 over there?
20 Alright. 9:30 we're going to start, and I promise you we will
21 start right at 9:30, and we'll go as far as we can, and you'll
22 get a lunch break. If you're concerned that there might be,
23 you have an emergency, the bailiff's going to take you down,
24 he'll also give you a number that your family members can call
25 since you don't have your cell phones and if there's any

1 emergency, you can tell them to call this number and we will
2 get to you in a skinny minute, I promise. I'm going to have
3 the bailiff take you down. You'll have snacks and a bunch of
4 other stuff, show you where you need to report. Number one
5 thing, you're going to get juror badges, wear them proudly, we
6 want to know who you are in the Courthouse. If you see these
7 lawyers and they turn around and run, that's what they're
8 supposed to do, that's by my order, they're not allowed to talk
9 to you. They're not being rude, they're not being mean, none
10 of that. After the case is over with, you're welcome to talk
11 to them, but not until I tell you to. So they will turn around
12 and run, they won't even get on the elevator with you.
13 Alright. I will see you, let's say I want everybody in the
14 jury room no later than 9:15, and I'm going to get the bailiff
15 to show you to your room. Thank y'all so much.

16 (Jurors leaving Courtroom.)

17 THE COURT: Alright. For the record, right quick,
18 I'd like to put on the record that the Defendant was not
19 present during jury selection. I spoke with the attorneys
20 concerning this, I'm going to let Ms. Mauldin, for the record,
21 could you please state why your client was not present.

22 MS. MAULDIN: Your Honor, right before jury
23 selection, I walked to the back to talk with Mr. Nance and he
24 was absolutely distraught, he was tearful, his eyes were red,
25 and he was in no condition to come out and appear before the

1 jury. We talked about that and decided that the better thing
2 to do would be for him to stay in the back so that hopefully he
3 can regain his composure and then come out when it's time later
4 on. Your Honor, I don't say that to cause him any
5 embarrassment ---

6 THE COURT: Right.

7 MS. MAULDIN: --- but this is a very stressful thing
8 for him.

9 THE COURT: But you informed him that we were going
10 ahead with jury selection?

11 MS. MAULDIN: Yes, Your Honor.

12 THE COURT: Alright. I just wanted to make sure I
13 had that on the record. Also, let me put on the record, is
14 there any motions concerning the jury selection itself? Ms.
15 Mayes?

16 MS. MAYES: None from the State, Your Honor.

17 THE COURT: Ms. Mauldin?

18 MS. MAULDIN: No, Your Honor.

19 THE COURT: Thank you. Alright. Is there anything
20 else that I need to take up? I figure we will do our pretrial
21 starting at 2:00. Ms. Mauldin, that should give you some time
22 to talk to your client. Anything else that the Court needs to
23 be aware of? Other than I think I've got an expert flying in
24 tomorrow.

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: And I will tell you, should the Defendant
2 wish to plead, that needs to be done before the close of today.
3 I need to know, I've got a jury, I did not swear them in, and I
4 will not swear them in until in the morning. But the Court
5 needs to know because I've got a jury panel also calling in at
6 6:00 and I need to put a message on whether they need to
7 reappear or not.

8 MS. MAULDIN: Yes, Your Honor.

9 THE COURT: And if he decides to do so, we will plea
10 by the end of the day. Alright. Court's adjourned.

11 (Off the record.)

12 THE COURT: Alright. Everybody ready?

13 Ms. MAYES: Yes, Your Honor.

14 MS. MAULDIN: Yes, Your Honor.

15 THE COURT: Ms. Mauldin, they asked me if it was okay
16 to keep your client dressed out or not dressing out I guess is
17 what I should say.

18 MS. MAULDIN: No, that's fine, Your Honor.

19 THE COURT: And I told them I don't think we need him
20 dressed out for motion hearings, okay? Alright. Let me ask
21 the State, does the State have any motions?

22 MS. MAYES: Yes, Your Honor, the State does have
23 motions that we, I advised the Court on previously regarding
24 excited utterance, and then we have responded in writing to the
25 motions that we received Wednesday from the Defense regarding

1 their motions to suppress evidence relating to the June 30th
2 detention of the Defendant at a CK Mart. We would be prepared
3 to offer witnesses in regards to that motion to suppress and
4 that will also incorporate the Jackson v Denno with one of our
5 witnesses being Detective Williamson Ortiz, she will also be
6 able to address the Jackson v Denno issues when she testifies.

7 THE COURT: Okay. Are you planning on putting up any
8 witnesses for the excited utterance?

9 MS. MAYES: Your Honor, if we need to we will. We
10 have supplied the Defense with clips from the body worn camera
11 of Officer Arrowood, there are three mini clips involved in
12 statements in that regard, and then obviously, the 911 call
13 that is a business record, but will be published through an
14 additional witness later, the neighbor who actually made the
15 call. And there is some excited, there are some excited
16 utterance statements in that.

17 THE COURT: Okay.

18 MS. MAYES: So we can do whatever the Court requires
19 on that. I don't know if there is specifically an objection to
20 the mini clips that were selected.

21 THE COURT: Alright. Let me hear from you, Ms.
22 Mauldin.

23 MS. MAULDIN: Your Honor, the only objection that I
24 would have is the beginning of the 911 call that is the
25 neighbor, Theresa Moons Buckland, who's calling 911 and she

1 starts the phone call with I've got an elderly rape victim.
2 That's a conclusory statement. I don't think that needs to
3 come in. It's not like she said ---

4 THE COURT: Is that something you've talked to the
5 State about?

6 MS. MAULDIN: No, I haven't, Your Honor, that's my
7 only objection to their motion.

8 THE COURT: Ms. Mayes?

9 MS. MAYES: If that is the only statement, I've got
10 an elderly rape victim, I believe we could make an appropriate
11 redaction before tomorrow morning. If that's the only
12 objection, then we should be good to go on the excited
13 utterance statements.

14 THE COURT: Okay. Is that, she's going to redact it,
15 Ms. Mauldin. Any other objections to the excited utterance
16 then?

17 MS. MAULDIN: Your Honor, beg the Court's indulgence.
18 The only other part would be on Officer Gleaton's body camera,
19 he asks her questions, have you washed yourself off, she
20 responds, he made me urinate he said to clean and I did use a
21 bacterial wipe, and then he said this was after, she said I
22 think it was in the middle, I think he couldn't really do
23 anything until I got back to the bedroom. He continues, were
24 you all in the bedroom the whole time or outside, she responds,
25 followed me to the bathroom but I had two pillows in front of

1 my face. He says, how did he leave, she says, I don't know, I
2 never left the bed, he told me not to call anybody. Those few
3 questions and their responses, I would move that those not come
4 in as excited utterances because at that point, those are in
5 response to his question, not spontaneous statements that she's
6 making and those are more in preparation for prosecution, so I
7 would ask that those remain out as well. There are, there's a
8 clip number 2, I don't have any objection to that. Those are
9 all within clip number 3, and I don't have any objection to the
10 part where she says, he got my bank card, that follows.

11 THE COURT: Ms. Mayes?

12 MS. MAYES: Your Honor, if those are directly from
13 the mini clip of Sargent Arrowood, we do believe they fall
14 under the excited utterance exception, they all occur at the
15 victim's home, even before EMS had transported her to the
16 hospital. There are two cases directly on point, State versus
17 Dennis and State versus Heath. State versus Heath is a
18 Lexington County case that was decided in 2021, so it's
19 probably our most recent excited utterance case. But in that,
20 excited utterance was allowed regarding the police officer's
21 testimony regarding the victim's responses to law enforcement.
22 So what happened in Heath is almost identical, there was a call
23 to law enforcement that a sexual assault victim is at her home.
24 Law enforcement goes and responds out immediately to the scene
25 and that was Deputy Kayla Black who then responded. He

1 testified that he was able to observe the victim, she was
2 crying, she was visibly upset. When questioned, she told
3 Black, which would be Sargent Kayla Black, what had occurred.
4 There were certain details that were provided during the course
5 of that, and the State's argument was certainly that those
6 statements fresh at the scene to the officer fell within the
7 exception of excited utterance. And further, looking at this
8 case, he explained certain details that the victim had said to
9 him and ultimately, Your Honor, those statements were found to
10 be admissible. The trial court held that Sargent Black's
11 testimony fell under three hearsay exceptions, excited
12 utterance, res gestae and present sense impression. He's
13 observing her, obviously, as she is relaying this. And it is
14 the same with Sargent Arrowood, it is very, very fresh, again,
15 she hasn't even been transported to the hospital yet. She's
16 explained to them that her bank card was taken, she's
17 explaining to them how she thinks the perpetrator got in and
18 then left her home. And as I said, Your Honor, I'm going to
19 pass up Heath, but Heath would be directly on point. And
20 again, 2021 case decided that those excited utterance
21 statements were admissible.

22 THE COURT: Ms. Mauldin?

23 MS. MAULDIN: Nothing further, Your Honor.

24 MS. MAYES: In Dennis, Your Honor, I'll also add the
25 victim was being questioned in an emergency room, so even

1 longer period of time had transpired, but in Dennis, she was
2 being questioned specifically about details of the assault and
3 the identity, possible identity of the perpetrator or
4 description of the perpetrator. In all of her responses to
5 those questions were still found to be excited utterance.
6 Excited utterance isn't limited to only statements that are
7 made truly spontaneously without questioning. It certainly
8 includes and incorporates statements that are made in the
9 initial phase of an investigation or in this case, the response
10 to law enforcement.

11 THE COURT: When she made these statements, was she
12 at the emergency room or still on the scene?

13 MS. MAYES: She was in her apartment, Your Honor. So
14 the 911 call is placed, give me just a moment and I can pull
15 that information from the timeline. The 911 call, Your Honor,
16 is placed approximately, I think, 6:08 am to Lexington County.
17 Lexington County then transfers it to the City of Columbia, it
18 goes in at 6:10 am. This particular officer who is Officer
19 Arrowood, he is going to promptly respond to her home
20 immediately after that. 6:19 is the time we believe that he's
21 going to respond and the first thing he does is gain entry into
22 the home and the victim is sitting on the couch and is able to
23 make these statements. Your Honor, the body cam was pretty
24 lengthy in its entirety, we broke it down to three very small
25 mini clips I believe those are, two of them are less than one

1 minute in length, and then the other one is less than two
2 minutes in length. So we're talking about approximately three
3 to three and a half minutes of portions of that body cam that
4 we would be offering. And those are going to include Sargent
5 Arrowood as he arrives and begins clearing the residence, he's
6 got to make sure that the perpetrator or intruder may not still
7 actually be in the residence. And then he's trying to
8 determine how they may have gotten in and he's trying to
9 determine what if anything happened to her, and then he's
10 trying to determine what evidence might be fresh at the scene
11 and she informs him that her bank card was stolen.

12 THE COURT: And the part that you object to, Ms.
13 Mauldin?

14 MS. MAULDIN: Yes, Your Honor. To back up with a
15 timeline, too, I want to make clear that there is some delay
16 according to Ms. D.K. y's statements to law enforcement. She
17 doesn't immediately call 911 after the alleged assault ---

18 THE COURT: She called a neighbor.

19 MS. MAULDIN: Well, even before that, Your Honor,
20 she's on the phone trying to reach family, packing a bag,
21 eventually calls her neighbor. It's not entirely clear how
22 long that process takes, but it's not an immediate, you know,
23 suspect leaves the house, she calls the neighbor, the neighbor
24 calls 911. In that regard, it's not immediate and my argument
25 is just that these questions, the answers that she gives are in

1 response to the officer's specific questions about what's going
2 on. If they're coming in as excited utterances, these are not
3 just something, you know something dealing with the excitement
4 of the moment, they are in response to his questions.

5 MS. MAYES: Yes, Your Honor, if we could just put on
6 the record. So the victim has reported to law enforcement that
7 at 5:39 she believes that is when he left, 5:39 because she has
8 access to the time in her, in her bedroom and she could see
9 that 5:39 is when she believed that he had left, but she was
10 laying still because she is not yet convinced that he's gone
11 and she's not going to take any action until she believes that
12 the intruder is truly out of the home. He has threatened her,
13 he's threatened her life, she believes that. He actually had
14 warned her what would happen if she did call the police when he
15 told her do not call the police. So there is a period of time
16 where she lays still and waits until she believes he is truly
17 out of the home, and then she makes a call first to a relative
18 who does not respond and then to the neighbor and then the
19 neighbor's going to make that first 911 call at 6:08 am. So
20 5:39 is when she believed he left, but again, she is still
21 laying there waiting to make sure that he's gone and it's going
22 to be around, between 6 am and 6:08 that she's going to make
23 that call to the neighbor who then immediately calls 911.
24 Regardless, law enforcement is at her home and inside her home
25

1 at 6:19 am, so we're talking about statements well within 45
2 minutes.

3 THE COURT: Anything else?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: Alright. Y'all want to do a Jackson v
6 Denno also?

7 MS. MAYES: Yes, Your Honor, if we could incorporate
8 that into the motion to suppress, we'll have several witnesses
9 and I believe we can find a way to do that.

10 THE COURT: Okay. Alright. Then let's call your
11 first witness.

12 MS. TAYLOR: The State calls William Wells.

13 CLERK: Please raise your right hand, place your left
14 on the Bible. Do you swear or affirm the testimony you give
15 the Court is the truth, the whole truth, and nothing but the
16 truth so help you God?

17 MR. WELLS: I do.

18 CLERK: Thank you. Would you please have a seat in
19 the witness box. State your full name and spell your last for
20 the record.

21 MR. WELLS: Yes, thank you. My name is William L.
22 Wells, and last name is spelled W-e-l-l-s.

23 DIRECT EXINATION

24 BY MS. TAYLOR:

25 Q Thank you, Corporal Wells. Will you please describe

1 where you work currently and what your rank and duties and
2 responsibilities are?

3 A Yes, ma'am. I'm a corporal for the City of Columbia
4 Police Department and my duties include taking care of elements
5 of patrol from an administrative perspective, but also
6 responding to calls for service.

7 Q On June 30th of 2021, where did you work at that time?

8 A At that time, I was covering for supervision in the west
9 region of the City of Columbia.

10 Q What was your rank at that time?

11 A At that time I was the rank of corporal.

12 Q Did you have the same duties and responsibilities at that
13 time as well?

14 A Yes, ma'am.

15 Q And do you remember being dispatched to the CK Mart at
16 2624 Broad River Road?

17 A Yes, ma'am, I do.

18 Q Alright. What was the nature of that call?

19 A I was dispatched in reference to a call for service that
20 had come in about a potential subject involved in a burglary
21 case, connected to a burglary case that had been spotted at
22 that location. So I received notification and responded along
23 with other units in an attempt to locate the subject vehicle
24 that had been described to me. A white Chevrolet Malibu with a
25

1 paper tag. In addition to that, to be able to find the vehicle
2 and or anyone associated with said vehicle.

3 Q And so, based on your knowledge of the case at that time,
4 was the vehicle potential evidence in a crime?

5 A Yes, ma'am.

6 Q And could the car contain other items of evidence,
7 potentially?

8 A Yes, ma'am. That is possible, yes.

9 Q What time did you arrive on the scene?

10 A I'm afraid, I may have to refresh my recollection on the
11 exact time, but I believe it was 7:41 pm, if I recall
12 correctly.

13 Q And were you fitted with body worn camera at that time?

14 A I was, ma'am, yes.

15 Q And was it activated or recording when you arrived?

16 A Yes, ma'am, it was.

17 Q Alright. When you arrived on scene, were you able to
18 locate the car in question, the suspect vehicle?

19 A Yes, ma'am. When I arrived on scene I exited my patrol
20 vehicle and looked throughout the parking lot. There was one
21 vehicle, a white Chevrolet Malibu with a paper tag that matched
22 the description that I had been given about the possible
23 subject's vehicle.

24 Q And were you able to identify the driver of that
25 car?

1 A Yes. When I was examining the vehicle, a subject, a male
2 approached me and seemed curious what I was doing. And I
3 informed him that I was taking a look at that car. I asked him
4 if it was his car to which he responded that it was, and I
5 informed him that the vehicle had been potentially involved in
6 a burglary.

7 Q What was his, what was his name?

8 A We were, initially, able to identify him as Tamar Nance.
9 He offered that information; he showed me a photograph of his
10 South Carolina issued identification card that contained his
11 information.

12 Q So if I showed you stills or video clips of the body worn
13 camera footage from that day, you would recognize it?

14 A Yes, ma'am.

15 Q Okay.

16 MS. TAYLOR: May I approach, Your Honor?

17 THE COURT: You may.

18 Q Alright. Corporal Wells, what am I showing to you?

19 A Yes, counselor, I'm being shown a DVD or CDR containing
20 the, what appears to be video footage marked Wells body camera
21 one, as I arrive for this case.

22 Q So have you reviewed this footage that contained, is
23 contained in that disc?

24 A Yes. I reviewed it on the 19th of this month, 2023, and
25 it is indicated.

1 Q Okay. Alright.

2 MS. TAYLOR: Your Honor, at this time, I offer this
3 as Court's Exhibit 4.

4 THE COURT: 4?

5 MS. TAYLOR: Yes, Your Honor.

6 THE COURT: Any objection?

7 MS. MAULDIN: None, Your Honor.

8 (Whereupon a CD was submitted as Court's Exhibit Number 4
9 for identification and entered into evidence.)

10 MS. TAYLOR: Permission to publish?

11 THE COURT: Yes, ma'am.

12 (Playing body worn camera footage.)

13 Q And Corporal Wells, did you see the date and time at the
14 bottom of the screen there?

15 A I did indeed, ma'am.

16 Q Did that refresh your recollection about what time you
17 arrived on scene?

18 A So I was off by a few minutes, I apologize, it was 7:52.

19 Q And that was on June 30th, 2021?

20 A That is correct.

21 Q Okay. Now, after you verified his identity via the photo
22 ID, what did you do next?

23 A At that point, we detained Mr. Nance, who we identified
24 then as Mr. Nance, to await the arrival of the primary
25 investigator involved in the case.

1 Q Now, I've shown you what's been marked as Court exhibit 5,
2 do you recognize that?

3 A I do, indeed, ma'am. This is a body camera recording on
4 CDR that I reviewed on the 19th of January 2023 noted as Wells'
5 body camera 2.

6 Q And had there any alterations made to, have been made to
7 this disc as you reviewed it on that date?

8 A No, ma'am, not to my knowledge.

9 MS. TAYLOR: Your Honor, at this time, we moved to
10 enter Court's Exhibit Number 5.

11 THE COURT: Any objection?

12 MS. MAULDIN: No, Your Honor.

13 THE COURT: It's admitted.

14 (Whereupon a CD was submitted as Court's Exhibit Number 5
15 for identification and entered into evidence.)

16 MS. TAYLOR: Permission to publish, Your Honor?

17 THE COURT: Yes, ma'am.

18 (Playing body worn camera footage.)

19 Q Alright. Corporal Wells, when you made the statement
20 about mistaken identity, what did you mean, what was your
21 intension of that statement?

22 A For the sake of clarification, I wanted to inform Mr.
23 Nance the reason for which he was being detained was
24 investigative detention. As I had no knowledge of the case, I
25 did not know for certain that Mr. Nance would be the subject

1 involved, but he was associated with the vehicle that I knew
2 and had been informed was associated with the burglary and as
3 such we had placed him under investigative detention. But my,
4 my comments were solely due to my lack of knowledge about the
5 particulars of this case.

6 Q Were you able to determine if he was the sole occupant of
7 that car?

8 A Yes. At the time in which we approached the vehicle, he
9 approached us, there was no evidence or any information
10 indicating to us that anyone else was in or around said
11 vehicle. And as Mr. Nance and I walked up to the vehicle at
12 approximately the same time and began our conversation, he made
13 no mention of anyone else being in, around his vehicle.

14 Q Now, Corporal Wells, I'm showing you what's been marked
15 for identification as Court exhibits 11, 12, 15, 16, and 17.
16 Can you flip through those and tell me if you recognize those
17 as well, in general.

18 A I do. Yes, ma'am, I do. Exhibit 11 is marked as a time
19 stamped still of my approach at the CK Mart. Item number 12
20 was footage of me walking around the edge of the vehicle that
21 was later associated with Mr. Nance. There is a still photo
22 taken, number 13, of me speaking with Mr. Nance. There is a
23 still photo, exhibit 15, of me with Investigator Ortiz at the
24 back of the Chevy Malibu involved in this. There is still
25 number 16 showing me speaking with a gentleman who had come up

1 and expressed interest in the case along with Officer Monteval
2 and Investigator Williamson over at Officer Monteval's vehicle.
3 And still number 17 of the City of Columbia Police Crime Scene
4 pulling up in reference to this case.

5 Q And do these stills fairly and accurately depict your body
6 worn camera footage on that day and time?

7 A They do, ma'am.

8 Q Okay.

9 MS. TAYLOR: At this time, Your Honor, we move to
10 admit Court Exhibits 11, 12, 13, 15, 16, and 17.

11 MS. MAULDIN: Without objection.

12 THE COURT: Okay. They're admitted in.

13 (Whereupon still photos were submitted as Court's Exhibit
14 Numbers 11, 12, 13, 15, 16, and 17 for identification and
15 entered into evidence.)

16 MS. TAYLOR: Permission to publish these as well,
17 Your Honor?

18 THE COURT: Yes, ma'am.

19 Q Corporal Wells, just to go through those one by one ---

20 A Yes, ma'am.

21 Q --- one more time. Can you note the date and time at the
22 bottom of Court Exhibit 11?

23 A Yes, ma'am.

24 Q And what, what do you see in this photo in
25 general?

1 A Yes, ma'am, that is the gas pumps at the CK Mart taken
2 from my body camera at 7:52 pm on the 30th.

3 Q And was this when you arrived on scene?

4 A It is.

5 Q Okay. Showing you Court Exhibit 12, what is it noted in
6 this shot?

7 A Yes, this is a still shot taken from my body worn camera
8 footage at 7:52 pm, just moments after the prior, and shows me
9 walking up and examining the vehicle I had been called about, a
10 white Chevrolet Malibu with a paper tag.

11 Q Did you notice anything else in particular about the car,
12 such as damage, distinguishing marks, anything of that nature?

13 A Yes, ma'am, I did. I noted that there was damage to the
14 rear passenger side bumper on my examination.

15 Q I'm showing Court Exhibit 13, who, what, and who ---

16 A Yes. That is a still taken from my body worn camera
17 footage. It begins within the same minute showing both the
18 vehicle immediately after I had called it into dispatch and the
19 gentleman that I later identified as Mr. Nance.

20 Q Okay. Court Exhibit 15. What is depicted in this still
21 shot?

22 A This is a still shot taken from my body worn camera
23 footage on the 30th at 8:06 pm depicting Investigator Ortiz
24 having arrived on scene and going over to examine the
25 vehicle.

1 Q Court Exhibit 16. What is depicted or who is depicted in
2 this still shot on your body camera?

3 A Yes, ma'am. This is at 8:23 pm, it's a still shot taken
4 from my body worn camera footage involving me in a conversation
5 with a gentleman who had expressed interest about the case. I
6 didn't know his relation to anything, and Officer Monteil and
7 Investigator Ortiz standing by the rear of the vehicle speaking
8 with Mr. Nance who had been detained.

9 Q And lastly, Court Exhibit 17. What, can you note the date
10 and time that this still shot ---

11 A Yes, ma'am. This was also on the 30th at
12 approximately 9 pm showing the arrival of a City of
13 Columbia Crime Scene Unit for the sake of collecting
14 evidence.

15 Q Okay. And Corporal Wells, were there any other cars
16 on the lot of CK Mart that matched the description that
17 you were given when you were dispatched there?

18 A No, ma'am.

19 Q So at this point, based on the limited knowledge that you
20 were given regarding this case, was there reasonable suspicion
21 to detain this car?

22 A Yes, ma'am, we believed that to be the case.

23 Q And at any point, was Tamar Nance detained?

24 A Yes, ma'am.

25 Q If so when was he detained?

1 A Yes. When Mr. Nance claimed ownership of the vehicle, at
2 that point, we began the investigative detention process. So
3 at that point, we moved to detain him, although we proceeded
4 slowly so as not to cause any issues with escalation.

5 Q And any statements that he gave you, were they coerced or
6 was anything promised in return for these statements?

7 A No, ma'am.

8 MS. TAYLOR: Beg the Court's indulgence. No further
9 questions, Your Honor.

10 THE COURT: Okay. Ms. Mauldin?

11 MS. MAULDIN: Thank you, Your Honor

12 CROSS EXAMINATION

13 BY MS. MAULDIN:

14 Q Good afternoon, Officer Wells.

15 A Good afternoon, counselor.

16 Q Alright. Now, when did you initially receive the
17 description of this car?

18 A I had received the description a few minutes prior to my
19 arrival at the CK Mart. I'm afraid I do not recall the exact
20 time at which I received that.

21 Q Okay. And you mentioned that he approached you, but your
22 car was about 40 feet away from his car, correct?

23 A Yes, ma'am.

24 Q And you walked over to his car, and you were standing a
25 few feet from his car?

1 A Yes, ma'am.

2 Q And then he came from his car to you, so only a few feet?

3 A Yes, ma'am. My recollection was that he was actually
4 walking back to me from the entrance from the CK Mart. At the
5 time, I did not know if the vehicle would be occupied or not, I
6 was simply checking on the status of the vehicle that I had
7 been informed would be at the location.

8 Q Okay. And there's nobody else in the vehicle?

9 A No, ma'am.

10 Q Okay. And you did not read him any Miranda rights while
11 you were there with him?

12 A No, ma'am, I did not read him any Miranda rights.

13 Q Okay. And once he was detained, he was put into the back
14 of a patrol car?

15 A That is correct, ma'am.

16 Q And you didn't tell him that he was free to go?

17 A I did not tell him that he was free to go.

18 Q Okay. And this was all captured on Officer Monteval's body
19 camera?

20 A To the best of my knowledge, yes, ma'am.

21 Q And he also had an in-car camera going, too, that you
22 checked on, right?

23 A Yes, ma'am.

24 Q And so that should have been capturing what was happening
25 that day?

- 1 A Yes, ma'am.
- 2 Q Are you aware of what happened to the video?
- 3 A No, ma'am.
- 4 Q Okay. Now, so your initial detention of Mr. Nance began
5 when you were talking to him behind the car?
- 6 A That is correct, ma'am.
- 7 Q Okay. And so then he was held in the car until
8 Investigator Ortiz arrived and that would have been around
9 20:04, is that right?
- 10 A That is correct.
- 11 Q Okay. And then she talked to him at the car and then she
12 came over and talked to the other man for a while, is that
13 right?
- 14 A That, that is as I recall it, yes, ma'am.
- 15 Q Okay. And so then she goes back to the car where Mr.
16 Nance is held?
- 17 A Yes, ma'am.
- 18 Q Okay. And then she walks around on the phone and comes
19 and talks to you for a little while, too, is that right?
- 20 A Yes, ma'am.
- 21 Q Okay. So then she goes back to her car and eventually the
22 crime scene, Officer Schmidt shows up to do the DNA sample,
23 right?
- 24 A Yes, ma'am.
- 25 Q And so all this time, Mr. Nance has been in the car?

1 A Yes, ma'am.

2 Q Do you call how long, well, let me back up. Your body
3 camera ends before he is taken out of the car, right?

4 A Yes, ma'am.

5 Q Okay. Do you know how long he was kept in the back of the
6 car after your body camera ended?

7 A To be frank, ma'am, I don't recall exactly how long it was
8 ---

9 Q Okay.

10 A --- after my body camera footage ended.

11 Q And why did your footage end? Did you shut it off at that
12 point?

13 A I had shut it off because I had no further interactions.

14 Q You had, like, turned the scene over to somebody else by
15 that time?

16 A That is correct.

17 Q Okay. Alright. So you don't know how long he stayed in
18 the car after the footage ended?

19 A I'm afraid I can't recall specifically, no, ma'am.

20 Q Okay. But you know that your body camera footage of this
21 covering the time from the time he was detained until the time
22 your footage ended when he still wasn't out of the car was over
23 an hour?

24 A Yes, ma'am.

25 Q Okay.

1 MS. MAULDIN: Your Honor, beg the Court's indulgence.
2 Nothing further, Your Honor.

3 MS. TAYLOR: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. TAYLOR:

6 Q Corporal Wells ---

7 A Yes, counselor.

8 Q --- was anybody else inside the vehicle connected
9 to the vehicle other than Tamar Nance?

10 A No, ma'am, not to my knowledge.

11 Q At any point did you question the Defendant?

12 A No, ma'am.

13 Q Once you confirmed that Tamar Nance was the individual
14 driving that car, was he detained?

15 A Yes, ma'am.

16 Q As well as when he, he, so that he was the one
17 that owned the car that was the only person driving that
18 car?

19 A Yes, ma'am. For clarity's sake, he was no longer
20 free to leave once he had stated to me that this was his
21 car. The car was the primary piece of evidence that I was
22 attempting to locate at that time.

23 Q And did you advise him of the reason that he was
24 being detained that day?

25 A I did.

1 MS. TAYLOR: Beg the Court's indulgence. No further
2 questions, Your Honor.

3 THE COURT: Anything else Ms. Mauldin?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: Okay. Can I let the officer step down?

6 CORPORAL WELLS: Thank you, Your Honor.

7 THE COURT: Thank you, Corporal Wells. Do you want
8 to call your next witness?

9 MS. TAYLOR: Yes, Your Honor. The State calls Abdul
10 Shoddin.

11 CLERK: Please raise your right hand, place your left
12 on the Bible. No, raise your right hand. Do you swear or
13 affirm the testimony you give the Court is the truth, the whole
14 truth, and nothing but the truth so help you God?

15 MR. ABDUL: Yes, that's correct.

16 CLERK: Thank you. Would you please have a seat in
17 the witness box. State your full name, spell your last for the
18 record.

19 MR. ABDUL: Okay. My first name is Shoddin, my last
20 name is Abdul. I work at the CK Mart, cashier.

21 THE COURT: Now you're going to have to pull that
22 mask down and speak into the microphone so the Court reporter
23 can take down everything you say.

24 MR. ABDUL: My first name is Shoddin, my last name is
25 Abdul. I work at the CK Mart, cashier.

1 THE COURT: Can you spell your last name for us?

2 MR. ABDUL: A-b-d-u-l.

3 THE COURT: And the first name?

4 MR. ABDUL: S-h-a-m-s-h-o-d-d-i-n.

5 THE COURT: Okay. Thank you.

6 DIRECT EXAMINATION

7 BY MS. TAYLOR:

8 Q Good afternoon, Mr. Shoddin. Where do you currently work?

9 A Right now?

10 Q Right now.

11 A I'm working North Main Street.

12 Q Okay. And in June of 2021, did you work at the CK Mart on
13 Broad River Road?

14 A Yes.

15 Q Okay. And were you, what position were you in at that
16 time at the CK Mart?

17 A I work in the cashier.

18 Q Would part of your job responsibilities be pulling video
19 footage?

20 A Yes.

21 Q Okay. And at any point, did law enforcement come to you
22 and ask for video footage on June 23rd of 2021?

23 A Yes.

24 Q Would that be Detective Ortiz?

25 A Yes.

1 Q And when you pulled the video footage on June 23rd, 2021,
2 did you watch that video with Detective Ortiz?

3 A Yes.

4 Q And did you recognize the Defendant, or the, the male in
5 that video, did you recognize him?

6 A Yes.

7 Q How did you recognize him?

8 A He's, he's my customer, he's regular customer, he come to
9 everyday more times my store, and he hang out on the outside in
10 parking lot. I know him very well.

11 Q So by watching that video, were you one hundred percent
12 sure that you recognized him?

13 A Yeah.

14 Q And after you watched that video with Detective Ortiz, did
15 you tell her that you would let her know if he came back?

16 A Yes.

17 Q Alright. And did you do that, did that person come back?

18 A Yes. I call her.

19 Q And in addition to recognizing the individual in that
20 video, did you also recognize the car that he was driving?

21 A Yes.

22 Q As that white sedan, that white Chevy Malibu?

23 A Yes.

24 Q Did that person come back to the CK Mart on, at any point
25 after you pulled that video with Detective Ortiz?

1 A Yes.

2 Q And when he came back, was that on June 30th of 2021?

3 A Correct.

4 Q And when he came back, did you call Detective Ortiz?

5 A Yes.

6 Q And when you saw that person come back on June 30th, were
7 you one hundred percent sure that that was the same person in
8 the video?

9 A It same person.

10 MS. TAYLOR: Beg the Court's indulgence.

11 Q I just wanted to clarify something with you, Mr. Shoddin,
12 I mis-spoke. You pulled the video, and watched that video with
13 Detective Ortiz on June 30th of 2021, is that correct?

14 A Correct.

15 Q Okay. But the video that you pulled was from June 23rd of
16 2021, correct?

17 A Correct.

18 Q Okay. And that is, is that same day that you called
19 Detective Ortiz and told her he was back at the CK Mart?

20 A Right.

21 Q Okay.

22 MS. TAYLOR: No further questions,
23 Your Honor.

24 THE COURT: Ms. Mauldin?

25 MS. MAULDIN: Thank you, Your Honor.

CROSS EXAMINATION

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BY MS. MAULDIN:

Q Good afternoon, sir, how are you?

A Good, how are you?

Q Good. I had a little trouble understanding your answer.

How did you know Mr. Nance?

A He's my customer, he come through every day at my store.

Q Okay.

A More time he hang outside in the parking lot. We tell him so many times move his property. Boss man call me tell him move the property, but he don't want to move it, he come back again and again. So we call police all the time.

Q Okay. And I'm sorry, I'm still not getting that.

What do you mean about moving the property?

A He hang around the parking and he don't want to move from the parking, so boss man say the watching the camera from home, he say call police, so we don't know what's happen, why not.

Q Oh, so he wanted him to leave?

A Right.

Q Okay. And on how many occasions, approximately, had you seen him before?

A More times, just like, recollect the 10 hours I seen him all day, all day, all night.

Q On like multiple days or just that ---

1 A I will working, I see him more times, like, 10, 20 times -

2 --

3 Q Okay.

4 A --- a day.

5 Q Did you ever have a conversation with him?

6 A No.

7 Q Okay. Just saw him from a distance?

8 A Just like a customer.

9 Q Okay. Alright.

10 MS. MAULDIN: Thank you, Judge. No further
11 questions.

12 THE COURT: Okay. May I let the witness down or do
13 you have any redirect?

14 MS. TAYLOR: He may leave, Your Honor.

15 THE COURT: Alright. You can step down, thank you.

16 MR. ABDUL: Okay. Thank you.

17 MS. MAYES: That State calls Detective Damaris
18 Williamson Ortiz.

19 CLERK: Please raise your right hand. Place your
20 left on the Bible. Do you swear or affirm the testimony you
21 give the Court is the truth, the whole truth, and nothing but
22 the truth so help you God?

23 DETECTIVE ORTIZ: I do.

24 CLERK: Thank you. Would you please have
25 a seat in the witness box. State your full name

1 and spell your last for the record.

2 DETECTIVE ORTIZ: My name is Damaris Ortiz, O-r-t-i-
3 z.

4 DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q Alright. Good afternoon. Detective, I want to
7 start by asking you the testimony we heard thus far covers June
8 30th. What is the actual date that this crime occurred?

9 A June 23rd, 2021.

10 Q Alright. So June 23rd, so the crime has occurred one week
11 earlier?

12 A That's correct.

13 Q Now, what role did you have initially in the
14 investigation?

15 A I'm the lead investigator.

16 Q Alright. I'm going to need you to pull the microphone up
17 just a little bit closer to you. Alright. And as lead
18 investigator, where did you initially respond on the date of
19 June 23rd?

20 A I initially responded to the hospital ---

21 Q Okay.

22 A --- to meet with my victim.

23 Q Alright. And that would be, can you state for the record
24 the name of the victim in this case?

25 A D.K. [REDACTED].

1 Q Alright. And you met with Ms. D.K. at the hospital.
2 Can you tell us whether or not other officers were actually at
3 the scene of this crime?

4 A That's correct, ma'am.

5 Q And what is the address?

6 A The address is [REDACTED], and it's apartment [REDACTED].

7 Q Alright. Now, you're with the City of Columbia Police
8 Department?

9 A That's correct.

10 Q What area within the City of Columbia is this Crossbow
11 apartment?

12 A It would be west region.

13 Q Alright. Would that also be consistent with Harbison?

14 A That's correct.

15 Q And what is the name of this apartment complex?

16 A Crossbow Apartments.

17 Q And are you familiar with Water's Edge?

18 A I'm sorry?

19 Q Water's Edge?

20 A Yes.

21 Q Can you tell us whether or not that's another name for
22 this apartment complex?

23 A That's correct.

24 Q Now, you're at the hospital meeting with the victim, can
25 you tell us, just for purposes of this hearing, whether or not

1 you were able to determine an approximate time that the
2 intruder left the home on June 23rd, 2021?

3 A According to my victim, it was about 5:39 am.

4 Q 5:39 am?

5 A Correct.

6 Q And ultimately, what are the charges in this case,
7 Detective Ortiz?

8 A The charges are burglary, CSC, first kidnaping and FTC.

9 Q Alright. I want to ask you about that. When you say
10 burglary, can you tell us whether or not your investigation
11 determined this was a burglary that occurred during the
12 nighttime hours?

13 A That's correct.

14 Q You said CSC, you're referring to criminal sexual conduct?

15 A That's correct.

16 Q Would that be, criminal sexual conduct that occurred
17 during the course of the burglary?

18 A That's correct.

19 Q You mentioned kidnaping, can you tell us whether or not
20 that also occurred during the course of the burglary?

21 A Yes ma'am.

22 Q And then you said FTC, what are you referring to there?

23 A The victim's bank card was stolen and used on that day.

24 Q Alright. When did you learn that the victim's bank card
25 had been stolen?

1 A While speaking to the victim.

2 Q Alright. I'm going to make a note about that. Once you
3 learned that the bank card had been stolen, what was the first
4 action that you took in this investigation to try to determine
5 who the intruder may be?

6 A We did a search warrant for the victim's bank records.

7 Q Alright. Now, can you tell us whether the victim reported
8 that she knew the intruder or was he a stranger?

9 A He was a stranger.

10 Q What if any general description did you have of the
11 intruder at this point in time?

12 A He was a slender male wearing jeans.

13 Q Okay. Slender?

14 A Yes, ma'am.

15 Q Jeans?

16 A Yes, ma'am.

17 Q And did you have any other information that may aid you in
18 determining a suspect?

19 A The possibility of him being a black male.

20 Q Okay. And all of this information, can you tell us
21 whether or not that came from the victim?

22 A It did come from the victim.

23 Q And you said a search warrant was obtained for her banking
24 records?

25 A That's correct.

1 Q Now, would you, when were you able to actually obtain the
2 banking records that go with this stolen bank card?

3 A Immediately, on that same day.

4 Q Okay. Same day. When you looked at the bank records on
5 June 23rd after receiving them, what if anything caught your
6 attention?

7 A Can you repeat the question, ma'am?

8 Q Yes. When you received the bank records, what if anything
9 caught your attention?

10 A The fact that it was used, there was money withdrawn from
11 her bank account.

12 Q Okay. Can you tell us whether you were able to
13 determine if that occurred after 5:39 am when the intruder had
14 left?

15 A Yes, ma'am.

16 Q Alright. What times did you determine the bank card had
17 been used and at what location?

18 A Can you just give me one second so I can...

19 Q Take your time.

20 A Sure. The bank card was used at 6:28 am 6

21 ---

22 Q 6:28?

23 A Yes, ma'am. 6:30 am ---

24 Q Okay.

25 A --- and 6:32 am.

1 Q And did the records that you received give you an address
2 in which the bank card, the stolen bank card was utilized
3 during this time frame, on June 23rd?

4 A Yes, ma'am. It was at 3102 and a half, Broad River Road
5 and it's a Palmetto Citizen's ATM.

6 Q Okay. So you had an address where it was used?

7 A Yes.

8 Q And what action did you take upon learning this
9 information?

10 A I tried to obtain video footage of any, from any cameras
11 that were in that area.

12 Q Okay. And were you, in fact, able to obtain video camera
13 footage nearby that ATM machine?

14 A Yes, ma'am.

15 MS. MAYES: Beg the Court's indulgence.

16 Q First I want to ask you about Court's Exhibit 26.

17 MS. MAYES: And we've done a notice of evidence, Your
18 Honor, regarding the TD Bank records, there's been no challenge
19 to that, so I believe they, there's no objection to those?

20 MS. MAULDIN: That's right, Your Honor.

21 THE COURT: Okay. Thank you, Ms. Mauldin.

22 Q Now, in addition to Court's Exhibit 26, I want to ask you
23 first of all, were you able to obtain video stills from the
24 actual ATM machine itself?

25 A Yes.

1 Q From Palmetto Citizen's?

2 A Yes, ma'am.

3 Q Alright. I'm going to show you 20 and 25 and ask you if
4 you recognize those items?

5 A I do.

6 Q Okay. Are those stills directly from the Palmetto
7 Citizen's ATM location that you just indicated at 3102 and a
8 half Broad River Road?

9 A Yes, ma'am.

10 Q Now I'm going to show you what is Court's Exhibit 31 and
11 35 and ask you in addition to the actual ATM machine, what
12 location nearby were you able to obtain video footage that
13 depicted the ATM location?

14 A There's the Cash Pawn Shop.

15 Q And that, is it still located right there within that same
16 proximity of 3102 Broad River Road?

17 A Yes, ma'am.

18 Q Okay. Does First Cash Pawn sound like that would be the
19 location?

20 A That's correct.

21 Q And you obtained video footage from that location and had
22 to opportunity to review it as well?

23 A That's correct.

24 MS. MAYES: All of these, Your Honor, again,
25 we did a notice of evidence regarding video footage

1 from First Cash Pawn and still shots from Palmetto Citizen's
2 ATM.

3 THE COURT: Any objection?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: They're admitted.

6 (Whereupon still shots were admitted as Court Exhibits
7 number 20, 25, 26, 31, and 35 for identification and entered
8 into evidence.)

9 Q Looking here, Detective Ortiz, do you have a laser with
10 you?

11 A I do.

12 Q I want to first ask you, when you're watching the video
13 footage, were you able to match up any times that corresponded
14 with those TD Bank records, and specifically I'm going to refer
15 you to the transactions on the records at 6:28, 6:30, and 6:32?

16 A Yes, ma'am.

17 Q And is that noted the 3102 and a half Broad River Road?

18 A That's correct.

19 Q And what were the amounts of those transaction,
20 Detective?

21 A Give me one second. The amount for 6:28 was \$201.00, at
22 6:30 am, it was \$501.00, and on 6:32 it was another transaction
23 for \$501.00.

24 Q Alright. So a total of roughly \$1,200.00?

25 A Correct.

1 Q And during those exact times looking here at Court's 31,
2 were you able to identify any vehicle in which any person
3 within the vehicle made transactions?

4 A Can you ---

5 Q Were you able to identify a vehicle?

6 A Yes.

7 Q And what is that vehicle type?

8 A It's a white Chevy Malibu.

9 Q And is that what is depicted here in Court's 31?

10 A That's correct.

11 Q Is that also what we see in Court's 35?

12 A That's correct.

13 Q What if anything did you note about this vehicle,
14 Detective?

15 A I noticed some -- am I able to use this?

16 Q Yes.

17 A I noticed some damage on this area here on the back of the
18 car. There was also some discoloration in the bottom of the
19 vehicle. That rectangular little mark there which is common
20 with the make of that vehicle.

21 Q Okay. Some type of reflector light as well?

22 A Correct.

23 Q As the damage of discoloration ---

24 A Right.

25 Q --- seen here at the right rear panel?

1 A Yes, ma'am.

2 Q And you indicated white Chevy Malibu?

3 A Yes.

4 Q Now, did anyone get out of the car as you're watching the
5 surveillance?

6 A Yes, ma'am.

7 Q Did, what, where, where did they get out of the car from?

8 A He got out of the passenger's side.

9 Q Okay. So that indicated to you that the person at the ATM
10 machine was a passenger?

11 A That's correct.

12 Q Alright. I'm going to show you what is State's 20, I'm
13 sorry, Court's 20. And is this the person who appeared to be
14 making all of the transactions?

15 A That's correct.

16 Q I'm going to show you what is Court's 25. As you're
17 watching this could you see what if anything this person was
18 doing during the transaction?

19 A He was trying to work the ATM machine, but he was also
20 referring back to the vehicle that was waiting for him.

21 Q Did you see him approach the vehicle at any point in time?

22 A Yes, yes, ma'am.

23 Q Who did he appear to be communicating with in the vehicle?

24 A To the driver.

25 Q You were able to observe that as you watched the video?

1 A Yes, ma'am.

2 Q And then looking here at Court's 25, were you able to
3 visualize a specific logo on this white sedan?

4 A Yes, ma'am.

5 Q And what is that logo?

6 A For the chevy.

7 Q Consistent with a Chevy Malibu?

8 A Yes, ma'am.

9 Q Now, looking here at Court's 20, did this person who got
10 out of the vehicle appear to meet that description of being
11 slender?

12 A No, ma'am.

13 Q And you were also able to visualize the type of pants that
14 he was wearing?

15 A That's correct.

16 Q Not only in this, but in also some video footage that
17 we're going to talk about in a moment?

18 A That's correct.

19 Q Did you determine as to whether this person appeared to be
20 wearing jeans?

21 A He was not wearing jeans.

22 Q Now, this is on Broad River Road. What if anything is
23 located near Broad River Road that allowed you to review some
24 additional footage?

25 A The CK Mart.

1 Q Alright. The CK Mart, do you have an address for the CK
2 Mart?

3 A I apologize, I'm going through my notes.

4 Q Would 2624 Broad River Road appear consistent with the CK
5 Mart?

6 A That's correct, ma'am, yes, ma'am.

7 Q Alright. Ultimately, did you obtain video from that
8 location as well?

9 A I did.

10 Q Now, what else was happening in between obtaining video
11 from the pawn shop nearby, obtaining video related to that ATM
12 machine, and locating the CK Mart video, what other types of
13 video did you retrieve?

14 A We also retrieved video from Carey Shealy that, they're
15 basically, they're statewide videos, they're from Statewide
16 Security System, and they were able to capture the vehicle
17 leaving the apartment complex, basically followed it to the ATM
18 machine or, I'm sorry, to CK then to the ATM machine, and then
19 back to CK.

20 Q Okay. So just to clarify, Carey Shealy is the owner of
21 Statewide Security System?

22 A Correct.

23 Q Is that, can you confirm?

24 A That's correct.

25 Q Okay. And he maintains cameras at various

1 locations across the county?

2 A That's correct.

3 Q Does that include Richland County as well as Lexington
4 County?

5 A That's correct.

6 Q And as a result, were you able to obtain video cameras
7 from Mr. Shealy's Statewide System that go back to the area
8 near the crime scene, the Harbison area being Crossbow,
9 Crossbow Drive?

10 A Yes, ma'am.

11 Q What is the camera location closest to the victim's home
12 in which you were able to observe now that you are looking for
13 a white Chevy Malibu?

14 A Let me get the right names. It was Broad River and St.
15 Andrews. We had also the footage from Crossbow, Crossbow and
16 Columbiana Drive.

17 Q Alright. I want to ask you about that one specifically
18 first. I want to show you what is Court's 27. And again, a
19 notice of evidence also filed regarding all of the Carey
20 Shealy's Statewide Systems videos.

21 MS. MAULDIN: Without objection, Your Honor.

22 THE COURT: Thank you. Admitted.

23 (Whereupon a still was submitted as Court's Exhibit Number
24 27 for identification and entered into evidence.)

25 Q As to 27, we're going to take a look at this.

1 You indicated that this would be Crossbow and ---

2 A Columbiana.

3 Q --- Columbiana?

4 A Yes, ma'am.

5 Q What is the time shown on that particular video?

6 A 5:49.

7 Q Alright. So that's going to be 5:49 am. Out of all of
8 the cameras that you looked at or obtained from Mr. Shealy,
9 what camera would be closest to the victim's home and
10 neighborhood?

11 A It would be that one.

12 Q This one here at 5:49?

13 A Yes, ma'am.

14 Q And can you tell us whether or not this is adjacent to the
15 Water's Edge Apartments intersection?

16 A Yes, ma'am.

17 Q This intersection?

18 A Yes, ma'am.

19 Q And then you mention another camera location being, I
20 believe, Broad River and St. Andrews?

21 A Correct.

22 Q I'm also going to ask you about Broad River and Harbison.

23 A Yes, ma'am.

24 Q Columbiana, sorry. 28 and then 29 being Broad River and
25 St. Andrews?

1 A Yes, ma'am.

2 Q Okay. Did you appear to see this vehicle along the route
3 that would be from the victim's home towards the direction of
4 where those transactions were made on Broad River Road?

5 A Yes, ma'am.

6 Q Okay. Here at 28 and then 29, looking at 29, can you tell
7 us whether or not the discoloration that you described earlier
8 appears to be present?

9 A Yes, ma'am. Still, same area.

10 Q Due to the lighting here in Court's 29?

11 A Yes.

12 Q And then what if anything was noted regarding the type of
13 tag on this vehicle, white Chevy?

14 A It was a paper tag.

15 Q Alright. So you already had the information that it was a
16 paper tag prior to June 30th?

17 A Yes.

18 Q Now, I want to talk specifically about the CK Mart. Go
19 back to when you observed the video from First Cash Pawn, and
20 again, all of this, can you tell us whether this would be prior
21 to June 30th that you had ---

22 A That's correct.

23 Q --- all of this video that we've already
24 discussed?

25 A Yes, ma'am.

1 Q And the identification of a white Chevy Malibu with paper
2 tags?

3 A Yes, ma'am.

4 Q And some type of damage or discoloration here to the right
5 rear panel?

6 A That's correct.

7 Q Now, looking at this location at 3102 and a half, you
8 mentioned you also learned of the need to pull video from the
9 CK Mart?

10 A Yes.

11 Q At 2624?

12 A That's correct.

13 Q So is that, how many minutes approximately is that away
14 from what we're looking here at the ATM machine?

15 A I'd say maybe like two to three minutes, max.

16 Q It's within two minutes?

17 A (Nonverbal response).

18 Q I'm going to show you what is State's 23, 21, 18, 22, I'm
19 sorry, all Court's Exhibit, Court's 24, and ask you if you're
20 familiar with these items, this all being CK Mart video, also a
21 notice of evidence filed?

22 A Yes.

23 Q I believe without objection?

24 MS. MAULDIN: If I can just see the stills.

25 THE COURT: Yes, I'll give you the opportunity.

1 MS. MAULTIN: Without objection.

2 THE COURT: They're admitted.

3 (Whereupon stills were submitted as Court Exhibits 18, 21,
4 22, 23, and 24 for identification and entered into evidence.)

5 Q Going back to the ATM machine is where you observed the
6 footage or the still that we're looking at now, Court's 35 as
7 well as the Palmetto Citizen still shot being Court's 25.

8 A That's correct.

9 Q Now, when you went to the CK Mart, were you able to
10 actually locate video footage from the date of this crime being
11 June 23rd, 2021?

12 A Yes.

13 Q And were you able to locate video footage close in time to
14 when those transactions had occurred down the road at the ATM
15 at 6, ending at 6:32?

16 A Yes.

17 Q Looking here at Court's 23, when you watch the video, were
18 you able to actually observe what you believe to be that white
19 Chevy Malibu?

20 A Yes.

21 Q And what time was noted there that the white Chevy Malibu
22 arrived at the CK Mart on Broad River Road?

23 A Let me look at my records.

24 Q If I show you the video still, would that be of
25 assistance?

1 A Yes, please.

2 Q Court's 23.

3 A 6:34.

4 Q Okay. So 6:34, two minutes after that transaction that we
5 saw at the ATM machine?

6 A That's correct.

7 Q Now, what if anything led you to identify that this was in
8 fact the same vehicle that you had observed back two minutes
9 earlier at the ATM machine?

10 A As I watched the, the video, I observed the passenger
11 coming out of that vehicle, same passenger that I seen at the
12 ATM machine.

13 Q Alright. So we're going to look here at Court's 21 from
14 the video footage of CK Mart, and again, comparing Court's 21,
15 that individual and the clothing of that individual to the
16 individual that you observed on Court's 25 back at the ATM
17 machine. Were you able to make a positive identification in
18 that regard?

19 A I was able to see it was the same guy.

20 Q Okay. No doubt in your mind that that is the same
21 individual that you had previously observed back at the ATM
22 machine?

23 A Not a doubt.

24 Q Shown here in Court's 20? Same clothing?

25 A That's correct.

1 Q Same hat?

2 A Yes, ma'am.

3 Q Same physical appearance?

4 A Yes, ma'am.

5 Q Now, eventually does a person get out of the white Chevy
6 Malibu who would be the driver?

7 A Yes.

8 Q I'm going to show you what is Court's 18 and ask you if
9 you recognize the person shown here, what role this person had,
10 or where this person got out of that vehicle from?

11 A He was the driver of the vehicle; he came out of the
12 vehicle.

13 Q Alright. And all of that is captured on the video tape?

14 A Yes.

15 Q And then are you also able to watch it until the vehicle
16 actually departs or leaves the area?

17 A That's correct.

18 Q Let me show you Court's 22 and then Court's 24. Looking
19 at Court's 24, Detective Ortiz, what if anything did you
20 observe about the vehicle as the driver pulled away?

21 A Same damages in the back of the vehicle and the paper tag.

22 Q Alright. That is 24 that we're looking at where you noted
23 the damage to the right rear panel. I'm now going to ask you
24 specifically about Court's 22, and again, you mentioned the
25 paper tag, is that visible to you in this photograph?

1 A Yes, ma'am.

2 Q This still shot from the video?

3 A Correct.

4 Q Any doubt in your mind that that is the same vehicle that
5 you saw at the ATM machine when the victim's card was being
6 used during that time frame?

7 A I have no doubt.

8 Q Now, when the car pulled away, was anyone else in the car,
9 other than the driver?

10 A No, ma'am. He was by himself.

11 Q Only the driver. And this would be Court's 6 being the
12 video tape that was pulled ---

13 A Yes, ma'am.

14 Q --- from the CK Mart. I'm going to ask you as you were
15 pulling this video, who was the person who worked with you or
16 assisted you as the video was being pulled?

17 A Mr. Abdul.

18 Q That would be Abdul Shoddin who just testified a few
19 moments ago?

20 A That's correct.

21 Q What if any conversation did you have with Mr.
22 Shoddin about the suspect that you saw, specifically the
23 suspect that you observed get out of the vehicle who
24 appeared to be the driver who is shown here in Court's
25 18?

1 A When Mr. Abdul advised that he was familiar with the, the
2 subject, I asked that he please contact me when he returns.

3 Q Alright. He made you aware that he knew him and
4 recognized him?

5 A Yes.

6 Q And can you tell us whether or not that was as a customer
7 or frequent customer?

8 A He said he went there frequently, and he recognized him.

9 Q What did you give Mr. Shoddin, Abdul Shoddin in order to
10 contact you?

11 A My business card, my contact information.

12 Q And that was for what purpose?

13 A To contact me whenever the person in that vehicle
14 returned.

15 Q Okay. What date was it that you went and actually pulled
16 this video from the 'CK Mart on Broad River Road?

17 A June 30th.

18 Q On June 30th. What day or how much longer was it after
19 you went and reviewed this video footage that you actually
20 heard back from the store manager that he had recognized the
21 subject and he has returned?

22 A Approximately two hours later.

23 Q So it's going to be that same day on June 30th?

24 A Yes.

25 MS. MAYES: And this would be Court's 6

1 Your Honor, permission to publish, this is CK Mart video, and
2 this particular video, again, we had a notice of evidence by
3 it.

4 THE COURT: Any objection?

5 MS. MAULDIN: None, Your Honor.

6 THE COURT: It's admitted, and you can play it.

7 (Whereupon a CD was submitted as Court's Exhibit Number 6
8 for identification and entered into evidence.)

9 (Video from cd being played.)

10 Q So again, the vehicle's going to pull in about 6:34?

11 A That's correct.

12 Q About two minutes after the last ATM transaction?

13 A Yes, ma'am.

14 Q Now what else did you notice about that passenger not only
15 in this video but in also the video from First Cash Pawn back
16 at the ATM machine?

17 A He has a limp.

18 Q Okay. Is that a noticeable limp?

19 A Yes.

20 Q After seeing that, his clothing, and his physical build,
21 were you, were you able to rule him out as the intruder?

22 A Absolutely.

23 Q When you observed the driver, how would you describe his
24 physical build as you observed him?

25 A Slender.

1 Q What type of ---

2 A And he's wearing jeans.

3 Q And from there, do you ever see the passenger return back
4 to the vehicle?

5 A No, ma'am.

6 Q And does he appear to be alone in the vehicle up until the
7 time that eventually you're going to see it depart?

8 A Yes, ma'am.

9 Q In this same white Chevy Malibu, going back to the video
10 footage, going back to the video footage from 5:49 am, so
11 roughly 10 minutes after the victim reported that the intruder
12 had left, to what extent do you consider the white Chevy Malibu
13 to be the, the vehicle utilized during the course of the crime?

14 A Are you asking me if I'm sure that that was the
15 vehicle?

16 Q Yes.

17 A Yes. I was absolutely sure.

18 Q And those times that we see the same vehicle involved in
19 the ATM transactions, the last one being at 6:32 am, is that
20 still less than an hour from when the intruder had left the
21 victim's home?

22 A Yes, ma'am.

23 Q So you said it was on June 30th that you went and met with
24 ---

25 A Yes, ma'am.

1 Q --- Abdul Shoddin? You reviewed the video. Did you also
2 preserve any footage yourself?

3 A From the scene?

4 Q From the actual video footage at the CK Mart?

5 A Oh, yes ---

6 Q Did you preserve anything yourself?

7 A Yes.

8 Q What did you preserve yourself?

9 A The video that Mr. Abdul provided.

10 Q Okay. What about any still shots that depicted the
11 suspect who was slender and wearing jeans? Were you able to
12 preserve a still shot on your phone?

13 A Yes.

14 Q At this point in time, I'm going to show you what is
15 Court's 18, did you consider this person, can you tell us
16 whether or not you consider this person to be a suspect, not
17 only in the FTC theft, but also the burglary and the rape of
18 D.K. [REDACTED]?

19 A Yes.

20 Q What happened once you heard back from Mr.
21 Shoddin?

22 A He advised that the subject was at the CK Mart.

23 Q Alright. What ---

24 A And ---

25 Q --- action did ---

1 A And at that time I called and had officers dispatched from
2 west region to go to the CK Mart and try to locate the vehicle
3 and the suspect.

4 Q So now we're a week after the crime ---

5 A That's correct.

6 Q --- and we're at June 30th and you have now gotten a call
7 from Mr. Shoddin?

8 A Correct.

9 Q What time do you think you received that call? And you
10 can refer to your notes if needed.

11 A I received a call from Abdul at 19:40.

12 Q Alright. So 7:40 pm?

13 A Correct.

14 Q And you notified which units?

15 A West region units.

16 Q Alright. And I believe that we heard testimony just a
17 little while ago from Corporal Wells that he's going to arrive
18 around 7:52 pm?

19 A Correct.

20 Q Where were you when you got the call?

21 A I was in Bluff Road.

22 Q Bluff Road?

23 A At the office.

24 Q So what's your next step?

25 A My next step is to make it to CK Mart.

1 Q Alright. What time did you arrive there at CK Mart
2 yourself?

3 A I arrived there at 8:04.

4 Q 8:04?

5 A Yes, ma'am.

6 Q Now, were you aware that the vehicle as well at this point
7 the driver of the vehicle was being detained for investigative
8 purposes?

9 A Yes.

10 Q Who were they waiting on?

11 A They were waiting on me.

12 Q Okay. And you're lead investigator?

13 A Yes.

14 Q So you arrive at 8:04 pm. What's the first thing that you
15 recall doing, Detective Ortiz, when you arrived?

16 A The first thing I remember doing was approaching Corporal
17 Wells and showing him the picture on my phone to see if the
18 driver of the vehicle looked to be the same as the picture that
19 I had on my phone.

20 Q Alright.

21 A Compare it.

22 Q Alright. I'm going to show you a photograph, this is
23 Court's 14 and ask you if you recognize that?

24 A Yes, ma'am.

25 Q Who's body cam is that from?

1 A That's my phone.

2 Q Okay. Who's body cam was that taken from?

3 A Corporal Wells.

4 Q And where was the vehicle, upon your arrival where was
5 that white Chevy Malibu located within the CK Mart?

6 A Still at the pump.

7 Q It was at the pump?

8 A Yes.

9 THE COURT: Any objection to number 14?

10 MS. MAULDIN: No, Your Honor.

11 (Whereupon a photo was submitted as Court's Exhibit Number
12 14 for identification and entered into evidence.)

13 Q So looking here at Court's 14. You have arrived, what are
14 you looking at right there on your phone and what time is it?

15 A I'm looking at a picture of the suspect that was seen at
16 the CK Mart video.

17 Q Okay.

18 A And the time is 20:05.

19 Q Alright. So 8:05 pm?

20 A Correct.

21 Q So one minute after you arrive and the first thing you're
22 doing is you're looking at that photo?

23 A Yes.

24 Q And where is Mr. Nance being detained?

25 A He's in the back of that vehicle.

1 Q He's in the back of this patrol car?

2 A Yes.

3 Q Are you able to look at that picture and also visualize
4 him from where you are?

5 A I'm able to look at the picture and I can't, I don't see
6 him from where I am, I actually go to him.

7 Q Okay. So you go up for the purpose of trying to make a
8 visual identification?

9 A Correct.

10 Q Now, if you had looked at the person in the back of the
11 car and he did not appear to be the same person, what action
12 would you have taken?

13 A He would have been released.

14 Q Okay. You would not have considered him the suspect?

15 A Correct.

16 Q Now, separately from that, would the vehicle still be
17 evidence in this case ---

18 A Absolutely.

19 Q --- and still be considered evidence?

20 A Yes, ma'am.

21 Q But when you made that comparison, can you tell us whether
22 or not it appeared to be the same individual?

23 A Yes.

24 Q And then in addition to that, what if any action did you
25 take to also visualize and inspect the vehicle?

1 A I actually approached the vehicle and walked around the
2 vehicle to check for the same characteristics that we seen on
3 the video.

4 Q Alright. This is 8:05 pm. I'm now going to show you what
5 is Court's 15. And what time are we looking at and what is
6 taking place here?

7 A I'm looking, I'm walking around the vehicle at that time,
8 and I'm inspecting the vehicle.

9 Q Alright. And what time is it?

10 A It is 8:06.

11 Q Alright. And is this you?

12 A Yes.

13 Q I'm going to show you what is Court's 12 also in evidence
14 already. Detective Ortiz, were you able to visualize that same
15 damage that you had described earlier?

16 A Yes, ma'am.

17 Q And although you can't see it in this photograph, can you
18 tell us whether or not you were able to confirm that that white
19 Chevy Malibu had a paper tag?

20 A That's correct, ma'am.

21 Q Did you have any reservations at all that this was the
22 same vehicle you considered to be the suspect vehicle?

23 A No reservations.

24 Q At that point, once you made the visual identification,
25 what decision did you make regarding that vehicle?

1 A I was going to have it towed and have a search warrant
2 done on the vehicle.

3 Q And can you tell us whether or not you considered this
4 vehicle to be evidence in this pending investigation?

5 A Yes, ma'am.

6 Q And then at what time based on the body cam of Officer
7 Wells did you approach the vehicle in order to make verbal
8 contact with Mr. Nance?

9 A Well, it was 20, I'm sorry ---

10 Q I could show you Court's 16 if that may help.

11 A Thank you. It was 20:23.

12 Q Okay. So 8:23 pm?

13 A (Nonverbal response).

14 Q Now, as we look at Court's 16, I'm also going to ask you
15 specifically about this individual here in the foreground. Did
16 you have an opportunity to interview him at the scene as well?

17 A I did.

18 Q Had he been in that same vehicle with Mr. Nance, or did he
19 arrive in a separate vehicle?

20 A He arrived in a separate vehicle.

21 Q Did he identify himself as any type of family member of
22 Mr. Nance?

23 A Yes, he said he was his brother.

24 Q Alright. And based upon your conversation with
25 Him, were you able to determine who the regular

1 driver of the white Chevy Malibu was?

2 A He confirmed that Mr. Nance was the sole driver of that
3 vehicle.

4 Q And then looking here at Court's 16, where are you in the
5 background of this photograph?

6 A I'm talking to Mr. Nance.

7 Q And can you show us with your pointer?

8 A Sure. Right there.

9 Q What's the first thing you did as you approached Mr.
10 Nance?

11 A I introduced myself to him.

12 Q And what happened next?

13 A And I advised him that we were at, we were investigating a
14 burglary, I then read him his rights ---

15 Q Alright.

16 A --- before I talked to him.

17 Q And you would have read him his rights from what format?

18 A From the card that I have.

19 Q Is it routine for you to carry ---

20 A Yes.

21 Q --- a Miranda card?

22 A Yes, ma'am.

23 Q And do you have one with you today?

24 A Yes.

25 Q Can you tell us exactly, and you can read for

1 the record exactly what you advised Mr. Nance of after you told
2 him you were investigating a burglary case?

3 A Sure. I, the Miranda rights that I read were you have the
4 rights to remain silent, anything you say can and will be used
5 against you in Court, in a Court of law. You have the rights
6 to a lawyer and to have him or her present with you while
7 you're being questioned. If you have, if you cannot afford to
8 hire a lawyer, one would be appointed to represent you before
9 any questioning if you wish. You can decide at any time to
10 exercise these rights and not answer any questions or make any
11 statements. And I asked, do you understand each of your rights
12 I have explained to you, and having the rights in mind, do you
13 wish to talk to me now.

14 Q Alright. Did he appear to understand the rights as you
15 read them to him?

16 A Yes, ma'am.

17 Q Did he appear to be actively under the influence of any
18 type of alcohol or substance that would prevent him from
19 understanding the rights?

20 A No, ma'am.

21 Q Did you threaten him in any way or coerce him in any way
22 regarding participation in an interview?

23 A No, ma'am.

24 Q Was he promised anything in exchange for an interview?

25 A No, ma'am.

1 Q Based upon your observation, can you tell us whether or
2 not he agreed to participate in an interview?

3 A He did.

4 Q Did that appear to be free and voluntary?

5 A It was.

6 Q And this is after you've told him that he had been
7 detained because of a burglary investigation?

8 A Correct.

9 Q Now, did you ask him specifically about his whereabouts on
10 June 23rd regarding the use of the, the use of a FTC card at
11 Palmetto Citizens?

12 A I did.

13 Q What if anything did he tell you?

14 A He said that he admitted to driving, giving someone a ride
15 to the ATM machine.

16 Q Alright. So at this point in time he admits to you that
17 he is the person driving the vehicle?

18 A Yes.

19 Q At the time that the FTC card is, is being utilized?

20 A Yes.

21 Q And his story is, or his statement to you is that he was
22 giving someone a ride?

23 A That's correct.

24 Q And did he admit knowing anything at all about the
25 burglary at Crossbow?

1 A No.

2 Q Did he acknowledge that he had ever been to the apartment
3 at Crossbow or Water's Edge?

4 A He did not admit that.

5 Q And at this point in time, you already had knowledge that
6 the vehicle had been seen at Crossbow and Columbiana at 5:49
7 pm?

8 A That's correct, ma'am.

9 Q Despite the statement he made he made, did you still
10 consider him the suspect in this case?

11 A Yes.

12 Q At this point in time, did you have probable cause to
13 detain him?

14 A I did.

15 Q In regards to the FTC theft?

16 A Yes, ma'am.

17 Q And what about if, what can you tell us if anything about
18 the burglary as well?

19 A I had probable cause to place him under arrest
20 based on the facts that we had about the burglary
21 and the vehicle, and he admitted to the fact that he
22 was the owner of the vehicle. However, I chose to do
23 a more thorough investigation, and that was my choice.

24 Q Okay. And when we talk about a more thorough
25 investigation, at any point in time did you ask him

1 whether or not he'd be willing to provide a buckle swab?

2 A Yes.

3 Q And did you threaten him in any way in order to provide
4 the buckle swab?

5 A No, ma'am.

6 Q Did you ask him if he'd be willing to provide the swab
7 before or after you gave him his Miranda rights?

8 A After.

9 Q And what if any response did he have?

10 A He was cooperative. He agreed to give me a buckle swab.

11 Q Alright. And regarding the buckle swab, what efforts,
12 once he agreed to give a buckle swab, what efforts are taken in
13 order to have someone come to that location on Broad River Road
14 in order to physically obtain it?

15 A So I have to call our crime investigator, our crime scene
16 investigator to report or to meet me at that location and
17 obtain that buckle swab.

18 Q And is that protocol that the swab is actually collected
19 by a crime scene investigator or crime scene technician?

20 A Yes.

21 Q As opposed to you taking it yourself?

22 A Yes.

23 Q And did you make that call for crime scene to come
24 out?

25 A Yes.

1 Q And ultimately, I believe, that vehicle arrived if you
2 know, and if you don't I can show you an exhibit.

3 A Okay.

4 Q I'm going to show you what is Court's 17.

5 A Yes, ma'am.

6 Q So that's going to be 9 pm?

7 A Yes.

8 Q That the CSI truck is there at the scene?

9 A Correct.

10 Q Now, leading up to that, you indicated you had advised Mr.
11 Nance of his Miranda rights at 8:23 pm?

12 A Yes.

13 Q And did he waive his Miranda rights shortly thereafter?

14 A He did.

15 Q And agreed to speak with you?

16 A He did.

17 Q And then agreed to provide a swab?

18 A That's correct.

19 Q And so how long would you estimate it was before the CSI
20 truck actually arrived to collect the swab?

21 A So I advised him of his Miranda rights, and he agreed to
22 give me his, the buckle swab, that was about what, 8:23 pm, and
23 then he got there at 9:00.

24 Q Okay.

25 A So half an hour, if that.

1 Q So roughly half an hour or 30 minutes of that time was
2 waiting for the CSI technician to come to the scene?

3 A Yes.

4 Q Now, at any point in time, if Mr. Nance had decided not to
5 provide the swab, would you have canceled that?

6 A Absolutely.

7 Q Was that period of time with the agreement or consent of
8 Mr. Nance?

9 A Correct, it was.

10 Q For the purpose of providing the swab?

11 A Yes, ma'am.

12 Q And ultimately, you indicated that you made the decision
13 to release him?

14 A Yes.

15 Q Pending further investigation?

16 A Correct.

17 Q And did that include sending that swab that you had
18 collected there at the scene onto the State Law Enforcement
19 Division for analysis?

20 A Yes.

21 Q As well as additional follow up in this case regarding any
22 additional video evidence or things of that nature?

23 A Correct.

24 Q Now, the vehicle, the vehicle that we saw earlier,
25 there at the CK Mart, Court's 15, can you tell us whether

1 or not you believe you had probable cause to seize that
2 vehicle?

3 A Yes, ma'am.

4 Q As potential evidence?

5 A Yes, ma'am.

6 Q Did that include in the financial transaction card theft
7 case?

8 A Yes, ma'am.

9 Q As well as the burglary case?

10 A Correct.

11 Q And you indicated that the vehicle was towed right there
12 from CK Mart?

13 A Yes, ma'am.

14 Q Where was it taken?

15 A To 715 Bluff Road.

16 Q And for what purpose?

17 A For us to execute a search warrant.

18 Q And were you also looking to further the investigation by
19 discovering the contents of anything within the vehicle?

20 A Yes, ma'am.

21 Q Including any clothing that may match the clothing that
22 was worn by Mr. Nance?

23 A That's correct.

24 Q When he is depicted on Court's 18 there at the CK Mart on
25 the morning of the 23rd?

1 A Yes, ma'am.

2 Q And ultimately, can you tell us whether or not the vehicle
3 was searched?

4 A It was.

5 Q Were his jeans recovered?

6 A They were.

7 Q Were, this Adidas hoodie recovered?

8 A It was.

9 Q Were those boots recovered?

10 A Yes, ma'am.

11 Q Now, I want to move forward to July 5th of 2021. Had
12 anyone initiated contact with you following the seizure of this
13 vehicle at the CK Mart on June 30th?

14 A Yes. Mr. Nance, he actually called me several times in
15 reference to his vehicle. I think he had run into some issues
16 when he tried to pick his vehicle up. He was also inquiring on
17 any chances of the City of Columbia paying for the tow fee.

18 Q Alright. So he actually initiated those calls to you?

19 A Yes.

20 Q What were the dates of those calls?

21 A So the first time that Tamar called me was on July 1st, it
22 was at 11:07.

23 Q Okay. And is July 1st the same date the warrant was
24 executed following the seizure of this vehicle on the night of
25 the 30th?

1 A Yes.

2 Q Alright. So he called you again wanting to know how he
3 could recover his vehicle?

4 A Yes.

5 Q And when's the next time you hear from him?

6 A The second time he called me was July 2nd at 13:34, 1:34.

7 Q Okay.

8 A And at that time he agrees to meet with me at 715 Bluff
9 Road.

10 Q Alright. So he called you again in reference to the car?

11 A Yes, ma'am.

12 Q And then you asked him if he would be willing to speak to
13 you in a more formal setting?

14 A Yes.

15 Q And can you tell us whether or not he agreed to do so?

16 A He did.

17 Q And at this point in time is he in police custody?

18 A At the time when he ---

19 Q When he made that phone call to you?

20 A No, he's not in custody.

21 Q Okay. And ultimately on July 5th, did he keep that first
22 appointment that he had made with you?

23 A He did not. Not the initial appointment. He actually
24 called afterwards, and he was asking about the search warrant
25 and the vehicle, he had questions about that. I told him I'd

1 be glad to discuss it if he, you know, when he comes in with me
2 and then he did show up.

3 Q So his third phone call to you was on what date?

4 A It was actually the 5th.

5 Q On July 5th, okay. So he had placed three calls to you
6 between July 1st and July 5th?

7 A That's correct.

8 Q And you mentioned that on July 2nd he agreed to come in
9 and meet with you. Did he keep that initial appointment?

10 A No.

11 Q What concerns if any did you have once he didn't keep that
12 appointment?

13 A My concerns were that, you know, he was going to try to
14 flee or ---

15 Q As a result, did you go ahead and obtain warrants?

16 A Yes.

17 Q So you had the warrants ready on July 5th?

18 A Yes.

19 Q And then you indicated that he also contacted you on the
20 5th?

21 A Correct.

22 Q And agreed to come in and speak with you?

23 A Yes.

24 Q Now, when he comes in to speak with you on July 5th, what
25 location are you at?

1 A 715 Bluff Road.

2 Q Is that the city of one of your headquarters?

3 A That's the annex building, Columbia Police Department
4 Annex Building.

5 Q Okay. I'm going to need you to speak up just a little bit
6 louder.

7 A It's the Columbia Police Department Annex Building.

8 Q Okay. And that's on the 5th when he comes in. Now, you
9 mentioned that you already had warrants ready for him at this
10 point in time?

11 A Correct.

12 Q And upon his initial arrival, what's the first thing you
13 do?

14 A I basically read him his rights again.

15 Q Okay. Is he considered in custody at this point in time?

16 A At this point in time, yes.

17 Q You knew that he was not going to leave and that you were
18 going to be serving him with those warrants?

19 A That's correct.

20 Q Okay. I'm going to show you what is Court's Exhibit 8.

21 MS. MAYES: Your Honor, this is the redacted version,
22 we did supply the Defense with the redacted version, this is
23 going to be July 5th, 2021.

24 MS. MAULDIN: Without objection.

25 THE COURT: It's admitted.

1 (Whereupon a CD was submitted as Court's Exhibit Number 8
2 for identification and entered into evidence.)

3 (Video from cd being played.)

4 Q And just to clarify, what type of room is this within the
5 Columbia Police Headquarters?

6 A It's an interview room.

7 Q And the first thing you're talking about is water?

8 A Yes. I'm offering him something to drink.

9 (Cd continues playing.)

10 Q What are you referring to there Detective?

11 A I'm reading him his rights as I did the first time I met
12 with him.

13 (Cd continues playing.)

14 Q Alright. Can you tell us again, we're looking at a video
15 that has been redacted. During the course of your interview
16 with him, you discuss other things as well, such as prior
17 record ---

18 A Yes.

19 Q --- and some prior reports. All of those have been
20 redacted from the video?

21 A Yes, ma'am.

22 Q You also discuss with him DNA information that you had
23 received from the State Law Enforcement Division?

24 A Yes, ma'am.

25 Q And that's been redacted from the video as well?

1 A Yes.

2 Q Now, during a portion of this video, we see that he is in
3 cuffs?

4 A Yes.

5 Q So I want to ask you about that. We are at 18:10, which
6 is going to be roughly 6:10 pm?

7 A Yes, ma'am.

8 Q And I believe the interview started, he's in cuffs at this
9 time ---

10 A Yes.

11 Q --- there in the room. We saw that the interview started
12 roughly around 17:26 or 5:26 pm?

13 A Yes.

14 Q So the portion where the warrants were read to him, has
15 that been redacted from the video?

16 A Yes.

17 Q But at some point officers did arrive and read the
18 warrants to him?

19 A Yes.

20 Q All of the warrants that we mentioned charges for in this
21 case?

22 A That's correct.

23 Q And he remained cuffed there in the interview room. I'm
24 going to show you what is Court's 39 and ask you if you're
25 familiar with this?

1 A Yes, ma'am.

2 Q Okay. I'm also going to ask you if you can pull the
3 original Miranda form that you utilized during the advice of
4 rights for Mr. Nance on July 5th? Do you have that?

5 A Yes.

6 Q I'm going to mark it as Court's 38. And detective, is
7 this in fact the original?

8 A Yes.

9 THE COURT: Is that the advice of rights?

10 MS. MAYES: It is, Your Honor, I'm going to pass it
11 up to the Court at this time, this being the waiver of rights
12 form.

13 THE COURT: Any objection?

14 MS. MAULDIN: No, Your Honor.

15 THE COURT: Thank you.

16 (Whereupon a waiver of rights was submitted as Court's
17 Exhibit 38 for identification and entered into evidence.)

18 Q And again, is that the same form that we observed you
19 reading to Mr. Nance on the video tape?

20 A It is.

21 Q And can you tell us whether or not it contains Mr. Nance's
22 signature at the bottom?

23 A It does.

24 Q As well as your signature?

25 A That's correct.

1 Q And that time is reflected as 5 pm?

2 A Yes.

3 Q And at any point in time did he ask for an attorney?

4 A He did not.

5 Q At any point in time did he ask for questioning to stop?

6 A No, he did not.

7 Q Did he agree to speak with you there at the outset of that
8 video?

9 A He did.

10 Q And throughout the course of your conversation with him,
11 was he still willing to speak?

12 A He was.

13 Q Did you threaten or coerce him in any way to participate
14 in that interview?

15 A I did not.

16 Q Did you promise him anything in exchange for an interview?

17 A I did not.

18 Q Did his waiver of rights appear to be free and voluntary?

19 A Yes.

20 Q Now, during the interview, you've indicated he was served
21 with warrants, and he was placed in cuffs, what is happening
22 here at this portion?

23 A At this portion, that's Investigator Frier's coming in as
24 well as Investigator Odum. And Investigator Frier's basically
25 asking him what did he have, if anything, in his pockets at

1 that point. Mr. Nance is giving Investigator Frier his cell
2 phone.

3 Q Is that a normal part of the booking procedure?

4 A It is.

5 Q Once someone has been placed under arrest to ---

6 A Search their belongings, yes.

7 Q To remove any personal belongings that may be within their
8 pockets?

9 A Yes.

10 Q And does that include cell phones?

11 A That's correct.

12 Q Would a cell phone be considered contraband within the
13 detention area?

14 A Yes, it is.

15 Q And may also contain evidence in your investigation?

16 A That's correct.

17 Q And can you tell us, was that phone seized pursuant to his
18 arrest and then maintained as evidence in this particular case?

19 A It was.

20 Q And ultimately an extraction was done on that phone in
21 this particular case?

22 A That's correct.

23 Q Once the extraction was done on that phone, can you tell
24 us whether or not you recovered any photographs in connection
25 to this case?

1 A Yes.

2 Q And specifically, does that include photographs
3 that are within the time frame that the crime is occurring?

4 A That's correct.

5 Q I'm going to show you what is Court's 40, Court's 41,
6 Court's 42, and Court's 43, and ask you if you're familiar with
7 these?

8 A Yes, ma'am.

9 Q Okay. And can you tell us whether or not these items came
10 from the extraction of that phone?

11 A They did.

12 Q And what if anything was obtained regarding Court's 40
13 regarding capture time for that photograph including date and
14 approximate time?

15 A Capture date and time was June 23rd, 2021, at 3:41, I'm
16 sorry, 3:43 am.

17 Q Okay. And as for Court's 41, what if anything was
18 recovered from the extraction regarding capture time for that
19 image?

20 A Capture date and time was 6-23-2021 at 3:43 am.

21 Q Alright. Court's 42, capture time?

22 A Capture time is 3:44.

23 Q Am or pm?

24 A Am, I'm sorry.

25 Q And Court's 43?

1 A The time was 3:44 am.

2 MS. MAYES: And as Court's Exhibits at this time.

3 THE COURT: Any objection?

4 MS. MAULDIN: Without objection, Your Honor.

5 THE COURT: They're admitted.

6 (Whereupon photos were submitted as Court Exhibits 40, 41,
7 42, and 43 for identification and entered into evidence.)

8 Q So these images came directly from this phone that we're
9 looking at here?

10 A That's correct.

11 Q And would it have been taken in the early morning hours of
12 June 30th?

13 A That's correct.

14 Q And you've indicated that the perpetrator left the home at
15 5:39 am?

16 A Right.

17 Q And you've indicated the capture time for these images are
18 between 3:43 and 3:44 am?

19 A Correct.

20 Q What if anything was of significance regarding 43, that
21 image?

22 A That's the South Carolina driver's license for D.K.

23 [REDACTED].

24 Q That's a photograph of Ms. D.K.'s driver's license?

25 A Correct.

1 Q Taken at 3:44 am?

2 A Yes.

3 Q And then 41, Court's 41?

4 A It's a picture of the Social Security card for D.K.
5 [REDACTED].

6 Q And the capture time, again, 3:43 am?

7 A That's correct.

8 Q And this, can you tell us whether or not based on your
9 investigation this type of information can be used to access a
10 pin number for a bank card?

11 A Yes, ma'am.

12 Q And can you tell us whether or not in your investigation,
13 you determined whether any items within the living room area
14 had been handled potentially by the intruder?

15 A Her information, her, her Social Security card and her ID.

16 Q And you ultimately went to the crime scene yourself,
17 correct?

18 A Yes.

19 Q I'm going to show you what is Court's 48.

20 A Okay.

21 Q Ask you if you're familiar with this item?

22 A Dining table, not that, it's the coffee table.

23 Q Is this a crime scene photograph?

24 A Yes.

25 Q Taken from the scene itself?

1 A Yes.

2 MS. MAYES: This would be Court's 48, Your Honor.

3 MS. MAULDIN: With no objection, Your Honor.

4 THE COURT: It's admitted.

5 (Whereupon a photo was submitted as Court's Exhibit Number
6 48 for identification and entered into evidence.)

7 Q Looking here at the crime scene, was there any indication
8 that the purse had been potentially handled by the intruder?

9 A Yes. It was open, it was left wide open.

10 Q As well as the wallet?

11 A Yes.

12 Q And what if anything do you note about the furniture,
13 particularly the base or structure of the furniture?

14 A It's just the base of the furniture, it was, it was also
15 seen in a picture obtained on a, a picture obtained from his
16 phone.

17 Q Okay. I'm going to show you what is Court's 42, and I
18 realize that our lighting is not the best. I'm going to show
19 you what is Court's 46 and Court's 47. Are these versions of
20 the same photograph?

21 A Yes.

22 MS. MAYES: Court's 46 and 47.

23 THE COURT: Any objection?

24 MS. MAULDIN: No, Your Honor.

25 THE COURT: They're admitted.

1 (Whereupon photos were submitted as Court Exhibits 46 and
2 47 for identification and entered into evidence.)

3 Q I'm looking now at Court's 46. What if anything did you
4 recognize about the type of pants in this photograph?

5 A They're distressed jeans with it looks like it's a black,
6 like, I'm not sure if it's lining with, I guess, I don't know
7 how to describe it, it's like ---

8 Q Something sewn into the distressed ---

9 A Yeah, like some stones, and I also noticed the base of the
10 table located in Ms. D.K.'s office, I mean ---

11 Q What if anything did you notice about the style or color
12 of the shoe?

13 A They're brown.

14 Q And looking here at this photograph of Mr. Nance from the
15 CK Mart, can you tell us whether or not the jeans and the
16 footwear are consistent with what we see in that photograph
17 being Court's 46?

18 A That's correct.

19 Q And then specifically looking here at the crime scene
20 photograph. What if any similarities do you see in 48?

21 A It's the same base for the table I seen in the picture.

22 Q Does that indicate to you that photograph is taken inside
23 the residence of D.K.?

24 A That's correct, ma'am.

25 Q And then looking at 47 ---

1 A Yes.

2 Q --- the driver's license of D.K. [REDACTED]?

3 A Yes. And you see the distressed jeans.

4 Q Same jeans?

5 A Yep.

6 Q And then looking at this with the naked eye, were you also
7 able to visualize that same base of the coffee table?

8 A That's correct.

9 Q And then finally, 40?

10 A That's a picture, I guess, a selfie.

11 Q And the time on that captured on the incident date at what
12 time?

13 A 3:43 am.

14 Q Some individual wearing some type of mask?

15 A Yes.

16 Q And all those photographs are from that phone extraction
17 of that particular phone seized ---

18 A That's correct.

19 Q --- during his arrest?

20 A Yes, ma'am.

21 MS. MAYES: Beg the Court's indulgence.

22 THE COURT: Take your time.

23 Q And at any point in time did Mr. Nance ever indicate that
24 he was not willing to give that buckle swab to you back at the
25 CK Mart on June 30th?

1 A He did not.

2 Q Did he appear to be polite and cooperative during that
3 interaction with him?

4 A Very much so.

5 Q And ultimately, you released him in order to further this
6 investigation?

7 A That's correct.

8 Q Which led to his arrest on that date, July 5th, 2021?

9 A Yes, ma'am.

10 MS. MAYES: Nothing further at this time, Your Honor.

11 THE COURT: Thank you. Do y'all want to take a quick
12 break, Ms. Mauldin?

13 MS. MAULDIN: Yes, Your Honor.

14 THE COURT: Okay. Because we've been at since 2:00.
15 Let's take a 10-minute break and we'll come back and finish up.

16 (Off the record.)

17 THE COURT: Alright. Where's my witness? And I'm
18 going to remind you that you're still under oath. And you
19 didn't talk to anybody about this case?

20 DETECTIVE ORTIZ: Yes, ma'am.

21 THE COURT: Did you, detective?

22 DETECTIVE ORTIZ: No, I did not, Your Honor.

23 THE COURT: Okay. Thank you. Alright. Ms. Mauldin,
24 proceed.

25 MS. MAULDIN: Thank you, Your Honor.

CROSS EXAMINATION

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BY MS. MAULDIN:

Q A couple of questions about the search warrant for the car. The search warrant refers to shoe prints and says several. Do you remember how many shoe prints were found at the scene?

A There was one shoe print.

Q One shoe print? And then how many different clips did you rely on to show the route of travel from Crossbow to the ATM?

A I'm not sure.

Q You're not sure. Okay. And then when did Ms. D.K. tell you that the shirt was potentially plaid, was that the day that you went to the hospital or was that the next day when she came in to meet with you?

A If I recall correctly, it was the day of when I went to the hospital.

Q Okay. And then she said that this person was potentially or that she believed him to be African American, but that was based only on his voice, is that right?

A That's correct, ma'am.

Q Okay. Alright. And then Ms. Mayes showed you one of the stills from, this is from Crossbow and you mentioned a paper tag and then some marks to the other side of the car that were visible in the ATM footage. What distinguishing characteristics of that car do you see in this image?

1 A I had mentioned before that there was a mark for that
2 Chevy vehicle and it's that rectangular little thing here.

3 Q Are you talking about the reflector?

4 A That's it.

5 Q That's not an aftermarket reflector, that's just part of
6 the car ---

7 A Right.

8 Q --- not something added. So that would be present on any
9 similar Malibu?

10 A Right. But as we continue to track the vehicle, we
11 noticed, we observed the damage to the vehicle.

12 Q So the footage of this car shows only this reflector
13 that's present on other Chevy Malibus, other video images you
14 see from them, Broad River Road appear to you to match some
15 damage to the vehicle and the paper tag, correct?

16 A Right.

17 Q But none of those things are visible on this one on
18 Crossbow ---

19 A Not on that picture.

20 Q And this is the one that's closest to where Ms. D.K.
21 lives, right?

22 A Correct.

23 Q When you encountered Mr. Nance at the CK Mart on June
24 30th, he was already in the patrol car when you got there?

25 A Yes, ma'am.

1 Q And you didn't tell him he was free to go, did you?

2 A I did not tell him he was free to go.

3 Q And all of that was captured on Officer Monteval's body
4 camera footage?

5 A Correct.

6 Q And that was not downloaded and was purged, correct?

7 A That's correct.

8 Q So any corroboration you have of what transpired between
9 you and Mr. Nance that day is gone, correct?

10 A That's correct.

11 Q And you talked to Mr. Nance there or that detention there
12 at the CK Mart, he was in the car for over an hour, right?

13 A I don't recall how long it was that he was in the car,
14 ma'am.

15 Q Okay. Now, when he was there that day, did you, you had
16 him sign a Miranda rights form on July 5th at headquarters,
17 right?

18 A Correct.

19 Q You didn't have him sign a Miranda form that day on June
20 30th in the back of the patrol car, did you?

21 A That's correct.

22 Q And you say that he gave consent for a DNA swab there in
23 the back of a car?

24 A That's correct.

25 Q But you didn't get a DNA swab consent form, did you?

1 A I did not have one.

2 Q Did you ask anybody if they had one?

3 A No.

4 Q Ask him to right down that he consented?

5 A No.

6 Q Was the car actually released to him or was the, the
7 problems that you mentioned, those prevent the car from being
8 released to him?

9 A What was your question again?

10 Q Was the care eventually released to Mr. Nance or to
11 someone else or did it remain in police custody due to some
12 issues?

13 A Oh, it was eventually released to I believe one of his
14 family members.

15 Q Okay. Do you remember when that happened?

16 A No, ma'am.

17 Q Okay. After his arrest?

18 A Yes.

19 Q Okay. And before he came in to talk to you on July 5th,
20 you already had the warrants at that point?

21 A That's correct.

22 Q And those were based on the DNA match from the buckle swab
23 that he gave back on June 30th, right?

24 A That's correct.

25 Q So you got the swabs, you talked to Solicitor Browder

1 over in Richland County or someone from your office did, she
2 said there's enough evidence to go forward based on the DNA
3 swab and then you got the arrest warrants?

4 A That's correct.

5 Q And then you interviewed him on the 5th?

6 A That's correct.

7 Q Okay. And then on the July 5th interview, you made him
8 wait in that room for you?

9 A I'm sorry?

10 Q You made him wait during that interview, you would go in
11 and talk to him and then tell him to stay there ---

12 A Yes.

13 Q --- and then you told him where to sit in the room,
14 couldn't sit in this chair, had to sit in the other chair?

15 A Yes.

16 Q And that interview was over an hour and 15 minutes?

17 A Correct.

18 Q Okay. Alright. Do you recall that you got to the CK Mart
19 at 8:04?

20 A Yes.

21 Q Okay. And you're aware that Officer Wells arrived at
22 7:52?

23 A Correct.

24 Q Okay.

25 MS. MAULDIN: No further questions, Your Honor.

1 THE COURT: Thank you. Ms. Mayes, anything further?

2 MS. MAYES: Yes, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. MAYES:

5 Q Regarding, I think Ms. Mauldin was asking about the victim
6 said that she saw something that may have been plaid, possibly
7 a shirt?

8 A Yes.

9 Q During the assault?

10 A Yes.

11 Q And just to clarify, was the victim ever able to visualize
12 the face of the assailant?

13 A No.

14 Q What if anything had been placed over her?

15 A Pillows, she had pillows over her face.

16 Q And that was throughout the assault?

17 A That's correct.

18 Q And do you recall whether or not she also made any
19 references to the assailant possibly having a mask?

20 A Yes.

21 Q And I'm going to show you what is State's 46 or Court's
22 46, I'm sorry, being that photograph that was recovered from
23 the phone of Tamar Nance?

24 A Yes.

25 Q And based on the background and the coffee

1 table, your investigation determined that this photograph was
2 taken at what location?

3 A At Ms. D.K. 's residence.

4 Q Inside the residence?

5 A Yes.

6 Q And there is some type of plaid item here?

7 A That's correct.

8 Q Was that plaid item ever recovered back at the victim's
9 home?

10 A No, ma'am.

11 Q You saw that crime scene photo being 48, was it ever
12 recovered here in the living room area?

13 A No, ma'am.

14 Q And that appeared to be in the possession of the intruder?

15 A Correct.

16 Q During that photograph?

17 A Yes, ma'am.

18 Q Now, regarding the boots that Ms. Mauldin was asking you
19 about. I believe there were some boot prints taken by crime
20 scene?

21 A Yes.

22 Q And they were outside what area or location?

23 A Outside of the patio window.

24 Q Outside of the patio. Do know whether or not there's a
25 sliding glass door at that patio?

- 1 A Yes.
- 2 Q What ultimately was determined to be the point of entry in
3 this case or believed to be the point of entry?
- 4 A It was the glass door ---
- 5 Q Okay.
- 6 A --- the sliding door.
- 7 Q And is that the area in which the boot prints were
8 recovered?
- 9 A Yes.
- 10 Q And ultimately, was a boot recovered from the vehicle?
- 11 A Yes.
- 12 Q During that search?
- 13 A Yes, ma'am.
- 14 Q And can you tell us whether or not that appears to be
15 consistent with the boots shown here in this photograph?
- 16 A It does, ma'am.
- 17 Q As well as the boot from the CK Mart on the morning of the
18 crime?
- 19 A That's correct.
- 20 Q Have you had a chance to make a visual comparison of that
21 boot print to that boot as well?
- 22 A Yes, ma'am.
- 23 Q As well as you're aware that it was also sent to Lexington
24 County layton footwear examiner?
- 25 A Correct.

1 Q Do you consider that to be evidence in this case as well?

2 A Yes, ma'am.

3 Q Now, in addition to all of that information I believe Ms.
4 Mauldin was asking you about a conversation that was initially
5 held with an assistant solicitor in Richland County?

6 A Yes.

7 Now, this location, how close is it to the Richland
8 County line, this Crossbow Apartment Complex?

9 A I'm not sure.

10 Q Okay. Originally were you thinking that you were within
11 the Richland County jurisdiction?

12 A Yes, ma'am, we thought it was our jurisdiction.

13 Q Okay. That Harbison area, does that include a lot of
14 combination between Lexington and Richland County?

15 A Yes, ma'am.

16 Q Including the mall, I believe it's split?

17 A Yes, ma'am.

18 Q And initially there had been a conversation with an
19 assistant solicitor in Richland County?

20 A Yes.

21 Q Regardless of that, do you make determinations on probable
22 cause yourself, or do you rely only on what people tell you is
23 probable cause?

24 A Myself.

25 Q Okay. And that night, on June 30th, who's

1 determination was it that you had probable cause to detain Mr.
2 Nance and interview him?

3 A Mine.

4 Q Okay. If he had chosen to participate in the interview?

5 A Yes.

6 Q And based upon your observations, did he?

7 A Yes.

8 Q And that swab, based upon your observations, did that
9 appear to be freely and voluntarily given to you?

10 A Yes, ma'am.

11 Q Again, did you threaten or coerce him in any way to
12 provide that swab?

13 A I did not.

14 Q And at that point, was he being cooperative with you?

15 A Yes.

16 Q Including, you know, his tone of voice ---

17 A Yes.

18 Q --- and his mannerisms?

19 A Very much so.

20 Q They were all cooperative?

21 A Yes.

22 Q And I'm going to show you what is Court's Exhibit 9 and
23 ask you whether or not when you had the follow up interview
24 with Mr. Nance on July 5th, you mentioned, or there was a
25 reference back to that swab that he had consented to?

1 A Correct.

2 Q And what if anything did he reiterate to you at that time?

3 A That he gave consent for the buckle swab.

4 Q And you're familiar with that clip which would be Court's
5 Number 9?

6 A That's correct.

7 MS. MAYES: This would be a clip from the July 5th
8 interview, Your Honor, as a Court's Exhibit, Court's 9.

9 THE COURT: Any objection?

10 MS. MAULDIN: No, Your Honor.

11 THE COURT: Alright. It's admitted.

12 (Whereupon a CD was submitted as Court's Exhibit Number 9
13 for identification and entered into evidence.)

14 THE COURT: This is part of, Ms. Mayes, the same
15 interview while he's down at the station?

16 MS. MAYES: Correct, Your Honor. The same interview
17 on July 5th in the interview room that we previously saw.

18 THE COURT: Okay.

19 (Video from CD being played.)

20 Q What are you referencing when you said you consented for
21 us to have your DNA?

22 A I'm referencing to our encounter over at CK Mart where he
23 consented for us to have his buckle swab.

24 Q That' buckle swab that was collected on July ---

25 A Yes.

1 Q --- I'm sorry, on June 30th?

2 A June 30th.

3 Q And is that the same buckle swab where you indicated that
4 you called for CSI that took approximately 30 minutes or so for
5 them to arrive there for that buckle swab?

6 A Yes, ma'am.

7 Q Now, if he had ever retracted consent while you were
8 waiting on CSI to arrive, what action would you have taken?

9 A He would have been released.

10 Q Okay. And would you have cancelled the CSI request?

11 A Absolutely.

12 Q Alright. And that comparison, the visual comparison
13 between the photograph of that footprint outside the patio and
14 the boots from, that were recovered from the vehicle, when did
15 you become aware of that, was that after your interview with
16 him on the 5th or before?

17 A That was before.

18 Q Thank you Detective Ortiz.

19 MS. MAYES: Nothing further.

20 THE COURT: Ms. Mauldin?

21 MS. MAULDIN: Nothing further, Your Honor.

22 THE COURT: Thank you.

23 DETECTIVE ORTIZ: Thank you, Your Honor.

24 THE COURT: Can I let the witness down?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: Thank you. Alright. Do you have any
2 more witnesses?

3 MS. TAYLOR: Yes, Your Honor. The State calls Kevin
4 Schmidt.

5 THE COURT: Let me see the, let me ask the lawyers
6 real quick because I've got to put a message for the jurors.
7 We're going forward with trial?

8 MS. MAULDIN: That's my understanding, Your Honor.

9 THE COURT: Okay. Is that your understanding, Mr.
10 Nance?

11 MS. MAULDIN: Your Honor, may we have another three
12 minutes?

13 THE COURT: You've got three minutes.

14 (Off the record.)

15 MS. MAULDIN: Yes, Your Honor, that's our decision.

16 THE COURT: Okay. Then Myria, will you leave a
17 message telling them they're excused for the week.

18 CLERK: Excused for the week, got it.

19 THE COURT: Excused for the week. We will go
20 forward.

21 MS. TAYLOR: I apologize, Your Honor. The State
22 calls Kevin Schmidt.

23 THE COURT: Okay. Step forward and be sworn.

24 CLERK: Please raise your right hand, place your left
25 on the Bible. Do you swear or affirm the testimony you give

1 the Court is the truth, the whole truth, and nothing but the
2 truth so help you God?

3 MR. SCHMIDT: I do.

4 CLERK: Thank you. Would you please have a seat in
5 the witness box. State your full name and spell your last for
6 the record.

7 MR. SCHMIDT: My name is Kevin Schmidt, my last name
8 is spelled S-c-h-m-i-d-t.

9 **DIRECT EXAMINATION**

10 BY MS. TAYLOR:

11 Q Good afternoon, Mr. Schmidt.

12 A Good afternoon.

13 Q Could you please tell me where you are currently employed?

14 A I am currently employed with the Columbia Police
15 Department.

16 Q What is your rank and job responsibilities?

17 A I am a master patrol officer, and I am a crime scene
18 investigator.

19 Q And what types of duties do you have as crime scene
20 investigator?

21 A I process crime scenes to include anywhere between auto
22 break-ins, criminal sexual conducts, murders, attempted
23 murders.

24 Q And on June 30th of 2021, where were you employed?

25 A Columbia Police Department.

1 Q And did you have the same job title and responsibilities
2 at that time ---

3 A Correct.

4 Q --- as a crime scene investigator? Okay. Would part of
5 your responsibilities include obtaining buckle swabs?

6 A Correct.

7 Q Such as in criminal sexual conduct cases?

8 A Correct.

9 Q And what would be the procedure for obtaining a buckle
10 swab on a suspect?

11 A The procedure, we ask for permission first. Even if
12 someone tells us that they've given permission, I still like to
13 ask for permission as well. I do have, our buckle swabs come
14 in a little package, and I won't even open the package until I
15 have confirmation that they agree to provide the buckle swab.

16 Q Approximately how long does the procedure take to collect
17 a buckle swab?

18 A Probably less than five minutes if I have their
19 information in front of me.

20 Q Okay. And does this procedure also include actually
21 explaining the procedure to the suspect before you collect
22 the swab?

23 A Correct. I explain the procedure and actually what I do,
24 I keep, whoever I'm doing the buckle swab on with me, I seal it
25 to let them know to give them comfort that nothing's

1 going to happen to the swab in-between the sealings.

2 Q And on June 30th of 2021, were you contacted by Detective
3 Ortiz to respond to the CK Mart to obtain a buckle swab?

4 A I'm not sure if it was Detective Ortiz or if it was the
5 street requesting me.

6 Q And did you make contact with the suspect, Tamar Nance?

7 A Correct.

8 Q And what did you do once you made contact with Mr. Nance?

9 A I asked him if he gave us permission to get a buckle swab
10 from him, explained what it was, I got his information, I
11 believe, from that same picture of his ID. Filled out the form
12 that comes with the package and asked him if all the
13 information on the form is correct, and if it is just sign it.

14 Q What type of information is on that form?

15 A Name, date of birth, Social Security Number, address.

16 Q Did he voice his understanding with the procedure?

17 A Yes.

18 Q And did he sign that form that contained his identifying
19 information?

20 A Yes.

21 Q Okay. What was his demeanor while you were collecting the
22 buckle swab?

23 A He was very calm, worked with me, didn't give me any
24 issues.

25 Q And he was cooperative with the procedure?

1 A Correct.

2 Q At any time did he voice any kind of hesitation or retract
3 his consent to give that buckle swab?

4 A No.

5 Q If he had given any hesitation or retracted consent, would
6 you have proceeded with the procedure?

7 A No.

8 Q And was anybody else a witness to you collecting that
9 buckle swab?

10 A Maybe Investigator Ortiz, but other than that, I'm not
11 aware of anyone else.

12 Q Okay. And once you obtained the buckle swabs, did, what
13 did you do with that and the packaging?

14 A Well, I seal it in front of whoever I'm doing the swab of,
15 I put my initials on the sealed tape and then I tag it into the
16 property room.

17 Q And what is the purpose for doing that in front of the
18 suspect?

19 A Just to show that no one's tampering with it, that it's
20 going to be sealed in front of them. I just try to do it so
21 they feel a little bit more comfortable when submitting DNA.

22 Q So on that date, Tamar Nance did consent to have the
23 buckle swab?

24 A Correct.

25 MS. TAYLOR: Beg the Court's indulgence.

1 No further questions.

2 THE COURT: Ms. Mauldin?

3 MS. MAULDIN: Thank you, Judge.

4 CROSS EXAMINATION

5 BY MS. MAULDIN:

6 Q Good afternoon, Officer Schmidt.

7 A Good afternoon.

8 Q Okay. So when you got there, Investigator Ortiz already
9 had Mr. Nance in the back of the car?

10 A Correct.

11 Q And he was in her custody or the custody of other officers
12 that were already on scene?

13 A Correct.

14 Q But you didn't have authority to cut him loose?

15 A No.

16 Q Did you have him sign any sort of consent to do ---

17 A I did not, I got verbal consent.

18 Q Okay. But you don't know the circumstances of his
19 conversation with Investigator Ortiz?

20 A I didn't know anything about the crime at the time.

21 Q Okay. And how long did it take you to get, once to got
22 the call to the CK Mart?

23 A How long did it take for me to get there?

24 Q Yeah.

25 A I'm not sure. Maybe 30, 20 minutes.

1 Q Okay. Thank you.

2 MS. MAULDIN: No further questions, Judge.

3 THE COURT: Thank you. Anything, redirect?

4 MS. TAYLOR: No further questions.

5 THE COURT: May I let Officer Schmidt down,
6 please?

7 MS. TAYLOR: Yes, Your Honor.

8 THE COURT: You may be excused.

9 OFFICER SCHMIDT: Thank you, Your Honor.

10 MS. MAYES: That would be the extent of witnesses,
11 Your Honor, regarding the motion to suppress and the State's
12 response to that as well as the proffering of statements
13 pursuant to the Jackson v Denno. Your Honor, we have the
14 statement that was made to Officer Wells, just the very, very
15 initial statement when he walks up to the vehicle and the
16 Defendant, Tamar Nance, meets him at the vehicle and indicates
17 that it is his vehicle and then from that point, he is
18 detained, and he was not questioned by Wells and we're not
19 offering anything beyond that.

20 MS. MAULDIN: I hate to interrupt, but I do have a
21 witness.

22 MS. MAYES: Okay.

23 MS. MAULDIN: Before we get into all that.

24 THE COURT: Ms. Mauldin, by all means, please call
25 your witness.

1 MS. MAULDIN: Your Honor, I'd call Mr. Nance to the
2 stand for the limited purposes of the issues that have come up
3 in the suppression hearing and the Denno hearing.

4 THE COURT: Absolutely. Tell him to come forward and
5 be sworn. Mr. Nance, come on.

6 CLERK: Please raise your right hand and put your
7 left on the Bible. Do you swear or affirm the testimony you
8 give the Court is the truth, the whole truth, and nothing but
9 the truth so help you God?

10 MR. NANCE: Yes, ma'am.

11 CLERK: Thank you. Would you please have a seat in
12 the witness box. State your full name and spell your last for
13 the record.

14 MR. NANCE: My name's Tamar Nance.

15 **DIRECT EXAMINATION**

16 BY MS. MAULDIN:

17 Q Okay. Thank you, Mr. Nance. You were detained at the CK
18 Mart on June 30th?

19 A Yes, ma'am.

20 Q Okay. And once you were detained, where did the police
21 put you?

22 A In the back of the car.

23 Q And is that the part of the car that locks if somebody
24 gets in there and can't get out?

25 A Yes. The police car.

1 Q Okay. Did you believe at that point that you were free to
2 leave?

3 A Once I gave DNA up.

4 Q And what do you mean by that?

5 A If I was to give a swab, then I'll be able to leave.

6 Q That's what one of the police officers told you?

7 A Yes, sir, yes, ma'am.

8 Q And who was that?

9 A That investigator.

10 Q Now, did you feel like you could leave unless you gave a
11 DNA swab?

12 A Yes. If I gave a DNA swab then I'll be able to leave.

13 Q And if you didn't give a DNA swab?

14 A Then I'll be going to jail.

15 Q Okay. Thank you. And did that officer read your rights
16 to you?

17 A No, ma'am.

18 Q Okay.

19 MS. MAULDIN: No further questions, Your Honor.

20 THE COURT: Ms. Mayes?

21 CROSS EXAMINATION

22 BY MS. MAYES:

23 Q So Mr. Nance, you were on the video that we just watched a
24 little while ago on July 5th, you saw that video, you were in
25 the Courtroom when we watched it?

1 A Okay. Can you show me that video again ---

2 Q Sure.

3 A --- which one, we just seen a couple videos.

4 Q Sure. We're going to watch the video from when you went
5 and met with the officer on July 5th. Alright. Before I play
6 this, what I'd like to cover with you is that after this
7 happens at the CK Mart and your car was taken, who did you call
8 on July 1st? You called somebody, you called this officer, you
9 called Detective Williamson?

10 A Yes, I did.

11 Q Okay. And you called her because you wanted to find out
12 how to get your car?

13 A Yes, ma'am.

14 Q And then you called her again on July 2nd?

15 A I believe so, yes, ma'am.

16 Q And when you called her, you agreed to come in and meet
17 with her, didn't you?

18 A Yes.

19 Q And you didn't show up, did you?

20 A No, she never told me to come in that day. She told me to
21 come, like, she don't do nothing on the weekend because that
22 was the weekend. She told me to come in on the 5th, Tuesday.
23 She said I'll give you a call, call me sometime throughout the
24 week she'll set up a day, it could be between sometime Monday
25 to Wednesday. But she chose me to come in that Monday.

1 Q Now, Mr. Nance, when you came in on the 5th, you had
2 actually had the officers come out to your house and speak to
3 your mom, hadn't they? Because they were looking for you
4 because you had not shown up for a previous appointment.

5 A No.

6 Q You don't have any knowledge of that?

7 A No, ma'am. Nobody came to my house.

8 Q And that the reason you contacted law enforcement on the
9 5th ---

10 A I called concerning my car, my vehicle ---

11 Q So the reason ---

12 A --- my property.

13 Q --- that you contacted law enforcement on the 5th had
14 nothing to do with the fact that they had been to your
15 residence and to a relative looking for you?

16 A No. I was never told that I had police come to the
17 residence. Because she told me that if I don't show up on that
18 date that she will send somebody out to come and get me.

19 Q Alright. So on the 5th, you come in and talk to law
20 enforcement, correct?

21 A Yes, ma'am.

22 Q And that, you came in freely and voluntarily?

23 A Yes, ma'am, I did.

24 Q And when you came in freely and voluntarily,
25 what's the first thing that happened? Tell us what

1 the first thing that happened when you came in.

2 A First thing that happened, I sat down then waited till
3 someone come speak with me.

4 Q Alright. And then this officer came to speak with you,
5 and she read you your rights, didn't she?

6 A Well, no, not off the top. I don't believe it was just...
7 First we just spoke, and I don't think, I believe the, the, the
8 rights part came in, like, within, like, 5 to 10 minutes after
9 the conversation, 15 minutes, I don't know.

10 Q 15 minutes into your conversation is when the, when the
11 rights happened?

12 A Yes, ma'am.

13 Q After you came into the room?

14 A Yes, ma'am.

15 Q And so what were y'all talking about those 15 minutes
16 before the rights were read?

17 A It was mainly me trying to figure out what's going on with
18 my car, why, what's going on with this case, and things like
19 that.

20 Q So when you came in and you say this 15 minutes go by
21 before you're read your rights, you end up waiving your rights,
22 don't you?

23 A Yes, ma'am, I did.

24 Q And that form that you saw earlier, you saw the form
25 That we were referring to, you saw, you saw it being

1 signed there on the overhead?

2 A Yes, ma'am.

3 Q You waived your rights then?

4 A Yes, ma'am.

5 Q And one of the things that the officer says to you is that
6 she's reading you your rights just like she did the last time?

7 A Well, no one read me any rights when I was in the back of
8 a car.

9 Q Alright. So you deny you were ever read your rights in
10 the back of that car?

11 A Yes, ma'am.

12 (Video from cd being played.)

13 Q Alright. And so when the officer said to you at the
14 outset, just like I did before, your testimony today you have
15 no idea what she's talking about?

16 A Yeah. I'm going to honest with you, at that time, I
17 wasn't really thinking at the time, I was just trying to, my
18 head just going everywhere. But as far as what happened that
19 day, her saying that she read me my rights before, I didn't
20 think of it like that, I didn't, I didn't think of it like
21 that, okay, I read you your rights before and I'm reading your
22 rights again, and then this time, she confirming me to sign
23 some papers, she didn't do that when the first day we met.

24 Q Alright. So you're saying that you didn't actually get
25 the form ---

1 A Yes.

2 Q --- that Miranda form. I'm going to show you what it
3 looks like.

4 A On the day that we met, right?

5 Q Okay. This form here ---

6 A Yes.

7 Q --- the form that you signed this time. You're saying
8 that you didn't see that the first time, correct?

9 A Yes, ma'am.

10 Q But you're not denying that the rights were read to you?

11 A No, my rights wasn't read, like, read to me?

12 Q So you're saying ---

13 A On, on what date? This when ---

14 Q At the CK Mart, Mr. Nance.

15 A At the CK Mart. No my rights wasn't.

16 Q Alright. So you have no idea what she's talking about
17 here?

18 A I was just, I was just put in the car and they was
19 explaining the situation about the incident that had happened.

20 Q So Mr. Nance, again, my question to you is when the
21 officer says, like I read you your rights before, you have no
22 idea why she said that?

23 A I know that now, but I wasn't thinking clearly that day --

24 -

25 Q Alright.

1 A --- or before, I was just answering questions.

2 Q The other thing that you say in this video is that you
3 gave consent for your DNA, do you remember making that
4 statement during the course of this video?

5 A Yes, ma'am.

6 Q And looking here after seeing this video from when you
7 walk in with Detective Ortiz and she has read you your rights,
8 we are 1 minute, 17 seconds in. Do you still maintain you were
9 in there talking to her for 15 minutes before your rights were
10 read?

11 A How long was the video?

12 Q Your answer is?

13 A I was asking how long is this video because it's not even
14 the whole video. I remember taking a, a, a, a I think a
15 breathalyzer and all, and I had told her that I was a little
16 tipsy, and I just got done drinking some Jose Cuervo, so I
17 really wasn't, like I say, I really wasn't probably, like, in a
18 state of mind.

19 Q Alright. So your testimony now is that you showed up to
20 the police station having drank some alcohol?

21 A Yes, I was a little tipsy. Not tipsy, but I was a little
22 just coming down off drinking that following night.

23 Q Alright. You understand what she's saying to you, you
24 don't dispute that do you Mr. Nance?

25 A Yes, I'm understanding that.

1 Q Okay. You understand exactly ---

2 A Yes.

3 Q --- what she has just said to you?

4 A Yes. But sometimes, you know, just coming down, you could
5 still be discombobulated.

6 Q So were you so discombobulated that you think one minute
7 and 17 seconds of a conversation with her is actually 15-
8 minutes? Let me ask you this. Do you now agree having watched
9 this, that your conversation with her was limited to her
10 walking in and she read you your rights?

11 A Yes, ma'am.

12 Q Just like we saw?

13 A Yes, ma'am, I see that now.

14 Q Okay.

15 (Video from cd being played.)

16 A I did consent because I was promised if I, if I give the
17 DNA, I'd be able to be gone till further notice.

18 Q Alright. So Mr. Nance, your testimony in this Courtroom
19 is that you were in the back of the patrol car at that CK Mart?

20 A Yes, ma'am.

21 Q That no one read you your rights? Not this officer, she
22 never read you your rights at all, that's your testimony?

23 A No, I didn't, no, ma'am.

24 Q You never heard anything ---

25 A I mean, yes, ma'am.

1 Q --- about your rights?

2 A No, there was no rights, there was just DNA. Like I said,
3 I did consent to DNA, but not yet, I did, I did consent to a
4 DNA, but I don't remember her reading my rights.

5 Q And then your testimony is that the officer tells you
6 without any rights or any, any conversation about your rights
7 at all, the officer says to you that if you give me a swab,
8 I'll let you go?

9 A Yes, ma'am.

10 Q That's your testimony?

11 A Yes, ma'am.

12 Q And that because of that you gave her a swab?

13 A Yes, ma'am.

14 Q And Mr. Nance, you're the same Tamar Nance that's been
15 previously convicted for financial transaction card fraud in
16 2017, correct?

17 A Yes, ma'am.

18 Q And so when you testified a little while ago that you sat
19 in that room and this officer was talking to you and
20 questioning you for 15 minutes before reading you your rights,
21 that wasn't true was it, Mr. Nance? That was not true, was it?

22 A I mean, I never, I ---

23 Q Let me rephrase that. 10 minutes ago when you took that
24 oath and you took the stand ---

25 A Yes, ma'am. I'm not trying to lie or anything,

1 I'm not trying to lie or make up any story. Like I said at
2 that time, it felt, it feels long, it feel like we had long
3 conversation, so I really can't say exactly what exactly
4 happened unless I see the video and I see what's been going on,
5 but like I say, I had been sitting in the car for a while and I
6 was in the room for a while and I remember some, I remember at
7 the time I had took a breathalyzer and I was telling, I was
8 explaining to her, like, I'm a little tipsy. You know, I was
9 nervous, I was scared at the same time.

10 Q My question to you was, when you walked in the room, my
11 question was, and then she read you your rights, correct. And
12 you said, no, you said that she was talking to you and asking
13 you all kinds of questions before she read you those rights.
14 And then you ended up testifying that you were asked questions
15 or that she talked to you for 15 minutes before she read you
16 your rights. And I played that video and now you're saying
17 that that's not the case?

18 A I'm sorry, I don't mean that, I don't mean 15 minutes.

19 Q So you agree that it wasn't 15 minutes, that the first
20 thing she did when she came into that room and actually started
21 conversing with you, talking with you, is that she read you
22 your rights?

23 A Yes, ma'am.

24 MS. MAYES: Your Honor, we have the original video,
25 this being the full video, July 5th in 2021, of that interview,

1 this is Court's Exhibit 50, I move this in as a Court's Exhibit
2 at this time. This is the original interview of Tamar Nance by
3 Detective Damaris Williamson Ortiz.

4 THE COURT: Any objection?

5 MS. MAULDIN: No, Your Honor.

6 THE COURT: It's admitted in its entirety, is that
7 right?

8 MS. MAYES: That is correct, Your Honor, it's un-
9 redacted.

10 THE COURT: Thank you.

11 (Whereupon a CD was submitted as Court's Exhibit Number 50
12 for identification and entered into evidence.)

13 (Video from cd being played.)

14 Q Alright. You walked in, she offered you water. At what
15 point is it your testimony you tell her that you're tipsy
16 because you've been drinking?

17 A You haven't got to it yet.

18 Q Okay. So it's going to be sometime later in the video,
19 according to you?

20 A It should.

21 Q Okay. So she's offered you water and now you're going to
22 sit, you're going to sit alone in this room. We're at 5:26 pm.

23 (Video from CD being played.)

24 Q And now at 5:28.

25 (Video from CD being played.)

1 Q Alright. So now you have seen what is un-redacted, the
2 original video, that is State's, or Court's Exhibit 50. Mr.
3 Nance, you now agree that she didn't question you before
4 reading you your rights, correct?

5 A Yes, ma'am, she did.

6 Q (Nonverbal response).

7 A She did.

8 Q She did question you before reading your rights?

9 A No, she, no, she read me my rights.

10 Q Okay.

11 MS. MAYES: Nothing further of Mr. Nance at this
12 time, Your Honor.

13 THE COURT: Ms. Mauldin?

14 REDIRECT EXAMINATION

15 BY MS. MAULDIN:

16 Q Mr. Nance, when you were back at the CK Mart on June 30th,
17 did you feel like you would be allowed to leave if you did not
18 give a DNA sample?

19 A If I didn't I wouldn't be allowed.

20 Q And I may have asked that badly. Did you think they were
21 going to let you go unless you gave a DNA sample?

22 A Would they let me go if I gave a DNA, yes, ma'am.

23 Q Okay. So when you talk about later in that interview,
24 you mention consent to search or consent for your DNA,
25 you had given consent, but it was only because you thought

1 you had to in order to be released, right?

2 A Yes, ma'am.

3 Q Okay.

4 MS. MAULDIN: Thank you, Your Honor, no further
5 questions.

6 RECROSS EXAMINATION

7 BY MS. MAYES:

8 Q And Mr. Nance, who was the person that you testified today
9 told you this? That you had to give a swab in order to be
10 released.

11 A It was the officer; it was her and the officer.

12 Q Okay. It was this officer, Detective Ortiz?

13 A Yes, ma'am.

14 Q And she doesn't read you your rights and she tells you
15 that you've got to give a swab and only then can you be
16 released?

17 A Yes, ma'am.

18 Q And so you have no idea what else is going on with the
19 investigation until you show up ---

20 A Yes.

21 Q --- and you are read your rights ---

22 A Yes, ma'am, I didn't know till I showed up, got my car,
23 but I was about to get my car, but I went to go get my car and
24 I seen the case jacket and then I showed up.

25 MS. MAYES: Nothing further.

1 THE COURT: Can I excuse Mr. Nance from the stand?

2 MS. MAYES: Yes, Your Honor.

3 THE COURT: Thank you. You can be excused, return to
4 the table with the officer. Anything further, Ms. Mauldin?

5 MS. MAULDIN: No other witnesses, Your Honor.

6 THE COURT: Okay. Alright. Let's go through these
7 motions. I'd like to take the statements made on June 30th and
8 June 23rd, I want to make sure he was released on June 23rd
9 because he didn't show back up until July 5th, is that right?

10 MS. MAYES: Yes, Your Honor, he was released on June
11 30th.

12 THE COURT: On June 30th, that's when he gave the
13 other statement, am I correct in saying?

14 MS. MAULDIN: Yes, Your Honor.

15 THE COURT: At the CK Mart? Alright. Let me hear
16 from you on those statements, Ms. Mayes, if you have anything
17 and then I'll turn to you, Ms. Mauldin.

18 MS. MAYES: So Your Honor, regarding the statement
19 that is initially made at the CK Mart to Officer Wells, I
20 believe that is limited to just acknowledgment that he is the
21 driver of the vehicle or it's his vehicle. At that point, he
22 is detained. The vehicle itself is already known to be the
23 suspect vehicle and is being detained by law enforcement. And
24 then once he acknowledges that it is his vehicle and provides
25 his name, he has been detained and told by the officer, hold

1 tight. Detective Ortiz is going to arrive at 8:04 pm. Your
2 Honor, her testimony to the Court is that he was advised of his
3 Miranda rights, he waived his Miranda rights, he made a
4 statement to her acknowledging that he was in fact the person
5 on the video tape going to the ATM machine and his story to her
6 is that he's driving his car, taking another individual that he
7 had picked up at the CK Mart to the ATM machine. He also
8 denies having ever been around the crime scene or the incident
9 location. And that is pretty much the extent of that initial
10 interview, it was summarized in her notes which involved in
11 part of discovery in this case. Your Honor, he also at that
12 time agreed to the consent swab, he gave consent for the swab
13 according to the testimony of Detective Ortiz. Your Honor,
14 obviously, we just heard different testimony from the Defendant
15 himself, although the Defendant himself, the State maintains
16 lacks credibility in that he made very different statements
17 even during the course of his own testimony about exactly what
18 had transpired in his statements to law enforcement on July
19 5th. His repetition to the Court of what took place in that
20 interview room is distinctly contradicted by the interview
21 itself and in fact shows that he was not mislead or interviewed
22 by law enforcement for 15 minutes before being read his rights,
23 which is what he testified to until the video showed
24 differently. And so the State maintains that his credibility
25 on this issue is certainly in question, Your Honor. The

1 detective had indicated that once he gave consent for the
2 buckle swab, CSI arrived, it was about 30 minutes for them to
3 get there and actually take the swab. Although they had
4 probable cause to arrest him at that point in time, the
5 detective's testimony is that she wanted to further the
6 investigation. She knew that the vehicle was going to be
7 searched, it was being seized at that time. Pursuant to the
8 investigation, she had already identified it as the suspect
9 vehicle, the vehicle that she believes was leaving the victim's
10 neighborhood 10 minutes after the victim reported he left. And
11 then seen at various locations in route to that ATM machine on
12 Broad River Road and then present while the transactions are
13 being made and the victim's car is being, card is being
14 utilized. She was able to rule out that passenger as being
15 involved in these actual, as the actual intruder committing the
16 rape. She knew that he did not meet the physical description,
17 he's not slender by any stretch of the imagination. The Court
18 has seen photographs that are now in evidence of that
19 individual who's also not wearing the jeans. The driver of the
20 vehicle, however, was slender, an African American male wearing
21 jeans and he's driving the vehicle, same vehicle she believes
22 has been seen through the circumstantial evidence of that video
23 surveillance 10 minutes after he leaves the victim's home at
24 the intersection adjacent to Crossbow and that's at Crossbow
25 and Columbiana, and that's at 5:49 am. So at this point in

1 time, she has a suspect vehicle which is very distinct due to
2 the discoloration and the damage to the rear panel and those
3 paper tags. So there is no doubt in her mind at the CK Mart on
4 the night of the 30th that is the suspect vehicle. She has
5 probable cause to seize it and law enforcement did so. It is
6 considered evidence in the case, not only evidence in the
7 financial transaction card theft and fraud, where we see it
8 being used during those transactions right there on the video
9 surveillance that takes place at 6:30, 6:28, 6:30, and 6:32 am,
10 but also as I previously stated certainly consistent with the
11 Chevy Malibu leaving the intersection outside the victim's
12 neighborhood about 10 minutes after the crime and then,
13 obviously, the same vehicle that the driver exits and she gets
14 a good look at his face and his physical description, and she
15 is then able to identify a suspect. She saves this photograph
16 from that video surveillance on her phone. When she arrives at
17 the CK Mart that night after she gets the call from the manager
18 that he has returned, he also knows him and recognizes him,
19 he's seen him multiple times, he notifies law enforcement that
20 he's back. He saw the video with her and said I'll call you if
21 I see him again. It's only a couple of hours that he calls and
22 says he's back here. When she is looking at the video screen
23 shot on her phone and she's able to see him, she then
24 recognizes that it is in fact the same person that she knows to
25 be the, she believes to be the same person from the video that

1 morning at the CK Mart just after they left the ATM machine,
2 about 2 minutes after. So he is her suspect in the case. She
3 has probable cause to arrest him right there on the financial
4 transaction card theft, charge him if she wants to. She
5 certainly has probable cause at this stage to believe he's
6 involved in the burglary as well because the vehicle has left
7 the victim's neighborhood, but she chooses to further the
8 investigation and that is something we certainly don't fault
9 law enforcement for, we want them working as much as they can
10 to further investigations in every aspect. Not only because
11 there was crime scene evidence that was being processed but
12 also there was footwear evidence that's being processed and
13 then ultimately that car that was seized, they knew that that
14 was also going to be processed potentially for evidence and
15 ultimately they did recover the clothing. The same clothing
16 that he is seen wearing at the CK Mart on that morning is the
17 same clothing that is recovered from his vehicle. So totality
18 of circumstances, there is certainly enough at this point to
19 get the warrants for burglary, criminal sexual conduct, the
20 financial transaction card theft, and he is brought in for
21 questioning on the 5th, he comes in voluntarily, he admits
22 that, he is read his Miranda rights at the outset of that
23 interview, he waives those Miranda rights and then that
24 statement speaks for itself.

25 THE COURT: But they knew most of this on the 30th?

1 MS. MAYES: Yes, Your Honor. The only thing they did
2 not have on the 5th was the DNA and the DNA, they had been
3 verbally advised that the DNA results by someone at the lab, I
4 believe on the 2nd, that it was a match, the victim's vaginal
5 swab from the rape kit certainly was consistent with the DNA of
6 Tamar Nance. Ultimately, he was already in the CODIS database,
7 that is information they would have obtained anyway because
8 SLED was entering the vaginal swab DNA profile into the CODIS
9 database and ultimately they did so and independently got ---

10 THE COURT: A hit on CODIS.

11 MS. MAYES: --- a hit for confirmation to the 2012
12 sample that they had on Tamar Nance. So that is information
13 that would have all be inevitable anyway. But with that said,
14 Your Honor, they certainly had enough to arrest him on the
15 night of the 30th in connection with the burglary and the FTC
16 theft, if they had made the decision to do so, but as the
17 officer stated they wanted to pursue an extremely thorough
18 investigation, there were a lot of different aspects they were
19 looking at relating to crime scene evidence both inside the
20 house, outside the house, as well as what may be inside that
21 vehicle.

22 THE COURT: Thank you. Ms. Mauldin, let me hear from
23 you.

24 MS. MAULDIN: Thank you, Your Honor. I guess I'll
25 get into the search stuff and the suppression hearing since

1 this is all sort of linked. But Your Honor, my argument is
2 that they didn't have reasonable suspicion or probable cause to
3 detain Mr. Nance at the scene. At that point, on the 30th, at
4 that point, at most, they knew that he was not the man at the
5 ATM and he was not identified as the individual that had gone
6 up to the ATM to make the transaction. He certainly was not
7 observed in the ATM that day either. There is the connection
8 later where Investigator Ortiz believes that he's the person in
9 the vehicle at the CK Mart, however, I would say that that's
10 not enough to give rise to reasonable suspicion at this point
11 to detain him at the CK Mart on the 30th. Certainly not for
12 the over an hour that he was in the police car. Your Honor, I
13 would also take issue with the slide that's been given of the
14 car at the Crossbow intersection. That's supposed to be the
15 car closest, the image closest to Ms. D.K. y's house or her
16 apartment home rather, however, there's nothing that
17 distinguishes that car as being any other Chevy Malibu. The
18 marks that they claim they can link up with the car at the ATM
19 and the CK Mart later on, you can look at those images for
20 yourself and see whether you think those on Broad River Road
21 match up with the car, but certainly the one at Crossbow
22 doesn't have any distinguishing marks that you can observe,
23 other than things that were just part of, you know, any Chevy
24 Malibu of that model. So we'd ask the Court to consider that.
25 Additionally, Mr. Nance has testified that he was not read his

1 Miranda rights that day at the CK Mart and that he was, he
2 believed that he could only be released if he gave a DNA
3 sample. That's a very different thing from being able to
4 remember exactly the order of the conversation steps that
5 occurred in interrogation and how many minutes elapsed. It's a
6 lot more significant for a person to remember whether they were
7 read rights and whether they were told that if they gave a DNA
8 sample, they could go, those are two very different things. So
9 I don't think that's quite a credibility issue that the State's
10 making it out to be. Your Honor, you've heard that at the
11 scene at the CK Mart police had body camera footage of all of
12 the conversation where he was in the police car talking to
13 Investigator Ortiz, but there is, they completely failed to
14 retain any of that evidence, they didn't memorialize it in any
15 kind of writing as they, is certainly their practice as you saw
16 later in the interrogation on July 5th. No consent to search
17 in any kind of written format, so there's no corroborating
18 information other than, you know, what the officers are
19 claiming, they don't have any facts. So as far as the search
20 warrant on the car, if I could go into that. We've got a very
21 vague description. We know that Ms. D.K. identified this
22 alleged assailant as African American based on his voice, other
23 than that, very scant information about this person, certainly,
24 not enough to describe Mr. Nance. So I would argue that the
25 detention on June 30th was unlawful because they didn't have

1 sufficient cause then. The proceeds of that were the search
2 warrant on his car that I would argue is not based on
3 sufficient cause. The DNA swab that they obtained from him as
4 a result of that turned out to be the basis for the arrest on
5 July 5th and you heard Officer Ortiz's testimony today that
6 they had already gotten the warrant and the DNA was what gave
7 them the probable cause for the arrest. The reason they
8 arrested him was because they had the DNA result that was the
9 newest information that came out. If they thought they had
10 probable cause to arrest him on June 30th, they would have gone
11 and done that, but what changed their minds was getting the
12 DNA, as you heard, got the arrest warrants once they had the
13 DNA and the solicitor in Richland County told them that was
14 sufficient. So the interrogation on July 5th is based on the
15 unlawful detention and the unlawful taking of the DNA on June
16 30th and so I would argue that that should remain out. In
17 addition, his cell phone is taken pursuant to that arrest and
18 the search incident to arrest on July 5th, interrogation, and
19 arrest. But I would argue that to the extent that that arrest
20 is unlawful, that his cell phone should not have been taken and
21 the information on that should be excluded as well. And as the
22 other search warrants are based on that, I would argue that the
23 other search warrants for the phone and the second swab for the
24 DNA should be excluded. And certainly as the State felt like
25 the original warrants were valid, they wouldn't have gone back

1 and gotten a second search warrant in the first place. So we
2 also raise an issue about the location of the property where
3 the cell phone was, it's my understanding that the cell phones
4 were actually in custody in Lexington County when they were
5 searched. If that's the case, I don't take issue with that
6 part. I don't agree that a Lexington County magistrate has the
7 authority to issue a search warrant for property that's located
8 in the City of Columbia and headquarters in Richland County.
9 But if the search actually happened in Lexington County, I
10 don't dispute that part. But not that they had cause other
11 than that based on the prior argument.

12 THE COURT: Thank you. Anything else, Ms. Mayes?

13 MS. MAYES: Yes, Your Honor. Just regarding the
14 burden of proof here. The burden of proof regarding both the
15 statement and the consent for swabs, for the swab, and that
16 would be the statement on the 30th, the statement on July 5th,
17 and the swab itself is a preponderance of the evidence, so 51
18 percent. And here we're looking at a scenario where the
19 officer has the body cam going which is Wells and all of the
20 times are confirmed about when Detective Ortiz arrived, what
21 she's able to confirm there at the scene in her own mind. And
22 I think it's been well established that there was probable
23 cause right there. She has linked up that this is the same
24 individual involved in the use of the victim's financial
25 transaction card at that ATM machine and she has confirmed that

1 this is going to be the same vehicle and now this suspect is
2 meeting that description whereas the passenger did not. So the
3 State maintains probable cause right there. Law enforcement
4 should not be punished when they choose to further an
5 investigation, when they choose to want more evidence. I
6 certainly disagree with the characterization that the DNA was
7 the sole reason that led to his arrest. They had a totality,
8 looking at the totality of circumstance, they already had
9 certainly enough evidence for probable cause to make an arrest.
10 As she said, they were definitely looking to shore up a lot of
11 aspects to this investigation. The DNA was one more factor.
12 But regardless of what conversation they had with the
13 prosecutor in Richland County is completely irrelevant in this
14 case. Richland County does not have jurisdiction, as we know,
15 and law enforcement can make their own determination as to
16 probable cause. And this officer did that when she seized the
17 vehicle based on probable cause. So Your Honor, finally, on
18 the issue of credibility, just to address what, what Ms.
19 Mauldin said about that. I do think that credibility is hugely
20 important here because we have Detective Ortiz who actually had
21 testified she administered him his rights both on June 30th and
22 again on July 5th. She testified that after he waived his
23 rights he was very cooperative, that he wanted to give the swab
24 and that there were no threats and promises. And then we hear
25 the testimony of Mr. Nance who after taking the oath, then, the

1 State maintains, his testimony was intended to intentionally
2 mislead the Court and everyone here into believing that she is
3 conducting all types of questioning with him before she even
4 reads him his rights. For whatever reason, he felt that that
5 was an important point to make and that he was not read his
6 rights at the outset. And only when confronted with the
7 indisputable evidence being the video of that recording does he
8 then completely retract that testimony. So we maintain that
9 Mr. Nance is not credible in that regard and that we have met
10 the burden of proof being preponderance of evidence as it
11 pertains to the consent to give the swab. That initial brief
12 statement that is made to Detective Ortiz at the CK Mart and
13 then ultimately, Your Honor, the statements that are made
14 following the administering of his rights here on video on July
15 5th.

16 THE COURT: Thank you, Ms. Mayes. Alright. I've
17 taken into consideration the State's and the Defense arguments.
18 I mean, it's clear to me that even on the video she read him
19 his rights, she refers to it, she testified she read him his
20 rights and then on the video she came back and refers, I want
21 to give you your rights just like I did the other day. It is
22 clear to me that he consented. She, on the 30th she read him
23 his Miranda, not only that, but he signed a waiver of rights
24 which is a Court's Exhibit Number 38. She offered him
25 something to drink, I don't see where he was threatened or he

1 was forced to give a statement, I don't see where he was
2 pressured or coerced. He never asked to speak with a lawyer
3 during the interview. So when I look at the totality of the
4 circumstances of the statement on June 30th, I find it
5 admissible. I'm just going to tell you as all the lawyers
6 know, the voluntariness of the statement's left up to the jury
7 to decide, not the Court, but the jury. The 23rd detention is
8 what I want to call it, I guess, an investigative detention by
9 law enforcement. I'm looking, they've had a description from
10 the victim on the 23rd, they went and pulled video of him at an
11 ATM along with another person. They go and track I think on
12 the 30th, just the cameras to see where this car has gone that
13 leads them to the CK Mart. And low and behold the person that
14 testified here today happens to know the guy and has seen him
15 on multiple occasions. In fact, has had problems with him, I
16 believe is what his testimony was, and he tells the officer I
17 will call you when I see him. I think they had more than
18 probable cause to detain him. So I'm going to allow the
19 statement on the 23rd which is redacted to that he owns the
20 car. Had another officer who testified that he consented to
21 the DNA. I'm going tell you, the DNA is inevitable evidence,
22 I'm allowing it in, he's in CODIS already. And again on the
23 video on June 30th when they went to take his DNA, she refers
24 back to, I mean, July 5th, I'm sorry, refers back the June 30th
25 swab, the buckle swab that was given and that he gave consent.

1 Even on the stand he admits that he gave consent. So I'm
2 allowing that in also. As far as the cell phone being in
3 Richland County on a magistrate's search warrant. Interesting,
4 I went to a judges' conference and that was one of the topics,
5 believe it or not, in the case law that the State quoted, all
6 the judges got a lesson on it. However, it appears to me that
7 the phone was, by the time the warrant was executed, back in
8 Lexington. I'm allowing the phone extractions in. Let
9 me see, am I missing anything else? Oh, the excited utterance
10 statements. You know, it appears to me to be excited
11 utterance, it's right there at the scene, the break in and
12 the assault had just occurred. However, I really haven't
13 heard any testimony on it from the officer and I think I'll
14 rule as you put him on the stand when you get ready for
15 excited utterance, I'd like to hear his testimony before I
16 allow that in.

17 MS. MAYES: And we understand, Your Honor, and we do
18 intend to lay a proper foundation under 803.

19 THE COURT: Right. I mean, I've got to hear it first
20 before I can decide. Now, am I missing a ruling on anything
21 else?

22 MS. MAULDIN: Judge, I didn't send this to you in a
23 written motion, we would ask that the witnesses be
24 sequestered. The, my witness list included Ms. Opain and Mr.
25 Watson from my office, so I would ask that they be allowed to

1 remain in the Courtroom, but other than that, we'd ask that the
2 witnesses be sequestered.

3 THE COURT: Ms. Mayes?

4 MS. MAYES: Your Honor, we have our chief or lead
5 investigating officer is Detective Willimson Ortiz, we also
6 will have an evidence custodian with the Columbia Police
7 Department present throughout the trial. They are the witness
8 list as is routine, but we need them to maintain the evidence
9 in this case. And certainly, Your Honor, the victim is exempt
10 by statute.

11 THE COURT: Absolutely. Do you have any problem with
12 the evidence custodian? That's kind of normal that they stay.

13 MS. MAULDIN: No, Your Honor, no problem with that.

14 THE COURT: Okay. Is Mr. John staying?

15 MS. MAYES: Yes, Your Honor. He's not a witness.

16 THE COURT: Okay. I'm used to seeing him, too.
17 Anything else, Ms. Mauldin, that's granted.

18 MS. MAULDIN: Real briefly. The issue of Mr. Nance
19 kind of hanging around the CK Mart came up and I may have
20 elicited that testimony myself trying to clarify Mr. Abdul's
21 statement, but I would just ask that nothing to ---

22 THE COURT: To say that there was a prior problem at
23 that CK, they were trying to, I think, I think it did come out
24 on your testimony. I don't see where that has anything to do
25 with this case other than he knows who he is, the Court's point

1 in letting you know that he had had some dealings with him.
2 But I don't, I'll grant that, Ms. Mayes, unless you have
3 something you'd like to add.

4 MS. MAYES: Your Honor, I believe it's going to be
5 roughly that he's a frequent customer and he's been there 15 to
6 20 times I believe is the testimony, on a very regular basis
7 he's been a customer.

8 THE COURT: Right. Yeah. I don't see where we need
9 to go into it. But I do think it was on your question, so make
10 sure you don't ask him when we get him on the stand.

11 MS. MAULDIN: Yes, Your Honor. Lastly, I would just
12 ask that we refer to Ms. D.K. by her name, this came out on
13 the stand with Investigator Ortiz referring to her as my victim
14 and the victim. I'd just ask that we refer to her by name
15 rather than some conclusory statement that's really for the
16 jury to decide.

17 MS. MAYES: So Your Honor, we have no objection to
18 the Defense referring to her however they wish. By statute,
19 criminal sexual conduct includes the word, victim, it is part
20 of the charge, it's part of that offense. So we intend to
21 refer to her as the victim in opening and closing and it
22 certainly may be referenced at some point during testimony, I
23 don't know, but it certainly is something that attorneys are
24 going to refer to her as. She is by statute defined as the
25 victim in this case.

1 THE COURT: And she is. I will, unless you can come
2 up, Ms. Mayes, I mean, Ms. Mauldin with some kind of case law.
3 She is defined as a victim. I'd be glad to hear it tomorrow
4 morning if you want to look, I'd be glad to entertain it, but
5 as of right now I think if the State chooses to call her a
6 victim, I don't see any reason why they can't.

7 MS. MAYES: Were there any other items that we
8 provided that there would be objections to? I think we've
9 provided our mini clip and I redacted a statement as well as
10 photos of crime scene and ---

11 THE COURT: Everybody agrees on the tapes that are
12 going to be introduced?

13 MS. MAULDIN: Subject to the prior objection and
14 motions, Your Honor.

15 THE COURT: Okay. Absolutely. Those will be noted.
16 How about photographs, are we in agreement on photographs?

17 MS. MAYES: Basically, the crime scene photographs,
18 Your Honor, and then the photographs that have already been
19 provided pursuant to discovery are used during this proceeding.

20 THE COURT: Okay. Alright. Well, I can't think of
21 anything else. If there's not anything else from the State?

22 MS. MAYES: Nothing from the State at this time, Your
23 Honor.

24 THE COURT: The Defense?

25 MS. MAULDIN: Nothing else, Your Honor.

1 THE COURT: Alright. Court's adjourned, we'll
2 reconvene at 9:15 in the morning. Thank y'all.

3 (Whereupon the trial will resume the next morning at 9:15
4 am.)

5 January 24, 2023

6 THE COURT: Are we ready to begin? Anything
7 from the State?

8 MS. MAYES: Briefly, Your Honor, I did inform counsel
9 this morning that regarding the buckle swabs, obviously, we had
10 the pretrial ruling yesterday regarding the first buckle swab
11 that was collected from the Defendant. That first buckle swab
12 was sent to the State Law Enforcement Division for analysis,
13 they did a, a, developed a correlation or a match to Tamar
14 Nance. Law enforcement used that information in some of their
15 initial proceedings in this case, but ultimately, a search
16 warrant was obtained in 2022 ---

17 THE COURT: November, I believe.

18 MS. MAYES: --- based on completely separate and
19 independent probable cause. That is the second swab that was
20 also sent to the State Law Enforcement Division for analysis.
21 DNA was performed on that swab as well also resulting in a
22 match for purposes of the trial. That is the swab that
23 the State intends to proceed on and present DNA
24 evidence on. Certainly, we will be referring back to some of
25 the evidence that was obtained pursuant to the search warrant

1 that may have referenced the first swabs the Court has already
2 ruled on.

3 THE COURT: And also he was in CODIS?

4 MS. MAYES: That is correct, Your Honor.

5 THE COURT: Okay. Ms. Mauldin?

6 MS. MAULDIN: Thank you, Your Honor. I understand
7 what the State is getting in to as far as the second swab. I
8 neglected yesterday to put in the search warrants, and so I'd
9 ask that the Court make those a copy of the record. And I
10 would just ask that all of the evidence obtained, and the
11 search warrants, and the detention on June 30th be suppressed
12 and that that be done due to the violation of the 4th and 6th
13 and 14th Amendments of the US Constitution, article 1 sections
14 3, 10 and 14 of the State Constitution.

15 THE COURT: Okay. I ruled yesterday that they were
16 all consent on the buckle swabs. I also ruled that there was
17 probable cause to seize the car, the statements come in. I
18 found them to be freely and voluntarily made, there was no
19 coercion. I made my record yesterday. So noted, your
20 objection for the record, Ms. Mauldin. Is that everything that
21 you want me to make part of the record?

22 MS. MAULDIN: Your Honor, my written motion is
23 already filed with the Court. So these are just the additional
24 ---

25 THE COURT: Documents?

1 MS. MAULDIN: --- it would be search warrants that I
2 emailed, but they have not yet been made part of the record.

3 THE COURT: Shall we make those a Court exhibit?

4 MS. MAULDIN: Yes, Your Honor, if you would.

5 THE COURT: Alright. Well, let me make sure, how,
6 can I make it Court Exhibit Number 51? Any objection from the
7 State?

8 MS. MAYES: None from the State, Your Honor.

9 THE COURT: Okay.

10 (Whereupon search warrants were submitted as Court Exhibit
11 51 for identification and entered into evidence.)

12 MS. MAYES: And secondly, Your Honor, just to clarify
13 one matter regarding the search warrants for the phone and we
14 understand that yesterday the Defense withdrew an objection
15 regarding the search warrants for the phone because both of
16 those search warrants were executed in Lexington County by
17 Sargent Phipps. But just to clarify, the first search warrant
18 for the phone that was from August 2022, that phone was
19 actually in the possession of the officers when they went to a
20 Lexington County magistrate to obtain that search warrant. So
21 that phone was physically with them in Lexington County for the
22 August 2022 search warrants that they obtained from the
23 magistrate. Then they went directly to Sargent Phipps with the
24 phone. It was later returned to the Columbia Police Department
25 and with the second search warrant for the phone, there are

1 numerous Cellebrite updates that occur on a regular basis. A
2 new search warrant was executed for potential deleted data on
3 the phone in November 2022 when that phone was executed. It
4 was at the Columbia Police Department although the Columbia
5 Police Department maintains possession and control of the
6 phone, they have joint jurisdiction in Lexington County and
7 Richland County which is how they are the arresting agency in
8 this particular case. And then that phone was retrieved and
9 then taken to Sargent Phipps at the same location in Lexington
10 County for that search warrant to be executed.

11 THE COURT: Any objection, Ms. Mauldin?

12 MS. MAULDIN: Nothing further on that, Your Honor.

13 THE COURT: Okay.

14 MS. MAYES: And finally, Your Honor, just as a matter
15 of record, the rape shield statute is 16-3-659, South Carolina
16 code. We have not received any information from the Defense
17 that they would intend to present any evidence pursuant to the
18 rape shield statute, that is something that they would be
19 required to file in writing and then offer as a proffer through
20 an in-camera proceeding. We do expect the victim to testify
21 today, again, there's been no information in that regard. So
22 we just for the record are placing this on the record that
23 there has been no indication of any evidence pursuant to a rape
24 shield exception. So we do ask for compliance with rape shield
25 statute.

1 THE COURT: Ms. Mauldin, is that correct?

2 MS. MAULDIN: Yes, Your Honor.

3 THE COURT: Okay. Great. Okay. Anything from the
4 Defense?

5 MS. MAULDIN: Briefly, Your Honor. We raise the
6 issue of the use of the word victim after Investigator ---

7 THE COURT: Why?

8 MS. MAULDIN: --- Williamson referred to my victim
9 and the victim extensively in her testimony. I understand that
10 the State has pointed out that that is in the statute, however,
11 I don't think that the statutory language trumps his
12 Constitutional Rights to be presumed innocent under the 14th
13 Amendment to the US Constitution and the South Carolina
14 Constitution, article 1 section 3 when someone uses the word
15 victim, that legitimizes the complaining witnesses' accusation
16 and put's the Defendant in a position where he's got to rebut
17 that statement. Additionally, I would object that that should
18 not come in as improper vouching when the prosecutor or a
19 witness refers to a person as a victim, that shows that the
20 prosecutor or the witness has a personal belief in what that
21 person has said and so it should remain out for that reason.
22 And lastly the use of that word victim is invading the
23 province of the jury under South Carolina Constitution,
24 article 5, section 21, Judges shall not charge juries
25 with respective matter of fact but shall declare the

1 law. So we would ask that it remain out on that basis as well.

2 THE COURT: Ms. Mayes?

3 MS. MAYES: Your Honor, that term victim has been
4 used for decades and is continued to be used by the Appellate
5 Courts. I think when we passed up the Heath case yesterday, in
6 the Court's ruling, they repeatedly used the term victim and
7 that is what is in the statute. We have no objection,
8 obviously, to the Defense referring to the victim as the
9 alleged victim or whatever name they choose to use, but for
10 purposes of the State's case, [REDACTED] is the victim.
11 Ultimately, the jury makes that decision when they hear all of
12 the evidence and render a verdict.

13 THE COURT: Okay.

14 MS. MAYES: Oh, and we have redacted from the 911
15 tape pursuant to yesterday's conversations. We did redact the
16 word victim when the 911 caller makes that call. I think that
17 was in there twice and that's been redacted from that 911 call.

18 THE COURT: Okay. My ruling still stands from
19 yesterday. I don't know how to get around not calling her a
20 victim, we've got a victim's right bill, if you want to call
21 her the alleged victim, you can. I just don't know how to get
22 around, you know, I understand your arguments and I'm going
23 to note them for the record. Every case I've tried since
24 I've been a Judge; they're referred to as a victim
25 in the case. So if it happens, I'm going to allow

1 it. Alright. Are we ready? Anything else, Ms. Mauldin?

2 MS. MAULDIN: No, Your Honor.

3 THE COURT: Anything else, Ms. Mayes?

4 MS. MAYES: Nothing from the State, Your Honor.

5 THE COURT: We're going to bring the jury in, we're
6 going to swear them in, all the witnesses have been asked, the
7 Defense have asked that they be sequestered, so if there's
8 anyone in here who was not approved yesterday, I'll ask the
9 lawyers to look around because sometimes if they're not here,
10 they'll sneak into the Court, and they don't know. Make sure
11 that you don't have anybody who's testifying that needs to be
12 sequestered. Alright. Let's bring the jury in.

13 (Jury entering Courtroom.)

14 THE COURT: Alright. Good morning.

15 JURY: Good morning.

16 THE COURT: I trust everybody had a good evening?

17 JURY: Yes, Your Honor.

18 THE COURT: Okay. Good. Alright. I'll ask you this
19 every day. Did anybody hear anything about this case, read
20 anything about this case, do any research, or hear anything on
21 the internet, tv, radio about this case. If so, please raise
22 your hand. Perfect. Alright. Before we begin the trial of
23 the case, I thought it might helpful if I explained to you how
24 a trial proceeds. First, the State will make an opening
25 statement. An opening statement is not evidence, it is simply

1 an outline to help you understand what the party expects the
2 evidence will show. The Defendant may, if he wishes, present
3 an opening statement, but he does not have to for reasons I
4 will explain. Following the opening statements, you will hear
5 testimony and evidence in the case. This will consist of
6 testimony from State's witnesses, as well as any physical
7 exhibits which will be introduced into evidence. Following the
8 completion of the testimony, the attorneys will again have an
9 opportunity to make what we call a closing statement, or
10 they'll summarize their case from their respective points of
11 view. Again, these arguments are not evidence. Following the
12 closing statements by the attorneys, I will instruct you on the
13 law of South Carolina as it pertains to the issues that have
14 arisen in the case. When I have completed my instructions to
15 you, you will then be permitted to begin your deliberations in
16 order to reach a verdict. Let me stop right this second and
17 swear this jury, please.

18 CLERK: Please stand and raise your right hands. You
19 shall well and truly try and in true deliverance make between
20 the State and the Defendant at the bar whom you shall have in
21 charge and a true verdict render according to the laws and
22 evidence so help you God. Please respond by saying I do.

23 JURY: I do.

24 CLERK: Was there anyone not able to take that oath.
25 Thank you. Please be seated.

1 THE COURT: Thank you. Alright. Ladies and
2 gentlemen, you've been sworn, and you are now the jury in this
3 case. And I'm going to take a few minutes to tell you
4 something about your duty as jurors and to give you some
5 instruction. At the end of the trial, I will give you more
6 detailed instructions and those instructions will control your
7 deliberations. It will be your duty to decide from the
8 evidence what the facts are. You and you alone are the judges
9 of the facts. You will hear the evidence, decide what the
10 facts are, and then apply those facts to the law which I will
11 give to you. That is how you will reach your verdict. In
12 doing so, you must follow the law whether you agree with it or
13 not. The evidence will consist of the testimony of witnesses,
14 documents, and other things received into evidence as exhibits.
15 And any facts on which the lawyers agree or which I may
16 instruct you to accept. You should not take anything I may say
17 or do during the trial as indicating what I think of the
18 evidence or what the verdict should be. This is a criminal
19 case brought by the State of South Carolina. The State charges
20 the Defendant with financial transaction credit card theft,
21 criminal sexual conduct, first degree, kidnaping, and burglary
22 first. The charges against the Defendant contained in the
23 indictment, the indictment is not evidence of anything. It is
24 simply the description of the charge made by the State against
25 the Defendant. The Defendant has pled not guilty and is

1 presumed innocent unless and until proving guilty beyond a
2 reasonable doubt. Proven beyond a reasonable doubt is proof
3 that leads you firmly convinced of the Defendant's guilt. A
4 Defendant has a right not to testify and never has to prove
5 himself innocent or present any evidence. The burden of proof
6 is always upon the State of South Carolina. The following
7 things are not evidence, and you must not consider them as
8 evidence in deciding the facts of this case. Statements and
9 arguments of the attorneys, questions and objections of the
10 attorneys, and testimony that I instruct you to disregard.
11 Evidence may be direct or circumstantial. Direct evidence is
12 testimony by a witness about what that witness personally saw,
13 heard or did. Circumstantial evidence is indirect evidence.
14 That is proof of one or more facts from which one can find
15 another fact. You are to consider both direct and
16 circumstantial evidence. The law permits you to give equal
17 weight to both, but it is for you to decide how much weight to
18 give any evidence. There are rules of evidence which control
19 what can be received into evidence. When a lawyer asks a
20 question or offers an exhibit into evidence and the lawyer on
21 the other side thinks that it is not permitted by the rules of
22 evidence, the lawyer may object. If I overrule the objection,
23 the questions may be answered, or the exhibit may be received.
24 If I sustain the objection, the question cannot be answered, or
25 the exhibit cannot be received. Whenever I sustain an

1 objection to a question or deny a motion to admit an exhibit
2 into evidence, you must ignore the question or the existence of
3 the exhibit, and you must not guess what the answer would have
4 been or what the exhibit would have shown. Sometimes it may be
5 necessary for me to request that you leave the Courtroom while
6 I discuss with the attorneys' legal questions that come up
7 during the trial, and I will tell you, this happens quite
8 frequently. If this occurs, you should not speculate about our
9 discussions or the reason that you were asked to leave the
10 room. This simply is a procedure that the law requires when
11 certain legal issues arise. There may also be occasions where
12 I ask the attorneys to approach the bench so I can discuss a
13 legal issue with them in private. I will do this as often as
14 possible so you will not be required to leave the Courtroom.
15 Again, if I ask the attorneys to step up to the bench, or if I
16 ask you to leave the Courtroom, please do not think that
17 anybody is trying to hide anything from you or keep evidence
18 from you. This is simply a procedure used by all lawyers and
19 by all Courts to determine and decide legal questions. In
20 deciding the facts you may have to decide which witness to
21 believe, and which witness not to believe. You may believe
22 everything a witness says or only part of it, or none of it.
23 In deciding what to believe, you may consider the following
24 factors: the witness's ability to see, hear, or know the things
25 testified to, the quality of the witness's memory, the

1 witness's manner while testifying, whether the witness has an
2 interest in the outcome of the case, or any motive, bias or
3 prejudice. Whether the witness was contradicted by anything
4 the witness said or wrote before the trial or by other
5 evidence. How reasonable was the witness' testimony when
6 considered in the light of other evidence which you believe.
7 Until I advise you to begin your deliberations, you must not
8 discuss this case with anyone including your fellow jurors,
9 friends, family members, anyone involved in this case. This
10 includes discussions face to face, telephone, email, text,
11 blogs, twitter, facebook, Google, or any other method of
12 communication. You may not use a computer, a cell phone, or
13 other electronic device with communication capabilities at any
14 time while in the Courtroom or during your deliberations,
15 during your breaks for meals. I told you yesterday you may use
16 these devices, but you may not use these devices to get or send
17 information about the case. This includes information about a
18 party, a witness, an attorney, or a Court officer, news
19 accounts about the case, research on any topics raised, or any
20 topics you may think would be helpful in deciding the case or
21 any testimony presented by witnesses. During the trial, do not
22 read, listen to or watch any news reports about the case. This
23 includes anything that may be in the newspapers or on the
24 internet, radio, or television. You must not consider anything
25 you may have read or heard about the case outside of the

1 Courtroom whether before or during the trial. After the case
2 is submitted to you, you must discuss it only in the jury room
3 with your fellow jurors. I told you yesterday, I advised the
4 attorneys and parties in this case that they are not to talk to
5 you at all, so again, if you see them out in the hall, they
6 don't say hello or they turn around and run, they're not being
7 unfriendly, they're just following my instructions. It is also
8 important that you keep an open mind and not decide any issue
9 in the case until all of the evidence has been presented, the
10 parties have made their closing arguments, and I have
11 instructed you on the law in this case. It is your sole
12 responsibility to determine the guilt or innocence of the
13 Defendant and your verdict must be based solely on the evidence
14 as it is presented to you in this trial, and on the law as I
15 instruct you during and at the close of the trial. Mr.
16 Foreperson, you have the added duty to preside in the jury room
17 and be the jury spokesperson here in Court. It will also be
18 your duty to right the verdict, but I will give you further
19 instructions about that at the conclusion of the case.

20 MR. FOREMAN: Yes, ma'am.

21 THE COURT: In order to preserve everyone's rights, I
22 will give the parties an opportunity to object to anything I
23 have said. Any exceptions to anything I've said to the jury by
24 the State?

25 MS. MAYES: Nothing from the State, Your Honor.

1 THE COURT: By the Defendant?

2 MS. MAULDIN: No, Your Honor.

3 THE COURT: Ladies and gentlemen of the jury, we're
4 now going to begin this case.

5 MS. TAYLOR: May it please the Court?

6 THE COURT: Yes, ma'am.

7 (Opening argument by the State.)

8 MS. TAYLOR: It felt like a dream, but it was
9 actually a nightmare. Those are the words that the victim,
10 D.K. [REDACTED], uttered to Sargent Arrowood when she was trying
11 to describe the trauma she had just endured as she tried to
12 explain how a complete and utter stranger broke into her
13 apartment without her consent and violated her in the worst
14 possible way. Let me take you to the scene and help paint the
15 horrifying picture that occurred on June 23rd of 2021. Now,
16 evidence will show you today that the Defendant, Tamar Nance,
17 broke into the victim, D.K. [REDACTED]'s home during the
18 nighttime hours of June 23rd, 2021, without her consent, stole
19 her bank card out of her purse as she was asleep in the next
20 room, left her apartment, attempted to fraudulently use that
21 card at a nearby ATM, came back to her apartment, broke again
22 with one goal in mind, with one objective and that was to rape
23 her. Ms. D.K. [REDACTED], who was 74 years old at the time was
24 fast asleep in her bedroom at [REDACTED] in the
25 Columbia area of Lexington County. And all of a sudden she

1 will tell you, she could sense something, something was off,
2 and as she awoke, as she rolled over in her bed, her eyes
3 opened, and there was a slender man standing next to her bed
4 staring at her. At that point, this man puts a pillow over her
5 face, makes her hold that pillow over her own face, tells her
6 to not make a sound, puts another pillow over her face, tells
7 her not to look at him, and he does this while she is begging
8 him not to smother her, not to kill her. But despite her
9 cries, he proceeded to hold these pillows down over her, over
10 her face, pin her down and rape her by penetrating her vagina
11 with both his hands and his penis. And Ms. [D.K.] will tell
12 you how badly it hurt and how he continued to rape her despite
13 her explaining, that hurts, that hurts. She was held down by
14 her arms and he even held her arms as he guided her into the
15 bathroom at one point, guided her back still holding her arms
16 and did it again. Again, he threatened her not to look at him,
17 he threatened her not to make a sound, and she only complied
18 because she was scared for her life. And his last words, Tamar
19 Nance's last words to Ms. [D.K.] was if you call the
20 police, I'll be back. After Tamar Nance raped [D.K.],
21 Ms. [D.K.] will tell you how he knew her name, he now knows
22 where she lives, he knew her Social Security number, her date
23 of birth, and how much she had in her bank account. And it
24 was not until she was sure that he was gone that she laid
25 frozen in her bed, scared to make a move, scared to call for

1 help, but she frantically called her neighbor, Theresa
2 Buckland. Now, Ms. Buckland will take the stand and describe
3 that when she received this call in the nighttime hours, early
4 morning hours of June 23rd that she could already tell Ms.
5 D.K. was upset, panicking, shaken up, crying. And she'll
6 tell you that as soon as she received this call and found out
7 what had happened, she immediately changed clothes, dialed 911
8 as she ran down the stairs to Ms. D.K.'s apartment. And as
9 she, that door opened to her apartment, she could see how
10 petrified Ms. D.K. was as she waited with her and attempted
11 to console her until law enforcement arrived, and attempted to
12 convince her that he was gone, he was out of the apartment now,
13 she was safe now. And she later accompanies the victim to the
14 hospital where the victim underwent a sexual assault
15 examination to collect evidence from her body. And she'll
16 testify the victim remained petrified the entire time. And
17 Sargent Arrowood with the Columbia Police Department will also
18 testify to the victim's frightened demeanor the second he got
19 on scene and opened the door and entered her apartment. Now,
20 shortly after, Ms. D.K. learned that her TD Bank card had
21 been stolen and that was the money that controlled, that was
22 the entirety of her money in her account that supported her
23 livelihood, she lived alone in this apartment and that was all
24 she had. And then learned from Detective Damaris Williamson
25 Ortiz, the lead detective on this case who worked in the

1 special victim's unit and worked with other detectives
2 including Sargent Tyson Haas and they will tell you how they
3 utilized multiple traffic cameras and other types of video
4 surveillance in the area to track, or first develop a suspect
5 vehicle the moment it was seen leaving the victim's
6 neighborhood, and that suspect vehicle being a white Chevy
7 Malibu. Not just any white Chevy Malibu, the evidence will
8 show that this white Chevy Malibu had distinctive marks and
9 damage to the rear fender, and it was tracks leaving the
10 victim's neighborhood just mere minutes after the victim
11 reported that the, the rapist had left. And this, they will
12 testify that they were able to track this vehicle from the
13 moment it left the neighborhood all the way to Broad River Road
14 where they learned that it had been seen at an ATM, the
15 Palmetto Citizen's ATM off Broad River Road. You will also
16 learn that the victim's bank card was utilized fraudulently
17 less than one hour after the assault at a Palmetto Citizen's
18 ATM off of Broad River Road. And that the exact times those
19 fraudulent transactions were done, there was a white Chevy
20 Malibu there, not any white Chevy Malibu, but a white Chevy
21 Malibu with damage to that rear fender. And you'll also hear
22 from detectives how they were able to then track him from the
23 ATM to the CK Mart on Broad River Road, about a block and a
24 half away. At that point, the driver of that car was seen and
25 matched the description of Ms. D.K. y's rapist and was later

1 identified as Tamar Nance. And what's he seen doing on that
2 video surveillance you'll see, flashing a stack of cash, and
3 it's a stack of cash you'll see the evidence will show is the
4 cash drained from Ms. D.K.'s account. Now, most important
5 of all, the DNA from the victim's sexual assault examination
6 was positive for semen and sperm and a match to Tamar Nance.
7 And you will hear that the numbers were so astronomically high
8 that it could not be anyone else. And lastly, you'll hear
9 about the Defendant's phone which was seized from him pursuant
10 to a lawful arrest, or attempted to arrest, and you'll see
11 evidence on that phone that directly puts Tamar Nance in Ms.
12 D.K.'s apartment and directly links him as the intruder and
13 the rapist. Now, at the conclusion of today's trial, Judge
14 McCaslin will instruct you in further detail about the law, but
15 as you've heard, Tamar Nance is charged with burglary in the
16 first degree, financial transaction card theft, criminal sexual
17 conduct in the first degree, and kidnaping. So I'll give you a
18 brief description of what these charges really mean. Now,
19 burglary in the first degree is just when an individual enters
20 someone's home without their consent in the nighttime hours
21 with the intent to commit a crime therein. And as I've already
22 described to you, the evidence will show that Tamar Nance did
23 just that. Financial transaction card theft speaks for itself.
24 Any kind of bank card including a debit card as in this case
25 that's taken from someone's property, someone's person without

1 their consent and utilized without their consent. And also,
2 criminal sexual conduct in the first degree involves any
3 penetration, however slight into the victim's vagina. And
4 lastly kidnaping. Now, a lot of people view kidnaping as
5 taking someone and carrying them away, but in reality kidnaping
6 is also confining someone, not letting them free to go, and as
7 you will see, the evidence will show that Tamar Nance held Ms.
8 D.K. down by her arms, he put the pillows over her face, he
9 continued to hold on to her arms as he guided her back to the
10 bathroom, back, back to the bed, assaulted her again,
11 instructed her not to look at him, not to make a sound, and his
12 last words were if you call the police, I'll be back. Ms.
13 D.K. will tell you; she perceived that as a threat and the
14 only reason she complied is because she was scared for her
15 life. We're confident from the testimony that you will hear
16 from the witnesses today and the evidence that you will see and
17 hear will easily meet our burden of proving the elements of
18 these charges beyond a reasonable doubt. Now, what is beyond a
19 reasonable doubt, what does that mean? It just means that if
20 at the end of today or this week's trial, if you are not firmly
21 convinced with the Defendant's guilt, of the Defendant's guilt,
22 you must find him guilty. Now, there are very few things in
23 our lives that we know with absolute certainty, and in a
24 criminal case such as this one, the State is not required to
25 overcome every single possible doubt, but again, if you are

1 left firmly convinced of the Defendant's guilt, you must find
2 him guilty. So I've given you just a snapshot, a preview, if
3 you will, of the testimony and evidence that you will see and
4 hear today. At the end of this trial, the evidence will show
5 that one person broke into [D.K.]'s home on the night
6 of June 23rd, 2021. One person stole her bank card, one person
7 held her against her will and raped her while she pleaded for
8 her life, and that's Tamar Nance. So she said it felt like a
9 dream, it was actually a nightmare, and that nightmare was
10 [D.K.]'s reality, and that is why at the end of this
11 trial, we implore you to do what the law and justice requires
12 and find Tamar Nance guilty of burglary in the first degree,
13 financial transaction card theft, kidnaping, and criminal
14 sexual conduct in the first degree.

15 THE COURT: Thank you. Ms. Mauldin or Mr. Story?

16 MR. STORY: May it please the Court?

17 THE COURT: Yes, sir.

18 (Opening argument by Defense.)

19 MR. STORY: Members of the jury, Tamar Nance is
20 innocent. He's innocent. Some of you may be thinking well, of
21 course you'd say that you're the Defense lawyer. But the Judge
22 told you that, too, the Judge told you just a few minutes ago
23 that everyone is presumed innocent until, unless, or until
24 proven otherwise. And so Tamar Nance with no testimony's been
25 put up is innocent now, he will remain innocent throughout this

1 entire trial and at the conclusion you will still find him not
2 guilty, he will still be innocent. Because all the evidence
3 and all the testimony that you're going to hear this week, and
4 there's going to be a lot of it, will not prove to you exactly
5 what happened that night at [REDACTED]. My name's
6 Stephen Story, along with my co-counsel, Sarah Mauldin, it is
7 our great pleasure and honor to represent Tamar Nance against
8 these allegations. As I told you before, you are going to be
9 bombarded this week, you are going to hear witness after
10 witness and you are going to hear lots and lots of testimony
11 about surveillance of a white Malibu, about DNA, and about cell
12 phones, all kinds of testimony. But don't let that distract
13 you from the fact that they cannot prove exactly what happened
14 that night. For now I just want you to keep three things in
15 mind. The Judge has already told you these three things, I'm
16 going to remind you and just elaborate a little bit. The first
17 thing I want you to keep in mind is to pay close attention to
18 the testimony and pay close attention to the evidence, and I
19 want you to pay close attention and think about what it shows,
20 but more importantly what it does not show. That's going to
21 matter a lot to this case. As I told you before there's going
22 to be a lot of it, but none of it's going to prove that Tamar
23 Nance committed these acts beyond a reasonable doubt. The
24 second thing I want you to keep in mind, as the Judge told you,
25 keep an open mind, do not form any conclusions until after all

1 the evidence has been presented and after all the testimony.
2 And again, pay attention to what the evidence shows and what it
3 does not show. And then finally, and this is one I really want
4 to emphasize, do not let anyone tell you what to believe. You
5 all come from different backgrounds, you all have different
6 experiences, you all are at different places in your life. And
7 that's very important to our system, that's important to our
8 jury system because you may not agree on everything. I would
9 bet when you get back in deliberations, you're not going to
10 agree on everything, okay? But the government lawyers are
11 going to try to tell you that all these witnesses and all this
12 testimony proves Tamar Nance guilty, but he's not. Y'all may
13 not agree on every little thing, some of you may not like some
14 of the things that Tamar Nance did in that summer of 2021. You
15 may not like him, but don't form an opinion on somebody just
16 because of someone's age, their gender, or any other external
17 factors like that. Use your common sense, form your own
18 opinion, don't let them tell you what to think. And when you
19 get back in deliberations, as I told you, you're not going to
20 agree with your fellow jurors about everything but hold fast to
21 your beliefs. Throughout this trial, I believe after the
22 trial, after your deliberation, there will be one thing you
23 will all agree on and that is that the State has not proven
24 Tamar Nance guilty beyond a reasonable doubt. And you will
25 find him not guilty. Thank you.

1 THE COURT: Thank you, Mr. Story.

2 MS. MAYES: The State calls Angie Gunter.

3 CLERK: Would you please raise your right hand and
4 place your left on the Bible? Do you swear or affirm the
5 testimony you give this Court is the truth, the whole truth,
6 and nothing but the truth so help you God?

7 MS. GUNTER: Yes, ma'am.

8 CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last for
10 the record.

11 MS. GUNTER: It's Angela Gunter, G-u-n-t-e-r.

12 MS. MAYES: Alright.

13 DIRECT EXAMINATION

14 BY MS. MAYES:

15 Q Good morning, Ms. Gunter. Tell us a little bit about
16 yourself. Where are you currently employed?

17 A I work for Lexington County communications, the 911 center
18 for Lexington County.

19 Q Alright. How long have you been with the communication
20 center in Lexington?

21 A 17 plus years.

22 Q Alright. Tell us a little bit about the type of work that
23 is done there at the 911 center, what type of calls do you take
24 and how do y'all go about recording data associated with those
25 calls?

1 A We take emergent, non-emergent calls for Lexington County.
2 We use a CAD system, when the call is answered for again the
3 emergent or non-emergent calls, we put the nature code in, we
4 process the call through our CAD system. And it goes to
5 dispatch to EMS, fire, or law enforcement, whichever one is
6 needed.

7 Q Alright. You use a term like CAD. Can you tell us what
8 is meant by the term CAD?

9 A It's a computer-based software where it logs in the nature
10 code, like, if you call, we'll take your information, your
11 address, the location it's going in at, what nature it is,
12 involving, that determines if you need police, fire, or EMS.
13 And it basically just logs everything in a system, it houses it
14 in the system.

15 Q Alright. When the dispatcher answers calls, 911 calls
16 that come in, how does that dispatcher go about recording the
17 data associated with each call?

18 A That is in the CAD system.

19 Q Okay.

20 A The computer.

21 Q And is that done contemporaneously?

22 A Yes.

23 Q And can you tell us if your records associated with that
24 data are maintained in the ordinary course of business?

25 A Yes, ma'am, it is.

1 Q And is that for every call?

2 A Yes, it's for every call.

3 Q And were you asked to pull documents associated with the
4 call that was received pursuant to this particular case, State
5 ---

6 A Yes, ma'am.

7 Q --- versus Tamar Nance?

8 A Yes, ma'am.

9 Q And do you have those records with you today, Ms. Gunter?

10 A I do.

11 Q I'm going to put this right here so we can make a note
12 about the time that the call comes in and in this particular
13 case, what was the date in which a 911 call was received?

14 A 6-23 of '21.

15 Q Alright. So that'd be June 23rd?

16 A Yes, ma'am.

17 Q 2021?

18 A Correct.

19 Q Now, does your system also record the exact time that the
20 call, the 911 call comes in?

21 A It does.

22 Q What time was this 911 call placed to your center?

23 A 6:08:45 am.

24 Q 6:08, I'm just going to put 6:08 am.

25 A Okay. Yes, ma'am.

1 Q 45 would be the millisecond there or the second?

2 A Right. Correct time.

3 Q Okay. So that 911 call comes in at 6:08 am, what other
4 information is recorded? Such as the name of the person making
5 the call?

6 A We have the name, yes, ma'am.

7 Q Alright. Who, who actually made this call?

8 A Theresa Buckland.

9 Q Theresa Buckland?

10 A Yes.

11 Q And do you also have information regarding the nature of
12 the call?

13 A I do.

14 Q The purpose of the call?

15 A I do. It was a sexual assault.

16 Q And then do you have an address associated with the call
17 and where Ms. Buckland was asking for assistance?

18 A I do. It's at [REDACTED], apartment [REDACTED],
19 [REDACTED].

20 Q [REDACTED]. And then when you determined that address, the
21 [REDACTED] address, what if anything did your center
22 determine regarding that particular location?

23 A It's actually going to be CPD, Richland County
24 jurisdiction, we don't dispatch for law in that area, so we
25 have to transfer them over to the correct agency.

1 Q Okay. I'm going to take what you said ---

2 A Sorry.

3 Q --- and we just need to break down a little bit more.

4 When you use the term CPD, what agency are you referring to?

5 A Columbia.

6 Q Alright. Would that be the ---

7 A Police Department.

8 Q --- Columbia Police Department such as Detective

9 Williamson Ortiz?

10 A Yes.

11 Q In other words, she is an officer with Columbia Police

12 Department?

13 A Correct.

14 Q And when you determined that it's CPD or Columbia Police
15 Department's jurisdiction, what effort or change in action did
16 you take?

17 A We have to transfer that over to Columbia Police
18 Department.

19 Q Alright.

20 A Transfer the caller over to that correct agency.

21 Q Alright. So just to clarify, we are in Lexington County -
22 --

23 A Correct.

24 Q --- you work for the Lexington County 911 Center?

25 A Yes, ma'am.

1 Q Now, does a portion of the Columbia Police Department
2 jurisdiction cross over into Lexington County?

3 A We share, I say share, we share, like, some of us may
4 cover Lexington and Richland in certain areas cross, like, we
5 may cover the EMS portion or even fire service portion, but we
6 won't cover the law, if that makes sense.

7 Q Okay.

8 A We kind of share a part of it, yes.

9 Q Okay. And so when we talk about the Harbison area for
10 example, where the mall is located is that an area based on
11 your knowledge of the Lexington County 911 Communications
12 Center, is that area of Harbison an area where Lexington, the
13 Lexington County portion is serviced by the Columbia Police
14 Department?

15 A Correct, yes.

16 Q Alright. And can you tell us whether or not that includes
17 [REDACTED]?

18 A That is the Columbia, yes.

19 Q Okay. So in Lexington County ---

20 A In Lexington County, but the Columbia Police Department
21 will service that area for law enforcement.

22 Q And so what time do you have noted that your Lexington
23 County call center transferred that particular call over to the
24 Columbia Police Department dispatcher?

25 A 6:10 am.

1 Q Okay. Just two minutes later?

2 A Yes, ma'am.

3 Q And from there it would be up to the Columbia Police
4 Department to send out patrol officers?

5 A Yes, ma'am.

6 Q As well as EMS?

7 A EMS we would house, sorry. Just law, they would handle.

8 Q Okay.

9 MS. MAYES: Beg the Court's indulgence. Nothing
10 further of Ms. Gunter at this time, Your Honor.

11 THE COURT: Ms. Mauldin?

12 MS. MAULDIN: No questions for this witness, Your
13 Honor.

14 THE COURT: Okay. May I excuse Ms. Gunter?

15 MS. MAYES: We have no objection, Your Honor.

16 THE COURT: Thank you, Ms. Gunter, you are excused.

17 MS. TAYLOR: The State calls Heather Collins.

18 CLERK: Would you please raise your right hand and
19 place your left on the Bible. Do you swear or affirm the
20 testimony you give the Court is the truth, the whole truth, and
21 nothing but the truth so help you God?

22 MS. COLLINS: I do.

23 CLERK: Thank you. Would you please have a seat in
24 the witness box. State your full name and spell your last for
25 the record.

1 MS. COLLINS: My name is Heather Collins, last name
2 is C-o-l-l-i-n-s.

3 DIRECT EXAMINATION

4 BY MS. TAYLOR:

5 Q Good morning, Ms. Collins. Where do you work?

6 A I work for Columbia Richland 911.

7 Q And what is your position there?

8 A I am the deputy director.

9 Q As the deputy director, what are your duties and
10 responsibilities?

11 A I handle operations as well as being the custodian of
12 records, which basically means I am in charge of maintaining on
13 a daily basis all calls and all files that come in pertaining
14 to the calls we receive.

15 Q And on June 23rd, 2021, were you in that same role?

16 A I sure was.

17 Q And just for clarification, does Columbia Richland 911
18 cover the Harbison area?

19 A We do.

20 Q Okay. Which could also include parts of Lexington County?

21 A That is correct.

22 Q Okay. And I know that some of this was brought up with
23 the previous witness, but just to clarify, what is a CAD?

24 A CAD is an acronym for the word Computer Aided Dispatch.

25 It is a software system when someone calls in and it allows us

1 to enter information that they give us, their address, their
2 apartment number, name, phone number. And then, you know,
3 brief description of what's going on in the circumstance.

4 Q And is CAD in your office stored in the normal course of
5 business?

6 A Yes, it is.

7 Q And these records are kept on file?

8 A Yes.

9 Q And you said you are the custodian of records for 911?

10 A I am.

11 Q And did you review a call for service for this case on
12 June 23rd, that was made on June 23rd of 2021?

13 A Yes, ma'am.

14 Q Okay. And did you also review the CAD report for this
15 call, as well?

16 A I did.

17 Q Alright. And did you retrieve the 911 call of this event
18 as a business record?

19 A I did.

20 Q And what was the location of that 911 call?

21 A [REDACTED].

22 Q Do you remember the apartment number?

23 A [REDACTED].

24 Q And what area of, was that located in ---

25 A The Harbison ---

- 1 Q --- was that Columbia ---
- 2 A --- area.
- 3 Q Was that Columbia?
- 4 A Yes.
- 5 Q Okay. And at, so what was the nature of the call for
- 6 service?
- 7 A A sexual assault.
- 8 Q And what time did that call come in?
- 9 A 6:10 in the morning.
- 10 Q And what time did officers first arrive on scene?
- 11 A The first officer arrived on scene at 6:19.
- 12 Q Okay. Have you reviewed the 911 call ---
- 13 A I have.
- 14 Q --- for this case? Alright.
- 15 MS. TAYLOR: May I approach the witness, Your Honor?
- 16 THE COURT: You may.
- 17 Q Ms. Collins, I'm showing you what's been previously marked
- 18 for identification as State's Exhibit 1?
- 19 A Yes.
- 20 Q And do you recognize that?
- 21 A I do.
- 22 Q What is that?
- 23 A It has the date and my initials written in sharpie.
- 24 Q What is that, what does that disc contain?
- 25 A It contains the audio of the 911 call.

1 Q Okay. And when you reviewed this call, did it materially
2 represent the 911 call as it was made on the night of June
3 23rd, 2021?

4 A Yes, ma'am.

5 Q Okay.

6 MS. TAYLOR: Your Honor, at this time, State offer
7 State's 7 into evidence?

8 THE COURT: Any objection?

9 MS. MAULDIN: No, Your Honor.

10 THE COURT: It's admitted.

11 (Whereupon a CD was submitted as State's Exhibit Number 7
12 for identification and entered into evidence.)

13 MS. TAYLOR: No further questions, Your Honor.

14 THE COURT: Thank you. Ms. Mauldin?

15 MS. MAULDIN: No questions, Your Honor.

16 THE COURT: May I excuse Ms. Collins?

17 MS. TAYLOR: No objections.

18 THE COURT: Ms. Collins, thank you for coming, you're
19 excused.

20 MS. COLLINS: Thank you.

21 MS. TAYLOR: The State calls Theresa Buckland.

22 THE COURT: Ms. Young, let me ask you, that was
23 State's Exhibit 1, wasn't it?

24 MS. TAYLOR: It was previously marked as State's
25 Exhibit 7 ---

1 THE COURT: But we're doing it?

2 MS. TAYLOR: It's 7.

3 THE COURT: 7. Okay. I just want to make sure I
4 have it right.

5 MS. MAYES: May we approach, Your Honor?

6 THE COURT: Yes.

7 (Off the record.)

8 CLERK: Would you please raise your right hand and
9 place your left on the Bible. Do you swear or affirm the
10 testimony you give the Court is the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 MS. BUCKLAND: Yes.

13 CLERK: Thank you. Would you please have a seat in
14 the witness box. State your full name and spell your last for
15 the record.

16 MS. BUCKLAND: Theresa Moons-Buckland, last name is
17 hyphenated, M-o-o-n-s hyphen Buckland.

18 **DIRECT EXAMINATION**

19 BY MS. TAYLOR:

20 Q Good morning, Ms. Buckland. Where were you residing in
21 June of 2021?

22 A [REDACTED] Apartments.

23 Q And where is the [REDACTED] Apartments located?

24 A In Harbison.

25 Q Okay. Do you remember the address?

1 A [REDACTED], Columbia, 29212.

2 Q And do you, do you know D.K. [REDACTED]?

3 A Yes. We're neighbors.

4 Q And without going into detail, what if anything happened
5 on the night of June, I'm sorry, in general, what happened on
6 the night of June 23rd of 2021?

7 A Actually, it was in the morning, I received a phone call
8 from Denise that she was raped.

9 Q If you can pull that microphone a little closer.

10 A Yeah. I'm getting closer to it.

11 Q About, without going into detail about what she said, what
12 did you do in response to Ms. D.K. [REDACTED]'s call?

13 A I told her I would be right down. Got dressed and went
14 down while calling 911, went downstairs.

15 Q What time did you call 911 approximately?

16 A It was sometime after 6:00, shortly after.

17 Q Okay. Did she report a sexual assault?

18 A Yes.

19 Q What did you do next after you arrived to Ms. D.K. [REDACTED]'s
20 apartment?

21 A I was on the phone with 911, knocked on the door, and she
22 asked who it was, I banged loudly, and told her it was Theresa
23 while I was still on the phone with 911.

24 Q And once you were inside of Ms. D.K. [REDACTED]'s apartment, can
25 you describe her demeanor?

1 A Very distraught, visibly shaken, scared.

2 Q Was this demeanor normal or usual for her?

3 A Not at all.

4 Q What did the victim say was the time and place of the
5 assault?

6 A I don't recall the exact time, but, it was sometime, I'm
7 going to guess around 6:07, 6:09, maybe. I'm sorry, you said
8 the time of the assault?

9 Q Right. Approximately.

10 A Sometime after 6, maybe a few minutes before then.

11 Q And where did she say the place of the assault?

12 A In her bedroom.

13 Q Were you present when law enforcement arrived?

14 A Yes.

15 Q And did EMS arrive as well?

16 A Yes, they did, sometime after.

17 Q Before I go any further, I'm showing you what's been
18 marked previously for identification purposes as State's
19 Exhibit 38. Can you just tell me if you recognize that?

20 A Yes, I do.

21 Q And what is that?

22 A That is the complex where we lived and showing our
23 building and the one before it.

24 Q And does it materially represent the apartment complex as
25 you remember it in June of 2021?

1 A Yes, ma'am. I can even see my car in the video, in the
2 picture.

3 Q Alright.

4 MS. TAYLOR: Your Honor, at this time State moves to
5 admit State Exhibit 38.

6 THE COURT: 38?

7 MS. TAYLOR: Yes, Your Honor, into evidence.

8 THE COURT: Any objection?

9 MR. STORY: No objection, Your Honor.

10 MS. TAYLOR: Permission to publish?

11 THE COURT: Let me see the lawyers just for a second
12 before you publish that.

13 (Off the record.)

14 MS. TAYLOR: Your Honor, for clarification for the
15 record, this is State's Exhibit 121.

16 THE COURT: And no objection, right, Mr. Story?

17 MR. STORY: That's correct, Your Honor.

18 THE COURT: Okay. It's admitted, Exhibit 121.

19 (Whereupon a photo was submitted as State's Exhibit 121
20 for identification and entered into evidence.)

21 MS. TAYLOR: Permission to publish, Your Honor?

22 THE COURT: Yes, ma'am.

23 Q Now, Ms. Buckland, is there a laser pointer up there? I
24 believe there may be one.

25 A I don't see one.

1 Q Let me grab you one.

2 A Okay.

3 Q Now, can you point with the laser pointer which
4 apartment building is yours and Ms. D.K. y's?

5 A That's Ms. D.K. y's. You want both of ours? Or which
6 building?

7 Q Just the building.

8 A This building.

9 Q Okay. So that's the ■ building?

10 A Yes, ma'am.

11 Q Okay. Now ---

12 MS. TAYLOR: Beg the Court's indulgence.

13 Q So you said that when you entered the apartment, how was
14 the victim's demeanor at that point?

15 A Very distraught, scared, shaken, trembling.

16 Q Did she remain in that state after law enforcement
17 arrived?

18 A Yes. It was almost like a defensive demeanor the way she
19 was kind of trying to console herself.

20 Q Now, you said that you were on the phone with 911 as you
21 went down to Ms. D.K. y's apartment?

22 A While I was in my apartment and then heading down to Ms.
23 D.K. s apartment.

24 MS. TAYLOR: Your Honor, at this time,
25 permission to publish what's already in evidence

1 as State Exhibit 7, the 911 call?

2 THE COURT: Permission granted.

3 (Recording from cd being played.)

4 Q Ms. Buckland, when listening to the 911 call,
5 approximately how many minutes before the call was made did the
6 victim tell you that this all happened?

7 A The time in-between?

8 Q How many minutes prior to when she called you?

9 A Okay. I'm sorry. Rephrase that, restate that rather.

10 Q I apologize. Prior to when you made the 911 call, from
11 listening to the call ---

12 A Okay.

13 Q --- how many minutes prior did the victim say the assault
14 occurred?

15 A I don't, five to 10 minutes, I actually don't recall. It
16 was a few minutes. It was not long after.

17 Q So mere minutes before the call, before you were notified?

18 A Correct.

19 Q And you said you waited with her until law enforcement
20 arrived at the apartment?

21 A Correct. And stayed.

22 Q Okay. I'm showing you... Ms. Buckland, I'm showing you
23 what's been marked for identification purposes State's Exhibits
24 122, and 123.

25 A Okay.

1 Q Do you recognize those?

2 A Definitely.

3 Q Okay. Do you, what do you recognize those as?

4 A That's Denise's apartment.

5 Q As, was that, as you were in there with her?

6 A Correct, yes. In her living room.

7 Q Okay. And I'm also showing you disc labeled for
8 identification purposes as State's 1, 2, and 3. Have you
9 reviewed these discs?

10 MS. MAYES: If the witness could speak into the
11 microphone.

12 A I'm sorry.

13 Q That's State's Exhibits 1, 2, and 3. Did you have an
14 opportunity prior to Court today to review the contents of
15 these discs?

16 A Yes.

17 Q And what was on these discs?

18 A 911 recordings.

19 Q To include State's Exhibits 1, 2, and 3?

20 A Me calling 911.

21 Q Is there anything else on these discs that, I'm sorry,
22 there's glare on it.

23 A Can I hold them?

24 Q Yes.

25 A Thank you. It was the body cam video, 911

1 recording of body cam video.

2 Q Okay. And then ---

3 A Body cam was video and voice recording.

4 Q Okay. And in regards to the body cam mini clip that we,
5 that you reviewed prior to Court, is this a fair and accurate
6 depiction of what occurred while you were in the apartment with
7 the victim and law enforcement?

8 A Yes.

9 Q Okay. Thank you. Ms. Buckland, you said that you waited
10 with her until EMS arrived as well?

11 A Yes.

12 Q What did you do once EMS arrived?

13 A I ran upstairs and put on some shoes, grabbed my car keys
14 to prepare myself to follow the ambulance to the hospital until
15 a family member showed up.

16 MS. TAYLOR: Beg the Court's indulgence.

17 THE COURT: Take your time.

18 MS. TAYLOR: No further questions at this time.

19 THE COURT: Mr. Story?

20 MR. STORY: May it please the Court, Your Honor?

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION

23 BY MR. STORY:

24 Q Hey. Good morning. Ms. Moons-Buckland?

25 A Yes, sir.

1 Q So I understand you lived in the apartment directly above
2 Ms. D.K.?

3 A The hallway above, but catty-corner.

4 Q Okay.

5 A It was upstairs, but catty-corner.

6 Q So not directly above, but sort of to the side?

7 A Correct.

8 Q One floor up.

9 A Yes, sir.

10 Q And you testified that Ms. D.K.'s call woke you up?

11 A Yes.

12 Q Okay. So you had been asleep all that morning?

13 A Yes.

14 Q In your apartment. And so you also testified that as soon
15 as she called you, you came downstairs and immediately, as you
16 were coming downstairs you called 911 then?

17 A I started calling 911 while leaving my apartment. I had
18 to change into some, out of my pajamas.

19 Q Okay.

20 MR. STORY: Brief indulgence. No further questions.

21 THE COURT: Okay. Any redirect, Ms. Young?

22 MS. TAYLOR: Just briefly, Your Honor.

23 **REDIRECT EXAMINATION**

24 BY MS. TAYLOR:

25 Q Ms. Buckland, I'm showing you what's been

1 previously marked for identification as State's 113. Do you
2 recognize this?

3 A It's the layout of the apartment complex.

4 Q Is that how you remembered it to be in June of 2021?

5 A Yes.

6 Q Okay. Have there been any alterations as you remembered
7 at that time?

8 A No, it's not.

9 MS. TAYLOR: Your Honor, at this time, State moves to
10 admit Exhibit 113 into evidence.

11 MR. STORY: No objection.

12 THE COURT: Then it's admitted.

13 (Whereupon a photo was submitted as State's Exhibit 113
14 for identification and entered into evidence.)

15 MS. TAYLOR: Your Honor, permission to publish?

16 THE COURT: Yes, ma'am.

17 Q Alright. With the laser pointer, Ms. Buckland, can you
18 point out your building on this layout of the apartment
19 complex, [REDACTED]?

20 A Say that again, what building?

21 Q Can you point out your building that you and Ms. D.K. [REDACTED]
22 lived in at [REDACTED]?

23 A Building [REDACTED], breeze way [REDACTED].

24 Q Okay.

25 MS. TAYLOR: No further questions.

1 MR. STORY: Nothing further, Your Honor.

2 THE COURT: Okay. May I let Ms. Buckland be excused?

3 MS. TAYLOR: Yes.

4 THE COURT: Ms. Buckland, thank you for coming, you
5 may be excused.

6 MS. BUCKLAND: Thank you.

7 THE COURT: Call your next witness.

8 MS. MAYES: The State calls D.K. [REDACTED].

9 CLERK: Would you please raise your right hand, place
10 your left on the Bible. Do you swear or affirm the testimony
11 you give the Court is the truth, the whole truth, and nothing
12 but the truth, so help you God?

13 MS. D.K. [REDACTED]: I do.

14 CLERK: Thank you. Would you please have a seat in
15 the witness box. State your full name and spell your last for
16 the record.

17 MS. D.K. [REDACTED]: My name is D.K. [REDACTED], and
18 my last name is spelled [REDACTED].

19 DIRECT EXAMINATION

20 BY MS. MAYES:

21 Q Good morning, Ms. D.K. [REDACTED].

22 A Good morning.

23 Q I just want to start by asking you a little bit about
24 yourself. How old are you today?

25 A Today I'm 76.

1 Q Alright. 76. Tell us a little bit about yourself. Did
2 you previously live in the State of South Carolina?

3 A Well, I did, yes, I lived here for 16 years, came here in
4 2006. I am originally from New York.

5 Q Okay.

6 A I moved down here with my parents; my sister was living
7 here at the time. And my parents were getting older, and I
8 needed some help in taking care of them so we, the three of us
9 moved down, my mom, my dad, and myself.

10 Q So I want to ask you a little bit about that. What area
11 of Lexington County did your parents end up moving to?

12 A We lived in Irmo.

13 Q Okay. And how old were they when they relocated from New
14 York to Irmo?

15 A 16 years, ago, oh, my goodness.

16 Q Approximately.

17 A Yeah. I think my mother was 82 and my dad would have
18 probably been about 87 or 86.

19 Q Okay. And how old were you at the time?

20 A It was my 60th birthday year.

21 Q Okay.

22 A And I was mad because I wanted to party in New York, and I
23 was down in South Carolina. But yes, I was 60 that year.

24 Q And so your parents needed a care giver?

25 A Yes.

1 Q And what was their, I believe you said that they moved to
2 Irmo, but where were you living when they relocated here?

3 A I was, where was I living when we came to Irmo? I was
4 living with my parents.

5 Q Okay.

6 A We had, we bought a house.

7 Q Alright. Let me ask you a little bit about your family.
8 Your dad, what is his name?

9 A My father's name was Fuzzy Levane, I know it's a rather
10 odd name. His name was actually Andrew "Fuzzy" Levane, the
11 "Fuzzy" was a nickname because he was an NBA basketball player
12 and coach.

13 Q Okay. So Fuzzy Levane, as you said, your father in New
14 York had coached what NBA team?

15 A New York Knickerbockers.

16 Q Okay. Later became the New York Knicks?

17 A Yes.

18 Q And was he also an NBA professional ---

19 A Yes.

20 Q --- ballplayer?

21 A Yes.

22 Q So when you came here to South Carolina, at that point in
23 time, your father was 87?

24 A (Nonverbal response).

25 Q When your parents passed away, where ultimately

1 did you go to live?

2 A When my parents passed away, I moved to [REDACTED], I
3 got my own apartment. I actually ended up living there twice,
4 so this was the first time that I moved there.

5 Q And when you say [REDACTED], we're looking right now at
6 [REDACTED]?

7 A Yes.

8 Q This item already in evidence indicates that this is the
9 Harbison area of Lexington County.

10 A Right.

11 Q So you indicated that you moved there the first time after
12 your parents passed away?

13 A Right. I would like to tell you what the address was, but
14 I don't remember.

15 Q Okay. And at this point in time, what time, type of work
16 had you done back in New York?

17 A I was a medical transcriptionist for a neurological
18 practice.

19 Q And ultimately, did you retire to receive Social Security?

20 A Yes.

21 Q And when you were living at [REDACTED], were you, what
22 type of funds were you living off of?

23 A Social Security.

24 Q And now I want to move forward to 2021. Where were you
25 living in the summer of 2021?

1 A At [REDACTED], apartment [REDACTED].

2 Q Okay. And was this the first time or the second time that
3 you ---

4 A Second time.

5 Q So this is after you have returned back to [REDACTED]
6 apartments?

7 A Yes.

8 Q And you were how old in the, in June of 2021?

9 A 74.

10 Q I want to show you what is State's 121, already in
11 evidence and ask you if you recognize this building ---

12 A Yes, I do.

13 Q --- that's located here in State's 121?

14 A That's my apartment.

15 Q Now, did you live there with anyone?

16 A No.

17 Q Okay. Your children at this point in time, were they
18 under the age of 21 or were they adults at this point?

19 A They were adults.

20 Q So you're living alone?

21 A (Nonverbal response).

22 Q As you indicated you're retired?

23 A Yes.

24 Q And living on your Social Security funds?

25 A (Nonverbal response).

1 Q Tell us a little bit about this neighborhood
2 of [REDACTED] in general in that Harbison area, what is it
3 near?

4 A I'm sorry, I didn't hear the question.

5 Q Yes. I'll, I'll repeat that, I'm sorry, it's a little
6 long. That particular location in Harbison, what is it near?
7 I'm going to show you what is 64, that might help explain that
8 a little bit better. This is going to be State's 64, an aerial
9 map.

10 A Okay. Wow. You're probably better at reading these
11 things than I am. This would be the apartment complex, I
12 guess, here's the pool. So you want me to kind of tell you
13 where I was?

14 Q Do you recognize this general area?

15 A The area, yes, I do. It's weird to see it from an aerial
16 point of view, but yes, I do.

17 MS. MAYES: This would be State's 64, Your Honor, for
18 evidence, being an aerial map.

19 THE COURT: Any objection?

20 MS. MAULDIN: No, Your Honor.

21 THE COURT: It's admitted.

22 (Whereupon an aerial map was submitted as State's Exhibit
23 64 for identification and entered into evidence.)

24 Q Alright. We're going to take a look at this,
25 and I know you indicated it is hard to read,

1 so I'm not going to ask you to read any of it.

2 A Okay.

3 Q But what is located right here adjacent to this apartment
4 at [REDACTED]?

5 A I believe that's the manmade pond or lake that they built
6 with the complex.

7 Q Alright. And what, Ms. [REDACTED], is located along this
8 area here?

9 A It's a pathway around the lake.

10 Q Okay.

11 A Many people would walk there.

12 Q Alright. I was going to ask a little bit about that. In
13 this neighborhood within Harbison are there also homes?

14 A Yes.

15 Q And, and a school?

16 A Yes.

17 Q And how frequently would people use this walking path
18 there along the pond?

19 A Well, I would walk there every day and I would see people,
20 so I would say somebody's always walking around there.

21 Q Okay. And now I'm going to show you what is 121. And you
22 have identified [REDACTED] as what?

23 A As my apartment.

24 Q So you were on a ground floor apartment?

25 A Yes, ma'am.

1 Q Ms. D.K., looking back behind this building,
2 what do we see here?

3 A Well, behind that building is, there's a walkway that
4 starts around the lake or the pond, I don't know whether you
5 want to call it a lake or a pond, but that's behind my
6 building.

7 Q And does that include this portion here?

8 A Yes.

9 Q Would that be part of that walking trail that we saw
10 earlier?

11 A Yes, ma'am.

12 Q So that walking trail actually comes back behind your
13 building somewhat?

14 A Yes.

15 Q Now, looking here at your building, you indicated that
16 you're on the ground floor. Ms. Buckland, Theresa Buckland,
17 your neighbor ---

18 A Yes.

19 Q --- who you called, and who called 911. Can you tell
20 us whether or not she lived there in that same building?

21 A Yes, she lived there, on the second floor.

22 Q I'm going to ask you a little bit about your apartment as
23 well. I'm going to show you what is State's 52, 53, and 57 and
24 ask you if you recognize these items?

25 A Yes. That's the layout of my apartment.

1 Q Okay.

2 A That's my patio, and that is my bedroom.

3 MS. MAYES: 52, 53, and 57 for evidence at this time.

4 THE COURT: Any objection?

5 MS. MAULDIN: No objection, Your Honor.

6 THE COURT: They're admitted.

7 (Whereupon photos were submitted as State Exhibits 52, 53,
8 and 57 for identification and entered into evidence.)

9 Q Looking here at 52, Ms. D.K., is this a one-bedroom
10 apartment or ---

11 A It's a one-bedroom apartment.

12 Q And that bedroom, do you have a laser pointer?

13 A Yes, I do.

14 Q Could you show us looking here, the bedroom, and then your
15 patio area?

16 A You have to hold it down, right? Okay. You want me to
17 show the bedroom to you? That's the bedroom right there.

18 Q And then the patio is right next to that?

19 A Well, you have to walk out of my bedroom and then you have
20 access to the living room, to the patio.

21 Q Okay. Now, I'm going to show you what is State's 53. Do
22 you recognize this photograph?

23 A Yes, ma'am. That's my patio.

24 Q And the patio we see some type of doorway there. What can
25 you tell us about that doorway?

1 A It's a sliding glass door.

2 Q Now, how frequently, Ms. D.K., would you come outside
3 to the patio area or take walks?

4 A I'd come out to the patio every morning for coffee. And
5 I, at that particular time I was trying to lose a little
6 weight, so I was walking every day, which is not, was not my
7 norm. But yeah, I would go out and take a walk after I had my
8 morning coffee.

9 Q Okay. And when you say take a walk, were you keeping
10 steps ---

11 A Yes.

12 Q --- tracking your steps ---

13 A Yes.

14 Q --- and things of that nature at that point in time?

15 A Yeah.

16 Q Now, this door here, your sliding glass door, does it have
17 a lock on it?

18 A The door has a lock on it, yes.

19 Q And does it also have a bar ---

20 A Yes, it does.

21 Q --- or security bar in addition to that lock?

22 A Yes, it does.

23 Q I'm going to take you back, Ms. D.K., to the night of
24 June 23rd, 2021, early morning hours of June 23rd of 2021.

25 A Okay.

1 Q Do you know for sure whether or not you had the bar down?

2 A No, I did not. I will say that I was usually very
3 diligent about putting that bar down, but I do not remember
4 that night.

5 Q Okay. Now, I'm going to show you what is State's 57. Do
6 you recognize this photograph as well?

7 A Yes.

8 Q Your window, what can you tell us about your window?

9 A Well, I always kept it cracked just a little bit, just
10 like little bit of air coming in. But other than that, it
11 was, literally, probably open about two inches, maybe a little
12 bit more.

13 Q Okay. Ms. **D.K.**, on the night of June 23rd, 2021, into
14 the, the night of June 22nd and into the early morning hours of
15 June 23rd, on that night, what if anything did you observe in
16 your bedroom?

17 A I was asleep, and I had a sense of something moving or, I
18 just had a, the sense of needing to wake up, I don't know why.
19 And I turned over in bed and opened up my eyes and, and there
20 was a man standing there.

21 Q And was that, can you show us which side of the bed?

22 A Right there.

23 Q What happened next?

24 A When I first opened up my eyes and saw him standing there,
25 I thought it was a dream for a matter of seconds, maybe one or

1 two seconds. And the next thing I remember is he put a pillow
2 over my face and told me to be quiet. I remember, I remember
3 saying please don't smother me, please don't kill me because I
4 knew what he was going to do. Okay. So he had, he was holding
5 me down by my arms and I had one pillow over my face at that
6 time and he kept saying do not look at me, don't talk, be
7 quiet. And so I, I think I voluntarily took another pillow to
8 be honest with you and just put it over my face and held my
9 hands on the pillow. And, oh, boy. And then he proceeded to
10 lift up my nightgown and I don't know where he got this, but it
11 was some kind of a lotion or moisturizer or something and he
12 was rubbing that on my legs and, and then, and, and my genital
13 area. And, I'm sorry.

14 Q Let me ---

15 A My brain's a little muddled.

16 Q Let me ask you like this ---

17 A Yeah, and then ---

18 Q When you heard the voice, was it a voice that you
19 recognized at all?

20 A Well, it wasn't, he was a stranger, so I didn't recognize
21 it in that sense, but as I ---

22 Q But that was my question.

23 A Yeah. But as I mentioned when I was growing up, we moved
24 around a lot because of my father's job and I, I, I've met many
25 people of different ethnicities and diverse accents and whatnot

1 and the only identification at that point that I could have
2 possible made, and I said this at the hospital that I thought,
3 I wasn't sure, but I thought that it was a young African
4 America male, slender, I did get to see his jeans, his legs. I
5 didn't get to see the face because the room was so dark, so I,
6 I can't tell you whether there was a mask or whether it was
7 dark because he was African American, I can't attest to that
8 being true. Once he started to use some lotion and whatever,
9 he penetrated the vaginal area with his fingers first and then
10 his hand.

11 Q So I'm going to stop you there and ask you a few
12 questions.

13 A Okay.

14 Q You said that the pillow, first pillow that is placed on
15 your face was placed by whom?

16 A By him, yes.

17 Q And based on all of your observations that night, was this
18 a stranger?

19 A I'm sorry?

20 Q Based on everything you observed that night, was this a
21 stranger?

22 A Absolutely, absolutely.

23 Q And you indicated that you could hear his voice as he's
24 speaking to you and that you also caught a glimpse of the
25 body?

1 A Yes.

2 Q When you saw the body, what if anything did you determine
3 about the physical build?

4 A That he was slender, that he wasn't a large man, that he
5 was definitely on the slender side.

6 Q And what if anything did you see about clothing or a type
7 of clothing?

8 A I saw that he was wearing jeans, I couldn't tell you about
9 the footwear. Again, the room was dark, but I could definitely
10 see that they were jeans.

11 Q And you said the room was dark, did you catch a glimpse of
12 the facial or the head area?

13 A Yes, I did.

14 Q And when you did that, were you able to make out any
15 facial features?

16 A No. It was completely dark.

17 Q Okay. So based on, based on that, could he have worn a
18 mask?

19 A Yes.

20 Q Now, you indicated that you could feel on your body, some
21 type of substance?

22 A (Nonverbal response).

23 Q What type of clothing were you wearing?

24 A I had a nightgown.

25 Q And how did your nightgown become displaced?

1 A He lifted it up, up to my neck area.

2 Q And where did you feel the substance that was placed on
3 you?

4 A My legs, and as I mentioned, the genital area.

5 Q Okay. When it was placed on your genital area, I think
6 you said you could feel part of your body being penetrated,
7 what part of that body, what part of your body was that?

8 A My vagina.

9 Q And did that feel like, what can you tell us it felt like
10 was happening?

11 A It felt horrible, it, it hurt, it felt horrible, and when
12 he, when it was more of his fist or hand, the pain was quite
13 extreme at that point, and I remember telling him that it was
14 hurting me.

15 Q So based on what you felt, did it feel like more than one
16 finger?

17 A Yes.

18 Q And it felt to you like a hand or ---

19 A Yes.

20 Q --- attempting to place his hand into your vaginal
21 opening?

22 A Yes.

23 Q What happened next?

24 A I, well, I guess after that was when he penetrated me with
25 his penis.

1 Q And again, could you actually see that happening?

2 A No, I could just feel it.

3 Q That is based on what you felt ---

4 A Yes.

5 Q --- happening to your body?

6 A Yes.

7 Q At that point in time when you felt what you believed to
8 be his penis entering your, did it actually enter your vaginal
9 opening?

10 A Yes.

11 Q When you felt that, where was he physically in relation to
12 your body?

13 A He was on top of me, and he had pulled my legs back up by
14 my head.

15 Q When that occurred, did you also get a, feel or were you
16 able to make any observations about his physical size?

17 A No. At that point, to be honest with you, my eyes were
18 closed, the pillows were tight against my face, and I was
19 saying the Lord's prayer. And that's exactly what happened.
20 Sorry.

21 Q At that point in time, Ms. D.K., you're in your own
22 home. Did you feel free to fight or resist or run
23 away?

24 A No.

25 Q And why or why not?

1 A No.

2 Q And do you, were you able to ever make out anything
3 regarding the face or any facial features?

4 A (Nonverbal response).

5 Q And the pillows, did the pillows remain over your face
6 during this time?

7 A Yes.

8 Q You indicated he told you not to look at him, to just ---

9 A Correct.

10 Q Did you comply with that?

11 A Yeah, yes, I did. But there was a point where there was a
12 little slit between the pillows and I glanced, got a glimpse
13 and stuff, but I didn't really see anything. So yes, I
14 complied.

15 Q And why did you comply?

16 A Because I was, I was terrified, and I thought that he
17 would kill me. I, I just did exactly what I was supposed to do
18 which was nothing.

19 Q And at some point in time, did he get off of your body the
20 first time?

21 A Yes.

22 Q What if anything did he say to you?

23 A He told me that he wanted me to get up and he
24 wanted me to empty my bladder. And he proceeded to put his
25 arms or his hands on my arms and lead me to the

1 bathroom because I was holding the two pillows
2 on my face and I couldn't see where I was going, so he led me
3 to the bathroom.

4 Q During that time, did you feel that you were free to run
5 away or leave?

6 A Absolutely not.

7 Q When you were being led by him, where did he take you?

8 A To the bathroom to empty my bladder and to clean
9 myself.

10 Q What did you use, who, who told you to clean yourself?

11 A He did.

12 Q And what did you use to clean yourself?

13 A I had some wipes, sanitary wipes on my countertop in the
14 bathroom.

15 Q And where was the intruder when that happened?

16 A Standing in the doorway.

17 Q And did you look at him during that time?

18 A No, I did not.

19 Q And why or why not?

20 A I just kept those pillows tightly on my face. I felt that
21 if he really believed I couldn't see him that maybe I would,
22 you know, be a little bit safer.

23 Q You wanted him to know that ---

24 A Yes.

25 Q --- that you weren't looking?

1 A (Nonverbal response).

2 Q And were you able to wipe yourself and hold the pillow
3 tight?

4 A Yes. I put my arms like that with the pillows.

5 Q What happened next?

6 A He led me, I cleaned myself as best I could, and he led me
7 back into my bedroom.

8 Q And again, were his hands on you during this time?

9 A Yes, they were.

10 Q Where did he take you?

11 A He took me back to the bed, and he proceeded to penetrate
12 me again.

13 Q At that point, could you tell what if any part of his body
14 was penetrating you?

15 A Yes. It was his penis.

16 Q And were you able to make out anything regarding whether
17 or not he was wearing a condom or ---

18 A No, no, I wasn't.

19 Q And what happened after that?

20 A After he was finished, he stood up, I was in bed with the
21 pillows on my face, and he told me not to call the police, that
22 he would be back, that he knew everything about me. He knew my
23 Social Security card, he knew how much money I had in the bank,
24 I'd be very easy to come back, and actually, something like
25 finish the job or I'll be back and, I mean, enough to scare the

1 whatever out of me, so. And then he said something a little
2 bit odd, he just said always remember to double lock your doors
3 and your windows, which I found to be a rather odd thing for
4 him to say. And he exited my bedroom and I laid there, and I
5 didn't move.

6 Q And why or why not?

7 A Well, for one thing, I wanted to make sure that he left.
8 And I didn't even reach for my cell phone which was right by
9 the bed because I didn't want him to hear me if I did make a
10 phone call. So I probably laid there for maybe 10 or 15
11 minutes waiting to hear that he left. And I did hear the sound
12 of the sliding door when he did leave.

13 Q Okay. I want to go back to what he said to you after the
14 assault. You indicated that he said, don't call the police,
15 and what did he say to you would happen if you did call the
16 police?

17 A He definitely said he'd be back. And I took that that he
18 would be back to finish the job, that's how I felt. I, I
19 didn't mention what I felt when he was finished, laying there
20 in the bed, but I honestly waited to be stabbed or shot. That
21 was the terror that I was feeling at that point. That he's not
22 just going to leave me here alive, he's going to do something
23 to finish me off and when that didn't happen and he said, I'll
24 be back, I believed that the next time might be, I wouldn't be
25 here to talk to you, so.

1 Q So when he was on top of you and then finished
2 the assault, what did you believe was going to happen?

3 A That he was going to kill me. I was, I waited, I kept
4 waiting to feel a knife in my stomach or, I think I felt more
5 of a knife, I don't think I thought of a gun because it would
6 be loud or whatever, but I think I thought that he was going to
7 stab me.

8 Q And instead he says, don't call the police, he
9 tells you that he'll be back. And did you take those words to
10 heart?

11 A Absolutely.

12 Q And did you consider that a threat?

13 A Yes, I did. And I believed him.

14 Q You indicated that when he was in your room he made some
15 statements to you about your personal belongings.

16 A (Nonverbal response).

17 Q Where did you ordinarily keep your personal belongings,
18 your bank card, your ID, your Social Security card, where did
19 you ordinarily keep those items?

20 A In my wallet in my pocketbook.

21 Q And where was your pocketbook and your wallet ordinarily
22 kept in your apartment?

23 A Usually on my coffee table in my living room.

24 Q Let me show you what is 48 and just ask you whether or not
25 recognize what is ---

1 A Yes. That's my living room and my coffee table.

2 Q And I'm also going to show you these additional
3 photographs, State's 56, 55, and 54 and ask you if you
4 recognize those photographs?

5 A Yes. That's the garbage pail that's in my bathroom, this
6 is also a picture of my bathroom and then this is a picture of
7 my patio.

8 MS. MAYES: This would be 54, 55, and 56 for
9 evidence, Your Honor, and Court's 48 would now be State's 48.

10 THE COURT: Alright. Any objections?

11 MS. MAULDIN: No, Your Honor.

12 THE COURT: They're admitted.

13 (Whereupon photos were submitted as State Exhibits 48, 54,
14 55, and 56 for identification and entered into evidence.)

15 Q Looking here at State's 48, Ms. D.K., do you recognize
16 this photograph?

17 A Yes.

18 Q Here in the living room area, what is this, Ms. D.K.?

19 A That's my pocketbook.

20 Q And what is this?

21 A That is my wallet.

22 Q And then right here, what we see in the background?

23 A I'm sorry, point to it again.

24 Q Right here, this area?

25 A Why can't I see that, oh, wow, that's the blinds

1 on my sliding glass door.

2 Q Okay. Is that the same sliding glass door that we saw
3 previously outside your patio?

4 A Yes.

5 Q And now we're going to take another look at it in State's
6 54, just a little bit, little bit of a closer view there.

7 A Yes. That's, those are the sliding doors on my patio.

8 Q And here we see that particular ---

9 A That's the bar.

10 Q Okay. Now, going back to this photograph. Your purse, do
11 you ordinarily leave it open like that?

12 A No.

13 Q And your wallet, would it have been outside of your purse
14 there on the coffee table ---

15 A No, ma'am.

16 Q --- when you went to bed that night?

17 A No.

18 Q So are these items as you left them when you went to bed
19 that night?

20 A Yes.

21 Q In other words, were they out like this?

22 A Oh, I'm sorry, no. I would have left my wallet in my
23 pocketbook and my pocketbook would have been closed.

24 Q Okay. So are you aware of as to once this was reported to
25 law enforcement, did they come to your house?

1 A I'm sorry. What did you say?

2 Q Did law enforcement come to your house ---

3 A Yes, they did.

4 Q --- on the morning of the 23rd ---

5 A Yes.

6 Q --- after that 911 call?

7 A Yes.

8 Q And so these photos would have been taken by law
9 enforcement after they had come to your house?

10 A Yes.

11 Q Okay. And looking here at this particular photograph, in
12 that pink wallet, what did you keep in there, Ms. **D.K.**?

13 A Basically some pictures, my driver's license, my insurance
14 card, medical insurance card, and my Social Security card.

15 Q Okay. And what type of debit card or banking card did you
16 normally possess?

17 A It's the TD Bank Visa debit card.

18 Q Is TD Bank where you have your bank account?

19 A Yes.

20 Q And you mentioned your Social Security check. Is that
21 something that comes to as a check that you have to cash or was
22 it direct deposited?

23 A It's direct deposit.

24 Q And what direct deposit account did that normally
25 go in?

1 A Into my TD Bank checking account.

2 Q Is that the same banking account that you had a banking
3 card for?

4 A Yes.

5 Q A debit card for?

6 A Yes.

7 Q And that's the car you kept here in the pink wallet?

8 A Yes, ma'am.

9 Q You mentioned when the intruder was in your room, he made
10 statements that he knew personal things about you. What
11 specifically did he state he knew about you?

12 A Well, he knew specifically how much money I had in my
13 account.

14 Q Did he make a statement to you about that?

15 A Absolutely. He said it was \$1,200.00 which is pretty much
16 what it was.

17 Q And what if anything else did he say about your name or
18 any other information?

19 A Just that he knew me, that he, you know, basically that he
20 knew me. He knew where I lived, obviously, he knew where I
21 lived. He knew me, and he knew my Social Security number, I
22 don't know what he would have used that for, but and my
23 driver's license, and he knew exactly how much money I had in
24 the bank. That's pretty much what he said.

25 Q Okay. Now, the bank card that you had, Ms. D.K.,

1 how would you go about actually accessing funds from
2 your account? Do you have a pin number?

3 A Yes, I do. And I would normally use an ATM.

4 Q Okay. And your pin number back in 2021, and I'm going to
5 ask you specifically the summer of 2021, has it now changed?

6 A Yes.

7 Q And of course, this apartment that we're talking about now
8 have you, have you moved elsewhere?

9 A Yes.

10 Q And in fact, have you left ---

11 A I never went back.

12 Q Have you left the state ---

13 A Yes.

14 Q --- to relocate? That pin number that you had back in
15 June of 2021, what was your pin number?

16 A It was my year of my birth.

17 Q That was your birthday?

18 A Yep. Well, it wasn't my birthday, it was the year I was
19 born, 1946.

20 Q Your birth ---

21 A Yeah.

22 Q The birth date, 19 ---

23 A As opposed to [REDACTED], [REDACTED], it was 1946, my, the
24 year I was born.

25 Q Okay. 1946. So it was a four-digit pin?

1 A I'm sorry?

2 Q It was a four-digit pin?

3 A Yes, it was.

4 Q When you heard testimony that the 911 call is placed at
5 6:08 am, when you felt certain that the intruder had left, what
6 did you do?

7 A I looked at the, at my cell phone at the time and it was
8 5:39 in the morning. I was used to doing that whenever I would
9 get up in the middle of the night, I would look to see what
10 time it was. I called my sister and there was no answer. I
11 called my cousin who also lived in the same area, Irmo, no
12 answer. And Theresa Buckland was the third phone call I made,
13 and she did answer.

14 Q And that was your neighbor ---

15 A Yes.

16 Q --- that we heard from a little while ago?

17 A (Nonverbal response).

18 Q And she is actually making the 911 call as she is walking
19 to your apartment?

20 A Yes.

21 Q And I think we heard on the 911 call the sound of knocking
22 at your door, what was that sound? Or what was the sound of
23 knocking?

24 A Well, when the door, when I first heard the knock, I was
25 frightened. I didn't think that it was Theresa so quickly.

1 She came down pretty fast, but then she said it's Theresa, and
2 I opened up the door.

3 Q Alright. And ultimately, I think there's been testimony
4 that the first officer arrived at 6:19 am. Ms. **D.K.**, what
5 was your response to the officer arriving there at your door?

6 A I remember saying something like, oh, no, you shouldn't
7 have called the police. I remember reacting that way.

8 Q Why did you react that way?

9 A Because I had remembered what he had said to me, and at
10 that point I was really out of my mind, terrified, so I just,
11 that was my reaction, no, you're not supposed to call the
12 police. And that's what I said.

13 Q And what happened next?

14 A It's so hard to remember all the little details of that
15 night, but they, somebody was, sat down with me, tried to calm
16 me down a little bit then they would, walked around the
17 apartment, they started looking for evidence, I guess.

18 Q And you're referring to the police?

19 A Yes, I'm sorry, yes.

20 Q And when you woke up that morning, or let me rephrase
21 that. When you actually got out of bed, and it's 5:39 that you
22 indicated when you looked at your clock ---

23 A Yes.

24 Q --- and you placed that call to Theresa, did you walk into
25 the living room area?

1 A Yes, I did.

2 Q What if anything did you notice unusual about your blinds
3 and that bar?

4 A I noticed that the bar was knocked down, and I, I locked
5 the sliding glass door and I put the bar down.

6 Q Okay. So you actually, after you woke up, you discovered
7 that the bar was up?

8 A Yes.

9 Q And did the blinds look normal or slightly not normal?

10 A They, they looked a bit askew, they looked like, they
11 weren't bent, but they weren't laying, you know, flat,
12 whatever.

13 Q And prior to the police arriving, who placed that bar back
14 into place?

15 A Prior to the police? Me, I did.

16 Q Okay. So you find it up and you put it back down ---

17 A Yes, ma'am.

18 Q --- during that process of waiting for Ms. Buckland ---

19 A Yes.

20 Q --- to come down? Okay. Now we're going to take a look
21 at State's 55 in evidence. What room in your apartment is
22 this?

23 A That's my bathroom.

24 Q Okay. What are we looking at right here on the bathroom
25 counter?

1 A It looks to me like that those are my sanitary wipes.

2 Q When you indicated that you were in the bathroom, again,
3 who took you into the bathroom?

4 A (Nonverbal response).

5 Q Who took you into the bathroom?

6 A He did.

7 Q Okay. And where is he standing as you're in there?

8 A At the doorway.

9 Q And who instructed you to use a wipe?

10 A He did.

11 Q And did you do that?

12 A Yes, I did.

13 Q Where did you place the wipe?

14 A In the garbage can that was right near the toilet, and
15 that's the garbage can.

16 Q In State's 56?

17 A (Nonverbal response).

18 Q And based on your recollection of that morning, finding
19 the door un -- without the bar, apparently unlocked, can you
20 tell us how you believe the intruder got in?

21 A Oh, I believe he came in that way.

22 Q You indicated that your bedroom window had been cracked,
23 but did you see any indication that the bedroom window had been

24 ---

25 A No, absolutely not.

1 Q --- had been dislodged?

2 A No.

3 Q So you do believe he came in through the sliding glass
4 door ---

5 A Yes, he did.

6 Q --- next to your patio? I'm going to show you what's
7 Court's 26.

8 A Okay.

9 MS. MAYES: This is pursuant to notice of evidence,
10 Your Honor, being the TD Bank records. I don't believe there's
11 an objection.

12 MS. MAULDIN: That's right, Your Honor.

13 MS. MAYES: So State's 26.

14 THE COURT: Ms. Mayes and Ms. Mauldin, can I see
15 y'all just for a second.

16 (Off the record.)

17 (Whereupon bank records were submitted as State's Exhibit
18 26 for identification and entered into evidence.)

19 THE COURT: Mr. Foreman, ladies and gentlemen of the
20 jury, I'm going to, we're going to pause just for a moment so I
21 can give y'all a break. Stretch your legs, let's take 15
22 minutes. I'm going to ask you to stay on the stand because
23 you're under oath, and you're not allowed to speak with anyone,
24 okay?

25 MS. D.K. (Nonverbal response).

1 THE COURT: Alright. I'm going to let you go to your
2 jury room.

3 (Jurors leaving Courtroom.)

4 THE COURT: Now, Ms. D.K., if you do need to go to
5 the ladies' room, you're more than welcome to go to the ladies
6 room.

7 MS. D.K.: Thank you.

8 THE COURT: You're just not allowed to talk ---

9 MS. MAYES: And Your Honor, if she does need to use
10 the restroom, can Ms. Clamp escort her ---

11 THE COURT: Absolutely. She knows, she's under
12 orders not to talk to anyone about this case.

13 MS. D.K.: I will definitely take advantage of
14 that one.

15 MS. MAYES: Okay.

16 THE COURT: I apologize, but I looked at the clock
17 and I thought that jury's been sitting there for two hours, and
18 I thought if you were going to get into financial, this might
19 would be a really good breaking point for them to stretch their
20 legs. Y'all stretch your legs. Court's adjourned for 15
21 minutes.

22 (Off the record.)

23 THE COURT: Alright. Can I bring the jury in?

24 MS. MAYES: Yes, Your Honor.

25 MR. STORY: Your Honor, we need just one second ---

1 THE COURT: Sure.

2 MR. STORY: --- to bring Mr. Nance in.

3 THE COURT: And then after this witness, we're going
4 to break for lunch. Alright. Bring them in.

5 (Jury entering Courtroom.)

6 THE COURT: Alright. Mr. Foreman, the jury ready?

7 MR. FOREMAN: Yes, ma'am.

8 THE COURT: Okay. Ms. D.K., I'm going to remind
9 you that you are still under oath and I'm going to ask you, did
10 you speak to anyone about this case ---

11 MS. D.K.: No, Your Honor.

12 THE COURT: --- during the break?

13 MS. D.K. No, I haven't.

14 THE COURT: Thank you, Ms. D.K. Go ahead Ms.
15 Mayes.

16 Q Just to clarify, prior to the break, you had indicated
17 that some statements were made to you by the intruder about,
18 specifically, your bank account?

19 A Yes.

20 Q When did you learn that your bank card had been taken?

21 A Well, after he left, and I went to my wallet, and I saw
22 that my bank card was gone.

23 Q Looking here at State's 48. Did it appear unusual
24 to you, you find the bar is up and you put the down, and
25 then when you find the wallet at that location,

1 what caught your eye about that?

2 A Well, the fact that it was outside my pocketbook, and I
3 went right to it and opened it up and saw that that card was
4 missing.

5 Q Okay. And so when the police arrive, did you inform them
6 of that as well as the other details that you told us about?

7 A Yes, I did.

8 Q And you indicated that you were able to look at your phone
9 and see the time on your phone ---

10 A That's correct.

11 Q --- what time was it that you saw on the phone when you
12 were sure or relieved that he had left?

13 A It was 5:39 am.

14 Q And from your apartment, we're going to take a look here
15 again at State's 48. Are you still here at your apartment when
16 those first officers appear to arrive on scene?

17 A Yes.

18 Q Can you tell us whether or not you also told the police
19 your concerns about that you weren't supposed to call the
20 police?

21 A Absolutely.

22 Q You told the police ---

23 A I believe it's the first thing I said when I saw
24 them walk through the door.

25 Q Okay. Were you worried about the fact that the

1 police could now be seen at your home?

2 A Yes, I was.

3 Q And did you ever return to that apartment?

4 A No.

5 Q You went to live elsewhere?

6 MS. MAULDIN: Objection.

7 A My daughter went back to the apartment.

8 THE COURT: Hold on, she's got an objection.

9 A I'm sorry, I didn't hear that.

10 THE COURT: I'm going to ask the jury to disregard
11 that last statement. When somebody objects, you got to stop --
12 -

13 A I'm sorry, I didn't hear.

14 THE COURT: --- and let me rule.

15 A Yeah. I have a little hearing problem, I'm sorry.

16 THE COURT: I'm going to instruct the jury to just
17 disregard that last testimony. Go ahead Ms. Mayes.

18 Q And so to clarify, up until June 23rd of 2021, this had
19 been your residence and you lived there alone?

20 A Yes.

21 Q Did anyone else have access to that bank, that bank card,
22 the TD Bank card that you kept ---

23 A No, ma'am.

24 Q --- in this wallet?

25 A No.

1 Q Only you?

2 A Only me.

3 Q And once the police arrive, how do you get to the
4 hospital?

5 A I believe I was taken by ambulance, but I was just
6 thinking, I'm not sure if I remember that.

7 Q Okay. What was your mental state at this point?

8 A I was pretty hysterical.

9 Q Okay.

10 A I don't think I was thinking very clearly.

11 Q Okay. And then once you arrived at the hospital, are you
12 familiar with what's called a sexual assault evidence kit?

13 A Yes.

14 Q Okay. And do you know whether or not a standard was taken
15 from you for your DNA?

16 A Yes.

17 Q Okay. As part of that kit?

18 A Yes, it was.

19 Q And are you aware of whether or not other evidence was
20 taken from your body?

21 A Other?

22 Q Was a nurse treating you?

23 A Oh, yes, yes.

24 Q And was she swabbing ---

25 A Absolutely.

1 Q --- your body?

2 A Absolutely, yes, she was.

3 Q And who else do you recall being there at the hospital?

4 Do you recall whether or not any law enforcement officers
5 arrived?

6 A I do recall some law enforcement officers, and also I
7 believe a rape advocate ---

8 Q Okay.

9 A --- a young lady to help me.

10 Q Alright. And let me ask you specifically, Detective
11 Williamson with the Columbia Police Department, do you recall
12 whether or not she came to the hospital to meet with you as
13 well?

14 A I believe so, yes.

15 Q And did you also have family there with you as
16 well?

17 A Yes. My daughter drove in from Myrtle Beach.

18 Q So given the circumstances of that day, did you feel
19 comfortable giving law enforcement a written statement at that
20 moment?

21 A Not at that moment.

22 Q And ultimately, can you tell us whether or not
23 you did meet with this Columbia Police Department Detective in
24 order to give a written statement?

25 A Yes. I believe it was the next day, next morning.

1 Q And what if anything were you able to tell the Columbia
2 Police Department regarding the type of clothing worn by the
3 intruder?

4 A I noticed that he had jeans on, and as I had mentioned
5 before, that he was a slender build.

6 Q Okay.

7 A I thought that I saw plaid on his shirt, but I'm not sure
8 about that at all at this point.

9 Q Okay.

10 A And I could not see his face.

11 Q Alright. And so I'm going to ask you a little bit more
12 about that. When you said that you thought you saw something
13 plaid?

14 A Yes.

15 Q I'm going to show you a photograph. These are State's 46,
16 47, and 45 for ID only at this time. So right now all I want
17 you to do is look at these photos yourself. State's 46, 47,
18 and 45, just look at those yourself at this point in time.

19 A Okay.

20 Q For identification. Do you see a plaid item in these, in
21 these photographs?

22 A Yes, I do. In all three.

23 Q Okay. And then I'm also going to ask you to look at the
24 background of 45. Do you recognize what is in the background
25 of 45?

1 A This is the wrought iron legs of my coffee table.

2 Q For identification, you do recognize that
3 location?

4 A Yes, ma'am, I do.

5 Q And you recognize that location as what?

6 A As my living room, and that's my coffee table.

7 Q And looking here at State's 48 on the overhead. Do you
8 see that same coffee table and that same leg of the coffee
9 table in this photograph?

10 A Yes, ma'am.

11 Q Can you show us looking at 48 in evidence what you're
12 referring to?

13 A These are the legs, and of course, that's the coffee table
14 there, but these are the legs, it's wrought iron.

15 Q And you indicated that you first told the police about
16 your bank card being taken when you discovered that in your
17 purse and your wallet, I'm sorry.

18 A Yes.

19 Q And ultimately were you able, when you were at the
20 hospital to check your statement, your TD Bank statement?
21 When do you, when did you learn that your card had been
22 utilized?

23 A I believe I did find out in the hospital, I think, yes, I
24 went on my phone, I went into the app for my bank and that's
25 where I saw the three different withdrawals.

1 Q Okay. And do you recall whether or not that information
2 was shared with Detective Williamson?

3 A I believe so.

4 Q I'm going to show you what is State's 26.

5 MS. MAYES: Again, pursuant to the notice of
6 evidence, Your Honor, so without objection being the TD Bank
7 records.

8 MS. MAULDIN: No objection.

9 THE COURT: Thank you, they're admitted.

10 (Whereupon bank records were submitted as State's Exhibit
11 26 for identification and entered into evidence.)

12 Q I'm going to ask you about that where you can actually
13 look at this with your naked eye before I put it ---

14 A Okay.

15 Q --- up on the overhead because it's easier to read. I'm
16 going ask you specifically, Ms. D.K., about attempted
17 transactions in the early morning hours of June 23rd, 2021, at
18 1265 Lake Murray Boulevard.

19 A Okay.

20 Q Would those transactions been attempted by you?

21 A No.

22 Q And I'm going to ask you about what appears to be some
23 type of attempted transaction at around 4:58 am on June 23rd,
24 was that transaction by you?

25 A No, ma'am.

1 Q And then I'm going to ask you specifically about
2 withdrawals from 3102 and a half Broad River Road which occur
3 at 6:28 am, 6:30 am, and 6:32 am. So all three of those
4 transactions being after the 911 call. Were any of those
5 transactions made by you?

6 A Absolutely not.

7 Q And how much money is taken from your account at that
8 transaction, Ms. D.K., at 6:28 am?

9 A At 6:28, \$201.00.

10 Q And what is the next transaction that you see after that?

11 A The next one is at 6:30 and it's \$501.00.

12 Q And what is the next transaction that you see after that?

13 A The next one is at 6:32 for another \$501.00.

14 Q And those are all withdrawals from your account?

15 A Yes, ma'am.

16 Q So altogether, 1200, a little over \$1,200.00?

17 A Yes.

18 Q And does it show the address, are you able to determine
19 the address in which those transactions occurred?

20 A They're all the same address and it's 3102 half Broad
21 River Road.

22 Q And again at 6:28 am, 6:30 am, and 6:32 am you are with
23 law enforcement at that time?

24 A Yes, I am.

25 Q And they are at your house pursuant to that 911 call?

1 A Yes.

2 Q I'm going to go back to that photograph that I showed you
3 a little while ago for ID only at this time.

4 A Okay.

5 Q But this is State's 47 for ID only where you indicated
6 that you had seen something plaid?

7 A Yes.

8 Q And again, for this particular photograph, do you
9 recognize the location in which this photograph is
10 taken?

11 A Yes.

12 Q And you recognize that location as what?

13 A My living room and this is my coffee table.

14 Q Okay. And ---

15 A And that's my driver's license.

16 Q Alright. And your driver's license, did it have, does it
17 have your date of birth on it?

18 A My year of birth, yes, well, it had my full date, yes, it
19 does.

20 Q And your year of birth again is what?

21 A 1946.

22 Q And that is significant because it had what connection to
23 your TD Bank records?

24 A It's my pin number or was my pin number.

25 Q Okay. That was kept there in that wallet?

1 A Yes.

2 Q Which would have been accessible to the intruder?

3 A Yes.

4 MS. MAYES: Beg the Court's indulgence.

5 THE COURT: Take your time.

6 Q And Ms. **D.K.**, when you woke up, your, in your bedroom
7 and you hear the voice speaking to you, was there anything at
8 all that you recognized about that voice or believed to be a
9 familiar person?

10 A No, I didn't recognize it being anybody familiar to me.

11 Q Qokay. And given that, who is the person who placed the
12 pillow, the first pillow over your face?

13 A He did.

14 Q And did the pillow remain there throughout the assault?

15 A Yes, it did.

16 MS. MAYES: Nothing further, Your Honor.

17 THE COURT: Thank you, Ms. Mayes.

18 THE COURT: Ms. Mauldin?

19 **CROSS EXAMINATION**

20 BY MS. MAULDIN:

21 Q Good afternoon, Ms. **D.K.**.

22 A Good afternoon.

23 Q Now, going back to June of 2021, you spent the evening and
24 the early morning of the 22nd and then the 23rd in your
25 apartment?

1 A Yes.

2 Q Okay. And on the 23rd, your neighbor is the one who
3 called 911?

4 A That's correct.

5 Q So while she was talking to them, you were there with her?

6 A When she was on the phone with them, no. I was in my
7 living room, and I believe she was speaking to them, but she
8 was coming down the stairs.

9 Q Okay. At some point though as the call progressed, you
10 were there for part of the call ---

11 A Yes.

12 Q --- is that right? So she was asking questions and kind
13 of relaying the questions to you and then you would kind of
14 respond back to her and she would relay it to the operator?

15 A Yes.

16 Q Alright. And during that time, she asked you if you had
17 any idea what the man was wearing, right?

18 A (Nonverbal response).

19 Q And you said no. And so then later the officers came into
20 your home and one of them was an Officer Gleaton, do you
21 remember him?

22 A I believe so.

23 Q Okay. And so you told him that you thought the person had
24 on jeans, is that right?

25 A Yes.

1 Q But you specifically said that you didn't know what kind
2 of top he had on, is that right?

3 A Yes, that's probably true, yes.

4 Q Okay. So this, the comment about plaid, that didn't come
5 up until the next day at the hospital?

6 A I believe so.

7 Q Or excuse me, did it come up at the hospital with
8 Detective Ortiz? Or did that come up the following day on the
9 24th when you wrote the statement?

10 A I, I don't remember, I don't recall.

11 Q Okay. You're not sure when plaid came up for the first
12 time?

13 A I, I don't remember if I mentioned anything at the
14 hospital or the next day.

15 Q Okay. And you didn't see this person's face at all?

16 A No, ma'am.

17 Q You weren't able to make any kind of identification?

18 A No.

19 Q The police didn't bring you down to the station and have
20 you look at a photo lineup of people?

21 A No, absolutely not.

22 Q Alright. So you talked about the person's voice, and you
23 said that he talked in a low voice that it was almost a
24 whisper?

25 A Yes.

1 Q And you said that it was an African American voice?

2 A That I believed it was, yes.

3 Q And what did you mean by that?

4 A I don't understand the question, to be honest with you.

5 Q What's makes an African American voice ---

6 A A certain dialect, a little difference in dialect,
7 different accent.

8 Q Had an accent?

9 A Well, everybody down here has an accent to me.

10 Q Okay.

11 A This is the South and I'm from, you know, New York.

12 Q You mentioned to the police that you'd been wearing a blue
13 shirt that night, is that right?

14 A It's a night, well, it was a nightshirt, nightgown,
15 nightshirt.

16 Q And then you ended up talking to a nurse at the hospital
17 and mentioned a robe, is that right?

18 A I have a blue robe, I don't, it wasn't on when I was
19 sleeping.

20 Q Okay. So he didn't pull up a robe?

21 A No, no. I most likely put it on after, I think.

22 Q But during the assault, nobody pulled a robe up?

23 A No, it was just a nightshirt, nightgown.

24 Q When you testified earlier, you said that you, you thought
25 of a knife, and you thought that he was going to stab you ---

1 A Yes.

2 Q --- is that right? Did he say anything about having a
3 knife?

4 A No, he did not.

5 Q And you didn't see any kind of knife?

6 A No, I did not.

7 Q You didn't see any kind of weapon at all during the course
8 of this?

9 A No, ma'am.

10 Q And this person didn't try and suffocate you with these
11 pillows?

12 A I can't say that because when the pillow was first put
13 over my face, I certainly felt like I was going to be
14 suffocated.

15 Q Were you short of breath ---

16 A Yes.

17 Q --- or did you pass out?

18 A I was short of breath, but I was also terrified, so maybe
19 they go together.

20 Q Okay. This person didn't hit you, didn't bite you,
21 scratch you, break your bones?

22 A No, he did not.

23 Q Okay. And he didn't do anything to restrain you in any
24 way?

25 A The whole act was restraining me.

1 Q He didn't tie you up or ---

2 A No, but he held me down ---

3 Q --- tie your hands together?

4 A --- and that's restraint to me.

5 Q Okay. And at one point, you told police that this person
6 had tried to turn you over on your stomach, is that right?

7 A Yes.

8 Q And you told him no, that you knew what he was going to
9 do?

10 A I, yes, I told him no.

11 Q And he stopped?

12 A Yes.

13 Q Can you recall from this picture what pillows ---

14 A Yes. It's ---

15 Q --- you had over your face?

16 A --- the two pillow at the top of the bed.

17 Q These two here?

18 A Yes.

19 Q Okay. And then this is your patio that you
20 indicated?

21 A That's correct.

22 Q Okay. You did not see a mask while this was going on?
23 You mentioned a mask, but you didn't see any mask or ---

24 A No, I didn't, no. I could not say definitively I saw a
25 mask, I just saw a very dark face. It could have been a mask,

1 it didn't have to be a mask. I didn't see that clearly enough,
2 no.

3 Q How did the idea of a mask come up?

4 A The fact that I couldn't see his face, I couldn't see any
5 features, and that's why I thought it might be. But again, I
6 don't know for sure.

7 Q At one point, you said that he brought you into the
8 bathroom. Did he turn on the light?

9 A I believe the light was on in the bathroom, I have a
10 tendency to leave the light on in the bathroom.

11 Q And this person was standing in front of you?

12 A In the doorway.

13 Q And as far as the sequence of events, you say that he
14 penetrated you first with his hand and then made you go to the
15 bathroom and urinate and use the wipe, right?

16 A No. The first time he penetrated me with his fingers and
17 hand and his penis, and then he stopped and asked me to empty
18 my bladder and led me to the bathroom.

19 Q Okay. So you go to the bathroom, and you use the
20 bathroom, and you use the wipe, and then he takes you back to
21 the bedroom ---

22 A Yes, ma'am.

23 Q --- and he penetrates you with his penis again?

24 A Yes.

25 Q Okay. Did he tell you to use a wipe again after that?

1 A No.

2 Q Did he tell you urinate again after that?

3 A No.

4 Q Okay. And then when the police arrived, you had smoked
5 some cigarettes?

6 A Oh, probably.

7 Q And you had an ashtray there in your apartment that you
8 ended up moving to another, to the kitchen or something?

9 A I had an ashtray I think on the coffee table.

10 Q Okay. And when the police got there, you were able to get
11 up and walk around from one part of the apartment to another,
12 right?

13 A Yes.

14 Q So you went to the kitchen, you went to the bedroom?

15 A Yes.

16 Q And when this was all over with, you, you went to the
17 hospital but they didn't have to carry you out of your
18 apartment on a stretcher, a gurney or anything like that, did
19 they?

20 A No, no.

21 Q You were able to walk out on your own?

22 A Yes.

23 Q Okay. And so once this was all done, you, at 5:39, you
24 said, you didn't call the police right away, you called family?

25 A Yes.

1 Q And then it was Ms. Buckland who ended up calling the
2 police?

3 A Yes.

4 Q There was no damage to your home, was there?

5 A Other than probably the door being broken into, on the
6 lock of the door, no.

7 Q The lock was damaged?

8 A It seemed to me that it was, yes. Because I, it was hard
9 to lock, to relock it when I went to lock it afterward.

10 Q Okay. There were no broken windows or anything of that
11 nature were there?

12 A No.

13 Q And the glass door itself was not broke?

14 A No.

15 Q In fact, you told the police that your house looked the
16 way you left it?

17 A Pretty much, yeah.

18 Q Okay. Nothing stolen, other than the belongings on that
19 coffee table?

20 A Exactly.

21 MS. MAULDIN: Beg the Court's indulgence, Your Honor.

22 THE COURT: Take your time.

23 MS. MAULDIN: Nothing further, Your Honor.

24 THE COURT: Any redirect, Ms. Mayes?

25 Ms. MAYES: Just briefly, Your Honor.

REDIRECT EXAMINATION

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BY MS. MAYES:

Q Regarding Ms. Mauldin's questions to you about looking at the intruder. Were you trying to look at him?

A No, I wasn't trying to look at him, but if you know the term, rubbernecking, it's very difficult if you have a chance to see somebody or see something, not to take a peek. It's just I think human nature. So there was a time when the pillows were a little bit opened up, and yes, I tried to take a glimpse.

Q That's when you saw what part of him?

A Well, I saw, I saw, to begin with, I saw the jeans, in the beginning. As I say, I saw his face and his silhouette, but it was very dark, and that's why I said I don't know whether he had a mask or not because I couldn't really see any facial features.

Q Alright. And then when he took you to the bathroom, at that point, what, at that point, what are you focused on?

A Basically, just not, just doing exactly what I was supposed to be doing, just holding onto those pillows and doing what I had to do.

Q And when you say doing what you were supposed to be doing, what specifically had he told you you were supposed to be doing when it came to looking?

A To go to empty my bladder, to urinate and

1 clean myself afterward and that was it.

2 Q And what had he said about looking at him?

3 A Oh, he told me not to, definitely not to look and not to
4 talk.

5 Q And did you comply with that?

6 A Yes, I did.

7 Q Thank you.

8 THE COURT: Ms. Mauldin?

9 MS. MAULDIN: Just briefly.

10 RECROSS EXAMINATION

11 BY MS. MAULDIN:

12 Q On the 911 tape, your neighbor asked you if you knew what
13 he was wearing and you said no, right?

14 A (Nonverbal response).

15 Q And then when the police were there, they asked the same
16 question and you said that he had on jeans, right?

17 A Right.

18 Q And you didn't know what color top?

19 A No, I didn't.

20 Q Okay.

21 MS. MAULDIN: Nothing further, Your Honor.

22 THE COURT: Alright. Ms. Mayes, may I excuse Ms.

23 D.K.?

24 MS. MAYES: Yes, Your Honor.

25 THE COURT: Okay. You're excused.

1 MS. D.K. : Thank you, Your Honor.

2 THE COURT: Alright. I think this might be a good
3 time for a lunch break. Alright. Mr. Foreman, ladies and
4 gentlemen of the jury, let me ask the lawyers, do y'all want to
5 come back at, let's say 1:30, quarter to 2?

6 MS. MAYES: Yes, Your Honor.

7 THE COURT: Mr. Foreman, I'm going to let y'all go to
8 lunch. I'm going to remind everyone, you are not to talk about
9 this case even when you go back to the jury room, you cannot
10 talk about this case amongst yourselves, much less with anybody
11 else. Feel free to use your cell phones at lunch, but not to
12 do any research, y'all are going to get tired of me saying
13 this, to do any research or look up anything or anybody
14 concerning this case whatsoever, okay? If y'all could be back
15 in the jury room, let's say, I'd like to really start back at a
16 quarter to 2, so maybe I can get you out of here, we're making
17 pretty good time, get you out of here a little bit early, maybe
18 you can miss the 5:00 traffic in Lexington. So let's be back
19 at, let's say 1:35 in the jury room so I can start on time,
20 okay? Thank you, I hope you enjoy lunch.

21 (Jury leaving Courtroom.)

22 THE COURT: Alright. Anything from the State?

23 MS. MAYES: Nothing from the State, Your Honor.

24 THE COURT: Defense?

25 MS. MAULDIN: No, Your Honor.

1 THE COURT: Let me ask you, how's the afternoon, how
2 do y'all have it planned in the afternoon?

3 MS. MAYES: We should have enough witnesses, Your
4 Honor, to at least take them to 4:45 or 5:00.

5 THE COURT: Okay.

6 MS. MAYES: We can work later if you need to.

7 THE COURT: Okay. And are we on track to finish this
8 by the end of the week?

9 MS. MAYES: Yes, Your Honor, absolutely.

10 THE COURT: Okay. You feel the same, Ms. Mauldin?

11 MS. MAULDIN: Yes, Your Honor.

12 THE COURT: Okay. Good. Alright. Y'all have a good
13 lunch, I'll see you at a quarter to 2.

14 (Off the record.)

15 THE COURT: Are y'all ready?

16 MS. MAYES: We are, Your Honor.

17 THE COURT: Can I bring in the jury?

18 MS. MAYES: Yes, Your Honor.

19 THE COURT: Okay with you, Ms. Mauldin?

20 MS. MAULDIN: Yes, ma'am.

21 THE COURT: Alright. Let's bring them in.

22 (Jury entering Courtroom.)

23 THE COURT: Alright. Mr. Foreman, is the jury ready?

24 MR. FOREMAN: Yes, Your Honor.

25 THE COURT: Okay. Be seated.

1 MS. TAYLOR: The State calls Benjamin
2 Arrowood.

3 CLERK: Would you please raise your right hand and
4 place your left on the Bible. Do you swear or affirm any
5 testimony you give the Court is the truth, the whole truth, and
6 nothing but the truth so help you God?

7 MR. ARROWOOD: I do.

8 CLERK: Thank you. Would you please have a seat in
9 the jury box. State your full name and spell your last for the
10 record.

11 MR. ARROWOOD: It's Benjamin Arrowood, A-r-r-o-w-o-o-
12 d.

13 DIRECT EXAMINATION

14 BY MS. TAYLOR:

15 Q Good afternoon, Mr. Arrowood. Where are you currently
16 employed?

17 A I'm transitioning from State Transport Police back over to
18 the City of Columbia.

19 Q Okay. So in June of 2021, where were you
20 employed?

21 A With the Columbia Police Department.

22 Q What was your rank at that time?

23 A I was a patrol Sargent.

24 Q Okay. And what were your duties and
25 responsibilities as patrol Sargent?

1 A Supervision of daily patrol activities, responding to
2 calls for service. Managing incidents that occur while we're
3 on duty.

4 Q And on June 23rd of 2021, do you remember responding in
5 the early morning hours to [REDACTED]?

6 A I do.

7 Q And where is [REDACTED] located, what area?

8 A It's located over in the Harbison area in the County of
9 Lexington, in the City of Columbia.

10 Q And what was the nature of that call?

11 A We got the call for a home invasion that had resulted in a
12 sexual assault that had occurred.

13 Q Were you first on scene?

14 A Yes.

15 Q Now, I'm showing you what's already in evidence as State
16 Exhibit 64. And I think there's a laser up there if you want
17 to point out for the jury. If you can make that out where [REDACTED]
18 [REDACTED] is that you responded to?

19 A So that's the complex right there.

20 Q And can you kind of describe that area that that complex
21 is located at?

22 A So the complex itself, it's adjacent to a lake with some
23 paths around it and then there's other complexes, two more that
24 you can see on the map right next to it and an elementary
25 school.

1 And you said this was in the Harbison area?

2 A Yes.

3 Q Okay. I'm also showing you what's already in evidence as
4 State's 121. Do you recognize that?

5 A Yes. That would be one of the apartment buildings at the
6 location.

7 Q Can you point out which apartment building you responded
8 to?

9 A It would be the one we're facing right around through
10 there.

11 Q Is that the ■ building?

12 A Yes.

13 Q Alright. And which apartment did you respond to?

14 A ■.

15 Q Okay. And that's at a ground floor apartment?

16 A Ground floor apartment.

17 Q Okay. Now, one more just to clarify. Do you recognize
18 this, this diagram of the ■ Apartment Complex?

19 A I do.

20 Q Okay. Can you point out on this diagram which building
21 you responded to on that morning?

22 A It should be the echo building right
23 there.

24 Q Okay. Is that the one closest to that pond or lake or
25 whatever you want to call it?

1 A It is, it is pretty close, there's two others that are a
2 little bit closer to it, but it is pretty close.

3 Q Okay. Now, when you arrived on scene, what if anything
4 did you notice before you went into the apartment?

5 A So especially on any type of burglary scene or anything
6 like that, as we're approaching it, through just training and
7 experience of doing it as long as I have, take into account of
8 the exterior of the building as you're walking up looking for
9 possible methods of entry and any type of potential evidence
10 that you could see as you're coming up on it. One thing that
11 ended up catching my attention was the ground, with it being
12 earlier in the morning with the dew setting in, looking down
13 next to where it leads up to the sliding glass door, there was
14 what appeared to me to be fresh footprints at the location.

15 Q Okay. And where were those, where did you say that those
16 footprints were located?

17 A They were located on the front side of the building where
18 the sliding glass entry door would have been for the apartment.
19 Just in the dirt in between the sidewalk and the natural front
20 porch of that location.

21 Q Okay. And you would recognize a photo of this of your
22 body camera if I showed it to you?

23 A Yes.

24 Q Okay. I'm showing you what's been previously marked for
25 identification is State's 53. Do you recognize that?

1 A I do.

2 Q And what is that in general terms?

3 A It's a photo of the front porch area as, when we made the
4 approach and then the dirt that's in between the sidewalk and
5 the front porch there.

6 Q Is this from your body worn camera footage?

7 A It is.

8 Q Okay. And have any alterations been made to this?

9 A No.

10 Q Okay.

11 MS. TAYLOR: At this time, Your Honor, State moves
12 to admit State's 53.

13 MR. STORY: Without objection.

14 MS. TAYLOR: Permission to ---

15 THE COURT: I already have it in.

16 MS. TAYLOR: Oh.

17 THE COURT: You can publish it.

18 MS. TAYLOR: Publish it, okay. I apologize.

19 THE COURT: That's okay.

20 Q Okay. Showing you State's 53. Can you point out where
21 you observed those fresh footprints?

22 A It would be that dirt area right through there, it's a
23 little hard to see on that overhead.

24 Q And you mentioned that there was dew on the ground, so had
25 there been rain or anything of that nature?

1 A Just of how the weather would kind of set into it, so
2 every morning, the ground, especially that time of year, it
3 makes the ground a little bit softer where the dew kind of sets
4 in.

5 Q So were these footprints obvious to you when you
6 approached?

7 A Yes.

8 Q After you observed the footprints, what did you
9 do?

10 A I went to go make contact with the victim that was inside
11 the residence.

12 Q Now, at this point, when you observed this patio, what if
13 anything did you notice about that door or that possible point
14 of entry that you mentioned with your experience and
15 investigating burglaries?

16 A I observed the door, looking at where the blinds were with
17 it and that the screen door was not closed over where you would
18 make entry through the sliding glass door. So that to me
19 struck me as kind of odd because typically people will end up
20 closing up both of them or if they do open one, they'll do it
21 entirely and not just leave it ajar.

22 Q And do you remember approximately what time you arrived on
23 scene?

24 A It was earlier in the morning, it's around, it's almost
25 close to 7, but it was right at, at 6:41 am.

1 Q I'm so sorry, would you repeat that?

2 A Around 6:41 am.

3 Q I just wanted to clarify one more point or angle as, when
4 you approached that apartment building. I'm showing you what's
5 been marked for identification as State's Exhibit 118. Do you
6 recognize that?

7 A I do.

8 Q And what is that?

9 A That's a picture of the ■ building on the front side of
10 it.

11 Q Okay. And is this how you viewed it when you approached
12 that day ---

13 A Correct.

14 Q --- on June 23rd?

15 A Correct.

16 MS. TAYLOR: Your Honor, at this time State moves to
17 admit State's 118.

18 THE COURT: Any objection?

19 MR. STORY: No objection.

20 THE COURT: It's admitted.

21 (Whereupon a photo was submitted as State's Exhibit 118
22 for identification and entered into evidence.)

23 MS. TAYLOR: Permission to publish?

24 THE COURT: Yes, ma'am.

25 Q Sargent Arrowood, first will you note for the

1 jury the date and the time at the bottom?

2 A The date would be June 23rd of 2021, and the time would be
3 06:19.

4 Q So 6:19 would be the approximate time you ---

5 A Approximate.

6 Q --- arrived? Okay. Now, after you observed these
7 footprints as you were approaching the apartment, at that point
8 did you begin to try to make contact with the victim?

9 A Correct.

10 Q Okay. And what, after you entered her apartment what if
11 anything did you notice about her demeanor?

12 A While making contact with her, she seemed like she was
13 pretty confused about the situation, scared. That is a pretty
14 typical response that we get from people who've been through
15 traumatic incidents like that.

16 Q And even though she was shaken up and upset, was she able
17 to communicate with you?

18 A Yeah, she actually did a really good job relaying
19 information to us.

20 Q Okay.

21 MS. TAYLOR: Beg the Court's indulgence.

22 THE COURT: Take your time.

23 Q Now, I'm showing you what's been marked as State's 1, 2,
24 and 3. Can you identify those? Well, do you recognize those?

25 A I do. Those are discs containing my body cam footage.

1 Q And you reviewed these discs prior to today?

2 A I did.

3 Q And were there any material alterations or anything that
4 stood out to you as you reviewed these?

5 A No.

6 Q Okay. And this is how you viewed the incident scene as
7 you arrived at the victim's apartment that morning?

8 A That's correct.

9 Q Okay.

10 MS. TAYLOR: At this point, Your Honor, the State
11 moves to offer 1, 2, and 3 into evidence.

12 THE COURT: Okay. Any objection?

13 MR. STORY: Your Honor, we renew our previous
14 objection as to hearsay, the violation of compensation under
15 the 6th Amendment of the Unites States Constitution and Article
16 1 Section 14 in the South Carolina Constitution.

17 THE COURT: Is that what we took up in pretrial?

18 MS. MAYES: It is, Your Honor.

19 THE COURT: Okay. Then so noted for the
20 record.

21 (Whereupon CDs were submitted as State Exhibits 1, 2, and
22 3 for identification and entered into evidence.)

23 MS. TAYLOR: Permission to publish, Your Honor.

24 THE COURT: Yes, ma'am. When you publish them,
25 will you tell me what they are just for my list.

1 MS. TAYLOR: Alright. Starting with State's Exhibit

2 1.

3 (Video from CD being played.)

4 Q And Sargent Arrowood, who was that sitting on the couch
5 when you entered?

6 A That was the victim.

7 Q Okay. So that was her demeanor right when you walked in,
8 is that correct?

9 A Yes, ma'am.

10 Q I'm showing you now State's Exhibit 2.

11 (Video from CD being played.)

12 Q I'm showing you State's Exhibit 3.

13 (Video from CD being played.)

14 Q Sargent Arrowood, other than the victim, who was the other
15 individual on that couch?

16 A That was a neighbor of hers, a friend.

17 Q And when you said that you would check to see if anyone
18 else was in there, is that a protective sweep?

19 A Yes. We were doing it especially with her being unsure of
20 whether or not how the person left or got in or anything at
21 that moment to make sure he wasn't still inside the
22 residence.

23 Q Now, when you did the protective sweeps to make
24 sure that the intruder was no longer in the residence, what if
25 anything did you notice about the living room?

1 A That it appeared that there was a purse that was out in
2 the middle of the table there, it was open and that as we were
3 going through to look through the rest of the house, once we
4 got to the bedroom, the blinds into the bedroom where the
5 window was, they didn't appear to have any disturbance at all.
6 So we kept getting drawn back to the original sliding door as
7 being a point of entry off of that.

8 Q I'm showing you what's already into evidence as State's --

9 MS. TAYLOR: Beg the Court's indulgence.

10 Q Okay. Sorry. Showing you what's already in as State's
11 48, can you go through that one more time with what you noticed
12 about the living room and that coffee table?

13 A Yes. So you have the purse that's up there in that top
14 right corner, the table there, it was open, all that's down in
15 the bottom, right hand corner closest to where we're at. And
16 then up where the vertical blinds are at, that would be the
17 sliding glass door that we had observed from the outside, that
18 would be the front porch area.

19 Q Okay. And more specifically about that sliding glass
20 door, what if anything did you notice about the blinds?

21 A They appeared to have been disturbed. So some of them
22 were not facing the right direction. You can kind of look over
23 at that left hand side and see that there's a gap. They're not
24 uniform as they would normally be when somebody would close
25 them up.

1 Q Would that be also consistent with someone going in and
2 out of that door?

3 A Correct.

4 Q Alright. In general regarding sliding glass doors such as
5 the one in the victim's apartment, can those be easily
6 manipulated?

7 A Yes. Unfortunately, that's a pretty common point of entry
8 through apartment complexes and even if we've had to try to
9 make emergency access in order to minimize damage to apartment
10 complexes, we'll typically try to go through those doors and
11 that doesn't take very much force to open them, even if they're
12 locked.

13 Q Alright. I'm showing you what's already in evidence as
14 State's 52. Just to get a little perspective, did you check
15 each and every one of these rooms as part of your protective
16 sweep?

17 A We did.

18 Q Now, when you got into the bedroom area of that apartment,
19 was there a window in there?

20 A There was.

21 Q Okay. What if anything did you notice about the window in
22 that bedroom?

23 A It looked as normal as what something would, where the
24 window would be in the bedroom. It didn't look like the blinds
25 had been disturbed as if somebody had came in, dust that would

1 be on the window sill still looked like it was intact, it
2 didn't look like anybody had touched it. And when we go back
3 to the front as we were coming into the actual location, you
4 could see from the outside and that screen is fully intact,
5 doesn't appear to be bent or moved or anything like that. And
6 to access it from the outside, you'd have to inflict some type
7 of damage to it.

8 Q Okay. So going back real quick to the sliding glass door,
9 when you approached the apartment from the, when you first got
10 on scene, this is how you observed it all when you approached?

11 A Correct.

12 Q Okay. And when you were inside you were able to get a
13 better look at how those blinds were disturbed?

14 A Yes.

15 Q Okay. Now, going back to the bedroom you were just
16 describing. Is that the window right here?

17 A That is.

18 Q And how do you know that, how were you able to rule that
19 out as a possible point of entry?

20 A Typically upon when somebody would go through a
21 window, especially with those type of blinds, the mini
22 blinds, they would be moved either up, down, you'd
23 typically see where they'd been pulled apart, I
24 guess, for a lack of better terms, and they would have been
25 bent.

1 Q Okay. And through your protective sweep, were
2 you able to locate anybody in that apartment that
3 morning?

4 A No.

5 Q So just to clarify, in your experience as a patrol
6 officer, is it common for you to respond to any reports of a
7 burglary where suspect enters through a sliding glass door such
8 as the one the victim has?

9 A Yes. It's a very common occurrence.

10 Q Okay.

11 MS. TAYLOR: Beg the Court's indulgence.

12 THE COURT: Take your time.

13 Q Now, while you were present in the apartment with the
14 victim, were you aware that she put the bar, she or someone
15 else, such as the neighbor, put the bar down and locked the
16 door while you were there ---

17 A Yes.

18 Q --- or before you got there?

19 A So right before we got there's when I gathered that was
20 done. As we were doing the sweep she had made mention that she
21 had re-barred the actual sliding glass door when we looked over
22 at the sliding glass door.

23 Q Okay.

24 MS. TAYLOR: No further questions.

25 THE COURT: Ms. Mauldin? Mr. Story?

1 MR. STORY: Thank you, Your Honor. May it please the
2 Court?

3 THE COURT: Yes, sir.

4 CROSS EXAMINATION

5 BY MR. STORY:

6 Q Good afternoon, Sargent Arrowood.

7 A Good afternoon.

8 Q So you testified that one unusual thing you noticed was
9 that the screen door was pulled back, right?

10 A Correct.

11 Q And so you say usually when people shut their door, they
12 close the screen door behind them or first?

13 A Correct. Either that or it's all the way open, it's
14 normally not ajar.

15 Q And it was, and I'm going to show you again if I can find
16 it. What's been marked as State's 54. You noticed that this
17 door, I won't say it was all the way closed, but it was sort of
18 on the side to our right for the most part?

19 A Correct.

20 Q And not closed to the left?

21 A Correct.

22 Q And so you said that that's unusual because usually people
23 will close both?

24 A Correct.

25 Q But it wouldn't be unusual if someone went in and

1 out of that door every day, right ---

2 A Just as a ---

3 Q --- or multiple times a day?

4 A --- normal person going in and out of their house?

5 Q Yes.

6 A I mean, that would seem normal.

7 Q So for example, if someone went out and had coffee there
8 every single morning, they don't always close the screen,
9 right?

10 A No. Normally, though, if they were to go out it and they
11 were to open it, they'd open it all the way. It's just, it's
12 uncommon to see it just ajar.

13 Q What, well, when you say ajar, you mean not closed all the
14 way?

15 A Not closed, not open, just partially.

16 Q This took place during the summer, right?

17 A June.

18 Q Would you describe the weather as mild that day?

19 A That morning wasn't bad.

20 Q Not too hot yet, right?

21 A No. Not yet.

22 Q So someone, anyway, what I'm saying is if someone goes out
23 on the porch every morning to enjoy the weather, they may not
24 close the screen all the way, right?

25 A It's a possibility, it's not common.

1 Q And also, one thing you'll notice is that the blinds are
2 closed, right?

3 A Yes.

4 Q And you noticed that some of the blinds were disturbed,
5 correct?

6 A Correct.

7 Q But again, if someone went in and out every day, those
8 blinds tend to get disturbed if they're open once or multiple
9 times a day, right?

10 A And again, just under, you know, normalcy, typically
11 people open their blinds up and they would go through. They
12 just, they wouldn't be facing different directions, just
13 normally.

14 Q Well, and you're familiar with these kind of blinds,
15 right?

16 A I am.

17 Q I mean, you're familiar if you open them up at least twice
18 a day they can start getting disturbed?

19 A Like I said, you just normally stuff is typically in a
20 more uniform pattern of how things are, under normal
21 circumstances.

22 Q Alright. I'll move on. So you described you went and did
23 a protective sweep of each right, right?

24 A Correct.

25 Q And you made sure there was nothing else unusual

1 in each room?

2 A Correct. No people.

3 Q No people? You also looked for any sort of recording
4 devices, right?

5 A Correct.

6 Q Any sort of security camera or anything like that?

7 A Correct.

8 Q And you, you were at, well, you testified that you noticed
9 the footprints outside the patio, correct?

10 A Correct.

11 Q And you were also in the parking lot, right?

12 A Correct.

13 Q And you were outside the scene for quite some time,
14 weren't you? Do you recall that?

15 A Not, it depends on what quite some time would be to you,
16 but initially no, I did have to go back out there in order to
17 make contact with my supervisors to let them know what was
18 going on.

19 Q And during that time, were you looking around at
20 neighboring apartments?

21 A Yes.

22 Q And you were looking around the parking lot?

23 A Just to see if we could find any other recording
24 devices.

25 Q And that was going to be my question. You didn't

1 find any other security devices, correct?

2 A No.

3 MR. STORY: Brief indulgence.

4 THE COURT: Take your time.

5 MR. STORY: That's all the questions I have. Thank
6 you.

7 THE COURT: Any redirect?

8 MS. TAYLOR: Briefly, Your Honor.

9 **REDIRECT EXAMINATION**

10 BY MS. TAYLOR:

11 Q Sargent Arrowood, you said it was 6:19 in the morning when
12 you responded?

13 A Yes.

14 Q Okay. In your experience as a patrol officer, would it be
15 normal for blinds to be disturbed so early in the morning?

16 A Again, like I said, not normally. That's, even if
17 somebody were to go in and out of their apartment, they're
18 normally either opening those blinds up or they're in a uniform
19 shape, they're normally not look like a disturbance had gone
20 on.

21 Q And you said that there was a few minutes spent outside
22 the apartment where you went in. You said you were looking for
23 recording devices?

24 A Just any type of things that would be of evidentiary
25 value that would help us with our investigation.

1 Q And so that is protocol when responding to certain calls
2 such as burglary calls?

3 A Yes.

4 Q Showing you what's been marked as State's 109 and 110. Do
5 you recognize these? These photos?

6 A I do.

7 Q And what are those?

8 A They're both closer up photos of the front porch area and
9 the dirt that's adjacent to the front porch area between the
10 front porch and the sidewalk.

11 Q Okay.

12 MS. TAYLOR: At this time, Your Honor, State moves to
13 admit 109 and 110.

14 THE COURT: Any objection?

15 MR. STORY: No objection, Your Honor.

16 THE COURT: They're admitted.

17 (Whereupon photos were submitted as State Exhibits 109 and
18 110 as identification and entered into evidence.)

19 MS. TAYLOR: Permission to publish?

20 THE COURT: Yes, ma'am.

21 Q Looking at State's 109, you said this was a closer up
22 photo of ---

23 A Yes.

24 Q --- when you ---

25 A It is.

1 Q And so would this be part of the process that you
2 mentioned that you take when responding to such calls, such as
3 the burglary?

4 A Correct. Just looking as far as what could be seen from
5 that location then as I got closer, that's when I observed the
6 footprints, and I ended up getting a closer look at them.

7 Q Would this especially be when there are reports that the
8 intruder may or may not still be on scene?

9 A Yes.

10 Q Okay. And looking at State's Exhibit 110. Can you
11 describe that one for me?

12 A It's a little bit further to the right than the last photo
13 that was just put up. But again, that shows the front porch,
14 the sliding glass door, the bush that was just to the right of
15 that first photo.

16 Q And on cross, you elaborated more on your protective sweep
17 inside the apartment?

18 A Yes.

19 Q And which included the bedroom?

20 A Every room and anywhere a, you know, a person could hide
21 at.

22 Q Okay. I'm showing you what's been marked for
23 identification as State's 111 and 112. Do you recognize
24 these?

25 A I do. Those are the inside view of the bedroom.

1 Q Okay. And is that a fair and accurate depiction of the
2 body cam and what you observed in that apartment that
3 morning?

4 A It is.

5 MS. TAYLOR: The State moves to admit 111 and
6 112.

7 THE COURT: Any objection?

8 MR. STORY: No objection.

9 (Whereupon photos were submitted as State Exhibits 111 and
10 112 were submitted for identification and entered into
11 evidence.)

12 MS. TAYLOR: Permission to publish?

13 THE COURT: Yes, ma'am.

14 Q I'm just going through these individually, Sargent
15 Arrowood. What do you see in that photo, in State's 111?

16 A This is inside of the bedroom facing towards that exterior
17 front window. You can see some stuff that's obviously piled up
18 on that bed, but you can also see the blinds of that window and
19 how everything looks in order, it looks normal, the blinds
20 aren't damaged or anything of that nature.

21 Q And that is as opposed to what you observed at the sliding
22 glass door and those blinds, correct?

23 A Correct.

24 Q And lastly, State's 112. What is going on in this still
25 shot of your body cam footage?

1 A That's initially going into the room, that's another
2 officer that's in the front of me. But that would, again, be
3 the bedroom area, the bed there being off to the left.

4 Q And would this be a part of the protective sweep as you
5 described?

6 A Yes.

7 Q And what is the time at the bottom of this still shot?

8 A 6:23.

9 Q So would the protective sweep normally be one of the first
10 things that you do when you arrive on scene?

11 A Yes. Especially once, when we made contact and she wasn't
12 sure how he left or how he left, that makes it even more
13 pertinent to check.

14 MS. TAYLOR: Beg the Court's indulgence.

15 THE COURT: Take your time.

16 MS. TAYLOR: No further questions.

17 THE COURT: Thank you. Mr. Story?

18 MR. STORY: No, no questions, thank you.

19 THE COURT: Alright. May I excuse this officer?

20 MS. MAYES: Yes, Your Honor. We ask that he be
21 excused and return to duty.

22 THE COURT: Okay.

23 OFFICER ARROWOOD: Thank you, Your Honor.

24 THE COURT: Thank you, Sargent Arrowood, you're
25 excused.

1 MS. MAYES: The State calls Investigator Lance
2 Crocker.

3 CLERK: Would you please raise your right hand and
4 place your left on the Bible. Do you swear or affirm the
5 testimony you give this Court is the truth, the whole truth,
6 and nothing but the truth so help you God?

7 INVESTIGATOR CROCKER: Yes, ma'am.

8 CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last for
10 the record.

11 INVESTIGATOR CROCKER: Lance William Crocker, C-r-o-
12 c-k-e-r.

13 **DIRECT EXAMINATION**

14 BY MS. MAYES:

15 Q Good afternoon. Can you tell us a little bit about
16 yourself? Where are you employed?

17 A Columbia Police Department.

18 Q Alright. And what type of work do you do with the
19 Columbia Police Department?

20 A I'm with the crime scene unit.

21 Q Alright. And when you tell us you're with the crime scene
22 unit, tell us what is meant by the term, CSI?

23 A Crime Scene Investigator.

24 Q Okay. Is that the type of work that you do?

25 A Yes, ma'am.

1 Q How long have you been with the Columbia Police Department
2 CSI team?

3 A About two years.

4 Q Alright. And what type of specific training do you have
5 that led you to become a CSI officer?

6 A I got a degree in crime scene investigations prior to
7 coming to the unit and I did ride alongs with the unit for at
8 least a year prior to joining.

9 Q And what other type of work have you done with the City of
10 Columbia Police Department prior to joining the CSI team?

11 A I was a part of the community response team before that.

12 Q Okay. So I want to ask you in general when you arrive at
13 scenes such as this, how much information do you have, or have
14 you ascertained prior to your arrival at the scene?

15 A I was given a little bit of information when I first
16 clocked in that morning. And then I, the little bit that I was
17 given from patrol as soon as I got on the scene.

18 Q Alright. So we're looking at State's 112, which is body
19 cam footage. We also have body cam footage that is depicted in
20 State's 109, State's 118, and State's 110. We see the time on
21 that being 6:20 am at the bottom, and I believe this one is
22 6:19 at the bottom. So we have initial patrol officers at
23 6:19. Where, what time did you arrive in relation to
24 6:19 am?

25 A I arrived at 7:03.

1 Q Alright. Now, can you tell us whether or not a scene is
2 maintained or kept secure prior to your arrival?

3 A By patrol units on scene.

4 Q And how do they go about doing that, securing a scene?

5 A Usual to have ones at the front door, back, the different
6 entrances depending on the scene.

7 Q Okay. Can you tell us, Investigator Crocker, were there
8 officers there maintaining the scene upon your arrival?

9 A Yes, ma'am.

10 Q And did it appear to have been properly maintained in
11 terms of the integrity of that crime scene?

12 A Yes, ma'am.

13 Q What is your first action upon arrival?

14 A When I first, upon first arrival, I'll talk to any units
15 that are on scene to see what I need to bring inside to start
16 doing my processing.

17 Q Alright. We're looking at body cam, overhead State's 118
18 from Patrol Officer Arrowood. Can you tell us whether or not
19 Officer Arrowood was part of the patrol team that briefed you
20 upon your arrival?

21 A Yes, ma'am.

22 Q And can you tell us whether or not you were made aware of
23 anything on the exterior of that apartment?

24 A Yes, ma'am. I was advised of a footwear impression on the
25 ground outside the apartment.

1 Q Alright. And again, we're looking at body cam footage,
2 but I'm going to ask you if you can use that laser pointer
3 there and show us exactly what you observed if anything?

4 A There was several footprints on the ground, right around
5 this location behind the bushes. I took several photos of the
6 footwear impressions I did see, the one I was able to take the
7 most pictures of was of the one that had the most impression on
8 the ground, somewhere about in this location right there.

9 Q I'm going to show you some photographs and ask you whether
10 or not you recognize them. This is going to be State's 103,
11 114, 115, 116, 117, and 119. If you could review those.

12 A Okay.

13 Q Can you tell us, Investigator, whether or not those
14 photographs are consistent with your observations within this
15 area of the exterior patio?

16 A Yes, ma'am.

17 Q And were these photographs taken by you?

18 A Yes, ma'am.

19 Q Are they a fair and accurate presentation of the scene as
20 you found it that morning?

21 A Yes, ma'am.

22 MS. MAYES: Your Honor, this would be State's 114,
23 115, 116, 117, and 119, 103 for evidence.

24 THE COURT: Any objection?

25 MS. MAULDIN: No, Your Honor.

1 THE COURT: Okay. They're admitted.

2 (Whereupon photos were submitted as State Exhibits 103,
3 114, 115, 116, 117, and 119 for identification and entered into
4 evidence.)

5 Q Now, when we talk about preserving the integrity of the
6 scene, I want to ask you, looking again at the photograph
7 that's on the overhead, State's 118, as you're photographing
8 and preserving evidence, how do you ensure that no one else is
9 accessing that area to leave additional prints, for example?

10 A While I'm working in that area, the patrol units will be
11 identified to make sure no one's interfering with that scene
12 while I'm taking photographs, as well as there was additional
13 CSI on scene to watch my back while I was taking photographs.

14 Q And again, you were initially advised that there were
15 footprints in the area by whom?

16 A I believe it was Sargent Arrowood.

17 Q The initial responding officers?

18 A Yes, ma'am.

19 Q And looking at these photos and of course you can, you can
20 refer back to your notes at any point if you need to. Can you
21 tell us whether you were able to visualize what appeared to be
22 footwear?

23 A Yes, ma'am.

24 Q What was the condition of the ground as you recall it in
25 the early morning hours of June 23rd?

1 A The ground was very moist.

2 Q The first photograph that we're going to look at is
3 State's 117. And could you, using that pointer, tell us what
4 we're looking at in this photograph?

5 A Along the line up in here is where I took several
6 photographs of footwear impressions in the ground.

7 Q Okay. And just outside the cement area of the
8 patio?

9 A Yes, ma'am.

10 Q And now 119, and if you need to look at this actually with
11 your eye, you can do that as well. To make sure that you're
12 able to discern that from the overhead.

13 A This is just one of the photographs that I took of the
14 footwear impression in the ground. It wasn't very visual in
15 that picture.

16 Q Alright. State's 114?

17 A Additional photographs I took of footwear impressions
18 found in the ground; those were showing a little bit better.

19 Q Now, what if anything did you observe around the water
20 box?

21 A Those were additional footwear impressions that I was
22 advised of after being inside of the apartment, so I took those
23 afterwards. Those were the last photographs I took.

24 Q Now, take you back to 118 and ask you where the water box
25 would be in general within this area?

1 A It's right here. So I didn't, I didn't look in this
2 area at first, I was just advised of the footwear impressions
3 behind the bush, so that's where I only looked at first.
4 But after processing inside the apartment, I was advised
5 of additional footwear impressions near the box right
6 here.

7 Q Alright. And if you could, again, looking at this same
8 photograph, you made a reference to behind the bush. What do
9 you mean by that?

10 A Nearest the cement walkway ---

11 Q Between the ---

12 A --- between the bush and the cement of the apartment
13 itself.

14 Q Okay. The patio?

15 A The patio, yes, ma'am.

16 Q Okay. Between the bush and the patio is where you
17 observed the footprints?

18 A Yes, ma'am.

19 Q Alright. And now looking at the water box area, this is
20 going to be State's 115 and State's 116. What if anything did
21 you note in that regard?

22 A Just these additional footwear impressions that were in
23 there, they're just several in there that I took the best
24 pictures I could of those as well.

25 Q Alright. Now, I'm going to show you what is

1 State's 103 but first I want you to look at these yourself.

2 Are you able looking at 103 to visualize a footprint?

3 A Yes, ma'am.

4 Q And also, do you recall where that was in relation to 117
5 and the patio?

6 A Yes, ma'am.

7 Q Okay. Was there one photograph that you were able to
8 take, Investigator Crocker, that was better than the others?

9 A Yes, ma'am.

10 Q In terms of the quality of the print?

11 A Yes, ma'am.

12 Q We're going to look at 103, can you elaborate further?

13 A This one had the most impression in the ground with the
14 most details in the footwear, so I, I tried to heavily focus on
15 this one just, since it had the best detail out of all the foot
16 impressions I saw.

17 Q And now, looking at 117. Where was that footprint, the
18 one that you were looking at here in 103 that you have
19 indicated is a better quality, where was that print in relation
20 to the patio of D.K.?

21 A It was about right, right in here.

22 Q Now, are these photographs that you're taking preserved
23 for any reason?

24 A Yeah. As soon as I get back to my office they're uploaded
25 onto a disc drive or we store them in our folder, our file

1 cabinet that is also locked and secured as well as we got the
2 photos on a data locker.

3 Q Okay. So you have described the proximity of these prints
4 to the actual patio door. And now I want to ask you about any
5 other potential points of entry there around the residence of
6 D.K. . We're going to take a look at State's 53 in
7 evidence. And then also State's 111, this is from a body cam.
8 But you had an opportunity to enter that bedroom area yourself
9 as you were processing this scene?

10 A Yes, ma'am.

11 Q Upon doing so, did you see any evidence whatsoever looking
12 at that bedroom window, that the bedroom window had been
13 compromised in any way?

14 A No, ma'am. The blinds appeared undisturbed.

15 MS. MAYES: Beg the Court's indulgence.

16 THE COURT: Take your time.

17 Q Alright. Going back to this particular window. I'm going
18 to move over here. This window we're looking at from the
19 interior, you had a chance to enter that room and process it?

20 A Yes, ma'am.

21 Q And did you take photos along the way as you were doing
22 that?

23 A Yes, ma'am.

24 Q In fact, the photos that we've seen of the interior of Ms.
25 D.K. 's home, who actually took those photographs?

1 A I did.

2 Q Looking here at 57 in evidence. This photograph is one of
3 the ones you took in your collection?

4 A Yes, ma'am.

5 Q And along the windowsill, did you see any evidence of
6 disturbance there?

7 A No, ma'am.

8 Q What about in your examination of the blinds?

9 A They appeared intact.

10 Q Okay. Now we're going to look at a photograph in
11 evidence, this is State's 118 from the body cam footage already
12 in evidence. Upon your arrival, if the window screen had been
13 removed or apparently damaged, what action would you have
14 taken?

15 A I would have taken photographs.

16 Q So based upon all of your observations out there did the
17 exterior window screen appear to be intact?

18 A Yes, ma'am.

19 Q And can you tell us whether or not that's the same window
20 there in 118 that we're looking at here in the photograph of
21 Ms. D.K. s bedroom, 57?

22 A Yes, ma'am.

23 Q Based on that, do you believe that the window was the
24 point of entry?

25 A No, ma'am.

1 Q And this photo here of the exterior, who took that
2 photograph?

3 A I did.

4 Q And here we see that the, the bar is down. Again, had you
5 been made aware of anything prior to your arrival?

6 A I was just advised that the sliding glass door was the
7 possible entry point.

8 Q Okay. And what can you tell us if anything, we're going
9 to look at another photograph that is State's 48, also showing
10 that sliding glass door. What can you tell us about these
11 doors? If the bar is knocked down and the bar is not securely
12 in place, can you tell us whether or not that type of door can
13 be accessed?

14 A Yes, ma'am. Just from any apartment complex I ever lived
15 in, just because you lock the sliding glass door doesn't mean
16 it stays secure.

17 Q And if the lock is manipulated, does that necessary leave
18 obvious damage to the lock?

19 A No, ma'am.

20 Q And then in addition to your examination of the door, what
21 if anything did you observe along the coffee table in the
22 living room?

23 A Just noting the, if anything permanently sticks out,
24 it's, like, the detail of the rug and the coffee table
25 itself.

1 Q And the items that are out, was this how you found the
2 room as you came into actually photograph it?

3 A Yes, ma'am. I photographed the whole entire scene prior
4 to anything being moved.

5 Q Now, in addition to yourself, Investigator Crocker, who
6 else worked the scene?

7 A CSI Watson took over the scene.

8 Q Alright. And who is CSI Watson?

9 A Just another person in our crime scene unit.

10 Q Alright. What role did she play in taking over the scene
11 as you put it, after your arrival?

12 A I had to go to training, so she took over as primary once
13 I left the scene.

14 Q Okay. So she continued the work that you were doing?

15 A Yes, ma'am.

16 Q And did that include the processing of a location within
17 the bedroom?

18 A Yes.

19 Q Now, this door, can you tell us what action you took if
20 any to actually process the door?

21 A On the outside the entry of the sliding glass door I
22 swabbed it, swabbed the door handle.

23 Q Okay. That would be the exterior area?

24 A Yeah. This door handle right here.

25 Q Okay. This door handle shown in State's 54?

1 A (Nonverbal response).

2 Q I want to go back to the bedroom. Looking here at 57, how
3 did you go about collecting evidence in this room?

4 A I started with the towel that was on the ground beside the
5 door. That was placed in an evidence bag then both of the blue
6 shirts were collected. I then took all of the bedding and that
7 was all bagged as well.

8 Q Okay. And your understanding, again, just, just for
9 purposes of your processing the scene, can you tell us whether
10 or not you had an understanding of whether or not the bed had
11 been a location where the intruder had been located?

12 A Yes, ma'am.

13 Q And what is the normal process or procedure in that
14 regard?

15 A Anytime an incident like that occurs in the bed, we
16 collect all bedding.

17 Q Okay. So all the items that you just mentioned that, that
18 were collected here along the bed, including parts of the
19 bedding, that's normal protocol?

20 A Yes, ma'am.

21 Q When you know that the intruders had access to that area?

22 A Yes, ma'am.

23 Q Can you tell us whether or not any pillows were
24 collected?

25 A Not the pillows themselves, just the pillowcases.

1 Q Okay. I'm going to ask you to refer to your notes and
2 take your time. Now, referring to your notes, what is the
3 color of the pillowcase that was collected?

4 A I got one peach pillowcase, and two pink
5 pillowcases.

6 Q Alright. And can you tell us whether or not your
7 collection included the sheet?

8 A It did include a pink sheet, top pink sheet, and a pink
9 fitted sheet.

10 Q Alright. What if anything did you observe along this
11 frame of the headboard?

12 A It was noted to me that dust appeared disturbed on the
13 bedframe.

14 Q I'm going to show you what is State's 58 and 59, and ask
15 you if you recognize these?

16 A Yes, ma'am.

17 Q And are they a fair and accurate representation of the
18 scene as you found it on the morning of June 23rd?

19 A Yes, ma'am.

20 MS. MAYES: 58 and 59 for evidence.

21 THE COURT: Any objection?

22 MS. MAULDIN: No, Your Honor.

23 THE COURT: They're admitted.

24 (Whereupon photos were submitted as State Exhibits 58 and
25 59 for identification and entered into evidence.)

1 Q Now, the photos that we're about to take a look at, where
2 are they in relation to State's 57?

3 A The, on top of the, right at the top of the bedframe
4 railing.

5 Q We'll look first at 58 and why did that catch your eye if
6 at all as a CSI investigator?

7 A Just because all the dust that, all the dust that was on
8 top of the frame itself. And just these particular areas.

9 Q And did that appear to be recent or fresh?

10 A It did appear recent.

11 Q And now, 59?

12 A Yes, these also appeared fresh here just because all the
13 dust that was along the frame itself.

14 Q Okay. If someone has placed a hand there, what if
15 anything did you do to try and potentially recover a finger or
16 latent fingerprint?

17 A First I'd look at it under a light as we were, and I
18 didn't observe any kind of ridge detail on the frame.

19 Q Alright. What do you mean by that? If you could just
20 explain that more in layperson's terms. What are you looking
21 for? And what did you not see?

22 A Normally, if someone's not wearing gloves and they
23 touch like a piece of the frame, you'll see details
24 in the, in itself as details you would see on your
25 fingerprint.

1 Q So ordinarily, you would expect to see some type of detail
2 there?

3 A Yes, ma'am.

4 Q Did you see any evidence of a fingerprint or what you
5 called ridge detail at that location?

6 A No, ma'am.

7 Q And what if anything does that indicate to you?

8 A That the suspect was possibly wearing gloves.

9 Q And in addition to attempting to, with that said, were you
10 able to gather any type of latent print for later fingerprint
11 analysis?

12 A No, ma'am.

13 Q And with that said, what else did you do to potentially
14 try and collect evidence from that area?

15 A I swabbed it for potential DNA.

16 Q Looking here at the diagram that is in evidence, State's
17 52, what room is located directly off or directly next to the
18 bedroom?

19 A This is the bathroom.

20 Q And did you also photograph the bathroom?

21 A Yes, ma'am.

22 Q I'm going to show you what is State's 55, in
23 evidence. And is this how the bathroom appeared when you found
24 it?

25 A Yes, ma'am.

1 Q And I'm going to show you what is State's 56, again,
2 that's a photograph you took?

3 A Yes, ma'am.

4 Q Did you collect anything from this location as shown here
5 in 56, a trash can?

6 A Yes, I collected the paper towels that were right at the
7 top of the trash can.

8 Q You used the term, paper towels, but can you ---

9 A Paper, it was like tissues. I'll give you the exact term
10 I used.

11 Q Yes, please just refer to your report again.

12 A White tissues I collected from the bathroom trash
13 can.

14 Q Okay. Why did you collect those?

15 A I was advised that the victim used the, the tissues to
16 wipe herself.

17 Q You say tissues, but can you tell us whether or not that
18 material is some type of disposable wipe?

19 MS. MAULDIN: Leading, Your Honor. Objection.

20 MS. MAYES: I can rephrase it.

21 THE COURT: Rephrase it. Thank you.

22 Q Can you tell us whether or not there is anything in this
23 bathroom consistent with what you recovered?

24 A The purple bag right here contained tissues.

25 Q Now, when Agent Watson or Investigator Watson

1 arrived to take over this scene, did she continue in the
2 collection of certain evidence in this case?

3 A Yes, ma'am.

4 Q And all of that evidence that you, that you collected, it
5 goes where?

6 A Taken to our processing room where we'll bag it
7 additionally.

8 Q Okay. To this evidence custodian?

9 A Yes, ma'am.

10 Q And what can you tell us about the process in preserving
11 evidence before it goes to the evidence custodian?

12 A It depends on the item.

13 Q How do you go about packaging items, specifically the
14 items you collected in this case?

15 A With the tissues, they were bagged in bags just like
16 you're holding now, then all the front's filled out, details of
17 the case, as well as the back of the bag I'll write what is
18 inside of it and then it will be sealed with my initials.

19 MS. MAYES: Beg the Court's indulgence.

20 THE COURT: Take your time.

21 Q I'm going to show you some items and ask you whether or
22 not you recognize them? We're going to mark them as State's
23 exhibits. I'm going to show you what is 125, 124, and 120 for
24 ID only at this time. But can you tell us whether or not you
25 recognize your name on any of these items?

1 A For 120, my name is at the bottom.

2 Q Okay. And what can you tell us about these items
3 contained in State's 120?

4 A A swab from the headboard, an additional swab from the
5 headboard, and a swab from the exterior sliding glass door.

6 Q Okay. And what type of tape do we see on the outside of
7 this packaging?

8 A The Biohazard bag.

9 Q Okay. And is there any type of evidence tape?

10 A Yes, evidence tape on the back, seal on the back.

11 Q And that is for what purpose?

12 A Preserving it.

13 Q And can you tell us whether or not you also were involved
14 in the chain of custody after packaging of any evidence
15 collected by Investigator Watson?

16 A No, ma'am.

17 Q And I'm going to show you what is 125 and 124, and ask you
18 whether or not Investigator Watson remained on the scene to
19 collect evidence?

20 A Yes, she did.

21 Q And this photograph, 48 where you've indicated your time
22 of arrival is 7:03 am?

23 A Yes, ma'am.

24 Q And this is the scene as you found it?

25 A Yes, ma'am.

1 Q Now, the victim herself, [REDACTED], was she still
2 present at the scene upon your arrival?

3 A No, ma'am.

4 Q And what is your understanding of what her location was?

5 A The hospital.

6 Q And is that part of the evidence processing
7 responsibilities as well?

8 A No.

9 Q In other words, is that for the purpose of evidence
10 collection?

11 A Yes, ma'am.

12 Q Including the sexual assault evidence collection?

13 A Yes, ma'am.

14 Q And were you aware that such a kit was being collected by
15 medical personnel in this case?

16 A Yes, ma'am.

17 MS. MAYES: Beg the Court's indulgence.

18 THE COURT: Take your time.

19 MS. MAYES: Nothing further at this time for
20 Investigator Crocker.

21 THE COURT: Thank you. Ms. Mauldin?

22 **CROSS EXAMINATION**

23 BY MS. MAULDIN:

24 Q Good afternoon, Investigator Crocker. Okay. So you
25 photographed the apartment ---

1 A Yes, ma'am.

2 Q --- that day, right? And the photograph that we've talked
3 about from the headboard, you tested that for DNA and prints,
4 right?

5 A I looked for ridge details, so I didn't attempt to take
6 any prints since I didn't see any ridge detail ---

7 Q Okay.

8 A --- but then I did follow up and take a swab.

9 Q Okay. So there's nothing, no results from any of that
10 testing to determine whether this actually was a hand, right?

11 A Could you restate your question, ma'am?

12 Q You don't have any forensic evidence, like a fingerprint,
13 to show you that this is a hand, right?

14 A No.

15 Q Okay. So the idea that this was a handprint is just from
16 your observation of looking at the headboard?

17 A Mainly because of right here where each one looks like an
18 individual finger.

19 Q Okay. And certainly, that is something that the jury can
20 evaluate for themselves the same way you can from looking at
21 what's in the dust?

22 A Yes, ma'am.

23 Q Okay. Now, did you take pictures of the outside of the
24 window?

25 A No, ma'am.

1 Q And did you observe that, or did you observe only the
2 inside of the window?

3 A I only observed, it didn't appear to be disturbed from the
4 outside, so I didn't take any pictures on that side, and I only
5 took the one photograph of the window just because I didn't
6 notice any disturbance.

7 Q Okay. And you didn't notice any damage to the lock on the
8 sliding door?

9 A No, ma'am.

10 Q You didn't see any kind of marks of anybody trying to pry
11 anything in the trim on the side of the door, did you?

12 A No, ma'am.

13 Q Okay. And you refer to this bag as containing tissues, is
14 that right ---

15 A Yes, ma'am.

16 Q --- in the bathroom?

17 A Yes, ma'am.

18 Q Okay. You photographed the print that you saw in the dirt
19 outside, right?

20 A Yes, ma'am.

21 Q You didn't end up taking an impression of it?

22 A No, ma'am. We didn't have any of the material at the
23 time.

24 Q Okay. How many crime scene investigators showed up that
25 day to the scene?

1 A At least four were there.

2 Q Okay. And y'all didn't reach out to any other law
3 enforcement agency to try and get the materials to make an
4 impression?

5 A No, ma'am.

6 Q None of the four of you decided to go to another agency
7 and ask if they could give you some of the materials?

8 A No, ma'am.

9 Q So at this point, we're left with only that photograph or
10 the series of photographs that you took?

11 A Yes, ma'am.

12 Q Okay.

13 MS. MAULDIN: No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MS. MAYES: No further redirect, Your Honor. We do
16 ask that he be excused to return to duty.

17 THE COURT: Okay. Investigator Crocker, you're
18 excused, thank you.

19 INVESTIGATOR CROCKER: Thank you, Your Honor.

20 THE COURT: Mr. Foreman, y'all want a quick little
21 break?

22 MR. FOREMAN: Yes, ma'am.

23 THE COURT: Let's take a, let's take a little 15-
24 minute break. Remember, no talking even amongst yourselves
25 about this case. I'll let you go back to your jury room.

1 (Jurors exiting Courtroom.)

2 THE COURT: Alright. Let me ask, what witnesses do
3 we have left for the afternoon?

4 MS. MAYES: Judge, you tell us when you would like to
5 stop and we'll work from there.

6 THE COURT: Alright. Well, I want to make sure that
7 we get through this trial for the week. I don't want, I've got
8 stuff to do next week.

9 MS. MAYES: I really think that, our goal is to
10 finish no later than Friday morning, possibly Thursday
11 afternoon. And we are well on target for that.

12 THE COURT: Okay. I'd like to at least let them go
13 by 4:30.

14 MS. MAYES: Okay.

15 THE COURT: Is that ---

16 MS. MAYES: We certainly can do that.

17 THE COURT: Alright. I've got a Court reporter who's
18 got to travel to Newberry and back, too. But I mean, if we got
19 to come in earlier in the morning, we'll do that, too.

20 MS. MAYES: We have several witnesses this afternoon,
21 Your Honor, but most of them will be short.

22 THE COURT: Okay. Well I think we've done rather
23 well today going through the witnesses that we have. Okay.
24 Let's take a 15-minute break.

25 (Off the record.)

1 THE COURT: Alright. Y'all ready to bring the jury
2 in?

3 MS. MAYES: We are, Your Honor. One thing regarding
4 one of our records custodian, the name is Janice Jenkins. The
5 jury was not qualified on that specific name. Janice Jenkins
6 with First Pawn Shop, First Cash Pawn Shop.

7 THE COURT: Janice Jenkins. So you want me to ask
8 them if anybody knows them?

9 MS. MAYES: Yes, Your Honor. And that is First Cash
10 Pawn Shop on Broad River Road.

11 THE COURT: Anything, Ms. Mauldin, before I call them
12 in?

13 MS. MAULDIN: No, Your Honor.

14 THE COURT: Bring them in.

15 (Jury entering Courtroom.)

16 THE COURT: Alright. Mr. Foreman, jury ready?

17 MR. FOREMAN: Yes, Your Honor.

18 THE COURT: Thank you. Please be seated. Alright.
19 You can call your next witness.

20 MS. MAYES: The State calls Janice Jenkins.

21 THE COURT: And let me ask the jury, just quickly.
22 The next witness is Janice Jenkins with First Cash Pawn Shop.
23 I don't believe I called her out on our witness list. So let
24 me ask the jury, does anyone here know Ms. Jenkins from First
25 Cash Pawn Shop located on Broad River Road. If so, please

1 raise your hand. Okay. Thank you. Go ahead and swear the
2 witness in.

3 CLERK: Please raise your right hand and place your
4 left on the Bible. Do you swear or affirm the testimony you
5 give this Court is the truth, the whole truth, and nothing but
6 the truth?

7 MS. JENKINS: Yes.

8 CLERK: Thank you. Would you please have a seat in
9 the witness box. State your full name and spell your last for
10 the record.

11 MS. JENKINS: Janice Jenkins, J-e-n-k-i-n-s.

12 DIRECT EXAMINATION

13 BY MS. MAYES:

14 Q Good afternoon, Ms. Jenkins.

15 A Good afternoon.

16 Q Can you tell us a little bit about yourself? Where are
17 you currently employed?

18 A I work at First Cash Pawn, 3102 Broad River Road, I'm the
19 store manager there.

20 Q Alright. And how long have you been manager there at the
21 First Cash Pawn?

22 A About six years.

23 Q Alright. I want to take you back to June of 2021 and ask
24 you specifically about your pawn shop and what if anything it
25 shares a parking lot with?

1 A Well, we share a parking lot with a Citizen's Bank ATM.

2 Q Alright. I'm going to show you what is State's 127 and
3 ask you if you whether or not you recognize what is depicted in
4 this aerial map?

5 A That is our pawn shop, the one with the ATM, that's the
6 pawn shop right here and that's the ATM.

7 Q I'm going to ask you a few questions about that, I'll put
8 this on the overhead, this is 127.

9 MS. MAULDIN: Without objection, Your Honor.

10 THE COURT: It's admitted.

11 (Whereupon a photo was submitted as State's Exhibit 127
12 for identification and entered into evidence.)

13 Q Now, first I want to ask you about whether or not you're
14 familiar with an ATM kiosk located at 3102 and a half Broad
15 River Road? Are you familiar with that?

16 A Yes.

17 Q And how so?

18 A That's right there in the area on the right side, it's
19 right across from my pawn shop in the parking lot.

20 Q Okay.

21 A Right-hand corner, yes.

22 Q I'm going to hand you this item and you can use that top
23 button. Looking here at the overhead, Ms. Jenkins, can you
24 show us where your pawn shop, First Cash Pawn Shop is located
25 in this photograph, State's 127?

1 A Okay. Let me make sure I'm doing this right.

2 Q I've got another one for you.

3 A Thank you. This is our pawn shop right here, and right
4 across from it is the ATM, right there.

5 Q So the ATM kiosk would be located right here?

6 A Yes, yes, right there.

7 Q Now, Ms. Jenkins, what road is it that runs right in front
8 of the, your pawn shop and right in front of that ATM kiosk?

9 A Oh, that's Broad River Road.

10 Q Alright.

11 A Yes.

12 Q So if the ATM machine is 3102 and a half Broad River Road,
13 what address is your pawn shop?

14 A It's 3102.

15 Q 3102 ---

16 A Yes.

17 Q --- Broad River.

18 A Yes.

19 Q Now, do you maintain video surveillance there at your pawn
20 shop?

21 A Yes.

22 Q Does that include the parking lot area?

23 A That's correct.

24 Q And can you tell us whether or not your video footage
25 includes this area right here in front of that ATM machine?

1 A That's correct.

2 Q Can you tell us, Ms. Jenkins, whether or not your video
3 surveillance was working on the date of June 23rd, 2021?

4 A That's correct. Yes, ma'am.

5 Q And does that include the time frame of 6:28 am through
6 6:32 am?

7 A Yes, that's correct.

8 Q Does law enforcement come to your shop for any reason?

9 A Yes.

10 Q And what reason is that?

11 A So we can provide video for that particular incident, yes.

12 Q Okay. And were you able to provide video for the date of
13 June 23rd, 2021?

14 A Yes, that's correct.

15 Q Within that time frame of 6:28 am to 6:32 am?

16 A Yes, that's correct.

17 Q I'm going to show you what is State's 99 and 128 and ask
18 you whether or not you recognize these items?

19 A Yes, I do. That's video.

20 Q Okay. Is this the video footage that you just mentioned
21 from your pawn shop?

22 A That's correct.

23 Q Showing the ATM?

24 A Yes.

25 Q And do you recognize your initials on these?

1 A Yes. Right here and right there, yes.

2 Q Now, how do you know or ensure that the date and time on
3 your video footage is accurate?

4 A Because I went through when I look at the videos and I ---

5 Q Okay. That's on a regular basis?

6 A Yes.

7 Q Is it, is your system internet based?

8 A Yes, that's correct.

9 Q And with it being internet based, can you tell us whether
10 or not that guarantees that it is accurate?

11 A That's correct.

12 Q Including the change of daylight savings time when
13 needed?

14 A That's correct, yes.

15 MS. MAYES: This would be State's 99 and 128 for
16 evidence, Your Honor.

17 MS. MAULDIN: Without objection, Your Honor.

18 THE COURT: It's admitted.

19 (Whereupon CDs were submitted as State Exhibits 99 and 128
20 for identification and entered into evidence.)

21 Q Now, you mentioned that this is Broad River Road?

22 A Yes.

23 Q Are you familiar with, Ms. Jenkins, with whether or not
24 there is a business known as CK Mart in the area?

25 A Yes, I do.

1 Q And where is that located approximately in relation to
2 First Cash Pawn?

3 A That's on, going towards the left, going down this road
4 right here.

5 Q Okay. And about approximately how many blocks away is
6 that?

7 A About two blocks away.

8 Q About two blocks away?

9 A Yes.

10 Q Thank you.

11 MS. MAYES: Nothing further, Ms. Jenkins.

12 MS. JENKINS: Thank you.

13 MS. MAULDIN: Nothing for this witness, Your Honor.

14 THE COURT: May I excuse Ms. Jenkins then?

15 MS. MAYES: Yes. And we ask that she be released.

16 THE COURT: Ms. Jenkins, you are released.

17 MS. JENKINS: Thank you.

18 THE COURT: Thank you for coming.

19 MS. TAYLOR: State calls Kambiz Emamifard.

20 CLERK: Would you please raise your right hand and
21 place your left on the Bible. No, raise your right hand and
22 place your left on the Bible. Do you swear or affirm the
23 testimony you give to the Court is the truth, the whole truth,
24 and nothing but the truth so help you God?

25 MR. EMAMIFARD: Yes, I do.

1 CLERK: Thank you. Would you please have a seat in
2 the witness box. State your full name and spell your last for
3 the record.

4 MR. EMAMIFARD: My name's Kambiz Emamifard.

5 MS. TAYLOR: Can you spell your last name just for
6 the record.

7 MR. EMAMIFARD: E-m-a-m-i-f-a-r-d, Emamifard.

8 **DIRECT EXAMINATION**

9 BY MS. TAYLOR:

10 Q Mr. Emamifard, where do you currently work?

11 A I'm manager at CK Mart.

12 Q And where is that CK Mart located?

13 A We have four branch at 2624 Broad River Road, River Drive,
14 Fairfield, and North Main.

15 Q Okay. In regards to the 2624 Broad River Road location.
16 Did you also, were you also the manager of that location in
17 June of 2021?

18 A Yes. I work like five years in this position.

19 Q And as the manager at the CK Mart, what are your job
20 responsibilities and duties?

21 A I do the shift, I check everything, all the security
22 camera, the cashiers, the money, everything.

23 Q So would that include, and I think you may have mentioned
24 it, would that include monitoring the video surveillance
25 system?

1 A Yes, everything.

2 Q And as the manager, would you have the ability to maintain
3 that video surveillance system?

4 A I watched the video, if I have any problems, I call my
5 boss and report.

6 Q And do you have the ability to pull any kind of video
7 footage from that ---

8 A Yes.

9 Q --- system?

10 A Yes.

11 Q Are your surveillance cameras located inside and outside
12 the store?

13 A Yeah. We have inside and outside in all the locations.

14 Q And are the dates and the times on the video footage
15 that you have on your system, are they known to be accurate?

16 A Yes. Because they have like the live stream, and we
17 have interface in all the cash registers, so it should be, we
18 can see what going on at the same time.

19 Q Now, you said the address of the Broad River Road location
20 is 2624 ---

21 A Yes, ma'am.

22 Q --- Broad River Road?

23 A Yes.

24 Q Okay. And are you familiar with a Palmetto Citizens ATM
25 located nearby at your location?

1 A I think it should in the side of the Dollar Tree, in front
2 of the Dollar Tree, yeah, there's one there.

3 Q Now, would 3102 and a half Broad River Road, would that be
4 close by to the CK Mart?

5 A Yes. It's very close, you know, in front of the Dollar
6 Tree, yeah, I know where is that.

7 Q Approximately how close to you would you say?

8 A Like 2 minutes.

9 Q 2 minutes?

10 A Yeah.

11 Q Now, so you said 2624 Broad River Road?

12 A Yes, ma'am.

13 Q Now, I'm showing you what's been marked State's 77 do you
14 recognize this?

15 A Yeah. That's the CK Mart.

16 Q Okay. And is it a fair and accurate depiction of the area
17 your store is located in?

18 A Yeah.

19 Q Okay.

20 MS. TAYLOR: At this time, State offers Exhibit 77.

21 THE COURT: Any objection?

22 MS. MAULDIN: No, Your Honor.

23 THE COURT: Admitted.

24 (Whereupon a photo was submitted as State's Exhibit 77 for
25 identification and entered into evidence.)

1 MS. TAYLOR: Permission to publish, Your Honor?

2 THE COURT: Yes, ma'am.

3 Q Using the laser pointer up there, if you have it. Can you
4 point out on this aerial map where the CK Mart is located, can
5 you see that?

6 A Let's see, probably, I cannot really see from this
7 distance.

8 Q Do you recognize this road right here?

9 A Yeah. That's Broad River Road, yeah.

10 Q Okay. Can you read this a little bit better now? If you
11 want to, you can come down if you want to step closer to the
12 overhead.

13 A Thank you. I didn't bring my glasses, sorry.

14 Q Alright. Now that you have a better look, are you able to
15 see the CK Mart, can you point that out for the jury?

16 A That's CK Mart here.

17 Q Yes. Okay.

18 A Okay.

19 Q So the ATM that we were discussing over here?

20 A Inside of the Dollar General somewhere, yeah, yeah, that's
21 it.

22 Q And you said approximately how far apart would that be ---

23 A By car 2 minutes.

24 Q 2 minutes?

25 A Yeah. 2 minutes, yeah.

1 Q Okay. Alright.

2 THE COURT: The jury could hear, right?

3 JURY: (Nonverbal response).

4 THE COURT: Okay.

5 Q Now, were you able, were you asked by law enforcement at
6 any time on June 23rd of 2021 to view, I'm sorry, any footage
7 or have you, in preparation for Court today viewed any
8 surveillance footage from June 23rd, 2021, from your store?

9 A For sure, you know, you see any record come to the city,
10 my name is on that. So every day we have something happen at
11 the gas station, so every day we have something happen, I'm
12 sure we had a lot of them. A specific day, I don't remember
13 any, like, a special time that I know.

14 Q I'm showing you what's been marked for identification as
15 State's 102.

16 A Okay.

17 Q Do you recognize this disc?

18 A Oh, yeah, yeah, I write that, yeah, I think I, oh, yeah,
19 that's my name on that, yes.

20 Q So does that indicate that you reviewed the video ahead --
21 -

22 A Yeah, yes, that's me.

23 Q Okay. And was it fair and accurate depiction of the
24 surveillance from June 23rd of 2021?

25 A Yes.

1 MS. TAYLOR: At this time, Your Honor, State moves to
2 offer 102.

3 THE COURT: Any objection?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: It's admitted.

6 (Whereupon a CD was submitted as State's Exhibit 102 for
7 identification and entered into evidence.)

8 Q And now I'm showing you what's been marked as, I apologize
9 --

10 MS. TAYLOR: Court's Indulgence.

11 Q I'm showing you what's been marked as State's 6. Do you
12 recognize this disc?

13 A Yes.

14 Q Alright.

15 A That's my initials, yes.

16 Q And is this the surveillance that you reviewed?

17 A Yes, sure, sure, that's my initial, yes.

18 Q Of the CK Mart?

19 A Yes, exactly.

20 Q Was it a fair and accurate depiction of the surveillance
21 on June 23rd of 2021?

22 A Yeah, sure.

23 MS. TAYLOR: At this time, Your Honor, State moves to
24 admit State's 6 into evidence.

25 THE COURT: Any objection?

1 MS. TAYLOR: No, Your Honor.

2 THE COURT: It's admitted.

3 (Whereupon a CD was submitted as State's Exhibit 6 for
4 identification and entered into evidence.)

5 Q Now, going off of that surveillance, I'm now showing you
6 what's been marked for identification as State's 71 and 126.
7 Starting with 126, do you recognize this?

8 A Yeah. That's CK Mart, 2624 gas station, yes, that our gas
9 station.

10 Q Okay. And is that a fair and accurate depiction of the
11 surveillance that you viewed ahead?

12 A Yeah. I know this car, that's my employer's
13 car.

14 Q Okay. And looking now at State's 71.

15 A Yeah. Yeah. That's the CK Mart.

16 Q And that's a fair and accurate depiction?

17 A Yes.

18 Q And can you ---

19 MS. TAYLOR: Your Honor, at this time, the State
20 moves to enter 71 and 126.

21 THE COURT: Any objection?

22 MS. MAULDIN: No, Your Honor.

23 THE COURT: It's admitted.

24 (Whereupon still photos were submitted as State's Exhibits
25 71 and 126 for identification and entered into evidence.)

1 Q Now, one last question. Looking at State's 71, I'm sorry,
2 State's 126, can you indicate the date and the time on that
3 still shot from your surveillance system?

4 A The date and time on the video, yeah, yeah.

5 Q On the still shot. Can you read the date and the time?

6 A Yeah, it's 6-23-2021, 6:34.

7 Q And would that be 6:34 am?

8 A Yeah, it should be 6:34 am, I think, yeah. Yeah, 6:34 am,
9 yeah.

10 Q One last question, I apologize. And what car, and I will
11 put it on the overhead if that makes it a little bit easier.
12 At 6:34, actually, at 6:34 am, that is when the surveillance
13 begins, is that correct?

14 A Yes.

15 Q Okay. And in the second still shot that I showed you
16 which would be State's 71. Can you read the date and the time?

17 A 6-23-2021, 6:35.

18 Q 6:35, would that be am or pm?

19 A Yeah, am, yeah, that's am.

20 Q Okay.

21 MS. TAYLOR: Beg the Court's indulgence. No further
22 questions at this time.

23 THE COURT: Okay. Thank you. Ms. Mauldin?

24 MS. MAULDIN: Nothing for this witness, Your
25 Honor.

1 THE COURT: Alright. Then may I excuse the witness
2 and release him?

3 MS. TAYLOR: Yes, Your Honor.

4 THE COURT: You're released.

5 MR. EMAMIFARD: Thank you so much.

6 THE COURT: Thank you. Thank you for coming.

7 MS. TAYLOR: The State calls Abdul Shoddin.

8 CLERK: Please raise your right hand and place your
9 left on the Bible. Do you swear or affirm the testimony you
10 give the Court is the truth, the whole truth, and nothing but
11 the truth so help you God?

12 MR. ABDUL: Yes, ma'am.

13 CLERK: Would you please have a seat in the jury box.
14 State your full name and spell your last for the record.

15 MR. ABDUL: Okay. My first name is S-h-a-m-s-h-o-d-
16 d-i-n, my last name is Abdul, A-b-d-u-l. I'm a cashier in a CK
17 Mart.

18 DIRECT EXAMINATION

19 BY MS. TAYLOR:

20 Q I'm just going to pull this microphone a little closer and
21 if you could speak louder into the mic for me.

22 A Okay.

23 Q Mr. Shoddin, where are you currently employed?

24 A At North Main Street.

25 Q What was that?

- 1 A North Main Street.
- 2 Q And back in June of 2021, where did you work at that time?
- 3 A The CK Mart at the Broad River Road.
- 4 Q Broad River Road, would that be located at 2624 ---
- 5 A Yes, ma'am.
- 6 Q --- Broad River Road?
- 7 A Yes, ma'am.
- 8 Q Okay. And what was your job at that time at the CK
- 9 Mart?
- 10 A The cashier.
- 11 Q Okay. And what would your responsibilities entail as the
- 12 cashier there?
- 13 A The cashier, take care of the customer, I take care of
- 14 everything in store.
- 15 Q And are you aware of the video surveillance system that is
- 16 at the CK Mart on Broad River Road?
- 17 A Yes, ma'am.
- 18 Q Okay. And as an employee of the CK Mart, did you have the
- 19 ability to view that footage?
- 20 A Yes.
- 21 Q And would you have the ability to retrieve any of that
- 22 video footage ---
- 23 A Yes.
- 24 Q --- if needed?
- 25 A Yes.

1 Q Okay. At any time were you asked on June 2021 to, by law
2 enforcement to view any of the surveillance footage?

3 A Yes. I viewed with the video with the officer.

4 Q With the officer? Was that Officer Ortiz?

5 A Yes, yes, ma'am. Right there.

6 Q With the Columbia Police Department?

7 A Yes, ma'am.

8 Q And did you view the video with her?

9 A With her, yes.

10 Q And were you able to retrieve that video that you viewed
11 with her?

12 A Yes, I talked to her, the video and everything.

13 Q Can you repeat that for me, I'm sorry.

14 A I showed the video for her with her.

15 Q Okay. Did you recognize the subject, the individual in
16 that video?

17 A Yes.

18 Q And how many times have you seen that subject?

19 A Yes many times.

20 Q Was he in the store frequently?

21 A Yes.

22 Q Okay. And what car, showing you State's 71, do you see
23 the subject, the individual we're talking about in that photo?

24 A It's a white Chevrolet.

25 Q The white Chevrolet?

1 A Yes.

2 Q Or do you know him to drive that white Chevrolet?

3 A Yes.

4 Q Okay. And can you point out, if you can with the laser,
5 can you point out the individual that you recognized in that
6 photo? If you would rather come down.

7 A Yep.

8 Q That's the car?

9 A Yes.

10 Q The white Chevrolet?

11 A Right.

12 Q Okay. And where is the individual that you knew to drive
13 that Chevrolet that you recognized in that video?

14 A Yes.

15 Q Okay. Is he in that photo?

16 A Yeah.

17 Q Okay. And I'm showing you State's 126, do you see that
18 car in that photo as well?

19 A Yes. Right here.

20 Q Okay. Now, after you viewed this surveillance footage
21 with Detective Ortiz, at any point did you agree to let her
22 know if he returned to the store?

23 A Yes.

24 Q Did he return to the store?

25 A Yes.

1 Q Was that that same day on June 23rd?

2 A Yes, same day.

3 Q Okay. And when he returned to the store, did you call
4 Detective Ortiz?

5 A Yes. In the morning, like June 23rd, 2021, at 6:35.

6 Q Okay. Just to clarify that the, the, can you see the date
7 and the time right here in this photo?

8 A Yes.

9 Q Okay. What day did you actually view that footage with
10 Detective Ortiz?

11 A June 23rd.

12 Q Or was it on this date or was it on a later
13 date?

14 A It was a later date.

15 Q At a later date?

16 A Yes.

17 Q Okay. Do you remember that date that you were actually
18 able to view it with Detective Ortiz?

19 A I don't have idea.

20 Q Okay. Well, when he did return at a later date, did you
21 call Detective Ortiz?

22 A Yes. I called officer, she give me number so I call her.

23 Q Okay. And did law enforcement arrive after you let her
24 know that he was back?

25 A Who is this guy?

1 Q When, when the individual, when the individual in this
2 still shot, when he returned to the store later like you just
3 testified to, did you let law enforcement know that he had come
4 back?

5 A Yes. He come back.

6 Q And once you let him know, did officers arrive at the CK
7 Mart?

8 A Police officer arrive at CK Mart.

9 MS. TAYLOR: Beg the Court's indulgence.

10 Q Alright. Mr. Shoddin, just to go back through so I can
11 make sure I understand. At any point, when were you contacted
12 initially by Detective Ortiz to see if she could view any video
13 footage from June 23rd?

14 A Yes. She, she did with me video.

15 Q She asked you to view footage from 23rd ---

16 A Yes.

17 Q --- is that what you're saying?

18 A Yes. She asked me before the 23rd.

19 Q She asked you to look at footage of June 23rd ---

20 A Yes.

21 Q --- is that right? Am I understanding, okay. Did she ask
22 you to view, when she, when she first contacted you, do you
23 remember that date? Was that after June 23rd?

24 A I'm not remember that one day before she come like evening
25 time to office.

1 Q I just want to look back at State's Exhibit 1, can you
2 see, I know it's small, the date and the time on the video
3 surveillance from the CK Mart?

4 A June 23rd, 2021.

5 Q So this is when that video was actually recorded?

6 A Yes.

7 Q Okay. So after that video was recorded, what, it was a
8 later date when you were first contacted by law enforcement ---

9 A Yes.

10 Q --- to look back at that June 23rd footage?

11 A Yes.

12 Q Okay. When do you remember the actual date of when
13 officers came back at that later date, do you remember? To
14 actually view footage from the June 23rd time that you see
15 here.

16 A I don't have that time, but I called the same day, the
17 officer, I tell her he come back the store.

18 Q And you recognized the person ---

19 A Yes.

20 Q --- that's in this picture?

21 A Yes.

22 Q Is he a customer, a regular customer?

23 A He's regular customer.

24 Q But it was after June 23rd, another day later ---

25 A Another day later, but evening time.

1 Q --- that you did -- it was the evening time?

2 A Yeah.

3 Q Okay. And do you see the officer sitting in the Courtroom
4 that you called?

5 A Yes.

6 Q Can you point her out, or him out?

7 A Alright. This officer here.

8 Q Okay.

9 MS. TAYLOR: Beg the Court's indulgence. No further
10 questions.

11 THE COURT: Alright. Thank you. Ms. Mauldin?

12 MS. MAULDIN: None for this witness either, Your
13 Honor.

14 THE COURT: Okay. May I excuse Mr. Shoddin?

15 MS. TAYLOR: Yes, Your Honor.

16 THE COURT: Mr. Shoddin, thank you for coming you're
17 excused.

18 MR. ABDUL: Thank you, ma'am.

19 MS. MAYES: The State calls Carey Shealy.

20 CLERK: Would you please raise your right hand and
21 put your left on the Bible. Do you swear or affirm the
22 testimony you give the Court is the truth, the whole truth, and
23 nothing but the truth so help you God?

24 MR. SHEALY: Yes.

25 CLERK: Thank you. Would you please have

1 a seat in the witness box. State your full name and spell your
2 last for the record.

3 MR. SHEALY: Carey Shealy.

4 DIRECT EXAMINATION

5 BY MS. MAYES:

6 Q Alright. Good afternoon Mr. Shealy. Tell us a little bit
7 about yourself. What kind of work do you do?

8 A We do surveillance cameras systems.

9 Q Alright. And what is the name of your company that
10 maintains surveillance camera systems?

11 A Statewide Security Systems.

12 Q And with Statewide Security Systems, can you tell us
13 whether or not that includes the area of Broad River Road both
14 in Lexington County and Richland County?

15 A Yes, ma'am.

16 Q And can you tell us whether or not that also includes the
17 Harbison area?

18 A The what?

19 Q The Harbison area?

20 A Yeah, oh, yes.

21 Q The area specifically around, let me show you a
22 photograph, this being State's 121, but an area near or around

23 [REDACTED] ---

24 A Yes, ma'am.

25 Q --- or [REDACTED] in the Harbison area?

1 A Yes.

2 Q And would it also, do you also have cameras that would
3 potentially be located at various points between Harbison and
4 Broad River Road?

5 A Yes.

6 Q Go back to this photo here from Broad River Road. Going
7 to take a look now at 71. Get close on this. Looking here at
8 this date of June 23rd, 2021, 6:35 am and the proceeding times.
9 Did you receive a request from law enforcement for video
10 footage in this case?

11 A Yes, ma'am, but I'm not, that looks like it's at the gas
12 station, perhaps ---

13 Q Right. And so, this is a separate exhibit ---

14 A Oh, okay. I just want to make sure, okay, good.

15 Q So at that date in time is something that you're familiar
16 with?

17 A Yes, ma'am.

18 Q And again, just to clarify, State's 71 that we're looking
19 at the overhead, that's not part of your surveillance system --
20 -

21 A Right.

22 Q --- that's from a, appears to be from a convenience store?

23 A Yeah.

24 Q So looking here at State's 63. Looking at State's 63, if
25 you could just look at that for a moment. Can you tell us

1 whether or not you recognize various locations in which your
2 surveillance system does maintain cameras?

3 A Yeah.

4 Q And does that photograph fairly and accurately represent
5 those camera locations?

6 A Yes.

7 Q Now we're going to look at State's 65, State's 66, State's
8 67, and State's 68.

9 A Yes.

10 Q And can you tell us whether or not these also represent
11 your various camera locations?

12 A Yes.

13 Q And can you tell us whether or not these photographs also
14 depict stills from your camera locations within?

15 A Yes, they do.

16 Q And then the original video footage that goes with 65, 66,
17 67, and 68, have you had an opportunity to review this video
18 footage?

19 A Yes, ma'am.

20 Q I'm going to show you 129 which is a master copy. 132,
21 131 ---

22 A Yes.

23 Q --- 130, and 100. Are you familiar with all of this video
24 footage?

25 A Yes, ma'am.

1 Q Mr. Shealy, is this video footage a fair and accurate
2 representation of the video that was captured by your
3 surveillance systems on or about June 23rd of 2021?

4 A Yes.

5 Q Within the early morning hours?

6 A Yes, ma'am.

7 Q And when we see the dates and time reflected on these
8 video stills, can you tell us whether or not the dates and
9 times are accurate?

10 A I believe they're accurate.

11 Q And is that part of the surveillance system that you
12 maintain ensuring that the dates and times are accurate?

13 A Well, we can't literally check every one of them all the
14 time, but they're generally within a minute or two, typically.

15 Q Okay. And that's your ordinary custom and procedure?

16 A Yes, ma'am.

17 Q Alright. And then looking here specifically at these
18 camera locations in state's 63, this is going to be [REDACTED]

19 [REDACTED], Harbison Boulevard, St. Andrews Road ---

20 A Yes.

21 Q --- and Seminole Road near the CK Mart. As to these
22 camera locations, do you have specific knowledge as to these
23 four camera locations that the date and time is accurate?

24 A Yes, ma'am.

25 Q And specifically the time on those?

1 A Yes, ma'am.

2 MS. MAYES: This would all be for evidence, Your
3 Honor.

4 THE COURT: Any objection?

5 MS. MAULDIN: No, Your Honor.

6 THE COURT: They're admitted.

7 MS. MAYES: And these numbers, Your Honor, regarding
8 video are 129, 132, 131, 130, and 100.

9 (Whereupon still shots submitted as State Exhibits 100,
10 129, 130, 131, and 132 for identification and entered into
11 evidence.)

12 THE COURT: Thank you.

13 Q Now, I want to start, Mr. Shealy, about State's 63.
14 State's 63 is an overhead aerial.

15 A (Nonverbal response).

16 Q And looking here at this aerial, can you tell
17 us what we're looking at when we see noted Crossbow
18 here?

19 A That's Crossbow, that's where we have a camera
20 system.

21 Q And is that consistent with Crossbow and Columbiana?

22 A Yes, ma'am.

23 Q And can you tell us what general area of Columbia that
24 would be? In relation to Harbison.

25 A Harbison area.

1 Q Okay. So looking here first at this location being
2 Crossbow Drive, I'm going to take a look now at 65. Would this
3 be video footage from that particular camera?

4 A Yes.

5 Q The camera located at Crossbow Drive and Columbiana Drive?

6 A Yes, ma'am.

7 Q And in that particular photograph from the Crossbow
8 camera, we see a time on that, what is that time, Mr. Shealy?

9 A 5:49.

10 Q And knowing your surveillance system is that 5:49 am or
11 pm?

12 A Am.

13 Q And then what would the next camera location be along the
14 route if you're going all the way down to end at the CK Mart on
15 Broad River Road?

16 A St. Andrews.

17 Q And can you tell us whether or not there's also one at
18 Harbison Boulevard?

19 A Yes.

20 Q I'm going to show you 66.

21 A Yes.

22 Q And looking at 66, what time do we see in that video
23 footage of, can you tell us whether or not there's a vehicle in
24 that video footage?

25 A 5:54 am.

1 Q And then what is the next location?

2 A St. Andrews.

3 Q Looking here at 67. Again, is there a vehicle in this
4 particular footage?

5 A Yes, ma'am.

6 Q And this St. Andrews time that we see, this particular
7 vehicle photographed is at what time?

8 A I wish I could tell you, but my glasses won't catch that
9 one. So if you could move it closer or blow it up or something
10 I could tell you.

11 Q I'll give you a brief moment, for the record, to review it
12 with your, with the naked eye.

13 A Okay. Let's see what we got here. 6:02 am.

14 Q And then, in relation to the CK mart on Broad River Road,
15 do you have a camera in close proximity to that location?

16 A Yes, ma'am. On Seminole.

17 Q That would be Seminole?

18 A Yes, ma'am.

19 Q We're going to take a look now at 68. How, that
20 particular camera at Seminole, how is it positioned in
21 proximity to the CK Mart?

22 A It's across the street.

23 Q So what are we looking at right here from your Seminole
24 Road camera?

25 A That's the CK.

1 Q That would be CK Mart there?

2 A Yes, ma'am.

3 Q I'll also give you a chance to take a look at that.

4 State's 68.

5 A 6:04 am.

6 Q So 6:04 am for this particular photograph, and again, that
7 CK Mart that we're looking at there would that be the same CK
8 Mart that's located at 2624 Broad River Road?

9 A Yes, ma'am.

10 MS. MAYES: Beg the Court's indulgence.

11 Q And are you familiar with the footage that you've reviewed
12 and the stills that you've reviewed in this particular case
13 whether are not a white sedan is noted in each of those stills?

14 A Yes, ma'am.

15 MS. MAYES: Nothing further.

16 THE COURT: Ms. Mauldin?

17 MS. MAULDIN: No questions for this witness, Your
18 Honor.

19 THE COURT: Alright. May I excuse Mr. Shealy?

20 MS. MAULDIN: Yes, Your Honor, we'd ask that he be
21 excused.

22 THE COURT: And released?

23 MS. MAYES: Yes, Your Honor.

24 THE COURT: You are released.

25 MR. SHEALY: You have a great day.

1 THE COURT: Thank you. Thank you for coming.

2 MR. SHEALY: Your welcome.

3 THE COURT: Alright. Let me ask the next witness,
4 how long will the next witness be?

5 MS. MAYES: Your Honor, we expect that we can stay
6 within the Court's time frame.

7 THE COURT: Okay. Mr. Foreman, I'm trying to get
8 y'all out of here at 4:30.

9 MR. FOREMAN: Yes, ma'am.

10 THE COURT: Okay?

11 MR. FOREMAN: I understand.

12 MS. TAYLOR: The State calls William Wells.

13 CLERK: Raise your right hand, place your left on the
14 Bible. Do you swear or affirm the testimony you give the Court
15 is the truth, the whole truth, and nothing but the truth so
16 help you God?

17 CORPORAL WELLS: I do.

18 CLERK: Thank you. Would you please have a seat in
19 the witness box. State your full name and spell your last for
20 the record.

21 CORPORAL WELLS: My name is William Lamar Wells,
22 Corporal with the City of Columbia Police Department. Last
23 name spelled, W-e-l-l-s.

24 DIRECT EXAMINATION

25 BY MS. TAYLOR:

1 Q Good afternoon, Corporal Wells. You said you were
2 employed at the Columbia Police Department, right?

3 A That is correct.

4 Q How long have you been a law enforcement officer?

5 A I've been in law enforcement approximately 10 years.

6 Q Okay. Can you tell me a little bit about your education
7 and training, background to become a law enforcement officer?

8 A Yes, ma'am. I have a four-year bachelor's degree in
9 history of philosophy. I also attended the South Carolina
10 Criminal Justice Academy prior to being employed with the City
11 of Columbia Police Department fully as a Class 1 Officer.

12 Q Reflecting back to June 30th of 2021, were you employed at
13 the Columbia Police Department at that time, as well?

14 A Yes, ma'am, I was.

15 Q Okay. And did you have the same rank and day-to-day
16 responsibilities that you do now, you just described?

17 A Yes, ma'am, I do. I was a corporal covering.

18 MS. MAULDIN: May we approach?

19 THE COURT: Sure.

20 (Off the record.)

21 THE COURT: Alright. Mr. Foreman, ladies and
22 gentlemen of the jury, I think Corporal William Wells who's on
23 the witness stand was just inadvertently left off of the
24 witness list. So let me ask the jury. Does anybody know
25 William Wells or have any kind of relationship, social,

1 professional, business wise? If so, please raise your hand.
2 Okay. Am I understanding the Defense consents to let him go
3 ahead and testify, they're well aware of him, is that correct,
4 Ms. Mauldin?

5 MS. MAULDIN: Yes, Your Honor.

6 THE COURT: Okay. Let's go ahead.

7 MS. TAYLOR: Thank you, Your Honor.

8 Q Just to repeat the question where we left off. On June
9 30th of 2021, were you also the rank of corporal and had the
10 same day to day responsibilities you just described?

11 A' Yes, ma'am, I was.

12 Q Okay. Now, on June 30th of 2021, were you dispatched to
13 2624 Broad River Road which is the CK Mart?

14 A Yes, ma'am, I was.

15 Q What was the nature of that call, why you were sent out
16 there?

17 A Yes, ma'am. I'd been dispatched to that location in
18 reference to a vehicle that had been spotted that I was
19 informed was involved in a burglary. The vehicle was a white
20 Chevrolet Malibu with a paper tag that had, it had been told
21 that it was located at the parking lot of the CK Mart.

22 Q And based on your limited knowledge of the case
23 at that time, was that vehicle potential evidence in a
24 crime?

25 A Yes, ma'am. That was the reason for my notification.

1 Q And based off your training and experience as a law
2 enforcement officer, could a suspect vehicle also contain
3 evidence inside that would be evidence of a crime?

4 A Yes, ma'am.

5 Q What time did you arrive on scene?

6 A I arrived on scene at approximately 7:52 pm. And got out
7 of my vehicle.

8 Q Okay. When you arrived on scene, were you fitted with
9 body worn camera?

10 A Yes, ma'am, I was.

11 Q And was that camera active and recording once you arrived?

12 A Yes, ma'am, it was.

13 Q And when you arrived on scene, were you able to locate the
14 suspect vehicle on the premises of the CK Mart?

15 A Yes, ma'am, I was.

16 Q And what did you do once you located that vehicle on
17 scene?

18 A As I exited my vehicle, I walked forward and was looking
19 for the vehicle in the parking lot. I went forward and noted
20 that there was a white Chevrolet Malibu with a paper tag on the
21 rear of the vehicle, and I approached that vehicle. I then
22 proceeded to run the temporary tag through our NCIC database.

23 Q Okay. I'm showing you what's been marked for
24 identification as State's 11 and 12. I'd ask you to look at
25 these two and ask, and tell me whether you recognize these?

1 A Yes, ma'am, I recognize both of these.

2 Q And what are those?

3 A Okay. One of them is a, actually both of them are stills
4 taken from my body worn camera footage.

5 Q And is it a fair and accurate depiction of the scene as
6 you approached that vehicle on June 30th, 2021?

7 A Yes, ma'am, it was.

8 Q And have there been any alterations done to these still
9 shots of your body camera?

10 A No, ma'am, they're not.

11 MS. TAYLOR: At this time, State offers 11 and 12 for
12 evidence.

13 THE COURT: Any objection?

14 MS. MAULDIN: No, Your Honor.

15 THE COURT: They're admitted.

16 (Whereupon still shots were submitted as State Exhibits 11
17 and 12 for identification and entered into evidence.)

18 MS. TAYLOR: Permission to publish, Your Honor?

19 THE COURT: Yes, ma'am.

20 Q Looking at State's 11, Corporal Wells. Can you tell me
21 what is depicted in this still from your body worn camera?

22 A Yes, ma'am. That was a still taken from my body worn
23 camera as I was exiting my vehicle and walking toward the
24 vehicle that I had spotted in the CK Mart parking lot.

25 Q And can you note the date and the time at the

1 bottom of that still shot?

2 A Yes, ma'am. The date would be the 30th of June 2021, and
3 the time is approximately 7:52 and 15 seconds.

4 Q And looking at State's 12. Can you describe what, if
5 anything, you noticed when you approached the suspect vehicle?

6 A Yes, ma'am. As I approached the vehicle, I noticed a
7 white Chevrolet Malibu with a paper tag as had been described
8 to me. I noted some damage to the right rear bumper of the
9 vehicle. When I walked up to it right in the image that you
10 see in the still there.

11 Q Now, there should be a laser pointer up there with you.

12 A Yes, ma'am.

13 Q Can you point out that damage that you described to that
14 rear fender?

15 A Here we are. Let me see if I can wind this up properly.

16 THE COURT: You're on the ceiling.

17 CORPORAL WELLS: I'm on the ceiling, oh, no, I
18 apologize, Your Honor.

19 Q If you need to step down, that's okay as well.

20 A I'm trying to find where it's ---

21 THE COURT: It's all the way over, yeah.

22 A Right here on the edge of the vehicle there appeared some
23 physical damage right there.

24 Q Okay. Now, were you able to identify the driver of this
25 car?

1 A Yes, ma'am, I was.

2 Q Okay. And who were you able to identify as the driver?

3 A Yes, ma'am. I was able to identify a gentleman who
4 approached me while I was examining the vehicle as a Mr. Tamar
5 Nance.

6 Q Now, and did he, how did, how did you determine that he
7 was the driver of the car?

8 A Yes, ma'am. I was approached by Mr. Nance while I was
9 examining the back of the vehicle and running the tag, he was
10 walking back up to the side of the vehicle where the gas cap is
11 located on that passenger side of the vehicle and began to
12 speak to me.

13 Q I'm showing you what's been marked for identification as
14 State's 107. Now, can you take a look at that and tell me if
15 you recognize that?

16 A I do, ma'am.

17 Q What is that?

18 A This is a recording of body worn camera footage.

19 Q Taken from your body camera?

20 A That is correct.

21 Q And how, did you review that ahead of time for Court?

22 A Yes, ma'am, I did.

23 Q Okay. Alright. And have there been any alterations
24 whatsoever to that body worn camera footage as it was depicted
25 on June 30th of 2021?

1 A No, ma'am, they were not.

2 MS. TAYLOR: State offers 107 in evidence at this
3 time.

4 MS. MAULDIN: No objection.

5 THE COURT: Thank you. It's admitted.

6 (Whereupon a CD was submitted as State's Exhibit 107 for
7 identification and entered into evidence.)

8 MS. TAYLOR: Permission to publish?

9 THE COURT: Yes, ma'am.

10 (Video from CD being played.)

11 Q So did Mr. Nance himself identify himself as the driver of
12 the car?

13 A Yes, ma'am. He stated it was his vehicle.

14 Q And how did you verify his identity?

15 A I was shown a photograph of his South Carolina issued
16 identification card that he had on his phone, saved on his
17 cellular phone.

18 Q Alright. I'm showing you what's been marked as State's
19 108. Can you take a look at this and tell me if you recognize
20 that?

21 A I do.

22 Q What is that?

23 A This is a still taken from my body worn camera footage.

24 Q Okay. And is it, have any material alterations been made
25 to this still shot of your body camera footage?

1 A No, ma'am, they have not.

2 Q Alright.

3 MS. TAYLOR: At this time, State offers 108.

4 THE COURT: Let me know if you have an objection, Ms.
5 Mauldin.

6 MS. MAULDIN: None, Your Honor.

7 THE COURT: It's admitted.

8 (Whereupon a still shot was submitted as State's Exhibit
9 108 for identification and entered into evidence.)

10 Q Now, Corporal Wells, can you tell me what's depicted in
11 this still shot of your body camera footage?

12 A Yes, ma'am. That is the photograph that he keeps on his
13 phone of his South Carolina identification card.

14 Q And can you note the date and time at the bottom of this
15 still shot as well?

16 A Yes, ma'am, that'll be June the 30th, 2021 at 7:53 pm and
17 25 seconds.

18 Q And were you able to determine if there were any other
19 occupants in this car?

20 A Yes, ma'am. There were no other occupants, the vehicle
21 did not appear to be occupied by anyone else.

22 Q And were there any other cars matching this description on
23 the premises of the CK Mart?

24 A No, there were not.

25 Q Okay. What did you do next after you were shown

1 his identification card?

2 A Yes, ma'am. After I was shown his identification card,
3 because of the nature of what I had on hand, we placed Mr.
4 Nance in investigative detention to await questioning by
5 others.

6 Q Okay. I'm showing you what's been marked as State's 13.
7 Can you tell me if you recognize that?

8 A I do.

9 Q And what is that?

10 A That is a still taken from my body worn camera footage.

11 Q Have there been any alterations or changes made to this
12 still shot?

13 A No, ma'am, there have not.

14 Q Okay.

15 MS. TAYLOR: At this time, State offers 13 into
16 evidence.

17 THE COURT: Let me know if you have any objection?

18 MS. MAULDIN: No, Your Honor.

19 THE COURT: It's admitted.

20 (Whereupon a still shot was submitted as State's Exhibit
21 13 for identification and entered into evidence.)

22 Q Corporal Wells, can you tell me what is depicted in this
23 still shot from your body worn camera?

24 A Yes, ma'am. That depicts both my interaction with Mr.
25 Nance in the rear of the vehicle, the Chevrolet Malibu.

1 Q And was this when you approached, first approached him?

2 A Yes, ma'am. We sort of walked towards each other.

3 Q Okay. At this time, who was the lead detective on this
4 case in question?

5 A Yes, ma'am. That would be Detective Ortiz.

6 Q And at this point, who were you waiting on to arrive?

7 A I was waiting for Detective Ortiz to arrive on scene
8 following detention of Mr. Nance, we called her to inform her
9 we were out with the subject.

10 Q And do you remember what time she arrived on scene?

11 A I do not remember the precise time, I'm afraid.

12 Q Was it a short time after or longer, do you remember? And
13 that's okay.

14 A It was a, it was a little bit after, but I can't say the
15 exact time that she arrived on scene from memory.

16 Q Once she arrived on scene, what did she do?

17 A When she arrived on scene, she came out to speak with me
18 first, came, she went over to look at the vehicle, and then she
19 went over to speak with Mr. Nance.

20 Q And you said at this point, he was already in, he was
21 already being detained?

22 A That is correct. We had detained him and placed him in
23 the back of the marked patrol vehicle.

24 Q Showing you what's been marked as State's 74. Can you
25 tell me if you recognize this?

1 A I do.

2 Q Okay. And what is that in that photo?

3 A This is a still taken from my body worn camera footage.

4 Q Have there been any alterations or changes?

5 A No, there have not.

6 MS. TAYLOR: At this time, State offers 74.

7 THE COURT: Let me know Ms. Mauldin if you have any
8 objection.

9 MS. MAULDIN: None, Your Honor.

10 THE COURT: It's admitted.

11 (Whereupon a still shot was submitted as State's Exhibit
12 74 for identification and entered into evidence.)

13 Q Corporal Wells, in this still shot of your body worn
14 camera, was, is that the Defendant, Tamar Nance?

15 A It is.

16 Q At this point was he detained?

17 A Yes, at this point he was no longer free to leave, that is
18 correct.

19 Q Now, I'm showing you what's been marked as State's 14 and
20 15. Can you tell me, take a look at both of those and tell me
21 if you recognize those?

22 A Yes, I do.

23 Q And what are those in both exhibits?

24 A These are stills taken from my body worn camera footage.

25 Q And any alterations or changes been made to these as well?

1 A No, ma'am.

2 MS. TAYLOR: At this time State offers 14 and 15.

3 THE COURT: Let me know if there's any objection.

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: They're admitted.

6 (Whereupon still shots were submitted as State Exhibits 14
7 and 15 for identification and entered into evidence.)

8 Q Corporal Wells, looking at State's 14, what is depicted in
9 this still shot from your body camera?

10 A Yes. This is a still shot taken from my body camera taken
11 June 30th, 2021, at 8:05 pm, and this is me meeting with
12 Investigator Ortiz following her arrival on scene.

13 Q Okay. I'm looking at State's 15. Can you note the date
14 and time of this still shot?

15 A Yes, ma'am. June 30th, 2021, in fact, 8:06.

16 Q And what's depicted in this, what is going on in this
17 still shot?

18 A This is Investigator Ortiz going up to look at the vehicle
19 that we've been notified about.

20 Q So was there reasonable suspicion to detain this vehicle?

21 A Yes, ma'am.

22 Q And you already said that Tamar Nance was detained?

23 A Yes, ma'am.

24 Q And he was identified as the sole driver and occupant of
25 this car, is that correct?

1 A Yes, ma'am.

2 MS. TAYLOR: Beg the Court's
3 indulgence.

4 Q Corporal Wells, I'm showing you for identification
5 purposes only what's been marked as State's 17. Can you tell
6 me if you recognize this?

7 A I do.

8 Q And what is that?

9 A It is a still taken from my body worn camera footage.

10 Q And have there been any alterations or changes been made
11 to this still shot?

12 A No, ma'am.

13 Q Okay.

14 MS. TAYLOR: At this time, Your Honor, State offers
15 17.

16 THE COURT: Let me know if you have an
17 objection.

18 MS. MAULDIN: None, Your Honor.

19 THE COURT: It's admitted.

20 THE COURT: You still want it for id only?

21 MS. TAYLOR: I'm sorry, I mis-spoke. We intend to
22 offer as evidence.

23 THE COURT: Okay.

24 (Whereupon a still shot was submitted as State's 17 for
25 identification and entered into evidence.)

1 Q And lastly Corporal Wells, I'm showing you what's been
2 marked as State's Exhibit 16. Can you tell me if you recognize
3 this exhibit?

4 A I do.

5 Q And what is that?

6 A It's a still taken from my body worn camera footage.

7 Q And have there been any changes or alterations made?

8 A No, ma'am, there have not.

9 MS. TAYLOR: At this time State offers 16.

10 THE COURT: Alright. Ms. Mauldin, let me
11 know.

12 MS. MAULDIN: No objection, Your Honor.

13 THE COURT: It's admitted.

14 (Whereupon a still shot was submitted as State's 16 for
15 identification and entered into evidence.)

16 Q Corporal Wells, can you tell me what we're looking at
17 here?

18 A Yes, ma'am. That's a still taken from my body worn camera
19 footage at June 30th, 2021 at 8:23 pm.

20 Q And I know that the lighting is a little dark, but can you
21 tell me what is going on in this?

22 A Yes, ma'am. So in this still, it captures that
23 Investigator Ortiz is speaking with Mr. Nance who is detained
24 in that back of that vehicle while I was speaking to a passerby
25 who walked up to us.

1 Q Okay.

2 MS. TAYLOR: No further questions at this
3 time.

4 THE COURT: Let me ask you, Ms. Young, on number 18,
5 I don't know what that was, we admitted it, was that ID only or
6 ---

7 MS. TAYLOR: 18? Oh, you meant 17. That was, that
8 was entered, Your Honor, and I'm sorry I mis-spoke.

9 THE COURT: So what ---

10 MS. TAYLOR: It was just not published.

11 THE COURT: Number 18 is entered and not published.

12 MS. TAYLOR: It's number 17.

13 THE COURT: Number 17 is entered and not published, I
14 got it. Okay. I'm sorry. I apologize.

15 CROSS EXAMINATION

16 BY MS. MAULDIN:

17 Q Good afternoon, Officer Wells.

18 A Good afternoon, ma'am.

19 Q When you arrived and interacted with Mr. Nance, pretty
20 quickly you told him you were investigating a burglary, right?

21 A That is correct.

22 Q And he looked surprised at you?

23 A I can't speak to his state of mind, but he
24 reacted.

25 Q Reacted in surprise?

1 A I, I'm not sure what his state of mind was, apparent
2 surprise I suppose.

3 Q Okay. It looked like he was in surprise?

4 A Yes, yes, ma'am. I mean, I hesitate to guess what
5 somebody's thinking, that's why I say it that way.

6 Q Okay. And so after he heard that it was a burglary, he
7 showed you his ID on his phone?

8 A That is correct.

9 Q And he cooperated and talked with officers?

10 A That is correct, at that point we placed him in detention.

11 Q Right. And he didn't try and resist or run away or
12 anything like that?

13 A No, ma'am.

14 Q Okay.

15 MS. MAULDIN: No further questions, Your Honor.

16 THE COURT: Okay. Any redirect?

17 MS. TAYLOR: Nothing further.

18 THE COURT: Alright. May I let Corporal Wells be
19 excused?

20 MS. TAYLOR: Yes, Your Honor.

21 THE COURT: Okay. Ms. Mauldin?

22 MS. MAULDIN: Yes, Your Honor.

23 THE COURT: Corporal Wells, you're excused, thank
24 you.

25 CORPORAL WELLS: Thank you, Your Honor.

1 THE COURT: Alright. Let's, this jury's tired, I'm
2 going to tell you we've been through 11 witnesses today. I'm
3 going to let them go. I don't want the lawyers to go anywhere,
4 I'm going to talk to y'all in just a second. Mr. Foreman ---

5 MR. FOREMAN: Yes, ma'am.

6 THE COURT: --- the regular afternoon speech from me,
7 do not go home, do any research, watch tv, read anything in the
8 newspapers, listen to anything on the radio, do any, any kind
9 of research on Google and all that social media stuff. Don't
10 even talk to anybody about this case and also that includes
11 amongst yourselves. Let's start, what time y'all want to start
12 in the morning?

13 MS. MAYES: 9:30, Your Honor.

14 THE COURT: 9:30?

15 MS. MAULDIN: Sounds good.

16 THE COURT: We're going to be propped, everybody in
17 the Courtroom at 9:15 tomorrow. I've already spoke to the
18 Clerk, we're going to treat y'all to lunch tomorrow and try to
19 work through and get it done, okay? Mr. Foreman, thank you, I
20 hope y'all have a good evening and I'll see y'all in the
21 morning.

22 (Jury exiting the Courtroom.)

23 THE COURT: I will say y'all have worked hard
24 today. 11 witnesses in a day, that's impressive.
25 Y'all have done good. We'll start at 9:30 in the

1 morning. Is there anything from the State?

2 MS. MAYES: Nothing from the State, Your Honor.

3 THE COURT: Anything from the Defense?

4 MS. MAULDIN: No, Your Honor.

5 THE COURT: I did talk to the clerk; we are going to
6 buy the lunch tomorrow. We're going to order them lunch, that
7 way maybe we can just keep working right on through to stay on
8 schedule.

9 MS. MAYES: We have a lot of experts tomorrow, Your
10 Honor, so with that said, we are going to need sufficient time
11 for lunch because we have to organize exhibits and work with
12 these expert witnesses regarding specific exhibits. So we'll
13 need at least an hour for lunch tomorrow if the Court can, can
14 provide ---

15 THE COURT: Yeah, I can give you an hour, but at
16 least all the jurors will be back here, we won't have to wait
17 on them. We'll get it done. Okay? I hope y'all have a good
18 evening. I'll see you in the morning.

19 (Whereupon the trial will resume the next morning at 9:30
20 am.)

21 January 25, 2023

22 THE COURT: Alright. The State ready?

23 MS. MAYES: Yes, Your Honor.

24 THE COURT: How about the Defense?

25 MS. MAUDLIN: Yes, Your Honor.

1 THE COURT: Alright. Before we bring the jury in, I
2 wanted to just clarify part of my earlier ruling for the
3 record. It doesn't change anything, I just wanted to expand on
4 it. An investigative detention of a person or property must be
5 temporary and last no longer than necessary to carry out the
6 purpose of the stop. However, it could be lengthened beyond
7 the original purpose either when an officer has an objectively,
8 reasonable, and articulable suspicion that illegal activity has
9 occurred or if the encounter is consensual. Regarding the
10 statements of evidence collected at the CK Mart on June 30th,
11 again, I find the stop was no longer necessary to carry out the
12 original purpose. Even if it were, Corporal Wells had an
13 objectively, reasonable, and articulable suspicion that illegal
14 activity had occurred, and Mr. Nance consented to the
15 encounter. Therefore, the detention of Mr. Nance in his
16 vehicle was proper, also for the other reasons that I stated on
17 the record on Monday and this ruling is pursuant to State v
18 Fraiser, State v Weaver, and State v, I'm going to spell it for
19 y'all, Bichardo, B-i-c-h-a-r-d-o. I just wanted to clarify
20 that for the record, I also note that the Defenses objected and
21 so noted for the record.

22 MS. MAULDIN: Thank you, Your Honor.

23 THE COURT: Okay. Anything from the State
24 before I call the jury in?

25 MS. MAYES: Yes, Your Honor. We will

1 be offering today potentially through our first witness, the
2 video statement from July 5th, 2021.

3 THE COURT: That's when he went to the police
4 department?

5 MS. MAYES: Yes, Your Honor. This video statement
6 has been heavily redacted. It's been redacted because, really,
7 we've had a case come out within the past three years, State
8 versus Washington, which strongly encourages the State to make
9 redactions when an officer is giving very opinionated, a very
10 opinionated, I guess you would say they're actually narrating
11 their opinion of the case and citing things like fingerprint
12 evidence or DNA evidence, and that's what happened in the
13 Washington case.

14 THE COURT: Okay.

15 MS. MAYES: And an officer was narrating all of the
16 reasons that he knows and believes that the Defendant had
17 committed the crime and, ultimately, the ruling of the Court is
18 that those portions of the video statement or recorded
19 statement should have been redacted. The responses are still
20 certainly relevant and admissible, but it's the opinion, the
21 very detailed opinions of the officer, especially if it extends
22 to quoting evidence that would be coming from an expert such as
23 DNA. So in this particular video statement, the officer has
24 confronted him numerous times with information that she's aware
25 of, that's going to include the DNA. It's also going to

1 include her knowledge of some of his prior activities and she's
2 questioning him specifically about a prior offense where he had
3 been charged with burglary. We have redacted all of that, but
4 it is going to be readily apparent to the jury that this is a
5 redacted video. And it's just the nature of how it went and
6 even as we've edited it, it's going to be very obvious that
7 there are numerous cuts and breaks in this video. So with that
8 said, we would ask for some type of stipulation given that
9 we've made these redactions to exclude certain portions that
10 would certainly be prejudicial to the Defendant if the jury
11 were to hear it. Some type of stipulation that by agreement of
12 the State and the Defense or order of the Court, however it
13 needs to be stated, that the, that the video being offered as
14 evidence is redacted, they need to be aware that it is
15 redacted, be, to exclude any portions which are not relevant to
16 these proceedings. So in other words, something along the
17 lines of by agreement of the State and the Defense, portions of
18 this video are redacted which are not relevant to these
19 proceedings. I mean, I'm open to suggestions, obviously from
20 the Court, and the Defense as well.

21 THE COURT: Ms. Mauldin, have you looked at the
22 video?

23 MS. MAULDIN: Yes, Your Honor, I've seen the clips.
24 I don't object to anything being redacted or the jury being
25 informed that there are parts that have been redacted. I don't

1 want to get into the content of anything that has been
2 redacted, I do want to be able to discuss the interrogation and
3 things like the length of the interrogation. But I don't plan
4 to get into anything of its content, so I, I don't think it
5 would be accurate to say that the rest is not relevant, you
6 know, as if he were with the investigator for all of this time
7 and they were talking about things that don't matter. But I
8 don't object to something ---

9 THE COURT: Okay. Well, how do y'all want to word
10 that? I understand you want, you want the jury to know it
11 started at this time and this is when it ended?

12 MS. MAULDIN: Yes, Your Honor. That, that it ---

13 THE COURT: I got it.

14 MS. MAULDIN: --- was an interview that lasted more
15 than an hour.

16 THE COURT: So how can we say that it's not relevant
17 of, what, what would you propose? Have y'all talked about a
18 stipulation?

19 MS. MAULDIN: No, Your Honor.

20 MS. MAYES: We have not, Your Honor. It's just, it
21 is apparent to us, I think we've got about 16 minutes of video,
22 and pursuant to State v Washington, the portions that are in
23 are pretty much where we are. There was a lot of the video
24 where he's just sitting, the officer has left the room. At one
25 point, someone is going to come in and read him his warrants

1 and he is placed in cuffs. He also has his phone seized during
2 this time. So I'm not sure at this point how much of the video
3 even has someone with him, but there are certainly portions
4 where he is with Detective Ortiz and they are talking about
5 many things which are not admissible in these proceedings,
6 they're just not.

7 THE COURT: Well then, why don't we just say that
8 it's been redacted because it's not admissible. Can we live
9 with that? Or I'll take any suggestions you have,
10 Ms. Mauldin.

11 MS. MAULDIN: Well, Your Honor. I'm just trying to
12 think through this. Let's see ---

13 THE COURT: I mean, I haven't ruled that anything's
14 admissible, I'm taking y'all's word on it. But I'm just trying
15 to think, I understand what the Defense is trying to say, and
16 I'm trying find the word that would ---

17 MS. MAULDIN: Your Honor, I don't know that we have
18 to necessarily describe the rest of it at all and I would ask
19 the Court to consider that the rest has been redacted by
20 agreement of the parties and the approval of the Court, and not
21 get into any word like admissible, or relevant, or anything
22 that would suggest that if I ask questions about the interview
23 ---

24 THE COURT: I'm just going to put that then, they
25 were redacted because the lawyers have agreed.

1 MS. MAULDIN: Yes. I think that would be
2 appropriate.

3 THE COURT: And you are to consider only
4 the content that you observe, and the accompanying testimony
5 and let it be.

6 MS. MAULDIN: I'll be fine with that, Your Honor.

7 THE COURT: Is that okay?

8 MS. MAYES: (Nonverbal response).

9 THE COURT: Now, that is going to be in this witness
10 here, the first witness up?

11 MS. MAYES: It is, Your Honor, I have, have written
12 the initial portion of that, we can agree on this, portions of
13 the video have been redacted by agreement of both the State and
14 the Defense, and then the Court would advise further, further,
15 as you just noted. That the fact that the video has been
16 redacted should not be considered or taken into consideration.

17 THE COURT: Okay. We're typing something up right
18 now. Thank you. And I'm probably just going to read this to
19 them just, Ms. Mauldin and Ms. Mayes, right before you get
20 ready to play the video.

21 MS. MAYES: We are looking for the Miranda form that
22 was previously a Court's Exhibit.

23 LAW CLERK: It's up here.

24 THE COURT: 38. Alright. Let me read this to y'all
25 and see if we can agree on it. The parties have asked that I

1 inform you that the video you are about to watch has been
2 edited from its original form. Portions of the interrogation
3 were redacted by agreement of the State and the Defendant. You
4 are to consider only the content you observe and the
5 accompanying testimony, not the fact that the video has been
6 edited.

7 MS. MAULDIN: That's good, Your Honor.

8 THE COURT: Is that alright with the State?

9 MS. MAYES: It is, Your Honor.

10 THE COURT: Okay. I'm also going to make this
11 stipulation, written stipulation a Court's Exhibit. My law
12 clerk is printing it. And it will be Court's Exhibit Number
13 52, and I'm going to just title it stipulation by parties. Any
14 objections?

15 MS. MAULDIN: No, Your Honor.

16 MS. MAYES: None from the State, Your Honor.

17 THE COURT: Thank you. Alright. I'm going to give
18 it to you in just one second, he's printing it. Alright. Let
19 me also let the lawyers know, I'm bringing in lunch for the
20 jury. I planned, their lunch is going to be here at 12:30, so
21 we can kind of try to aim for that for lunch. And Ms. Mayes,
22 if y'all have any really long witnesses, will you bring it to
23 the Court's attention just so maybe I can give the jury a break
24 so I won't have to break up direct and cross? I always hate to
25 do that. Alright. I'm going to have them bring the jury in.

1 (Jury entering Courtroom.)

2 THE COURT: Alright. This is going to be Court's
3 Exhibit Number 52.

4 (Whereupon a stipulation was submitted as Court's Exhibit
5 52 for identification and entered into evidence.)

6 THE COURT: Alright. Good morning.

7 JURY: Good morning.

8 THE COURT: Mr. Foreman, the jury ready?

9 MR. FOREMAN: Yes, ma'am.

10 THE COURT: Alright. Let me ask y'all my morning
11 question. Has anyone approached you about this case? Have you
12 talked to anyone about this case, have you read, done any
13 research about this case? If so, please raise your hand.
14 Perfect. The State can call their witness.

15 MS. MAYES: The State calls Detective Damaris
16 Williamson Ortiz.

17 CLERK: Please raise your right hand and place your
18 left on the Bible. Do you swear or affirm the testimony you
19 give the Court is the truth, the whole truth, and nothing but
20 the truth so help you God?

21 DETECTIVE ORTIZ: I do.

22 CLERK: Thank you. Would you please have a seat in
23 the witness box. State your full name and spell your last for
24 the record.

25

1 DETECTIVE ORTIZ: My name is Damaris Ortiz, O-r-t-i-
2 z,

3 DIRECT EXAMINATION

4 BY MS. MAYES:

5 Q Alright. Can you give us a little bit of information
6 about yourself? Tell us where you are currently employed.

7 A I'm currently employed at Columbia Police Department. I'm
8 an investigator there with the special victims unit.

9 Q Alright. How long have you been with the SVU unit?

10 A Four years.

11 Q And what type of work did you do prior to joining the SVU
12 unit as a detective with the Columbia Police Department?

13 A I was master patrol officer, north region for six years.

14 Q Alright. So how many years all together of law
15 enforcement experience do you have?

16 A I have all together 14 years. I was a unit Sargent over
17 at Broad River before, and then I went over to CPD, and I've
18 been with them for 10 years.

19 Q Alright. Now, what type of work do you do with the
20 special victim's division?

21 A We specialize or we work with victims such as vulnerable
22 adults, we deal with a lot of deaths and abuse of children, as
23 well as rape and domestic violent cases.

24 Q Alright. And do you have specific training in those types
25 of investigations including sexual assault investigations?

1 A Yes, ma'am.

2 Q And did you have that type of experience in training,
3 Detective, leading up to the date of June 23rd, 2021?

4 A I did.

5 Q Who was the lead detective on this case being the
6 investigation of the sexual assault of [REDACTED] at her
7 apartment?

8 A I was.

9 Q And tell us if you would, how you became involved in this
10 case. What was your initial notification?

11 A I was notified by my Sargent that there had been a
12 burglary at the incident location, and I responded.

13 Q Alright. So I want to ask you a little bit about that,
14 Detective, when we talk about the jurisdiction. You are a City
15 of Columbia Police Officer?

16 A That's correct.

17 Q With that said, does the City of Columbia Police
18 Department have jurisdiction over portions of Lexington County?

19 A In the Harbison area, it's kind of confusing with the
20 jurisdiction. Some areas is Richland County and then you cross
21 the street and it's Lexington County. So yes, I would respond
22 to, you know, certain areas in that, in Harbison.

23 Q Alright. And I need you to pull the microphone up just a
24 little bit closer to you.

25 A Yes, ma'am.

1 Q So when we talk about the county line between Richland and
2 Lexington, does it extend over to portions of [REDACTED]
3 Apartments?

4 A Yes.

5 Q Including this particular location being apartment
6 building [REDACTED]?

7 A That's correct.

8 Q And based on everything you know at this point in the
9 investigation including the mapping, the jurisdictional mapping
10 that is used by the City of Columbia Police Department, in what
11 county is that building E?

12 A That, where it happened ---

13 Q Yes, at [REDACTED].

14 A The incident location is in Lexington County.

15 Q Okay. Detective, you mentioned that you got the
16 notification and what was your first action in this
17 investigation?

18 A I responded to the hospital where the victim was.

19 Q Okay. And tell us if you would, what happened when you,
20 what can you tell us about the demeanor of [REDACTED] D.K. [REDACTED] when
21 you arrived at the hospital that morning?

22 A She was distraught, she was visibly upset, emotionally,
23 and physically she expressed to me that she was in a lot of
24 pain.

25 Q Now, based upon your training and experience,

1 do you attempt to get a written statement from a victim under
2 those circumstances?

3 A No. Usually, when we respond to a scene like this, you
4 know, the patient's health is first, you know, we make sure
5 they are taken care of and you know, they get seen by the
6 doctors and I usually meet with them at a later date when
7 they're ready to meet with me.

8 Q Okay. And can you tell us how long you were there at the
9 hospital with Ms. D.K. during the course of this sexual
10 assault examination?

11 A I was there with her, I don't know exactly the length of
12 time, but I was in there with her for a while.

13 Q Okay. Now, during the course of this examination, can you
14 tell us is there a medical professional taking certain swabs or
15 evidence from the body?

16 A Yes. There's a SANE nurse and she basically asks
17 questions and does a physical examination.

18 Q Okay. And when you say SANE nurse, you're referring to
19 sexual assault nurse examiner?

20 A That's correct.

21 Q And can you tell us if that protocol was followed in this
22 case regarding Ms. D.K.?

23 A It was.

24 Q And what is the next thing you did or looking, let me back
25 up. While you were at the hospital, were you able to discern

1 anything from Ms. [D.K.] that was relevant to your next step
2 in this investigation?

3 A While I was talking with Ms. [D.K.], she
4 Advised me that her bank card used, and at that point,
5 my very next step was to execute a search warrant for her bank
6 records.

7 Q Okay. So I want to ask you specifically about that. How,
8 were you with her and able to observe how she was learning that
9 her bank card was being utilized?

10 A Yes. She had her cell phone, I guess, you know, she
11 looked it up on her cell phone and she was able to see that her
12 bank card was used.

13 Q Okay. Based on her banking app?

14 A Correct.

15 Q You indicated that you were able as well to discern
16 information about the specific bank associated with that
17 banking app?

18 A Correct.

19 Q And what bank was that?

20 A It was TD Bank.

21 Q And you indicated that you then executed a search warrant?

22 A That's correct.

23 Q Detective, can you tell us whether or not you were able to
24 ascertain that Ms. [D.K.]'s bank card was used during the time
25 frame of 6:28 through 6:32 on the morning of June 23rd?

1 A Yes.

2 Q I'm going to show you what is State's 26, already in
3 evidence.

4 A Yes.

5 Q You're familiar with these records?

6 A I am.

7 Q Are these records contained in State's 26, are these in
8 fact the records that were acquired by the City of Columbia
9 Police Department pursuant to that search warrant?

10 A They are.

11 Q Were you also able to determine the location in which the
12 card was used?

13 A That's correct.

14 Q And what was that location?

15 A 3102 and a half Broad River Road.

16 Q Okay. What was your next step in trying to determine who
17 might have accessed her bank card at that location?

18 A Obtaining video footage if, if there was any available.

19 Q Okay. And where did ultimately obtain video stills and
20 video footage from?

21 A It was the, we actually got some stills from TD Bank, and
22 then I subsequently got some video from the First Pawn Shop,
23 First Cash Pawn Shop.

24 Q So I want to ask you a few questions about that. You
25 indicated the First Cash Pawn Shop ---

1 A Correct.

2 Q --- we heard yesterday from a representative from the
3 First Cash Pawn Shop?

4 A Yes.

5 Q Again, from the video that you observed at First Cash pawn
6 Shop, what did you see on that video surveillance?

7 A While watching the video from the First Cash Pawn Shop, I
8 observed a white vehicle pull up at the ATM machine. I
9 observed a passenger exit the vehicle and walk over to the ATM
10 machine where he was, he would go back and forth between the
11 ATM machine and the vehicle as, as if asking questions or
12 getting information and then going back to the ATM machine.

13 MS. MAYES: And I believe this is State's 128 already
14 in evidence. And State's 99 already in evidence, Your Honor.
15 Permission to publish?

16 THE COURT: Yes, ma'am.

17 Q You mentioned a white sedan. What can you tell us based
18 on the investigation you've learned about this white sedan?

19 A The white sedan, it had some damages, we were able to see
20 some damages on the vehicle on the driver, I'm sorry, on the
21 passenger rear side of the vehicle, there was some damages that
22 we noted as well as discoloration.

23 Q Is there a time on this video?

24 A There is.

25

1 Q Alright. We're going to stop it here. I'm going to ask
2 you a little bit about this. Looking up here, what is
3 reflected in the upper right-hand corner?

4 A That's the pawn shop.

5 Q Okay. And are you able to see the date from
6 where you are seated?

7 A Not from where I'm seated.

8 Q Alright. You're familiar with the fact that there is a
9 date and time associated with the video?

10 A Yes.

11 Q And does that date and time also correspond with the times
12 that you had noted on the TD Bank records being 6:28 am and
13 6:32 am for these particular transactions?

14 A That's correct.

15 Q Now, there is an individual getting out of the vehicle.
16 Where did that individual get out of the vehicle from?

17 A Passenger seat.

18 Q And throughout this transaction, are you able to make
19 observations about the physical size and clothing of this
20 individual who is the passenger?

21 A Yes. He's a heavy set gentleman, he walks with a limp,
22 and he's not wearing jeans.

23 Q Okay. And on this particular video being the First Cash
24 Pawn video, were you able to make out anything concerning the
25 driver at this point?

1 A No.

2 Q Okay. And later do you obtain video surveillance that
3 gives you additional information about the driver?

4 A Yes.

5 Q And then the upper right-hand corner, we see
6 6:28, what if anything was significant about that time,
7 Detective?

8 A At 6:28 was the first withdrawal from the victim's
9 account.

10 Q What did you observe there?

11 A The passenger is gone back to the driver and asking him a
12 question and walking back and forth from the vehicle to the ATM
13 machine.

14 Q It is now 6:30, what if anything is significant about that
15 time in your investigation?

16 A 6:30 am is the second withdrawal.

17 Q It is now 6:32 am, what if anything is significant about
18 this time?

19 A That's when the third withdrawal takes place on her
20 account.

21 Q The total amount of these transactions or withdrawals were
22 for what amount?

23 A Approximately \$1,200.00.

24 Q You mentioned a limp, is that apparent to you?

25 A That's correct.

1 Q What if anything were you able to note about the type of
2 tag on this Chevy Malibu?

3 A They were paper tags on the vehicle.

4 Q Was that apparent to you from this video as well as your
5 examination of still shots?

6 A That's correct.

7 Q It is 6:33, based on your investigation, where do you next
8 observe this vehicle on video surveillance, Detective?

9 A The vehicle is then observed driving by 2007 Broad River
10 Road and then it arrives at the CK Mart located at 2624 Broad
11 River Road at 6:44 am.

12 Q Those transactions at 3102 and a half Broad River Road,
13 and then you've indicated you were next able to observe it on
14 video at 6:44?

15 A Yes.

16 Q And what location was that?

17 A 2624 Broad River Road, CK Mart.

18 Q The CK Mart. And you are a City of Columbia Police
19 Officer and have worked that area for years. What can you tell
20 us about the general location or proximity between that
21 Palmetto Citizen's ATM kiosk we just saw on video and this CK
22 Mart?

23 A It's literally two minutes away from each other in
24 distance in car.

25 Q And being familiar with city blocks, how many

1 blocks, how many blocks would you estimate that is on Broad
2 River Road?

3 A About two blocks away.

4 Q Take us through, when you got the TD Bank records, you
5 indicated that you got them the same day?

6 A Right.

7 Q On June 23rd, the same day of the crime. When did you
8 actually obtain the video that we just watched from First Cash
9 Pawn?

10 A I want to say it was probably the next day.

11 Q And you can check your notes if you need to.

12 A It actually was the same day we received it.

13 Q Okay. And based upon that video that we just saw, were
14 you able to yourself and other detectives associated with this
15 case viewing video surveillance, were you able to develop a
16 suspect vehicle?

17 A Yes.

18 Q What suspect vehicle did you develop in this case?

19 A Basically, we knew we were looking for a white sedan,
20 Chevy, and it had discoloration and damage to the rear side of
21 the passenger side.

22 Q I'm going to show you what is 35 and 31 currently
23 Court's Exhibits but ask you if you're familiar with these
24 stills?

25 A I am.

1 MS. MAYES: We would have these be State Exhibits at
2 this time. It's 31 and 35.

3 THE COURT: Any objection?

4 MS. MAULDIN: No, Your Honor.

5 COURT REPORTER: What were those numbers? I'm
6 sorry.

7 MS. MAULDIN: 31 and 35, Court's Exhibits to State's
8 Exhibits.

9 (Whereupon still shots submitted as State Exhibit's 31 and
10 35 for identification and entered into evidence.)

11 Q Looking here at 31 with the time, 6:27 atm, 6:27 am at the
12 ATM. What can you tell us about this vehicle and where did you
13 observe damage, Detective?

14 A The damage was observed on the rear side of the vehicle,
15 right here, all in that area. It also shows a reflector that's
16 consistent with this Chevy Malibu.

17 Q And then State's 35 may be a little bit closer view of
18 that. Again, looking at State's s35, where are you seeing any
19 type of unique markings such as discoloration?

20 A The discoloration is down here in this area.

21 Q That would be to the rear right panel area?

22 A Correct.

23 Q And you also indicated a paper tag on this
24 vehicle?

25 A That's correct.

1 Q Now, did you see a vehicle meeting the description of the
2 suspect vehicle once you obtained video from the CK Mart
3 several blocks away?

4 A I did.

5 Q And you indicated the arrival time was 6:34 am?

6 A That's correct.

7 Q So roughly a minute and a half or two minutes after this
8 vehicle departs the ATM machine?

9 A Yes.

10 Q Now, the CK Mart video surveillance, this is State's 6.
11 Tell us about your process of going to obtain this video and
12 who you viewed it with and the date that you viewed this video?

13 A I obtained the video from the CK Mart by responding over
14 to CK Mart with Mr. Abdul, and that was on the 30th of June,
15 and I asked him for any video footage of June 23rd and we
16 watched the video together.

17 Q Was that Mr. Abdul, Shoddin Abdul that we saw testify
18 yesterday?

19 A That's correct.

20 Q June 30th was the date that you were able to watch the
21 video with him?

22 A That's correct.

23 Q You observed it as evidence in this case, and you've had
24 an opportunity to look at State's 6?

25 A I have.

1 Q Is State's 6 being the video surveillance from CK Mart a
2 fair and accurate depiction of the video that you viewed with
3 the cashier, Mr. Abdul?

4 A Yes.

5 MS. MAYES: Permission to publish, Your Honor?

6 THE COURT: Yes, ma'am.

7 Q Are you able to visualize the times, Detective, from where
8 you are?

9 A Yes. The date is June 23rd, 2021, the time is 6:34 am.

10 Q Do you see the vehicle ---

11 A I do.

12 Q --- in the background? Do you have a laser pointer with
13 you?

14 A That's the vehicle.

15 Q Detective, we are at the 38 second mark on this video or
16 37 second mark. What if anything did you observe at this point
17 as you have viewed this video?

18 A I observed the person pulling up, at the parking spot, and
19 if you look closely, the driver is handing the passenger
20 something.

21 Q And do you have your laser pointer with you? Can you show
22 us where that is occurring?

23 A Right there.

24 Q Is this the first time you've been able to visualize the
25 driver?

1 A Yes.

2 Q And now looking at the passenger?

3 A The passenger fits the description of the gentleman that
4 exited the passenger's side at the ATM machine. Same clothing
5 and he walks away from the vehicle, you see he has a limp as
6 well.

7 Q Alright. Did this individual appear to have the same hat
8 and shirt as the individual at the ATM?

9 A He does.

10 Q As well as pants and shoes?

11 A That's correct.

12 Q Having observed this individual, the passenger on this
13 video, can you tell us whether or not he also appears to have
14 the limp that we saw on the previous video of the passenger at
15 the ATM?

16 A He does.

17 Q And were you also able to observe this individual on
18 interior video from within the store?

19 A Yes.

20 Q What if anything do you observe him do after he gets out
21 of the vehicle?

22 A He goes into the store and purchases something.

23 Q What did you observe him purchase?

24 A It's like a tall drink, I think it's like beer, or
25 something like that.

1 Q Now, you indicated that you had met with the victim at the
2 hospital. Who actually obtained a written statement from
3 D.K. the day after the hospital?

4 A I did.

5 Q And can you tell us at this point in time if you had a
6 general description of a suspect as part of your investigation?

7 A At that time, what we knew was that he was, his build was
8 slender and he was wearing jeans.

9 Q So slender with jeans?

10 A Yes.

11 Q Did this person getting out of the vehicle appear to meet
12 that description?

13 A He did not.

14 Q Did you consider him a suspect?

15 A I did not.

16 Q With this, can you tell us when you were first able to
17 visualize the driver of the white Chevy Malibu who had been
18 present when the victim's card was utilized?

19 A This was the first time that I was able to observe him.

20 Q Alright. What if anything did you observe, Detective,
21 about the physical build of the driver of this vehicle?

22 A He's slender.

23 Q What if anything did you observe about his
24 clothing?

25 A He was wearing jeans.

1 Q And based upon that and the information you had in this
2 case, can you tell us whether or not you considered this
3 individual a suspect in the burglary and sexual assault of
4 D.K.?

5 A I did.

6 Q What happens next on the video?

7 A On the video, he's seen walking up to the trash can, he's
8 throwing something out and he walks back.

9 Q Were you ever able to visualize exactly what he threw into
10 the trash can?

11 A No.

12 Q Now, at this point do you recognize this individual here?

13 A I do.

14 Q And did you ever see any further interaction between this
15 individual and the driver of this vehicle?

16 A No.

17 Q Other than what we previously observed?

18 A That's correct.

19 Q You had mentioned the purchasing of beer or something
20 inside the store ---

21 A Yes.

22 Q --- is that when this occurred?

23 A Yes.

24 Q Detective, having viewed this video, State's 6
25 Which is in the evidence. What do you observe

1 occurring here at the 4:13 mark into this
2 video?

3 A He's flashing a stack of money.

4 Q And when you look at that, does the, what he's holding in
5 his hand that you have identified as money, does that appear to
6 be money that is older money or that is new?

7 A It's just whenever you go to an ATM, you have some crisp
8 cash money, that's what it was.

9 Q Where if at all, Detective Ortiz, were you able
10 to make out the, the discoloration and damage to the
11 vehicle that you had previously observed back
12 at the ATM machine where Ms. **D.K.** s card was
13 utilized?

14 A That damage was right in the rear side of the passenger
15 side and you can also see the paper tags.

16 Q Okay. Do you consider those to be unique markings to this
17 vehicle ---

18 A Yes.

19 Q - to this white Chevy Malibu? I'm going to show you some
20 items and ask you whether or not you recognize them. The first
21 group being State's 20 and State's 25.

22 A Yes, ma'am.

23 Q Are these fair and accurate representations of the ATM
24 video stills that you obtained in this case?

25 A They are.

1 Q Now, State's 137, 69, 72, 134. Do these appear to be fair
2 and accurate representations of still shots from the video
3 footage that we just observed from CK Mart?

4 A Yes, ma'am.

5 Q Including interior footage?

6 A That's correct.

7 Q And then State's 61, 60, and 62. Do these appear to be
8 fair and accurate representations from the video footage from
9 First Cash Pawn?

10 A They are.

11 MS. MAYES: All for evidence, Your Honor.

12 THE COURT: Let me know if you have
13 any objection, Ms. Mauldin.

14 MS. MAULDIN: Yes, Your Honor. No objection, Your
15 Honor.

16 THE COURT: They're admitted.

17 COURT REPORTER: Can you repeat those numbers,
18 please, ma'am?

19 MS. MAYES: Yes. From Palmetto Citizens ATM, 20 and
20 25. From First Cash Pawn, 61, 60, and 62. And from CK Mart,
21 137, 69, 72, and 134.

22 (Whereupon still shots were submitted as State Exhibits
23 20, 25, 60, 61, 62, 69, 72, 134, and 137 for identification and
24 entered into evidence.)

25 Q And Detective, looking here at 62, any doubt in

1 your mind whatsoever that that is the same vehicle that you
2 later observed at the CK Mart?

3 A No doubt.

4 Q And regarding the individual, the passenger, I'm going to
5 show you here in State's 20 and 25. First, in the background
6 here in State's 25, are you able to make out a logo for the
7 vehicle depicted here?

8 A Yes. Right there.

9 Q Is that consistent with a Chevy Malibu?

10 A That's correct.

11 Q And then the paper tag and discoloration, is that visible
12 in these photographs as well?

13 A The paper tags and discoloration.

14 Q Did you consider this individual, the passenger, to be
15 slender?

16 A I do not.

17 Q Were his pants made of denim?

18 A They were not.

19 Q Now, looking at 134, from the CK Mart, here at 6:35 am
20 when the individual exits the vehicle, you noted the clothing?

21 A That's correct.

22 Q And I believe you've testified previously that you
23 noted the physical build, and that you considered him a
24 suspect?

25 A Yes.

1 Q Having done so, and you indicated you were viewing this
2 video with Abdul. What if anything did you do based upon your
3 conversations with Mr. Abdul?

4 A When I, when I talked to Mr. Abdul, Mr. Abdul advised that
5 he, he was familiar with my suspect, and that he frequent the
6 store. At that point, I asked Mr. Abdul, I gave him my contact
7 information and I asked him to please call me should he return.

8 Q Alright. And this was on June 30th ---

9 A That's correct.

10 Q --- that you're actually obtaining this video and having
11 that conversation with Abdul?

12 A That's correct.

13 Q And looking here at further still shots, again,
14 the reference that you made to money, we're looking at State's
15 69 and then State's 72. Where did you observe that in this
16 particular photograph?

17 A The money is right here.

18 Q Were you also able to make out a type of footwear of, for
19 this individual? And I realize this is not the best
20 photograph, but based upon your observations, I'm going to show
21 you what is Court's 18, I think, a better photo here, and this
22 is Court's 18. I'm going to ask you to identify it if you can.

23 A Yes.

24 Q Is this a still shot from the same video?

25 A It is.

1 MS. MAYES: This would be State's 18 as evidence.

2 THE COURT: Any objection?

3 MS. MAULDIN: No, Your Honor.

4 THE COURT: It's admitted.

5 (Whereupon a still shot was submitted as State's Exhibit
6 18 for identification and entered into evidence.)

7 Q Looking now at the footwear, were you also able to
8 visualize the general type and color of footwear?

9 A Yes.

10 Q What did you determine that to be?

11 A They were brown.

12 Q And were you able to make out anything specific regarding
13 the type, whether this was a tennis shoe or something else?

14 A They were boots.

15 Q Okay. So you identified them as some type of brown boot?

16 A Yes.

17 Q And then this particular photograph, 137 in evidence.

18 Where is this taking place? Where is this video footage from?

19 A This is inside the CK Mart.

20 Q Is that the transaction you spoke of when the passenger
21 went in and made that purchase?

22 A That's correct.

23 Q And other than that, did you ever see any further
24 communication or contact between that individual and the driver
25 of the white Chevy Malibu?

1 A I did not.

2 Q Now, we heard yesterday from Mr. Carey Shealy, Statewide
3 Security Systems. Tell us what Statewide Security Systems is
4 and how that security system's utilized by Columbia Police
5 Department as well as other law enforcement agencies in
6 Richland and Lexington Counties.

7 A So the Statewide Security System is, is what we use
8 whenever we're trying to locate a vehicle or even an incident
9 that takes place within our jurisdiction or Lexington County
10 jurisdiction.

11 Q I'm going to show you some items and ask you whether or
12 not you recognize them, currently Court's Exhibits. Court's
13 27, 28, and 29. Are you familiar with all of these?

14 A I am.

15 Q Can you tell us if these are fair and accurate depictions
16 of still shots from the Statewide Security Systems video?

17 A They are.

18 Q Now, I'm also going to ask you about some other items
19 which are currently Court's Exhibits, but ---

20 MS. MAULDIN: Your Honor, 27, 28, and 29 are without
21 objection.

22 THE COURT: And they're admitted.

23 (Whereupon still shots were submitted as State
24 Exhibit's 27, 28, and 29 for identification and entered into
25 evidence.)

1 Q I failed to ask you about Court's 21, 22, 23, and 24, but
2 are these also all fair and accurate representations from that
3 video footage from CK Mart?

4 A They are.

5 MS. MAULDIN: And 21, 22, 23, and 24.

6 THE COURT: Let me know if there's any objection, Ms.
7 Mauldin.

8 MS. MAULDIN: None, Your Honor.

9 THE COURT: Thank you. They're admitted.

10 (Whereupon still shots were submitted as State Exhibit's
11 21, 22, 23, and 24 for identification and entered into
12 evidence.)

13 Q That white Chevy Malibu with paper tags, when did it
14 first become identified as the suspect vehicle, on what
15 date?

16 A On the 23rd of June.

17 Q And by the 24th, did you have, was your Sargent also
18 involved in this case?

19 A Very much so.

20 Q And your Sargent's name?

21 A Sargent Haas.

22 Q Okay. Did Sargent Hass take any efforts to potentially
23 locate a white Chevy Malibu with paper tags through DMV or
24 other resources?

25 A Yes.

1 Q And at that point in time, up until the CK Mart had you
2 been able to identify the vehicle yet, actually physically
3 locate it?

4 A No.

5 Q Now, I want to start by asking you about what we're
6 looking at here in State's 63 being a map. What is located up
7 here in the far lefthand corner of the map, Detective?

8 A Intersection of Crossbow and Columbiana.

9 Q And can you tell us the proximity between that location,
10 that camera location and the crime scene?

11 A Within a few minutes.

12 Q I'm going to show you what is 64 already in evidence.
13 Looking at 64, do you see the location of the victim's home?

14 A This over here.

15 Q And then do you see the intersection of Crossbow
16 and Columbiana?

17 A Right here.

18 Q Okay. I'm going to put this on the overhead and talk
19 about this. This location here in yellow that is marked [REDACTED]
20 [REDACTED], apartment [REDACTED] is significant for what reason?

21 A That's where the victim lives.

22 Q Okay. And what road are we looking at here?

23 A That's Crossbow Drive.

24 Q And then what road are we looking at here?

25 A Columbiana Drive.

1 Q Columbianana. And can you tell us whether or not there is a
2 camera pursuant to Statewide Security Systems ---

3 A Yes.

4 Q --- owned by Carey Shealy at this intersection at Crossbow
5 and Columbianana?

6 A Yes, ma'am.

7 Q Now, you were aware through the investigation that the
8 victim had reported a time or time frame in which the intruder
9 left her home?

10 A Yes.

11 Q What was that time?

12 A When I spoke to the victim at the hospital, she made a
13 note that the suspect left her house at 5:39 am.

14 Q 5:39 am. On the screen, the traffic camera
15 at this location Crossbow and Columbianana, what if
16 anything of significance was observed?

17 A The vehicle was seen at the intersection of Crossbow and
18 Columbianana drive at 5:49 am.

19 Q Alright. That would be the intersection we just looked
20 at, Columbianana and Crossbow?

21 A That's correct.

22 Q Would this be the camera closest to the victim's
23 neighborhood?

24 A That is correct.

25 Q And again, the time in which you observed this vehicle?

1 A Yes.

2 Q 5:49 am?

3 A 5:49 am.

4 Q Now we're looking at a larger view of that in
5 State's 27. Based upon your knowledge of the vehicle
6 in this investigation, Detective, what type of
7 vehicle does this appear to be regarding color, make, and
8 model?

9 A It appears to be a white sedan, and if you look closely at
10 the reflector here, which I mentioned before it's consistent
11 with a Chevy Malibu.

12 Q And having watched the video in full, is there any doubt
13 in your mind that that is a white Chevy Malibu?

14 A No doubt.

15 Q And what if anything else was significant to you
16 watching this video at 5:49 regarding the outdoor conditions
17 and whether it is still nighttime?

18 A It's still nighttime.

19 Q Were you able to determine whether or not this vehicle was
20 using headlights?

21 A Yes.

22 Q Now we're looking at the next camera location on the map,
23 which would be what?

24 A That next area is going to be I believe it's, is that the
25 same one we just seen?

1 Q Okay. Is there going to be a camera at the Harbison
2 Boulevard?

3 A Yes. Columbiana and Harbison.

4 Q Alright. So looking at this over on the map, Detective,
5 in State's 63 ---

6 A Yes.

7 Q --- if one were to travel from Crossbow Drive to CK Mart,
8 can you tell us whether or not the camera that we're looking at
9 here would be consistent or inconsistent with that route of
10 travel?

11 A Yes. They would be.

12 Q Would be?

13 A Consistent.

14 Q And were you able to observe cameras at that Harbison
15 Boulevard intersection as well?

16 A I was.

17 Q Okay. Looking here at State's 66. Can you tell us
18 whether or not you observed a vehicle in that, on that camera
19 consistent with a white Chevy Malibu?

20 A I did.

21 Q And what was the time in which you observed that
22 vehicle?

23 A 5:54 am.

24 Q Can you tell us whether or not that observation at 5:54
25 am, whether that location is consistent being four to five

1 minutes away from where you had last observed the vehicle at
2 5:49?

3 A Yes.

4 Q And next, can you tell us whether or not there was a
5 traffic camera at the St. Andrews Road location?

6 A Yes.

7 Q Let me just go back real quick to the one that you just
8 mentioned at Harbison Boulevard, at the 5:54, again, regarding
9 outdoor conditions and whether or not this vehicle had on
10 headlights? What if, what did you observe?

11 A The headlights were still on. You know, daylight was,
12 hadn't, it was not there yet, we didn't have daylight yet.

13 Q Next I want to ask you about State's 67.

14 A Yes.

15 Q This traffic location is where, this traffic camera
16 location is where?

17 A This is going to be Broad River and St. Andrews.

18 Q Okay. At this point, Detective, were you able to observe
19 a specific, unique characteristic regarding the vehicle?

20 A The paper tag, and once again, you can see the damage on
21 the vehicle.

22 Q And watching the video live ---

23 A Correct.

24 Q --- is that also more apparent?

25 A Yes.

1 Q And this is what time, Detective?

2 A St. Andrews, that was at 6:15. I'm sorry, I couldn't see
3 it from here.

4 Q Okay. I'll hand that to you, this is State's 67.

5 A Yes, 6:02 am.

6 Q Okay. And is that sighting at St. Andrews at 6:02 am, can
7 you tell us whether or not that's consistent with that having
8 last been on Harbison Boulevard at 5:54?

9 A Correct.

10 Q Next I want to ask you about State's 68. Were you able to
11 obtain any video that depicted the CK Mart?

12 A Yes.

13 Q And what is the time in which you first observed a vehicle
14 consistent with the suspect vehicle entering the area of the CK
15 Mart?

16 A I can't see your times, so I'm going to refer to my notes.

17 Q Okay. And while you're doing that, I'm going to go back
18 to State's 29 ---

19 A Sure.

20 Q --- being a still shot from Broad River Road, again, were
21 you able to make out the unique characteristics of the vehicle
22 at this camera time at ---

23 A Yes.

24 Q Alright. I'm going to show you this, State's 68 so that
25 you can take a look at it.

1 A The time was 6:04.

2 Q 6:04. And looking here at 68, what are we looking at in
3 the foreground?

4 A We see the CK Mart.

5 Q Okay. So this particular camera location is at what
6 intersection?

7 A Seminole Road.

8 Q Would that be Seminole Road and Broad River?

9 A Yes.

10 Q And the CK Mart is in the foreground?

11 A That's correct.

12 Q What if anything was observed at 6:04 having viewed that
13 video surveillance?

14 A You can view the vehicle entering the CK Mart right there.

15 Q Now, you indicated that on June 30th when you viewed this
16 video with the cashier, Mr. Abdul, you gave him your card?

17 A Yes.

18 Q And approximately what time was that that you were meeting
19 with Mr. Abdul to retrieve that video or review that video
20 footage on June 30th?

21 A On June the 30th, I reviewed the video with Mr. Abdul at
22 5:13 pm.

23 Q Okay. And that was 5:13 pm, you have testified that you
24 gave him your card?

25 A Yes.

1 Q Did you hear from Mr. Abdul that the suspect that you had
2 identified in State's Exhibit 10 had in fact returned?

3 A I did.

4 Q What is the date and time in which you learned that he had
5 returned?

6 A Mr. Abdul called me on June 30th at 7:40 pm.

7 Q Just a couple of hours from when you were there looking at
8 the video?

9 A That's correct.

10 Q That's when you learned that the suspect had returned to
11 the store?

12 A Yes.

13 MS. MAYES: Your Honor, if we may approach?

14 THE COURT: You may.

15 (Off the record.)

16 THE COURT: Alright. Mr. Foreman,
17 ladies and gentlemen of the jury, I'm going to give y'all a
18 15-minute break right quick.

19 MR. FOREMAN: Yes, ma'am.

20 THE COURT: Remember, no talking amongst yourselves
21 about this case.

22 MR. FOREMAN: Yes, ma'am.

23 (Jury exiting the Courtroom.)

24 THE COURT: Alright. Detective Ortiz, I'm going to
25 remind you you're under oath, we're taking a break. If you

1 need to go to the ladies room, please help yourself. Just
2 don't speak to anyone about this case.

3 DETECTIVE ORTIZ: Okay.

4 THE COURT: We're going to be in recess for 15
5 minutes.

6 (Off the record.)

7 THE COURT: Alright. Y'all ready?

8 MS. MAYES: Yes, Your Honor.

9 THE COURT: Let's bring the jury in. Ms. Mauldin,
10 you ready?

11 MS. MAULDIN: Yes, Your Honor.

12 (Jury entering the Courtroom.)

13 THE COURT: Alright. Mr. Foreman, jury ready?

14 MR. FOREMAN: Yes, Your Honor.

15 THE COURT: Please be seated. Detective Ortiz, I'm
16 going to remind you that you are still under oath.

17 DETECTIVE ORTIZ: Yes, ma'am.

18 THE COURT: Go ahead, Ms. Mayes.

19 MS. MAYES: Yes, Your Honor.

20 Q Detective, when we last left your testimony you had
21 indicated that you did receive a call from the cashier at CK
22 Mart on the evening of June 30th at 7:40 pm?

23 A That's correct.

24 Q Can you tell us whether based on the information that,
25 without going into what was stated with Mr. Abdul, can you tell

1 us whether or not at that time you felt the need to alert other
2 officers regarding the location of CK Mart on June 30th?

3 A I did.

4 Q How did you go about doing that?

5 A I had west region officers dispatched to the CK Mart.

6 Q Now, when you say west region, what are you referring to?

7 A Where the store is located, where the gas station is
8 located, it's considered west region.

9 Q Alright. And where were you at 7:40 pm when you got the
10 call from the cashier at CK Mart, Mr. Abdul?

11 A I was at 715 Bluff Road which is the Columbia Police
12 Department Annex Building.

13 Q What efforts, if any did you take to go from Bluff Road to
14 the location of the CK Mart on Broad River Road? What, what
15 did you do?

16 A I went to CK Mart.

17 Q Now, we are on June 30th, so this is how many days since
18 the actual crime occurred?

19 A It's approximately a week.

20 Q And being 7 days out, I think you have indicated at this
21 point that you did have knowledge of a suspect vehicle?

22 A That's correct.

23 Q Relating back to State's 23, and then State's 22. What if
24 any information did you pass on to the west region officers
25 regarding that suspect vehicle being the white Chevy Malibu?

1 A I advised that it was a white Chevy Malibu with
2 the paper tags.

3 Q And what if anything did you advise officers regarding
4 that vehicle if they were to see it prior to your
5 arrival?

6 A Just basically to get out of the vehicle and make contact,
7 detain the vehicle, and the person driving it.

8 Q Alright. Now, when we talk about detaining the vehicle,
9 at this point in time, did you consider the vehicle to be
10 potential evidence in your case?

11 A I did.

12 Q And what time did the first officer arrive, if you
13 know?

14 A Sargent Wells arrived at 7:51 pm.

15 Q Alright. And that would be the Sargent Wells that we
16 heard from yesterday?

17 A That's correct.

18 Q I'm going to show you some photographs and ask you whether
19 or not you're familiar with them. These are already in
20 evidence beginning with State's 15, if you could just look at
21 that for yourself. State's 16, State's 13, and State's 14.
22 You're familiar with these photographs?

23 A Yes, ma'am.

24 Q And the location in which they were taken?

25 A That's correct.

1 Q Upon your arrival, you've indicated 7:51 or 7:52 is when
2 Officer Wells arrived?

3 A Yes.

4 Q When did you arrive, Detective?

5 A I arrived at 8:04 pm.

6 Q Tell us what if anything you observed upon your arrival at
7 8:04 pm.

8 A I observed Sargent Wells at the CK Mart.

9 Q And what if anything did you observe?

10 A I also observed the vehicle at the gas pump.

11 Q We're going to start here looking at State's 108 already
12 in evidence. Can you tell us whether or not you had learned
13 the identity from Sargent Wells of the driver of this vehicle
14 upon your arrival?

15 A Yes.

16 Q And had you also learned, looking here at State's
17 15, whether or not the individual had been identified
18 as the driver of this vehicle?

19 A That's correct.

20 Q And who did you determine based upon all the information
21 obtained that night the driver of that vehicle to be?

22 A Tamar Nance.

23 Q We're going to look at State's 14 in evidence. What are
24 we seeing here?

25 A That's me talking to Sargent Wells, I was showing

1 him a picture that I had on my phone, and I was asking him if
2 the person that was in the vehicle resembled the man that I had
3 on my phone, just basically comparing.

4 Q Alright. And what time are we looking at here on the body
5 cam footage?

6 A That's 8:05.

7 Q Okay. So 20:05 military time, but that would convert to
8 8:05 pm?

9 A Correct.

10 Q Now, the photo that you had on your phone, Detective, when
11 and how did you go about preserving that photograph on your
12 phone?

13 A On the video that I obtained from Abdul.

14 Q Okay. From Mr. Abdul at the CK Mart?

15 A That's correct.

16 Q And from that particular video, can you tell us whether or
17 not you had obtained an image that would allow you to view the
18 face or person of the suspect who had been driving the white
19 Chevy Malibu?

20 A Yes, ma'am.

21 Q And so at 8:05 pm, what if any action did you take to
22 compare the photo that you were looking at on your phone to the
23 individual who had been detained and identified as Tamar Nance?

24 A I also walked over to the car, and I observed the suspect
25 that was in the vehicle.

1 Q Now, if the person who had been detained had not matched
2 the description or the video footage, what if any action would
3 you have taken?

4 A He would have been released.

5 Q And what if any observations did you make when you made
6 that comparison?

7 A That he resembled the guy on my phone.

8 Q Now, we're going to look at State's 15 and I'm going to
9 ask you what time it is and what is taking place in this
10 particular photograph?

11 A It's 20:06 at that time, and I'm walking around the
12 vehicle.

13 Q And I realize that the lighting is not so great, can you
14 using your laser show us where you are in this photograph?

15 A I'm standing right here.

16 Q And so it's 8:06 pm, and have you already done the
17 comparison that you previously told us about between the
18 individual on your phone and the individual who's being
19 detained?

20 A I have.

21 Q And what is the purpose of your action here in State's
22 15?

23 A Just basically looking for, to confirm that it's my
24 vehicle that I'm looking for which is the Chevy and also
25 looking for the damages and discoloration.

1 Q And did you continue to walk around the vehicle to observe
2 it fully?

3 A I did.

4 Q We're going to look here at State's 12. This is from the
5 video camera of Sargent Wells. I'm going to ask you, as you're
6 walking around, did the vehicle remain positioned at that fuel
7 pump?

8 A It did.

9 Q Did you have a chance to observe it?

10 A I did.

11 Q What if any similarities did you observe between the
12 vehicle at the fuel pump and the white Chevy Malibu that was
13 your suspect vehicle?

14 A The damages on rear passenger's side.

15 Q Can you tell us whether or not this vehicle at the fuel
16 pump also had a paper tag?

17 A It did.

18 Q What if any considerations did you make at that
19 point regarding this vehicle?

20 A I had it towed.

21 Q And why?

22 A There was reason to believe that I may find a, you know,
23 evidence connected to the burglary.

24 Q Can you tell us, Detective Ortiz, at this
25 point in time, did you consider this vehicle

1 vehicle to be evidence in your ongoing investigation?

2 A It was.

3 Q And in addition to the vehicle itself being evidence, what
4 if anything of value, of evidentiary value may potentially be
5 recovered from inside the vehicle?

6 A Anything from the victim's bank card to any receipts,
7 anything that can, you know, lead me to, what could be evidence
8 of the burglary.

9 Q And at this point in time, can you tell us if you
10 considered, can you tell us whether or not you believe you have
11 probable cause to seize the vehicle?

12 A I do.

13 Q And when it was seized, where did it go?

14 A It went to 715 Bluff Road. We have an area where we keep
15 the vehicles.

16 Q So now I'm going to move on to the individual that you
17 told us about who was detained. I'm going to show you what is
18 State's 16 in evidence, and I realize that this is, again, the
19 lighting is not great, but observing this particular photograph
20 with the naked eye, what time are we looking at here on the
21 body cam of Officer Wells?

22 A 20:23, that's 8:23.

23 Q And are you yourself present in this photo in any fashion?

24 A I am, I'm actually back here and I'm talking to the
25 suspect who's in the backseat of a vehicle.

1 Q You're talking to the Defendant, Tamar Nance?

2 A That's correct.

3 Q Tell us what happened when you approached the vehicle and
4 what the purpose of your interaction was.

5 A Once I approached the vehicle, of course, I wanted to
6 verify that this is the guy on my phone. I introduced myself
7 to Mr. Nance and I read him his rights.

8 Q When you say that you read him his rights ---

9 A His Miranda rights.

10 Q --- and let me ask you this. As a City of Columbia
11 Detective, is it routine for you to have with you something in
12 which you can advise any person of their rights?

13 A Yes.

14 Q And in what form did you advise him of his rights on this
15 day?

16 A I actually had a card with me, and I read the Miranda
17 rights off the card.

18 Q So you carry a Miranda card with you?

19 A Correct.

20 Q Do you have that card with you today,
21 Detective?

22 A I do.

23 Q Okay. I'm going to ask you to retrieve that card.

24 And for the record and for the benefit of the Court reporter,
25 slowly, can you state for the record the rights that were

1 provided to Mr. Nance on the date of June 30th outside the CK
2 Mart?

3 A You have the rights to remain silent, anything you
4 say can and will be used against you in a Court of law.
5 You have the rights to talk to a lawyer and to have
6 him or her present while, with you while you are being
7 questioned. If you cannot afford to hire a lawyer,
8 one will be appointed to represent you before any questioning
9 if you wish. You can decide at any time to exercise these
10 rights and not answer any questions or make any statements.
11 Then I asked, do you understand each of these rights I have
12 explained to you having these rights in mind, do you wish to
13 talk to us now.

14 Q And did Mr. Nance appear to understand your questions and
15 your statements regarding his rights?

16 A He did.

17 Q And can you tell us whether or not he ever requested an
18 attorney?

19 A He did not.

20 Q Did he ever request for you to cease questioning
21 or communication with him?

22 A He did not.

23 Q Can you tell us, did you threaten him in any way in order
24 to participate in an interview?

25 A No, ma'am.

1 Q Did you coerce him in any way to participate in an
2 interview?

3 A I did not.

4 Q Did you promise him anything in exchange for participating
5 in an interview?

6 A No, ma'am.

7 Q To the best of your knowledge, was his waiver of those
8 rights free and voluntary?

9 A They were.

10 Q Did he agree to speak with you?

11 A Yes.

12 Q What can you tell us, Detective, about this initial
13 contact with Mr. Nance outside the CK Mart on the night of June
14 30th?

15 A I basically explained to Mr. Nance that we were
16 investigating a burglary.

17 Q And I believe you're aware of the video footage of
18 Detective Wells as well. Are you familiar with whether or not
19 when the vehicle was initially detained whether or not
20 Detective Wells had also informed him that the vehicle was
21 connected to a burglary?

22 A That's correct.

23 Q And understanding that, what specifically did you ask Mr.
24 Nance regarding his whereabouts on June 23rd, 2021, which was
25 the incident date in the early morning hours?

1 A I just basically asked him, you know, where was, where was
2 he during that time and at that time he admitted to going to
3 the ATM machine, he said that he was asked as a favor to give
4 someone a ride there and he was paid for ---

5 Q Alright.

6 A --- he was given money for it.

7 Q Alright. So I want to stop you there. So his statement
8 to you, his verbal statement to you on this date is that he
9 admits he is driving the vehicle?

10 A Yes.

11 Q And his statement to you is that someone paid him?

12 MS. MAULDIN: Your Honor, may we approach?

13 THE COURT: You may.

14 (Off the record.)

15 THE COURT: Mr. Foreman?

16 MR. FOREMAN: Yes, ma'am?

17 THE COURT: I'm going to have to ask y'all to go to
18 the jury room and let me take up a legal matter with the
19 lawyers. So I'm going to remind you, no discussing this case
20 amongst yourselves until I tell you so, okay?

21 MR. FOREMAN: Yes, ma'am.

22 THE COURT: Okay. Thank you.

23 (Jury exiting the Courtroom.)

24 THE COURT: Alright. Ms. Mauldin, for the record,
25 let me hear you.

1 MS. MAULDIN: Your Honor, we had a Jackson v Denno
2 hearing on this, and we specifically covered the introduction
3 of the statements to Officer Ortiz on July 5th. I know there
4 was some discussion of what went on at the CK Mart, my
5 recollection is that that was as part of the suppression
6 hearing as well, and I think there's some confusion because
7 this was, we did the suppression and the Denno all in the same
8 batch.

9 THE COURT: Right.

10 MS. MAULDIN: So to the extent that this was not
11 presented as a separate statement that they wanted to
12 introduce, I would object to it coming in now.

13 THE COURT: Okay. I remember discussing it, and I
14 remember that we were also talking about a video being modified
15 to only claim that that was going to be shown was that he was
16 the owner of the car. Let me hear from you, Ms. Mayes ---

17 MS. MAYES: Yes, Your Honor.

18 THE COURT: --- we can always go back on the record.

19 MS. MAYES: It was covered, Your Honor. So the
20 statement that was made to Wells, that is the one that is
21 redacted only to the portion that Wells arrives, and he tells
22 Wells that it's his car, but because he's detained from that
23 point on, nothing further was being offered until there was
24 advise of rights and the waiver of Miranda. From there, she
25

1 testified pretrial in the Jackson v Denno that she advised him
2 of his Miranda rights and he made a general statement
3 regarding two things. And this is a verbal statement that is
4 documented in one paragraph of her investigative summary.
5 It's not a long detailed statement, but it consists of the fact
6 that he admitted to her that he was the person that drove to
7 the ATM machine, that he was the one driving, but that he was
8 paid money by someone to go there. ,The second thing that he
9 acknowledged, and this was covered Jackson v Denno, so if we
10 need to go back and pull the record, we can. The second thing
11 is that he denied ever being at the incident location. That is
12 the brief verbal summary ---

13 THE COURT: I remember that testimony.

14 MS. MAULDIN: Your Honor, I think the confusion I
15 have is that I don't recall that being presented as statements
16 that they wanted to get in through Denno. My recollection was
17 that that was all part of the suppression hearing. But I,
18 certainly, understand if the Court's recollection ---

19 MS. MAYES: I thought that we were clear that we were
20 presenting the proper statements pursuant to Jackson v Denno as
21 part and parcel of the suppression hearing is that it required
22 the same officer. And we did cover all of this. And the
23 Court's ruling at the end of the suppression hearing was that
24 he was advised of his rights prior to that statement. That's,
25 again, that's how we covered it in Jackson v Denno.

1 THE COURT: It was mentioned in the July 5th
2 interview that she read him his Miranda, if I remember
3 correctly.

4 MS. MAYES: And Your Honor, for the extent needed ---

5 THE COURT: And that was when the buckle swab also
6 was taken.

7 MS. MAYES: That is correct, Your Honor. And we have
8 agreed, and again, the buckle swab was post Miranda, but we
9 have agreed to use the swab related to the second search
10 warrant. With that said, I can revisit what was proffered
11 originally pursuant to that Jackson v Denno in regards to this
12 statement.

13 Q Having waived his rights, Detective Ortiz, did he make any
14 admissions to you?

15 A I'm sorry?

16 Q Having waived his rights on June 30th, did he make any
17 admissions to you?

18 A Yes, ma'am.

19 Q What was that?

20 A He admitted to me going to an ATM machine, giving someone
21 a ride to the ATM machine.

22 Q And what did he indicated about ---

23 A And that he was paid for it.

24 Q And then what if anything did he indicate about having
25 been at the incident location?

1 A He denied being at the incident location.

2 MS. MAYES: And Your Honor, this was all part of our
3 argument that there was continued probable cause to detain him
4 as he had made this admission to her during the course this.
5 This happens at 8:23 ---

6 THE COURT: Because this makes him part of, if I
7 remember your argument correctly, that at least he was an
8 accomplice in the FTC charge.

9 MS. MAYES: That's correct, Your Honor. Because
10 this admission is made at 8:23 pm, so our position is
11 that any prolonged detainment which was the Defense argument,
12 any prolonged detainment certainly by 8:23 pm, there is
13 probable cause to continue the detainment and to even arrest
14 him at this point in time, and ---

15 THE COURT: But she chose not to, and I think
16 I ruled on that, if, what I remember. Ms. Mauldin, I'll be
17 glad to, if you want me to, I'll have Ms. Mayes go through and
18 I'll make a ruling on this again. I thought I covered it, but
19 to cover the record, I'd rather do it again to make sure we
20 have it right.

21 MS. MAULDIN: Well, Your Honor, I think Ms. Mayes has
22 just gone through those questions. My argument would be the
23 same as it was in the suppression hearing based on Mr. Nance's
24 testimony that he was not Mirandized and that he was told that
25 he would be allowed to leave once he gave the DNA sample that

1 this statement would be made in violation of Miranda and that
2 it was not voluntary based on the promises not to, or the ---

3 THE COURT: That he could be released I think was his
4 testimony.

5 MS. MAULDIN: Right.

6 THE COURT: I remember him testifying.

7 MS. MAULDIN: So in violation of his rights that I've
8 gone through in suppression and prior to the Denno hearing.

9 THE COURT: Alright. For the various reasons that
10 I've already put on the record, and I think that I even
11 clarified it again this morning that it can be prolonged.

12 MS. MAULDIN: Thank you.

13 THE COURT: You know I remember the testimony being
14 that she read on the July 5th or June 30th interview I believe
15 is what it was, that she told him she was going to read him his
16 Miranda like she had done on, or this is the July 5th
17 interview, on June 30th, and he said okay. I didn't hear any
18 mention that, well, that was, I don't admit that because it was
19 the only way I could be released. I mean, he acknowledged it
20 there, he acknowledged it on the stand when he testified. But
21 even with that, by this time, they've already collected
22 evidence, the white car leaving the apartment complex, they
23 followed it through three or four stop lights, they go to the
24 ATM machine and by this time the manager of CK has ID'd the guy
25 or the Defendant, and then he's asked to contact law

1 enforcement if he comes back. Two hours later he comes back,
2 and law enforcement is contacted. Again, I even wrote down the
3 time, I think it was from 7:52 to 8:04, that is when Officer
4 Wells detains him. He's looking at the car, getting ID from
5 him, figuring out who he is, and here comes Detective Ortiz,
6 she already has a photo, she wants to make sure she's got the
7 right person is her testimony. She confirms that it is the
8 same person, and they detain him. At this point, I believe she
9 has plenty of probable cause to detain Mr. Nance. You know,
10 she's got a car that she's ID'd that she takes under a warrant-
11 less search which I've already ruled was good. I'm going to
12 allow the testimony. Is there anything else I need to put on
13 the record, Ms. Mauldin?

14 MS. MAULDIN: Not from me, Your Honor.

15 THE COURT: Ms. Mayes?

16 MS. MAYES: Judge, just that the proffer pursuant to
17 the Jackson v Denno was pretty much what has been summarized
18 now, that he made an admission, acknowledged that it was him,
19 he was driving that vehicle and again, that was the State's
20 argument for why probable cause existed as of 8:23 pm.

21 THE COURT: Exactly. Okay. I'm going to allow it.
22 Now, can I bring the jury back in?

23 MS. MAYES: Yes, Your Honor.

24 THE COURT: And Ms. Mauldin, I'll note your objection
25 for the record.

1 MS. MAULDIN: Thank you, Your Honor.

2 (Jury entering Courtroom.)

3 THE COURT: Mr. Foreman, jury ready?

4 MR. FOREMAN: Yes, ma'am.

5 THE COURT: Okay. Please be seated. You
6 may continue, Ms. Mayes. And Detective Ortiz, I'm
7 going to remind you that you're still under oath.

8 DETECTIVE ORTIZ: Yes, ma'am.

9 Q And I believe you indicated we're looking here at
10 8:23 pm, I believe you indicated that following the
11 advise of rights, he did agree to speak with you?

12 A That's correct.

13 Q And the first portion, can you tell us whether
14 or not he made any admission to you regarding June
15 23rd?

16 A He did.

17 Q And what was that?

18 A He admitted to driving or being at the ATM machine, he
19 stated that he was asked as a favor to drive somebody to the
20 ATM machine, and he was paid for it.

21 Q And I believe 31 is already in evidence. 31 in
22 evidence, looking here, so the admission is he is the
23 driver of this vehicle at the ATM?

24 A That's correct.

25 Q Now, the indication that he had paid someone,

1 I'm going to ask you looking here at Court's, or State's 21,
2 were you ever able to identify this individual at all?

3 A I was not.

4 Q And upon observing the video footage from CK Mart, have
5 you seen that actual video that goes with the video still that
6 we're looking at, State's 23?

7 A Yes.

8 Q Who is the person that hands something to someone?

9 A Mr. Tamar Nance is the one handing the passenger money.

10 Q Did you ever observe this person being the passenger hand
11 any money or any other item to this Defendant, Tamar Nance?

12 A I did not.

13 Q And I'm going to show you what is State's 30 and give you
14 a chance to look at it up close. You've testified that the
15 white Chevy Malibu arrives at CK Mart originally at 6:04 am?

16 A That's correct.

17 Q Have you watched the video associated with that as well?

18 A Yes.

19 Q Looking at State's 30, where did you first observe the
20 individual who is the passenger that we see at the ATM
21 machine?

22 A He's standing by the CK Mart store.

23 Q Okay. I'm going to show you what is State's 30.

24 MS. MAULDIN: No objection, Your Honor.

25 THE COURT: It's admitted.

1 (Whereupon a still shot was submitted as State's Exhibit
2 30 for identification and entered into evidence.)

3 Q So looking at State's 30 being, again, video footage, what
4 are we looking at right here at 6:04 am?

5 A That's Tamar Nance driving into CK Mart.

6 Q And what did you observe around this area here?

7 A That's the subject who is a passenger of that vehicle.

8 Q Did that individual who you've identified as a passenger
9 appear to already be present at CK Mart prior to the arrival of
10 the white Chevy Malibu?

11 A He was.

12 Q And what was it you observed about a bystander in this
13 area that was consistent with that passenger?

14 A He was wearing the same clothing as we observed on the
15 videos.

16 Q So as your meeting there in the back of that vehicle,
17 you're outside the vehicle ---

18 A Right.

19 Q --- on June 30th. And you testified you made a decision
20 to seize the vehicle?

21 A That's correct.

22 Q What if any decisions did you make regarding the suspect
23 Tamar Nance at this time, Detective Ortiz?

24 A I released him.

25 Q So you released him on the night of June 30th?

1 A That's correct.

2 Q And for what purpose?

3 A Although I had probable cause to arrest Mr. Nance because
4 he, he admitted to me to driving and being at the place where
5 the victim's card was used. I wanted to do a more thorough
6 investigation.

7 Q Alright. And ultimately, the vehicle was seized, you
8 indicated?

9 A That's correct.

10 Q And when the vehicle was seized, were you present when it
11 was actually towed from the CK Mart?

12 A I was.

13 Q And you indicated that you released Mr. Nance, so was he
14 free to leave?

15 A He was.

16 Q But the vehicle itself, was it considered evidence?

17 A It was.

18 Q And tell us about the protocol for seizing a vehicle and
19 how you go about ensuring that that vehicle is secure from the
20 point it's seized until it arrives at its destination.

21 A Basically, whenever we have a vehicle towed, especially
22 for evidence, we have it, we follow that tow truck, so I
23 followed the tow truck to 715 Bluff Road.

24 Q Alright. And throughout the time that you're
25 Following it, did anyone else tamper with the vehicle

1 or interfere with the vehicle in any way?

2 A No, ma'am.

3 Q And once it arrives at the destination, where is your
4 impound lot located?

5 A It's located at 715 Bluff Road, the annex building for the
6 Columbia Police Department.

7 Q How is the vehicle secured at that location until a search
8 warrant can be obtained?

9 A It's actually, it's almost like a garage or, and it's got
10 the fence, it's got, yeah, it's protected.

11 Q Alright.

12 A No one has access to it.

13 Q Okay. And did you observe the vehicle enter the impound
14 lot?

15 A Yes.

16 Q And then be secured within?

17 A That's correct.

18 Q And ultimately, was a search warrant for that vehicle
19 obtained?

20 A Yes.

21 Q And carried out by your CSI division?

22 A That's correct.

23 Q Now, once the vehicle was obtained, when did you hear from
24 Mr. Nance again?

25 A I heard from Mr. Nance on July 1st, it was my

1 first phone call.

2 Q Alright. Let me ask you this. When the search warrant
3 typed and prepared, what is the protocol for leaving a copy of
4 the search warrant with the person responsible for the vehicle?

5 A So any time we execute a search warrant, we'll have a copy
6 which is the original copy, and we'll also have a copy for the
7 person, whether it be their residence or a vehicle, we'll leave
8 them a copy. The reason why we were executing a search warrant
9 as well as anything if at all was removed from the residence or
10 the vehicle, so they have a copy of everything.

11 Q Alright. And did, was Mr. Nance provided with a copy of
12 the search warrant?

13 A He was.

14 Q And you heard from him again, I believe you indicated on
15 July 1st?

16 A I did.

17 Q And that was the day after it was seized?

18 A Correct.

19 Q And what was the nature, how did he contact you?

20 A He phoned me.

21 Q And what was the nature of his communication with you?

22 A He was inquiring about how to go about getting his vehicle
23 back.

24 Q And when did you hear from him again?

25 A I heard from him the very next day on July 2nd.

1 Q Alright. And again, who contacted who?

2 A He called me, and he was asking about his vehicle.

3 Q And did you ever broach the subject with him about a
4 formal interview?

5 A Actually, he had questions about the search warrant that
6 was left in his vehicle and at that point I told him I would be
7 glad to discuss it with him and he agreed to meet with me on
8 July the 5th at 715 Bluff Road, again, the Columbia Police
9 Annex Building.

10 Q Alright. So we're going to move forward now to July 5th.
11 Ultimately, Detective, on July 5th, did you meet with Tamar
12 Nance?

13 A Tamar Nance was a no show, no call for our appointment.

14 Q And following the original no show, were, did you make
15 efforts to reschedule that?

16 A I did.

17 Q And ultimately where did you meet with him?

18 A I met with him at 715 Bluff Road.

19 Q Okay. That's the Columbia Police Department?

20 A Yes.

21 Q Now at this point in time, Detective Ortiz, had you
22 obtained warrants for Tamar Nance?

23 A Yes, ma'am.

24 Q And what were those warrants for?

25 A They were for burglary, kidnaping, FTC, and

1 CSC, first degree.

2 Q Alright. When you say CSC, you're referring to what?

3 A Criminal sexual crimes.

4 Q And when you say FTC, you're referring to what?

5 A That's the fraud ---

6 Q Financial transaction ---

7 A Financial transaction.

8 Q Financial transaction card theft?

9 A Yes.

10 Q So those warrants had been obtained already by you?

11 A Yes.

12 Q And when he arrived on July 5th, 2021, what's the first
13 thing that happened knowing that you do have warrants eminent?

14 A I read him his rights.

15 Q And where did you meet with him on July 5th?

16 A We have interview rooms and I escorted Mr. Nance to the
17 interview room where I interviewed him.

18 Q Okay. And did you have any type of interview with him
19 prior to reading him his rights?

20 A No.

21 Q We're going to take a look now at an item that is already
22 marked, but I'm going to have you take a look at it. This is
23 Court's 9. I'm going to ask you if you're familiar with this
24 item?

25 A I am.

1 Q And is this a fair and accurate representation, a redacted
2 version of the interview that was conducted with Tamar Nance on
3 July 5th at Columbia Police Department?

4 A It is.

5 Q And is it a fair and accurate representation of those
6 redacted portions?

7 A Yes, ma'am.

8 MS. MAYES: This would be Court's 9 now as State's 9,
9 Your Honor.

10 THE COURT: Any objection?

11 MS. MAULDIN: Your Honor, I would just renew my prior
12 motion as to this clip and any subsequent clips from the same
13 interview.

14 THE COURT: Let me see counsel just for a second.

15 (Off the record.)

16 THE COURT: Alright. Ms. Mauldin, I understand that
17 your objection is to the previous objection you had under
18 Jackson v Denno, and it is so noted for the record. And let me
19 ask, are you going to publish that now that we've admitted it,
20 Ms. Mayes?

21 MS. MAYES: Yes, Your Honor.

22 THE COURT: Alright. Ladies and gentlemen of the
23 jury, Mr. Foreman, the parties have asked that I inform you
24 that the video you are about to watch has been edited from its
25 original form. Portions of the interrogation were redacted by

1 agreement of the State and the Defendant. You are to consider
2 only the content you observe and the accompanying testimony,
3 not the fact that the video has been edited. Go ahead, Ms.
4 Mayes.

5 MS. MAYES: Yes, Your Honor.

6 Q You indicated that your first interaction with him was to
7 advise him of his rights?

8 A Correct.

9 Q Is that captured on this video footage?

10 A Yes.

11 Q From the interview?

12 A Yes.

13 Q Do you have a video that is running throughout the
14 entirety of this interview?

15 A I do.

16 Q It captures the entire contact with Mr. Nance from start
17 to finish?

18 A Yes.

19 Q Does it continue running at moments that you step out of
20 the room?

21 A Yes.

22 (Video of CD being played.)

23 Q Detective, I'm going to show you what is previously
24 Court's 38 and now marked as State's 38 and ask you whether or
25 not you recognize this?

1 A Yes, ma'am.

2 Q How so?

3 A That's the waiver of rights.

4 Q Okay. And can you tell us whether or not this is the same
5 waiver of rights that you were advising Mr. Nance of on the
6 video that we just saw on the overhead?

7 A It is.

8 Q What's the date and time on this particular document?

9 A July 5th, 2021.

10 Q And what is the time noted on this document?

11 A 1700 hours.

12 Q 1700 hours converts to civilian ---

13 A 5 pm.

14 Q Civilian time is 5 pm?

15 A Yes.

16 Q And whose signature is at the bottom of the waiver of
17 rights?

18 A Tamar Nance.

19 MS. MAYES: This would be State's 38 as evidence,
20 Your Honor.

21 MS. MAULDIN: No objection, Your Honor.

22 THE COURT: It's admitted.

23 (Whereupon a waiver of rights was submitted as
24 State's Exhibit 38 for identification and entered into
25 evidence.)

1 Q Now, each of those rights that you just read out on the
2 video camera, I want to have you take a look at State's 38 and
3 ask you whether or not you covered each of those rights?

4 A I did.

5 Q And regarding the waiver of rights, what does this bottom
6 portion say?

7 A You want me to read it?

8 Q Yes, please.

9 A I have read the statement of my rights, I understand what
10 my rights are, I'm willing to make a statement and answer
11 questions. I do not want a lawyer at the time, I understand
12 and know what I am doing. No promises or threats have been
13 made to me and no pressure of coercion of any kind has been
14 used against me.

15 Q Alright. Did Mr. Nance appear to understand his rights?

16 A He did.

17 Q Did you observe anything about him to indicate that he was
18 under the influence of any type of substance or anything else
19 that would prevent him from understanding his rights?

20 A I did not.

21 Q Did you promise him anything in exchange for participating
22 in this interview?

23 A No, ma'am.

24 Q Did you threaten or coerce him in any way?

25 A No.

1 Q Did he appear to understand each of those rights as well
2 as the waiver of rights?

3 A Yes.

4 Q Based upon your observations, Detective, did his waiver of
5 those rights appear to be freely and voluntarily given?

6 A Yes.

7 Q And whose signature is contained here at the bottom?

8 A Tamar Nance.

9 Q Alright. And whose signature is over here at the right?

10 A Mine.

11 Q Alright. Now, at this point in time, your legal name was?

12 A Williamson.

13 Q Damaris Williamson?

14 A Correct.

15 Q And so is that the name that we see here in the left as a
16 witness?

17 A Yes.

18 Q And you have since got married and that's why you were
19 referred to as Detective Ortiz?

20 A I actually got a divorce.

21 (Video from CD being played.)

22 Q Alright. So specifically as to Crossbow Drive, did he
23 make any admissions as to even knowing where that location was?

24 A No, ma'am.

25 Q He indicated he's never been there?

1 A Correct.

2 (Video from CD being played.)

3 Q What if anything is, what if anything was the context of
4 the discussion about the, being the, or hoodUbering?

5 A Basically he's saying that, although I've never heard of
6 the term, but he's hoodUbering which is using, he's not an
7 official Uber driver, but he uses his vehicle to give people in
8 the hood a ride and they pay him for it.

9 Q Alright.

10 (Video from CD being played.)

11 Q Was all of that, can you tell us whether or not all of
12 that was consistent with the Palmetto Citizens ATM kiosk on
13 Broad River Road?

14 A It was.

15 Q Can you tell us whether or not you then posed specific
16 questions about the timeline for that day?

17 A I did.

18 (Video from CD being played.)

19 Q Alright. So now regarding the timeline, what if anything
20 has he indicated to you regarding his whereabouts during the
21 early morning hours of June 23rd?

22 A So on the second timeline he gave, he said he was at the
23 Retreat which is an apartment complex.

24 Q What is the actual name of that apartment complex?

25 A I'm not sure of the name of that.

1 Q When you say Retreat, what road is it on?

2 A It's on Broad River.

3 Q Okay. Broad River Retreat?

4 A Broad River Retreat, yes, ma'am.

5 Q And let me stop you right there. You mentioned this was
6 the second time, what had he originally indicated he had done
7 prior to the store?

8 A The first time, the first time he gave was, once I woke up
9 out of my sleep, I went to the store, the gas station, CK Mart.

10 Q Alright.

11 (Video from CD being played.)

12 Q Alright. So the initial statement was that he had woke up
13 from his sleep and then went to the CK Mart?

14 A Correct.

15 Q Okay. And now at this particular portion, 9:14 in, he
16 indicates Broad River Retreat?

17 A Correct.

18 Q And what after that?

19 A On the third, the third timeline he gave, he says he
20 doesn't know what time, he says y'all have the time on the
21 camera, meaning CK Mart. He says he was out early enough, like
22 7 or 9:00, but definitely not 3, 4, or 5 because it was too
23 early. I was asleep way before then.

24 Q Alright. So he indicates it was between 7 and 9 that he
25 is awake?

1 A Correct.

2 Q And that he is asleep at 4 to 5?

3 A Correct.

4 (Video from CD being played.)

5 Q Alright. Did he ever acknowledge being in the area of
6 Crossbow Apartments in the early morning hours of June 23rd?

7 A No.

8 Q Or even in the Harbison area?

9 A No.

10 (Video from CD being played.)

11 Q Now, did you continue to ask Mr. Nance about his timeline
12 for the early morning hours of June 23rd, 2021?

13 A I did.

14 (Video from CD being played.)

15 Q Alright. Regarding Broad River Retreat that he was
16 outside all night. Were you able to recover any video footage
17 from Broad River Retreat?

18 A No. We actually went to the apartment complex, and they
19 didn't have any working cameras.

20 Q Alright. There was a reference to old girl. What, is
21 this, can you tell us, regarding old girl, were you ever
22 provided a name for her?

23 A No. Tamar referenced a female by the name of Kiki, that's
24 all he could remember. And he alleged that he was with her all
25 night, so that's what he means by he dropped old girl off.

1 Q Okay. So now he's indicated he dropped old girl off prior
2 to going to the store?

3 A Correct.

4 Q Okay. Were you ever able to locate Kiki?

5 A No.

6 Q Did you have a last name or address?

7 A I did not.

8 (Video from CD being played.)

9 Q Alright. At this time, we see that Mr. Nance is in cuffs.
10 Again, this is --

11 (Video of CD being played.)

12 Q We see that cuffs are in place. Can you tell us during
13 the course of this interview, was he read his warrants?

14 A Yes.

15 Q And ultimately placed in cuffs during the interview?

16 A Correct.

17 Q And his indication regarding sun break, in this portion of
18 the statement, he says he was doing what during sun break?

19 A This is when he said, I think, he was saying he was
20 dropping off the female during sun break.

21 Q Now, did you provide him with water or anything else if
22 needed during the course of this interview?

23 A I did.

24 Q Would that include bathroom breaks?

25 A Yes.

1 Q I'm going to ask you also when he was advised of his
2 warrants and placed under arrest, what is the protocol or
3 procedure there within the Columbia Police Department?

4 A Once someone is placed under arrest, we make sure, for
5 security of officers and everyone involved, we check what's in
6 the pockets, it can be any weapons, or anything, anything on,
7 that doesn't belong on their person, we usually take.

8 Q Okay. Can you tell us whether or not pursuant to him
9 being placed under arrest whether or not items were retrieved
10 from his pockets?

11 A Yes. He only had his cell phone in his pocket.

12 Q And can you tell us whether or not that phone was
13 retrieved as evidence in this particular case?

14 A It was.

15 Q And from that point on, did it remain in the possession of
16 the City of Columbia Police Department?

17 A It did.

18 MS. MAYES: Beg the Court's indulgence.

19 Q And once the phone was retrieved as evidence, was it
20 maintained there at the City of Columbia Police Department
21 Evidence Room?

22 A Yes, ma'am.

23 Q And ultimately in August of 2022, did you take possession
24 of that phone for any reason?

25 A Yes.

1 Q And what was the purpose of that?

2 A We executed a search warrant.

3 Q And that was for the purpose of the phone extraction?

4 A Correct.

5 Q I'm going to show you what is State's 140, and ask you
6 whether or not you're familiar with this item?

7 A I am.

8 Q And can you tell us, un-package that if you like.

9 MS. MAYES: With permission from the Court, Your
10 Honor, she can break the seal?

11 THE COURT: Yes, ma'am. Unless there's an objection
12 by Ms. Mauldin?

13 MS. MAULDIN: No, Your Honor.

14 Q And having observed that, Detective Ortiz, is that the
15 same phone that was seized from the person of Tamar Nance
16 during this interview on July 5th?

17 A It was.

18 Q And maintained by the City of Columbia Police Department?

19 A It was.

20 Q Other than you retrieving it for the purpose of what?

21 A Executing a search warrant.

22 Q Okay. And how many phone extractions have been done on
23 that particular phone?

24 A One.

25 Q Okay. One in August of 2022?

1 A Correct.

2 Q And then moving forward to November of 2022, are you aware
3 as to whether or not anyone else retrieved the phone for the
4 purpose of a second phone extraction?

5 A Yes.

6 Q And who was that person?

7 A Sargent Haas.

8 Q And other than that, in the possession of Sargent Mike
9 Phipps with the Secret Service, has anyone else had access to
10 that phone other than your evidence custodian?

11 A No.

12 Q Now, what efforts did the City of Columbia Police
13 Department undertake to potentially identify the passenger who
14 was observed in the vehicle both at the ATM and at CK Mart?

15 A We basically generated and emailed a BOLO, it's called a
16 BOLO, be on the lookout for a person that fits the description
17 of the gentleman that we seen at the ATM machine.

18 Q And who all did the Columbia Police Department send that
19 BOLO out to in an attempt to potentially identify the subject
20 seen here?

21 A Once we sent out those BOLOs everybody in each region or
22 all the officers I should say, at each region, they'll get that
23 email with a picture of the BOLO.

24 Q Alright. Now, early in the investigation, what
25 if any tips did you receive regarding the possible

1 identity of that subject?

2 A We had a, we got a call from west region officers, they
3 had gotten out with a gentleman that fit that description, he
4 was out in the back of Denny's, and they got out with him.

5 Q Okay. When you say ---

6 A He was also located in Harbison.

7 Q You're referring to the Denny's on Columbiana?

8 A Yes.

9 Q I'm going to show you what is State's 75 and ask you
10 whether or not you recognize it?

11 A I do.

12 Q And were you out there yourself to actually meet with this
13 individual?

14 A I was.

15 Q And what name did you determine this person to have?

16 A Let's see...

17 Q While you're looking for that, is this a fair and accurate
18 representation of the person that you met at the Denny's?

19 A It is.

20 Q And this was based on a tip that came in?

21 A Yes.

22 MS. MAYES: This will be State's 75.

23 MS. MAULDIN: Without objection, Your
24 Honor.

25 THE COURT: It's admitted.

1 (Whereupon a photo was submitted as State's Exhibit 75 for
2 identification and entered into evidence.)

3 Q Did you, having had contact with this individual, just let
4 me ask you this. Did you have an indication as to whether
5 this, whether or not this person may be homeless?

6 A Yes, he was.

7 Q And did you do a visual comparison between this person and
8 the subject that you had seen on the ATM machine?

9 A I did.

10 Q At the ATM machine. As well as the person that you had
11 seen in CK Mart?

12 A Yes.

13 Q I'm going to ask you whether or not you're familiar with
14 name, Felton Bailey ---

15 A Yes, that's it.

16 Q --- in the course of this investigation?

17 A Felton Bailey.

18 Q Looking here at State's 75, would that be Mr. Bailey ---

19 A Yes.

20 Q --- that you met with outside of Denny's?

21 A Yes.

22 Q Comparing, having seen this person in person, what if
23 anything do you note about him that is different than the
24 individual that you had seen here as a passenger inside the CK
25 Mart?

1 A He was not, he was built differently and also, he did not
2 have a limp.

3 Q You were able to actually observe him walking?

4 A Yes.

5 Q And he, did you see any indications of that limp that you
6 had seen in the individual at the ATM machine?

7 A I'm sorry, say that again.

8 Q Did you see any indications that he had a limp as the
9 individual at the ATM machine had?

10 A No, I did not.

11 Q What else if anything did you observe about the hand of
12 Mr. Bailey?

13 A Mr. Bailey had, it was a cast on his hand.

14 Q Did that cast appear to be new or ---

15 A No. It seemed to be there for quite some time.

16 Q Had you observed anything like that on the individual at
17 the ATM machine and inside the CK Mart?

18 A No.

19 Q And again, regarding the physical build here in State's
20 20, and then State's 75?

21 A Yes.

22 Q Did there appear to be a similarity or dissimilarity
23 regarding physical build?

24 A Dissimilarity.

25 Q Other than the black hat with white lettering

1 were there any obvious similarities between the two?

2 A No.

3 Q As a result, were you able to rule out Felton Bailey?

4 A I was.

5 Q However, in an abundance of caution, on that day out at
6 Denny's did you obtain anything from Mr. Bailey?

7 A I did.

8 Q And what date is this in relation to your overall
9 investigation?

10 A That would be...

11 Q Let me ask you this. Do you have, do you have any notes
12 regarding the date that you met with Mr. Bailey?

13 A I should, yes.

14 Q And were you present when the buckle swab was obtained
15 from Mr. Bailey?

16 A Yes.

17 Q And again, did you consider him to be a suspect in the
18 sexual assault at this time?

19 A No.

20 Q This would have been in an abundance of caution?

21 A Correct.

22 MS. MAYES: This would be for evidence, State's 138.

23 MS. MAULDIN: No objection, Your Honor.

24 THE COURT: It's admitted.

25 (Whereupon buckle swab was submitted as State's

1 Exhibit 138 for identification and entered into evidence.)

2 Q You were present when this buckle swab was obtained from
3 Mr. Bailey?

4 A Yes, ma'am.

5 Q As well as properly packaged by your CSI technician?

6 A That's correct.

7 Q And one maintained as evidence by your department?

8 A It was.

9 Q Do you have with you a copy of your investigative summary?

10 A Yes.

11 Q I'm going to refer you to June 24th, 2021.

12 A Okay.

13 Q Can you tell us what if anything is noted about Denny's at
14 that time? Would that have been the date you met with Mr.
15 Bailey?

16 A Yes.

17 Q And then until June 30th of 2021, Detective, had you
18 actually identified a suspect in the burglary and sexual
19 assault?

20 A Yes.

21 Q What was the first date that you were able to identify a
22 suspect?

23 A On June 30th.

24 Q Okay. That we're seeing here in this ---

25 A Correct.

1 Q --- till shot?

2 MS. MAYES: Beg the Court's indulgence.

3 THE COURT: Take your time.

4 Q Now, going back to your contact with Ms. [D.K.], you
5 indicated initially at the hospital you did not obtain a
6 statement from her on that day?

7 A Correct.

8 Q Your actually written statement was obtained from her on
9 what day?

10 A The very next day, the 24th.

11 Q What if anything did you observe about her physically on
12 that date, the date that you obtained the written statement?

13 A She was in physical pain; it was hard for her to even
14 walk.

15 MS. MAYES: Nothing further of Detective Ortiz at
16 this time, Your Honor.

17 THE COURT: Thank you, Ms. Mayes. Ms. Mauldin?

18 MS. MAULDIN: Thank you, Your Honor.

19 CROSS EXAMINATION

20 BY MS. MAULDIN:

21 Q Good afternoon, Detective Ortiz.

22 A Good afternoon.

23 Q Okay. So let's go back to June 30th, by that time you had
24 what had been reported as a home invasion, burglary, and rape.

25 A Yes, ma'am.

1 Q And so on that day, you say that you had probable cause to
2 arrest Tamar Nance based on that?

3 A Correct.

4 Q And probable cause is all you need to make an arrest?

5 A That's correct.

6 Q But you didn't, you say you had probable cause, but you
7 didn't bother to arrest him until July 5th when he came to see
8 you?

9 A I explained that although I had probable cause to arrest
10 him, I wanted to conduct a thorough investigation.

11 Q You say you had probable cause, but this was a very
12 serious case?

13 A It was.

14 Q Okay. So this was reported as happening in Lexington
15 County?

16 A Yes.

17 Q But you all got the warrants in Richland County
18 first?

19 A Correct.

20 Q So that means an officer went before a Magistrate Judge
21 and swore that there was probable cause that the crime had
22 occurred in Richland County?

23 A Correct.

24 Q And that was on July 5th, and y'all didn't figure this out
25 until November 5th of 2021?

1 A I, I don't know the exact date, I'm sorry. I can look at
2 my notes.

3 Q It was months later before this was straightened out and
4 the warrants were brought in Lexington?

5 A Again, I don't know the exact date.

6 Q It was months.

7 A Again, I don't know the exact date.

8 Q You don't remember whether it was months?

9 A No, I don't.

10 Q Okay.

11 A I don't want to ---

12 Q Do you have copies of the warrants with you?

13 A No, I do not.

14 Q And so as the investigator on the case, you're familiar
15 with a warrant?

16 A Yes.

17 Q Can you tell me what date those were issued?

18 A November 5th, 2021.

19 Q So it was months later that y'all ---

20 A Yes, it was months.

21 Q --- got the warrants in the right county? Jurisdiction is
22 important, right?

23 A Yes.

24 Q That determines where a person can be tried, right?

25 A Correct.

1 Q You can only be tried in the county where the crime
2 occurred?

3 A Yes, ma'am.

4 Q And a person has a right to be tried by the jury in that
5 county, to have bond set by the Magistrate in the right county?

6 A Yes, ma'am.

7 Q And so all this time he was charged in the wrong county?

8 A That was in error, yes, ma'am.

9 Q Okay. And then going back to June 23rd, you and other
10 officers investigated the scene around Ms. **D.K. y**'s apartment
11 complex ---

12 A Correct.

13 Q --- right? And a number of officers looked for other
14 neighbors who might have seen something, right?

15 A Yes.

16 Q And nobody else had seen anything suspicious?

17 A No.

18 Q Nobody heard anything?

19 A No.

20 Q Nobody had any Ring doorbell camera with anything
21 suspicious going on?

22 A No, ma'am.

23 Q Okay. And you've heard about the footage at the Palmetto
24 Citizens ATM, and to this day, you all have still not
25 identified the other man in the car?

1 A No, ma'am.

2 Q The man who was with the driver of that car and might have
3 been able to identify him?

4 A That's correct.

5 Q And you ended up taking some swabs from the inside of the
6 car that Mr. Nance was detained in, right?

7 A Yes.

8 Q And those included swab of the passenger area of the car?

9 A Correct.

10 Q And nothing from that has resulted in identifying the
11 other man in the car that day?

12 A No, ma'am.

13 Q Okay. And then going forward to your interview with Ms.
14 **D.K.** You talked to her initially on the 23rd?

15 A Yes, ma'am.

16 Q And she didn't come to the police station and make a
17 formal statement with you until the next day?

18 A Correct.

19 Q And by then, it was already 24 hours after this had all
20 happened?

21 A Yes.

22 Q And you did that because that's when you felt that she was
23 ready to come in and talk to you?

24 A No. That's when she felt she was ready to come and talk
25 to me.

1 Q So you waited until she felt like she could come talk to
2 you?

3 A Yes. Until she was capable of doing that.

4 Q Okay. And going back to June 30th there were a number of
5 officers present there at the CK Mart?

6 A Yes.

7 Q And that's where you initially talked to Mr. Nance in the
8 back of the police car?

9 A Yes, ma'am.

10 Q There was an Officer Monteval that was there that day,
11 right?

12 A Correct.

13 Q And he was wearing a body camera?

14 A He was.

15 Q And that camera was running and capturing video?

16 A Yes.

17 Q He also had an in-car camera ---

18 A He did.

19 Q --- and that was likewise capturing video?

20 A Yes, ma'am.

21 Q And he was there for the entire time that you talked to
22 Mr. Nance in the back of the police car?

23 A Yes.

24 Q But that video has not been preserved, has it?

25 A It was not preserved.

1 Q Okay. It was deleted from the City of Columbia video
2 records?

3 A I wouldn't say it was deleted; it was not preserved.

4 Q It was purged?

5 A It was not preserved.

6 Q Okay. So it was purged ---

7 A The system ---

8 Q --- from the video ---

9 A --- keeps the videos for so long, you know, after it's
10 been recorded.

11 Q Well, if you keep it for so long and then you're not
12 keeping it anymore, it means it's been deleted?

13 A It's, it hasn't been deleted by anyone, it's just the
14 system does not keep it after a certain amount of time.

15 Q Okay. So the system has deleted it ---

16 A That's correct.

17 Q --- unless somebody has made an effort to go back and ---

18 A To preserve it.

19 Q --- preserve it?

20 A Correct.

21 Q And nobody bothered to go back and preserve it?

22 A I wouldn't say I didn't bother to preserve it, I failed to
23 do that, I make no excuses. I failed to preserve the video,
24 there was a lot going on on that day, I failed to preserve the
25 video.

1 Q You didn't preserve the video?

2 A That's correct.

3 Q Okay. And so by the time you interviewed Mr. Nance on
4 July 5th, when Officer Wells interviewed him on June 30th,
5 there at the CK Mart, he had told him he was investigating a
6 burglary. And when you talked to Mr. Nance in the back of the
7 police car, you'd also let him know what y'all were
8 investigating?

9 A Correct.

10 Q Okay. So by the time he comes in on July 5th to sit down
11 and talk to you at the police station, he knows what kinds of
12 allegations y'all are looking into, right?

13 A He knows what we were investigating, yes, ma'am.

14 Q Okay. And we saw about 16 minutes of that video. The
15 actual time that he was there in the interrogation room was
16 much longer. It was more like an hour and 15 or 20 minutes,
17 right?

18 A Approximately.

19 Q Okay. And some of that time you had gone out of the room,
20 but he was in there for that interrogation that full length of
21 time?

22 A Correct.

23 Q Okay. And in the clips we saw, your voice was low and
24 even, much like it is today?

25 A Yes.

1 Q And you were kind of quiet with him, you even brought him
2 some water at one point?

3 A I did.

4 Q But in parts of the video that we have not seen, your goal
5 was to try and get him to admit what he had, what you thought
6 that he had done, right?

7 A I questioned him about the evidence that we had, and just
8 asked, well, when I conversed with him it was basically letting
9 him know what we had, the facts that we had and hearing what he
10 has to say about it.

11 Q Okay. You had him in mind as the suspect?

12 A I did.

13 Q And you were trying to get him to admit what you thought
14 he did?

15 A Just trying to tell him what we had in evidence, and you
16 know, what he had to say about it.

17 Q You weren't just asking him for a little report, you were
18 pushing him and trying to get him to say something?

19 A I don't believe I was pushing him.

20 Q Okay. Well, let's talk about your tone of voice. You
21 were getting animated with him, too, right?

22 A At one point, yes.

23 Q Okay. And so by the clip that we saw at the end where
24 he's animated, and his voice was raised, too, that's following
25 a point where you had been animated with him?

1 A Correct.

2 Q Okay. And by that point, he is in cuffs and he has been
3 arrested now for, he's handcuffed to the table for the charges
4 for which you think he committed, right?

5 A Right.

6 Q Okay. Now, just to be clear, he is the one who came to
7 the police department to talk to you?

8 A He did.

9 Q You didn't go to his home and arrest him and bring him
10 there, he came to you?

11 A I actually had been to, searching for him, but he called
12 during that time and agreed to come and meet with me at 715
13 Bluff Road.

14 Q Okay.

15 A But I had been out looking for him.

16 Q It wasn't a situation where you had to get a fugitive team
17 ---

18 A Oh, no, no, no.

19 Q --- and drag him in, he came to you? And he talked to you
20 voluntarily through this interview?

21 A Yes.

22 Q Okay. And even back at, on June 30th at the police
23 station, he talked to you and answered your questions?

24 A He was very cooperative.

25 Q Didn't try to run or anything like that?

1 A No, not at all.

2 Q Okay.

3 MS. MAULDIN: Your Honor, beg the Court's indulgence.

4 THE COURT: Take your time.

5 MS. MAULDIN: No further questions, Your Honor.

6 THE COURT: Thank you. Any redirect?

7 MS. MAYES: Just briefly, Your Honor.

8 **REDIRECT EXAMINATION**

9 BY MS. MAYES:

10 Q Just, just to clarify, the video that is in evidence, the
11 full video start to finish, did you make that available to both
12 the State and the Defense in this case?

13 A I did.

14 Q Now, she was asking about a swab from the
15 vehicle.

16 A Yes.

17 Q I'm looking here at State's 23. Ultimately, once this
18 vehicle was seized was it processed by your CSI team?

19 A It was.

20 Q Did that include a swab from the interior?

21 A Yes.

22 Q However, let me ask you this. Upon his admission to you
23 or his statement to you that he was acting as a hood uber, what
24 if any concerns did you have regarding how many people may have
25 been within that vehicle?

1 A Even if we did obtain some type of DNA or, you know, there
2 were so many people that could have been in the vehicle, he
3 said himself, he gave rides, he was a hood uber, he gave rides
4 to different people. So there was a chance that anybody's DNA
5 could have been on there.

6 Q Okay. Your understanding is that multiple people had been
7 within that vehicle?

8 A Correct.

9 Q And then ultimately, about the jurisdiction in this case,
10 let me ask you this. That line right there by the mall, how
11 confusing can that be for officers with the City of Columbia
12 trying to determine jurisdiction?

13 A I'll tell you how confusing it is, you can go into the
14 mall, right, if you go to Macy's, and don't quote me on this
15 because it's just, this is Macy's, it would be Columbia
16 jurisdiction and you go to Belks and it would be Lexington
17 County. That's how confusing it is, within the same mall, two
18 different jurisdictions.

19 Q And this particular apartment complex, is it right there
20 within that same vicinity?

21 A Yes.

22 Q Where some restaurants are Richland County?

23 A That's correct.

24 Q And some restaurants are Lexington County?

25 A That's correct.

1 Q And ultimately upon verifying the Lexington County
2 jurisdiction, can you tell us whether or not Mr. Nance was
3 served with new warrants for Lexington County?

4 A He was.

5 Q As well as entitled to a new bond hearing for Lexington
6 County?

7 A Yes, he was.

8 MS. MAYES: Thank you, Detective.

9 THE COURT: Ms. Mauldin?

10 MS. MAULDIN: No, Your Honor.

11 THE COURT: Can I excuse Detective Ortiz then?

12 MS. MAYES: Yes, Your Honor.

13 THE COURT: Not for the case, but from the stand.

14 Alright. We're going to take a lunch break. I think your
15 sandwiches they tell me have arrived. So Mr. Foreman, I'm
16 going to let y'all go back to the jury room. Remember no
17 discussing this case amongst yourselves. Let's start back at,
18 you need an hour, Ms. Mayes, right?

19 MS. MAYES: Yes, Your Honor.

20 THE COURT: Let's start back in one hour. Okay.
21 Enjoy lunch.

22 (Jurors exiting Courtroom.)

23 THE COURT: Alright. We're in recess. Unless
24 there's anything from the lawyers?

25 MS. MAYES: No, Your Honor.

1 THE COURT: Ms. Mauldin?

2 MR. STORY: Your Honor.

3 MS. MAULDIN: When do you want us back, an
4 hour?

5 THE COURT: 10 til 2.

6 MS. MAULDIN: Thank you.

7 (Off the record.)

8 THE COURT: You ready for the jury?

9 MS. MAYES: Yes, Your Honor.

10 THE COURT: Ms. Mauldin?

11 MS. MAULDIN: Yes, Your Honor.

12 THE COURT: Alright. Let's bring them in.

13 (Jurors entering the Courtroom.)

14 THE COURT: Mr. Foreman, jury ready?

15 MR. FOREMAN: Yes, ma'am.

16 THE COURT: Alright. Please be seated. Just to let
17 the jury know, I think one of the bailiffs or somebody told me
18 they had a, maybe tornado watch out. I just want y'all to know
19 that we are very well equipped and prepared. Do not worry.
20 They'll certainly notify me, and I'd ask you just to follow the
21 bailiff, he knows where you're going. And I won't be far
22 behind you. Alright. Ms. Mayes, you ready to call your next
23 witness?

24 MS. MAYES: Yes, Your Honor. The State calls
25 Investigator Amber Hynes.

1 CLERK: Please raise your right hand, place your left
2 on the Bible. Do you swear or affirm the testimony you give
3 this Court is the truth, the whole truth, and nothing but the
4 truth so help you God?

5 INVESTIGATOR HYNES: Yes.

6 CLERK: Thank you. Would you please have a seat in
7 the witness box. State your full name and spell your last for
8 the record.

9 INVESTIGATOR HYNES: Okay. My name is Amber Hynes,
10 my last name is Hynes, H-y-n-e-s.

11 **DIRECT EXAMINATION**

12 BY MS. MAYES:

13 Q Good afternoon.

14 A Good afternoon.

15 Q Tell us a little bit about yourself. Where are you
16 employed?

17 A I am employed with the City of Columbia in the crime
18 scene unit.

19 Q Alright. And when you say City of Columbia, you're
20 referring to which agency?

21 A The police department, sorry.

22 Q Alright. And how long have you been a law enforcement
23 officer?

24 A I have been in law enforcement since 2017.

25 Q What can you tell us about your educational

1 background and training that led you to become a CSI officer?

2 A I went to Western Carolina University in 2012, I graduated
3 in 2016 with a degree in criminal justice, and criminology, and
4 forensic anthology.

5 Q Alright. So tell us how long you have been specifically
6 within the CSI division of the Columbia Police Department?

7 A I have been with crime scene since May of 2021.

8 Q Alright. Tell us Investigator Hynes how you go about
9 processing a vehicle and what you may be looking for in a
10 vehicle that may be relevant to a crime that's already occurred
11 previously?

12 A For processing a vehicle, we originally, we start with
13 taking overall photos of the vehicle. So we'll take a photo of
14 the vehicle from the side to get both the front and the back
15 door, the trunk and the hood. We'll take a picture from the
16 front, we'll take a picture of the other side to get the front
17 backdoor, trunk, and the hood. And then we'll take a picture
18 of the back, take a closeup of the license plate and then we'll
19 take pictures of any kind of damage, so close up of any damages
20 on the vehicle. And then we'll open up all the doors, take
21 pictures of the inside of each part of the car, so like the
22 front of the cab on the driver's side, the passenger's side,
23 the door, you know how the doors have the little pockets, take
24 a picture of that. Back door, do the same thing, the pockets,
25 all that. Open the trunk, take a picture of the trunk,

1 sometimes we'll take pictures of the hood depending on what
2 we're looking for. We're looking for anything related to the
3 crime in question. And any kind of items that might not belong
4 to that vehicle, the owner of the vehicle or that vehicle.

5 Q Alright. And you mentioned the crime in question. So on
6 this particular vehicle, can you tell us whether or not you
7 were operating on a search warrant?

8 A Yes, we were.

9 Q And what is the date of the search that was conducted by
10 the Columbia Police Department on this vehicle which had been
11 seized back at the CK Mart on the evening of June 30th?

12 A The search was conducted on July 1st, 2021.

13 Q Now, prior to conducting that search, how do you go about
14 ensuring that the vehicle has been properly maintained there by
15 the City of Columbia Police Department on your impound lot?

16 A The vehicles, when they're taken to our processing garage
17 they are followed by an officer, so the tow truck will be in
18 front, and the officer will follow behind it. And they are put
19 into a secure garage which is secured with a gate on the
20 outside with a lock that we know the code to. And then when
21 you go past the gate, you have to get into the garage which
22 only opens with our key cards.

23 Q And can you tell us whether or not those protocols and
24 procedures were followed in reference to the white Chevy Malibu
25 seized from the CK Mart on the evening of June 30th?

1 A Yes, they were.

2 Q And then you mentioned it's important for you to know
3 information relating to the crime itself?

4 A Yes.

5 Q And I'm going to take you back to June 30th, looking at
6 State's 31 already in evidence. Can you tell us whether or not
7 you're aware of an offense alleged to have occurred on June
8 23rd of 2021? And this particular still shot we're looking at
9 is 6:27 am.

10 A Yes.

11 Q Can you tell us whether or not you were aware that the
12 bank card belonging **D.K. [REDACTED]** had been utilized at an ATM
13 location?

14 A Yes.

15 Q And can you tell us whether or not you were aware that
16 prior to this, approximately an hour beforehand, there had been
17 a burglary?

18 A Yes.

19 Q And in fact, can you tell us whether or not members of
20 your CSI team were actually on site at this time at 6:27 back
21 over at the home on Crossbow?

22 A Crime scene arrived shortly after that time.

23 Q Okay. So as we're looking at this still shot photo, 6:27
24 on the 23rd, members of your CSI team were actually processing
25 the crime scene at Crossbow?

1 A At that time, no.

2 Q Okay. Shortly thereafter?

3 A Yes.

4 Q Okay. And did you in fact have some first responders
5 there at the scene within that time frame?

6 A Yes.

7 Q Now, in addition to that particular photograph from the
8 ATM machine, were you also familiar with video footage from a
9 CK Mart, let me show you a photograph that is in evidence,
10 State's 134. Around the time frame of 6:35 am?

11 A Yes.

12 Q And having viewed video of still shots and images, can you
13 tell us, Ms. Hynes, or Investigator Hynes whether or not the
14 vehicle that you've observed as we see here in State's 134, and
15 State's 31 appear consistent with the vehicle that you
16 processed?

17 A Yes.

18 Q I'm going to show you some photographs and ask you whether
19 or not you recognize them. This would be State's 82, 83, and
20 81.

21 A Yes, I do recognize them.

22 Q Alright. And Investigator Hynes, who actually took these
23 photographs?

24 A I did.

25 Q And was this pursuant to the search warrant?

1 A Yes.

2 Q These are all fair and accurate representation of the
3 vehicle as you observed it that day?

4 A Yes.

5 MS. MAYES: State's 81, 82, and 83 for evidence, Your
6 Honor.

7 MS. MAULDIN: Your Honor, this is subject to my prior
8 motion and I would make the same objection on any evidence that
9 came from the car, and any future testimony from evidence
10 obtained from the car.

11 THE COURT: And so noted, but I'm going to admit it.

12 (Whereupon photos were submitted as State Exhibit's 81,
13 82, and 83 for identification and entered into evidence.)

14 Q Alright. Looking here at State's 82. What if anything
15 did you observe, Investigator Hynes, regarding any
16 discoloration or damage to this vehicle as noted in State's 82?

17 A Yes. The damage on the back, here, let me see, how does
18 this work. Thank you. Yes. The damage here and there is some
19 damage on this side of the vehicle here.

20 Q Okay. And can you tell us what if anything you noted in
21 this area behind the rear wheel?

22 A Yes. The, the dirt and discoloration there can be seen
23 other places.

24 Q And looking at 83, were you able to confirm this vehicle
25 had a paper tag?

1 A Yes.

2 Q And then looking at 81, what if anything were you able to
3 determine regarding the make and model of this vehicle?

4 A The Chevy symbol right here.

5 Q All consistent with a Chevy Malibu?

6 A Yes.

7 Q Now were you also aware of video footage and still shots
8 taken of the suspect at CK Mart on the morning of June 23rd?

9 A Yes.

10 Q I'm going to show you what is State's 18, State's 134, and
11 State's 70 and ask you if you've had an opportunity to review
12 these prior to your testimony now?

13 A Yes.

14 Q Do these all appear consistent with the video footage from
15 the CK Mart on the morning of the crime, being June 30th, 2021?

16 A Yes.

17 MS. MAYES: 134 and 18 already in evidence, Your
18 Honor. 70 offered for evidence at this time.

19 THE COURT: Let me know ---

20 MS. MAULDIN: Your Honor, all of these I object to.

21 THE COURT: Subject to the same objection, so noted.
22 I'm allowing it in.

23 (Whereupon a photo was submitted as State's Exhibit 70 for
24 identification and entered into evidence.)

25 Q And again, noting here in State's 134, what

1 information can you state for the record, Investigator Hynes,
2 regarding the date and time on this particular item?

3 A I'm sorry, can you repeat that?

4 Q What can you tell us about the date and time stamp ---

5 A Oh ---

6 Q --- on this particular item?

7 A --- yes. The date is the same date the incident occurred,
8 and the time is shortly after the incident occurred.

9 Q This would be approximately 6:35 am?

10 A Yes.

11 Q Looking here at State's 70, what if anything did you note
12 about the type of pants worn by the suspect?

13 A The distressed to the pants here, there were tears in it,
14 and there is a black fabric underneath the pants, or underneath
15 the tears and then there's a stripe on the side of the pants
16 there, a red and black stripe.

17 Q And what if any logo was on the hoodie in this particular
18 photograph?

19 A It's an Adidas logo.

20 Q Okay. And as you're looking at this photograph, I'm going
21 to give you a chance to look at it as well with the naked eye.
22 Looking at State's 70, is the hood up or down in this
23 photograph?

24 A The hood is up.

25 Q Investigator Hynes, were you able to find any

1 clothing consistent with this when you processed the Chevy
2 Malibu of Tamar Nance?

3 A Yes. We were able to find the pants in the picture and
4 the hoodie.

5 Q And once you retrieve those items, how did you go about
6 preserving their appearance, or documenting their appearance I
7 should say?

8 A Once the clothing was found, we took it out and laid it on
9 a table that we have that had brown paper on top of the table.
10 We use brown paper to keep our evidence base clean, it goes
11 with the evidence that we are processing. We laid the brown
12 paper out and put the evidence on top of it and I photographed
13 each section of the clothing.

14 Q Let me show you some photographs and ask you whether or
15 not you recognize them. State's 86, 84, 85, and 87?

16 A Yes, I do.

17 Q Are these a fair and accurate representation of the
18 photographs that you took during the processing of that
19 vehicle?

20 A Yes.

21 Q What are we looking at here, Investigator Hynes, in
22 State's 84?

23 A This is the trunk of the Chevy Malibu and the clothing
24 items in the trunk.

25 THE COURT: Hold on just a second. Are those ---

1 MS. MAYES: They're in, offered for evidence, Your
2 Honor.

3 MS. MAULDIN: Subject to the prior motion.

4 THE COURT: Okay. Then no objection then, I guess,
5 other than what your prior objection was?

6 MS. MAULDIN: Yes.

7 THE COURT: Okay. They're entered. I'm sorry, Ms.
8 Mayes, go ahead.

9 (Whereupon photos were submitted as State Exhibits 84, 85,
10 86, and 87 for identification and entered into evidence.)

11 Q State's 84 and also 85. In looking here at 84, where were
12 the items of clothing that you, the pants that you had just
13 mentioned?

14 A The pants are right here.

15 Q Alright. I'm going to show 85. Are you more easily able
16 to visualize them?

17 A Yes. They are right here.

18 Q And again, this would be the trunk area?

19 A Yes.

20 Q And would you consider those to be jeans or maybe denim?

21 A Yes.

22 Q Now, I'm going to also ask you about the Adidas hoodie, do
23 you remember where that was found in the vehicle?

24 A The Adidas hoodie was in the backseat of the
25 vehicle.

1 Q Okay. And I'm going to show you State's 87 and ask you
2 what we're looking at here?

3 A This is the Adidas hoodie from the vehicle.

4 Q And then also State's 86?

5 A And those are the jeans from the trunk vehicle.

6 Q Having examined the jeans, you mentioned some black fabric
7 within the distressed portion. Can you show us what you're
8 referring to?

9 A Yes. The black fabric is right here, it's actually black
10 with some sparkles.

11 Q And is that also present along the knees?

12 A Yes.

13 Q And the stripe?

14 A And the stripe is red.

15 Q Were you able to identify those pants in relation to
16 State's 70 from the CK Mart?

17 A Yes.

18 Q Now, what else did you look for in reference to the
19 interior of the vehicle?

20 A Inside the vehicle we were looking for anything that the
21 victim reported missing or anything that could be related to
22 the crime that occurred.

23 Q I'm going to show you what is State's 89, 90, 88, and 136
24 and ask you whether or not you recognize these photographs?

25 A Yes.

1 Q And who took them?

2 A I did.

3 Q And were all of these items found pursuant to your search?

4 A Yes.

5 Q Alright. And specifically, I want to ask you whether or
6 not you looked for any source of lubricant?

7 A Yes.

8 Q Such as lotion or anything of that nature?

9 A Yes.

10 Q And can you tell us whether or not that is depicted in
11 State's 89, and 90?

12 A It is.

13 Q And tell us what if anything is depicted in State's 88?

14 A Receipts.

15 Q And can you tell us whether or not you were looking
16 specifically for cash-based receipts?

17 A Yes.

18 Q And then what about State's 136?

19 A It is a piece of mail.

20 Q And is there one piece of mail or more than one piece of
21 mail that was recovered from the vehicle?

22 A More than one.

23 Q Okay. And did that also relate to who may have had access
24 to the vehicle?

25 A Yes.

1 Q Alright.

2 MS. MAYES: This would be State's 136, 88, 89, and 90
3 for evidence.

4 THE COURT: Same objection?

5 MS. MAULDIN: Yes, Your Honor.

6 THE COURT: So noted and admitted.

7 (Whereupon photos were submitted as State Exhibits 88, 89,
8 90, and 136 for identification and entered into evidence.)

9 Q Now, you had mentioned that part of your work is to
10 recover anything that may potentially be related to the crime
11 itself?

12 A Yes.

13 Q Can you tell us whether or not you were aware of some type
14 of lubricant being used during the sexual assault?

15 A I was.

16 Q Tell us what we're looking at in 89 and why you retrieved
17 that item?

18 A Yes. In 89, in the cup holder, in the cup holder here,
19 there is a small bottle of lotion. And that's a close-up
20 picture of the lotion.

21 Q Okay. All part of State's 89?

22 A Yes.

23 Q And then tell us what we're looking at in State's 90?

24 A In 90, this is another bottle of lotion, one where
25 you can put lotion or something in it. It's in the glove

1 box, the center console thing.

2 Q And then regarding State's 136, can you tell us whether or
3 not you found any belongings within the vehicle that were
4 associated specifically or directly to the Defendant in this
5 case, Tamar Nance?

6 A Yes.

7 Q And what items did you find?

8 A Some pieces of mail.

9 Q And we're looking here at 136. Whose name is that mail
10 addressed to?

11 A Tamar Nance.

12 Q And then looking here at the second page. Can you tell us
13 whether or not both of those items were in the name of Tamar
14 Nance? And I'll give you a chance to look at that.

15 A Thank you. Yes. They are both for Tamar Nance.

16 Q Okay. Now, looking at State's 88. You indicated that you
17 were aware that the victim's financial transaction card had
18 been utilized?

19 A Yes.

20 Q I believe significantly over \$1,200.00 in cash?

21 A Yes.

22 Q What if any receipts did you recover related to cash
23 purchases, Investigator Hynes?

24 A A, two Footlockers receipts, Champs receipts, Tommy
25 Hilfiger and Zumiez.

1 Q And were these receipts actually retrieved as physical
2 evidence as well?

3 A Yes.

4 Q And do you have with you your notations concerning the
5 date of these receipts?

6 A Yes. The dates of the receipts were the day after the
7 incident occurred.

8 Q Alright. And that first receipt that we see for Tommy
9 Hilfiger, what is the total amount of that receipt?

10 A The total amount for the Tommy Hilfiger receipt was
11 \$204.67.

12 Q And does the receipt have a notation regarding whether or
13 not that was a cash purchase?

14 A Yes, cash purchase.

15 Q And I'm going to get up close on that. If you need to see
16 the originals, I can offer that as well. Let me give you
17 chance to look at that.

18 MS. MAYES: Your Honor, permission to un-break the
19 seal?

20 THE COURT: Any objection?

21 MS. MAULDIN: No, Your Honor.

22 THE COURT: Go ahead, Ms. Mayes.

23 Q And looking first at the Hilfiger receipt.

24 A Sorry. What was your question about the receipt?

25 Q The notation that it is a cash purchase?

1 A Oh, yes. Yes, cash purchase for \$210.00 with \$5.33 in
2 change.

3 Q Okay. And this is regarding the Hilfiger receipt,
4 correct?

5 A Yes.

6 MS. MAYES: This would be for evidence, Your Honor.

7 Q Are you able to identify all of these, State's 147, 144,
8 and 145 as the original receipts that we saw in the overhead
9 exhibit? Are you able to identify all of these as the
10 receipts?

11 A Sorry, yes, yes.

12 MS. MAYES: This would be 147, 144, and 145 for
13 evidence.

14 THE COURT: Any objection?

15 MS. MAULDIN: Just subject to my prior objection.

16 THE COURT: Absolutely, it's admitted.

17 (Whereupon receipts were submitted as State Exhibits 144,
18 145, and 147 for identification and entered into evidence.)

19 Q So looking here at the Tommy Hilfiger, where can you tell
20 us, Investigator Hynes, the notation is that cash is paid for
21 that purchase in the amount of \$204.00?

22 A Yes. The total amount here and the cash amount given
23 right here.

24 Q With \$5.33 in change?

25 A Yes.

1 Q And the date of this purchase or transaction? If I need
2 to let you look at that again close up, I can.

3 A Yes. The date's right there, 6-24-21 at 4:12 pm.

4 Q And the location?

5 A Is Tommy Hilfiger in Concord Mall ---

6 Q Okay.

7 A --- North Carolina.

8 Q Concord Mall, are you familiar with that particular
9 location?

10 A Yes.

11 Q That's within what metropolitan area?

12 A It's in the Charlotte area or right outside.

13 Q Charlotte?

14 A Yes.

15 Q And next, I believe a Footlocker receipt?

16 A Yes.

17 Q And what if anything can you tell us about the location
18 for that Footlocker?

19 A It is the same location, Concord Mills Mall.

20 Q And the date?

21 A The date, 6-24-21.

22 Q Okay. The time?

23 A At 4:36 pm.

24 Q And is there a customer name?

25 A Yes. Tamar Nance.

1 Q And what if any indications are as to whether cash is paid
2 in the amount of that purchase?

3 A Yes. It indicates cash paid right here. Total amount of
4 \$117.70 and paid was \$120.00.

5 Q Footlocker?

6 A Yes.

7 Q And now is there an additional receipt for Footlocker as
8 well?

9 A Yes.

10 Q Can you give me the date and time of that purchase?

11 A Yes. Date, 6-24-21 at 4:41 pm.

12 Q And the amount of that purchase?

13 A Is \$32.10, paid was \$40.00 in cash, and \$7.90 given back
14 as change.

15 Q And is there a name associated with this purchase?

16 A Yes. Tamar Nance.

17 Q And were you able to recover receipts for additional
18 purchases as well?

19 A Yes.

20 Q Let me give you 145 back. And I'm going to ask you
21 specifically about State's 144.

22 A Okay. 144, it's a Champs receipt.

23 Q What is the amount of the Champs purchase?

24 A The amount is for \$90.95.

25 Q And is there any indication as to whether

1 or not cash was paid?

2 A Yes. \$100.00 in cash was paid with \$9.05 for change.

3 Q Alright. And what was the date of that particular
4 purchase?

5 A And the date is 6-24-21 at 4:53 pm.

6 Q Alright. And is there a location for that particular
7 purchase?

8 A Yes. It is still the Concord Mills Mall, Champs.

9 Q Looking here at 144, is there also a name associated with
10 this purchase?

11 A Yes. Tamar Nance.

12 Q And an indication that \$100.00 in cash was paid for that
13 purchase?

14 A Yes.

15 Q And then as to State's 147, I'm going to ask you whether
16 or not you had an opportunity to review that receipt as well?

17 A Yes.

18 Q And the date of that receipt?

19 A The date of this one is also 6-24-21 at 3:58 pm.

20 Q And where is that purchase?

21 A This was at Zumiez, I believe that's how you say the name.

22 Q And what is the amount of that purchase?

23 A This is for \$214.75 and paid, oh, sorry, \$229.79 and
24 \$140.00 was paid and \$100.00 was paid, so cash two times for
25 \$140.00 and \$100.00.

1 Q \$229.79?

2 A Yes.

3 Q And this particular store, I'm going to ask you if you are
4 familiar with this particular store.

5 A The particular store, no.

6 Q And for the record, if you could spell that?

7 A It's Z-u-m-i-e-z.

8 Q Zumiez?

9 A Yes.

10 Q And where is that location?

11 A The Concord Mills Mall.

12 Q All, again, on the same transaction date being June 24th?

13 A Yes.

14 MS. MAYES: Beg the Court's indulgence.

15 THE COURT: Take your time.

16 MS. MAYES: Nothing further from Investigator Hynes
17 at this time.

18 THE COURT: Ms. Mauldin?

19 MS. MAULDIN: Thank you, Your Honor. Just briefly.

20 CROSS EXAMINATION

21 BY MS. MAULDIN:

22 Q Investigator Hynes, you didn't find a debit card in the
23 car, did you? And I mean specifically a bank card, not the
24 blue Wisely [sic] card.

25 A No.

1 Q Okay. And you didn't find the mask?

2 A No.

3 Q No gloves?

4 A No.

5 MS. MAULDIN: Thank you, Your Honor. No further
6 questions.

7 THE COURT: Okay. Any redirect?

8 MS. MAYES: Just briefly, Your Honor.

9 **REDIRECT EXAMINATION**

10 BY MS. MAYES:

11 Q Your processing of that vehicle, the white Chevy was how
12 many days after the crime actually occurred on June 23rd?

13 A Was there 31 or 30 days in the month? It was a few days
14 later.

15 Q At least a week later?

16 A Yeah, yes.

17 MS. MAYES: Thank you, Investigator Hynes. Nothing
18 further. Your Honor, we do ask that she be excused and return
19 to duty.

20 THE COURT: Thank you, Investigator Hynes.

21 INVESTIGATOR HYNES: Thank you.

22 THE COURT: You can call your next witness.

23 MS. MAYES: The State calls Brigitte DeGuzman.

24 CLERK: Please raise your right hand and place your
25 left on the Bible. Do you swear or affirm the testimony you

1 give the Court is the truth, the whole truth, and nothing but
2 the truth so help you God?

3 MS. DEGUZMAN: I do.

4 CLERK: Thank you. Would you please have a seat in
5 the witness box. State your full name and spell your last for
6 the record.

7 MS. DEGUZMAN: Brigitte DeGuzman. D-e-g-u-z-m-a-n.

8 **DIRECT EXAMINATION**

9 BY MS. MAYES:

10 Q Good afternoon. Tell us a little bit about yourself.

11 A I am, currently I'm a nurse, a registered nurse at
12 Lexington Urgent Care, but prior to that, I was a sexual
13 assault nurse examiner from March of 2011 to October 2021. So
14 I did that for 11 years and prior to that, I was an emergency
15 room nurse at Prisma Health Richland from 1998 to 2011. So
16 I've been a nurse for over 25 years.

17 Q And tell us about your educational background and training
18 that led you to become a nurse.

19 A Okay. Well, prior to my nursing degree which I got in
20 1996, I also have a management degree from University of South
21 Carolina, but with the nursing and sexual assault being
22 certified as a sexual assault nurse examiner, I had to take a
23 40-hour didactic course and then I had to complete clinical
24 requirements such as speculum exams, watch other sexual
25 Examinations, shadow law enforcement, watch Court

1 proceedings, that sort of thing.

2 Q Alright. And tell us regarding your work as a sexual
3 assault nurse examiner, what kind of specific training,
4 clinical training have you received in that regard?

5 A Clinical training would be, like, exams with another
6 sexual assault nurse examiners performing speculum exams under
7 a physicians watch or supervision. The course, I took two
8 different courses, one for pediatric which was 40 hours and
9 then one for adults which was 40 hours. You have to be a
10 registered nurse to be a sexual assault nurse examiner.

11 Q And so when we talk about that term sexual assault nurse
12 examiner, also called a SANE nurse, is there specific clinical
13 training that's required for that?

14 A Well, the course that we take, it is specific for the
15 sexual assault nurse examiner, so they train you specifically
16 about what injuries you would expect from a sexual assault.
17 How to conduct an exam. If there's forensic pictures you take,
18 then they teach you about forensic photographs, how to collect
19 evidence, how to treat the patient prophylactically for any
20 sexually transmitted diseases. How to provide other resources
21 that they would need, such as maybe a referral to sexual trauma
22 services to help them with the trauma and that sort of thing.

23 Q Alright. And your background and training in this, can
24 you tell us whether or not that included noting your findings,
25 the visual findings that you're seeing during an exam?

1 A Yes. So documentation of all of the injuries or the exam
2 itself that's included in the training.

3 Q Is there also photo documentation that is conducted by the
4 nurse examiner?

5 A Yes.

6 Q And do you follow those protocols?

7 A I do.

8 Q Now, the actual evidence collection, the use of swabs, how
9 are you trained in doing the evidence collection?

10 A So we're trained to do that in a specific manner. We
11 collect evidence, like I collect evidence methodically.
12 Depending on the assault history, we'll collect the evidence
13 where, you know, they were penetrated vaginally, I would
14 collect it there, if they collected oral -- assaulted orally, I
15 would collect swabs from the oral area. We're taught to seal
16 them in an envelope. We have to maintain chain of custody of
17 our evidence collection, that sort of thing.

18 Q And does the State Law Enforcement Division, also known as
19 SLED, do they issue an actual protocol for you to follow?

20 A Yes. There is protocol that we follow and it's available
21 to anyone who has to perform this. And we follow, there's
22 instruction sheets on there, but I've been doing this for a
23 while so, but yes, there is a protocol to follow.

24 Q Okay. Now, you mentioned 11 years as a sexual assault
25 nurse examiner. Is it possible for you to estimate how many