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**Dec 15 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Edgefield County

Honorable Courtney Clyburn-Pope, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

GABRIEL DANTRAY CURRY,

APPELLANT

APPELLATE CASE NO. 2022-000966

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RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
STATE’S EXHIBIT #122 (LIST OF ADDRESSES POSTER)**



1 State of South Carolina ) In the Court Of General Sessions  
 2 County of Edgefield ) Indictment No.: 2019-GS-19-00034  
 3 State of South Carolina, )  
 4 Plaintiff, )  
 5 vs. ) Transcript of Proceedings  
 6 Gabriel Deontray Curry, )  
 7 Defendant. )  
 8 \_\_\_\_\_ )

9  
 10 June 27th through 30th, 2022  
 11 Edgefield, South Carolina

12 BEFORE:

13 The Honorable Courtney Clyburn-Pope, Judge, and  
 14 a Jury.

15  
 16 APPEARANCES:

17 Sutania Fuller, Assistant State Solicitor  
 18 Erik Drylie, Assistant State Solicitor  
 Attorneys for the State/Plaintiff

19 Rob Madsen, Eleventh Circuit Public Defender  
 20 Jason Chehoski, Assistant Public Defender  
 Attorneys for the Defendant

21 ALSO PRESENT:

22 Gabriel Deontray Curry  
 23  
 24  
 25

1 tomorrow morning at 9:30. Thank you.

2 (Whereupon, the jury was released for the day at  
3 12:40 p.m.)

4 THE COURT: All right. Do you want to break for a  
5 quick lunch and then come back and hear pretrial motions?  
6 We have two, I believe; is that correct?

7 MS. FULLER: What two are you talking about, Your  
8 Honor?

9 THE COURT: We have the statements, Jackson, and  
10 business records.

11 MS. FULLER: Okay. I believe defense counsel has a  
12 motion to suppress search warrants. I don't know if,  
13 when they're making them, if they're making them now. So  
14 it will be three Denno hearings, putting the Court on  
15 notice of the notice of evidence for business records and  
16 then defense counsel, I don't know if they have  
17 additional motions besides that. They moved to suppress,  
18 I believe, four search warrants.

19 THE COURT: All right. We'll take those up after  
20 lunch, but I would like to look at them prior. Are they  
21 written or just oral?

22 MR. MADSEN: They're written and then there is one  
23 oral because I noticed something today on one of them,  
24 but I can hand copies to them.

25 MS. FULLER: Yes, Your Honor. We'll just request

1 copies as well. Your Honor, you said a brief break.  
2 What time would you like us back? It's 12:40 now. If  
3 you're gonna listen to audios during your break, you'll  
4 need about an hour.

5 THE COURT: We'll come back here at 1:45 then.

6 MS. FULLER: Thank you, Your Honor.

7 THE COURT: Thank you. Anything further from the  
8 defense?

9 MR. CHEHOSKI: No, Your Honor. I think I have to  
10 re-listen to some of the redactions that we were  
11 discussing earlier and see if there's any issues or any  
12 further redactions or unredactions that apply to me.

13 MS. FULLER: And for the record, Your Honor, the  
14 copies you have, they are full versions. They are not  
15 the redactions. We'll place the redaction agreements on  
16 the record after your ruling.

17 THE COURT: All right. If that is all, we'll break  
18 right now and stand down for lunch and reconvene at  
19 1:45.

20 MS. FULLER: Thank you, Your Honor.

21 MR. CHEHOSKI: Thank you.

22 (Lunch break.)

23 BAILIFF: All rise.

24 THE COURT: Thank you. Please be seated. All  
25 right. Unfortunately we are not in a position to hear

1 the audio which is the subject of the confession  
2 suppression motion so we'll obviously have to avoid that.  
3 We have three motions; is that correct? Warrants as well  
4 as for business documents?

5 MR. MADSEN: We don't have an argument on business  
6 records itself. We do have the argument on the search  
7 warrants as far as probable cause and, Judge, while  
8 there's about five or six warrants, for the most part  
9 they all have the same language, but I don't think it  
10 establishes probable cause, but those search warrants  
11 were all sought at different times. I believe it's the  
12 Solicitor's position is that those were supplemented by  
13 oral testimony and so we'll get into that argument, so it  
14 will kind of branch off. It's a very similar argument,  
15 but I think sadly each one of them probably has to be  
16 taken under review as to what the supplemental oral  
17 testimony was.

18 We have a second search warrant argument against two  
19 of them. The search warrants were issued right around  
20 mid December of 2021, but they weren't executed within  
21 the 10 day time frame. They were executed, I think, the  
22 end of January so well past the 10 days. Now, I will  
23 tell Your Honor you can find a lot of case law that deals  
24 with the fact that they're supposed to have a return  
25 given to the Judge within 10 days, and they said that's

1 kind of an administerial act, that you've got to show  
2 prejudice. I can't find anything that talks about the  
3 execution, but statutorily they did not execute it within  
4 10 days or anywhere close.

5 And then once we get done with that, we received  
6 some maps from the Solicitor's Office at like 5:14 on  
7 Friday, and those are maps that take cell phone records  
8 and translates them into areas on a map and so we're  
9 going to move to suppress those because essentially we  
10 get them on the weekend, there's no way that I can go out  
11 and get funding to hire an expert, review these things,  
12 make sure that these maps are accurate and say what they  
13 say when this case is four years old and you get it on  
14 the Friday, after hours on Friday, not by far, but still  
15 after hours on Friday we get a number of maps and so at  
16 the appropriate time I can pass up that and let Your  
17 Honor see that in the email.

18 THE COURT: All right. Let's move forward with each  
19 motion one at a time. Let's hear your motion to suppress  
20 the warrants.

21 MR. MADSEN: Judge, let me start with, and it was  
22 part of the motion in there, but might be maybe I'll just  
23 hand up the search warrants, it might be easier for  
24 everybody than digging it out of the motions that I gave  
25 you.

1 THE COURT: I have a copy of the warrants.

2 MR. MADSEN: You all might have true copies.

3 MS. FULLER: We do.

4 MR. MADSEN: We probably got four or five different  
5 versions of discovery, some of them didn't have returns  
6 or the returns were blank and so I don't know, Judge, if  
7 this was the second search warrant, I think. Maybe the  
8 car one was the first. The car one we do not dispute.  
9 This one, Judge, if you look at the warrant and you go to  
10 the affidavit, or excuse me, I should say the attachment,  
11 the reason for the affiant's belief that the property  
12 sought is on the subject premises. You look at that  
13 first paragraph and the first paragraph basically just  
14 says, just kind of gives the facts that Dakota Calhoun  
15 was missing; that they were able to find the car; that it  
16 was located. It wasn't occupied. SLED was called out;  
17 that they did a search; that Dakota was found about a  
18 hundred feet off the roadway, and that he was dead and  
19 that they observed a hole that they believed to be a  
20 bullet hole.

21 Obviously, I think if you read that, that certainly  
22 doesn't provide any probable cause for a search warrant.  
23 It just says, hey, this is what we know has happened, but  
24 there's no probable cause in that. If you look at that  
25 third paragraph, the third paragraph just basically says

1 the affiant was Jimmy Smith, who is now deceased, it just  
2 basically says that he had been with the Edgefield  
3 Sheriff's Department for approximately 12 years and law  
4 enforcement for 20 years and believes that items obtained  
5 in the residence will assist in the investigation of the  
6 murder of Dakota Calhoun. Well, that doesn't provide any  
7 probable cause either.

8 So I think the crux of our argument all lies in that  
9 middle paragraph and the middle paragraph states through  
10 witness statements and surveillance it was discovered  
11 that Gabriel Deontray Curry was with Dakota just prior to  
12 his murder. When deputies went to [REDACTED] Mount Zion Road to  
13 locate Gabriel Curry, they asked him about Dakota missing  
14 and his girlfriend stated he was not there. A short time  
15 later the family, Dakota, arrived with Gabriel who told  
16 affiant that he and Dakota had went to obtain and use  
17 marijuana and heroin. Kahlo Calhoun, brother of Dakota,  
18 told IO that he located Gabriel at his girlfriend's  
19 residence on Mount Zion. So that is their entire  
20 probable cause in this case and we do not believe that  
21 that is sufficient, Your Honor.

22 I gave you a number of cases within my motion that  
23 goes over different types of probable cause so within  
24 there there's nothing in there to tell the Magistrate  
25 where this information comes, how they come about this.

1           It is simply just conclusory statements that are not  
2           sufficient. As I said, veracity and basis of knowledge  
3           is extremely important when a Magistrate is trying to  
4           decide or any Judge is trying to decide, hey, you got  
5           this information, you know, what is that? Case law is  
6           pretty clear that the Judge can't speculate or infer. In  
7           fact, if you look under there, State versus Weston,  
8           stated that the affidavit failed to state any facts as to  
9           why law enforcement believed that the defendant committed  
10          the crime and said that the affidavit contained was  
11          merely a conclusory statement.

12                 State versus Jenkins, I put that in there. It was  
13          initially a Court of Appeals case and the Court of  
14          Appeals found that the affidavit was not sufficient and  
15          so they reversed and then the Supreme Court looked at it  
16          and this was a rape case and so I guess the defense on  
17          the rape case was consent and so the Supreme Court  
18          reversed the Court of Appeals, but it did it on harmless  
19          error analysis so the reason I included that Court of  
20          Appeals is because even the State in that did not say  
21          that the affidavit, and I contained the information from  
22          that affidavit, even the State didn't say that it  
23          contained sufficient probable cause, or basically agreed  
24          that it had conclusory statements and did not give any,  
25          or give a Judge enough PC and so like I said, that was

1 overturned on harmless error, but like I said, I think  
2 the important part was even the State recognized that the  
3 affidavit was not sufficient.

4 When you look at just that wording, there's no  
5 indication of any type of reliability of these witnesses,  
6 no basis for these witnesses. As I said, inferences  
7 cannot be drawn from a neutral and detached Judge. The  
8 reason for that is obviously you can't just rely on, hey,  
9 this is what a officer told us and so it must be true  
10 because obviously officers, and case law bears this out,  
11 are engaged in a competitive enterprise of ferreting out  
12 crimes. They're on one side and so it is not appropriate  
13 for a Magistrate to just make inferences.

14 Like I said, paragraph 2, it doesn't list any names  
15 of the witnesses, it doesn't tell the Magistrate how they  
16 came about getting that information or any type of  
17 veracity, whether the people had some type of record or  
18 had been in trouble before or problems with law  
19 enforcement. There is no indication on there. You know,  
20 they try to kind of infer, I guess, that, oh, they were  
21 looking for Gabriel Curry, but it doesn't indicate  
22 anywhere in there that he was intentionally hiding. They  
23 don't say, hey, we talked to his girlfriend and he said  
24 to hide me. There is absolutely none of that. There's  
25 no information contained in the warrant that he told the

1 girlfriend to lie for him and then they indicate that  
2 Kahlo is, brought the client to law enforcement. Doesn't  
3 necessarily list a time frame. Doesn't say we brought  
4 him there by force. The client came and met with law  
5 enforcement on his own free will.

6 So just based on the affidavit in and of itself we  
7 do not believe that probable cause has been established  
8 and that they are relying on those conclusory statements  
9 and like I said, just about all of the other warrants  
10 have that second paragraph or basically mirror that same  
11 language, although I will point out that there is one of  
12 the search warrants and that is what they have delineated  
13 as 4719 that doesn't even have that second paragraph. It  
14 just has the first one, hey, you know, Dakota has been  
15 killed, goes down to the third one which says, hey, law  
16 enforcement has this experience and so at some point in  
17 time if we get there I can pass up 4719.

18 THE COURT: And what are you trying to suppress,  
19 five search warrants?

20 MR. MADSEN: Well, I think, Your Honor, the cell  
21 phones were all taken from his house and so I guess we  
22 start with the fact that they're taken in the house and  
23 we're asking for those to be suppressed. If Your Honor  
24 suppresses that, suppresses those phones, then I don't  
25 think - it's a moot point with the other ones. Just for

1 basis, they get the five search warrants for the house,  
2 then they go get a search warrant for my client's phone,  
3 then they get search warrants from the phone provider to  
4 get the records from the service provider which  
5 essentially I guess is T-Mobile or Metro PCS, and then  
6 they go back later and get a search warrant for the  
7 records of Kirtrina Dixon who lived at the house they  
8 searched, and then a second search warrant for my  
9 client's phone.

10 THE COURT: All right. And 4718 is included in one  
11 of these?

12 MR. MADSEN: I can pass that up.

13 MR. DRYLIE: Judge, if you want, we can make all the  
14 search warrants a court exhibit. We've got true  
15 certified copies here.

16 MR. MADSEN: Yes. Like I said, we probably got four  
17 or five different copies through discovery so I was  
18 trying to piece it together. Yeah. That way you can  
19 take a look at all of them if they've got the certified  
20 copies.

21 THE COURT: Okay. All right. So I did have an  
22 opportunity to review your motion in regards to all of  
23 the search warrants, specifically your objection to, or  
24 your motion regarding paragraph two. Who is arguing for  
25 the State?

1 MR. DRYLIE: I am, Your Honor. At this point we'll  
2 go ahead and present testimony. At this time the State  
3 would call Judge McLaurin to the stand.

4 MR. MADSEN: Judge, does that mean that you don't  
5 think the search warrant in and of itself has probable  
6 cause and that it needs to be supplemented?

7 MR. DRYLIE: We do believe the search warrant has  
8 probable cause and we intend to present testimony on how  
9 the search warrant that we have applies.

10 THE COURT: We will proceed with questioning.

11 Okay.

12 Thereupon,

13 JAMES MCLAURIN

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

15 THE CLERK: Please have a seat. Once you're seated,  
16 state your full name spelling your last please.

17 THE WITNESS: My name is James McLaurin,  
18 M-c-L-a-u-r-i-n.

19 DIRECT EXAMINATION

20 BY MR. DRYLIE:

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. Did you say where you're employed?

24 A. I'm an Edgefield County Magistrate.

25 Q. How long have you been employed as a Magistrate?

1 A. This is my twelfth year.

2 Q. Before that, what did do you?

3 A. I was a highway patrolman.

4 Q. Okay. Were you employed as a Magistrate on October  
5 12th, 2018?

6 A. I was.

7 Q. And are you familiar with the case of State versus  
8 Gabriel Curry?

9 A. I am.

10 Q. On October 12th, 2018, did Investigator Jimmy Smith  
11 come and seek a search warrant from you?

12 A. He did.

13 Q. Do you remember what he was using as probable cause  
14 for that search warrant?

15 A. The arrest warrant affidavit or the search warrant  
16 affidavit outlines sort of the general statements.  
17 Investigator Smith, when he would come in very often, he would  
18 sit down and say, let me talk to you about this, you know.  
19 Sometimes people maybe are not confident in their writing  
20 skills, their typing ability and so in order to make sure that  
21 he doesn't leave anything out, that's one thing that Jimmy  
22 would do when he would come in, sit down and say let me tell  
23 you what's going on. Let me tell you about this.

24 Q. Okay. When you say Jimmy, you mean Investigator  
25 Smith?

1 A. Apologize. Investigator.

2 Q. Do you know why Investigator Smith is not here  
3 today?

4 A. I do.

5 Q. Tell us quick.

6 A. Jimmy Smith passed a couple years ago.

7 Q. But you remember Investigator Smith coming in and  
8 seeking the search warrant, correct?

9 A. I do.

10 Q. I'll show you what's marked as Court's Exhibit 2.  
11 Are you familiar with that search warrant?

12 A. I am.

13 Q. Can you tell me what the search warrant was for?

14 A. This search was for the residence at [REDACTED] Mount Zion  
15 Road.

16 Q. Do you remember why he wanted the search warrant for  
17 that residence?

18 A. Jimmy believed, Investigator Smith believed there  
19 was evidence at the residence that would help to determine  
20 what happened to Dakota Calhoun whose body was found in the  
21 woods shot to death and Gabriel Curry was a person of  
22 interest, somebody they wanted to go talk to and, you know,  
23 that's the reason he was seeking a warrant for the  
24 residence.

25 Q. What did he use for probable cause?

JAMES MCLAURIN - DIRECT BY MR. DRYLIE

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1           A.   Well, when he came in, one of the points that he  
2   made was that they knew that Gabriel was in the house and that  
3   the girlfriend who had come to the door to speak with the  
4   officers was saying that he wasn't indicating a level of, you  
5   know, trying to hide something.

6           Q.   Okay. Did he also provide that Mr. Curry had been  
7   with Mr. Calhoun shortly before he was dead?

8           A.   Well, it's not in the body specifically I think, but  
9   it is in my notes regarding what he told me also about what  
10  had happened. He explained that according to multiple  
11  witnesses, that the two had been seen together, Gabriel Curry  
12  and Dakota Calhoun had been seen together riding around in  
13  Dakota's mother's car and, you know, they had been seen riding  
14  around together and then the car was found not far from where  
15  the body was eventually found and that's definitely a large  
16  part of the reason why they believe that Gabriel Curry had  
17  information that would be useful to them.

18          Q.   Are you familiar with how far ██████ Mount Zion Road is  
19  to where the body and the car were found?

20          A.   It's my understanding the car was found, Sandy, I  
21  know it's in there, Sandy Run, I apologize, the car was found  
22  across the road from where the body was found off the road.  
23  The body was about, I think they said about a hundred feet off  
24  the road and ██████ Mount Zion is not far from either location.

25          Q.   And whose address was that?

1           A.    It's my understanding that's where Gabriel Curry and  
2           his girlfriend reside.  That's their house or it's where they  
3           lived.

4           Q.    When Investigator Smith came to get the warrant, did  
5           you make a finding of probable cause?

6           A.    I did.

7           Q.    At that time concurrently did you have any stake in  
8           the outcome?  Were you fair and detached?

9           A.    Of course.

10           MR. DRYLIE:  No further questions.

11                                        CROSS EXAMINATION

12           BY MR. MADSEN:

13           Q.    Hey, Judge.  How are you?

14           A.    Great.  How are you?

15           Q.    So I think you issued the arrest warrant in this  
16           case; is that correct?

17           A.    I expect that I did, yes.

18           Q.    And you just said that Gabriel Curry lived at that  
19           ██████████ Mount Zion address, right?  Stayed there with his  
20           girlfriend?

21           A.    I believe he did stay there with his girlfriend.

22           Q.    On the warrant what was his address?

23           A.    ██████████ Bailey Avenue in Belvedere.

24           Q.    Which is not ██████████ Zion, correct?

25           A.    That's correct.

1 Q. And you had said something, so Investigator Smith  
2 just comes in and sits down and says, hey, let me tell you  
3 about the case, right?

4 A. Yes.

5 Q. And then you take a look at his affidavit and then I  
6 don't know, yeah, I get it, does -- Is that your  
7 handwriting?

8 A. It is.

9 Q. So those are your notes as far as what was orally  
10 told to you, correct?

11 A. Correct.

12 Q. You write kind of small. My eyes aren't terribly  
13 good. Can you read what that says?

14 A. Okay. Oral testimony, multiple witnesses state that  
15 Gabriel Curry and Dakota Calhoun were together in the time  
16 leading up to Calhoun's murder. Bullet point two is, Curry  
17 was at residence when sisters were looking for him to question  
18 him in regard to the missing person Calhoun. Curry's  
19 girlfriend states that he was not there and officers have  
20 evidence that this was not true. The next bullet point, items  
21 taken from the vehicle Curry and Calhoun were riding in, and  
22 there's a, the last bullet point, auto pay date 10/11/18.

23 Q. What does that mean? I couldn't read it.

24 A. Auto pay date 10/11/18 which is regarding the, like  
25 a payment app.

1 Q. Okay. And so, and that's basically oral testimony  
2 that he gives. What is different in that as compared to that  
3 second paragraph right there?

4 A. In the second paragraph it mentions the goal, to  
5 obtain and use marijuana and heroin and the brother of Dakota  
6 --

7 Q. Bringing him there?

8 A. -- bringing him to the residence.

9 Q. Right. So there's nothing in that oral statement  
10 that supplements or is in addition to what you read in that  
11 second paragraph? It's basically the same thing, correct?

12 A. Yes.

13 Q. And there's nothing in there --

14 A. Well, it does state, they explain that they helped,  
15 or Investigator Smith explained that they had knowledge that  
16 he was in the residence and that and that is one difference I  
17 suppose because that's noted in the notes.

18 Q. And so but he doesn't tell you how he knows that,  
19 does he?

20 A. No.

21 Q. And when they say, or in that, or when it says  
22 through witness statement or in your oral where it says  
23 multiple witnesses, you have no idea who those people were or  
24 are, correct?

25 A. I don't remember.

JAMES MCLAURIN - CROSS BY MR. MADSEN

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1 Q. Because he didn't tell you?

2 A. I don't remember if he told me specific witnesses.

3 Q. Right. But they are not in your notes?

4 A. No. They are not.

5 Q. And it says that they had asked the girlfriend about  
6 where Gabe was, but it doesn't say that Gabe lied to them,  
7 does it?

8 A. No.

9 Q. And it says that later Gabe arrived and talked to  
10 law enforcement. I guess he arrived with the family of  
11 Dakota, correct?

12 A. Yes.

13 Q. And they say something about video surveillance.  
14 You don't know where that's from? He didn't tell you that,  
15 did he?

16 A. No. I don't recall that. Well, the video  
17 surveillance or video?

18 Q. Well, I think the second paragraph says surveillance  
19 there.

20 A. What I remember regarding the video had to do with  
21 two of them in the vehicle and video taken and video obtained  
22 later at various places showing the two of them in the car and  
23 later showing Gabriel Curry by himself at the, in the car like  
24 at the Burger King down on 25.

25 Q. Are you sure they had gotten that at that time?

1 A. No. I'm saying --

2 Q. That's later stuff?

3 A. Yes. I'm saying I remember that with regard to the  
4 video.

5 Q. Are you saying that he told you that when you issued  
6 the search warrants or maybe that's something that you found  
7 out when you issued the murder --

8 A. No. I'm saying it was after the fact. It was an  
9 after point.

10 Q. Well, we can only talk about what you knew or what  
11 you were told then, not something you learned about afterward.

12 A. Okay.

13 Q. So that might have been later, correct?

14 A. Yes.

15 Q. So as far as when it says video surveillance, you  
16 didn't ask, he didn't tell, or at least you don't remember --

17 A. I don't remember.

18 Q. -- what was specific about that?

19 MR. MADSEN: Judge, that's all the questions I  
20 have.

21 MR. DRYLIE: Just briefly.

22 REDIRECT EXAMINATION

23 BY MR. DRYLIE:

24 Q. How many times approximately did Investigator Smith  
25 appear in front of you, approximate?

1 A. With regard to this case or just --

2 Q. No. Just in general?

3 A. Oh, uh, I don't know, a hundred. That's a  
4 conservative estimate.

5 Q. Did you ever question his truthfulness or his  
6 veracity?

7 A. Never.

8 Q. Okay. When law enforcement comes in and applies for  
9 a search warrant, do they generally go over every fact of the  
10 case that they have with you?

11 A. No. They'll give me, they try to give me as much as  
12 they think I need.

13 MR. DRYLIE: No further questions.

14 RECROSS EXAMINATION

15 BY MR. MADSEN:

16 Q. And, Judge, in the four years since then, give me an  
17 idea of how many search warrants you think you have issued?

18 A. Pardon.

19 Q. How many search warrants do you think you've issued  
20 in the four years since, around about?

21 A. Oh, uhm --

22 Q. Hundreds?

23 A. In four years maybe three hundred and change.

24 MR. MADSEN: Okay. That's all the questions I  
25 have.

1           THE WITNESS: Had a pretty busy year last year. Is  
2 that all for this?

3           THE COURT: You may step down.

4           MR. DRYLIE: Judge, it's the State's position that  
5 the search warrant was valid on its face, that there was  
6 probable cause to search the residence of Kirtrina Dixon  
7 where Mr. Curry was staying at the time of this murder.

8           Just to give the Court an idea of how this case came  
9 in. It was developed as a missing person's case. Dakota  
10 Calhoun is out with his cousin Gabriel Curry and Dakota  
11 never - he's with Gabriel Curry and he never shows  
12 back up. At the time of this search warrant the  
13 Sheriff's Office does not have video which they later  
14 obtained of Mr. Curry driving Dakota Calhoun's mother's  
15 car by himself and so at the time of this search warrant  
16 Gabriel Curry had already, had basically lied to law  
17 enforcement, he instructed his girlfriend to lie to law  
18 enforcement saying he wasn't at the house.

19           Kahlo Calhoun comes by the house shortly afterwards.  
20 Kahlo is also Gabriel's cousin and Dakota's brother.  
21 Kirtrina tells Kahlo that Gabriel is not inside, and then  
22 Gabriel says, no, it's okay. These are my people and  
23 Gabriel goes to the crime scene with Kahlo. At this  
24 point the body is still not discovered. It's still a  
25 missing person's case and he does go with Kahlo. Kahlo

1 later talks to law enforcement either on the 10th or the  
2 11th and tells them when you guys went by, Gabe had told  
3 his girlfriend not - to say that he wasn't there, but  
4 when I went by, he came out and said he was there. He's  
5 already being deceitful from the very beginning in this  
6 case.

7 Judge, we think the search warrant is valid. We  
8 think there is probable cause. There were multiple  
9 witnesses who put the two of them together. Dakota was  
10 supposed to pick his mom up from work which law  
11 enforcement knew the day that Dakota's body was found and  
12 he never came and picked her up. Gabriel Curry was the  
13 last person Dakota Calhoun was with and then Gabriel  
14 Curry is driving Dakota Calhoun's mom's car that Dakota  
15 had by himself, you know, the car that he did not have  
16 permission to be driving.

17 Judge, these warrants were supplemented by oral  
18 testimony as they were trying to piece together this  
19 investigation. The search warrant for [REDACTED] is valid on  
20 its face and it's valid with the supplemental  
21 testimony.

22 MR. MADSEN: Judge, just about everything he just  
23 told you was not told to the Magistrate so, I mean, I  
24 don't know if he's just trying to convince you, hey, we  
25 got this information afterwards but, I mean, you heard

1 Judge McLaurin testify. He's telling you all this stuff  
2 that they get afterwards, well, that doesn't have  
3 anything to do with the probable cause at that point in  
4 time. They're stuck essentially with that middle  
5 paragraph. It doesn't give the Judge any basis.

6 Additionally, there was absolutely no testimony that  
7 there was sworn under oath testimony. I think Judge  
8 McLaurin said that Investigator Smith just comes in and  
9 sits down, that's not valid in and of itself. There was  
10 no testimony to that. I mean, it's great everything he's  
11 telling you, but that's all after the fact. So I don't  
12 quite understand why the Solicitor would argue and try to  
13 somehow buttress his case to say, hey, we found this  
14 later so let's go back and look at it in that light.  
15 That's not appropriate. It's the information that the  
16 Judge received at that point in time, he's got his notes  
17 down there which actually don't have as much as that  
18 paragraph, but it doesn't give him who the witnesses are,  
19 what the surveillance was, any of the basis to establish  
20 probable cause and, therefore, we think that everything  
21 from this search warrant should be suppressed.

22 MR. DRYLIE: Judge, it would be our position that  
23 the warrant is valid on its face, what he gave the  
24 Magistrate, there is enough to establish probable cause  
25 for the search of [REDACTED] Mount Zion Road. Obviously, as the

1 investigation is developing more comes about. But at  
2 that point we've got multiple witness statements. I know  
3 Mr. Madsen's motion compares them to CI's. They're not  
4 CI's. They're the family members and friends of these  
5 people, multiple witness statements that put the two of  
6 them together afterwards.

7 Law enforcement doesn't need to name every single  
8 witness in an investigation when they're trying to get a  
9 search warrant. We're not at the point of beyond  
10 reasonable doubt. We're only at a point of probable  
11 cause. They put them together, Judge. They put him  
12 lying from the beginning, Judge, and there's case law out  
13 there that says that any subterfuge is gonna help  
14 establish probable cause and here we have subterfuge from  
15 the very beginning from Gabriel Curry and the person that  
16 he's closest to, his girlfriend Kirtrina Dixon, and he  
17 was staying there, Judge. So at this point we believe  
18 that there is probable cause and that search warrant  
19 should not be suppressed.

20 MR. MADSEN: It doesn't say that there's family and  
21 friends. Again, he's trying to add things afterwards.  
22 It simply says witnesses. There's nothing in here that  
23 says Gabe lies to law enforcement.

24 THE COURT: All right.

25 MR. MADSEN: And, Judge, I think that that just kind

1 of makes my point, that if he's arguing about things that  
2 happened afterwards, trying to use that to say, hey, this  
3 helps our probable cause, I mean, implicitly that's kind  
4 of saying we don't have any and we realize that we don't  
5 have it so let me tell you about all this stuff we got  
6 afterwards because maybe that will convince Your Honor.

7 THE COURT: All right. Mr. Madsen.

8 MR. MADSEN: Yes, Your Honor.

9 THE COURT: Thank you for your oral argument. I'm  
10 going to deny the motion to suppress. Based on the cases  
11 I do find that there was probable cause sufficient enough  
12 for the Magistrate to issue the warrant.

13 MR. MADSEN: Judge, just for clarification, are you  
14 saying that the written portion is sufficient for  
15 probable cause or the written portion supplemented by any  
16 testimony?

17 THE COURT: The written portion supplemented by oral  
18 testimony I believe was enough probable cause and meets  
19 the threshold of probable cause.

20 MR. MADSEN: So if, just so I can have the record  
21 clear, so is Your Honor then saying that the written just  
22 in and of itself is not sufficient? You understand what  
23 I'm trying to figure out?

24 THE COURT: I do. Is there a warrant based on just  
25 the written portion alone for this --

1 MR. MADSEN: Well --

2 THE COURT: -- for this overall motion? I  
3 considered both the oral and the written.

4 MR. MADSEN: And the reason that I'm asking, Judge,  
5 is because we've got a number of other warrants that are,  
6 essentially has the same language in each one of them and  
7 so the problem we run into, if Your Honor says that what  
8 was written in the warrant is sufficient, then I think it  
9 potentially makes moot the arguments on some of the other  
10 warrants because it is essentially the same language in  
11 the supplemental, and then the question becomes --

12 THE COURT: Well, my question is, are there warrants  
13 that were issued based solely on the written search  
14 warrant affidavit?

15 MR. MADSEN: I believe most of them indicate that  
16 they were supplemented although the testimony would be  
17 different at different times even in front of different  
18 Magistrates. Judge Carpenter is here and I think she  
19 hears some of them. So obviously potential testimony  
20 would be different to her. There was a second warrant  
21 and that one, a second and a third warrant that were the  
22 ones that were issued in 2021 that we have an argument  
23 about the timeliness of the execution. I don't believe  
24 either of those say that they were supplemented. Now,  
25 those were not, the affiant on that was not Jimmy Smith.

1           That was Phil Ireland.

2           THE COURT: All right. So just so that I'm clear in  
3 what - just so that I'm clear on everything that falls in  
4 the purview of this motion, your motion is entitled all  
5 search warrants.

6           MR. MADSEN: Correct.

7           THE COURT: But if the search warrants are  
8 individually done under individual reasons, for different  
9 reasons, is that correct? Excuse me. Based on different  
10 supplemental oral?

11          MR. MADSEN: Well, potentially, I mean, I think if  
12 Your Honor says that the written portion establishes  
13 probable cause in and of itself --

14          THE COURT: Then everything else is moot. I  
15 understand that.

16          MR. MADSEN: Right. And so and like I said, if not,  
17 if it's everything being taken together, and my argument  
18 would be Your Honor didn't hear that any of the quote,  
19 unquote supplemental testimony was under oath so it  
20 wouldn't technically be testimony to begin with, but then  
21 that would potentially mean that we would have to go  
22 through very similar --

23          THE COURT: On each warrant.

24          MR. MADSEN: -- on three other warrants. Like I  
25 said, I think one was Judge McLaurin at a different time.

1           That was warrant 4718 and actually that's the one that I  
2           had mentioned even the middle part of that paragraph is  
3           gone and then there were two, or excuse me, I think Judge  
4           McLaurin actually had two more. He had 3618 and 4718.  
5           Both of those statements were supplemented by oral  
6           testimony, both of those were, the affiant was done on  
7           different dates.

8           THE COURT: All right. So let me clarify because  
9           when I gave you my initial ruling, it was based on  
10          supplemental oral testimony, however, I do also find that  
11          just the written portion alone establishes enough  
12          probable cause for the warrant to be issued. Is there  
13          another warrant that does not have it?

14          MR. MADSEN: Well, there is 4718 is missing that  
15          middle paragraph, so it's just got that Dakota Calhoun  
16          was found dead, and then just has the last part of that  
17          that says, hey, I was a law enforcement officer and I  
18          have this experience. So it's missing that. So, you  
19          know, the problem with that would be then you would need  
20          to have, there are no notes on that one by Judge McLaurin  
21          or at least none that I see, and so I don't know if we  
22          need testimony on that specifically, but I think your  
23          ruling then if Your Honor is saying, hey, that the  
24          written stuff, then I think that that would follow  
25          through also on 4618 and 3618.

1 THE COURT: I don't have that.

2 MS. FULLER: Yes, Your Honor, if I may, I'm a very  
3 stickler on a clean record and right now it's jumbled so  
4 respectfully if we can just take one moment. I think it  
5 would be great if we just mark all the search warrants as  
6 a Court's Exhibit, let you know what each one is so you  
7 can rule and not in a vacuum because we're throwing  
8 numbers out that we know that you don't. So we're  
9 dealing with a search warrant of a house which is the  
10 defendant's girlfriend. That's what we just dealt with.  
11 It was the defendant's girlfriend and the girlfriend's  
12 mom's house. Later on, not for the purpose of the  
13 motion, but you will need this background, the defendant,  
14 we plan to establish that he was staying there that  
15 night. He does have another residence. We're not  
16 challenging that, but ██████ Mount Zion is Kirtrina Dixon's  
17 and her mom's residence at the time.

18 During the search warrants multiple phones were  
19 seized. We're dealing with phone seizure search warrants  
20 and I think it's important for you to know which number  
21 goes to whose device because whether or not there's an  
22 argument for whose device it is and the appropriate  
23 search and the appropriate argument is important. So we  
24 can take time. We can hand you each Court Exhibit and we  
25 can deal with each one one at a time. Also, don't want

1 to respectfully just give you a blanket ruling on all  
2 these search warrants especially since the affiant is  
3 deceased. I do want to protect the record in that aspect  
4 so that we take it one at a time regardless whether the  
5 language is the same and we do have a different affiant  
6 who would sign the affidavit. As far as protecting the  
7 record with the sworn testimony, I think we can do that  
8 if we have permission to recall Judge McLaurin. We could  
9 simply ask him was Jimmy Smith placed under oath and he  
10 would testify yes because we would ask him that as well  
11 before. That was just an oversight. We can put him on  
12 to clarify that so the record is clean and we can just  
13 close out each search warrant in a ruling one at a time  
14 because there's five of them.

15 THE COURT: Well, that -- I need to see where -  
16 that's what I was asking. I don't have the numbers in  
17 front of me and so --

18 MR. MADSEN: I'm sorry.

19 THE COURT: It's okay.

20 MR. MADSEN: I thought they handed them up to you.

21 THE COURT: No. They haven't yet and so --

22 MS. FULLER: We normally do them one at a time.

23 THE COURT: Right. So we'll go one at a time. That  
24 way we'll have it.

25 MR. MADSEN: Okay. I'm sorry, Judge.

1           THE COURT: That's okay. That's why I was asking if  
2 there was a warrant without --

3           MR. MADSEN: Yeah, yeah.

4           MS. FULLER: Just beg the Court's indulgence about  
5 one minute or two.

6           THE COURT: Certainly.

7           (Whereupon, Court's Exhibit #1 through #7 marked for  
8 identification.)

9           MS. FULLER: Publishing Court Exhibit number 2 is  
10 what we just covered which is a search warrant that's  
11 3518 and that's the search warrant for [REDACTED] Mount Zion  
12 Road. That's from 2018. Court Exhibit 3 is search  
13 warrant number 3618 and this is for the defendant's phone  
14 and this search warrant is from 2018. Court Exhibit 4 is  
15 search warrant 4618 and it's the T-Mobile search warrant  
16 for defendant's phone from 2018. Court's Exhibit 5 is  
17 search warrant 4718 and that is the T-Mobile phone  
18 records for the victim's mom and we'll explain that later  
19 on in the trial, but that's for the victim's mom of  
20 Dakota Calhoun and her name is Angela Bargeron. It's the  
21 T-Mobile records for her phone. And Court's Exhibit 6 is  
22 search warrant 2188. This is again for the defendant's  
23 phone, but it was a search warrant obtained in 2021.  
24 Court's Exhibit 7 is search warrant 2190, and this is for  
25 Kirtrina Dixon's cell phone and that's from 2021 and

1 approaching, Your Honor, to hand you all of them so that  
2 you have them in front of you and we'll just follow them  
3 where testimony is needed.

4 THE COURT: Mr. Madsen, I have already ruled on --

5 MS. FULLER: Court's 2.

6 THE COURT: -- Court's 2 which is 3518.

7 MR. MADSEN: Yes, Your Honor.

8 THE COURT: And so the question now as it pertains  
9 to your motion are 3 through 7. Does the State have any  
10 argument or witnesses? Well, first, first, do you want  
11 to recall the witness with regards to 3518?

12 MR. DRYLIE: Yes, Your Honor, we do.

13 THE COURT: I will allow that.

14 MR. DRYLIE: The State calls Judge McLaurin.

15 Thereupon,

16 JAMES MCLAURIN

17 after having previously been first duly sworn, testified  
18 further as follows,

19 REDIRECT EXAMINATION CONTINUED

20 BY MR. DRYLIE:

21 Q. Judge, when Investigator Smith would come into your  
22 office to seek a search warrant, would you place him under  
23 oath?

24 A. I would. Yes.

25 Q. And when he would supplement that warrant by oral

1 testimony, would he be under oath?

2 A. Yes, sir.

3 Q. So the statements he would give you, they were under  
4 oath?

5 A. They were.

6 Q. And for this warrant, these statements were under  
7 oath, correct?

8 A. Yes. They were.

9 MR. DRYLIE: No further questions.

10 MR. MADSEN: No questions.

11 THE COURT: Thank you. I'll just repeat my former  
12 ruling and I am ruling that the, that there was probable  
13 cause for Court Exhibit 2, search warrant 3518. So we're  
14 moving onto exhibit 3 which is 3618, the defendant's  
15 phone search warrant and your motion to suppress this one  
16 is based on?

17 MR. MADSEN: It is basically the same thing as far  
18 as the prior one and so --

19 THE COURT: This one is without oral supplement; is  
20 that correct?

21 MR. MADSEN: No. This one does say supplemented  
22 orally, but it doesn't have notes that the other one  
23 had.

24 THE COURT: Okay. And even if this was not  
25 supplemented orally, again, my ruling was that the

1 paragraph 2, the middle paragraph on its face was enough  
2 to establish probable cause.

3 MR. MADSEN: Then I think that that's a ruling on  
4 that.

5 THE COURT: And so I do not believe it's necessary  
6 to obtain any testimony in that regard.

7 MR. DRYLIE: Judge, and just to be clear, it is the  
8 same Magistrate who signed this search warrant who  
9 already testified here today and this is as the  
10 investigation is developing, more things are being  
11 learned, so we believe that there would also be probable  
12 cause for this one.

13 THE COURT: This was when?

14 MR. DRYLIE: This was October 15th of 2018.

15 THE COURT: All right. Exhibit Number 4, 4618 for  
16 the T-Mobile, for the defendant's phone from T-Mobile,  
17 this appears to have --

18 MR. MADSEN: Substantially the same language.

19 THE COURT: -- the same language as paragraph 2 as  
20 well.

21 MR. MADSEN: Right. Although this is with Judge  
22 Carpenter, but it is substantially the same language.

23 THE COURT: All right. So the ruling remains the  
24 same as the prior rulings because of the existence of  
25 that second paragraph. Exhibit number 5, 4718, T-Mobile,

1 Angela Bargeron's phone.

2 MR. MADSEN: Judge, if you will look at this one, I  
3 believe this is also Judge McLaurin. This one is missing  
4 that entire second paragraph.

5 MR. DRYLIE: Judge, we just state that although it's  
6 missing that second paragraph, it was supplemented by  
7 oral testimony. It was signed by the same Magistrate who  
8 has already signed two warrants previously in the same  
9 investigation. You know, Investigator Smith would have  
10 been placed under oath. He would have provided the  
11 testimony that may be missing from that middle paragraph  
12 but, Judge, we believe that there would be probable cause  
13 there supplemented by oral testimony and it was given on  
14 November the 5th of 2018.

15 Judge, so at this point we're about three and a  
16 half, four weeks into the investigation. At this point  
17 there's substantial, there's more probable cause than  
18 there was back when the first search warrant was signed  
19 for the house. Law enforcement had received the Burger  
20 King video showing the defendant driving by himself as  
21 well as another video showing the defendant driving the  
22 car by himself.

23 THE COURT: Mr. Madsen.

24 MR. MADSEN: Judge, I don't think any of that  
25 matters. I mean, certainly I don't think that there's

1           any way that what is written establishes probable cause  
2           and while the Magistrate might have had additional or had  
3           information in the past, that you can't just jump by not  
4           putting someone under oath and giving that additional  
5           information. You can't say, hey, Judge, I came and saw  
6           you in the past, I'm getting another warrant, just go  
7           ahead and this is the same as the last one. I don't  
8           think that that's enough.

9           MR. DRYLIE: Judge, we'll go ahead and call him, if  
10          you like.

11          THE COURT: Certainly. Please do.

12          MR. DRYLIE: We call James McLaurin to the stand.

13                               REDIRECT EXAMINATION CONTINUED

14          BY MR. DRYLIE:

15               Q. Do you remember when Investigator Smith came into  
16          your office on November 5th of 2018?

17               A. I do.

18               Q. Did he have a search warrant in this case?

19               A. He did.

20               Q. Okay. And, Judge, do you mind if I borrow your  
21          exhibit for this, number 5.

22               MR. MADSEN: Judge, this is exhibit number 5.

23               THE COURT: Mr. Madsen, I do recognize that it's  
24          without that paragraph and without written notes.

25          BY MR. DRYLIE:

1 Q. Okay. And when Investigator Smith came to your  
2 office, did you place him under oath?

3 A. I did.

4 Q. Okay. And in this warrant, it's missing a paragraph  
5 that were in the other warrants, correct?

6 A. That is correct.

7 Q. However, did he supplement this warrant by oral  
8 testimony?

9 A. He did.

10 Q. Do you remember what oral testimony he supplemented  
11 this warrant with?

12 A. And I apologize. I should have reduced to writing  
13 the things that he told me, but and I again that is a mistake  
14 on my part. When Investigator Smith would come in and he's  
15 got his affidavit of probable cause, when I said he would sit  
16 down and just say, here, let me tell you about this, you know,  
17 that was his personality, but it wasn't, it wasn't just a  
18 casual conversation. He would come in and he would  
19 essentially start from the beginning every time. I  
20 apologize.

21 Q. You're good. And when he would start from the  
22 beginning every time, would he tell you what his investigation  
23 revealed?

24 A. Yes.

25 Q. And do you remember what he told you about this

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1 investigation on November 5th?

2 A. At this point they had gathered more evidence. It  
3 wasn't solely based on things that they had heard from the  
4 community I'll say. There was video tape evidence of the two  
5 of them in the car together prior to Dakota's death and again  
6 there was a video, I mentioned it earlier, at other places  
7 because that would have been something I wouldn't have known  
8 at first, but by this point we knew about the fact that  
9 Gabriel Curry had been in the vehicle by himself and, of  
10 course, I did know that the vehicle was later located with no  
11 one in it not far from Mr. Calhoun's remains.

12 Q. Okay. And when Investigator Smith came in, did you  
13 have any stake in this investigation at all?

14 A. No.

15 Q. Were you neutral and detached?

16 A. Yes.

17 Q. Did you make a finding of probable cause?

18 A. I believe there was probable cause.

19 MR. DRYLIE: No further questions.

20 RECROSS EXAMINATION CONTINUED

21 BY MR. MADSEN:

22 Q. So, I mean, you've signed a number of warrants. Do  
23 you really remember him coming in on November 5th or is it  
24 just kind of a blur with the other ones, you're not real sure  
25 of the date?

1           A.    Well, I mean, I didn't have a calendar. Well, I did  
2    have a calendar in front of me, but it's not that I would sit  
3    and document.

4           Q.    Right, I mean, it's, it's four years.

5           A.    It's documented on the form. That's how I know the  
6    date. I couldn't tell you if that was a Tuesday or a  
7    Thursday, but I remember the conversations, you know, and  
8    there is a difference when you're talking about a murder and  
9    when you're talking about, when he would ask for a search  
10   warrant because people were taking stolen vehicles to the  
11   recycling center.

12          Q.    Sure.

13          A.    You know, it does make more of an impression on  
14   you.

15          Q.    And I think you even told the Solicitor what you  
16   recall him saying was that there was some video evidence that  
17   they were together that day and did you say at some point in  
18   time Gabe had been driving the car?

19          A.    He had been driving the car when he was in the car  
20   by himself and I don't know that he was driving the car  
21   previously.

22          Q.    You don't remember that?

23          A.    Or he would have been the only one that could drive  
24   the car.

25          Q.    But that's all you remember from what he told you?

1 A. Yes.

2 MR. MADSEN: That's all the questions I have.

3 MR. DRYLIE: No further questions.

4 THE COURT: Thank you. You may step down. Any  
5 further argument regarding this?

6 MR. MADSEN: Judge, I would just say that certainly  
7 the affidavit is not sufficient given the fact that that  
8 paragraph is out, nor do I think that the testimony that  
9 Your Honor just received on the limited basis that they  
10 were together that day is sufficient to establish  
11 probable cause and we would move that those records on ==  
12 I guess we're on number 5?

13 THE COURT: Yes, 5, Angela Bargeron.

14 MR. MADSEN: -- that those records be suppressed.

15 MR. DRYLIE: Judge, on its face on this particular  
16 warrant although paragraph two is missing, it says Dakota  
17 Calhoun was using his mother's phone. This is the  
18 records from T-Mobile for the mother's phone and the  
19 phone was not located on the crime scene so I think  
20 that's going to go to make probable cause for obtaining  
21 this warrant slightly different. We're not talking about  
22 something from the defendant. We're talking about the  
23 T-Mobile records of Angela Bargeron in an attempt to  
24 solve her son's murder.

25 Judge, Judge McLaurin had seen several other

1 warrants in this case and he was familiar with probable  
2 cause as it was developing, he placed the officer under  
3 oath and it was supplemented by the oral testimony. We  
4 believe that the warrant supplemented with oral testimony  
5 is enough to establish probable cause.

6 MR. MADSEN: Obviously, Judge, we disagree. We  
7 don't think the warrant on its face is enough. Your  
8 Honor heard the testimony about what he remembered about  
9 the oral testimony which was extremely limited and so we  
10 don't believe that that is enough.

11 MR. DRYLIE: And, Judge, once again, this is for the  
12 victim's mom's phone.

13 MR. MADSEN: And, Judge, I don't think that that  
14 matters. When you're getting something under a search  
15 warrant and you anticipate introducing it against  
16 someone, we have standing to object.

17 THE COURT: All right. I am going to deny the  
18 motion to suppress this warrant, 4718, exhibit 5. I do  
19 believe there is enough probable cause by the Magistrate  
20 to sign the warrant.

21 MR. MADSEN: Judge, is that based on just like the  
22 last ones, just based on the written affidavit?

23 THE COURT: This one is based on the oral testimony  
24 and so after looking at the totality of what has happened  
25 or the totality of the circumstances, I am ruling that

1           there's enough probable cause to go forward with this.

2           MR. MADSEN: Thank you, Your Honor.

3           THE COURT: Thank you. That leaves us, Mr. Madsen,  
4 with exhibit 6 which is 2188, the defendant's phone data  
5 2021.

6           MR. MADSEN: Judge, that does have the paragraph  
7 that Your Honor has ruled upon.

8           THE COURT: Okay. All right. And so my ruling will  
9 stand. All right. And exhibit 7 also has the middle  
10 paragraph as well?

11          MR. MADSEN: It does, Your Honor.

12          THE COURT: All right. So with regards to the  
13 search warrant having probable cause, I am going to rule  
14 that the search warrant has probable cause and so that  
15 leaves us, that takes care of the search warrant issues.  
16 There is another issue, motion, excuse me, regarding the  
17 motion to suppress the last two that we just discussed  
18 2188 and 2190, exhibit 6 and 7; is that correct?

19          MR. MADSEN: Correct, Your Honor.

20          THE COURT: I'll hear your motion in that regard.

21          MR. MADSEN: Judge, if you would look, and I believe  
22 I have provided you a copy of the statute 17-13-140, it  
23 requires that a search warrant be executed and returned  
24 within 10 days of its date. Here those search warrants  
25 are signed on December 10th and December 13th of 2021.

1           According to the return they are not executed until 1/31  
2           of 2022, so well outside that 10 day time period. The  
3           return then is also filed on 6/13 of 2022 so a little bit  
4           over two weeks ago and so, Judge, you know, there is a  
5           number of, there's a number of cases that talk about a  
6           return not being filed timely and that being an  
7           administerial act. Well, I mean, that is just the filing  
8           saying, hey, we did this search warrant and this is what  
9           we found off of that.

10           We would say, Your Honor, that the executing of it  
11           some month and a half later on search warrant six and  
12           seven, you know, that is, when you get a search warrant,  
13           I mean, that is giving law enforcement a right to impede  
14           on someone's privacy that they don't otherwise have and  
15           so clearly you can't just do that and like, oh, we can  
16           just do this forever whenever we want, we have this  
17           right. So we think that that 10 days is extremely  
18           different in that part because they just can't, you know,  
19           hold on to that forever.

20           If you look at State versus Freeman, which is 319  
21           South Carolina 110, when the State is unable to  
22           demonstrate a good faith attempt to comply with the  
23           statute authorizing a issuance, execution and return of a  
24           search warrant, exclusion is the proper remedy. Like I  
25           said, this was well outside of the 10 days and therefore

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1 we believe that it's legally defective, that in that 10  
2 day time frame they have the right to get what was in  
3 that search warrant according to Your Honor's ruling on  
4 the probable cause, but once they don't do that, it's not  
5 administerial. It's not like a return. I mean, this is  
6 going in and taking a look at someone's private records  
7 and therefore we believe that those two search - or  
8 excuse me - what was taken from those which were a second  
9 search warrant on my client's phone and a search warrant  
10 on Kirtrina Dixon's phone, that those should be  
11 suppressed.

12 THE COURT: Any response?

13 MR. DRYLIE: Judge, we briefly call Phil Ireland to  
14 the stand.

15 Thereupon,

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

18 THE CLERK: Please have a seat. Once you're seated,  
19 state your full name spelling your last please.

20 THE WITNESS: My name is Phil Ireland. Last name is  
21 spelled I-r-e-l-a-n-d.

22 DIRECT EXAMINATION

23 BY MR. DRYLIE:

24 Q. Mr. Ireland, where do you work?

25 A. I work for the Edgefield County Sheriff's Office.

- 1 Q. How long have you worked there?
- 2 A. A little over 26 years.
- 3 Q. In December of last year did you have the  
4 opportunity to take out two search warrants on this case?
- 5 A. I did.
- 6 Q. Were they search warrants 2188 and 2190?
- 7 A. They were.
- 8 Q. I'm gonna pass you what's been marked as Court's  
9 Exhibit number 8. Do you recognize your signature anywhere on  
10 that document?
- 11 A. I do.
- 12 Q. Can you tell me what date you brought those phones  
13 up to the U.S. Secret Service to be extracted?
- 14 A. It says 12/13 of '21.
- 15 Q. Okay. So you got the search warrant on December  
16 10th, and a search warrant on December 13th, correct?
- 17 A. Correct.
- 18 Q. And then you brought them up to the U.S. Secret  
19 Service on December 13th?
- 20 A. Yes.
- 21 Q. And they were returned to your office. Can you tell  
22 me when they were returned?
- 23 A. 1/3 of '22. Is that what that says?
- 24 Q. I think it might be 1/31/22?
- 25 A. 1/31/22.

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1 Q. Okay. But as soon as you got the search warrants,  
2 you brought those phones to Secret Service, correct?

3 A. Correct.

4 MR. DRYLIE: No further questions.

5 THE COURT: Mr. Madsen.

6 CROSS EXAMINATION

7 BY MR. MADSEN:

8 Q. And so listed on the return of 1/31/22, you listed  
9 that as when those search warrants were executed, correct?

10 A. Correct.

11 Q. And then I guess the return, did you do the return,  
12 I guess, on June 13th of 2022, so a couple weeks ago, was that  
13 you?

14 A. Yes.

15 MR. DRYLIE: No.

16 BY THE WITNESS:

17 A. No. I'm not sure.

18 MR. MADSEN: Judge, he's got to answer. The  
19 Solicitor can't answer for him.

20 BY THE WITNESS:

21 A. I made a mistake.

22 MS. FULLER: Your Honor, can we show him the search  
23 warrants?

24 THE COURT: 6 and 7 is what you want?

25 MR. MADSEN: The last page. Thank you, Your

1 Honor.

2 BY MR. MADSEN:

3 Q. I'll show you 6 to start with. There's the return  
4 down there. Is that your signature on I guess 6?

5 A. No.

6 Q. No idea whose that is?

7 A. (Witness shaking head.)

8 Q. And that's the return I guess done June 13th of 2022  
9 so a little bit over two weeks ago, correct?

10 A. Correct.

11 Q. And then on 7, Court's Exhibit 7, that's your  
12 signature, correct?

13 A. Correct.

14 Q. And that's on the affidavit and then the signature  
15 of the executing officer, that's not your signature,  
16 correct?

17 A. No.

18 Q. And then on this one 7, is also listed the execution  
19 date as 1/31/22, correct?

20 A. That's what it says. Yes.

21 Q. 11 a.m.?

22 A. Yes.

23 Q. So well after when you got this one on 12/13,  
24 correct?

25 A. Correct.

1 Q. About a month and a half later?

2 A. (Witness nodding head.)

3 MR. MADSEN: That's all the questions I have.

4 THE COURT: Any more questions for this witness?

5 MR. DRYLIE: No, Your Honor.

6 THE COURT: Okay. You may be excused. Thank you.

7 Mr. Madsen.

8 MR. MADSEN: So, Judge, my argument would be is that  
9 basically a search warrant confers power onto the police.  
10 By definition that that warrant is only limited to 10  
11 days, certainly a return does not confer any power to the  
12 executive branch. It's merely administerial. Like I  
13 said, it's a file. In fact, this is over and it is done  
14 with. And so, Judge, I believe that basically it is a  
15 statute that the legislature is giving power to the  
16 judiciary, that essentially the Judge is getting from the  
17 executive branch to basically search or to violate  
18 someone's right to privacy, but it's only 10 days at a  
19 time per statute and like I said, I think it is extremely  
20 different than what you're dealing with in a return and  
21 therefore this is way out of the time frame for which  
22 they should have executed this and therefore we believe  
23 that these two search warrants should be suppressed.

24 THE COURT: Let me make sure that I have a clear  
25 understanding as to what exhibit 8 is. This is, this is

1           where your officer, I believe -- Well, is this an attempt  
2           to send this --

3           MR. DRYLIE: They sent the phones to the Secret  
4           Service on December 13th. They got them back on January  
5           31st of 2021. So they acted as soon as they got the  
6           search warrants, they brought them to the U.S. Secret  
7           Service. The U.S. Secret Service then returned them in  
8           January of this year and so they took an action. There  
9           was no unreasonable delay. On the day they got the  
10          search warrants, they took both the phones up there. You  
11          know, the Secret Service, they process them when they get  
12          them. The Secret Service processed them in the month of  
13          January and returned them to the Sheriff's office. The  
14          return was filed late, but that is administerial. Judge,  
15          we don't think there's any prejudice in that. They did  
16          file the return in June of this year and December 10th  
17          was a Friday, the 13th was a Monday so literally one  
18          search warrant is done on Friday, one is done on Monday  
19          and as soon as the search warrants were signed, they  
20          brought them to the U.S. Secret Service for the phone  
21          extractions.

22          THE COURT: All right.

23          MR. MADSEN: And obviously, Judge, the arguments  
24          that we have is that that violates the statute that  
25          confers 10 days.

1           THE COURT: Mr. Madsen, I am going to deny your  
2 motion to suppress 6 and 7. I do find that based on  
3 exhibit 8 and the officers' testimony, that there was an  
4 attempt once the warrant was obtained to send this, these  
5 telephones to the appropriate agency and it was not  
6 returned until January 31st which is the date of the  
7 return. With regards to the filing that was returned,  
8 that's administerial so I will not be suppressing that on  
9 that basis.

10           MR. MADSEN: Thank you, Your Honor.

11           THE COURT: Thank you. What are the other matters  
12 we need to handle for this afternoon?

13           MR. MADSEN: Judge, we've got, if I can mark this as  
14 a Court's Exhibit.

15           (Whereupon, Court's Exhibit #8 marked for  
16 identification.)

17           MR. MADSEN: So, Judge, what I just handed up, if  
18 you take a look, the first page is the substance of an  
19 email and the important part is, actually it went from  
20 Jason to me, but if you look down below that from a  
21 Brittany Wilkinson, Friday, June 24th, 5:12 p.m., so this  
22 is a email that my office received from the Solicitor's  
23 Office, and then I have attached what was included in  
24 that email behind it now indicating additional discovery.  
25 The second page is just their letter. Their third and

1 fourth pages are additional witness statements or at  
2 least follow up witness statements and we're not talking  
3 about those, but I think once you get past that,  
4 everything past that is dealing with cell phones and cell  
5 phone towers and if you look at these maps, so we're  
6 receiving these almost four years after the fact Friday  
7 at 5:12 when we're starting trial on Monday and it  
8 includes maps, includes information from I'm assuming the  
9 FBI and/or potentially the Secret Service and what these  
10 maps have done is they are taking phone records that we  
11 have received in the past and they're placing them on a  
12 map, they are, you know, putting them on there and I  
13 mean, Judge, this is a four year old case.

14 I don't have the ability to go and get a Judge to  
15 sign a funding order so that I can get an expert to  
16 double check all this stuff, to make sure that it's  
17 appropriate, to make sure that it's right, I mean,  
18 there's just no way after four years that we can do that  
19 on a weekend going into a murder trial. I mean, and to  
20 do so, to give it to us that late is, it's denying my  
21 client his right to due process, it's denying his right  
22 to a fair trial, it's denying his rights under the Sixth  
23 Amendment. And, Judge, I will say that I know there was  
24 a similar case about a year ago in Lexington with Judge  
25 Addy on a Damien River and the difference between that

1 case and this case is the Solicitor provided something  
2 similar to this on a Monday of trial and, you know,  
3 that's just, I mean, this is a four year old case and  
4 we're receiving maps that have points on there and  
5 certainly we think that this should be suppressed.

6 Like I said, this is a four year old case and  
7 you see these are highly technical maps that are showing  
8 which ways the towers supposedly point and are on graphs  
9 and other towers, and there's just no way that on the  
10 weekend before a murder trial me as a, you know, country  
11 lawyer is going to be able to figure out all this stuff  
12 without an expert and to get that at this point in time  
13 is just kind of ridiculous and so we would move that it  
14 be suppressed.

15 THE COURT: I would comment that I don't think  
16 you're such a country lawyer. Yes, ma'am, Ms. Fuller.

17 MS. FULLER: Thank you, Your Honor. I was made  
18 aware of this motion this morning so I didn't print out  
19 the email, but on June 16th of 2022, and forgive me for  
20 reading from my phone, I personally sent an email to both  
21 defense counsels indicating that we plan to introduce  
22 cell phone mapping in this case. We hope to have them  
23 finalized by next Tuesday or Wednesday. Unfortunately,  
24 the peer review didn't finish reviewing it until Friday  
25 and that's when we received them. I indicated once we

1 receive them, we will send you copies. The cell phone  
2 maps will simply be Court Exhibits generated from the  
3 cell tower information in discovery. Our expert is SA  
4 Mathew J. Wilde with CAST National Asset, Columbia  
5 division with the FBI.

6 I received no response to that email. I placed them  
7 on notice of who my expert was which I thought was  
8 reasonable. In terms of the cell phone mapping, Your  
9 Honor, from the beginning of this case I've touched this  
10 case for maybe the past six months. This has been  
11 pending down here for obviously since October 2018, but  
12 from the initial onset of discovery, cell phone mapping  
13 was relevant in this case. When I read on this case, I  
14 re-did the discovery and turned it over and what's  
15 important is the discovery dated, which is Bate stamped  
16 January 24th of 2019 and that's going back to the initial  
17 first appearance date, but I confirmed that that  
18 discovery was turned over to defense counsels prior to me  
19 turning over again. So it was turned over multiple  
20 times.

21 But in that discovery is a timeline and in that  
22 timeline it includes on October 9th, '18, 16:18 hours --  
23 I'm not sure how you say it -- 16:18 hours, the  
24 defendant's cell phone hits tower 1939 Edgefield Road.  
25 It says again at 16:23 cell phone hits tower at 4:30

1 Cemetery Road. Tower hits, the phone hits a tower on  
2 Bettis Academy at 4:36, 4:37, 4:38, 4:41. Then it has  
3 tower hitting on Clearwater Road at 4:45, and it goes  
4 down to Conifer Road and it goes down to Clearwater again  
5 and it comes back to, it goes to Conifer and all these  
6 towers are listed out which places the defense counsel on  
7 notice that cell phone mapping is relevant.

8 Neither here nor there, counsel is referring to a  
9 case that I personally handled in Lexington County where  
10 my cell phone maps, yes, they were turned over, the final  
11 copy, previous drafts were turned over previously.  
12 Because of covid the case was continued. I changed the  
13 maps the week before trial because you don't know what  
14 you're presenting until you really get in the  
15 nitty-gritty of anyone prepping for a trial. Like when  
16 you're really prepping, you're like, oh, this is how  
17 I want this to look so they were edited. The maps were  
18 admitted into evidence. The case is on appeal right now  
19 and appellate defense has filed an Anders Brief on that  
20 trial which suggests to me they're articulating that  
21 there are no legal issues with that trial. My maps came  
22 in. They're admissible under a thousand and six.  
23 They're simply summaries.

24 Rule 5 for Brady requires prior disclosure. I could  
25 walk in here Monday morning and hand them over, but I

1 placed them on notice. I could introduce them mid trial  
2 based on the rules because they're not discoverable, but  
3 I put them on notice in advance and I turned them over.  
4 I let them know what was coming and I didn't feel the  
5 need that I needed to generate drafts super early because  
6 the towers were already listed in the discovery from when  
7 I reviewed the file so as soon as I got on the case early  
8 on like several months ago, I knew towers were relevant  
9 and so I hear what defense counsel is saying, but I just  
10 turned over the Court Exhibits a little bit in advance.  
11 They've had time to get an expert if they needed one, but  
12 from at least recently June 16th is when I emailed them  
13 who the expert was and then I'm waiting on my final  
14 version because we can't release - the FBI works  
15 a certain way. You have to get approval from the U.S.  
16 Attorney, Department of Justice before they come and  
17 testify per their maps and we can't release their draft  
18 maps, and we want to continue our partnership.

19 So I couldn't release final maps that are peer  
20 reviewed. I didn't receive them until Friday maybe just  
21 before five while I was actually traveling, sent it to my  
22 paralegal, she was able to prepare it at 5:14 and turn  
23 them over. I don't think they merit suppression and I  
24 respectfully request that you deny defense counsel's  
25 motion.

1 THE COURT: Mr. Madsen.

2 MR. MADSEN: And so, Judge, I'm not saying that  
3 she's had these for months, but it doesn't matter, she  
4 gets them on Friday, I mean, there's no way for us to get  
5 an expert to check these things out to see whether or not  
6 it's a valid interpretation of the data that we received  
7 in the past. As Your Honor is probably aware, cell  
8 phones can be very complicated types of things and that's  
9 why you have experts. When you get something like that  
10 on something tangible that they intend to introduce, and  
11 we haven't gotten any drafts of the maps, she's mentioned  
12 to me that maybe something like this was coming, but how  
13 do you prepare for it until you get it?

14 We send it, we would hire an expert, take a look at  
15 these, hey, does this match up with this other data that  
16 you've received. I mean, essentially we're getting it at  
17 the last minute and over the weekend I don't have the  
18 ability to get someone to take a look at these things and  
19 say, hey, are they right, are they wrong, did they miss  
20 something here, did they put in something extra there.  
21 And you know what? She said they're using an expert to  
22 generate these and so for us not to be able to do the  
23 same thing, mind you, after four years, they've had this,  
24 you've heard the search warrants, they've had essentially  
25 all of this data for three years. We couldn't have done

1           this two years ago? Can't be sent over and peer  
2           reviewed? We're waiting for the Friday before trial to  
3           do that? That absolutely is denying his right to a fair  
4           trial, his right to a defense. It's violating his due  
5           process.

6                     Judge, it's just, I mean, unconscionable that at  
7           5:14 on a Friday for a four year old murder case that we  
8           are getting these things and expected, hey, just go ahead  
9           and figure it out. So we would move for them to be  
10          suppressed. And like I said, even she said in the  
11          previous trial which my understanding was Judge Addy had  
12          suppressed or greatly limited the testimony on that and  
13          in that one I think she said that there were previous  
14          drafts that they edited. We didn't even get that.

15                    MS. FULLER: I just want to be clear, the maps were  
16          admitted into evidence. There were two maps based on  
17          other extenuating circumstances, a lot of legal battle in  
18          them why they were removed from the exhibit, but the maps  
19          came in as a whole, but for comments made by the defense  
20          attorney in that case, all the maps would have come in is  
21          what I believe and I made sure I got a clear ruling on  
22          the record and that there was no unethical violation, any  
23          discovery violation. It was just the posture of the  
24          case. The case was heavily litigated for three years.  
25          You can't take what happened in that case that has not

1           been ruled on, has no value per se over any other Circuit  
2           Court Judge in our state and the fact that on appeal  
3           appellate defense has not found any legal issue with the  
4           admissibility of those maps.

5           MR. MADSEN: They need an expert to generate these  
6           and we get them on the Friday beforehand. That was her  
7           words.

8           MS. FULLER: Not the law.

9           MR. MADSEN: An expert from the FBI to generate all  
10          these and we've got essentially three days to try to  
11          figure it out as lawyers and not we're not cell phone  
12          experts.

13          MS. FULLER: You've had four years.

14          THE COURT: All right. Mr. Madsen, I'm going to  
15          grant the motion to suppress this map.

16          MR. MADSEN: There's a number of maps in there,  
17          Judge.

18                 (Whereupon, Court's Exhibit #9 marked for  
19          identification.)

20          THE COURT: What exhibit? There are a number of  
21          maps in exhibit 9 from the report that was received on  
22          June the 20th, or the 27th, dated June 20th. I'm going  
23          to grant your motion to suppress that. I do believe that  
24          Ms. Fuller is correct, that perhaps it could be  
25          introduced during trial, however, I find that it is

1           prejudicial to your client that after the amount of time  
2           that has passed, you were placed on notice that this was  
3           potentially an issue or that it could be used against  
4           your client, but you did not have a final draft. I  
5           understand the reasons that a final draft was not  
6           provided to you or to the defense, but I am going to rule  
7           that they be suppressed. I think it's too prejudicial.  
8           The defendant did not have time to secure an expert.

9           MS. FULLER: Your Honor, respectfully just so I'm  
10          clear, the records with that data came over in 2018 and  
11          that was provided to defense counsel. The records --

12          THE COURT: So only the map was not provided?

13          MS. FULLER: It's a Court Exhibit. It's a Court  
14          Exhibit.

15          THE COURT: So the records, were the records --

16          MS. FULLER: Contained in those maps were  
17          provided in the search warrants we just went through.  
18          That was done in 2018 and those records have the tower  
19          location and what I even published was typed out the  
20          tower location. All that I did here was to assist the  
21          fact finder by taking the - because I can still --

22          THE COURT: The data supplementing.

23          MS. FULLER: My position right now is based on what  
24          is listed out in discovery, I can generate, turn this  
25          document into a Court Exhibit and publish to the jury the

1 tower locations and ask testimony, it's just gonna draw  
2 out the trial, where is this located and plot it. I  
3 think I'm well within my reasons to generate a Court  
4 Exhibit to assist the fact finder. These records --

5 THE COURT: All right. Well, Ms. Fuller, let me  
6 make sure that I'm clear on what exhibit 9 is.  
7 Mr. Madsen as well. Exhibit 9 the information that was  
8 used to generate the map, the cell phone data and that  
9 had already been produced --

10 MS. FULLER: Three years ago.

11 THE COURT: -- to the defense. So what I'm looking  
12 at is just a visual production --

13 MS. FULLER: Yes.

14 THE COURT: -- from Secret Service?

15 MS. FULLER: We used the FBI in this case.

16 THE COURT: The FBI, excuse me, has just literally  
17 pinpointed --

18 MS. FULLER: Taken the data and put it on the map.

19 THE COURT: -- the visual representation of the data  
20 that was already provided?

21 MS. FULLER: Yes.

22 THE COURT: So this was not data that was new?

23 MS. FULLER: No.

24 THE COURT: We have what's located within exhibit 9  
25 -- Is data located within exhibit 9 or is it just the

1 mapping?

2 MS. FULLER: It's just the mapping. The data was  
3 provided. It's been provided multiple times over the  
4 last several years and then also there's a summary of  
5 what's essentially in those maps which is the defendant's  
6 movements that's there. All we did was create Court  
7 Exhibits showing the jury where that tower that's in this  
8 listed out timeline is and I don't know what - we have a  
9 lot of cases going on and it's not until you're focused  
10 on and generating your Court Exhibits. I mean there are  
11 some Court Exhibits that I generated last week.

12 THE COURT: Well, that clears up some things with me  
13 with regards to what was actually generated by the Secret  
14 Service. Mr. Madsen.

15 MR. MADSEN: Judge, that's the problem, is they've  
16 had this. We've had the underlying cell phone data. How  
17 am I supposed to check and verify all this stuff when you  
18 get it after hours on Friday?

19 THE COURT: So what you're wanting to verify is the  
20 mapping element of it, not the data portion of it?

21 MR. MADSEN: There are, I mean, there's no way for  
22 me to check, to hire an expert to check all this stuff  
23 out. There are tower locations. I've had cell phone  
24 cases in the past where we've received, say, all the  
25 towers in South Carolina, actually for Verizon and they

1           would send us every single tower in the country. We  
2           don't have that and so this has got additional  
3           information on here of other towers. But there's no way  
4           to check when you receive this some four years later.  
5           Like I said, I'm not smart enough to sit down and map  
6           this stuff out myself especially not on a, you know, over  
7           a weekend which as you can see with other stuff we were  
8           obviously preparing. I understand. We're all busy, but  
9           that doesn't make an excuse that you get something on a  
10          four year old case three days beforehand so, oh, since  
11          we're all busy, he doesn't get the right to have an  
12          expert to review all this stuff.

13                 THE COURT: All right. Mr. Madsen, let's do this:  
14          Ms. Fuller, Mr. Madsen, let me hold this and compare my  
15          thoughts on this. What I do want to do is listen. We'll  
16          move on to the next item which I believe is the  
17          suppression of the alleged confession; is that right?

18                 MS. FULLER: It's statements.

19                 THE COURT: Statements. All right. Mr. Madsen,  
20          let's table this for right now and let's move on to, I  
21          understand I have to listen to some audio.

22                 MS. FULLER: Yes, Your Honor. And in tabling, do I  
23          still have an opportunity to respond to what he just said  
24          before you rule?

25                 THE COURT: Absolutely. I'm going to let Mr. Madsen

1 complete his argument and I'm going to allow you to  
2 respond.

3 MS. FULLER: Thank you, Your Honor. And, Your  
4 Honor, can I have a bathroom break?

5 THE COURT: Yes. Let's stand down for 10 minutes,  
6 all right? Let's get back at a reasonable time.

7 (Short break.)

8 THE COURT: Mr. Madsen or Mr. Chehoski, are you  
9 handling --

10 MR. CHEHOSKI: I'll be handling the Jackson v.  
11 Denno.

12 THE COURT: All right. Let's get into that.

13 MR. DRYLIE: The State calls Phil Ireland to the  
14 stand.

15 Thereupon,

16 PHIL IRELAND

17 after having previously been first duly sworn, testified  
18 further as follows,

19 REDIRECT EXAMINATION

20 BY MR. DRYLIE:

21 Q. Mr. Ireland, you were present on October 26th of  
22 2018 when you and Investigator Smith interviewed Gabriel  
23 Curry?

24 A. I was.

25 Q. Was that interview audio and video recorded?

1 and then place that back on the record in the morning.

2 MS. FULLER: Thank you, Your Honor. In terms of  
3 the, not the SLED item 22, but in terms of the opening  
4 for the cell phone mapping.

5 THE COURT: I apologize. I said that I was gonna  
6 let --

7 MS. FULLER: Us finish arguing.

8 THE COURT: Yes. Mr. Madsen, I'm not sure you had  
9 completed your argument with regards to excluding that  
10 FBI information.

11 MR. MADSEN: Judge, I think it's just the fact that  
12 they had an expert that compiled all that stuff and put  
13 it into a map, the mapping form. We don't have the  
14 ability for an expert to take a look and make sure that  
15 what they have given us at this late hour four years  
16 later is accurate or right and so, I mean, I would have  
17 to get a funding order from a Judge, track someone down.

18 THE COURT: I understand.

19 MR. MADSEN: And so to not allow us to do that is  
20 just denying him a fair trial.

21 THE COURT: All right. I remember your argument,  
22 Mr. Madsen. Ms. Fuller, you wanted to respond.

23 MS. FULLER: Yes, to not what he just said, but what  
24 he was saying earlier, Your Honor, making comments about  
25 being busy and all that stuff and I wanted to clarify the

1 point I was making. Your Honor, it's not my normal  
2 course of practice when I get a case in to think about  
3 what Court Exhibits I'm going to generate. I don't  
4 believe that the rules or any court has required that  
5 prosecutors think about what Court Exhibits in the event  
6 of a trial which is less than 10 percent of our cases,  
7 maybe less than five percent of our cases, that we are  
8 duty bound to think about what we want to put in evidence  
9 should there be a trial two to three years down the road.

10 So what defense counsel was suggesting to me did not  
11 seem reasonable. In this case I want to make sure the  
12 record is clear. Those T-Mobile cell phone records that  
13 include the data, and T-Mobile is probably, and it's no  
14 disrespect to defense counsel, T-Mobile's tower location  
15 is probably one of the easiest to actually read, and  
16 that's no disrespect to the officer. That's why he was  
17 able to type out in a timeline in a report that was  
18 turned over when the case initially came in. So the  
19 tower information, the locations of those towers were  
20 turned over. That data was turned over in discovery  
21 three years ago. All that was provided to defense  
22 counsel, the Court Exhibits that were simply summaries  
23 under Rule 10-06 that I've never had problems with --

24 THE COURT: Is your expert coming?

25 MS. FULLER: My expert is slated to come and testify

1           during the trial once we are ready at that point, but I  
2           guess my point is that these are simply reducing the data  
3           that has already been provided into a Court Exhibit. If  
4           there needs to be, if the maps itself are redacted, I'm  
5           respectfully letting defense counsel know that I will  
6           still publish the cell phone towers. It will just be an  
7           exhausting trial. And I think I'm still well in my  
8           rights today to go and take the towers that are listed  
9           out, typed out in discovery on those things and put them  
10          on a map and one by one tell the jury where they are,  
11          period.

12                 I can do it. I get it. It's generating a certain  
13          map and there's gonna be an expert to do, but I can do  
14          it, and I think I'm well within my rights to do that or  
15          grounds to do that now. So if your ruling is to suppress  
16          them, I will just start tweaking and create another  
17          exhibit and type up the towers in a listed line, the  
18          records are gonna be in for the jury to look at, and it  
19          will just be testimony where they're located and they may  
20          be cross examined. But these are simply Court Exhibits  
21          under 10-06, that they're not subject to Brady, so not  
22          subject to discovery rules, they are not subject to Rule  
23          5 so I would respectfully request that they do be  
24          admitted.

25                 The fact that I placed counsel on notice of who my

1 expert is, I do say the rules require that I notify who  
2 my expert is and I did that. I did that well beyond the  
3 10 day window. I notified them that we're gonna  
4 essentially take the data that Jimmy Smith typed up and  
5 create cell phone maps so they were on notice of that.  
6 All I did was give them my Court Exhibits in advance.  
7 There are photographs that I printed that they don't know  
8 I'm planning to introduce yet, but they have them.  
9 They're just fair game. And so to require me to  
10 constantly always turn over what I think I might  
11 introduce, I don't think that's - I don't think the rules  
12 require that. So that's the state's position.

13 THE COURT: Okay. Thank you, Ms. Fuller.

14 MR. MADSEN: It's been on the schedule for six  
15 months. Six months and we get it the weekend before.  
16 They used an expert to compile all this stuff. We don't  
17 get the opportunity because we get it -- Did we have  
18 conversations last week about that she was going to, you  
19 know, generate a map? Yeah. But what am I supposed to  
20 do or how am I supposed to hire an expert to look at  
21 something that I don't have?

22 THE COURT: All right. I understand both arguments  
23 and have taken it under advisement and consideration and  
24 I'll give you an answer, like I said, the latest tomorrow  
25 morning, however, I think I'll give you an answer at some

CHASE HARLEY - CROSS BY MR. CHEHOSKI

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1 point earlier this evening. All right. If there are no  
2 more -- Are there any more pretrial matters that we need  
3 to handle before tomorrow morning?

4 MS. FULLER: Nothing. Just scheduling for my  
5 purposes. On Wednesday morning I respectfully request  
6 that we start at 9:45. I have a doctor's appointment and  
7 should we go into Friday, I have one at like eight a.m.,  
8 but it shouldn't be long so just instead of starting at  
9 9:30, just maybe 15 minutes later possibly.

10 THE COURT: All right. I think I'm the only Judge  
11 in the state that starts at 9:30. I've been told that I  
12 start too early.

13 MS. FULLER: No. 9:30 is normal, at least for us.

14 MR. MADSEN: We're 9:30.

15 THE COURT: Not in Aiken.

16 MR. CHEHOSKI: You were at nine last week.

17 THE COURT: With that said, so we will take note of  
18 that, Ms. Fuller, that we will start at 9:45 on Wednesday  
19 morning. Tomorrow we will start at 9:30 and again try  
20 our best to move on expeditiously through the course of  
21 the trial. I do usually take about an hour lunch,  
22 sometimes depending on the course of the trial if I feel  
23 that the jury needs a longer break than that, then we'll  
24 take a longer lunch break, but I usually run until about  
25 5:00 daily. We'll see how the trial progresses to see

1           whether or not we go into Friday or not and obviously I  
2           have no idea how long the jury will deliberate on the  
3           issue. All right. If there's no more questions, we'll  
4           adjourn for the evening. We will reconvene tomorrow  
5           morning at 9:30. Have a good evening.

6                     (Whereupon, Court was adjourned for the evening at  
7           6:00 p.m.)

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1 MS. FULLER: May it please the Court.

2 Good morning. This case is a violent case. It is a  
3 serious case. It is about the execution, the execution  
4 of Dakota Calhoun right here in Edgefield County by that  
5 man, Gabriel Curry, Dakota's cousin, his own family.  
6 That's what this case is about. You ask, how did we get  
7 here? On October 9th of 2018, throughout this trial you  
8 will hear testimony about that date because that's when  
9 this happened. It started out for that family as a  
10 normal day. You will hear from Dakota's mom, Ms. Angela,  
11 and she will testify about that morning. She'll testify  
12 about that morning when she went to work, that that  
13 afternoon Dakota comes to borrow her car. It's a large  
14 family, but she let her kids borrow her car especially  
15 Dakota and when Dakota comes to borrow her car from her  
16 job where she was a manager at the Dollar General in  
17 North Augusta, it's exit 5, off 20, he comes and she also  
18 gives him her cell phone because Dakota's cell phone  
19 wasn't working.

20 So she lets Dakota borrow her car and she lets  
21 Dakota borrow her cell phone because she's gonna be at  
22 work all day. You'll hear from her about what Dakota had  
23 to do that day, what his state of mind was. That's what  
24 you'll get to hear. You'll hear about Dakota leaving and  
25 eventually having to come back and on October 9th of 2018

1           that was the last time she saw her son alive. You'll not  
2           only get to hear her tell you that, you'll get to see it  
3           because it's Dollar General and what does a Dollar  
4           General have? Cameras. So sadly for this mother, her  
5           last encounter with her child, some say fortunately,  
6           unfortunately, you have footage, right? That her last  
7           encounter with her child is captured on video. The last  
8           time she saw her child alive that day not knowing that  
9           some over a little hour later, just over an hour later  
10          the State submits to you is when he was killed.

11                 Now, this is a timeline case because what happens  
12          next is Dakota is supposed to be back by a certain time  
13          and she'll tell you Dakota doesn't show up. She gets  
14          concerned, she starts calling around trying to track down  
15          where Dakota is. She'll go through her efforts on what  
16          she did to find her son. Then she'll tell you about  
17          eventually how the family reported him missing and what  
18          she did on her own to find her son, find her car, find  
19          her phone. You'll get to hear that. This is now October  
20          10th, the next day and it's important you know the dates,  
21          we'll be talking about dates throughout this trial, but  
22          it's important. This is a timeline case. You may feel  
23          like, State, we got it, but it's important so bear with  
24          us as we go through the timeline, okay?

25                 You'll get to hear her talk about the time and her

1           efforts to find her son, find her car, find her phone and  
2           you'll get to understand at what point on that day that  
3           everyone knew that Dakota was dead with the exclusion of  
4           him because obviously he knew he was dead on the 10th,  
5           but you'll get to hear how the police wanted to talk to  
6           him and he avoided the police on the 10th.

7           Now, this is your cousin. Your close cousin, grew  
8           up together. You all, like the judge said, are the fact  
9           finders. We all have different roles in this courtroom.  
10          You all get to decide what the facts are. You all get to  
11          say what the facts are. You all get to say and determine  
12          what happened in this case and what did not happen in  
13          this case. Nobody else has that power but you all.

14          So now it's the 10th. Dakota is missing. He's just  
15          a missing person. No one, well, not no one, I apologize  
16          for the grammar, not no one because one person knew  
17          Dakota was dead at that point, and it's him I submit to  
18          you. So when the police are looking for him to talk to  
19          him like, hey, where's your cousin, but he can't because  
20          he's hiding. Why? That's important for a timeline case.  
21          That's important when you're the last person to see  
22          someone alive. That's important when you're the last  
23          person with someone. It's important when there's video  
24          evidence that you are the last person with them, and  
25          you'll get to see that.

1           I ask of you to pay attention. That's all we're  
2 asking you to do, to pay attention. Pay attention to the  
3 videos we show you, pay attention to the photos, and  
4 especially watch him, watch his face, watch his  
5 shoulders, watch his mannerisms, take notice of his size,  
6 his build, his hands, how he moves his hands. Because  
7 one thing that doesn't change are your tics, right? If I  
8 play with my hair, if you see me on video, you're gonna  
9 know that's me playing with my hair. If I always cross  
10 my hands and you see me on video, you're always going to  
11 know that's me, right? Mannerisms. Pick up on that  
12 because I submit to you by the end of this trial you're  
13 not gonna need anybody to tell you that that's him on  
14 those videos. And why is that video important? You want  
15 to know why? Because after we submit to you that Dakota  
16 is dead, that man is driving Ms. Angela's car and Dakota  
17 is not in the car. Again, why is that important?  
18 Because he denies driving that car.

19           You'll hear from witnesses who will identify him,  
20 but not only that the videos are pretty good and they are  
21 in broad daylight. Some of them might be a little grainy  
22 so that's why I'm saying pay attention to mannerisms.  
23 Pick up on the tics. Pick up on what people do if they  
24 stand like this or stand like this. You can watch him in  
25 court. You're allowed to. If he puts his hand on his

1 face, how does he do it, left hand or right hand.  
2 Pick up on things that will allow you to draw a  
3 conclusion for yourself, who is really on that video.  
4 Timeline is important. Timeline matters.

5 Now, the law in this case is simple. It's simple in  
6 the sense that it's not as wordy as some of our statutes  
7 are in South Carolina. The defendant is charged with  
8 murder and that is the intentional killing of another  
9 human being and I submit to you when you take your cousin  
10 into the woods and shoot him, single gunshot wound to the  
11 back of his head and leave him in the woods dead, that is  
12 malice. Malice can be quick. It's not like what you see  
13 on TV that you have to sit down and plot it. No. Quick,  
14 quick, quick. As soon as you make up in your mind to  
15 commit that evil act, that's malice, and I submit to you  
16 shooting someone in the back of the head is malice.

17 Now, how do we prove it? What's our burden? Our  
18 burden, and you'll hear about this more at the end of the  
19 trial, but it's important for you to understand some of  
20 it now. It's proof beyond a reasonable doubt. That is  
21 the State's burden. It's not proof beyond all doubt.  
22 It's simply proof that leaves you firmly convinced of  
23 that man's guilt. Proof that leaves you firmly convinced  
24 of that man's guilt. There's not a chart, there isn't a  
25 number, a magic number. That's what it is. And what is

1 neat about South Carolina and some State's, I can't speak  
2 for them, but what we're allowed to do is prove cases  
3 with direct and circumstantial evidence.

4 Direct evidence is something you can touch, feel,  
5 see with your own eyes, that's direct. That's what the  
6 law says. Circumstantial evidence is a chain of events.  
7 There's so many different examples that people give, but  
8 it's simply this: Let's say you're at home, you're  
9 watching a toddler or a child and you put him in a  
10 Pack'nPlay in a living room with their toys and you step  
11 out into the kitchen for a second, a minute, and then you  
12 come back and those toys are on the floor, it's only you  
13 and the toddler in the house. You know that she threw  
14 her toys out of the Pack'nPlay. That is what  
15 circumstantial evidence is. It is a length of events,  
16 chain of events linked together to prove a fact. No one  
17 is gonna tell you that someone else threw them toys out  
18 because the opportunity. The only person who had the  
19 opportunity to do it was that child. That is  
20 circumstantial evidence.

21 One thing our law does not require is for the State  
22 to prove a motive and that's hard. With any case you  
23 approach especially this one you wonder why someone like  
24 Gabriel Curry, why he would execute his cousin. You  
25 wonder why and we want to tell you why. There's

1 speculation, but speculation is not allowed in a court of  
2 law, so I can't speculate why he did it. There's some  
3 things that the evidence may suggest and you can draw an  
4 inference, but why? Naturally as human beings you want  
5 to know why somebody did something, but there is no  
6 greater proof of a man's intent to do something but him  
7 doing it. And there's some things in life that we may  
8 never know. Angela may never know the real reason why  
9 her family was robbed of Dakota.

10 You all may figure out the why, but why is not part  
11 of the law and if you follow the law and follow what the  
12 burden has to be in this case, you'll realize that you  
13 don't need proof of motive. We would love to give  
14 closure as to the why. You can chat all day, have  
15 conversations about it, but it's not part of the proof.  
16 The burden beyond a reasonable doubt is simply for us to  
17 prove that he is responsible by direct and circumstantial  
18 evidence, and I submit to you that we will meet that  
19 burden. I submit to you that by the end of this case  
20 when you get to receive all the evidence and you get to  
21 watch them for yourself, you get to pick up on things for  
22 yourself, you'll find that man guilty. You'll speak a  
23 verdict that is true and just in this case. Dakota's  
24 family, law enforcement, they're here seeking justice and  
25 you all play a unique part in that and in seeking the

1 facts and speaking the truth in this case. So I thank  
2 you for your service, I thank you for paying attention  
3 and for paying close attention to those details.

4 MR. MADSEN: May it please the Court, Solicitors.

5 THE COURT: Yes, sir.

6 MR. MADSEN: So this is my last opening statement.  
7 I guess my last trial. I've been a trial lawyer in one  
8 capacity or another probably for quite a bit number than  
9 a number of you have been alive so I appreciate y'all  
10 listening to me. It's a little bit of a surreal moment.

11 When I was young, I was enthralled by magic. Back  
12 then kind of the '70s, David Copperfield was this big  
13 name. You know, they had these amazing costumes and  
14 these real elaborate sets and you would see them get out  
15 there and take a woman and cut her in half and then put  
16 her back together and that was just amazing. Or you  
17 would see him, you know, be placed in a big vat of water  
18 chained up and that kind of stuff, his assistant would  
19 pull up the curtain and then all of a sudden towards the  
20 end someone would run out because the trick has gone bad  
21 and they would, you know, break it and now the  
22 assistant's in that big vat of water and the person that  
23 came out with a cover, pulls it off and it's him. As a  
24 kid that was just amazing because I believed in magic.

25 And it just wasn't, you know, the big magic like

1           that. It was even the small stuff, you know, a card  
2           trick. Can you pick a card and then I can tell you what  
3           that card is without ever seeing it. Everyone has  
4           probably had an uncle who kind of pulled a quarter out of  
5           your ear at some point in time. And I was so enthralled  
6           with it that at my church when I was nine we had a yard  
7           sale and they had a magic kit there and so I had my  
8           money, I asked my parents, we bought that magic kit. Of  
9           course, when I got back, it had about half of the tricks,  
10          even less of the instructions, but at that point in time  
11          I kind of learned magic wasn't real. It was slight of  
12          hand, distraction, diversion. And that's what the  
13          State's gonna try to do in this case. Slight of hand,  
14          distraction and diversion to get you to ignore their lack  
15          of evidence because they want to take your attention away  
16          from the fact that Gab is not guilty of murder.

17                 Now, you heard her talk about Dakota's death and  
18                 that's a tragic situation. No one is going to say that a  
19                 young man died is not a tragic occurrence and your heart  
20                 goes out to his family. There's no if's, ands, or buts  
21                 about that. But you can't compound a tragedy by finding  
22                 someone guilty of murder when they are not guilty. And  
23                 you heard the State say, got up here in the opening and  
24                 said we don't have a motive. We have no idea why someone  
25                 would kill their cousin because there wasn't any. They

1           didn't get up here and hear them say, oh, we have eye  
2           witnesses because there aren't any. You don't think if  
3           she had some physical evidence that ties him, Gabe, to  
4           this murder, she would have told you about it. Well  
5           guess what? There isn't any. They don't have any murder  
6           weapon that they've retrieved. They don't have any  
7           fingerprints, any DNA that ties Gabe. Slight of hand,  
8           distraction and diversion, because they don't want you to  
9           consider those things because they know if you do, you'll  
10          find Gabe not guilty.

11                 Now, you heard them talk about cell phones and kind  
12          of their timelines. Every single one of us or at least  
13          most of us probably have one of these things, like a  
14          little mini computer and they have GPS and so they can  
15          follow you anywhere that you go. They don't have any of  
16          that. They've got towers. When someone hits off a  
17          tower, it's not too hard to throw a stone and hit a tower  
18          now-a-days and just because you're closest to a cell  
19          tower, doesn't mean that you hit off of that tower.  
20          There's a bunch of things that go with which tower you  
21          hit off of. And they have complicated rhythms that are  
22          run by the cell phone company so it could be the type of  
23          phone you have, whether it's a 3G, 4G, a 5G, the signal  
24          strength, the topographics. I mean, if you've got a  
25          mountain in front of you. You might hit off of something

1           harder because you're not gonna hit on one right on the  
2           other side of a mountain. There are obstructions. A lot  
3           of people have driven around and gotten near to a  
4           building and they drop a call. You know, there's gonna  
5           be some dead zones, and it certainly can be the cell  
6           phone company in and of itself.

7           I know when I started out here years and years ago  
8           Sprint wasn't the best. Verizon got much better coverage  
9           and then obviously you have tower traffic. Those are the  
10          kind of things that affect what tower someone connects to  
11          and I'm sure there's a bunch of other factors that I  
12          don't even know about. I'm not an engineer, but that's  
13          all they have is towers. They don't even a range to the  
14          tower which is something where a cell phone company can  
15          tell you, oh, your phone hit on this tower and you were  
16          175 feet away. They can't tell you exactly where you're  
17          at, but they're trying to say, okay, you just take that  
18          arc. They don't even have that.

19          They said some stuff about statements from Gabe.  
20          They mentioned that every time he talked to law  
21          enforcement, he voluntarily talked to them. And finally,  
22          the one interesting thing, I was kind of surprised, in  
23          June of 2020, so this month, they didn't tell you that  
24          they finally had SLED take a look at the scrapings under  
25          Dakota's fingernails and there's foreign DNA under those

1 fingernails and it doesn't come back to Gabe.

2 What it comes down to is that they think Gabe was  
3 with Dakota at some point in time that day and they don't  
4 know who killed Dakota so it must be Gabe because he was  
5 with him at some point in time. Don't compound a tragedy  
6 by finding someone guilty when they're not guilty.

7 Now, as the Judge will tell you and the Solicitor  
8 kind of hit on this, throughout the trial Gabe is not  
9 guilty. He is not guilty of murder unless and until  
10 after the Judge charges you with the law, you as the  
11 jurors find beyond all reasonable doubt that the State  
12 has proven each and every element of the crime of murder.  
13 They're not gonna be able to do it. The State wants you  
14 to find Gabe guilty. They've got a lack of evidence and  
15 they can't prove their extremely high burden of proof.  
16 They just absolutely can't do it. They can't prove the  
17 elements of murder. They want you to find him guilty.  
18 The problem is Gabe isn't guilty of murder. He's not  
19 guilty of murder (indicating.)

20 Now, I saw that trick done by our legendary USC  
21 coach Lou Holtz and someone from the audience yelled out  
22 and said, Coach Holtz, how do you do that trick? He  
23 looked back and said, I did it very well. I don't know  
24 if I did it as well as he did, but I know that magic  
25 isn't real and they're not going to be able to prove



1 Q. Tell me a little bit about your background and  
2 training experience.

3 A. I started here in Edgefield County June 27th, 2016.  
4 I worked here until November of 2018. Left, went to North  
5 Augusta. I became a SWAT member, been through the Department  
6 of Homeland Security, SWAT training, several other trainings  
7 that I have been through in my career.

8 Q. And do you remember receiving a call on October  
9 10th, 2018?

10 A. I do.

11 Q. Can you tell me what time that call came in?

12 A. The initial call that morning was at 7:48 that  
13 morning when they called to report Dakota missing.

14 Q. Who called to report Dakota missing?

15 A. Kahlo, his brother.

16 Q. What was the substance of that call?

17 A. He stated that nobody had spoke to him since  
18 approximately 14:00 hours the day before. He was supposed to  
19 pick his mom up at 22:00 hours from work and didn't show up  
20 and they called his phone several times, couldn't get in touch  
21 with him and nobody knew where he was.

22 Q. Let me stop you for a second. 14:00 hours, what  
23 time is that?

24 A. I'm sorry. That's 2:00 in the afternoon. 22:00  
25 hours is 10:00 at night.

1 Q. And they said who was missing?

2 A. Dakota Calhoun.

3 Q. Okay. Do we know what vehicle he was in?

4 A. It was his mother's car.

5 Q. What type of car was that?

6 A. It was a 2012 Ford Fusion.

7 Q. Okay. And what color was it?

8 A. Gray.

9 Q. And what was the information that you received was  
10 the last thing that Dakota was doing?

11 A. The last thing I heard he was over at his aunt's  
12 house on Mount Zion Road, I guess, I think it was to drop off  
13 some clothes.

14 Q. Okay. And this call came in at 7:48 in the  
15 morning?

16 A. Yes, sir.

17 Q. When was the next time you took any action on this  
18 case?

19 A. After that, Kahlo said that he had gone --

20 MR. CHEHOSKI: Your Honor, object to the hearsay.

21 THE COURT: I can't hear what he's saying so I'll  
22 ask you to repeat the question.

23 (Volunteer fire alarm siren going off outside.)

24 MR. DRYLIE: Judge?

25 THE COURT: I honestly could not hear.

1           MR. DRYLIE: I'll just rephrase the last question  
2           that was asked.

3           THE COURT: I'm going to sustain the objection, but  
4           please rephrase the question.

5           BY MR. DRYLIE:

6           Q.    Without going into what was said, what was the next  
7           action that you took on this case?

8           A.    At 11:57 a.m. they called stating that they were  
9           told the vehicle was off Sandy Springs Road.

10          Q.    So at 11:57 what was the action you took on this  
11          case?

12          A.    I responded out to Sandy Springs to meet with the  
13          mother.

14          Q.    Why did you respond there?

15          A.    She called saying that Lonestar tracked the vehicle  
16          out there.

17          MR. CHEHOSKI: Objection, Your Honor. Hearsay.

18          MR. DRYLIE: It goes to his present sense impression  
19          and his actions that he took that day, the effect on the  
20          listener because he's responding to a call and it  
21          explains police action.

22          THE COURT: All right. I want you to rephrase the  
23          question please.

24          BY MR. DRYLIE:

25          Q.    Okay. At 11:57 a.m. why did you respond to Sandy

1 Springs Road?

2 A. The car was tracked out there.

3 Q. What car was this?

4 A. His mother's.

5 Q. This is on October 10th of 2018?

6 A. Correct.

7 Q. When you responded to the location of the car, who  
8 was the first officer on the scene?

9 A. Myself.

10 Q. And where was the car located?

11 A. Down a dirt road.

12 Q. And is Sandy Springs Road in Edgefield County?

13 A. It is.

14 Q. All right. So can you tell me about the condition  
15 of the car when you found it?

16 A. It appeared the front end had been wrecked.

17 Q. About how far off the road was the car?

18 A. Maybe 200 yards. That's just an estimate. I'm not  
19 sure exactly what it was.

20 Q. Okay. And who else was on scene with you there?

21 A. The family was there and after I had notified,  
22 several different officers started showing up to the scene.

23 Q. Okay. And what was the next action that you took?

24 A. We started walking around looking for Dakota.

25 Q. Why were you walking around looking for Dakota?

1 A. Because he was not in the vehicle.

2 Q. Okay. And what area did you search?

3 A. All around the vehicle, all on the backside, all  
4 through the woods. We walked everywhere.

5 Q. And at this point is Dakota still a missing  
6 person?

7 A. Correct.

8 Q. At some point did the Sheriff's Office receive  
9 information that Dakota had been with Gabriel Curry the day  
10 before?

11 A. They did.

12 Q. What did you do as a result of that information?

13 A. After that, we left to try and go and make contact  
14 with Mr. Curry.

15 Q. Where did you go?

16 A. To Mount Zion Road.

17 Q. About what time in the afternoon was that?

18 A. I believe it was one something in the afternoon.

19 Q. Can you check the CAD?

20 A. (Witness complies.) From looking over the CAD, I  
21 believe it was at 1:45.

22 Q. What is a CAD report?

23 A. The CAD report is the, it tells, it's our dispatch  
24 CAD that tells you when you get on scene, when you leave,  
25 everything that's transferred from your radio to dispatch to

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1 let them know where you're at.

2 Q. What time did you get to Sandy Springs Road?

3 A. I was on scene at 12:15.

4 Q. So when you go to Mount Zion, what's the first  
5 action you take?

6 A. We go to his sister's house where she was.

7 Q. Whose sister's house?

8 A. Mr. Curry's, and spoke with her which stated that he  
9 was not at --

10 Q. What address is that?

11 MR. CHEHOSKI: Objection, Your Honor. Again, I  
12 don't know if you can cut it off, but it looks like he  
13 was eliciting hearsay.

14 THE COURT: Sustained.

15 BY MR. DRYLIE:

16 Q. What address did you go to on Mount Zion?

17 A. I believe it was [REDACTED], [REDACTED].

18 Q. Okay.

19 A. [REDACTED], I believe.

20 Q. When you went to that address, what were you doing  
21 there?

22 A. Looking for Mr. Curry.

23 Q. Okay. Did you locate Mr. Curry at that address?

24 A. I did not.

25 Q. Did you receive information that he might be

- 1       somewhere else?
- 2           A.    I did.
- 3           Q.    Where was that?
- 4           A.    Down at his girlfriend's house.
- 5           Q.    What address was that?
- 6           A.    [REDACTED].
- 7           Q.    [REDACTED] what?
- 8           A.    Mount Zion Road.
- 9           Q.    What did you do next?
- 10          A.    We then left and went to [REDACTED] Mount Zion Road.
- 11          Q.    When you pulled into [REDACTED] Mount Zion Road, what did  
12   you see?
- 13          A.    Kirtrina standing in the yard.
- 14          Q.    Who is Kirtrina?
- 15          A.    Mr. Curry's girlfriend.
- 16          Q.    What's her full name?
- 17          A.    I just know her as Kirtrina.
- 18          Q.    Okay.  What happened when you saw her standing in  
19   the yard?
- 20          A.    I explained to her that we were looking for  
21   Mr. Curry and she took off running into the house.
- 22          Q.    Okay.  What did she do when she took off running  
23   into the house?
- 24          A.    She ran into the house, grabbed her child, came back  
25   out, shut both doors and came out and spoke with us in the

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1 yard.

2 Q. Were you able to locate Mr. Curry at this house?

3 A. I was not.

4 Q. Why not?

5 A. Because she stated he was not there and she did not  
6 see him.

7 MR. CHEHOSKI: Objection again, Your Honor.

8 THE COURT: Overruled.

9 BY MR. DRYLIE:

10 Q. Can you finish your answer?

11 A. After I asked her if Mr. Curry was at her residence,  
12 she stated no, she did not see him.

13 MR. CHEHOSKI: Again, Your Honor, I have to object  
14 to the statement on the grounds of hearsay.

15 THE COURT: Overruled.

16 BY MR. DRYLIE:

17 Q. Go ahead and finish.

18 A. And once we realized he wasn't there or from what we  
19 figured out he was not there, we left and went back to Sandy  
20 Springs.

21 Q. You figured that out because she told you he was not  
22 there, correct?

23 A. Correct.

24 Q. Where did you go next after leaving Mount Zion?

25 A. Back to Sandy Springs where the vehicle was found.

1 Q. Okay. And were you -- What time did you get back to  
2 Sandy Springs?

3 A. I believe it was at 1:59.

4 Q. Were you present on Sandy Springs Road at around  
5 2:20 that afternoon?

6 A. I was.

7 Q. Can you tell me briefly who arrived on scene?

8 A. Mr. Curry.

9 Q. I'm going to show you what's been marked as State's  
10 Exhibit 101. Do you recognize that disk?

11 A. I do.

12 Q. Can you tell me how you recognize that disk?

13 A. My initials are on the bottom of it.

14 Q. Okay. And does that disk -- Have you reviewed that  
15 disk?

16 A. I have.

17 Q. Does that disk fairly and accurately represent the  
18 conversation Mr. Curry had with law enforcement that day?

19 A. It does.

20 MR. DRYLIE: Judge, at this time I offer 101 into  
21 evidence.

22 THE COURT: Any objection?

23 MR. CHEHOSKI: Subject to previous objections, Your  
24 Honor. We're renewing previous objections.

25 THE COURT: I'll rule it in with those moving

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1 objections.

2 MR. DRYLIE: At this time we would like to publish  
3 for the jury.

4 THE COURT: All right.

5 (Playing State's Exhibit #101.)

6 BY MR. DRYLIE:

7 Q. All right. In the statement that we just witnessed,  
8 Gabriel Curry denied going to Burger King, correct?

9 A. Correct.

10 Q. And do you know, why was going to Burger King  
11 important?

12 A. When Investigator Smith was searching the car, they  
13 found a Burger King receipt in the vehicle.

14 Q. Were you present in the area for that search?

15 A. I was in the area.

16 Q. And you were present when he asked that question,  
17 correct?

18 A. I was.

19 Q. And I'm gonna show you what's been marked as State's  
20 Exhibit 15. Does that fairly and accurately reflect the  
21 Burger King receipt that was found in the car?

22 A. It does.

23 MR. DRYLIE: At this time I would offer State's  
24 Exhibit 15 into evidence, Your Honor.

25 THE COURT: Any objection?

1 MR. CHEHOSKI: No objection.

2 THE COURT: It's admitted.

3 BY MR. DRYLIE:

4 Q. Can you tell me the time on that receipt?

5 A. It's 4:24 p.m.

6 Q. And what's the date?

7 A. October 9th, 2018.

8 Q. Mr. Curry also stated that Dakota snorted heroin,  
9 correct?

10 A. Yes, sir.

11 Q. And he said that Dakota left him around five?

12 A. Five, fiveish.

13 Q. And Gabriel Curry gave his cell phone as  
14 [REDACTED]-5170, correct?

15 A. Yes, sir.

16 Q. And Mr. Curry also stated that Dakota was using  
17 marijuana?

18 A. Yes, sir.

19 Q. Okay. Do you remember what Mr. Curry gave his  
20 address as?

21 A. [REDACTED] Beulah.

22 Q. Where is [REDACTED] Beulah?

23 A. It's in North Augusta.

24 Q. What's it close to?

25 A. To Edgefield Road and Edna Street.

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1 Q. Okay. So is it fair to say it would be past exit  
2 5?

3 A. Yes, sir.

4 Q. About how far is that from the crime scene?

5 A. Seven, eight miles.

6 Q. All right. I'm gonna show you what's been marked as  
7 State's Exhibit 1 and 2 and do those fairly and accurately  
8 reflect Sandy Springs Road on October 10th?

9 A. Yes, sir.

10 MR. DRYLIE: At this time I would offer those into  
11 evidence, Your Honor.

12 THE COURT: Any objection?

13 MR. CHEHOSKI: Without objection.

14 THE COURT: So moved.

15 BY MR. DRYLIE:

16 Q. And I'm gonna show you what's been marked as State's  
17 Exhibit 3. Is that a reflection of an aerial overview of  
18 Sandy Springs Road and Mount Zion?

19 A. Yes, sir.

20 Q. Does that accurately cover the ground you were  
21 patrolling that day?

22 A. Yes, sir.

23 MR. DRYLIE: At this time I would offer this State's  
24 Exhibit 3 into evidence.

25 MR. CHEHOSKI: Without objection.

1 THE COURT: So moved.

2 BY MR. DRYLIE:

3 Q. Officer Rauton, would you step down for a second?

4 A. (Witness complies.)

5 Q. Can you show me on this map approximately where the  
6 car was recovered?

7 A. The car was back here down this dirt road.

8 Q. Okay. And according to your CAD report, do you know  
9 what time the body was located?

10 A. Do you mind if I --

11 Q. Go ahead and check.

12 A. I believe it was somewhere around 3:00.

13 Q. Could you double check and see if you have an exact  
14 time for when they say?

15 A. I'm sorry. That was at 3:20 p.m.

16 Q. So at 3:20 p.m. Dakota Calhoun's body was recovered  
17 across the street on Sandy Springs Road?

18 A. Yes, sir.

19 Q. So the car was located where?

20 A. The car was on the other side of the road on this  
21 dirt road.

22 Q. And earlier in the day when you were patrolling  
23 looking for Dakota, no one discovered him over there,  
24 correct?

25 A. No, sir.

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1 Q. But later on in the afternoon can you show me where  
2 he was found?

3 A. Straight across the road on the other side.

4 Q. Was he in the woods?

5 A. Yes, sir.

6 Q. Once his body was found, what did the Sheriff's  
7 Office do?

8 A. They put crime scene tape up and blocked it off so  
9 nobody could go into the woods.

10 Q. So the body was secured at that point?

11 A. Yes, sir.

12 Q. Show me on this map where [REDACTED] is.

13 A. Up here.

14 Q. About how far is it from the crime scene?

15 A. I would say a little over a mile.

16 Q. All right. You can sit back down.

17 A. (Witness complies.)

18 Q. I'm gonna show you what's marked as State's 4, 5 and  
19 6. Do those photos fairly and accurately depict aerial views  
20 of Mount Zion and Sandy Springs Road and Edgefield Road?

21 A. Yes, sir.

22 Q. And this is the area where the car and body was  
23 found, correct?

24 A. Yes, sir.

25 MR. DRYLIE: At this time I would offer those items

1           into evidence.

2           MR. CHEHOSKI: No objection.

3           THE COURT: So moved.

4 BY MR. DRYLIE:

5           Q. So I'm gonna start with State's Exhibit 4. Can you  
6 tell me what we're looking at in this aerial photograph?

7           A. Right on the top is Edgefield Road. Mount Zion Road  
8 meets Edgefield Road.

9           Q. Okay. So, the yellow line on there, what road it  
10 that?

11          A. That's Edgefield Road, Highway 25.

12          Q. Can you go ahead and point out Edgefield Road to  
13 me?

14          A. Right here.

15          Q. All right. And where is Mount Zion Road?

16          A. Right there.

17          Q. And Sandy Springs?

18          A. Cut off right here.

19          Q. Okay. And what area of Edgefield County is this?

20          A. It is the, well, we call it the south end of the  
21 county.

22          Q. The south end of the county?

23          A. Yes, sir.

24          Q. Is it located in Trenton?

25          A. Yes, sir.

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1 Q. All right. And what are we looking at in this  
2 photograph?

3 A. Do you mind if I step down and look?

4 Q. Yes.

5 A. (Witness complies.) That's Mount Zion Road.

6 Q. Where is Sandy Springs Road?

7 A. On the backside of it.

8 Q. Okay. And where is the body eventually located?

9 I'll show you on the next.

10 A. It's just - okay --

11 Q. Show me what we're looking at here.

12 A. That's Sandy Springs Road right here.

13 Q. Where is the car located at?

14 A. The car was in here.

15 Q. Where was Dakota's body found?

16 A. On the right side of the road.

17 Q. And then going through the photographs you looked at  
18 before --

19 A. Yes, sir.

20 Q. -- this was the Burger King receipt found in the  
21 car?

22 A. Yes, sir.

23 Q. And what is this a picture of?

24 A. That is the dirt road that leads back to where the  
25 car was located.

1 Q. Would you say this view is zoomed out?

2 A. It is. Right there is close to Sandy Springs  
3 road.

4 Q. And this photo?

5 A. It's the same dirt road.

6 Q. Is it farther on down the road?

7 A. It is.

8 MR. DRYLIE: Just for the record, that was State's  
9 Exhibits 1, 2, 15, 14, or 4, 5 and 6.

10 BY MR. DRYLIE:

11 Q. I'm gonna pass to you what's marked as State's  
12 Exhibit 7. Do you recognize that?

13 A. I do.

14 Q. How do you recognize that?

15 A. That was on the body cam footage that we just  
16 reviewed.

17 Q. Does that fairly and accurately reflect a still from  
18 the body cam footage of October 10th?

19 A. Yes, sir.

20 MR. DRYLIE: At this time I offer State's Exhibit 7  
21 into evidence.

22 MR. CHEHOSKI: No objection.

23 THE COURT: So moved.

24 BY MR. DRYLIE:

25 Q. Okay. In looking at this image here, can you

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1 identify yourself in that image?

2 A. I can. I'm sorry. I'm right here on the left  
3 corner of the picture.

4 Q. And who is on the right side of that picture?

5 A. Mr. Curry.

6 Q. And where was Dakota's body found if we're looking  
7 at this picture?

8 A. Right in the wood line behind me on the left side of  
9 where that car is parked right there at the edge of the  
10 woods.

11 Q. And he's looking off into the direction of where the  
12 body is found, correct?

13 A. Yes, sir.

14 Q. And that was State's Exhibit 7. I'm gonna show you  
15 what's been marked as State's Exhibit 8, 9, 10, 11, 12 and 13.  
16 Tell me if you recognize these items?

17 A. I do.

18 Q. Okay. And do those items fairly and accurately  
19 reflect Ms. Barger's car on October 10th, 2018?

20 A. They do.

21 MR. DRYLIE: At this time we would offer them into  
22 evidence.

23 MR. CHEHOSKI: No objection.

24 THE COURT: So moved.

25 BY MR. DRYLIE:

1 Q. What are we looking at in State's Exhibit number  
2 8?

3 A. You're looking at the vehicle and the front end that  
4 had been wrecked.

5 Q. What appears to be in the front end?

6 A. Sand and dirt.

7 Q. And in 9?

8 A. Same thing, sand and dirt.

9 Q. During the course of your investigation, did y'all  
10 discover how that sand got into that front end?

11 A. We did.

12 Q. How is that?

13 A. When you go down the dirt road, there's banks, a  
14 little higher on each side and it appeared the vehicle had  
15 tried to turn around and struck the bank.

16 Q. Okay. That's State's number 10, 11, 12 and 13, and  
17 these photos, they show the condition of the car as you found  
18 it, correct?

19 A. Correct.

20 Q. Okay. Going back throughout your day, I just want  
21 to be clear on a couple things. The first call came in at  
22 7:48, correct?

23 A. Correct.

24 Q. When was your next call?

25 A. 11:57.

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- 1 Q. And what time did you arrive on scene?
- 2 A. 12:15.
- 3 Q. And what time did you relocate to Mount Zion?
- 4 A. 13:45.
- 5 Q. So 1:45.
- 6 A. I'm sorry. Yes. 1:45.
- 7 Q. And Mr. Curry arrived on scene at 2:33?
- 8 A. Yes.
- 9 Q. Okay. And then the body is discovered at 3:20?
- 10 A. Correct.
- 11 Q. All right. Going back to the still shot from your
- 12 body cam real quick, the time in the corner says 16:41.
- 13 A. Correct.
- 14 Q. Do you know why it says that?
- 15 A. It's in universal time so it should be four hours
- 16 off.
- 17 Q. Okay. So even though the time on the body cam says
- 18 16:41, what time would that have been?
- 19 A. That would have been the --
- 20 Q. Or is that -- I'm sorry. It says 18:41. I
- 21 misspoke.
- 22 A. 18, that would have been a little after 2:00.
- 23 Q. So it would have benn 2:41?
- 24 A. Correct.
- 25 Q. In reviewing for this case we discovered that the

1 body cam was four hours off?

2 A. Correct.

3 Q. Because it was set to universal time?

4 A. Correct.

5 Q. Okay. If you arrived on scene at 12:15, do you know  
6 what time you found the car?

7 A. I believe it was 12:19.

8 Q. So the car was discovered at 12:19. And tell me the  
9 actual time that you went to Mount Zion, 707 Mount Zion Road  
10 according to your CAD?

11 A. According to the CAD it was 13:49. 1:49.

12 Q. So 1:49. I'm going to show you what's marked as  
13 State's Exhibit number 14. Is this a fair and accurate  
14 summary of your CAD timeline that you've testified to today?

15 A. It is.

16 MR. DRYLIE: At this time I would offer State's 14  
17 into evidence.

18 MR. CHEHOSKI: No objection, Your Honor.

19 THE COURT: So moved.

20 BY MR. DRYLIE:

21 Q. We're gonna publish it to the jury just briefly. So  
22 this is a summary of the actions that you took on that day and  
23 times, correct?

24 A. Yes, sir.

25 Q. All right. And at 7:48 Dakota was reported

CODY RAUTON - DIRECT BY MR. DRYLIE

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1 missing?

2 A. Yes, sir.

3 Q. 11:57 you were advised that Angela Bargeran's car  
4 was located in the woods on Sandy Springs Road?

5 A. Yes, sir.

6 Q. And at 12:15 you arrived on scene at Sandy Springs  
7 Road?

8 A. Yes, sir.

9 Q. At 12:19 you located the car?

10 A. Yes, sir.

11 Q. At 1:49 you went to [REDACTED] looking for Mr. Curry?

12 A. Yes, sir.

13 Q. At 2:33 Mr. Curry arrived on scene?

14 A. Yes, sir.

15 Q. And at 3:20 Dakota's body was found?

16 A. Yes, sir.

17 Q. I have one more thing to show you and does the top  
18 number on this exhibit represent the number that Gabriel Curry  
19 told you was his cell phone number on that day?

20 A. Yes, sir.

21 Q. And it fairly and accurately reflects that number?

22 A. Correct.

23 MR. DRYLIE: And that is exhibit number 16 and for  
24 at this point it's for ID only. Please answer any  
25 questions that the defense has.

1 THE COURT: Cross.

2 MR. CHEHOSKI: Thank you, Your Honor. Please this  
3 Court.

4 CROSS EXAMINATION

5 BY MR. CHEHOSKI:

6 Q. Officer, I'm showing you what's been admitted into  
7 evidence as State's Exhibit 6. I believe you testified about  
8 that earlier. You've testified that this mark here is where  
9 the body was located; is that correct?

10 A. Yes, sir.

11 Q. Do you know who owns the property where that body  
12 was located?

13 A. I do not, sir.

14 Q. All right. And when Mr. Curry showed up, was he  
15 brought to you all by law enforcement?

16 A. I don't recall how he arrived on the scene.

17 Q. He was not in handcuffs at the time; is that  
18 correct?

19 A. No, sir.

20 Q. And you didn't bring him there?

21 A. No, sir.

22 Q. I also want to bring to your attention what has been  
23 previously admitted into evidence as State's Exhibit 7 and  
24 this again is a still shot of the video that we watched?

25 A. Yes, sir.

CODY RAUTON - CROSS BY MR. CHEHOSKI

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1 Q. And this doesn't take into context what all is  
2 happening around; is that correct?

3 A. Correct.

4 Q. All right. There are people moving around, there  
5 are noises happening all around the environment and that might  
6 draw your attention to something; is that correct?

7 A. Correct.

8 Q. How did you get from Mount Zion Road back to Sandy  
9 Springs?

10 A. My patrol car.

11 Q. Okay. So you did not walk there?

12 A. No, sir.

13 Q. And you were present for the interview with  
14 Mr. Curry?

15 A. Yes, sir.

16 Q. And he spoke voluntarily?

17 A. Yes, sir.

18 Q. And is Sandy Springs Road a dirt road?

19 A. Sandy Springs is not. The paved part.

20 Q. The paved part?

21 A. Sandy Springs is paved that comes up there. Right  
22 there is the dirt road and it's off to the side of Sandy  
23 Springs.

24 Q. Off to the side. And does that access the  
25 property?

1           A.    The dirt road that we were on off to the side, yes,  
2    sir.

3           Q.    Okay.  And from this dirt road that accessed the  
4    property I just asked about, is it possible to collect tire  
5    tracks; is that correct?

6           A.    The dirt road portion?

7           Q.    Yes.

8           A.    Yes.

9           Q.    And footprints?

10          A.    Correct.

11                MR. DRYLIE:  Objection.  I think this calls for  
12                speculation at this point.  He's asking about specific  
13                things possible to collect, not what was collected.

14                THE COURT:  Overruled.

15    BY MR. CHEHOSKI:

16           Q.    All right.  You can collect footprints, take  
17    photographs of footprints; is that correct?

18           A.    Yes, sir.

19                MR. CHEHOSKI:  That's all I have.

20                THE COURT:  Redirect.

21                MR. DRYLIE:  No redirect.

22                THE COURT:  All right.  This witness may be excused?

23                MR. DRYLIE:  No objection from the State.

24                THE COURT:  All right.  At this time -- Well, any  
25    objection to the witness being excused?

ANGELA BARGERON DIRECT BY MR. DRYLIE

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1 a.m.)

2 THE COURT: State, call your next witness.

3 MR. DRYLIE: The State calls Angela Bargeron.

4 Thereupon,

5 ANGELA BARGERON

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

7 THE CLERK: Please have a seat. Once you're seated,  
8 state your full name spelling your last please.

9 THE WITNESS: Angela Bargeron, B-a-r-g-e-r-o-n.

10 DIRECT EXAMINATION

11 BY MR. DRYLIE:

12 Q. Good morning.

13 A. Good morning.

14 Q. Ms. Bargeron, where are you from?

15 A. North Augusta, South Carolina.

16 Q. Who are you married to?

17 A. Michael Calhoun.

18 Q. How many children did y'all have?

19 A. Nine.

20 Q. Can you tell me who they are?

21 A. Allen Bargeron, Dakota Calhoun, Kahlo Calhoun,  
22 Michael Bargeron, Dallas Calhoun, Skylar Calhoun, Angel  
23 Calhoun, and Dillon Calhoun and then he had a son named  
24 Deontray Calhoun.

25 Q. Where do you all currently live?

- 1           A.    Las Vegas, Nevada.
- 2           Q.    When did you move there?
- 3           A.    About a year and three months ago.
- 4           Q.    Could you tell me about Dakota?
- 5           A.    He was the, he was a very sweet man. He loved to  
6 work. He was a hard worker. Would give you anything, the  
7 shirt off his back.
- 8           Q.    Okay.
- 9           A.    He was, he was very sweet.
- 10          Q.    What did he like to do?
- 11          A.    He liked to drive. He liked to play football, but  
12 he liked to drive. His thing was driving.
- 13          Q.    When Dakota was around, would anyone else drive?
- 14          A.    He would not let nobody drive. No, sir.
- 15          Q.    Okay. Now, I want to take you back to the day that  
16 Dakota went missing. Where were y'all living at that time?
- 17          A.    [REDACTED] Country Club Hills Drive, North Augusta, South  
18 Carolina 29860.
- 19          Q.    Country Club Hills Drive, what road is that off  
20 of?
- 21          A.    Well, you could get there by Murray Drive. There's  
22 different roads.
- 23          Q.    Okay. Who all was living in that house?
- 24          A.    Me, his father, Angel, Michael, Skylar, Kahlo  
25 Calhoun, him, [REDACTED], and Jordan Thomas and [REDACTED] K.C.

- 1 Q. Who is Jordan Thomas?
- 2 A. That was Kahlo's girlfriend.
- 3 Q. Who in the family was Dakota closest with?
- 4 A. In the family, Kahlo.
- 5 Q. So Dakota and Kahlo were closest?
- 6 A. They were.
- 7 Q. How are y'all related to the defendant?
- 8 A. They're first cousins.
- 9 Q. Okay. And who is related to him?
- 10 A. Sabrina Curry, Gabriel Curry's mother is Michael's,
- 11 my husband's sister.
- 12 Q. And growing up were Dakota and Gabe ever together?
- 13 A. They were.
- 14 Q. How often?
- 15 A. Not very -- I mean, we weren't tight knit tight
- 16 knit, but every so often Gabe and Dakota would be together.
- 17 Like he may go a month, he may go three or four months without
- 18 seeing Gabe, and then all of a sudden he had an urge to want
- 19 to go check on little Gabe.
- 20 Q. And y'all called the defendant little Gabe?
- 21 A. Little Gabe. Yes, sir.
- 22 Q. And how close would you say Dakota was with Gabe?
- 23 A. Out of all of them I think Dakota and little Gabe
- 24 were the closest.
- 25 Q. How come?

1           A.    Because they just seemed to get along better.  I  
2 never, I never heard any of the rest of them really want to go  
3 see little Gabe.  It was always Dakota wanting to go to see  
4 little Gabe.

5           Q.    And the day that Dakota went missing, can you tell  
6 me how that day started out for you?

7           A.    I got up that morning.  I was a manager for Dollar  
8 General.  I got up that morning and I went to work and a  
9 little after I was at work, Dakota called me and asked me  
10 could he use my car and go see little Gabe, go check on little  
11 Gabe.

12           MR. CHEHOSKI:  Objection, Your Honor, this is  
13 eliciting hearsay.

14           MR. DRYLIE:  It's state of mind.  Dakota is  
15 obviously unavailable.

16           THE COURT:  Sustained.

17 BY MR. DRYLIE:

18           Q.    Okay.  Tell me how the day started for you.  You got  
19 up and went to work?

20           A.    Yes, sir.

21           Q.    At some point did anyone show up at your work?

22           A.    Yes, sir.  Dakota and Jordan.

23           Q.    Why did Dakota show up?

24           A.    To get my car and my cell phone.

25           Q.    All right.  And where was Dakota going to go?

ANGELA BARGERON - DIRECT BY MR. DRYLIE

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1 A. He was going to pick up Gabe.

2 Q. What else? What other reason was he going over  
3 there for?

4 A. Because I had bought some little, little toys you  
5 put in gift bags. I had told Sabrina I would buy for one of  
6 the grand babies, one of Gabe's sister's kid's birthday party  
7 and I told him since he was going that way to drop them off to  
8 Sabrina's house.

9 Q. Okay. As long as you've known Gabe, where has he  
10 lived?

11 A. With Sabrina Curry.

12 Q. Is Sabrina married to Michael? Or not Mike. I'm  
13 sorry. Is Sabrina married to big Gabe?

14 A. She is.

15 Q. Where do they live?

16 A. On Mount Zion, [REDACTED] Mount Zion.

17 Q. Did you ever know him to live anywhere else?

18 A. Not in the last years, no, sir.

19 Q. Did you ever know Gabe to live at [REDACTED] Beulah?

20 A. No, sir.

21 Q. Who lives at [REDACTED] Beulah?

22 A. The grandma, Gabe's mother.

23 Q. And the day that Dakota went missing, what time was  
24 he gonna be back?

25 A. He was supposed to come back and do some work at

1 5:00. He was gonna help me do some work around Dollar  
2 General.

3 Q. Was that a normal occurrence?

4 A. It was.

5 Q. Tell me about that.

6 A. Dakota would, he would also, because I was the store  
7 manager and I took my job real serious, Dakota would come in  
8 and help me clean up the yard. He would help me put the  
9 freight on the shelves so that I always wanted my store to be  
10 number 1, so because I didn't have good, my help didn't want  
11 to do it right, I would always allow him to come in and I  
12 would pay him out of my pocket to come in and help me do  
13 little things around my job.

14 Q. Okay. And was Dakota responsible?

15 A. He was.

16 Q. Why did you let Dakota use your car?

17 A. Because I knew that Dakota would come back to pick  
18 me up on time and I didn't have a problem letting him use my  
19 car.

20 Q. Did you have other children that weren't allowed to  
21 use your car?

22 A. Yes, sir.

23 Q. Who?

24 A. Kahlo Calhoun.

25 Q. How come?

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1           A.    Because he's not responsible and he does things that  
2 I don't agree with.

3           Q.    All right.  And I'm gonna show you what's already in  
4 evidence as State's Exhibit 8.  Is this your vehicle?

5           A.    Yes, sir.  It is.

6           Q.    Okay.  The morning that you gave it to Dakota or the  
7 afternoon you gave it to Dakota, what was the condition of the  
8 car?

9           A.    It was in good condition.  There was no wreckage, no  
10 dents, no scratches, nothing.  It was in good condition.

11          Q.    Okay.  Was there any damage to it?

12          A.    No, sir.

13          Q.    All right.  So what time did Dakota come by the  
14 Dollar General?

15          A.    Somewhere in the line of three.

16          Q.    The first time he comes by, what time did he come  
17 by?

18          A.    Uhm, oh, goodness, it was that morning.  I'm not  
19 quite sure exactly.  I can't remember.

20          Q.    I'm gonna show you what's been marked as State's  
21 Exhibit 19 through 25.  Tell me if you recognize these photos  
22 and how you recognize those photos?

23          A.    I recognize --

24          Q.    Take a second and go ahead and look at them real  
25 quick.

1 A. (Witness complies.)

2 Q. Do you recognize those photos?

3 A. I do.

4 Q. How do you recognize those photos?

5 A. Because that's where I work Dollar General and  
6 that's Jordan's car, Dakota, Jordan and me.

7 MR. DRYLIE: Judge, we would offer these into  
8 evidence pursuant to our pretrial notice of evidence  
9 19-5-520.

10 THE COURT: Any objection?

11 MR. CHEHOSKI: I don't believe so, Your Honor. I  
12 don't think we had any previous objections.

13 THE COURT: So moved.

14 BY MR. DRYLIE:

15 Q. Okay. I'm gonna publish for the jury State's  
16 Exhibit 19. And can you go ahead and tell me, can you go  
17 ahead and tell me what we're looking at in this photo?

18 A. That's the front entrance of Dollar General and  
19 that's Jordan Thomas' car.

20 Q. What time is that?

21 A. 1:15.

22 Q. In publishing State's Exhibit 20, what are we  
23 looking at in this photo?

24 A. That's Dakota coming through the front door of  
25 Dollar General.

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1 Q. What are we looking at in State's 21?

2 A. That's Dakota walking over to the cash register of  
3 Dollar General.

4 Q. Okay. And State's 22, can you tell me who is that  
5 in that photo?

6 A. That's Jordan Thomas and Dakota Calhoun.

7 Q. And what is Jordan Thomas doing in that photo?

8 A. Handing Dakota a \$20.00 bill.

9 Q. What do we have in State's 23?

10 A. That's the cashier Ms. Betty and Dakota Calhoun  
11 talking.

12 Q. What is he purchasing? Not specifically but...

13 A. It's an energy drink or either cookies. I'm not  
14 sure. I can't say which one.

15 Q. What did he always purchase at Dollar General?

16 A. At Dollar General he would always purchase the fruit  
17 punch monster drink with cookies.

18 Q. Okay. And who are the individuals in this photo?

19 A. That's me and Jordan Thomas.

20 Q. That's State's Exhibit 24. What time is that?

21 A. 1:18.

22 Q. And State's Exhibit 25, can you tell me what we see  
23 here?

24 A. That's my car pulling off and Jordan Thomas getting  
25 in her car.

- 1 Q. Who is driving your car?
- 2 A. Dakota Calhoun.
- 3 Q. And besides your car, what else does he have with  
4 him?
- 5 A. My cell phone.
- 6 Q. What was the number on that cell phone?
- 7 A. It was [REDACTED]-8898.
- 8 Q. That was the number you had at the time, correct?
- 9 A. Yes, sir.
- 10 Q. When was the next time that you saw Dakota after  
11 this?
- 12 A. When he came back to get gas money.
- 13 Q. Okay. I'm showing you what's marked as State's  
14 Exhibit 42, 43, 44. Tell me if you recognize them.
- 15 A. I do.
- 16 Q. How do you recognize those?
- 17 A. So that's Dakota coming into the Dollar General to  
18 get gas money.
- 19 Q. Okay. Can you tell what time that was?
- 20 A. It was at 1:55. No. 3:55. I'm sorry.
- 21 MR. DRYLIE: Judge, we move in State's 42, 43, 44  
22 pursuant our notice of evidence.
- 23 MR. CHEHOSKI: No objection, Your Honor.
- 24 THE COURT: So moved.
- 25 BY MR. DRYLIE:

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1 Q. I'm publishing State's 42 for the jury. What are we  
2 looking at in this photograph?

3 A. That's Dakota coming through the front door of  
4 Dollar General.

5 Q. Why was he coming back that afternoon?

6 A. To get some gas money.

7 Q. Okay. In looking at State's 43 who is in that  
8 photograph?

9 A. That's me and Dakota.

10 Q. Do you remember what you gave him?

11 A. A \$20.00 bill.

12 Q. And then in State's 44, who is that?

13 A. That's Dakota walking away.

14 Q. Where was he going?

15 A. To take Gabe home.

16 Q. What time was he coming back?

17 A. He was supposed to be back by 5:00.

18 Q. Did you ever see your son alive again?

19 A. I didn't.

20 Q. When did you start to grow concerned?

21 A. A little after five because it's not like him not to  
22 come back to do the work that he had told me he was gonna come  
23 back to do.

24 Q. Okay. And what did you do as a result of being  
25 concerned?

1           A.    I called around and I checked at the house to make  
2           sure that he wasn't back there.  I called little Gabe.  I  
3           didn't know little Gabe's number, but I called his mom and  
4           asked his mom.  She said she would get in touch with little  
5           Gabe, but then she called me back and said little Gabe, that  
6           he had dropped Gabe, little Gabe off and little Gabe said he  
7           didn't know where he was, and I just kept calling around and  
8           calling around, but I went on and stayed at work until ten,  
9           and when I got home that night, I started calling hospitals  
10          and jail houses and no one seen him and I went to bed.

11          Q.    I'm gonna stop you for a second.  How did you get  
12          home that night?

13          A.    Jordan Thomas.

14          Q.    Did she come and pick you up or what?

15          A.    She did.

16          Q.    What did y'all do?

17          A.    We went home and started calling hospitals and jail  
18          houses and --

19          Q.    Were you able to locate Dakota?

20          A.    No.  I wasn't.

21          Q.    Okay.  And what did you do the next morning?

22          A.    I came up to Edgefield to put out a missing person's  
23          report and when I left Edgefield after speaking with an  
24          officer, Vanessa Boulware had brought me up here.

25          Q.    Who is Vanessa Boulware?

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1           A.    That was Dakota's girlfriend.

2           Q.    Do they share a child together?

3           A.    They do.  On the way back home, I remembered that my  
4    car was one that you get from - it has the box on it that you  
5    - if you don't pay your bill, they cut it off.  So I told  
6    Vanessa, I was like, he's got a box on it.  That means they  
7    tracking him.  So we went out to Gordon Highway where I bought  
8    that car, and I went in and asked the people could they track  
9    my car.  First he told me that that's not a good idea because  
10   --

11                   MR. CHEHOSKI:  Objection, Your Honor, again,  
12                   hearsay.

13                   THE COURT:  Sustained.

14   BY MR. DRYLIE:

15           Q.    When you got to Gordon Highway, what did y'all do?  
16   Without saying what people said to you, what did y'all do?

17           A.    We had the car tracked.

18           Q.    And where was the car located?

19           A.    In the woods on Sandy Springs.

20           Q.    And who was with you at that time?

21           A.    Vanessa Boulware.

22           Q.    Did you see your car on Sandy Springs?

23           A.    Yes, sir.

24           Q.    Okay.  And where was it located?

25           A.    Off on a dirt road in the, down a dirt road off of

1 Sandy Springs.

2 Q. And this is a picture, State's Exhibit number 9 of  
3 your car after it was towed from Sandy Springs, correct?

4 A. Yes, sir.

5 Q. And what was the condition of the car when you saw  
6 it on Sandy Springs?

7 A. The front end was wrecked.

8 Q. What did y'all do next?

9 A. We went around, we searched the area for Dakota  
10 where the car was found. No one - he wasn't, we did not  
11 locate him so Officer Smith told us that they were gonna --

12 MR. CHEHOSKI: Objection, Your Honor. Hearsay.

13 MR. DRYLIE: Officer Smith is unavailable and it  
14 would go to state of mind what they were doing at the  
15 time.

16 THE COURT: Overruled.

17 BY MR. DRYLIE:

18 Q. Go ahead. You can finish your statement.

19 A. So Officer Smith after getting the drone out there  
20 and not being able to locate Dakota, there was some bad  
21 weather in Columbia or somewhere and he said, well, we'll call  
22 the search off for today and tomorrow we can get the  
23 helicopter out here. He said it shouldn't be hard to find him  
24 because he has on a pink shirt, and when he said pink, we were  
25 standing where Dakota's body was found is the trees. We were

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1 standing on the paved part where the car is parked and we  
2 happened to glance up and Dakota was laying there.

3 Q. Okay. So you're standing on the paved area?

4 A. Yes, sir.

5 Q. Okay. And what happened?

6 A. Officer Smith --

7 Q. You don't have to go into what people said.

8 A. Okay. So they were gonna call off the search and  
9 start it again the next day, but we ended up glancing up and  
10 Dakota's body was up under the tree right there.

11 Q. So in looking at this picture here, whose car do you  
12 see in that picture?

13 A. Jordan Thomas.

14 Q. Can you tell me what color that car is?

15 A. White.

16 Q. And where, looking at this picture, where was  
17 Dakota's body found?

18 A. In the - where Jordan Thomas' car is parked is the  
19 pavement and in front of Jordan Thomas' car you can see the  
20 little gray looking car which is Vanessa's, on the left side  
21 of Vanessa's car maybe a hundred feet in the woods Dakota was  
22 laid up against the tree.

23 Q. Would law enforcement let you go back there?

24 A. No, sir.

25 Q. At that point did you know what had happened to

1 Dakota?

2 A. No, sir.

3 Q. What did y'all do after Dakota's body was found?

4 A. We went home.

5 Q. Okay. Did you do anything that night?

6 A. We went -- Well, we went to little Gabe's  
7 girlfriend's house.

8 Q. Why did you go there?

9 A. To ask little Gabe did he know of anybody or  
10 anything that could have happened to Dakota.

11 Q. Okay. And who went there?

12 A. Me, Vanessa Boulware, Dasha, Donte and Kahlo.

13 Q. Okay. And what happened when y'all arrived at  
14 little Gabe's girlfriend's house?

15 A. Little Gabe came outside and started telling us that  
16 other people, that someone was following Dakota. Dakota said  
17 somebody was following him, but he didn't see nobody and he  
18 didn't know what happened to him, that the last he heard  
19 Dakota said he was going to Edgefield.

20 Q. And then what did little Gabe do?

21 A. He told us to hold on a minute, he would be right  
22 back.

23 Q. Where did he go?

24 A. I don't know because I left. I got scared.

25 Q. Okay. All right. You stated the night before you

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- 1 called little Gabe's mom?
- 2 A. I did.
- 3 Q. Her name is?
- 4 A. Sabrina Curry.
- 5 Q. What's her phone number?
- 6 A. [REDACTED]-9687.
- 7 Q. At this time was Calhoun's phone number
- 8 [REDACTED]-8503?
- 9 A. It was.
- 10 Q. Can you tell me Sabrina Curry's address?
- 11 A. [REDACTED] Mount Zion.
- 12 Q. What was the address for the Dollar General?
- 13 A. The Dollar General?
- 14 Q. Yes. Where you work. Is it 195 Marketplace
- 15 Drive?
- 16 A. Marketplace Drive, yes, sir.
- 17 Q. I'm gonna show you what's been marked for State's ID
- 18 number 16 at this time.
- 19 A. Yes, sir.
- 20 Q. Can you tell me what your phone number is?
- 21 A. [REDACTED]-8898.
- 22 Q. And Kahlo's?
- 23 A. [REDACTED]-8503.
- 24 Q. And how about Sabrina Curry.
- 25 A. [REDACTED]-9667.

1 Q. What's the area code on Sabrina Curry's?

2 A. On Sabrina's it's 706.

3 Q. So that number again?

4 A. [REDACTED]-9667.

5 Q. After your son left the Dollar General shortly  
6 before 4:00, did you ever see him again?

7 A. I did not.

8 Q. I'm gonna show you what's been marked as State's  
9 Exhibit number 52. Do you recognize that photo?

10 A. I do.

11 Q. Can you tell me how you recognize that photo?

12 A. That's Gabe Curry in my car.

13 Q. At what time?

14 A. 4:28.

15 Q. At any point did Gabe Curry have permission to drive  
16 your car?

17 A. No, sir.

18 Q. Would Dakota have let him drive your car?

19 A. No, sir.

20 Q. I'm gonna show you what's been marked for ID as  
21 State's Exhibit number 62. Do you recognize this photo?

22 A. I do.

23 Q. How do you recognize it?

24 A. That's Gabe Curry looking at the front end of my  
25 car.

ANGELA BARGERON - DIRECT BY MR. DRYLIE

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1 Q. Okay. Is Dakota Calhoun anywhere in that photo?

2 A. No, sir.

3 Q. In the previous photo that we looked at, was Dakota  
4 Calhoun in that photo?

5 A. No, sir.

6 Q. Okay. Once again, did Gabe Curry have permission to  
7 have your car at that point?

8 A. No, sir.

9 Q. Can you tell me how long it took you to drive from  
10 your house to your work?

11 A. Maybe five minutes at the most.

12 Q. How many vehicles did y'all have at the time?

13 A. Well, at the time we had my car, an SUV that my  
14 husband drove to work, Jordan's car and Dakota actually had a  
15 red truck but it wasn't driveable.

16 Q. Okay. And who regularly drove your car?

17 A. Me, Jordan Thomas or Dakota Calhoun.

18 Q. Okay. Was Dakota left-handed or right-handed?

19 A. Dakota was left-handed.

20 Q. Before you went to the car dealer, or went you went  
21 to Gordon Highway, did you go anywhere else?

22 A. I did.

23 Q. Where did you all go?

24 A. The American, something Hearth Inn, Country Hearth  
25 Inn, American Hearth Inn.

1 Q. What did y'all do there?

2 A. Went to speak with a guy named Jobi or - I forget  
3 his name. We called him Jobi.

4 Q. Why did y'all go there?

5 A. To see if he had saw Dakota.

6 Q. At any point did you tell Gabe that the car had a  
7 flat tire?

8 A. No, sir. I didn't.

9 Q. At any point did you tell Gabe that someone was  
10 following them?

11 A. No, sir.

12 Q. When did you learn how Dakota was killed?

13 A. The next morning and up here at Edgefield County the  
14 autopsy, the coroner, the coroner came in and spoke to me up  
15 here the next afternoon and told me how it happened.

16 Q. How was Dakota killed?

17 A. Gunshot wound to the back of the head.

18 Q. When you spoke with Jobi on Gordon Highway, did you  
19 learn anything?

20 A. I didn't. I mean, I know that he saw him but --

21 MR. CHEHOSKI: Objection, Your Honor. Again,  
22 hearsay.

23 MR. DRYLIE: Withdraw. Please answer any questions  
24 from the defense.

25 CROSS EXAMINATION

ANGELA BARGERON - CROSS BY MR. CHEHOSKI

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1 BY MR. CHEHOSKI:

2 Q. Good afternoon, Ms. Bargeron.

3 A. Good morning.

4 Q. Sorry we have to meet under these circumstances. I  
5 just have a couple of questions for you. Are you aware of any  
6 conflict between Gabriel Curry and Dakota?

7 A. No, sir.

8 Q. Are you aware if Dakota had a driver's license?

9 A. Dakota didn't have a driver's license.

10 Q. And before October 9th, 2018, do you remember when  
11 is the last time Dakota had seen Gabe?

12 A. No, sir.

13 MR. CHEHOSKI: That's all I have.

14 THE COURT: Any redirect?

15 MR. DRYLIE: No redirect.

16 THE COURT: Any objection to this witness being  
17 excused?

18 MR. DRYLIE: No objection.

19 MR. CHEHOSKI: None from the defense.

20 THE COURT: All right. This witness can be excused.

21 MR. DRYLIE: The State calls Jordan Thomas.

22 Thereupon,

23 JORDAN THOMAS

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

25 THE CLERK: Please have a seat. Once you're seated,

1 state your full name spelling your last please.

2 THE WITNESS: Alison Jordan Thomas, T-h-o-m-a-s.

3 DIRECT EXAMINATION

4 BY MR. DRYLIE:

5 Q. Good morning, Ms. Thomas.

6 A. Good morning.

7 Q. Can you tell me how you knew the Calhoun family?

8 A. Uhm, I was with Kahlo Calhoun for 10 years.

9 Q. Do y'all have any children together?

10 A. Yes. We have two.

11 Q. What are your children's names?

12 A. K.C. and D.C.

13 Q. Why is your youngest child named [REDACTED]?

14 A. After his late uncle.

15 Q. Okay. Tell me about Dakota.

16 A. He was respectful, caring, hard-working, outgoing.

17 Q. What did he like to do?

18 A. Work.

19 Q. Anything else?

20 A. Spend time with his family.

21 Q. All right. If you and Dakota were going somewhere,  
22 who would drive?

23 A. Me.

24 Q. Would Dakota often drive? Did Dakota like to  
25 drive?

JORDAN THOMAS - DIRECT BY MR. DRYLIE

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1 A. He liked to drive. Yes.

2 Q. Okay. Going back to the last day that you saw  
3 Dakota, was he excited about anything that day, do you  
4 remember?

5 A. Uhm, not really too much excited about anything. He  
6 didn't want to sit at home all day by himself.

7 Q. What did y'all do that day?

8 A. We got up, went to Dollar General. He asked his mom  
9 if he could borrow the car, then I left him at Dollar  
10 General.

11 Q. Okay. Did you take him there?

12 A. Yes, sir.

13 Q. Who all was with you all?

14 A. Just me and him.

15 Q. Okay. I'm gonna show you what's been marked as  
16 State's Exhibit 19. Can you tell me whose car that is?

17 A. Mine.

18 Q. Okay. And that was in the afternoon of the last  
19 time you saw Dakota?

20 A. Yes.

21 Q. In this picture, I know it's kind of grainy and hard  
22 to see, but can you tell me who is in that photo?

23 A. Dakota Calhoun.

24 Q. Okay. And is someone handing him something?

25 A. Yes. It's me.

- 1 Q. Okay. What are you giving him?
- 2 A. Money for something to drink.
- 3 Q. And that was the afternoon you took Dakota up to  
4 borrow his mom's car?
- 5 A. Yes.
- 6 Q. Who is in this photo?
- 7 A. Me and his mom Angela.
- 8 Q. What did you do after you took Dakota to Dollar  
9 General that day?
- 10 A. I went home to get ready for work.
- 11 Q. Okay. And where did you work?
- 12 A. At Dollar General in Clearwater.
- 13 Q. Was it the same store as Angela or no?
- 14 A. No.
- 15 Q. How come?
- 16 A. We're not allowed to be at same location because  
17 we're family members.
- 18 Q. What time do you remember you had to be at work that  
19 day?
- 20 A. Between 3:30 and 4:00.
- 21 Q. Okay. After Dakota left Dollar General that day,  
22 did you see him again?
- 23 A. Yes.
- 24 Q. Where did you see him?
- 25 A. On Country Club Hills Drive heading home I

JORDAN THOMAS - DIRECT BY MR. DRYLIE

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1 suppose.

2 Q. I'm going to show you what's been marked for  
3 evidence as State's 66 and 67. Do you recognize these  
4 photos?

5 A. Yes.

6 Q. Can you look at both of them?

7 A. (Witness complies.) Yes.

8 Q. How do you recognize those photos?

9 A. One of them is the address that we lived and one of  
10 them is the bridge that I passed Dakota on going toward that  
11 afternoon.

12 MR. DRYLIE: At this time we offer State's 66 and 67  
13 into evidence?

14 MR. CHEHOSKI: No objection.

15 THE COURT: So moved.

16 BY MR. DRYLIE:

17 Q. Publishing State's 66, what road is this?

18 A. Country Club Hills Drive.

19 Q. You talked a second ago about seeing Dakota that  
20 afternoon. Tell me about that.

21 A. Uhm, so whenever I pulled out of the driveway, I had  
22 to go to the left to get to Clearwater because North Augusta  
23 is right.

24 Q. Pull the microphone down and speak up just a little.

25 A. Sorry. Whenever we leave to drive to go to work, we

1 always go right so I had to go toward Gregory Lake and I  
2 passed them coming toward me from Gregory Lake.

3 Q. When you say you passed them, who did you pass?

4 A. Little Gabe and Dakota.

5 Q. Who was driving that car?

6 A. Dakota.

7 Q. What car were they in?

8 A. Angie's gold car.

9 Q. Okay. And looking at this, looking at this map, do  
10 you recognize where your house is on there, where the house  
11 y'all lived in in 2018 is?

12 A. Not from this angle.

13 Q. You can't. Okay. Well, when you passed them, where  
14 did you pass them at?

15 A. On Country Club Hills going over the bridge.

16 Q. Right before you get to the bend?

17 A. Yes.

18 Q. Did they do anything?

19 A. They slowed down and beeped their horn at me.

20 Q. Why did they do that?

21 A. I'm not sure. I slowed down to actually see what  
22 they wanted, but then I realized I was already late for work.  
23 I kept going.

24 Q. Was that the last time that you saw Dakota?

25 A. Yes.

JORDAN THOMAS - DIRECT BY MR. DRYLIE

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1 Q. I'm going to show you what's been marked as State's  
2 52. Can you tell me if you recognize that picture and what  
3 you recognize about that picture?

4 A. Angela's car and little Gabe's arm.

5 Q. You said Angela's car and little Gabe is driving  
6 it?

7 A. Yes.

8 Q. Do you see Dakota anywhere in that photo?

9 A. No.

10 Q. I'm gonna show you what's been marked as State's  
11 Exhibit 62. Do you recognize that photo and how do you  
12 recognize it?

13 A. Also the same, Angela's car and little Gabe.

14 Q. Okay. Do you see Dakota anywhere in that photo?

15 A. No. Not even in the window.

16 Q. Would Dakota let other people drive Angela's car?

17 A. No.

18 Q. Why not?

19 A. Uhm, he liked to drive and he's responsible for that  
20 car. He wouldn't let nobody mess it up for him.

21 Q. Okay. Tell me what you did that night, the night  
22 that Dakota went missing.

23 A. So I got off work. Uhm, Angela had let me know that  
24 nobody had still picked her up from work, so I had to close my  
25 store in Clearwater and I went to her store and picked her up

1 and we went home.

2 Q. What did y'all do?

3 A. We sat around, waited, tried to call and see, Dakota  
4 actually had her cell phone also so we tried to blow the phone  
5 up to see if we could get in touch with him. There was no  
6 call back and the phone died that night.

7 Q. What did you do the next morning?

8 A. We got up the next morning, I went to work.

9 Q. Okay. At some point did you leave work?

10 A. Yes.

11 Q. Why did you leave work?

12 A. Because Angela had called me and said that she went  
13 to the car dealership and they pinged the car to somewhere off  
14 of Highway 25 and she wanted me to meet her there.

15 Q. So what did you do next?

16 A. Uhm, I left work. I got in touch with his brother  
17 Kahlo Calhoun, went to his new job at Shaw off exit 21, picked  
18 him up, he went, we all went to Sandy Springs Road.

19 Q. Did y'all see the car?

20 A. Yes. By itself.

21 Q. What was the condition of the car?

22 A. It was wrecked. It had a mound of dirt stuck under  
23 the fender where it might have been run up the embankment.

24 Q. Where was the car located?

25 A. Off of a dirt road going into power lines.

JORDAN THOMAS - DIRECT BY MR. DRYLIE

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1 Q. So what did y'all do after you found the car?

2 A. We got out on foot and tried to find anything out  
3 there that may have seemed suspicious or may have led up to  
4 that.

5 Q. Were you looking for Dakota?

6 A. Yes.

7 Q. Who was with you?

8 A. Kahlo Calhoun.

9 Q. What was Kahlo and Dakota's relationship?

10 A. The closest I've ever seen two brothers.

11 Q. After you didn't find Dakota anywhere, what did you  
12 and Kahlo do?

13 A. We actually left. The investigator said that they  
14 were gonna bring the helicopter out, so we left to go to  
15 Sprint to get something to drink while we wait. By the time  
16 we got half way there, they already called us and said they  
17 found him. We turned right back around and went right back to  
18 Sandy Springs.

19 Q. Did you go anywhere before that?

20 A. Yes. To little Gabe's girlfriend's house.

21 Q. Why did you go there?

22 A. Because, uhm, Edgefield said they wanted to check to  
23 do, or to see if they had heard from him or seen him and we  
24 went there to see if the story matched up. So whenever we got  
25 there, the girlfriend said he wasn't home. He came out the

1 door behind her and said that was his cousin that was found.

2 Q. Okay. Where did the three off y'all go next?

3 A. Back to the crime scene.

4 Q. Okay. After you all found Dakota's body, what did  
5 y'all do that night? Did you go anywhere that night?

6 A. To his mom's house, to little Gabe's mom's house  
7 Sabrina.

8 Q. Why did y'all go there?

9 A. Just to see if we could figure out what was going  
10 on. We didn't, still didn't have a clear answer. Everything  
11 was still up in the air.

12 Q. Who was with y'all?

13 A. Me, Angela, Kahlo, their brother Donte and  
14 Vanessa.

15 Q. What happened when you got to little Gabe's house  
16 that night?

17 A. Gabriel's car was there and he was acting kind of  
18 weird, kind of skiddish a little bit, he walked away from the  
19 car window and we just felt like it was a good time for us to  
20 go. We wasn't comfortable sitting there waiting on him to  
21 come back.

22 Q. At that point did y'all know how Dakota had been  
23 killed?

24 A. No.

25 Q. Okay. Did anyone tell little Gabe that he had been

JORDAN THOMAS - CROSS BY MR. CHEHOSKI

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1 run over by a car?

2 A. No. Not that I know of.

3 Q. Looking at this photograph right here, can you tell  
4 me if your car is located in that picture?

5 A. It is.

6 Q. Which car is it?

7 A. The white one.

8 Q. Do you know where they found Dakota?

9 A. Right on the other side.

10 Q. Were you ever able to see the body? Were you able  
11 to see the body that afternoon?

12 A. No.

13 Q. Was it secured?

14 A. Yes.

15 Q. Were the police letting anyone back there?

16 A. No.

17 MR. DRYLIE: Please answer any questions that Mr.  
18 Chehoski has.

19 THE WITNESS: Yes, sir.

20 THE COURT: Cross.

21 CROSS EXAMINATION

22 BY MR. CHEHOSKI:

23 Q. Do you know if Dakota had a driver's license?

24 A. Yes, sir.

25 Q. He did?

1 A. Yes, sir.

2 Q. You testified that you saw the car on Country Hills  
3 Club Road?

4 A. Yes, sir.

5 Q. And I really, because I had trouble hearing you, you  
6 said that they were coming around the bend?

7 A. They were - it's a little bit after - right before  
8 it, whenever we was going over the bridge.

9 Q. Were y'all going in the same direction or opposite  
10 directions?

11 A. Opposite.

12 Q. Opposite directions. Did they beep their horn at  
13 you?

14 A. Yes.

15 MR. CHEHOSKI: No further questions.

16 MR. DRYLIE: No redirect.

17 THE COURT: All right. Any objection to this  
18 witness being excused?

19 MR. DRYLIE: No objection.

20 MR. CHEHOSKI: No.

21 THE COURT: This witness may now be excused. At  
22 this time it's 12:45. We'll break for lunch. Ladies and  
23 gentlemen of the jury, please be back here at 1:45. I  
24 want to remind you again that you are not to attempt to  
25 do research or have any type of discussion about this

TODD SCHENK - DIRECT BY MS. FULLER

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1 State, one of whom is the, they both work for SLED, one  
2 of whom is the one who did the comparison on the gun that  
3 we discussed during pretrial.

4 THE COURT: All right. Let's get started then. Any  
5 matters to address before we bring in the jury?

6 MR. DRYLIE: Nothing from the State.

7 MR. CHEHOSKI: The defense is ready.

8 THE COURT: All right. Bring the jury back in  
9 please.

10 (Whereupon, the jury entered the courtroom at 1:50  
11 p.m.)

12 THE COURT: The State will call its next witness.

13 MS. FULLER: Thank you, Your Honor. The State calls  
14 Todd Schenk.

15 Thereupon,

16 TODD SCHENK

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

18 THE CLERK: Please have a seat. Once you're seated,  
19 state your full name spelling your last please.

20 THE WITNESS: Todd Schenk, S-c-h-e-n-k.

21 DIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. I apologize. I said Schenk.

24 A. That's okay.

25 Q. Todd, can you introduce yourself to the jury? Where

1 are you currently employed?

2 A. I work for the South Carolina Law Enforcement  
3 Division commonly referred to as SLED.

4 Q. What do you do at SLED?

5 A. I'm a lieutenant with the crime scene investigation  
6 unit. I'm a crime scene investigator. Our job is to respond  
7 all over the state to assist the local sheriffs and local  
8 municipalities with any type of forensic need they may have.

9 Q. How long have you been employed by SLED?

10 A. A little over eight and a half years now.

11 Q. How long have you been with the crime scene  
12 investigation unit?

13 A. A little over eight and a half years now.

14 Q. Jumping right into this case, we are here on the  
15 case of State versus Gabriel Curry. It's SLED lab number  
16 L1814929. Were you involved in this case?

17 A. I was.

18 Q. Can you describe to the jury what was your  
19 involvement?

20 A. We received a call for assistance from the Edgefield  
21 County Sheriff's Office in reference to a homicide they had so  
22 myself, my partner at the time Dalila Jazic who was my  
23 trainee. She's married now. We both responded to Edgefield  
24 on the 10th it was to show up, document and help the Sheriff's  
25 Office with the examination of the crime scene.

1 Q. Just to be clear, this is October 10th of 2018 that  
2 we are referring to?

3 A. It was.

4 Q. Is it common for agencies to reach out to the SLED  
5 crime scene to come out and assist in their investigation?

6 A. It is.

7 Q. How common is that?

8 A. I have been, in the eight and a half years since  
9 I've been with SLED, I've been on a little over 460 crime  
10 scenes so it's quite often where we're called by a local  
11 agency.

12 Q. Is that across the State of South Carolina?

13 A. It is border to border.

14 Q. Can you explain to the jury generally, I know people  
15 watch this on TV, but in real life when you approach this type  
16 of crime scene or crime scenes in general, what exactly are  
17 you tasked with doing?

18 A. Sure. So our main job is to break the scene down.  
19 When we first show up, our job is to meet with local  
20 investigators, find out if anything has changed from the  
21 initial information we were given. We all respond out of  
22 Columbia. Sometimes there's an hour difference from when we  
23 get the call and when we get to the scene. We check and see  
24 if anything has changed information wise. Once we do or get  
25 our initial information, we do what's called a walk through so

1 we walk through the scene, kind of see what we're dealing  
2 with, what information is available to us right offhand.  
3 We'll then take our camera and we'll document the scene with  
4 photographs and there's different photography techniques that  
5 we use to show kind of the general area where things are or  
6 where pieces of evidence are within the scene. Once that's  
7 documented, we'll do other things like a diagram or a sketch,  
8 we'll take measurements, sometimes GPS coordinates, we will do  
9 evidence collection of anything we find at the scene that we  
10 deem pertinent to the case and so then really we're just  
11 there to help provide forensic expertise to local  
12 investigators.

13 Q. In this case you mentioned you were there with a  
14 trainee that day. Were you her training officer?

15 A. I was.

16 Q. Is it typical for two crime scene investigators to  
17 arrive on a scene?

18 A. We try to run at least two, sometimes we do more,  
19 but on average it's myself and a partner or in this case  
20 myself and my trainee.

21 Q. Typically and in this case are you guys working side  
22 by side when you're processing, collecting, doing everything  
23 you described that you do at a crime scene?

24 A. It is. Yes.

25 Q. And some of those things that you described would

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1 include taking photographs or collecting evidence; is that  
2 correct?

3 A. Yes.

4 Q. And for the purpose of this case were you present  
5 for the collection and/or collected evidence yourself?

6 A. Yes.

7 Q. In terms of the photographs taken, would you have  
8 been present for or taken the photographs yourselves?

9 A. Yes.

10 Q. Do you recall if you took the photographs in this  
11 case?

12 A. I did.

13 Q. You indicated that you receive information from law  
14 enforcement prior to arrival on the scene and for the purposes  
15 of you processing the scene, your investigation, what  
16 information did you note prior to arriving?

17 A. Very little. We were told that they had located the  
18 victim in the woods and that he had a possible gunshot wound  
19 to the back of the head and that was pretty much all the  
20 information we were provided with.

21 Q. Do you recall the location?

22 A. It was in a wooded area off of, if I may refer to my  
23 notes, it was off of Sandy Springs Road. It was a wooded area  
24 off of Sandy Springs Road.

25 Q. And that is in Trenton in Edgefield County?

1 A. Yes, ma'am.

2 Q. And that is the location of where you indicated the  
3 victim, Dakota Calhoun, the location where his body was  
4 found?

5 A. Yes, ma'am.

6 Q. And you mentioned that you take GPS coordinates.  
7 I'm gonna hand you what's already in evidence as State's  
8 Exhibits 4, 5 and 6 I believe and have you look at these  
9 exhibits.

10 MS. FULLER: Your Honor, permission to approach the  
11 witness? I'm sorry.

12 THE COURT: Yes.

13 MS. FULLER: Thank you.

14 BY MS. FULLER:

15 Q. Do you recognize those images?

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

17 Q. Do you also see GPS coordinates on there as well?

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

19 Q. Can you describe to the jury, I'll publishing now  
20 State's 4 just for reference, and I'll ask you questions about  
21 it. Okay. This is State's 4. There's a laser pointer up  
22 there. If you can point out to the jury where the GPS  
23 coordinates are. There it goes. Okay.

24 A. Thank you.

25 Q. Let me center this exhibit. This is State's 4 we're

1 still looking at. Can you point out to the jury where the GPS  
2 coordinates are.

3 A. Yes, ma'am. So if you see these yellow pins, those  
4 digits afterwards are the GPS coordinates that we took for the  
5 victim.

6 Q. Describe to the jury, this is an aerial map,  
7 correct?

8 A. Yes.

9 Q. What type of aerial are we looking at here?

10 A. This is, in photography we call it an overall trying  
11 to show exactly where things are in the broadest of terms so  
12 in this map as you can see, this is the GPS coordinates of the  
13 victim. This is the wooded area where he was located. And  
14 then this would be Sandy Springs Road. This is Mount Zion  
15 Road, and then this is Edgefield, I believe, Highway.

16 Q. Thank you. And then now going to State's 5, if you  
17 can do the same thing, orient the jury with where the GPS  
18 coordinates are located and describe to the jury what they're  
19 looking at as well.

20 A. Yes, ma'am. So up in the same general vicinity,  
21 that's wood line and the GPS coordinate of the victim. This  
22 is Sandy Springs Road. This Mount Zion. This is what we  
23 would call a mid range for evidence establishing kind of.  
24 It's not completely far out, but we're trying to work our way  
25 into the evidence to show you where the evidence is within the

1 scene.

2 Q. And then looking at State's 6, can you go ahead and  
3 explain that to the jury as well.

4 A. Yes, ma'am. This would again be, or this would be  
5 more of a close-up photograph. This is the evidence marker.  
6 This is the marker of the victim and the GPS coordinates.  
7 This is the wood line we were in and then this is Sandy  
8 Springs Road.

9 Q. And in terms of the GPS coordinates, how do you  
10 actually obtain those coordinates?

11 A. So if you see an officer walk around with a radio on  
12 their belt, we carry a hand held radio that gives us GPS  
13 coordinates that are fairly accurate and that's what we use.  
14 Instead of using an iPhone, we use our radio.

15 Q. And the hand held is just simply -- Do you have it  
16 with you?

17 A. I don't. It's in the truck. It's just a simple  
18 walkie talkie that most police officers carry you see.

19 Q. Looking at what's also in evidence as State's 3, if  
20 you can orient the jury as well, does this also accurately  
21 reflect what you just described but without the GPS  
22 coordinates?

23 A. Yes, ma'am. It does.

24 Q. Can you point out for the jury where the GPS  
25 coordinates would be?

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1           A.    They would be right here in this wooded area under  
2   the star.

3           Q.    And can you publish the address associated with the  
4   GPS coordinates?

5           A.    243 Sandy Springs Road.

6           Q.    And based on your notes or recollection, do you  
7   recall approximately how far in was Dakota Calhoun's body  
8   located in the wooded area?

9           A.    Yes, ma'am.   So we took a measurement while we were  
10   on scene.   So we took a measurement from the location of the  
11   victim and right here there's some shadow, but there was a  
12   paved section that came off of Sandy Springs Road so from the  
13   victim to this area here was 81 feet.

14          Q.    And from that paved area you're describing, are you  
15   able to see the deceased body of Dakota Calhoun?

16          A.    I don't remember off the top of my head.

17          Q.    Okay.   We'll go through photographs.   I'm gonna hand  
18   you now what's been premarked as State's Exhibit 69 through 79  
19   that's previously been shown to defense counsel and have you  
20   review it one by one and then I'll ask you some questions.

21          A.    (Witness complies.)   Yes, ma'am.

22          Q.    And do you recognize State's Exhibits 69 through  
23   79?

24          A.    I do.

25          Q.    How do you recognize them?

1           A.    These were the photographs that I took during our  
2 investigation.

3           Q.    And in the investigation, we're talking about this  
4 case here?

5           A.    Yes, ma'am.

6           Q.    And this was on October 10th of 2018?

7           A.    That is correct.

8           Q.    And do they fairly and accurately represent the  
9 scene on that day?

10          A.    Yes, ma'am.

11          Q.    Do these photographs appear to be altered in any  
12 way?

13          A.    No, ma'am.

14               MR. DRYLIE: Your honor, at this time the State  
15 seeks to introduce State's Exhibits 69 through 79 into  
16 evidence.

17               THE COURT: Any objection?

18               MR. CHEHOSKI: No objection.

19               THE COURT: So moved.

20               MS. FULLER: Thank you, Your Honor.

21 BY MS. FULLER:

22           Q.    Publishing, looking at State's 69, if you can go  
23 ahead and describe for the jury what they're looking at here.

24           A.    Yes, ma'am. So this is one of our overall  
25 photographs where we're trying to show the area of the crime

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1 scene. From this photograph I'm standing on Sandy Springs  
2 Road looking down the paved road. The wood line the victim is  
3 located in is on the left side.

4 Q. And then just for orientation purposes, looking back  
5 at State's Exhibit 6, can you point out to the jury when you  
6 say left side?

7 A. Yes, ma'am. So this is the paved road we were just  
8 looking at in the photograph. The victim is over here in this  
9 wooded area.

10 Q. Just so it's clear also on the record, State's  
11 Exhibit 69 is generally on the right side of Sandy Springs  
12 Road; is that correct?

13 A. That is correct.

14 Q. And then down in this path area that you can't  
15 really see because of the woods, that's what you're describing  
16 there?

17 A. Yes.

18 Q. And so looking back at State's 69, that would be the  
19 road that you couldn't see on that map and then the victim,  
20 his body is to the left off that road; is that correct?

21 A. That is correct.

22 Q. Now, looking at State's 70, can you go ahead and  
23 orient the jury and describe this to the jury as well.

24 A. Yes, ma'am. So this is further up Sandy Springs.  
25 My back is to Sandy Springs Road. This is still looking down

1 that same path we just saw and then the victim would be on the  
2 left side of this road.

3 Q. Another orientation of the photo for the jury,  
4 State's 71, if you can describe that to the jury.

5 A. Yes, ma'am. So this is that paved road we were just  
6 looking at. This is to my right. Sandy Springs is running up  
7 on my left side and the victim is in the woods, those woods  
8 that you're looking at right there in that photograph.

9 Q. Another orientation, State's 72.

10 A. This is looking down the opposite way of Sandy  
11 Springs so the paved road is to my left and the victim would  
12 be behind me towards my back left.

13 Q. Now, moving into the wooded area, looking at State's  
14 73, can you describe this to the jury?

15 A. Yes, ma'am. So this is, there was a small path that  
16 we took to get to the victim in the wood line. I'm standing  
17 on that small cut out, or excuse me, the small paved area off  
18 of Sandy Springs Road looking down towards the path where the  
19 victim would be located.

20 Q. And for orientation purposes, this is probably the  
21 last photo we're going to see of that paved road, just point  
22 it out for the jury and for the record.

23 A. Yes, ma'am. So this right here, this is the side of  
24 the paved road.

25 Q. And that's the same paved road you were referring to

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1 in the previous exhibit, correct, looking back at, for  
2 example, State's 71.

3 A. Yes, ma'am. That is.

4 Q. Looking at State's 74, I'm not sure if it's gonna be  
5 easy to see from there, but can you orient the jury again with  
6 where you are?

7 A. Yes, ma'am. I believe this is looking down the path  
8 so the paved road would be behind me and the victim would be

9 --

10 Q. Please use the pointer and point.

11 A. And the victim would be down this area of the wooded  
12 path.

13 Q. What color that you just circled around?

14 A. I believe it was pink or red.

15 Q. So from that road you were able see through the  
16 clearing of where the body was?

17 A. I was. Yes.

18 Q. For orientation purposes, the distance you were  
19 standing, State's 75?

20 A. So this is walking down the path turning around  
21 trying to photograph the road to show the distance I'm going.  
22 This is down the wood path line toward the victim looking back  
23 at the original paved road off Sandy Springs Road that we are  
24 looking at.

25 Q. Looking at 76, can you describe to the jury what

1 we're looking at here?

2 A. This is further down the path, the paved road we  
3 were just, or I was just mentioning is behind me and this is  
4 the victim here in the pink reddish shirt.

5 Q. In terms of his body position and his head, can you  
6 describe the direction of his head?

7 A. Yes, ma'am. So his head is here and he's laying on  
8 his stomach this way and his feet are back this way.

9 Q. In relation to Sandy Springs Road and/or the paved  
10 road, I don't want to use the word parallel or perpendicular,  
11 but can you describe the direction in relation to those  
12 streets that his head is pointed?

13 A. Yes, ma'am. Based on this and what I remember, he  
14 was parallel with the, parallel meaning his head and feet were  
15 aligned with the paved road coming off of Sandy Springs and  
16 then Sandy Springs, he would have been almost perpendicular to  
17 with his feet being towards Sandy Springs.

18 Q. So if he were to be standing up in the same position  
19 of where his body is, his head looking forward, what would he  
20 be looking at? Would he be looking at the paved road deeper  
21 into the woods or Sandy Springs Road?

22 A. He would have been looking deeper into the woods  
23 with his back towards Sandy Springs.

24 Q. And then at an angle in relation to that paved  
25 road?

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1           A.    That paved road would have been toward his right  
2 side.

3           Q.    Looking at State's 77, is that just another  
4 orientation shot?

5           A.    Yes, ma'am.  That's showing the victim in the  
6 woods.

7           Q.    Then State's 78.

8           A.    This is a closer photo of us walking up to the wood  
9 line to the victim.

10          Q.    We have already heard testimony that the crime scene  
11 was secured.  This is where - and no one disturbed the body.  
12 Is that how you found him as well when you approached the  
13 crime scene prior to taking photographs?

14          A.    It is.

15          Q.    And he's in the same position?

16          A.    He is.

17          Q.    Was he touched or moved in any way prior to taking  
18 this photograph?

19          A.    To my knowledge, no.

20          Q.    And then last orientation shot, State's 79 where the  
21 body was located, can you describe this to the jury as well?

22          A.    Yes, ma'am.  This is trying to document from the  
23 victim towards that paved road to show the distance of the  
24 wood line he was in.

25          Q.    And you can see the paved road from there?

1           A.    Yes, ma'am.

2           Q.    When you were taking photographs and walking around  
3 these woods, what, if anything, else did you do?

4           A.    Once we documented the victim, the coroner has to be  
5 present before we do anything with the victim, so with the  
6 coroner's permission, we eventually collected fingernail  
7 scrapings from the victim and buccal swabs from him prior to  
8 leaving the scene. We also searched the area and we were able  
9 to locate a cartridge case in the woods and then we ran a  
10 metal detector to further search the area.

11          Q.    When you say cartridge case, is that a single  
12 cartridge case in this case?

13          A.    It was a single cartridge case.

14          Q.    And how would you describe the cartridge case, a  
15 description of it?

16          A.    It was a, if I may refer to my notes, it was a fired  
17 Federal .380 auto.

18          Q.    And that's a .380 you said?

19          A.    .380, that's correct.

20          Q.    I'm gonna show you now what's pre-marked as State's  
21 80 through 84 and ask you if you recognize those?

22          A.    Yes, ma'am. I do.

23          Q.    How do you recognize them?

24          A.    These are the photographs I took during that  
25 investigation of this case.

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1 Q. Do they fairly and accurately represent the images  
2 shown in the photograph?

3 A. Yes, ma'am. They do.

4 Q. Do those photographs appear to be altered in any  
5 way?

6 A. They do not.

7 MS. FULLER: At this time, Your Honor, the State  
8 seeks to introduce State's Exhibits 80 through 84 into  
9 evidence.

10 THE COURT: Any objection?

11 MR. CHEHOSKI: No objection.

12 THE COURT: So moved.

13 MS. FULLER: Thank you, Your Honor.

14 BY MS. FULLER:

15 Q. Publishing, looking at State's 80, can you describe  
16 to the jury what we're looking at in this area?

17 A. Yes, ma'am. So instead of using the tent markers  
18 that you see sometimes on TV, on TV shows that has the number  
19 1 and number 2, when it comes to working in the woods, using  
20 flags are a little bit easier to identify so this flag is  
21 marking the cartridge case and this photo is also showing the  
22 difference of where this cartridge case is in relation to  
23 where the victim was located.

24 Q. And the area that you're circling is where Dakota  
25 Calhoun's body was located, what is that? How are you able to

1 identify that that's where his body was if it's not in the  
2 photograph?

3 A. If you look at the photograph closer, you can see  
4 that this is where his head was because of the blood that was  
5 left on the ground.

6 Q. And that that's top portion up here. Can you point  
7 that out again.

8 A. Yes. It was right here.

9 Q. And then the flag is where the cartridge case was  
10 located?

11 A. That is correct.

12 Q. And then his head would have been angled but turned  
13 towards the woods?

14 A. His head was here and I believe from this his body  
15 was this way.

16 Q. Okay. And so in relation to his head and the  
17 cartridge case, what you're describing as the cartridge case I  
18 guess off to the right slightly at an angle behind from his  
19 head --

20 A. Yes, ma'am.

21 Q. -- where his body would have been?

22 A. Yes, ma'am.

23 Q. Again, for the record and for the jury, can you  
24 describe where the angle of his body would have been?

25 A. It would have been in this position here.

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- 1 Q. With his feet --
- 2 A. Towards me.
- 3 Q. Okay. How were you able to locate the cartridge  
4 case?
- 5 A. Honestly, I was walking through the woods, I looked  
6 at him, I saw it. We didn't even use the metal detector, just  
7 ' kind of a lucky spot.
- 8 Q. Looking at State's 81, another angle, if you would  
9 describe this going into the images, going into the item  
10 you're photographing?
- 11 A. Yes. A mid range evidence establishment shot.
- 12 Q. A mid range evidence establishment shot. And then  
13 this is another establishing shot or closer range I guess at  
14 this point.
- 15 A. That's more of a close up.
- 16 Q. And can you point out to the jury where the casing  
17 is in this photograph?
- 18 A. Yes, ma'am. It's this bright silver underneath the  
19 leaf.
- 20 Q. And then another close up shot, 83, State's 83?
- 21 A: Right here. That's the cartridge case.
- 22 Q. And then looking at State's 84.
- 23 A. That's the head stamp of the cartridge case.
- 24 Q. That's the .380 that you collected at the crime  
25 scene?

1 A. That is correct.

2 Q. You testified that before you collected any physical  
3 evidence from Dakota Calhoun's body, you had to wait for the  
4 coroner, is that just standard procedure?

5 A. It is.

6 Q. And prior to collecting that physical evidence, did  
7 you photograph the body close up?

8 A. We did.

9 Q. I'll show you now -- I'm approaching you and handing  
10 you State's 85 through 89.

11 (Side bar off the record.)

12 BY MS. FULLER:

13 Q. I'm gonna hand you now what's been pre-marked as  
14 State's 85 through 89 and ask you if you recognize them?

15 A. Yes, ma'am.

16 MS. FULLER: Your Honor, at this time the State  
17 seeks to introduce State's 85 through 89 into evidence.

18 THE COURT: All right. I'll allow that and it's  
19 noted for the record that there is an objection that we  
20 will handle outside the presence of the jury.

21 MS. FULLER: Thank you, Your Honor.

22 BY MS. FULLER:

23 Q. Publishing but not on the doc reader. First showing  
24 you State's 85. Get a good look. I have a few questions  
25 about it.

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1 A. Yes, ma'am.

2 Q. Who is depicted in State's 85?

3 A. This would be the victim Dakota Calhoun.

4 Q. And this is the condition that you found him in that  
5 day?

6 A. It is.

7 Q. And can you describe to the jury what is he wearing?

8 A. He has a pink shirt, tan pants, or just shorts, a  
9 belt and he had black socks and like slides on his feet.

10 Q. In this photograph he appears to be wet; is that  
11 correct?

12 A. That is correct.

13 Q. When you arrived on scene, was it raining that  
14 day?

15 A. It started raining shortly after we arrived on  
16 scene.

17 Q. Okay. So he was dry when you first arrived on  
18 scene, but by the time you exposed, or took photographs it was  
19 raining?

20 A. That is correct.

21 Q. Did you have to manipulate his body in any way to  
22 get the photographs?

23 A. That one there, no, ma'am.

24 Q. Looking at State's 86, another shot, different  
25 angle, is this the same image of Dakota Calhoun?

1 A. Yes. Just a little bit closer.

2 Q. And you didn't have to touch his body or manipulate  
3 anything on his body to take this photograph, correct?

4 A. No, ma'am.

5 Q. In looking at State's 87, this is a different  
6 angle?

7 A. A little bit closer. Yes, ma'am.

8 Q. It's more so of his upper body; is that correct?

9 A. That is correct.

10 Q. And again, same question, I know it's redundant, but  
11 you didn't alter or didn't touch him to take this photograph  
12 at all?

13 A. I did not.

14 Q. You just took another different angle?

15 A. That's correct.

16 Q. Looking at 88, same testimony with regard to 88?

17 A. Yes, ma'am.

18 Q. Now, looking at 89, looking at his feet, did you  
19 have to alter, manipulate his feet in any way to take this  
20 photograph.

21 A. I did not.

22 Q. But this is the condition that he was in when you  
23 took the photograph and how he was found following the crime  
24 scene being secured based on previous testimony?

25 A. Yes, ma'am.

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1 Q. And that's the condition of his shoes and his feet  
2 where he laid, correct?

3 A. Yes, ma'am.

4 Q. Going back to State's 88, what, if anything, do you  
5 notice about his left pocket?

6 A. One of the first things we saw was that his left  
7 pocket appeared to have been pulled out or turned out.

8 Q. Now, obviously not at the time of taking of this  
9 photograph, but before your investigation was completed or  
10 your work done in this case, did you find anything in that  
11 pocket?

12 A. Not that I recall. No, ma'am.

13 Q. Were any of his pockets in this condition, any of  
14 his other pockets in this condition?

15 A. No, ma'am. They were not.

16 Q. And then in terms of his shoes, similarly this is  
17 the condition they were in? I may have asked that already.

18 A. Yes. That is how they were.

19 Q. Okay. I'm gonna show you some photographs that are  
20 pre-marked as State's 90 through 96. Well, 97. Thank you.  
21 Where they're indicating subject to previous objection.  
22 Showing you now State's 90 through 97. Take your time and  
23 look at them.

24 A. (Witness complies.) Yes, ma'am.

25 Q. Taking first --

1 THE COURT: Ms. Fuller, let me see them.

2 MS. FULLER: (Proffering.)

3 BY MS. FULLER:

4 Q. Taking separately first State's 90 through 96, did  
5 you have an opportunity prior to today to review these  
6 photographs?

7 A. I have.

8 Q. And is the crime scene captured in these photographs  
9 in a same or similar manner as the photographs while it was  
10 raining that you took?

11 A. I took when it was raining. Those appear to be  
12 prior to the rain.

13 Q. Did you have an opportunity to compare one to one  
14 these photographs in comparison to the ones that you took when  
15 it was raining?

16 A. I did.

17 Q. Does the crime scene appear to be in the same or  
18 similar condition?

19 A. It does.

20 MS. FULLER: At this time, Your Honor, the State  
21 seeks to introduce State's 90 through 97 into evidence.

22 THE COURT: I'll allow them subject to previous  
23 objection.

24 MS. FULLER: Thank you, Your Honor.

25 BY MS. FULLER:

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1 Q. Looking at State's 90, the photo here, there's no  
2 rain; is that correct?

3 A. That it correct.

4 Q. But that's the same paved road we were talking  
5 about?

6 A. That is correct.

7 Q. And that is how the road looked prior to it raining  
8 when you arrived?

9 A. Per the photograph, yes.

10 Q. Per the photograph. I apologize. Similar for 91,  
11 just another orientation shot similar?

12 A. Yes, ma'am.

13 Q. And then looking at 92, the main difference in this  
14 photograph is that it's not wet and it's not raining,  
15 correct?

16 A. That is correct.

17 Q. Then I'm gonna hand publish 93.

18 A. Yes, ma'am.

19 Q. Can you describe to the jury the difference in this  
20 photograph and your photographs?

21 A. The only difference I note is that it's not wet from  
22 rain.

23 Q. But still in the same condition?

24 A. Location, yes, ma'am.

25 Q. And the clothing is in the same position and

1 everything?

2 A. Yes, ma'am.

3 Q. Publishing, showing you first State's 94, same  
4 thing?

5 A. Yes, ma'am.

6 Q. Same testimony as it relates to State's Exhibit  
7 94?

8 A. Yes, ma'am.

9 Q. And then noting the condition of his pocket in 94 as  
10 well as 95, is that how you found it as well?

11 A. Yes.

12 Q. But just not wet?

13 A. Correct.

14 Q. Looking at State's 95 and then also another angle  
15 State's 96, same condition, same testimony, just not wet,  
16 correct?

17 A. Yes, ma'am.

18 Q. So the ran did not impact, generally did not impact  
19 the pocket being exposed the way it was?

20 A. That is correct.

21 Q. Now looking at State's 97, do you recognize this  
22 photograph?

23 A. I do.

24 Q. How do you recognize it?

25 A. This is the photograph I took once we had removed

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1 the victim from the ground and inventorying his pockets.

2 Q. In this photograph this is when after the coroner  
3 arrived on scene, correct?

4 A. That is correct.

5 Q. And publishing for the jury, can you describe to the  
6 jury what they're looking at in State's 97?

7 A. Yes, ma'am. So this would be a wallet and a Bic  
8 cigarette lighter from the right pockets of the victim.

9 Q. Okay. And in the wallet do you recall or note in  
10 your report finding any cash in there?

11 A. I do not remember finding anything in the wallet.

12 Q. And just so it's clear, this wallet was recovered on  
13 the right side, right pocket area of his pants and not the  
14 left side with the pocket kind of ballooned or butterflied  
15 out?

16 A. That is correct.

17 Q. Earlier you testified that you typically create --  
18 How about I just ask the question. Did you generate a crime  
19 scene diagram as it relates to this case?

20 A. I did.

21 Q. I'm gonna hand you what's shown as State's Exhibit  
22 98 pre-marked as State's 98. I'm gonna ask if you recognize  
23 this?

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

25 Q. How do you recognize it?

1           A.    It has my initials and this is the diagram we  
2    created from our report.

3           Q.    What is depicted on the diagram?

4           A.    This ia a Google Earth image of Sandy Springs Road  
5    and the wooded area with approximate location of the body,  
6    excuse me, the victim and the cartridge case.

7           Q.    And does this diagram also reflect your testimony in  
8    terms of the cartridge case being offset to the right to the  
9    rear of the body?

10          A.    It does.

11          Q.    And it also depicts your measurement in terms of  
12    where his body was located?

13          A.    It does.

14                MS. FULLER: Your Honor, at this time the State  
15    seeks to introduce State's Exhibit 98.

16                THE COURT: Any objection?

17                MR. CHEHOSKI: No objection.

18                THE COURT: So moved.

19                MS. FULLER: Thank you, Your Honor.

20    BY MS. FULLER:

21           Q.    Publishing 98, can you describe to the jury what I  
22    asked you and point it out for them?

23           A.    Yes, ma'am.

24           Q.    The information here.

25           A.    So these are our measurements and our measurements

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1 are approximate so the victim was approximately 81 feet from  
2 the paved road. The cartridge case was approximately 10 feet  
3 3 inches from the head of the victim. This is Sandy Springs  
4 Road. This would be the paved road we were looking at in the  
5 photographs, and this is the wooded area. This is the  
6 approximate location of the victim and then this is the area  
7 of the cartridge case.

8 Q. Okay. I'm gonna hand you a couple of items of  
9 evidence now. Do you have gloves up there?

10 A. I have gloves, ma'am.

11 Q. Okay. I believe this is gonna be marked as State's  
12 124, 125, 128, 130, 131, 132, 133, 134, 136 and 135. Do you  
13 recognize these? Go ahead, take your time and tell me if you  
14 recognize these items.

15 A. (Witness complies) Yes, ma'am. I do.

16 Q. How do you recognize them?

17 A. They have my initials, my handwriting and my seals  
18 on them and these are what I collected that day.

19 Q. And starting first, and then also on these items,  
20 are they marked by other item numbers as well?

21 A. Yes, ma'am. So we have our own item numbers when  
22 they get logged into our system at the laboratory.

23 Q. Is it safe to refer to them as SLED item numbers?

24 A. Yes, ma'am.

25 Q. And does the same SLED item number associate with

1 the same case L1814929, correct?

2 A. Yes, ma'am.

3 Q. Now, looking at SLED item 1 which is State's Exhibit  
4 124, can you describe to the jury what that is?

5 A. Yes, ma'am. This is the buccal swabs I collected  
6 from Dakota Calhoun.

7 MS. FULLER: At this time, Your Honor, the State  
8 seeks to introduce State's Exhibit 124 into evidence.

9 THE COURT: Any objection?

10 MR. CHEHOSKI: Without objection.

11 THE COURT: So moved.

12 BY MS. FULLER:

13 Q. Looking at SLED item 2 which is State's Exhibit 125  
14 and then the contents I believe by earlier stipulation as well  
15 2.1 and 2.2 which is State's Exhibit number 126 and 127 for  
16 the record, do you recognize them?

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

18 Q. How do you recognize them?

19 A. These are the fingernail scrapings we collected from  
20 the victim that day.

21 MS. FULLER: At this time, Your Honor, the State  
22 seeks to introduce State's Exhibit 125, 126, 127 into  
23 evidence.

24 MR. CHEHOSKI: I'm sorry. I didn't quite hear the  
25 identification of them.

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1 BY THE WITNESS:

2 A. These are the fingernail scrapings.

3 MR. CHEHOSKI: Okay. No objection.

4 THE COURT: So moved.

5 BY MS. FULLER:

6 Q. And these you would have been collecting after the  
7 coroner arrived?

8 A. Yes, ma'am.

9 Q. Looking at SLED item 4, 5, 6, 7 and 8, which is  
10 State's Exhibits 130 through 134 respectfully, can you  
11 describe to the jury what that is?

12 A. Yes, ma'am.

13 Q. And what is it?

14 A. These are the swabs that we collected from inside  
15 the Ford Focus.

16 Q. Okay. I'm gonna show you, showing you now State's  
17 Exhibits 8 through 13 that's already in evidence, take a  
18 moment to look through them.

19 A. (Witness complies.)

20 Q. Do you recognize them?

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

22 Q. And this is the Ford Focus you were referring to?

23 A. Yes, ma'am. It is.

24 Q. And you've indicated those are the swabs that you  
25 collected from the Ford Focus. Was that done at the crime

1 scene or a secondary location?

2 A. This is at a secondary location.

3 Q. These are the photographs that you, that you have  
4 taken for case purposes that you would have taken?

5 A. Yes, ma'am.

6 Q. Okay. And going back to the item numbers, are these  
7 the swabs that you processed while you were processing that  
8 vehicle and we'll go into detail shortly?

9 A. Yes, ma'am.

10 MS. FULLER: At this time, Your Honor, the State  
11 seeks to introduce State's Exhibits 130 through 134 into  
12 evidence.

13 THE COURT: Any objection?

14 MR. CHEHOSKI: No objection.

15 THE COURT: So moved.

16 BY MS. FULLER:

17 Q. Now, looking at SLED item 3, State's Exhibit 128,  
18 can you describe to the jury what this is?

19 A. This is the Federal .380 cartridge case.

20 Q. And that's what we described that you found at the  
21 crime scene, correct?

22 A. Yes, ma'am.

23 MS. FULLER: Your Honor, at this time the State  
24 seeks to introduce State's Exhibit 128 into evidence.

25 THE COURT: Any objection?

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1 MR. CHEHOSKI: No objection.

2 THE COURT: So moved.

3 BY MS. FULLER:

4 Q. Publishing this, can you point out to the jury where  
5 the cartridge case is?

6 A. It's this right here.

7 Q. And when you talk about the head stamp, where is  
8 that on this?

9 A. The head stamp would be on the back of the case.

10 Q. And that's what indicated to you that it was a  
11 .380?

12 A. That is correct.

13 Q. Now, looking at State's Exhibit 136, can you  
14 describe, do you recognize this and what is it?

15 A. Yes, ma'am. This is my item 11. This is the black  
16 steering wheel cover from the Ford Focus.

17 Q. When you say my item 11, you're referring to SLED  
18 item 11?

19 A. I apologize. Yes.

20 Q. Looking at State's 13, is that what's depicted in  
21 that photograph?

22 A. Around the steering wheel, yes.

23 Q. And so that cover, I know it's gonna sound dumb, but  
24 that's what you removed and that's what's collected in  
25 there?

1           A.    It is.

2                   MS. FULLER:  At this time, Your Honor, the State  
3           seeks to introduce State's Exhibit 136 into evidence.

4                   THE COURT:  Any objection?

5                   MR. CHEHOSKI:  No objection.

6                   THE COURT:  So moved.

7   BY MS. FULLER:

8           Q.    Then looking at State's Exhibit 135, do you  
9           recognize that?

10           A.   Yes, ma'am.  I do.

11           Q.    What do you recognize that as?

12           A.    This is the rear view mirror from the center of the  
13           windshield from the Ford Focus.

14           Q.    And we're talking about the same vehicle in State's  
15           8?

16           A.    Yes, ma'am.

17           Q.    What was the purpose of removing that mirror?

18           A.    So that we could bring it back to the laboratory and  
19           have our latent print department, they have a more controlled  
20           environment to collect fingerprints off of certain items that  
21           we collect to give us a better chance.

22           Q.    And unlike what we see on TV, if you had done it on  
23           scene, that would be what we would call just throwing powder  
24           essentially?

25           A.    Yes.

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1 Q. And attempting to collect prints that way?

2 A. Yes.

3 Q. So you removed the actual rearview mirror from the  
4 vehicle and submitted that into evidence?

5 A. That is correct.

6 MS. FULLER: At this time, Your Honor, the State  
7 seeks to introduce State's Exhibit 135 into evidence.

8 MR. CHEHOSKI: No objection.

9 THE COURT: So moved.

10 BY MS. FULLER:

11 Q. Talking about the car before we go back to the crime  
12 scene, what, if anything, did you note in SLED item 8 on the  
13 vehicle?

14 A. We noticed that the front driver bumper was damaged  
15 and it was kind of hanging off the front side of the car.

16 Q. And then also looking at State's 9, is that a close  
17 up of what you're describing?

18 A. This is another area so there was the mud here and  
19 then this side of the bumper was actually not attached to the  
20 vehicle.

21 Q. And are you familiar with where the vehicle was  
22 located?

23 A. From what I remember it was near the location. It  
24 was on Sandy Springs Road from what I recall, but I don't know  
25 the exact location.

1 Q. Okay. Then looking at SLED item 10, is that the  
2 bumper you were describing in the previous item?

3 A. Yes. You can see where it's not attached any  
4 longer.

5 Q. Now, looking at SLED item 2, which is State's  
6 Exhibit 125, and then just for the record 2.1 and 2.2 SLED  
7 item 126 and 127 --

8 MS. FULLER: I think they were moved into evidence.  
9 I just wanted to confirm.

10 THE COURT: 125 and 127.

11 MS. FULLER: 125, 126 and 127. If not, I want to  
12 make sure they were moved into evidence.

13 THE COURT: Yes, they were.

14 BY MS. FULLER:

15 Q. Okay. So looking at State's 125 described as  
16 fingernail scrapings of Dakota Calhoun, you just testified  
17 that they were done at the scene. What was the purpose of  
18 collecting that?

19 A. So given the very little amount of information we  
20 had, sometimes if you touch somebody, if you're riding in the  
21 same car with them, you share something with, or if there's an  
22 altercation of some kind, there's a chance that we can get  
23 someone else's fingernails - or someone else's DNA underneath  
24 your fingernails, so this was an attempt to see if anyone had  
25 come in contact with our victim at any point to see if we

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1 could get anybody's DNA underneath his fingernails.

2 Q. So is it accurate if I state that you arrived on a  
3 crime scene with unknown circumstances?

4 A. That is correct.

5 Q. Was there anything at the crime scene to suggest a  
6 struggle?

7 A. No.

8 Q. So the purpose of collecting the fingernail  
9 scrapings wasn't necessarily because there was evidence of a  
10 struggle at the scene?

11 A. That is correct.

12 Q. It was because you essentially didn't know what  
13 happened so you were just covering your bases?

14 A. That is correct.

15 Q. Same thing with SLED item 1 which is State's Exhibit  
16 124, buccal swabs from Dakota Calhoun, what was the purpose of  
17 collecting that at the scene?

18 A. So we get a DNA standard from all of our victims in  
19 case there's any type of DNA evidence that comes up in the  
20 case we have our victim's DNA for comparison purposes.

21 Q. Then now going back to State's 85, and just for the  
22 record, State's 85 is an image of Dakota Calhoun, in terms of  
23 how he was found at the scene, was there any indication, can  
24 you tell me whether or not it appeared as if his body was  
25 moved in any way?

1           A.    It did not appear so.

2           Q.    And as it relates to when he would have sustained  
3 his fatal injury, did it appear that he sustained that injury  
4 somewhere else and then was placed in the woods?

5           A.    No, ma'am.  It appeared he was shot pretty much  
6 right where he was.

7           Q.    And so essentially where he laid is essentially  
8 where he received his fatal injury?

9           A.    In that enclosed area, yes, ma'am.

10          Q.    In looking at his body, the same question as the  
11 purpose of collecting the fingernails, was there any  
12 indication of a struggle from how his body was found?

13          A.    No, ma'am.

14          Q.    Do you recall noting sunglasses on his body as  
15 well?

16          A.    Yes, ma'am.

17          Q.    Can you describe to the jury, we won't be offering a  
18 photograph, but if you can describe to the jury where his  
19 sunglasses were when you found him?

20          A.    Yes, ma'am.  Once we rolled him over when we're done  
21 documenting the back, we rolled him over to document the front  
22 side of him and his sunglasses were located around his neck  
23 almost on his chin.  They were like in this area right here  
24 just laid out here, but the ears were still kind of around his  
25 neck.

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1 Q. Okay. In terms of the relationship between where  
2 his body was, the position of his head and where the recovery  
3 of the shell casing was, was that consistent with a casing  
4 being ejected from a firearm held by someone behind Dakota  
5 Calhoun?

6 A. It's very hard to place a shooter based on the  
7 location of a cartridge case.

8 Q. Assuming stationary, that Dakota Calhoun was in the  
9 position that he was in stationary? I guess the better  
10 question is, what's the ejection path a semiautomatic  
11 weapon?

12 A. It depends on the gun.

13 Q. Okay. And of a .380, it just depends on the gun?

14 A. Yes, ma'am.

15 Q. Okay. In terms of the injury that you noted, was  
16 that consistent with someone standing behind him when he was  
17 shot?

18 A. It was.

19 MS. FULLER: Just to confirm, Your Honor, State's 97  
20 I want to confirm that I actually I moved it into  
21 evidence. State's 97 just to confirm it's admitted into  
22 evidence.

23 THE COURT: You did.

24 MS. FULLER: Okay. Thank you, Your Honor. No  
25 further questions at this time.

1 THE COURT: Cross.

2 CROSS EXAMINATION

3 BY MR. CHEHOSKI:

4 Q. Investigator Schenk, did you collect clothing as  
5 part of the crime scene investigation?

6 A. No, sir. We normally in cases like this we let the  
7 clothing go back with the victim to autopsy and then it would  
8 have been collected by in this case either the Edgefield  
9 County Sheriff's Office or the Coroner's Office. Someone else  
10 would have collected it.

11 Q. So you, according to your records, clothing was  
12 collected?

13 A. Give me one second. I did not collect clothing from  
14 what I remember.

15 Q. Okay. So you took the rearview mirror to be sent to  
16 the fingerprinting lab; is that correct?

17 A. That is correct.

18 Q. And you were not involved in the collection of  
19 fingerprints from the mirror?

20 A. That is correct.

21 Q. Were you involved in collection of fingerprints from  
22 anywhere else in the car?

23 A. No, sir.

24 Q. Not from the gear shift?

25 A. No, sir.

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1 Q. Or from the seatbelts?

2 A. That is correct.

3 Q. And you said you took the, took scrapings from the  
4 fingernails; is that correct?

5 A. That is correct.

6 Q. From both hands?

7 A. That is correct.

8 Q. And you sent that to be analyzed?

9 A. That is correct.

10 Q. You also took swabs from parts of the vehicle; is  
11 that correct?

12 A. The interior of the vehicle, yes, sir.

13 Q. The interior of the vehicle. And the purpose of  
14 taking the swabs again is possible DNA; is that correct?

15 A. That is correct.

16 Q. And DNA can be left behind even from a single touch;  
17 is that correct?

18 A. Yes. It is correct.

19 Q. And so you're taking the swabs from places that are  
20 most likely to be touched in the vehicle?

21 A. Yes.

22 Q. All right. And that would include the door  
23 handles?

24 A. We did the interior door handles, yes, sir.

25 Q. The interior door handles. The steering wheel?

1           A.    I believe we did the gear shift and I do believe we  
2           did the steering wheel. Give me one second. We did the gear  
3           shift and I swabbed the exterior side, the textured side of  
4           the rearview mirror and then we collected the wheel cover so I  
5           did not swab the steering wheel.

6           Q.    All right. You swabbed the gear shift. Swabbed the  
7           seatbelt?

8           A.    We did not swab the seatbelt.

9           Q.    And you stated that from your perspective there was  
10          no appearance that the body was moved to that location?

11          A.    It did not appear that it was dragged or anything  
12          like that there, no.

13          Q.    And you had the ability also to look for photographs  
14          for tire marks, tire marks from the car?

15          A.    We did not see anything like that. Most everything  
16          was paved around it and the only place where tire marks would  
17          be left would be in the woods.

18          Q.    The car was -- The car had -- Had the car been  
19          moved by the time you had arrived?

20          A.    Yes.

21          Q.    Were you made aware of where the car was located?

22          A.    Not that I remember. I know it was in the general  
23          vicinity and I think it was on Sandy Springs Road. The actual  
24          location of it, no, sir.

25          Q.    But if the vehicle had been on a dirt road, that

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1 would have left open the possibility that tire prints would be  
2 left behind; is that correct?

3 A. It is possible on a dirt road, yes, sir.

4 Q. And also possible that footprints could be left  
5 behind; is that correct?

6 A. Yes, sir.

7 Q. Your primary responsibility in this is to collect  
8 evidence?

9 A. That is correct.

10 Q. And you took no picture of any footprints?

11 A. Not that we saw.

12 Q. Took no pictures of any tire prints, tire tracks?

13 A. No, sir.

14 Q. And your agency SLED does have departments where  
15 they could compare footprints to known shoes; is that  
16 correct?

17 A. We do.

18 Q. And you have a department where you compare tire  
19 tracks to known tires; is that correct?

20 A. We do.

21 MR. CHEHOSKI: Thank you. That's all.

22 THE COURT: Any redirect?

23 MS. FULLER: No, Your Honor.

24 THE COURT: Any objection to this witness being  
25 excused?

1 MS. FULLER: No, Your Honor.

2 MR. CHEHOSKI: No, Your Honor.

3 THE COURT: This witness may now be excused.

4 MS. FULLER: Thank you, Your Honor.

5 THE COURT: The State call your next witness.

6 MS. FULLER: The State calls Sarah Zapata.

7 Thereupon,

8 SARAH ZAPATA

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

10 THE CLERK: Please have a seat. Once you're seated,  
11 state your full name spelling your last please.

12 THE WITNESS: Sarah Zapata, Z-a-p-a-t-a.

13 DIRECT EXAMINATION

14 BY MS. FULLER:

15 Q. Ms. Zapata, can you introduce yourself to the jury?  
16 Where are you employed?

17 A. I am employed at the South Carolina Law Enforcement  
18 Division commonly known as SLED in the DNA case work  
19 department.

20 Q. And what are your responsibilities there?

21 A. As a DNA analyst, my responsibilities include  
22 receiving evidence from evidence control, running all the  
23 evidence through our standard laboratory procedures to develop  
24 a profile, and then comparing profiles from evidence to the  
25 profile as developed from known standards from known

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1 individuals in the case, and then performing our  
2 interpretation, writing reports and also doing technical  
3 reviews of other analyst's reports.

4 Q. Can you describe to the jury what your training and  
5 education and experience is?

6 A. I have a bachelor's of science in forensic science  
7 from Pennsylvania State University and then upon employment at  
8 SLED I went through a training process under a court qualified  
9 DNA analyst for about a year and a half and that covered all  
10 of our laboratory procedures according to our laboratory  
11 protocol. It covers interpretation and statistics, writing  
12 reports, reviewing reports. I also had to attend law classes  
13 at the South Carolina Criminal Justice Academy and then every  
14 year I have to have continuing education and continuing  
15 training in the field.

16 Q. And can you describe to the jury, what is DNA?

17 A. DNA is a chemical that's found in your body. You  
18 get half from your mom and half from your dad and so  
19 everyone's DNA is going to be different with the exception of  
20 identical twins.

21 Q. And have you been offered, have you testified in  
22 court before?

23 A. Yes. I have.

24 Q. And have you been offered as an expert before?

25 A. Yes.

1           Q.    Approximately how many times have you been offered  
2 as an expert?

3           A.    About 15.

4           MS. FULLER: Your Honor, at this time the State  
5 seeks to introduce Sarah Zapata as an expert in forensic  
6 DNA analysis.

7           THE COURT: Any questions for this witness?

8           MR. MADSEN: No objection.

9           THE COURT: All right. I will qualify her as an  
10 expert witness.

11          MS. FULLER: Thank you, Your Honor.

12 BY MS. FULLER:

13          Q.    Can you go ahead and explain to the jury in terms of  
14 forensic analysis of DNA what exactly are you looking for?

15          A.    So we will take an item of evidence and try to see  
16 if DNA was left behind on that item and that can be from  
17 different body fluids or it can also be from DNA that's left  
18 behind from when someone touches an item.

19          Q.    And when we're talking about touch DNA, what is  
20 touch DNA?

21          A.    So touch DNA is the DNA from your skin cells that's  
22 left behind when you've touched something.

23          Q.    And can you explain to the jury what factors allow  
24 for DNA to actually be deposited or left behind when you touch  
25 something.

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1           A.    So touch DNA can be affected by several  
2 environmental factors. Recovery can be affected by things  
3 like sunlight or rain or other unforeseeable conditions.  
4 There are also some people that are just naturally, they shed  
5 more DNA, they leave behind more skin cells than other people.  
6 Also a person that typically handles an item more than another  
7 person, it's more common for you to find that person's DNA on  
8 an item because it's in their possession more so than a  
9 someone who touches an item just for a brief period of time.

10          Q.    Is it possible for an individual, when you talk  
11 about brief period of time, is it possible for an individual  
12 to touch a surface, for example, what I'm doing right now and  
13 not leave behind DNA?

14          A.    Yes. It is possible.

15          Q.    And again, explaining the factors and what I simply  
16 did just by touching this surface?

17          A.    Right. You maybe are not a high shedder, if you've  
18 washed your hands recently, that can all affect how much DNA  
19 you leave behind.

20          Q.    How does washing of the hands impact how much DNA,  
21 like what about that process?

22          A.    Yeah. So the DNA that you leave behind is from your  
23 skin cells, but if you've washed your hands, you may not have  
24 as many skin cells that are kind of loose to be left behind as  
25 if you hadn't washed your hands.

1 Q. Okay. As it relates to this case, SLED has SLED  
2 item, SLED lab number L1814929, did you ever have an  
3 opportunity to review the DNA case work in this case?

4 A. Yes. I was the technical reviewer for this case.

5 Q. And can you explain to the jury what SLED's process  
6 is when you indicate that you're a technical reviewer?

7 A. Sure. So every single case that is processed in the  
8 DNA case work department is worked by a person, and then their  
9 work is technically reviewed by another person so that means  
10 we look at all of their worksheets, all of the DNA profiles  
11 that they have developed, all of their interpretations, all of  
12 their statistics, and have to verify that all of the work they  
13 did is correct according to our protocols and also that all  
14 the results on the report are accurate according to the  
15 statistics that were calculated.

16 Q. And that method or that process is required prior to  
17 a report being issued in this case?

18 A. Yes. For every case.

19 Q. And as it relates to L1814929, were there DNA  
20 reports issued in this case?

21 A. Yes.

22 Q. And just showing you, if you need to reference it,  
23 just for identification purposes throughout this trial State's  
24 68 and ask you if you recognize it?

25 A. This looks like the chain of custody for L1814929.

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1 Q. That is the lab number associated on all of the  
2 evidence in this case, correct?

3 A. Right.

4 Q. Turning now to the DNA analysis, we're gonna take it  
5 one by one and then also introduce any missing DNA item not  
6 already in evidence. So already in evidence we've introduced  
7 SLED item 2, we've introduced SLED item, I apologize, 1, which  
8 is State's Exhibit 124, which you will be, which I will ask  
9 you questions about, we also have SLED item 125, 126, State's  
10 Exhibits 125, 126, 127 which is SLED item 2 and 2.1 and 2.2,  
11 and I'll hand those to you (proffering.) We're also talking  
12 about SLED item 3, which is State's Exhibit 128. Now I'm  
13 gonna hand you what's been pre-marked as State's 129 which is  
14 item 3.1. Looking at 129, do you recognize or can you  
15 identify this item which is SLED item 3.1?

16 A. It has our lab label on it for the container so I  
17 see L1814929, and then item 3.1 and then the initials of the  
18 analyst.

19 Q. Okay. And I'm just gonna display it so we can point  
20 it out to the jury as well.

21 A. It also has the date.

22 MS. FULLER: There's a label up there. I apologize,  
23 Your Honor. At this time the State seeks to introduce  
24 State's Exhibit 129 into evidence.

25 THE COURT: Any objection?

1 MR. MADSEN: Can I see it?

2 MS. FULLER: (Proffering.)

3 THE COURT: Any objection?

4 MR. MADSEN: No, Your Honor.

5 THE COURT: So moved.

6 MS. FULLER: Thank you.

7 BY MS. FULLER:

8 Q. And just explain on the package, can you describe to  
9 the jury what you described to me so you can identify that  
10 these items of evidence are associated with this case?

11 A. Sure. You will see the SLED law enforcement logo on  
12 the top of the pouch and then the lab number is that yellow  
13 label identifying the case number and then the container and  
14 then down here are the initials of the person who sealed this  
15 initially and the date that they did that. It's labeled for  
16 DNA. And then further down here it has the initials of  
17 Lieutenant Laura Hash who was the analyst on this case and the  
18 date which she sealed the package.

19 Q. Looking at other items here, is that generally the  
20 same procedure?

21 A. Yes.

22 Q. Okay. And you're able to recognize these items as  
23 going to DNA looking at this one State's 128, SLED item 3?

24 A. It's labeled for DNA touch.

25 Q. Okay. And then 3.1, can you describe to the jury

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1 when there's a .1 on a SLED item number what that indicates?

2 A. Yes. When there is a .1 or a point any other  
3 number, it just means that there is a main item that was  
4 processed and so we are taking a, we call it a sub item of  
5 that item to move forward for another kind of analysis. So in  
6 this case there was a cartridge case had stamped Federal .380  
7 auto and that was swabbed for DNA analysis and that's from  
8 that swab it became 3.1.

9 Q. Okay. And are there any results reportable on item  
10 3.1?

11 A. The result of that is a partial DNA profile which  
12 was insufficient for interpretation.

13 Q. And what does that indicate?

14 A. It just means that there is not enough DNA present  
15 in the profile to meet our interpretation guidelines.

16 MS. FULLER: Your Honor, by stipulation previously  
17 140, 141, 142. Your Honor, the State seeks to introduce  
18 140, 141, 142. For the record, 140 is SLED item number  
19 24, 141 is SLED item 26, and 142 is SLED item 27 and  
20 these are buccal swabs associated with analysis in this  
21 case.

22 MR. MADSEN: No objection.

23 THE COURT: So moved.

24 MS. FULLER: Thank you, Your Honor. This was done  
25 by stipulation.

1 BY MS. FULLER:

2 Q. I'll ask you if you recognize these items?

3 A. I can see the SLED labels for the items and then the  
4 initials of the analyst who processed them.

5 Q. And then similar, looking at State's 124 that's  
6 already in evidence and testimony about the collection, are  
7 you able to identify that those are the SLED items that were  
8 processed?

9 A. It has the SLED item number and then the analyst's  
10 initials.

11 Q. Can you published for the record what SLED item 1,  
12 State's Exhibit 124 is?

13 A. SLED item 1 is buccal swabs from Dakota Calhoun.

14 Q. Dakota Calhoun is the deceased in this case. And  
15 what exactly is a buccal swab?

16 A. A buccal swab is just a swab taken from the inside  
17 of someone's mouth and so we know the identity of that person  
18 and we use that to compare it to any profiles from evidence we  
19 develop in the case.

20 Q. When you say identity, that would be the, just so  
21 I'm clear too, that's the DNA, you were able to develop a DNA  
22 profile from that swab?

23 A. Yes. We developed a DNA profile from the evidence  
24 and then also from the buccal swab in a known standard to  
25 compare it to the evidence.

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1 Q. Okay. Similarly State's Exhibit 140, if you can  
2 publish for the record SLED item 24, who is that related to?

3 A. Item 24, buccal swabs from Gabriel Curry.

4 Q. And similar answer in terms of what it is?

5 A. Yes. Buccal swab is item 24, 26, 27 and 1.

6 Q. Okay. And then for the record, that's 140, and then  
7 for 141, State's 141, SLED item 26 who is this associated  
8 with?

9 A. Buccal swabs from Angela Bargeron.

10 Q. And looking at SLED item 27, State's Exhibit 141,  
11 who is that associated with?

12 A. Buccal swabs from Kahlo Calhoun.

13 Q. Is it safe to refer to SLED item 26 and 27 as  
14 submitted for elimination purposes or for comparison  
15 purposes?

16 A. I believe so. Yes. They were submitted for  
17 elimination.

18 Q. Starting with what would be SLED item 2, State's  
19 Exhibit 125, I have a few questions, but the main general  
20 question is were there reportable results for SLED item 2?

21 A. We broke it up into items 2.1 and 2.2. They were  
22 fingernail scrapings from Dakota Calhoun so we divided that  
23 into a right hand and a left hand.

24 Q. And SLED item 2.1 which is the right hand; is that  
25 correct?

1           A.    Yes.

2           Q.    What were the results, the general results of SLED  
3 item 2.1?

4           A.    So for item 2.1, the analyst was able to say, and I  
5 confirmed it through review, that it is interpreted as a  
6 mixture originating from three individuals, and Dakota Calhoun  
7 is contributing to the mixture which is expected because  
8 they're his own fingernail scrapings, so we're trying to make  
9 comparisons to the other individuals in that mixture and so we  
10 compare each person individually against that profile and so  
11 we do a comparison of the person who is the standard that we  
12 are trying to do the standard for, the calculation for, and  
13 also the alternate scenario that it's two unidentified  
14 unrelated individuals. We're trying to see which is a better  
15 explanation of the DNA evidence, and so the result of that  
16 comparison for Angela Bargeron, the DNA profile is  
17 approximately 3100 times more likely if Dakota Calhoun, Angie  
18 Bargeron, and an unidentified unrelated individual contributed  
19 to the mixture and that Dakota Calhoun and two unidentified  
20 unrelated individuals contributed to the mixture.

21          Q.    And so I know that's a lot so I'm gonna try to break  
22 it down. So as it relates to the fingernail scrapings of the  
23 right hand of the deceased in this case, you were able to  
24 identify, and just correct me if I'm wrong, the analyst was  
25 able to identify a mixture of three individual DNA under his

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1 fingernail, correct?

2 A. Correct. It's a mixture originating from three  
3 individuals.

4 Q. And can you describe to the jury what, if anything,  
5 would cause a foreign DNA, outside of Dakota's, to be  
6 deposited on his fingernails?

7 A. Interaction with another person can lead to their  
8 DNA being under your fingernails. If someone lives with  
9 another person, it's not uncommon for their DNA to be under  
10 that person's fingernails because you are interacting with  
11 them on a daily basis, you are touching items that they have  
12 also touched, shaking hands with someone, scratching someone,  
13 anything where your fingernails are coming in contact with  
14 their DNA.

15 Q. Okay. So you indicated that this is likely a  
16 mixture between Dakota, the three mixtures are likely, Dakota,  
17 Angela, we have testimony that's his mother, and an unknown  
18 individual, correct?

19 A. The DNA result is that that is a more likely  
20 explanation of the DNA profile.

21 Q. Correct. I understand how you answer the question.  
22 So in terms of his mother being part of the mixture, you  
23 indicated that if you live with someone, touch some of the  
24 same surfaces, that would explain the fingernail scrapings,  
25 the proposition of which we didn't explain yet, but that would

1 explain why it's greater, that is the mixture between them and  
2 a third person than excluding her from the mixture, correct?

3 A. Correct. It's a possible explanation.

4 Q. And in terms of the analysis, are there ratios  
5 developed between the mixture in terms of, I guess, what was  
6 the ratio of the mixture amongst the three people?

7 A. Yeah. So we tell our software how many people it  
8 looks like the mixture is depending on what it looks like  
9 according to our protocol and it will give us kind of a set  
10 ratio of what that mixture is and we can confirm that visually  
11 as well. The mixture ratio of this is about 84, 11, 6.

12 Q. And who would be responsible for the 84? And then  
13 this percentage total --

14 A. Yes.

15 Q. -- is what?

16 A. It's a hundred percent of the mixture and it will  
17 give you 84 percent, 11, and 6 percent.

18 Q. And for the 84, who is responsible? Who -- What DNA  
19 profile is associated with the 84?

20 A. The DNA profile of Dakota Calhoun whose fingernails  
21 it is.

22 Q. And then which ratio accounts for Angela?

23 A. I believe for this it's the 11 percent.

24 Q. Okay. And then just so my math is right, is it 84,  
25 11, 5?

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1           A.    Sometimes it's a little bit, uhm, like if it's 5.  
2 something, it will round --

3           Q.    It will round up.

4           A.    Yeah.

5           Q.    Okay.

6           A.    So they're not equal exactly at one hundred.

7           Q.    Got you. I was just -- Sorry about that. I wasn't  
8 a math major but I - it was throwing me off. Once again, I  
9 apologize. And as it relates to how the system reports out  
10 the third individual, I think you described it as --

11          A.    Sorry. Actually looking at it, it looks like it is  
12 calculating her into the 6 percent.

13          Q.    Six. Thank you for correcting that.

14          A.    Sorry.

15          Q.    As it relates to the unidentified individual, it's  
16 unidentified unrelated. Does that mean that the person is not  
17 biologically related to the third person too?

18          A.    Not necessarily.

19          Q.    Okay. And in this case we've already had testimony  
20 that Dakota lived with I believe at least eight other  
21 individuals in the home and shared vehicles obviously with the  
22 other individuals. That doesn't mean -- Obviously you did not  
23 receive elimination print, elimination standards from everyone  
24 in the home; is that correct?

25          A.    Correct. Laura Hash only received those four

1 standards that we went through in the beginning.

2 Q. Okay. And so the unrelated portion that's reported  
3 out does not mean that it could not be another sibling or  
4 someone else in the home?

5 A. Right. It's not ruling out that it could be another  
6 person related to them.

7 Q. And then as it relates to Gabriel Curry, were you  
8 able to include or exclude him for 2.1?

9 A. For 2.1 the comparisons were, both Gabriel Curry and  
10 Kahlo Calhoun, they were excluded as contributors to the  
11 mixture as a proposition.

12 Q. Okay. Now looking at 2.2 which would be the left  
13 hand.

14 A. Correct.

15 Q. Similarly is there is a ratio of the mixture that  
16 was determined?

17 A. Yes. A 51, 47, two.

18 Q. And that ratio would indicate a mixture of three  
19 individuals; is that correct?

20 A. It was interpreted as a mixture obtaining from  
21 three.

22 Q. And for 3. - for 4.2, could you tell whether or not  
23 Dakota Calhoun contributed to the mixture?

24 A. Yes. He was contributing to the mixture as the 51  
25 percent contributor.

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1 Q. And can you tell whether or not Angela was a  
2 contributor to the mixture as well?

3 A. The result for her comparison is, the DNA profile is  
4 approximately 5 sextillion times more likely if Dakota  
5 Calhoun, Angela Bargeron, and an unidentified unrelated  
6 individual contributed to the mixture than if Dakota Calhoun  
7 and two unidentified unrelated individuals contributed to the  
8 mixture.

9 Q. How many zeros is that number?

10 A. 21 after the five.

11 Q. Okay. So it's a pretty strong correlation or a  
12 strong --

13 A. It's strong support, yes.

14 Q. Okay. And as it relates to Gabriel Curry, was he  
15 associated with 2.2?

16 A. Gabriel Curry was also excluded as a contributor to  
17 the mixture under the listed proposition.

18 Q. And?

19 A. And Kahlo Calhoun as well.

20 Q. Okay. Moving onto SLED item 4, were you able -- Was  
21 a DNA profile comparison developed for SLED item 4?

22 A. Yes.

23 Q. Can you describe to the jury what SLED item 4 is? I  
24 can hand you collectively packets SLED item 4 through 8,  
25 State's Exhibit 130 through 134, and dealing with SLED item 4,

1 what is SLED item 4?

2 A. Item 4 were swabs from the front driver's side  
3 interior door pull slash handle from the Ford Focus.

4 Q. Okay. And was a DNA profile for comparison  
5 developed?

6 A. Yes.

7 Q. And was it a mixture or a single source?

8 A. It was interpreted as a mixture originating from two  
9 individuals.

10 Q. And is there a strong proposition that that would  
11 account for the two individuals for SLED item 4?

12 A. Uhm, there was a comparison of Angela Bargeron and  
13 an unidentified unrelated individual against two unidentified  
14 unrelated individuals and the result with that is the DNA  
15 profile is approximately 11 septillion times more likely if  
16 Angie Bargeron and an unidentified unrelated individual  
17 contributed to the mixture than if two unidentified unrelated  
18 individuals contributed to the mixture.

19 Q. And so in my terms Angela's DNA is consistent, is  
20 one of the mixtures?

21 A. She is included as a contributor to the mixture.

22 Q. Thank you. And how about Dakota?

23 A. Dakota was also compared the same way. The DNA  
24 result for that is the DNA profile is approximately 11 times  
25 more likely if Dakota Calhoun and an unidentified unrelated

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1 individual contributed to the mixture than if two unidentified  
2 unrelated individuals contributed to the mixture.

3 Q. And so in my terms Dakota made up part of this  
4 mixture as well?

5 A. He is included as contributor.

6 Q. Thank you. And what was the ratio?

7 A. The ration for that was 99 to one.

8 Q. Okay. And that was just a mixture of two  
9 individuals and this is for SLED item 4, the interior front  
10 driver's door handle or pull of the Ford Focus?

11 A. Yes.

12 Q. Okay. Looking at SLED item 5, this is two swabs  
13 from the rear driver's side interior door handle for the  
14 Focus; is that correct?

15 A. Yes.

16 Q. And a DNA profile suitable for comparison was  
17 developed?

18 A. Yes.

19 Q. And it was a mixture?

20 A. It was interpreted as a mixture from three  
21 individuals.

22 Q. And what was the ratio of the three individuals  
23 contributing?

24 A. Approximately 66, 29, 5.

25 Q. And was Dakota Calhoun excluded from that ratio from

1 the mixture?

2 A. Yes. He was.

3 Q. And jumping back to SLED item 4 just to be  
4 consistent was Gabriel Curry as well as Kahlo Calhoun excluded  
5 from SLED item 4 which was the interior door handle?

6 A. Gabriel Curry was excluded from item 4. For Kahlo  
7 Calhoun the result is DNA profile is approximately three times  
8 more likely if two unidentified unrelated individuals  
9 contributed to the mixture than Kahlo Calhoun and an  
10 unidentified unrelated individual contributed to the  
11 mixture.

12 Q. And what does that indicate to you?

13 A. So that is saying that the two unidentified  
14 individuals is a slightly more likely scenario and if you  
15 consider that we have the mother as included as the 99 percent  
16 contributor than a sibling included as the 1 percent  
17 contributor because they are so closely related, that can  
18 affect his comparison to that mixture as well.

19 Q. Okay. And then for SLED item 5 was Gabriel Curry  
20 included in the mixture?

21 A. For item 5 Gabriel Curry was excluded as well.

22 Q. And Kahlo Calhoun?

23 A. Also excluded as a contributor to the mixture.

24 Q. And so there's -- And you indicate that Dakota was  
25 excluded as well?

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1 A. Correct.

2 Q. And Angela?

3 A. For Angela the DNA profile is approximately 82,000  
4 times more likely that Angela Bargeron and two unidentified  
5 unrelated individuals contributed to the mixture than three  
6 unidentified unrelated individuals contributed to the  
7 mixture.

8 Q. And just again so it's clear as well, unrelated does  
9 not mean biologically unrelated, correct?

10 A. Correct. We are looking at all the profiles and the  
11 ratios to determine whether or not relatedness could affect  
12 that.

13 Q. Okay. And SLED item 5, just to be clear, is from  
14 the rear, so the back seat of that car, correct?

15 A. Correct.

16 Q. So that, to account for that mixture it could  
17 possibly be any one of her other children that ride in that  
18 car as well?

19 A. It's possible.

20 Q. Now, looking at SLED item 6 which is the front  
21 passenger interior door of the Ford Focus, a DNA profile for  
22 comparison was developed for that item as well?

23 A. Yes.

24 Q. And was the mixture interpreted as three  
25 individuals?

1           A.    Yes.

2           Q.    And what was the ratio?

3           A.    For final comparison the ratio was 63, 24, 13.

4           Q.    And did Dakota Calhoun contribute to that mixture  
5 based on your proposition test?

6           A.    Based on Laura Hash's proposition tests, we first  
7 compared Dakota. Well, she first compared Dakota and his  
8 result individually is the DNA profile is approximately 590  
9 million times more likely if Dakota Calhoun and two  
10 unidentified unrelated individuals contributed to the mixture  
11 than if three unidentified unrelated individuals contributed  
12 to the mixture, and then because he is likely, his ratio, or  
13 his result is so high she is able to then tell the software,  
14 okay, we have made this comparison, we know that he's  
15 contributing to the mixture on an item where he is known to  
16 touch and be in contact with and so we can run it as him  
17 contributing to the mixture and then we're looking at the  
18 other two profiles in the mixture kind of subtracting him out  
19 so that we are looking at what is left over.

20          Q.    And so in my terms Dakota Calhoun contributed to the  
21 mixture?

22          A.    That is a statement in the report. Yes. Dakota  
23 Calhoun is contributing to the mixture.

24          Q.    Okay. And as it relays to Angela, is it accurate to  
25 state that no conclusion could be made in terms of her

1 contribution to the mixture?

2 A. Yes. An uninformative statistical result was  
3 obtained.

4 Q. And what would explain that?

5 A. Uhm, again, because we have related individuals  
6 sometimes when the software is calculating the statistic, it  
7 can't tell which scenario is a better explanation because  
8 they're related and so it can tell us that - it can't tell  
9 whether they are or they're not included in the mixture so we  
10 call that an uninformative statistic.

11 Q. Okay. And as it relates to Gabriel Curry and Kahlo  
12 Calhoun, were they excluded from the mixture?

13 A. For Gabriel Curry the result is DNA profile is  
14 approximately 37 times more likely that Dakota Calhoun and two  
15 unidentified unrelated individuals contributed to the mixture  
16 than if Dakota Calhoun, Gabriel Curry and an unidentified  
17 unrelated individual contributed to the mixture. So just like  
18 the item that we discussed previously, it's just saying that  
19 there's slightly more support for Dakota and two unidentified  
20 unrelated individuals than for Dakota and Gabriel and an  
21 unidentified unrelated individual. And then for Kahlo's  
22 comparison the DNA profile is approximately 28 times more  
23 likely that Dakota Calhoun, Kahlo Calhoun and an unidentified  
24 unrelated individual contributed to the mixture than if Dakota  
25 Calhoun and two unidentified unrelated individuals contributed

1 to the mixture.

2 Q. Okay. So looking at SLED item 6 which would be the  
3 front passenger side interior door handle; is that correct?  
4 That's what we're looking at?

5 A. Yes.

6 Q. So if I were to somewhat try to go through or  
7 compare it to what we talked about with the other ones where I  
8 used my terms just simply excluded, we're able to say on the  
9 other items Gabriel Curry was excluded from the comparison,  
10 correct?

11 A. Correct.

12 Q. But for SLED item 6, which is the interior door  
13 handle, we're not able to say that same statement?

14 A. It is not a full exclusion. It is in support of  
15 that, but it doesn't meet our threshold to say exclusion.

16 Q. So he was not excluded?

17 A. Not fully excluded, no.

18 Q. And that is from the interior door handle of the  
19 front passenger of the Ford Focus?

20 A. Correct.

21 Q. Now, looking at SLED item 7 which is described as  
22 swabs from the rearview mirror of the Ford Focus; is that  
23 correct?

24 A. Correct.

25 Q. And was a DNA profile suitable for comparison

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1 developed on SLED item 7?

2 A. Yes.

3 Q. Was that profile interpreted as a mixture of two  
4 individuals?

5 A. Yes.

6 Q. And what was the ratio?

7 A. This was 93 percent, 7 percent contributor.

8 Q. And the rearview mirror just so the record is clear,  
9 that's the portion of the car where you would, the driver  
10 would be looking, using to look behind him or her, correct?

11 A. I believe so. Yes.

12 Q. That is also the portion where some people get in  
13 and adjust it should they be - to adjust for height, size, or  
14 whatever they need to do so they can see, correct?

15 A. From my experience. Yes.

16 Q. So that was swabbed and collected for potential  
17 identification purposes as well, correct?

18 A. Correct.

19 Q. And for this mixture Dakota Calhoun was also  
20 excluded as a contributor to the mixture, correct?

21 A. Yes.

22 Q. And in terms of what we've heard in this case  
23 already, we have testimony that Dakota Calhoun was driving  
24 that car and in today's age we get caught up in the CSI era  
25 watching TV. Was the fact that his DNA was excluded somewhat

1 explain -- Explain to the jury why DNA is not always found  
2 even when you had evidence of someone being in an area?

3 A. Okay. Kind of what would be explained for depending  
4 on the frequency of someone touching an item, so if it's mom's  
5 vehicle and she is driving that most of time, we would expect  
6 her DNA to be on parts of the car more so than someone who is  
7 only touching it briefly. You could also, if you washed your  
8 hands or if you're very sweaty, it can affect how much DNA  
9 you're leaving behind.

10 Q. Okay. And as it relates to Gabriel Curry and Kahlo  
11 Calhoun, they were also excluded as contributors as well,  
12 correct?

13 A. Correct.

14 Q. But Angela was included as 12 septillion times more  
15 likely?

16 A. The DNA profile is approximately 12 septillion that  
17 more likely Angela Bargeron and an unidentified unrelated  
18 individual contributed to the mixture than two unidentified  
19 unrelated individuals contributed to the mixture.

20 Q. And how many zeros is that?

21 A. It is 24 after the 2, after the 12.

22 Q. And what was that ratio?

23 A. This is a 93 percent, 7 percent.

24 Q. Who accounted for 93 percent of that mixture?

25 A. It was Angela Bargeron.

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1 Q. Okay. And the 7 percent could potentially be any  
2 other family member that has used that car or been in that  
3 vehicle, correct?

4 A. Could be anyone who touched the car, the rearview  
5 mirror.

6 Q. Now looking at SLED item 8 which is described as  
7 swabs from the gear shift in the Ford Focus or from the Ford  
8 Focus; is that correct?

9 A. Correct.

10 Q. And a DNA profile suitable for comparison was  
11 developed in this case?

12 A. Yes.

13 Q. And was interpreted as a mixture originating from  
14 two individuals?

15 A. Yes.

16 Q. And as it relates to Angela, was she a contributor  
17 to the mixture?

18 A. So similar to the other scenario where a calculation  
19 was performed for Dakota and then we were able to say that  
20 he's contributing to the mixture is the same scenario here so  
21 in the first comparison the DNA profile is approximately 16  
22 billion times more likely if Angela Barger and an  
23 unidentified unrelated individual contributed to the mixture  
24 than if two unidentified unrelated individuals contributed to  
25 the mixture and then we can run the analysis with her as a

1 contributor so when that comparison is made, Dakota Calhoun,  
2 Gabriel Curry and Kahlo Calhoun were excluded as contributors  
3 to the mixture.

4 Q. And then just so it's clear, I just want to make  
5 sure it's clear, Dakota was excluded?

6 A. When we have Angela as contributing to the mixture,  
7 Dakota is excluded.

8 Q. Okay. And Gabriel Curry was excluded?

9 A. Correct.

10 Q. As well as Kahlo Calhoun?

11 A. Yes.

12 Q. A similar question as to SLED 7, when there's  
13 testimony and evidence that Dakota Calhoun was also driving  
14 that vehicle, would that also kind of explain or what you said  
15 earlier depending on the frequency and if there's another  
16 majority user potentially of that gear shift would explain why  
17 Dakota was also excluded from being in that car?

18 A. It's a possible explanation. Yes.

19 Q. From touching that gear shift?

20 A. Yes.

21 Q. And just so it's clear, the gear shift of the car is  
22 what you need to touch to drive the car?

23 A. Yes.

24 Q. You would put it either in reverse or put it in  
25 drive so this is a frequently touched area of the vehicle if

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1 you were the driver of the vehicle?

2 A. Yes.

3 Q. Okay. I'm sorry. I know that's not why I tendered  
4 you as an expert. But Dakota Calhoun was, there's been  
5 testimony that he was driving that car, he was excluded from  
6 touching the gear shift based on these propositions?

7 A. Correct.

8 Q. We're almost done. Looking at SLED item 11. - 11  
9 which generated 11.2, I'll show defense counsel, 11.2 is  
10 State's Exhibit 138, and for the record SLED item 11 is  
11 already in evidence as the steering wheel cover from the Ford  
12 Focus. I'm now handing you SLED item 11.2 and ask if it can  
13 be recognized as associated with this case?

14 A. This also has the SLED item number and Laura Hash's  
15 initials and the date.

16 Q. What exactly is that because it's 11.2? What would  
17 that indicate?

18 A. It is a sub item of that steering wheel cover so  
19 this was a swab from scraping the entire exterior of the black  
20 steering wheel cover.

21 Q. And the purpose of doing that was to test for touch  
22 DNA?

23 A. Correct.

24 MS. FULLER: Your Honor, at this time the State  
25 seeks to introduce State's Exhibit 138 into evidence.

1 MR. MADSEN: No objection.

2 THE COURT: So moved.

3 BY MS. FULLER:

4 Q. And as it relates to that item, were you able to  
5 include Dakota Calhoun as a contributor -- Actually, I'm  
6 jumping ahead. Was a DNA profile suitable for comparison  
7 developed from 11.2?

8 A. Yes.

9 Q. And was the mixture interpreted as originally from  
10 two individuals?

11 A. Yes.

12 Q. And from that mixture were you able to include  
13 Dakota Calhoun as a contributor to the mixture associated with  
14 the steering wheel cover of his mother's car?

15 A. Dakota Calhoun was excluded as a contributor.

16 Q. And the same question, beating a dead horse, even  
17 though there's testimony that he was driving that car, would  
18 that also explain that you can touch a surface and potentially  
19 not leave behind DNA?

20 A. Yes. It's possible.

21 Q. And similar for Gabriel Curry, was he also  
22 excluded?

23 A. Gabriel Curry was also excluded.

24 Q. And Kahlo Calhoun was excluded as well?

25 A. Yes.

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1 Q. And the majority contributor or the greater  
2 proposition is that approximately 12 septillion was more  
3 likely Angela and another unidentified unrelated individuals  
4 contributed to the mixture than if two unidentified unrelated  
5 individuals contributed to the mixture?

6 A. Yes.

7 Q. And so in my terms, Angela made up part of the  
8 mixture?

9 A. She is included as a contributor to the mixture.

10 Q. Thank you. And the ratio of that?

11 A. That was 95 and 5 percent.

12 Q. And the 95 percent is associated to who?

13 A. Angela Bargeron.

14 Q. And so the remaining percentage could be another  
15 individual of a family of nine that may have entered that  
16 vehicle at any point in the normal course of just living, that  
17 5 percent?

18 A. Correct.

19 MS. FULLER: I think that's all I have. Beg the  
20 Court's indulgence. No further questions at this time.

21 THE COURT: Will the attorneys approach please.

22 (Side bar off the record.)

23 THE COURT: At this time we'll give the jury a  
24 bathroom break. Escort the jury out and we'll see you in  
25 a few minutes.

1                   (Whereupon, the jury entered the jury room at 3:33  
2 p.m.)

3                   THE COURT: In the previous witness testimony there  
4 were several photos I allowed to be introduced into  
5 evidence, however, they were not without an objection. I  
6 believe those were State's evidence 85 through 89 and 90  
7 through 97, so if you would like to place your objection  
8 on the record.

9                   MR. CHEHOSKI: Thank you, Your Honor. Yes. I  
10 wanted to make sure that this is noted as being a timely  
11 objection. We did object for State's Exhibit 85 through  
12 89 initially as being in violation of Rule 403 under  
13 South Carolina rules of evidence. Similarly then the  
14 State introduced State's Exhibits 90 through 97 and we  
15 had the same objection.

16                   THE COURT: All right. And so you did make that  
17 objection at the side bar and during that time I did rule  
18 that I found that they were probative and not  
19 prejudicial, so that objection is noted for the record.

20                   MR. CHEHOSKI: I just wanted to make sure it's  
21 preserved for the record.

22                   THE COURT: Yes, sir. Anything else that we need to  
23 handle outside the presence of the jury?

24                   MR. DRYLIE: Nothing from the State.

25                   THE COURT: We will stand down for a just a few

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1 minutes.

2 (Short break.)

3 THE COURT: Bring the jury back in please.

4 (Whereupon, the jury entered the courtroom at 3:45  
5 p.m.)

6 THE COURT: All right. At this time we'll resume  
7 the trial. Cross examination.

8 CROSS EXAMINATION

9 BY MR. MADSEN:

10 Q. Ms. Zapata, I just have a few questions for you.

11 A. Okay.

12 Q. So if I understand this correctly, you didn't do any  
13 of this testing, correct?

14 A. I didn't do the actual testing. I did the technical  
15 review on the testing.

16 Q. Okay. So you didn't see any of these pieces, you  
17 didn't put them in any type of machine, you didn't get any  
18 data?

19 A. I did not generate anything. No.

20 Q. You just looked at what someone else did?

21 A. Correct.

22 Q. And then the Solicitor would ask you questions and  
23 you would say sometimes or you would say, well, that is  
24 possible. That's just kind of a nice way of saying you don't  
25 really know? Maybe?

1           A.    There's never any way for us to know exactly how DNA  
2   was left or was not left behind, but if a scenario is  
3   possible, then we can say whether or not that is a possible  
4   explanation for the scenario, yes.

5           Q.    And if someone has DNA underneath their fingernails,  
6   washing their hands could potentially remove that, couldn't  
7   it?

8           A.    It could.

9           Q.    And getting DNA underneath someone's fingernails,  
10   scratching someone would potentially be a good way to get  
11   that, correct?

12          A.    It's possible.   Yes.

13          Q.    And the last one to touch something is a good way to  
14   kind of potentially leave DNA, isn't it?

15          A.    It's possible, but it doesn't always mean that they  
16   would be the most contributor.

17          Q.    Sure.   But if I touch this and then you come by and  
18   rub your hand all over, there's a good possibility that you  
19   might rub out my DNA or yours might be more prevalent?

20          A.    It's possible.   It depends on how much we shed in  
21   comparison to each other or how often you touched the item  
22   versus how much I touched it.

23          Q.    And I've got to admit, I mean, DNA is kind of  
24   confusing and I would have to go back to, I guess, fourth  
25   grade with Mendelian Keys maybe, so let me see if I've got

1 this straight. You just correct me, okay? So you get half of  
2 your DNA from dad and half of your DNA from your mother?

3 A. Correct.

4 Q. And if I, or everyone's DNA I think you said was  
5 different unless we are identical twins, correct?

6 A. Correct.

7 Q. But if I've got a cousin or someone that I am  
8 related to, we're gonna share some of that DNA?

9 A. A little bit. Yes.

10 Q. And I guess when we talk about DNA, we got, I guess  
11 the individual places are called loci?

12 A. Correct.

13 Q. And we've got, each one of us have billions of  
14 those, don't we?

15 A. We have a lot. Yes.

16 Q. And when we talk about mom and dad contributing,  
17 that is alleles, correct?

18 A. Correct.

19 Q. And so one of those alleles is gonna be from mom,  
20 one of these alleles is gonna be from dad, put those together  
21 and that's when we have loci, right?

22 A. Yes, sir. Those alleles will be your result at that  
23 location.

24 Q. When y'all test for DNA, you're looking at I think  
25 24 different sites now?

1 A. Yes.

2 Q. Out of billions?

3 A. Yes. But they are sites that have been validated as  
4 being --

5 Q. Good sites to look at?

6 A. Yes. They're ones that will give us, be able to  
7 differentiate us best.

8 Q. And you can't ever look at something with a DNA and  
9 say, hey, one hundred percent, it just doesn't statistically  
10 work that way, does it?

11 A. That's not how we calculate statistics, no.

12 Q. Right. But we can get some pretty big numbers,  
13 can't we?

14 A. Yes.

15 Q. And that's that septillion, which I think you said  
16 is like 24 zeros or something like that?

17 A. Yes.

18 Q. A lot larger than a billion?

19 A. Yes.

20 Q. Which is nine zeros?

21 A. Yes.

22 Q. And so let me just kind of go back through some of  
23 this and make sure that I understand correctly. So we've got  
24 fingernail scrapings from Dakota, correct?

25 A. Yes.

1 Q. And we've got right hand fingernail scrapings?

2 A. Yes.

3 Q. And that is a mixture of three people?

4 A. Yes.

5 Q. And we've got some of that that looks like it's  
6 gonna be Dakota which would make sense. I mean, it's his body  
7 right there, correct?

8 A. Correct.

9 Q. And some of it I think you said was, would  
10 potentially statistically look like that's Angela, his  
11 mother?

12 A. She was included.

13 Q. But then we've got a third person and we have no  
14 idea who that is, do we?

15 A. Correct.

16 Q. But we know that that's not Gabe?

17 A. He was excluded as a contributor for 2.1 and also  
18 2.2.

19 Q. 2.2 is the left hand fingernail scrapings?

20 A. Yes.

21 Q. And that same thing, Gabe is excluded and there's  
22 three people in that also, right?

23 A. Yes.

24 Q. And then there's a cartridge casing and we don't get  
25 any DNA off of that, right?

1 A. Nothing that is interpretable.

2 Q. And then the inside driver's door handle, I believe  
3 that that was, if my notes are correct, two people, correct?

4 A. Interpreted as a mixture originating from two  
5 individuals.

6 Q. And 11 times more likely if one of those was  
7 Dakota?

8 A. 11 times more likely that Dakota and an unidentified  
9 unrelated individual than two unidentified unrelated  
10 individuals contributed.

11 Q. And y'all when you issue these reports, there's  
12 something called a support proposition on that, correct?

13 A. Are you referring to the table?

14 Q. Yes. The supported proposition table.

15 A. Yes. There's a table that gives an explanation of  
16 for like ratios depending on the range that they fall in.

17 Q. And so that just kind of says, hey, this is what  
18 we're saying is kind of weak up to what we feel is really  
19 strong statistically, right?

20 A. Correct.

21 Q. And 2 to 99 likelihood according to your table is  
22 weak, correct?

23 A. Correct.

24 Q. A hundred to 9999 is kind of moderate support,  
25 correct?

SARAH ZAPATA - CROSS BY MR. MADSEN

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1 A. Correct.

2 Q. 10,000 to 999,999 is strong support?

3 A. Yes.

4 Q. And over a million is very strong support according  
5 to that?

6 A. Yes.

7 Q. But we know on that inside driver door handle that  
8 Gabe is excluded, correct?

9 A. He was excluded as a contributor.

10 Q. And then you also tested the rear driver's side door  
11 pull and that was a mixture of three individuals also,  
12 correct?

13 A. That was interpreted as a mixture originating from  
14 three.

15 Q. And Gabe was excluded in that also?

16 A. Correct.

17 Q. And then the Solicitor was asking you, now, Gabe  
18 from the front passenger was not excluded, was he?

19 A. It was not a full exclusion so if we look at the  
20 table at the end of the report, a 2 to 99 for support of that  
21 second proposition is moderate support. Anything over a  
22 hundred is support of that, the three unidentified unrelated  
23 individuals proposition would be exclusion and so his result  
24 is 37 times more likely if Dakota Calhoun and two unidentified  
25 unrelated individuals contributed to the mixture than if

1 Dakota Calhoun, Gabriel Curry and an unidentified unrelated  
2 individual contributed to the mixtures and that falls within  
3 that 2 to 99 moderate support.

4 Q. So, wait a second. Now you've got me confused.  
5 That doesn't say that it's, you know, 37 times more likely  
6 that Gabe contributed to that, does it?

7 A. It's the second proposition is what it's supporting  
8 so that Dakota Calhoun and two unidentified unrelated  
9 individuals contributed to the mixture.

10 Q. So it's 37 times more likely that Dakota and two  
11 people that we don't know contributed to that than if Gabe  
12 contributed, right? 37 times more likely?

13 A. Right, than if Dakota, Gabriel and an unidentified  
14 unrelated individual.

15 Q. Did you know that Gabe and Dakota were first  
16 cousins?

17 A. I did not.

18 Q. Okay. But they're gonna share some DNA, aren't  
19 they, if they're first cousins?

20 A. A little bit. The closer the family relationship  
21 the more they will share.

22 Q. Sure. I would share more DNA with my brother than  
23 my first cousin generally?

24 A. Correct.

25 Q. But they do share some DNA which kind of muddles

1 things, doesn't it?

2 A. Related to this, it can be a bit more complex.

3 Q. But that one was 37 times more likely that it was  
4 Dakota and two unrelated individuals than if it was Dakota and  
5 Gabriel?

6 A. Contributing to the mixture, yes.

7 Q. Now, the rearview mirror, Gabe is excluded from that  
8 because that's two individuals, right?

9 A. Interpreted as a mixture originating from two  
10 people.

11 Q. But if I get in your car and I don't touch the  
12 rearview mirror, I just get in and I start going, I'm not  
13 gonna leave any DNA on that, am I?

14 A. Correct. If you didn't touch it, then you're not  
15 gonna leave any DNA behind.

16 Q. The gear shift, Gabe is excluded from that also,  
17 correct?

18 A. Yes.

19 Q. And then the steering wheel cover, Gabe is excluded  
20 from that also?

21 A. Yes.

22 Q. Now, do you know which one of those things up there  
23 is the steering wheel cover, the scrapings from it?

24 A. Should be 11.2.

25 Q. This one right here?

1           A.    Yes.

2           Q.    Now, you correct me if I'm wrong, when we're talking  
3 about steering wheel cover, we're talking I guess about one of  
4 those things so you don't burn your hands or something that  
5 goes all the way around the steering wheel?

6           A.    I guess so. I didn't actually see the wheel  
7 cover.

8           Q.    But if there's a cut off of just a little bit of  
9 that steering wheel cover, you have no idea if I take it and I  
10 cut a certain portion of it, say I cut this much off, correct,  
11 and we all know a steering wheel is gonna be about this big,  
12 and I cut this portion off, there's no way to tell if there's  
13 DNA up here. It's just the portion you test, isn't it?

14          A.    That was actually item 11.2 was a scraping from the  
15 entire exterior so they did scrape an entire steering wheel  
16 cover.

17          Q.    So if I understand correctly, if I'm excluded, y'all  
18 are saying, hey, there's none of my DNA on there, correct?

19          A.    Exclusion means their DNA is not.

20          Q.    And I can't consciously sit here and say, okay, keep  
21 my DNA off this, keep my DNA off of this. I mean, it doesn't  
22 work that way, does it?

23          A.    No.

24                MR. MADSEN: That's all the questions I have.

25                THE COURT: Redirect.

SARAH ZAPATA - REDIRECT BY MS. FULLER

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1 MS. FULLER: Briefly, Your Honor. Quick follow up  
2 and clarification.

3 REDIRECT EXAMINATION

4 BY MS. FULLER:

5 Q. Looking at SLED item 5 which is the rear driver's  
6 side interior door and then SLED item 7 which is going to be  
7 that rearview mirror from the car, SLED item 8, the gear shift  
8 of the car, and 11.2 which are going to be swabs from the  
9 entire exterior of the steering wheel cover, Dakota Calhoun  
10 was also excluded, his DNA was excluded from the mixture that  
11 was interpreted, correct?

12 A. For items 5 --

13 Q. 7, 8 and 11.2?

14 A. Yes.

15 Q. Okay. And to beat a dead horse, in your expert  
16 opinion when there's video evidence and testimony that Dakota  
17 Calhoun was driving that car, or was in that car within 24  
18 hours of the evidence collection in this case, does that  
19 support the idea that just because you touch a surface, I  
20 might be using a double negative, but let me know if you  
21 understand me, that does not always indicate you're going to  
22 leave behind your DNA?

23 A. Right.

24 Q. It's not TV?

25 A. Right.

1 Q. Okay. Evidence is not just automatically or  
2 systematically left behind or collected like we see on TV,  
3 correct?

4 A. Correct.

5 Q. There's a lot of factors. Recency is not the only  
6 factor?

7 A. Correct.

8 Q. And just to clarify for a number of these, when  
9 there is a - there is a -- Years ago you guys used to say the  
10 majority contributor. I'm gonna use that term. But for a  
11 number of these when we have a 99 to 1 ratio or a 93 to 7 or a  
12 95 to 5, when it's Angela contributing, it's because she's the  
13 primary driver. That would account for why she's the primary  
14 in the mixture, correct?

15 A. That would be as expected.

16 Q. And for a number of the exhibits, the item numbers  
17 he was asking about, he left it vague as if there were  
18 unknowns, but for those items where there was a majority  
19 contributor, for example, SLED 4, 5, there was only one item  
20 where Angela was no interpretation essentially, other than  
21 that she was a contributor to the mixture, correct?

22 A. For items from the car?

23 Q. From the car.

24 A. She was included on item 4, item 5, item 7, item 8  
25 and item 11.2.

SARAH ZAPATA - REDIRECT BY MS. FULLER

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1 Q. Thank you. And then in terms of 2.1 and 2.2,  
2 there's testimony already that there was no signs of a  
3 struggle in this case. You have testified that DNA can be  
4 left under your fingernail from simply touching the same  
5 object that someone you live with, correct?

6 A. Yes. It's possible.

7 Q. And when we talk about the unknowns in some of  
8 these, I asked you about if Dakota lived with seven or six  
9 other siblings as well as parents and a common in-law, I  
10 guess, they can also account for that unknown in some cases 5  
11 percent of the mixture, 7 percent, 13 percent, another 5  
12 percent, I think one was 2, they can account for that unknown  
13 percentage of the mixture, correct?

14 A. It's possible it could anyone who was in the vehicle  
15 or that he encountered that day.

16 Q. And to be clear, it would have been extensive, but  
17 you received nine standards to eliminate in this case?

18 A. No. There were no other standards submitted.

19 Q. And how long does it take truly unless to bug you  
20 guys to process DNA?

21 A. To do the lab work does not take very long, but to  
22 do calculations and interpretations can be very time consuming  
23 especially the more standards that you submit, the more  
24 comparisons need to be made, so that's what can take the  
25 longest.

1 Q. And it's not uncommon for sometimes the DNA analysis  
2 to be the last thing we receive in any case?

3 A. I guess so.

4 Q. Sometimes it can take a couple years, correct?

5 A. Yes.

6 Q. And one of the mixtures, to be clear on the record,  
7 looking at the chain of custody for SLED item 1, can you tell  
8 me when it was logged into evidence at SLED?

9 A. Item 1 was submitted on October 12th of 2018.

10 Q. And Laura's final report in this case, when was it  
11 issued?

12 A. The final report was issued on June 2nd, 2022.

13 Q. And the evidence in this case or the testing and all  
14 the calculations this entire time was basically in y'all's  
15 hands at SLED, correct?

16 A. I believe so.

17 Q. And that was SLED item 1. If you look through  
18 basically all the ones we covered, SLED 1 through 8 and 11  
19 similar or around the same time submission dates, correct?

20 A. The evidence was submitted in October of 2018 and  
21 then those initial items were returned looks like in 2019 and  
22 then more standards were submitted in, I'm trying to find the  
23 date, in February of 2022.

24 Q. Okay. And so there was an initial report in this  
25 case that was issued in 2020; is that correct?

SARAH ZAPATA - RECROSS BY MR. MADSEN

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1 A. Correct.

2 Q. And then a new report issued in 2022?

3 A. Yes, with the additional standards.

4 MS. FULLER: No further questions.

5 RECROSS EXAMINATION

6 BY MR. MADSEN:

7 Q. You're not gonna say that SLED gets something and it  
8 takes them four years to test DNA, correct?

9 A. It can take a while. It just depends?

10 Q. Not generally four years, can it?

11 A. It's not unheard of.

12 Q. And requests can be made from law enforcement to do  
13 supplemental testing, correct?

14 A. Correct.

15 Q. A defendant can make a request for supplemental  
16 testing?

17 A. Yes.

18 MR. MADSEN: That's all the questions I have.

19 THE COURT: All right. Any issue with her being  
20 excused?

21 MR. CHEHOSKI: No, Your Honor.

22 MS. FULLER: No, Your Honor.

23 THE COURT: This witness can be excused.

24 MS. FULLER: Thank you, Your Honor. The State calls  
25 Thomas Darnell.

1 Thereupon,

2 THOMAS EDWARD DARNELL

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

4 THE CLERK: Please have a seat. Once you're seated,  
5 state your full name spelling your last please.

6 THE WITNESS: My name is Thomas Edward Darnell.  
7 Last name D-a-r-n-e-l-l.

8 DIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. Can you introduce yourself to the jury? Where are  
11 you employed?

12 A. I'm currently employed at the State Law Enforcement  
13 Division in Columbia more commonly known as SLED. I'm in the  
14 latent print or fingerprint laboratory.

15 Q. That's my question, latent print is fingerprints,  
16 correct?

17 A. Yes, ma'am.

18 Q. How long have you been employed at SLED?

19 A. About over 30 years total. I actually retired and  
20 came back to work, but about 30 years I've been there.

21 Q. Okay. And primarily how long have you been or have  
22 you been an analyst in the latent print division?

23 A. I actually started my career in 1982 with the  
24 Richland County Sheriff's Office, and I started work at SLED  
25 in 1990. The majority of my time in SLED has been in the

THOMAS DARNELL - DIRECT BY MS. FULLER

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1 latent print or fingerprint crime scene field, approximately  
2 27 years identifying fingerprints.

3 Q. Can you also in addition to that describe your  
4 education and training in the field of latent prints?

5 A. Yes, ma'am. I have a bachelor's of science degree  
6 in criminal justice from the University of South Carolina.  
7 Once I started working at SLED, I completed an 18 month  
8 in-house training program in the area of fingerprints dealing  
9 with the history of fingerprints, dealing with comparison  
10 fingerprints and how to process evidence and how to do  
11 comparisons and so forth. In addition to the 18 month  
12 in-house I completed a number of courses across the state in  
13 the area of fingerprint science, and I also attended the FBI  
14 or Federal Bureau of Investigation Academy in Quantico,  
15 Virginia where I completed the course in fingerprint  
16 science.

17 Q. Have you testified in court before as an expert?

18 A. Yes. I have.

19 Q. Approximately how many times?

20 A. Approximately 175 or 180 times across the State  
21 mostly in state court. I have testified in some Federal  
22 courts as well.

23 MS. FULLER: At this time, Your Honor, the State  
24 seeks to introduce Thomas Darnell as an expert in  
25 fingerprint analysis.

1           THE COURT: Any questions for this expert at this  
2 time?

3           MR. MADSEN: No, Your Honor. I know Agent Darnell  
4 well.

5           THE COURT: All right. Well, we'll qualify him as a  
6 fingerprint expert in fingerprint analysis.

7           MS. FULLER: Thank you, Your Honor.

8 BY MS. FULLER:

9           Q. As it relates to SLED lab number L1814929, did you  
10 have an opportunity to review the analysis as it relates to  
11 latent prints and fingerprints in this case?

12          A. I did.

13          Q. And can you describe to the jury exactly what are  
14 latent prints?

15          A. A latent print, first of all, the word latent means  
16 hidden or invisible. A latent fingerprint is a print that  
17 when someone touches a surface, you may leave an impression on  
18 that surface, not necessarily leave an impression, but it is  
19 possible to leave an impression on the surface once you touch  
20 something and because the latent is hidden or invisible you  
21 have to process it. You have to use certain techniques to try  
22 to enhance it to where you can be able to see it for any  
23 comparison that might need to be made.

24          Q. And in terms of prints in general, how would you  
25 describe them? Would they be considered fragile or could they

THOMAS DARNELL - DIRECT BY MS. FULLER

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1 be permanent or how long does a latent print remain on a  
2 surface? That's a loaded question. I apologize.

3 A. Well, first of all, we all have fingerprints on the  
4 tips of our fingers. What is left behind when you touch  
5 something is nothing more than moisture that comes out of your  
6 pores so about 99 percent moisture that you might leave behind  
7 whenever you touch something. I'm not sure. Can you re-ask  
8 that question?

9 Q. I don't remember. It was in terms of --

10 MR. MADSEN: Fingerprints are fragile.

11 BY MS. FULLER:

12 Q. Oh, yeah. Are they fragile?

13 A. Yes.

14 Q. Okay. I'm sorry.

15 A. Fingerprints are very fragile. In other words, if  
16 you're familiar with some television shows where you see the  
17 fingerprint brush that they use, the black powder and dust  
18 surfaces with a fingerprint brush, just the mere stroke of a  
19 fingerprint brush could destroy a print, so they are extremely  
20 fragile. They don't last forever. There's no real way to age  
21 a print except that we do know that prints tend to stay around  
22 longer if they're out of the weather, if they're protected  
23 from the environment.

24 Q. When it comes to latent prints, are they similar to  
25 DNA where they're linked to a person outside of identical twin

1 situation?

2 A. Yes. Latent prints or fingerprints, there has never  
3 been found two individuals with the same fingerprints. In  
4 fact, even identical twins don't have the same fingerprint.  
5 Whereas they have the same DNA, they do not have the same  
6 fingerprint.

7 Q. What is the process of actually processing latent  
8 prints?

9 A. Whenever we receive evidence to process, there are a  
10 number of different techniques that we can use to process  
11 evidence. It just depends on the type of evidence that we  
12 had, whether, based on whether it's a porous surface or a non  
13 porous surface, that helps us determine which techniques to  
14 use.

15 Q. As it relates to this case does the analyst, because  
16 I understand you were -- What role did you -- What involvement  
17 did you have in the actual performance of the analysis in this  
18 case?

19 A. The role that I had with this particular case was I  
20 was the case reviewer. I performed a technical review. We  
21 call it technical and an administrative review of the work  
22 that was done and also I reviewed the report to make sure it  
23 was all correct.

24 Q. As it relates to this case, was SLED provided with  
25 known standard fingerprint cards, I guess, or standards for

THOMAS DARNELL - DIRECT BY MS. FULLER

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1 the defendant Gabriel Curry as well as the deceased victim in  
2 this case Dakota Calhoun?

3 A. Yes, ma'am.

4 Q. And in terms of this specific analysis, were we  
5 examining SLED item 3 which is the cartridge case with head  
6 stamp Federal .380 auto on it?

7 A. Yes, ma'am.

8 Q. As well as two swabs from 3.1 of the head stamp?

9 A. That's correct.

10 Q. And were we also looking at SLED item 10 which is  
11 the rearview mirror from a Ford Focus?

12 A. Yes, ma'am.

13 Q. As it relates to SLED item 3, what, if any, results,  
14 or what, if anything, was determined from SLED item 3?

15 A. The SLED item number 3, the cartridge case, it was  
16 chemically processed. It was also swabbed for DNA and the  
17 fingerprint result was that there was no fingerprint evidence  
18 observed. In other words, there was nothing developed on that  
19 cartridge case and then the swabs were collected and then  
20 transferred on to the DNA department.

21 Q. Now, looking at SLED item 10 which is the rearview  
22 mirror, was this item also chemically processed?

23 A. Yes. It was.

24 Q. Were there a number of latent print impressions  
25 generated from this item?

1 A. Yes, ma'am.

2 Q. Approximately how many?

3 A. Looks like there were eight.

4 Q. Okay. And can you explain to the jury what the  
5 purpose of generating that many latent print impressions or  
6 why that many were generated from this one item?

7 A. Well, the entire mirror would have been processed  
8 for latent prints and any area that looked like it might be  
9 comparable would have been lifted to be able to compare it at  
10 some other point in time so it looks like we had a total of  
11 eight different impressions that came off the mirror.

12 Q. As it relates to Dakota Calhoun, were any of the  
13 impressions associated with Dakota Calhoun?

14 A. No, ma'am.

15 Q. As it relates to Gabriel Curry, were any of the  
16 impressions associated with Gabriel Curry?

17 A. No, ma'am.

18 Q. Generally speaking is it more often than not that  
19 you obtain identifiable prints on surfaces?

20 A. In all of my years of doing this, that is a true  
21 statement. It's more often than not we don't get identifiable  
22 prints or a print that we can compare with. A lot of that has  
23 to do with a lot of different variables. It depends on how  
24 someone is perspiring, how you touch a surface. Unlike, you  
25 know, we all like to watch television where you always seem to

THOMAS DARNELL - CROSS BY MR. MADSEN

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1 get prints. In the real crime scene world that just does not  
2 happen.

3 Q. Okay. And if there is evidence of, for example,  
4 Dakota Calhoun and/or Gabriel Curry in a vehicle touching  
5 surfaces, standing around a vehicle or in the vehicle and so  
6 when the rearview mirror was chemically processed, would that  
7 kind of support your statement that it's more often than not  
8 when there's evidence in this trial of those individuals in a  
9 vehicle?

10 A. Yes, ma'am. We do get all kinds of evidence to  
11 process and certainly more often than not we do not get, we  
12 don't always get comparable prints to be able to compare to  
13 anyone.

14 MS. FULLER: Thank you. No further questions.

15 CROSS EXAMINATION

16 BY MR. MADSEN:

17 Q. Agent Darnell, how are you doing?

18 A. Fine, sir.

19 Q. How is your father doing?

20 A. Not well.

21 Q. Sorry to hear that. Agent Darnell's father at one  
22 point in time was our longest serving sheriff in South  
23 Carolina from Bamberg County and then your uncle, his dad's  
24 twin brother was the chief of Barnwell City. How is Buddy  
25 doing?

1 A. He's doing better than dad.

2 Q. Please tell him I said hi.

3 A. I will.

4 Q. So just a few questions for you. You didn't test  
5 any of this stuff yourself, correct?

6 A. No, sir.

7 Q. You just kind of reviewed what someone else did?

8 A. Correct. I reviewed her worksheet. I reviewed all  
9 of the comparisons that were made, and that would have been my  
10 role in this case.

11 Q. And I think the Solicitor was asking you just  
12 because we all see, I touch right here, that doesn't  
13 necessarily mean that I'm gonna leave fingerprints there, is  
14 it?

15 A. That would be correct.

16 Q. And part of that can depend on me?

17 A. Yes, sir.

18 Q. If I've got really sweaty hands, or I don't put out  
19 oils, I might not leave fingerprints. Part of that can depend  
20 on the surface too, can't it?

21 A. Yes, sir.

22 Q. And so sometimes it's pretty hard to get  
23 fingerprints, isn't it?

24 A. Yes, sir. It can be. It just depends on, as you  
25 mentioned, the surface and the condition of it. Sometimes it

THOMAS DARNELL - CROSS BY MR. MADSEN

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1 could be a challenge.

2 Q. But in this case we did get fingerprints, didn't  
3 we?

4 A. Yes, sir. It appears that there were a total of  
5 eight different areas of impression evidence lifted off of the  
6 mirror.

7 Q. And none of those come back to Gabe, do they?

8 A. No, sir.

9 Q. And were you aware that the fingerprints, or Gabe's  
10 fingerprints which I guess they're called fingerprint  
11 standards where people are rolled --

12 A. Yes.

13 Q. -- were you aware that that was the second print  
14 because, or the second set because the first set of those were  
15 lost?

16 A. Looking at the reports here, it appears there was a  
17 set of prints submitted that were inconclusive with some of  
18 the comparison evidence that we had and then an additional set  
19 was submitted that was more conclusive. Now what happened to  
20 the first set I don't know.

21 Q. And so we got fingerprints, we just don't know who  
22 they belong to, do we?

23 A. That's correct. Yes, sir.

24 Q. But we know none of them are his, my client's,  
25 Gabe?

1 A. Yes, sir. That's correct.

2 Q. And if I hop in a car and I don't touch the rearview  
3 mirror, I'm not leaving fingerprints there, am I?

4 A. No, sir. I wouldn't think so.

5 Q. That would be magic if I did, wouldn't it?

6 A. That's what I would call it. Yes, sir.

7 MR. MADSEN: No further questions.

8 MS. FULLER: Just briefly.

9 REDIRECT EXAMINATION

10 BY MS. FULLER:

11 Q. And in looking at that item he indicated, it's the  
12 rearview mirror, correct?

13 A. Yes, ma'am.

14 Q. And for this analysis did you have a known  
15 fingerprint standard for Angela Barger on in this case?

16 A. No, ma'am.

17 MS. FULLER: No further questions.

18 RECROSS EXAMINATION

19 BY MR. MADSEN:

20 Q. Law enforcement could have provided that to you  
21 though, couldn't they?

22 A. Yes, sir.

23 MR. MADSEN: Okay. That's all the questions.

24 THE COURT: Any issue with this witness being  
25 excused?

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1 MS. FULLER: No, Your Honor.

2 MR. MADSEN: None.

3 THE COURT: Call your next witness.

4 MS. FULLER: The State calls Megan Fletcher.

5 Thereupon,

6 MEGAN FLETCHER

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

8 THE CLERK: Please have a seat. Once you're seated,

9 state your full name spelling your last please.

10 THE WITNESS: My name is Megan Fletcher,

11 F-l-e-t-c-h-e-r.

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. Can you go ahead and introduce yourself to the jury.  
15 Where are you currently employed?

16 A. I'm employed by the South Carolina Law Enforcement  
17 Division in the forensic services laboratory and the trace  
18 evidence department.

19 Q. What is trace evidence?

20 A. Trace evidence is typically evidence that you can't  
21 see with the naked eye. In our department specifically it  
22 includes the types of evidence like fire debris or fibers,  
23 paint, tape, explosives, bank dye and gunshot primer  
24 residue.

25 Q. Gunshot primer residue, is that what we refer to

1 commonly as GSR?

2 A. It's the more specific term that we actually analyze  
3 in our laboratory.

4 Q. And can you describe to the jury what your  
5 education, training and experience is in the area of gunshot  
6 fiber residue?

7 A. Yes, ma'am.

8 Q. Okay.

9 A. So I have my bachelor's degree Chatham College in  
10 biochemistry and English. I also have my master's degree from  
11 Marshal University in forensic chemistry and computer  
12 forensics. I also underwent in-house training in each one of  
13 the disciplines for trace evidence. Specifically for gunshot  
14 primer residue it was a year long training program that  
15 consisted of written, practical and oral examinations from  
16 court qualified and experienced analysts within the  
17 laboratory. I also have attended outside training on the  
18 topic for the instrumentation as well as gunshot primer  
19 residue specifically.

20 Q. How many times have you testified in court as an  
21 expert?

22 A. For gunshot primer residue specifically 42.

23 MS. FULLER: Your Honor, at this time the State  
24 seeks to introduce Megan Fletcher as an expert in the  
25 area of gunshot primer residue.

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1 THE COURT: Any questions for this witness?

2 MR. CHEHOSKI: No objection.

3 THE COURT: All right. I will find she is qualified  
4 in the area of gunshot residue.

5 BY MS. FULLER:

6 Q. Can you go ahead and describe to the jury what is  
7 gunshot primer residue?

8 A. Gunshot primer residue are microscopic molten  
9 particles that contain the elements lead, barium and antimony.  
10 They come from the primer component of a cartridge so when a  
11 cartridge is fired through a firearm, the components of the  
12 primer will combine together with the heat and they will  
13 combine together into single particles of gunshot primer  
14 residue.

15 Q. What are the components that make up the particles?  
16 Did I ask that question?

17 A. The three components that make a characteristic  
18 particle of gunshot primer residue are lead, barium and  
19 antimony, and those are heavy metals.

20 Q. In your analysis now and in your report to identify  
21 gunshot primer residue would all three of those need to be  
22 present?

23 A. Yes, ma'am. They do.

24 Q. Okay. And what are you or what, if anything, are  
25 you able to determine if you have results that are positive

1 for gunshot primer residue?

2 A. Gunshot primer residue can come from discharging a  
3 firearm, being in the vicinity to the discharging of a firearm  
4 or coming into contact with a surface that has gunshot primer  
5 residue on it such as a weapon.

6 Q. Your report finding of the presence of, can I say  
7 GSR or no?

8 A. Yes, ma'am.

9 Q. Okay. I wasn't sure with the primer in there was  
10 interpreted different than GSR. So if you report a finding of  
11 the presence of GSR on a surface, can it be associated with  
12 anything else but being in the presence of a firearm, handling  
13 a firearm, being present when a firearm is shot, handled and  
14 more in close proximity to a weapon that has been fired?

15 A. Those are the three ways in which you can get these  
16 particles which are characteristic of gunshot primer residue  
17 on your person.

18 Q. So if you report out a result that's positive for  
19 it, is there any other explanation outside of those three  
20 ways?

21 A. No, ma'am.

22 Q. Okay. And in terms of GSR, can you explain to the  
23 jury normally how far can it travel?

24 A. So gunshot primer residue comes out of several parts  
25 of a gun depending on the type of gun that we're talking

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1 about. It might come out of the ejector port in the muzzle  
2 like a semiautomatic. If it's a revolver it will come out the  
3 cylinder gaps and the muzzle. The gunshot primer residue  
4 particles will travel approximately three feet to either side  
5 of the shooter. It will also travel two to three feet behind  
6 the shooter, but the vast majority of gunshot primer residue  
7 particles are going to travel along with the bullet out of the  
8 muzzle of the gun and outward of 60 feet.

9 Q. And in this case do you have as it relates to SLED  
10 item, SLED lab number L1814929, did you receive any GSR kit or  
11 GSR samples for testing from the deceased in this case Dakota  
12 Calhoun?

13 A. No, ma'am. I did not.

14 Q. Is it common or uncommon to receive a GSR kit from  
15 the deceased of a gunshot, a victim of a shooting?

16 A. So we do receive those gunshot primer residue kits,  
17 however, as of January 1st of this year we discontinued the  
18 analysis of that type of a kit and the reason for it is that  
19 the vast majority of victims that we're seeing, 75 to 80  
20 percent of these victims have gunshot primer residue on their  
21 hands and that is because what I said before about all of the  
22 gunshot primer residue is coming out the muzzle of the gun and  
23 traveling with the bullet so it's traveling towards the target  
24 and in which that would be the victim so we expect to find  
25 that on the victim and it doesn't add anything additional to

1 the case.

2 Q. In this case the shooting happened back in 2018.  
3 Did you have that policy in place or suggestion or advisory in  
4 terms of collecting GSR kits on deceased of a shooting,  
5 shooting deceased victims?

6 A. We did not have a policy in place, however, we were  
7 advising people of the limited science that was able to be  
8 performed or not, not the limited science, but the limited  
9 probative value that actually came from analyzing a gunshot  
10 residue kit from a victim.

11 Q. And can I say evidentiary value?

12 A. Yes, ma'am.

13 Q. Okay. And in this case an actual SLED agent is the  
14 one that collected items from the deceased in this case in  
15 terms of fingernails, but did not do a GSR kit. That's  
16 something that SLED would have been, known to SLED at the time  
17 in 2018 of, that there would be no per se probative value of  
18 collecting GSR from a deceased?

19 A. Yes, ma'am. We were educating our crime scene  
20 agents on that.

21 Q. So in terms of SLED crime scene agents around this  
22 time period, it wasn't uncommon not to receive it from the  
23 deceased?

24 A. That is correct.

25 Q. And in terms of the shooter in a case, where would

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1 you likely find, because I know you said you'll find GSR  
2 traveling with the projectile or the fired bullet, where would  
3 you find it on the shooter primarily or where would you expect  
4 to find it?

5 A. So typically if somebody is suspected of firing a  
6 gun, a gunshot residue kit is collected from their right and  
7 left hands and that's because that's the primary location of  
8 deposition or where that gunshot primer residue would have  
9 landed, however, it can also land on clothing such as the  
10 sleeves of your shirt or the chest of their shirt or even the  
11 tops of their shoes or the tops of their pants.

12 Q. And is there a policy or any literature in terms of  
13 the time frame as it relates to a individual's hands when law  
14 enforcement should collect a GSR kit?

15 A. SLED has a policy of not analyzing a gunshot residue  
16 kit beyond six hours and the reason for that is because  
17 essentially once you shoot a gun and put that gun down, you  
18 are actively removing that gunshot primer residue. It is very  
19 easily transferred so if you put your hands in your pockets,  
20 you might remove it, transfer it to your pocket. If you touch  
21 another object, you may transfer it to the other object. It's  
22 also very easily removed by simply washing your hands or  
23 sweating so we do have a six hour policy in effect. This is  
24 supported by several published articles.

25 Q. So as it relates to this case, we know, we have

1 testimony that Dakota Calhoun was last heard from and seen on  
2 October 9th of 2018 and on October 10th his body was located.  
3 If law enforcement had a shooter, a suspect or a person of  
4 interest in 24 hours, within 24 hours of his death, would it  
5 have been likely that a SLED agent to show up at that  
6 suspect's house to collect a GSR kit from their hand?

7 A. They could collect a GSR kit from his hands, but we  
8 would not analyze it.

9 Q. So even if it was done and if it was SLED reportedly  
10 who would have been the one reporting, they would have been  
11 trained not to collect it because it's beyond six hours,  
12 correct?

13 A. Yes. SLED crime scene agents are instructed not to  
14 collect it beyond six hours.

15 Q. So it's not likely that even if law enforcement had  
16 a suspect, in this case, a missing person case and he wasn't  
17 found for over 24 hours, or approximately 24 hours, it  
18 wouldn't be likely that a GSR kit would have been collected on  
19 the potential shooter in this case?

20 A. That is correct.

21 Q. In terms of the factors that could go into -- I know  
22 we don't quantify GSR per se. Well, or do we quantify GSR?

23 A. No. We do not.

24 Q. Okay. But are there factors that can go in to the  
25 removal potentially of GSR on someone's hands which I think

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1 you say yes?

2 A. Yes.

3 Q. Does a single gunshot wound impact have any impact  
4 on the amount of GSR left on a shooter as compared to shooting  
5 at something 10 times?

6 A. So you may have more particles on your hands  
7 initially from shooting 10 times versus one time, but again,  
8 the activity beyond an initial collection would greatly impact  
9 how much gunshot primer residue was left on that individual's  
10 hands.

11 Q. And if there's any evidence to indicate that an  
12 individual has washed their hands following a shooting, would  
13 that impact the collection of GSR?

14 A. Washing your hands is one way to remove gunshot  
15 primer residue evidence.

16 Q. Similar to latents, is GSR considered fragile?

17 A. The particles themselves are not fragile because  
18 they're made up of molten heavy metals, but it's very easily  
19 transferred. So like I said, simply putting your hands in  
20 your pocket would transfer those particles from your hands to  
21 your pocket. Also shaking somebody's hand has also been shown  
22 to transfer particles so in that sense the evidence type is  
23 fragile, but not the particles themselves.

24 Q. As it relates to this case, did you yourself receive  
25 items of evidence to test for gunshot primer residue?

1           A.    Yes.  I did.

2           Q.    And what item did you receive?

3           A.    Item 11 was submitted to our laboratory.

4           Q.    And item 11, is it correctly stated or described as  
5 a black cloth steering wheel cover?

6           A.    Yes, ma'am.

7           Q.    And 11.1, can you describe what 11.1 is to the  
8 jury?

9           A.    So 11.1 would have been a particle lift which is  
10 basically a stamp with a sticky surface on it that was used to  
11 collect any material off of that steering wheel cover which  
12 would include any potential gunshot primer residue  
13 particles.

14          Q.    And 11.1 which has been pre-marked as State's  
15 Exhibit 137, I'm gonna show you now State's 137 and ask if you  
16 recognize it?

17          A.    I do recognize this.

18          Q.    How do you recognize this?

19          A.    I recognize this by several different ways.  One is  
20 our lab number of L1814929.  I also recognize it by my  
21 initials and the date on which I closed the evidence and the  
22 date on which I opened the evidence.  I also recognize it  
23 based on the particle lifts that are inside of it with our lab  
24 number and the initials and the date.

25          Q.    And then just so it's clear, I'm gonna show you

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1 what's been marked or what's in evidence as State's 136 and  
2 ask you if you can identify that as it related to this case  
3 and as State's Exhibit - as Court - as SLED Exhibit - sorry,  
4 as SLED item number 11?

5 A. I do recognize State's 136 as L18-14929 item number  
6 11.

7 Q. And that is what we described as the steering wheel  
8 cover as it relates to this case?

9 A. Yes, ma'am.

10 MS. FULLER: At this time, Your Honor, the State  
11 seeks to introduce into evidence SLED item 11.1 which is  
12 marked as State's Exhibit 137.

13 MR. CHEHOSKI: No objection.

14 THE COURT: So moved.

15 BY MS. FULLER:

16 Q. Can you describe to the jury what would be the  
17 method of collecting? I know you touched on it, but what  
18 would have actually, the process of collecting were the  
19 particle lift 11.1?

20 A. So the particle lift which like I said, a stamp with  
21 a sticky surface on it would be used to dab along the steering  
22 wheel cover and try to obtain every surface that that allowed  
23 us to collect until that stops being sticky.

24 Q. Okay. And as it relates to 11.1 what, if any,  
25 results were you able to report?

1           A.    May I refer to my notes?

2           Q.    Yes, please.

3           A.    For SLED item 11.1 particle lift collected from the  
4 steering wheel cover, particles characteristic of gunshot  
5 primer residue were found.

6           Q.    And what would that indicate?

7           A.    For an inanimate object such as a steering wheel  
8 cover it would indicate that it was either in the vicinity to  
9 the discharge of the firearm or came into contact with  
10 something that had gunshot primer residue on it.

11          Q.    And in this case it's already been testified that  
12 the shooting did not take place in the car, it took place in  
13 the woods in this case so factoring that into your opinion,  
14 what would account for the presence of GSR on the steering  
15 wheel cover?

16          A.    I can still only say that it has to be in the  
17 vicinity or coming into contact and that's because on an  
18 inanimate object there's not a time frame like on a living  
19 person so we can't say that it's exactly tied to a specific  
20 incident within a certain amount of time.

21          Q.    Is it possible that it was transferred there by a  
22 shooter in this case?

23          A.    If somebody had shot a gun and then touched that  
24 object, it is possible for transfer of gunshot primer residue  
25 to that object.

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1 Q. And again, earlier when I asked you about if a  
2 shooter were to shoot a firearm, an individual were to shoot a  
3 firearm, where on the body or the clothes or all of that,  
4 where would you expect to find GSR?

5 A. On their hands, on the sleeves and the chest of the  
6 shirt as well as the tops of the pants and possibly the  
7 shoes.

8 Q. So is it possible for an individual in this case who  
9 has committed this shooting, who has done this shooting, to  
10 have GSR on their hands?

11 A. If somebody shoots a gun, then it is likely they  
12 would have gunshot primer residue on their hands immediately  
13 after shooting.

14 Q. And then is it possible for them to transfer that  
15 gunshot primer residue onto a steering wheel of a vehicle as  
16 they entered the vehicle after shooting that firearm?

17 A. Yes, ma'am. It is.

18 MS. FULLER: No further questions at this time.

19 CROSS EXAMINATION

20 BY MR. CHEHOSKI:

21 Q. Good afternoon, Ms. Fletcher.

22 A. Good afternoon.

23 Q. You've just testified that there's no timeline for  
24 gunshot primer residue on inanimate objects?

25 A. That's correct, sir.

1 Q. And you also testified that you would be looking for  
2 gunshot primer residue pretty much on anything within a three  
3 foot radius of where the gun was discharged?

4 A. That is how far away that it would be deposited on  
5 three feet to either side, two to three feet behind, 60 feet  
6 in front of.

7 Q. So making sure I do understand, a likely inanimate  
8 object that would collect gunshot primer residue would  
9 probably be the shirt of the shooter?

10 A. That is correct.

11 Q. And possibly the shoes of the shooter?

12 A. That is correct.

13 Q. You did not test any shirts for gunshot primer  
14 residue in this case, did you?

15 A. There were no items submitted other than the  
16 steering wheel cover for gunshot primer residue.

17 Q. And so similar because of that you did not test any  
18 shoes for the same thing; is that correct?

19 A. That is correct.

20 Q. And when was the steering wheel cover item 11  
21 received?

22 A. May I refer to the chain of custody?

23 Q. I'm sorry. Actually I meant to say 11.1 which was  
24 the swabs?

25 A. They were collected by the SLED laboratory.

MEGAN FLETCHER - REDIRECT BY MS. FULLER

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1 Q. When was your analysis done?

2 A. May I refer to my notes?

3 Q. Yes. You may.

4 A. So the particles were collected for the GSR on  
5 October 29th, 2018 and my analysis was performed between  
6 October 30th, 2018 and actually October 31st, 2018.

7 Q. And again, despite all that time you were able to  
8 find gunshot primer residue?

9 A. Yes, sir.

10 MR. CHEHOSKI: That's all. Thank you.

11 REDIRECT EXAMINATION

12 BY MS. FULLER:

13 Q. Just so there's no confusion, as it relates to the  
14 steering wheel cover, you were able to determine that there  
15 was the presence of GSR on that steering wheel cover?

16 A. Yes, ma'am. There was.

17 MS. FULLER: Thank you. No further questions.

18 THE COURT: May this witness be excused?

19 MS. FULLER: Yes, Your Honor.

20 MR. DRYLIE: The State calls Celia Modell.

21 Thereupon,

22 CELIA MODELL

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

24 THE CLERK: Please have a seat. Once you're seated,  
25 state your full name spelling your last please.

1                   THE WITNESS: My name is Celia Modell,  
2                   M-o-d-e-l-l.

3   DIRECT EXAMINATION

4 BY MR. DRYLIE:

5           Q.    Ms. Modell, would you please introduce yourself to  
6 the jury?

7           A.    Sure. My name is Celia Modell. I'm a forensic  
8 toxicologist for the South Carolina Law Enforcement  
9 Division.

10          Q.    How long have you been employed by SLED?

11          A.    For seven and a half years.

12          Q.    Could you go into a little bit of background,  
13 training, experience and education that qualifies you as a  
14 forensic toxicologist?

15          A.    Sure. So I have a bachelor's of science from the  
16 University of New Haven in forensic chemistry. I have a  
17 master's of science in forensic toxicology from the University  
18 of Florida. I have been board-certified by the American Board  
19 of Forensic Toxicologists in forensic toxicology. I have had  
20 in-house training with SLED in regards to alcohol analysis,  
21 trace analysis, drug screens, extraction of drugs from a  
22 biological matrix and so on.

23          Q.    And when we're talking about forensic toxicology,  
24 essentially you're able to test blood from a decedent and  
25 identify the foreign substances that are in that blood,

CELIA MODELL - DIRECT BY MR. DRYLIE

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1 correct?

2 A. That is correct.

3 Q. And have you performed tests on blood to determine  
4 alcohol or narcotic concentration before?

5 A. Yes.

6 Q. About how many times?

7 A. Eight times I have testified in court.

8 Q. Well, not just testified in court. About how many  
9 tests have you performed?

10 A. For volatile analysis over 2000 times.

11 Q. And what is volatile analysis?

12 A. Blood alcohol so testing for ethanol in a blood  
13 sample.

14 Q. Okay. And could you briefly explain that process?

15 A. Sure. So how alcohol analysis works is usually I  
16 have a vial of blood and take a small sample from that vial  
17 and place it into a container and take that container and  
18 place it on an instrument to run. That instrument is called a  
19 gas chromatograph mass spectrometry and that gives me the  
20 values of ethanol and that unique fingerprint.

21 Q. And you performed two to 3000 tests. How many times  
22 have you testified in court before as a forensic  
23 toxicologist?

24 A. Eight times.

25 Q. Have you been qualified as an expert before?

1 A. I have in forensic toxicology and pharmacology.

2 MR. DRYLIE: Judge, at this time the State would  
3 offer Ms. Modell as an expert in forensic toxicology.

4 MR. MADSEN: No objection.

5 THE COURT: All right. I'll so find that Ms. Modell  
6 is an expert in forensic toxicology.

7 BY MR. DRYLIE:

8 Q. And going to this case, did you have an item to, or  
9 did you write the report for SLED item 13.1?

10 A. Can I refer to my report?

11 Q. Absolutely.

12 A. Yes. I did.

13 Q. And what is SLED item 13.1?

14 A. It is iliac blood labeled Calhoun, Dakota with the  
15 FA number.

16 Q. And explain how that blood is tested.

17 A. So the analysis that I explained before about how I  
18 take a small sample of that vial and place it into a container  
19 is how I perform the volatile analysis using gas  
20 chromatography mass spectrometry and that's how we get the  
21 ethanol value, and then I perform a preliminary drug screen  
22 which screens for 12 classes of commonly abused drugs and that  
23 is the preliminary drug screen which is also recorded for the  
24 blood sample.

25 Q. Was there an ethanol concentration in Mr. Calhoun's

1 blood?

2 A. The ethanol concentration was a .012.

3 Q. Okay. And explain to us what a .012 ethanol  
4 concentration can come from?

5 A. A 0.012 is a very low ethanol value so that is less  
6 than one beer domestically, or it could be post mortem  
7 accumulation so when your body, when you die, you can produce  
8 volatile in your system as you decompose.

9 Q. Specifically with SLED item 13.1, what type of blood  
10 are you testing?

11 A. Iliac blood.

12 Q. What does that mean?

13 A. That's just the location so it's the most peripheral  
14 site. When coroner's take samples from a person, there's a  
15 couple sites. We want the most peripheral site because that's  
16 the most accurate representation of what's most affecting a  
17 person at that time.

18 Q. And did you also perform a preliminary drug screen  
19 on SLED item 13.1?

20 A. I did.

21 Q. And what were the results of that drug screen?

22 A. I did not find any drugs or poisons of concern from  
23 that screen.

24 Q. Okay. So it's fair to say there were no amount of  
25 drugs in Dakota Calhoun's system at the time of his death?

1 A. That is correct.

2 Q. Okay. And once again, the iliac blood, the level of  
3 ethanol in that test, was it high or low?

4 A. Low.

5 Q. Okay. And it could come from other things other  
6 than consuming alcohol?

7 A. Correct. From post mortem accumulation.

8 Q. But Dakota Calhoun tested negative for opiates,  
9 benzodiazepines and cannabinoids, correct?

10 A. That is correct.

11 Q. Going to SLED item 15, what is that?

12 A. Item 15 is ocular fluid from the decedent.

13 Q. And can you explain the difference between testing  
14 iliac blood and ocular fluid?

15 A. Sure. So testing blood versus ocular, we test the  
16 ocular too as part of our testing at SLED and that is to show  
17 if someone is consuming alcohol, your ocular is a separate  
18 entity basically free of microbial contamination so basically  
19 it's a separate site where another way to either confirm if  
20 somebody consumed alcohol rather than post mortem  
21 accumulation.

22 Q. And what was your test result on the ocular fluid?

23 A. It was negative.

24 Q. What does that lead you believe?

25 A. It leads me to believe that the ethanol is most

1 likely from post mortem accumulation.

2 Q. And so I asked about cannabinoids before.

3 A. Correct.

4 Q. And does that include marijuana?

5 A. Cannabinoid is part of marijuana, is marijuana.

6 Q. And so Dakota Calhoun tested negative for marijuana  
7 at the time of his death?

8 A. That is correct.

9 Q. And then turning to heroin, that would fall under  
10 the opiate category, correct?

11 A. Yes. That is correct.

12 Q. Okay. And he tested negative for opiates at the  
13 time of his death?

14 A. That is correct.

15 MR. DRYLIE: No further questions. Please answer  
16 any questions from the defense.

17 CROSS EXAMINATION

18 BY MR. MADSEN:

19 Q. Ms. Modell, how are you?

20 A. Good. How are you?

21 Q. Just a few questions for you. So obviously if I go  
22 out there, street drugs aren't regulated, are they?

23 A. No. Not that I'm aware of.

24 Q. And so if I go out and someone says, or I try to  
25 buy, say, cocaine, I might get cocaine, I might not get

1 cocaine, there's no way to really tell, is there?

2 A. I don't know from experience, but sorry.

3 Q. Me neither. But I mean, it's a possibility --

4 A. It is a possibility.

5 Q. -- that someone sells you something fake. And then  
6 I noticed on here, so we've got the testing of the blood which  
7 are things on the inside, but then there was also submitted, I  
8 guess, urine and that's after it's kind of gone through the  
9 body's system, we're sending it out through the body and  
10 sometimes those numbers can be different, correct?

11 A. As far as urine testing goes, we don't report on the  
12 values for urine. We do test urine. Urine is used as a  
13 history so it's not going to give you something as actively  
14 affecting a person at the time of the incident. It's going to  
15 give a history so somebody who used two or three days ago or  
16 consumed something, it could be still be lingering in their  
17 urine, excreted through your urine. It's excreted through the  
18 body.

19 Q. 'Cause that's on the way out of the body, correct?

20 A. Correct.

21 Q. And we received that here but we just decided not to  
22 test that?

23 A. It's not our standard to test urine.

24 Q. But it was submitted, item 14 on there, isn't it?

25 It says sample type urine labeled Calhoun, Dakota, correct?

CELIA MODELL - REDIRECT BY MR. DRYLIE

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1 A. Correct.

2 Q. And we just didn't do it?

3 A. It's not part of SLED's protocol testing for  
4 homicide cases for any known cause of death. We only will  
5 test the blood and ocular because that is the sample that was  
6 submitted at the time.

7 Q. But it was submitted and y'all have the ability to  
8 test it --

9 A. It was --

10 Q. -- and you just decided not to test it?

11 A. -- not tested.

12 MR. MADSEN: Okay. That's all the questions I  
13 have.

14 REDIRECT EXAMINATION

15 BY MR. DRYLIE:

16 Q. Just briefly. It's your policy not to test urine on  
17 homicide decedents, correct?

18 A. Correct.

19 MR. DRYLIE: No further questions.

20 THE COURT: This witness can being released. Thank  
21 you.

22 MS. FULLER: The State calls Danarius Garrett.  
23 Thereupon,

24 DANARIUS GARRETT

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

1 THE CLERK: Please have a seat. Once you're seated,  
2 state your full name spelling your last please.

3 THE WITNESS: Danarius Montrel Garrett,  
4 G-a-r-r-e-t-t.

5 DIRECT EXAMINATION

6 BY MS. FULLER:

7 Q. Mr. Garrett, you don't want to be here today,  
8 correct?

9 A. Correct.

10 Q. I basically brought you here, correct?

11 A. Correct.

12 Q. Where are you currently?

13 A. Virginia.

14 Q. And what's in Virginia?

15 A. Federal Institution.

16 Q. Okay. And you have expressed that you do not want  
17 to testify in this trial, correct?

18 A. Yes, ma'am.

19 Q. But I am basically compelling you to testify,  
20 correct?

21 A. Correct.

22 Q. And you're currently in Federal custody for a  
23 weapons violation?

24 A. Correct.

25 Q. And you have a prior record, a state record that

DANARIUS GARRETT - DIRECT BY MS. FULLER

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1 include burglary, drugs, guns and other drug charges,  
2 correct?

3 A. Correct.

4 Q. Back in 2018 you knew Dakota Calhoun, correct?

5 A. Correct.

6 Q. And on October 9th around that evening, I guess, or  
7 afternoon is when he was last heard from, correct?

8 A. Correct.

9 Q. And you are aware that he was murdered, correct?

10 A. Correct.

11 MR. CHEHOSKI: Objection, Your Honor. Object to the  
12 leading questions. This is the State's witness.

13 THE COURT: Sustained.

14 BY MS. FULLER:

15 Q. And on that date can you tell me whether or not you  
16 saw Dakota Calhoun?

17 A. I did.

18 Q. And where did you see him?

19 A. At the hotel.

20 Q. What hotel?

21 A. Country Hearth.

22 Q. And is that on Gordon Highway in Augusta?

23 A. Correct.

24 Q. Augusta, Georgia?

25 A. Correct.

1 Q. I'm gonna show you what's been pre-marked as State's  
2 exhibit 27 through 30. I'm showing you State's 27. Do you  
3 recognize this image?

4 A. Yes, ma'am.

5 Q. And who do you recognize in this image?

6 A. Dakota.

7 Q. And looking at State's 28, do you recognize this  
8 image as well?

9 A. Yes, ma'am.

10 Q. And who do you see in this image?

11 A. Dakota.

12 Q. And looking at State's 29, do you recognize this  
13 image?

14 A. That's me.

15 Q. You said that's you?

16 A. Mm-hmm.

17 Q. And looking at State's 30, what do you recognize in  
18 this image?

19 A. Dakota's mom's car.

20 MS. FULLER: Your Honor, pursuant to state statute  
21 19-5-520 and the identification made here, the State  
22 seeks to introduce State's Exhibits 27 through 30 into  
23 evidence.

24 MR. CHEHOSKI: Without objection.

25 THE COURT: So moved.

DANARIUS GARRETT - DIRECT BY MS. FULLER

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1 BY MS. FULLER:

2 Q. And was anyone else with Dakota when he came to the  
3 hotel, the motel?

4 A. He stated that his cousin --

5 MR. CHEHOSKI: Objection, hearsay.

6 BY MS. FULLER:

7 Q. Who was with Dakota when he came to the hotel?

8 A. His cousin.

9 Q. And what's his cousin's name?

10 A. Gabe.

11 Q. And did Gabe come to the room or did he stay in the  
12 car?

13 A. He stayed in the car.

14 Q. And why did Dakota come to see you that day?

15 A. Pay me some money he had owed me.

16 Q. All right. Looking at State's 27 is what I showed  
17 you, and I'm pointing here, is that who you identified to me  
18 as Dakota Calhoun?

19 A. Yes, ma'am.

20 Q. And he's wearing that pink shirt?

21 A. Yes, ma'am.

22 Q. And the car that he's standing next to, whose car is  
23 that?

24 A. His mother's.

25 Q. And looking at State's 28, what time is on this

1 image?

2 A. 2:54.

3 Q. And that's p.m.?

4 A. P.m.

5 Q. And then who is this individual?

6 A. Dakota.

7 Q. Wearing that pink shirt. And looking at State's 29,  
8 what time is this?

9 A. 3:00 p.m.

10 Q. And that's on October 9th of 2018, correct?

11 A. Correct.

12 Q. And then who is this individual?

13 A. Me.

14 Q. And then looking at State's 30, what time is this?

15 A. 3:01.

16 Q. And whose vehicle is this?

17 A. His mother's.

18 MS. FULLER: No further questions at this time.

19 THE COURT: Cross.

20 CROSS EXAMINATION

21 BY MR. CHEHOSKI:

22 Q. Mr. Garrett, what was Dakota Calhoun doing?

23 A. Paying me money.

24 Q. What was Dakota going to do after he left you?

25 A. He said he was gonna -- He said he was going to get

DANARIUS GARRETT - CROSS BY MR. CHEHOSKI

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1 --

2 MS. FULLER: Objection, Your Honor. Are you asking  
3 a statement?

4 MR. CHEHOSKI: I'm asking --

5 MS. FULLER: He objected to my statements as being  
6 hearsay, Your Honor. I think the same applies.

7 THE COURT: What is the question? Can you repeat  
8 the question?

9 BY MR. CHEHOSKI:

10 Q. What was Dakota going to do when he left you?

11 A. What was he going to do?

12 Q. Yes.

13 A. He stated that he was going to get some Xanax --

14 MS. FULLER: Objection.

15 BY THE WITNESS:

16 A. -- from somebody in North Augusta.

17 THE COURT: Hold on.

18 MS. FULLER: It's fine, Your Honor. No objection.

19 I can re -- That's good.

20 BY MR. CHEHOSKI:

21 Q. You can answer the question.

22 BY THE COURT: You can answer the question.

23 BY THE WITNESS:

24 A. He said he was going to get some Xanax bars in North  
25 Augusta. That's what he stated.

1 BY MR. CHEHOSKI:

2 Q. Okay. What exactly is that?

3 A. Huh?

4 Q. What exactly is that?

5 A. Is what? Where he was going?

6 Q. What was he going, what was he going to get?

7 A. Xanax.

8 Q. Okay. He repaid you \$20.00?

9 A. Yeah. He paid me \$20.00.

10 MR. CHEHOSKI: That's it. Thank you.

11 MS. FULLER: No redirect.

12 THE COURT: All right. This witness may be  
13 excused.

14 MS. FULLER: Thank you, Your Honor. The State calls  
15 Kirtrina Dixon.

16 MR. MADSEN: Can we approach?

17 THE COURT: Yes.

18 (Side bar off the record.)

19 Thereupon,

20 KIRTRINA DIXON

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

22 THE CLERK: Please have a seat. Once you're seated,  
23 state your full name spelling your last please.

24 THE WITNESS: My name is Kirtrina Dixon. Last name  
25 D-i-x-o-n.

KIRTRINA DIXON - DIRECT BY MS. FULLER

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1 THE COURT: Ms. Dixon, would you talk into that  
2 microphone. Talk loud, okay? Do you hear how loud I am?  
3 Even if you've got to yell a little bit so we can hear  
4 you.

5 THE WITNESS: Yes, ma'am.

6 THE COURT: All right. Thank you.

7 DIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. Is it okay if I call you Kirtrina?

10 A. Yes, ma'am.

11 Q. And I'm gonna go, I'm gonna adjust that microphone,  
12 okay? Because we've got to make sure we hear you, okay?

13 A. Okay.

14 Q. You doing all right?

15 A. I'm tired.

16 Q. I know. You go -- Okay. Speak loudly for me, okay?  
17 As loud as you can. Do you know Gabriel Curry?

18 A. Yes.

19 Q. And how do you know him?

20 A. He's my ex.

21 Q. And back in October of 2018, were you guys in a  
22 relationship?

23 A. Yes.

24 Q. And back in October of 2018, did you and your mother  
25 live at [REDACTED] Mount Zion Road?

- 1           A.    Yes, ma'am.
- 2           Q.    And do you know where Gabriel Curry's parents  
3 lived?
- 4           A.    They lived down the street from my momma.
- 5           Q.    And that's on Mount Zion Road?
- 6           A.    Yes, ma'am.
- 7           Q.    And where would Gabriel Curry sleep at night when  
8 y'all were dating?
- 9           A.    At his house and sometimes at mines.
- 10          Q.    And that's on Mount Zion Road?
- 11          A.    Yes, ma'am.
- 12          Q.    And you know why we're here, right?
- 13          A.    Yes, ma'am.
- 14          Q.    And that's because Dakota was killed, correct?
- 15          A.    Yes, ma'am.
- 16          Q.    And the day that Dakota was killed, did you see  
17 Gabriel Curry?
- 18          A.    Yes, ma'am.
- 19          Q.    Okay.  And when did you see him?
- 20          A.    Later on that evening.
- 21          Q.    I'm having a hard time hearing.
- 22          A.    Later on that evening.
- 23          Q.    Okay.  And where did you see him?
- 24          A.    He came to my house --
- 25          Q.    You've got to keep your voice up.

KIRTRINA DIXON - DIRECT BY MS. FULLER

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- 1           A.    He came to my house on that evening.
- 2           Q.    And that's on Mount Zion Road?
- 3           A.    Yes, ma'am.
- 4           Q.    How did he get to your house?
- 5           A.    You talking about on that same day?
- 6           Q.    The day that Dakota was killed, how did Gabriel
- 7   Curry get to your house?
- 8           A.    He walked down the street from me to my house.
- 9           Q.    Okay. Did you see Dakota with Gabriel Curry that
- 10   day?
- 11          A.    No, ma'am.
- 12          Q.    Do you recall speaking to the police around the time
- 13   they were investigating Dakota's death?
- 14          A.    Talking about the same day it happened?
- 15          Q.    No. Just during the whole time frame. Do you
- 16   remember talking to the police and being interviewed?
- 17          A.    Yes, ma'am.
- 18          Q.    And do you recall telling them that you saw Dakota
- 19   drop off Gabe that day?
- 20          A.    No, ma'am.
- 21          Q.    You don't remember telling them that?
- 22          A.    Oh, hold on. Yes, ma'am.
- 23          Q.    And was that a truth or a lie?
- 24          A.    Can you repeat that again?
- 25          Q.    When you told the police that you saw Dakota drop

1 off Gabriel Curry at your house, was that a truth or a lie?

2 A. A lie.

3 Q. It was a lie?

4 A. Yes, ma'am.

5 Q. And today in court when you say that you saw Gabriel  
6 Curry come walking up, is that the truth?

7 A. Yes, ma'am.

8 Q. Why did you lie to the police back then?

9 A. Because I didn't know what was going on that day.

10 Q. Okay. I'm gonna come back to that day.

11 A. Yes, ma'am.

12 Q. Let's talk about the next day. Do you remember the  
13 police coming to your house looking for Gabriel Curry?

14 A. Yes, ma'am.

15 Q. And were you outside at the time that the police  
16 pulled up?

17 A. Yes, ma'am.

18 Q. And then you ran inside, correct?

19 A. Yes, ma'am.

20 Q. And where was Gabriel Curry when you ran inside?

21 A. He was at my mom's house.

22 Q. And that's on, at [REDACTED] Mount Zion Road?

23 A. Yes, ma'am. When I went in the house, I had went in  
24 and got my son. That's why I went in the house.

25 Q. And what, if anything, did Gabriel Curry say to you

KIRTRINA DIXON - DIRECT BY MS. FULLER

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1 when you went in the house?

2 A. Uhm, repeat that again.

3 Q. What did Gabriel Curry tell you when the police were  
4 outside looking for him when you went in the house, what did  
5 Gabriel Curry say to you?

6 A. Not to say that he was in there.

7 Q. I need you to say it a little bit louder.

8 A. Not to say that he was in there.

9 Q. And this was on the day after Dakota was killed,  
10 correct?

11 A. Yes, ma'am.

12 Q. And did you eventually go back outside the house?

13 A. Talking about the same day?

14 Q. When - after Gabriel Curry told you not to tell the  
15 police that he was inside, did you go back outside?

16 A. Yes. I went back outside with my son.

17 Q. And did you close the door, the house door?

18 A. Yes, ma'am.

19 Q. And did you talk to the police?

20 A. Yes. I talked to the police.

21 Q. And when they asked you where Gabriel Curry was --

22 A. I told them that I didn't know where he was at.

23 Q. I can't understand what you're saying.

24 A. I told them that I didn't know where he was at  
25 because I didn't know what was going on.

1 Q. And was that a truth or was that a lie?

2 A. You talking about what I said?

3 Q. When you told the police you didn't know where  
4 Gabriel Curry was, was that the truth or was that a lie?

5 A. I told them that. Repeat that again.

6 Q. Did you lie to the police?

7 A. Oh, yes, ma'am. I lied to police and told them that  
8 he wasn't in there because I didn't know what was going on  
9 that day.

10 Q. And this is after he told you not to tell them that  
11 he was inside?

12 A. Yes. That was when the cops had left.

13 Q. Okay. I don't want to confuse you so I'm gonna --

14 A. Yes, ma'am.

15 Q. -- back it up.

16 A. Mm-hmm.

17 Q. Your testimony was that when the cops came, you ran  
18 inside the house; is that correct?

19 A. I went in the house to get my son.

20 Q. And when you went inside the house, Gabriel Curry  
21 was in the house?

22 A. Yes, ma'am.

23 Q. And he told you not to tell the police he was inside  
24 the house; is that correct?

25 A. Yes, ma'am.

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1 Q. And then you went back outside and you told the  
2 police that you did not know where Gabriel Curry was; is that  
3 correct?

4 A. Yes, ma'am.

5 Q. Okay. I just wanted to be clear. I don't want to  
6 confuse you.

7 A. Okay.

8 Q. A little later do you remember Kahlo coming to the  
9 house with his girlfriend at the time looking for Gabe?

10 A. Yes.

11 Q. And what did you tell them?

12 A. Well --

13 Q. What did you initially tell Kahlo and his  
14 girlfriend?

15 A. Well, when they came to the house, that's when I  
16 heard somebody knocking at the door, that's when he came to  
17 the door, that's when Gabe came to the door and talked to  
18 them.

19 Q. Did you initially tell them that Gabe wasn't in  
20 there?

21 A. No. He came to the door. Gabe came to the door to  
22 talk to them.

23 Q. Who opened the door?

24 A. I opened the door and Gabe came to the door. I told  
25 them that his cousin Kahlo was out there.

1 Q. Okay. So you opened the door and then you told Gabe  
2 that it was his cousin?

3 A. Yes, because he was behind me when we came to the  
4 door.

5 Q. Okay. And then that's when he went and spoke with  
6 his cousin?

7 A. Yes.

8 Q. And then did he leave the house then?

9 A. Yes. He, he, he went to go talk to the cops.

10 Q. Okay. Now, a couple days later did the police come  
11 to your house to search your house?

12 A. Yes, ma'am.

13 Q. And what did they take, do you remember?

14 A. They took my phones.

15 Q. And did they take Gabriel Curry's phone?

16 A. I'm not too sure about that, but I know they took  
17 mines.

18 Q. They took the phones that were in the house?

19 A. They took all mine phones and they took my mom's  
20 phone. My mom, I guess my mom said that one of them was  
21 hers.

22 Q. Okay. And when they came to the house, was Gabriel  
23 Curry there that day?

24 A. Yes, ma'am. Because when they knocked on the door,  
25 when they knocked on the door, I was supposed to be leaving

KIRTRINA DIXON - DIRECT BY MS. FULLER

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1 that same day. I was going with my step-dad, so I said, okay,  
2 my step-daddy outside, but I looked out the window, I seen the  
3 cops out there so I opened the door.

4 Q. Okay. And it's on that day or the next day, do you  
5 remember talking to the police about a gun?

6 A. That was the same day that they searched my house.

7 Q. Okay. And what did you tell the police about the  
8 gun?

9 A. I told that --

10 Q. You have to speak louder. I'm sorry.

11 A. I told them Gabe threw it in the woods.

12 Q. I'm just gonna repeat what you said because I can't  
13 hear you clearly. You told the police that Gabriel Curry  
14 threw a gun in the woods.

15 A. Yes.

16 Q. And what did that gun look like, do you remember?

17 A. No, ma'am.

18 Q. Do you remember what color it was?

19 A. Black.

20 Q. Do you remember if it was big or small?

21 A. It wasn't that big.

22 Q. Okay. Do you remember if it was like a regular  
23 pistol or did it have the spinning revolver thing on it?

24 A. I think it was probably a pistol if I'm not  
25 mistaken.

1 Q. Okay. So you saw him throw a black pistol that's  
2 not that big into the woods?

3 A. Yes.

4 Q. And when did you see him do that?

5 A. That was I think the next day, after I think the  
6 next day after, uhm. I think it's after it happened.

7 Q. And after it happened referring to the day after  
8 Dakota was killed?

9 A. Yes, ma'am.

10 Q. And do you have vision problems?

11 A. Yes, ma'am.

12 Q. How did you know it was a gun?

13 A. Because I was outside that day.

14 Q. Okay. Did he say anything to you before he threw  
15 the gun in the woods?

16 A. No, ma'am.

17 Q. But you were able to see, despite your vision  
18 problems you were able to tell that it was a gun?

19 A. Yes, ma'am.

20 Q. You have to speak up?

21 A. Yes, ma'am.

22 Q. Now, going back to the night that it happened,  
23 remember I said I was gonna go back? Just a couple more  
24 questions.

25 A. Yes, ma'am.

KIRTRINA DIXON - DIRECT BY MS. FULLER

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- 1 Q. That night it happened, did Gabriel Curry stay the  
2 night at your house?
- 3 A. Yes, ma'am.
- 4 Q. Did he stay at Beulah Street or Avenue, at [REDACTED]  
5 Beulah that night?
- 6 A. I'm not sure.
- 7 Q. Do you know what that is, what address that is?
- 8 A. No, ma'am.
- 9 Q. Okay. But that night that Dakota was killed, he  
10 stayed at your house on Mount Zion Road, right?
- 11 A. Yes, ma'am.
- 12 Q. Did he leave and go anywhere during that night?
- 13 A. Uhm, he had went outside that night.
- 14 Q. It was during the middle of the night?
- 15 A. Yes, ma'am. Talked to Kahlo that night outside in  
16 my backyard.
- 17 Q. Okay.
- 18 A. But I was in the house. I don't know what they was  
19 talking about.
- 20 Q. Okay. And then after Kahlo leaves and other people  
21 were there, correct?
- 22 A. Ma'am.
- 23 Q. Other people were there with Kahlo when he went  
24 outside?
- 25 A. I don't know. I don't know who all was in the car

1 because I didn't even go the door. I just seen the car out  
2 there.

3 Q. And then after they leave, Gabriel Curry goes to  
4 sleep at your house, correct?

5 A. Yes, ma'am.

6 Q. And then that next morning does he leave the  
7 house?

8 A. Yes.

9 Q. Hmm?

10 A. Yes, ma'am.

11 Q. Do you originally remember indicating that he may  
12 not have left the house in those early morning hours?

13 A. I know he left the house, but I don't know where he  
14 went.

15 Q. Okay. And if you're on the phone with him when he  
16 leaves the house, does that also -- Okay. Let me ask you a  
17 better way. If you and him are on the phone together, would  
18 you guys be in the same house at the same time?

19 A. No, ma'am.

20 Q. Did you guys ever do that?

21 A. No, ma'am.

22 Q. And do you remember your phone number at the time?

23 A. No, ma'am. I don't remember none of those phone  
24 numbers by heart.

25 Q. Okay. Do you remember --

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1           A.    I know how the phones look when I see them, but I  
2    don't remember the phone numbers to them.

3           Q.    Do you recognize the number [REDACTED]-3343?

4           A.    Yes, ma'am.

5           Q.    And whose number is that?

6           A.    You said [REDACTED], that was mines.

7           Q.    That was your phone number at the time?

8           A.    Yes, ma'am.

9           Q.    And that's [REDACTED]-4343?

10          A.    Yes, ma'am.  That's the one they had took of  
11   mines.

12          Q.    And that's the phone that the police took during the  
13   search warrant?

14          A.    Yes, ma'am.  They took my phone that day.

15          Q.    So that phone number is associated with you,  
16   correct?

17          A.    Yes, ma'am.  I don't remember how many phones they  
18   took, but I know they took my phone, some phones, but I know  
19   it was only one.

20          Q.    Okay.

21          A.    This was the only one because I had my baby  
22   (inaudible.)

23                MS. FULLER:  I'm sorry.  I didn't understand what  
24   you said, but I don't have anymore questions, okay, for  
25   right now.  The defense is gonna ask you some questions,

1           okay?

2                   THE WITNESS: Who you talking about, him?

3                   MS. FULLER: Over there. They'll come up here  
4           though.

5                                   CROSS EXAMINATION

6   BY MR. CHEHOSKI:

7           Q.   Ms. Dixon, you indicated that you have some vision  
8   problems?

9           A.   Yes, sir.

10          Q.   Can you explain more fully what your vision problems  
11   are?

12          A.   I'm fully blind in my right eye and partially in my  
13   left. I can't see too well. I've got muscular sclerosis in  
14   my eyes.

15          Q.   You're totally blind in your right eye.

16          A.   I'm fully blind in my right eye and partially in the  
17   left. I got ms in my eyes, multiple sclerosis and I've had it  
18   since 2014 when I had my son.

19          Q.   All right. Please speak up again.

20          A.   Okay. I said I'm fully blind in the right eye,  
21   partially in the left. I got multiple sclerosis in my eyes,  
22   ms. I've had multiple sclerosis since 2014 when I was  
23   pregnant with my son.

24          Q.   I want to make sure I heard you correctly. You said  
25   you have multiple sclerosis?

KIRTRINA DIXON - CROSS BY MR. CHEHOSKI

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1 A. Yes, sir.

2 Q. And you learned of that in 2014?

3 A. Yes. I lost my vision in 2014 when I was pregnant  
4 with my son.

5 Q. Now, the Solicitor asked you when you spoke to law  
6 enforcement. Do you remember that?

7 A. Who you talking about?

8 Q. I'm sorry. Ms. Fuller --

9 A. Oh, yes.

10 Q. -- asked you about when you spoke to law  
11 enforcement. Do you remember that?

12 A. (Witness nodding head.)

13 Q. And do you remember sitting with a couple of  
14 detectives?

15 A. Yes, sir.

16 Q. Were those detectives threatening to lock you up  
17 during that conversation?

18 A. No, sir.

19 Q. They did not threaten -- Did they say that if you  
20 lied to us, that things are gonna go bad for you?

21 A. Oh, talking about me when I went to the jail house  
22 that day?

23 Q. Did they not tell you that?

24 A. I think they did.

25 Q. Do you remember them doing that more than once?

1           A.    No.  I don't remember.

2           Q.    Do you remember them threatening to take your child  
3 away?

4           A.    Oh, they did tell me that.

5           Q.    Okay.  And --

6           A.    They told me at the jail house when I had to talk to  
7 them at the jail house.

8           Q.    Can you say that again please a little louder?

9           A.    They told me that at the jail house when I went up  
10 to the jail house and talked to them.

11          Q.    And they told you they might put you in the back?

12          A.    Yes, sir, if I don't tell the truth because I told  
13 them I didn't have anything to do with this because I wasn't  
14 there when it happened.  I was at home then with my son.

15          Q.    All right.  I'm going to move up a little closer.  
16 Is that okay?

17          A.    Yes, sir.

18          Q.    I'm almost 50 years old and my hearing is not as  
19 good as it used to be.

20          A.    Okay.

21          Q.    And you originally told law enforcement that you did  
22 see Gabe get out of a car; is that correct?

23          A.    Yes.  But I don't know what car he got out of.  I  
24 told them that.

25          Q.    All right.  And they challenged you on your

KIRTRINA DIXON - CROSS BY MR. CHEHOSKI

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1 eyesight; is that correct?

2 A. Sir?

3 Q. And they challenged you on your eyesight; is that  
4 correct?

5 A. I think so.

6 Q. Again, back in 2018 were you still blind in your  
7 right eye?

8 A. Yes. I've been blind since 2014 since I was  
9 pregnant with my son and still is.

10 Q. Now, the address of [REDACTED] Mount Zion Road, that was  
11 where you lived with your mom?

12 A. Yes, sir.

13 Q. And you had been dating Gabe for --

14 A. A year.

15 Q. -- about a year?

16 A. Yes, sir. A year.

17 Q. And that year was on and off; is that correct?

18 A. Yes.

19 Q. All right. Your mother did not approve of Gabe; is  
20 that correct?

21 A. Mmm-mmm.

22 Q. She didn't like him?

23 A. No, sir.

24 Q. Okay. And she didn't want him over to the house  
25 while she wasn't there; is that right?

- 1           A.    Yes.
- 2           Q.    Ms. Fuller asked you about a gun; is that correct?
- 3           A.    Yes.
- 4           Q.    And you stated that you saw Gabe throw it in the  
5 woods?
- 6           A.    Yes, sir.
- 7           Q.    Did you ever see him go back and retrieve it?
- 8           A.    Yes, but he couldn't never find it.
- 9           Q.    He never found it?
- 10          A.    No.
- 11          Q.    Do you know if anybody else ever found it?
- 12          A.    No. Not that I know of.
- 13          Q.    Do you know if law enforcement searched that area  
14 for it?
- 15          A.    No.
- 16          Q.    You don't know?
- 17          A.    I don't know.
- 18          Q.    Okay. And it was law enforcement who told you that  
19 Gabe had a gun; is that correct?
- 20          A.    Repeat that again.
- 21          Q.    It was the police who told you that Gabe had a  
22 gun?
- 23          A.    Oh, yeah.
- 24          Q.    All right. It was the police who told you that --  
25 Again -- I'm sorry. Let me try that again.

KIRTRINA DIXON - CROSS BY MR. CHEHOSKI

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1           A.    Okay.

2           Q.    And it was also at this time that they were  
3 threatening to charge you with a crime?

4           A.    What's that?

5           Q.    The police were threatening to charge you with a  
6 crime; is that correct?

7           A.    I don't know.

8           Q.    And this was the same police who had threatened you,  
9 you told - threatened to charge you with a crime that you told  
10 that Gabe had gotten out of a car; is that correct?

11          A.    Yes.  Yes.

12          Q.    All right.  And that was when they said that if they  
13 found out you're lying, they would lock you up; is that  
14 right?

15          A.    Yes.

16          Q.    Just a couple more questions, Ms. Dixon.  The police  
17 were mean to you when you didn't tell them what they wanted to  
18 hear; is that right?

19          A.    Repeat that again.

20          Q.    When you talked to the police and they were mean to  
21 you when you didn't tell them what they wanted to hear; is  
22 that right?

23          A.    I think so.  I don't remember.

24          Q.    You guess so?

25          A.    I don't remember.

1 Q. And so they wanted you to change your story; is that  
2 right?

3 A. Uhm, I'm not - I don't remember.

4 Q. I'm sorry?

5 A. I said I don't remember.

6 Q. Okay. And during that interview you were crying?

7 A. Yes. I was crying.

8 Q. You were crying and you were scared?

9 A. Yes, because when the cops came to the house, I was  
10 shocked. I didn't know what was going on.

11 Q. You didn't know what was going on?

12 A. Mmm-mmm.

13 Q. And police were threatening to take away your  
14 child?

15 A. Yes.

16 Q. And they were threatening to charge you with a  
17 crime?

18 A. Yes.

19 MR. CHEHOSKI: Thank you.

20 MS. FULLER: Briefly, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. Just so it's clear --

24 A. Mm-hmm.

25 Q. -- back when this happened, you talked to the

KIRTRINA DIXON - REDIRECT BY MS. FULLER

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1 police, right?

2 A. Mm-hmm.

3 Q. I need you to say it loud.

4 A. Yes, ma'am.

5 Q. And I'm not gonna refer to it as threatening, but  
6 while they were speaking to you and explained to you what  
7 could happen if you assisted in covering up a crime, they  
8 explained that to you, right?

9 A. Yes, ma'am.

10 Q. And you still lied to them then, correct?

11 A. Yes, ma'am. I didn't know what was going on there  
12 that day when I told the cops that he wasn't there and he was  
13 there.

14 Q. Right. And then during the interview at the police  
15 station, you still continued to lie, right? You lied about  
16 seeing the car and Dakota dropping him off. Do you remember  
17 lying to the police about that?

18 A. Yes, but I had told the cops the truth. I had told  
19 the cops that he was at my mom house that day and all that.

20 Q. And you eventually -- Now, do you remember meeting  
21 with us --

22 A. Yes.

23 Q. -- recently?

24 A. Yes, ma'am.

25 Q. And that was to prepare for court?

1 A. Yes, ma'am.

2 Q. And did any of us threaten you?

3 A. No, ma'am.

4 Q. And when we spoke, the investigator present and  
5 these people at the table, that's when you told the complete  
6 truth, correct?

7 A. Yes, ma'am.

8 Q. And there were no threats made to you?

9 A. No, ma'am.

10 Q. And is anybody threatening you today?

11 A. No, ma'am.

12 Q. So I'm gonna ask you this: Did you see Gabriel  
13 Curry with a gun the day after Dakota was killed? Is it a yes  
14 or a no?

15 A. Yes, ma'am.

16 Q. And despite your vision problems, do you have any  
17 doubt that you saw him with a gun?

18 A. Yes.

19 Q. You doubt you seen him with a gun or you know you  
20 saw him with a gun?

21 A. I know I saw him with a gun.

22 Q. Say it a little louder?

23 A. I know I saw him with a gun.

24 Q. Okay. And when he threw it in the woods, was it  
25 behind your house? Where did you see him throw it? Was it in

1 the front or the back?

2 A. The back.

3 Q. And it was at [REDACTED]?

4 A. Yes, ma'am.

5 Q. And did the police go searching for the gun?

6 A. Yes, ma'am. They searched for it. They couldn't  
7 find it.

8 Q. And they didn't find it?

9 A. Yes, ma'am.

10 Q. And when you described the gun to the police as a  
11 small or not large black gun, did the police tell you to say  
12 that?

13 A. No.

14 Q. It's because you saw the gun? Is it because you saw  
15 the gun yourself?

16 A. Yes, ma'am.

17 MS. FULLER: Thank you. No further questions.

18 RECROSS EXAMINATION

19 BY MR. CHEHOSKI:

20 Q. Ms. Dixon, you are legally blind; is that correct?

21 A. Yes.

22 MR. CHEHOSKI: Thank you.

23 THE COURT: All right. This witness will be  
24 excused. Thank you. Ladies and gentlemen of the jury,  
25 we will break for the evening. I ask that you return

1 THE COURT: Any objection to any other picture, any  
2 other matter?

3 MS. FULLER: I just had this one.

4 THE COURT: Bring the jury in please.

5 (Whereupon, the jury entered the courtroom at 10:15  
6 a.m.)

7 THE COURT: Ladies and gentlemen of the jury, good  
8 morning. At this time we'll now resume the trial. The  
9 State will call their witness.

10 MS. FULLER: Thank you, Your Honor. The State calls  
11 Dr. Janice Ross.

12 Thereupon,

13 JANICE RICHARDS ROSS, M.D.

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

15 THE CLERK: Please have a seat. Once you're seated,  
16 state your full name spelling your last please.

17 THE WITNESS: Janice Edwards Ross, R-o-s-s.

18 DIRECT EXAMINATION

19 BY MS. FULLER:

20 Q. Dr. Ross, will you please introduce yourself to the  
21 jury? Where are you employed, your education and training and  
22 background.

23 A. Yes. I am a forensic pathologist. That mean's I  
24 have been through four years of college, four years of medical  
25 school, and over five years of training in the field of

JANICE ROSS, M.D. - DIRECT BY MS. FULLER

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1 pathology where we learn how to do an autopsy, find the cause  
2 of death. We also learn how to identify diseases using the  
3 microscope in the laboratory. I have 46 years of work in the  
4 field and I have done over 15,000 autopsies.

5 Q. And have you been offered as an expert in court  
6 before?

7 A. Yes.

8 Q. And how many times have you testified in court?

9 A. Over 300 times in South Carolina.

10 MS. FULLER: Your Honor, at this time the State  
11 seeks to introduce or offer Dr. Janice Ross as an expert  
12 in forensic pathology.

13 THE COURT: Any questions?

14 MR. MADSEN: No, objection, Your Honor.

15 THE COURT: All right. I will qualify Dr. Ross as  
16 an expert in the field of forensic pathology.

17 MS. FULLER: Thank you, Your Honor.

18 BY MS. FULLER:

19 Q. Dr. Ross, can you explain to the jury the general  
20 procedure in conducting an autopsy?

21 A. At the time of, in 2018 I was in Newberry, South  
22 Carolina. Newberry Pathology Associates did autopsies for  
23 coroners for the State of South Carolina at the morgue in  
24 Newberry Memorial Hospital and the coroner would call us and  
25 ask to schedule an autopsy and give us a history, the

1 transport per the coroner would bring the patient to us and we  
2 would do the autopsy at that morgue.

3 Q. Okay. As it relates to this case, did you conduct a  
4 autopsy on the deceased in this case Dakota Calhoun?

5 A. I did.

6 Q. And what date did you perform this autopsy?

7 A. October 11th, 2018.

8 Q. And were you able to determine a manner of death in  
9 this case?

10 A. Yes.

11 Q. And what was it?

12 A. Let me explain manner of death. Cause of death is  
13 just what happens, what causes the death. Manner of death is  
14 how that cause came about so it could be natural, accident,  
15 suicide, or homicide. In this case it's a homicide.

16 Q. Okay. And what was the cause of death?

17 A. It was laceration of the brain due to a gunshot  
18 wound to the head.

19 Q. And in conducting the autopsy, did you determine or  
20 did you find any signs or indications of a struggle?

21 A. No. I did not.

22 Q. Did you find any other injuries on Dakota Calhoun?

23 A. No.

24 Q. And at the time of autopsy, how tall was he?

25 A. He measured as 60 inches in height, and we didn't

JANICE ROSS, M.D. - DIRECT BY MS. FULLER

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1 have a scale in the morgue at that time so we estimated his  
2 weight approximately 150 pounds.

3 Q. Okay. And in terms of the bullet path, can you  
4 describe to the jury what exactly is bullet path?

5 A. Bullets go straight so during the course of the  
6 autopsy we identified where the bullet entered the body and  
7 the path that it went. In this case the entrance wound was in  
8 the back of the head just a little bit to the right of  
9 midline, to the right of the middle of the head. The bullet  
10 path went from the back to the front. It did not come out of  
11 the head. It went slightly upward.

12 Q. And can you describe to the jury whether or not the  
13 wound was readily visible? And the question is based on the  
14 fact that the, it was, the testimony in court already is that  
15 it was an apparent gunshot wound, but the actual wound was not  
16 visible at the scene and the family didn't know until the next  
17 day exactly how he died, the cause of death. Was the wound  
18 readily visible to you immediately receiving the body?

19 A. It was covered by hair so it would not be real clear  
20 at that instance. We had to shift the hair around it to  
21 identify it further.

22 Q. Okay. And so once you removed the hair around the  
23 wound you were able to actually confirm that it was a gunshot  
24 wound to the back of the head?

25 A. Yes.

1 Q. And was there an exit wound?

2 A. No. I do say in this case when we see a gunshot  
3 wound, we do x-rays further to see if there's any bullet  
4 fragments left in him.

5 Q. And in this case was there bullet fragments?

6 A. Yes.

7 Q. Did you collect that?

8 A. Yes.

9 Q. I'm gonna hand you now what's been pre-marked as  
10 State's Exhibit 139 and ask you if you recognize it?

11 A. Yes. This is the packaging that we did of the  
12 bullet fragments that were found in the brain at the time of  
13 autopsy of Dakota Calhoun.

14 Q. And how do you recognize the bullet as the one  
15 associated with this case?

16 A. By identifying the photograph that I took plus I  
17 have initialed the packaging.

18 Q. And also your FA number as well?

19 A. Yes.

20 Q. And the FA number in this case is 18-813; is that  
21 correct?

22 A. Correct.

23 MS. FULLER: I'm showing defense counsel.

24 MR. MADSEN: No objection.

25 MS. FULLER: At this time, Your Honor, the State

JANICE ROSS, M.D. - DIRECT BY MS. FULLER

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1 seeks to introduce State's Exhibit number 139 into  
2 evidence.

3 THE COURT: So moved without objection.

4 BY MS. FULLER:

5 Q. Dr. Ross, is that the FA number and Dakota Calhoun's  
6 name that we just discussed?

7 A. Yes.

8 Q. I'm gonna show you what's been pre-marked as State's  
9 Exhibit 99 and ask you if you recognize it?

10 A. Yes.

11 Q. And what do you recognize that to be?

12 A. It's a photograph I took at the time of autopsy with  
13 our autopsy number underneath the entrance gunshot wound to  
14 the back of the head.

15 Q. Okay. And outside of it being printed in black and  
16 white, does this fairly and accurately represent the area that  
17 you just described being shaved to identify the wound?

18 A. Yes.

19 MS. FULLER: Your Honor, at this time the State  
20 seeks to introduce State's Exhibit 99 into evidence.

21 MR. MADSEN: We would renew our objection.

22 THE COURT: So moved. The objection is noted.

23 BY MS. FULLER:

24 Q. Publishing. And so because of his hair at this  
25 scene, it wasn't readily identified as a gunshot wound until

1 you were able to remove the hair over the wound; is that  
2 correct?

3 A. Correct.

4 Q. Dr. Ross, in terms of the bullet path in this case,  
5 can you describe it again to the jury?

6 A. Yes. It went from the back of the head towards the  
7 front of the head pretty much straightforward and slightly  
8 upward.

9 Q. Slightly upward. I'll show defense counsel, and  
10 then I'll show you State's Exhibit 144.

11 MR. MADSEN: No objection.

12 BY MS. FULLER:

13 Q. Looking at State's Exhibit 144, is this something  
14 you prepared when you did your autopsy report as well as for  
15 court here today?

16 A. Yes.

17 Q. And does this show what you described in terms of  
18 the bullet path and then the slightly upward angle of the  
19 path?

20 A. Yes.

21 MS. FULLER: Your Honor, at this time the State  
22 seeks to introduce State's Exhibit 144 into evidence.

23 THE COURT: So moved.

24 BY MS. FULLER:

25 Q. And, doctor, if you can go ahead and describe this

1 to the jury.

2 A. Yes. This is the entrance wound and the middle of  
3 his head is right just to the left of it so this would be the  
4 right ear, the left ear, so this blackened soot and stippling  
5 area is the entrance wound and it goes upward and forward.

6 Q. Okay. And is there any opinion you can offer in  
7 terms of this type of bullet path and what that would indicate  
8 about either where the deceased was and/or where the shooter  
9 would have been?

10 A. It could match several scenarios. You could have  
11 two people moving. All I can say is bullets go straight so  
12 the muzzle of the gun would have to be in the victim's back,  
13 to his back and he could have been looking down, he could be  
14 on the ground. All I can say is bullets go straight.

15 Q. Okay. And so you said different scenarios. Could  
16 this indicate an individual potentially walking through the  
17 woods and watching their step by angling down slightly?

18 A. Yes.

19 Q. Because your testimony is there was a slight upward  
20 angle?

21 A. Correct. If you have your head downward and the  
22 bullet goes straight, in a diagram like this your head is up  
23 straight so it appears that the bullet went upwards.

24 Q. Okay. And just so it's clear and I demonstrate,  
25 because obviously this is flat diagram and not a 3D, it's a

1 2D, not a 3D, what we're talking about is the individual, the  
2 deceased in this case is down kind of going in this direction  
3 that I'm pointing, but not as if it's going up to the roof but  
4 going through his head?

5 A. Yes. If he's looking down and the bullet goes  
6 straight parallel with the ground and we pick his head up, it  
7 looks like it's going upwards.

8 Q. I understand. And, Dr. Ross, also despite that  
9 slight upwards angle, the shooter in this case would have to  
10 be standing - despite the different scenario that could be  
11 possible, the shooter in this case would have to be standing  
12 behind Dakota Calhoun; is that correct?

13 A. Correct.

14 Q. And in this case -- I guess I'll ask this question  
15 first before I ask. Can you explain to the jury was soot and  
16 stippling is?

17 A. Yes. When a bullet comes out of a gun, so does soot  
18 and powder and the soot and powder only go a few inches, it  
19 depends on the gun, whatever, whereas the bullet obviously  
20 goes further. So if you see evidence of soot or powder we call  
21 stippling on the skin, then you can estimate the range of how  
22 far the gun was from the target to maybe within 24 to 18  
23 inches, but in this case I did not see that so it looks like a  
24 distant wound which means the gun was, the end of the muzzle  
25 of the gun was 18 to 24 inches away from the victim or

JANICE ROSS, M.D. - CROSS BY MR. MADSEN

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1 further.

2 Q. Okay. And so this would be considered not like a  
3 close contact shot; is that accurate?

4 A. Correct.

5 Q. Okay. And last question. At this time, Dr. Ross,  
6 and just to be clear, in terms of examining the entire body,  
7 that would include his hands, his legs, his feet, everywhere,  
8 there were no signs of any other assault as it relates to his  
9 death or any other signs of struggle on his body?

10 A. There were none, no.

11 MS. FULLER: Thank you.

12 CROSS EXAMINATION

13 BY MR. MADSEN:

14 Q. Dr. Ross, how are you?

15 A. Fine.

16 Q. So when she asked you about evidence of a struggle,  
17 so if I tussle with someone and I'm hitting them and their  
18 hitting me, you would potentially see bruises or scratches or  
19 things like that, correct?

20 A. Potentially, yes.

21 Q. But if I was to grab and, say, just scratch him, I  
22 might leave something on him, but that doesn't necessarily  
23 mean you're going to find anything on my hand, correct?

24 A. Correct.

25 Q. But I could get some of his DNA under my

1 fingernails, couldn't I?

2 A. Possibly, yes.

3 Q. If it's on skin. Obviously if I'm touching him on  
4 his suit, I doubt I will get his DNA, maybe he has some of his  
5 DNA on his suit but, I mean, something like that you're not  
6 gonna have any evidence of a struggle if I just scratch  
7 something, correct?

8 A. That is correct. Depends if it's through  
9 clothing.

10 Q. And then she was asking you about scenarios and we  
11 know that the gun has to be behind, there's no ifs, ands, or  
12 buts about that, correct?

13 A. Correct.

14 Q. Anything else really just kind of depends on the  
15 angle of the head, doesn't it?

16 A. Yes. You have the position and the angle of the  
17 head so several places.

18 Q. Sure. Up, down, if someone's shorter, taller. I  
19 mean, quite honestly you're just basing it on the angle of the  
20 head so everything else is realistically speculation as far as  
21 a scenario?

22 A. Correct. It could go a long way, several different  
23 scenarios.

24 Q. Sure. You just can't really tell. And then I want  
25 to make sure that I heard this right. It is a little bit

JANICE ROSS, M.D. - REDIRECT BY MS. FULLER

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1 tough to hear because of the fan, but the gunshot would have  
2 had to have been 8 - or long - or farther away than 18 to 24  
3 inches; is that correct?

4 A. 18 to 24 inches or further, yes.

5 Q. Okay. So basically 18 inches to whatever the range  
6 of the gun potentially is?

7 A. Correct.

8 Q. And then I noticed on your report there's no way  
9 just looking at the body that you could give a date of death,  
10 a time of injury, anything like that just looking at the body,  
11 correct?

12 A. Correct.

13 Q. And what was Dakota's height again?

14 A. Excuse me.

15 Q. What was his height?

16 A. We measured him at 60 inches in height.

17 Q. So five feet tall?

18 A. Yes.

19 Q. And You thought about 150 pounds?

20 A. Yes.

21 MR. MADSEN: Okay. No further questions.

22 REDIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. Just briefly. Dr. Ross, in talking about the  
25 injury, just to confirm, and defense counsel said it, the

1 entrance wound is at the back of the head, correct?

2 A. Correct.

3 Q. No matter how you cut, slice or dice it, the shooter  
4 would be standing behind the deceased in this case?

5 A. Correct.

6 Q. Now, in terms of looking at the actual wound, were  
7 you able to measure that wound, the entrance wound?

8 MR. MADSEN: Judge, I would object. This is beyond  
9 the scope of redirect. I didn't ask anything about size  
10 of the wound or anything.

11 THE COURT: Sustained.

12 MS. FULLER: Your Honor, he did go into the wound  
13 based on the next question.

14 MR. MADSEN: Judge, can we approach?

15 THE COURT: Yes.

16 (Side bar off the record.)

17 MS. FULLER: No further questions, Your Honor.

18 THE COURT: Any recross?

19 MR. MADSEN: No, Your Honor.

20 THE COURT: Okay. This witness may be excused.

21 MS. FULLER: The State calls Marcus Robinson.

22 Thereupon,

23 MARCUS ROBINSON

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

25 THE CLERK: Please have a seat. Once you're seated,

MARCUS ROBINSON - DIRECT BY MS. FULLER

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1 state your full name spelling your last please.

2 THE WITNESS: Marcus Robinson, R-o-b-i-n-s-o-n.

3 DIRECT EXAMINATION

4 BY MS. FULLER:

5 Q. Mr. Robinson, do you know the defendant in this case  
6 Gabriel Curry?

7 A. Yes.

8 Q. And that's the individual sitting at the table?

9 A. Yes.

10 Q. And how do you know Gabriel Curry?

11 A. That's my nephew.

12 Q. Do you also know Dakota Calhoun?

13 A. I do.

14 Q. And he's the deceased in this case?

15 A. Correct.

16 Q. And how do you know him?

17 A. That's my nephew.

18 Q. And how are you - is it your mom, I mean is it your  
19 sister or your brother in terms of your relationship to  
20 Dakota?

21 A. Gabe is my sister's son and Dakota is my brother's  
22 son.

23 Q. Okay. I just have a few questions here because I  
24 know your in a difficult situation here. On October 9th, 2018  
25 is the day that Dakota was missing and the day that he was

1 killed. Did you see Dakota that day?

2 A. I didn't.

3 Q. Did you see Gabriel Curry that day?

4 A. I did.

5 Q. And can you describe to the jury when you saw him  
6 and where?

7 A. That morning, Gabe called me that morning and said  
8 he was about to start a job the next day and he said that he  
9 needed some work boots so I told him when I get off work, he  
10 can come by and get the work boots.

11 Q. And what time did you get off work that day?

12 A. To my recollection sometime after five.

13 Q. Okay. And did Gabriel Curry come to your house that  
14 day to get those boots?

15 A. He did.

16 Q. And approximately what time was that?

17 A. Like I said, I got off work at five so any time  
18 after 5:00.

19 Q. Okay. Do you recall speaking to law enforcement  
20 Investigator Jimmie Smith back in 2018 about the boots?

21 A. Correct.

22 Q. And if his report indicates that you indicated that  
23 Gabriel Curry came to your house between 5:46 and 6:15 that  
24 day, would that be an accurate statement?

25 A. Pretty much.

MARCUS ROBINSON - DIRECT BY MS. FULLER

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1 Q. It's just now today the exact range you're just not  
2 remembering?

3 A. Right. If that's what's on the report, that's what  
4 it was.

5 Q. Okay. And when he came, can you describe how he  
6 looked when he came to get the boots?

7 A. Normal like any other day Gabe would have come by my  
8 house.

9 Q. Okay. Did he stay for a long time or did he get the  
10 boots and leave?

11 A. I showed him the boots. I think I was --

12 Q. I'm sorry. The fan is going. I'm going to move  
13 that mic. You have a deep voice, but if you can speak into  
14 the mic, it will help. We'll try it again. My question was,  
15 did he stay for a long time or did it get the boots and go?

16 A. Like I said, we spoke. I was feeding my dog. I  
17 showed him the boots. He picked the boots up and I think he  
18 headed back out so he didn't stay that long.

19 Q. Okay. And how did he get to your house?

20 A. I don't know.

21 Q. Did you see him walking or driving a car?

22 A. Well, when I came back outside, he was walking out  
23 my driveway and I went back inside to put my dog up.

24 Q. And when you came outside, did you see a vehicle?

25 A. I didn't.

1 Q. Well, you may have a vehicle. Did you see a vehicle  
2 associated with Gabriel Curry outside?

3 A. I didn't.

4 Q. And when you saw him walking, where was he walking  
5 to?

6 A. Out of my driveway.

7 Q. Did he tell you who he was with or how he got  
8 there?

9 A. Like I said, when I came outside, there wasn't no  
10 car. I asked him, you know, how you got around here. He was  
11 just like my people down the road. I left it like that. I  
12 didn't ask who your people was, none of that. I just left it  
13 like that.

14 Q. And what was your address at the time where he came  
15 to meet you to get the boots?

16 A. [REDACTED] Culley Street.

17 Q. And that's in North Augusta?

18 A. Correct.

19 Q. And that's C-u-l-l-e-y?

20 A. Correct.

21 Q. And what was your phone number at the time?

22 A. [REDACTED]-0659.

23 Q. 0659?

24 A. Correct.

25 Q. In looking at State's 16 for ID, I just want you to

MARCUS ROBINSON - DIRECT BY MS. FULLER

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1 confirm that down here that's your name and this is the phone  
2 number associated with you at the time?

3 A. Correct.

4 Q. Okay. And that's [REDACTED]-0659, correct?

5 A. Correct.

6 Q. Have you and Gabriel Curry discussed, you and  
7 Gabriel Curry have had an opportunity to discuss this case,  
8 right, about what he did that day?

9 A. As far as?

10 Q. In terms of him and Dakota on the night, the day  
11 that Dakota was killed?

12 A. I mean, to a certain extent. Not really.

13 Q. Did you have an opportunity to listen to a couple  
14 clips from a conversation that you had with him?

15 A. I guess he let me listen to something this  
16 morning.

17 Q. All right. Then you recognize the clips from a  
18 conversation that you had with Gabriel Curry?

19 A. Yeah. Like I said, he had let me hear a recording  
20 this morning, yes.

21 MS. FULLER: Your Honor, at this time the State  
22 seeks to introduce into evidence 102.

23 THE COURT: Any objection to 102?

24 MR. CHEHOSKI: I'm sorry, Your Honor. I don't think  
25 we have any objections.

1 THE COURT: All right. So moved.

2 MS. FULLER: Thank you, Your Honor.

3 (Playing State's 102.)

4 BY MS. FULLER:

5 Q. That's part of a conversation that you had with  
6 Gabriel Curry?

7 A. Well, I mean, yeah. I guess that's what he said.  
8 Yes.

9 (Playing State's 102.)

10 MS. FULLER: No further questions at this time.

11 THE COURT: Cross.

12 CROSS EXAMINATION

13 BY MR. CHEHOSKI:

14 Q. Good morning, Mr. Robinson.

15 A. How you doing?

16 Q. Doing okay. How are you?

17 A. Doing well.

18 Q. I like your shirt. You testified that you were an  
19 uncle to both, you're uncle to both Dakota and Gabe, right?

20 A. Correct.

21 Q. So your brother is Dakota's father and your sister  
22 is Gabe's mom? Make sure I got that right.

23 A. Correct.

24 Q. All right. On the day of October 9th you said you  
25 did not see Dakota?

1 A. I didn't.

2 Q. Okay. I can't quite see. There's a monitor between  
3 your seat and me so I can't see when you shake your head and I  
4 didn't quite hear you correctly. I just want to make sure I  
5 got that right. And how long did Gabe stay at your house?

6 A. Like I said, I don't really know exactly the time,  
7 but enough time for him to get the boots, have a conversation,  
8 say a few words, and that was it.

9 Q. He didn't stay for dinner or anything like that?

10 A. No, sir.

11 Q. Okay. And so you just kind of caught up for a  
12 little bit and then he grabbed the boots and left?

13 A. He did.

14 Q. He didn't say he was with Dakota that day?

15 A. He didn't.

16 MR. CHEHOSKI: Nothing further.

17 MS. FULLER: No redirect, Your Honor.

18 THE COURT: All right. This witness can be excused.

19 MR. DRYLIE: The State calls Vanessa Boulware to the  
20 stand.

21 Thereupon,

22 VANESSA BOULWARE

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

24 THE CLERK: Please have a seat. Once you're seated,  
25 state your full name spelling your last please.

1 THE WITNESS: Vanessa Boulware, B-o-u-l-w-a-r-e.

2 DIRECT EXAMINATION

3 BY MR. DRYLIE:

4 Q. Good morning, Vanessa.

5 A. Good morning.

6 Q. Could you go ahead and introduce yourself to the  
7 jury? Tell us who you are.

8 A. Yes. I'm Vanessa Boulware. I am Dakota's former  
9 girlfriend, mother of his child.

10 Q. So you and Dakota share a child together?

11 A. Yes, sir.

12 Q. How old was Dakota when he died?

13 A. How old was Dakota?

14 Q. Mm-hmm.

15 A. 24.

16 Q. How old is your child now?

17 A. She's four years old.

18 Q. What's her name?

19 A. C.C.

20 Q. Do you know Gabriel Curry?

21 A. I do.

22 Q. Could you point him out to us?

23 A. (Indicating.)

24 MR. DRYLIE: Let the record reflect she pointed to  
25 the defendant.

VANESS BOULWARE - DIRECT BY MR. DRYLIE

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1 BY MR. DRYLIE:

2 Q. How do you know Gabe?

3 A. I met Gabe a year or so or two before I met Dakota.  
4 He used to work at Sonic with me, maybe for a month or two he  
5 worked at Sonic with me, and then I met him again after me and  
6 Dakota got together.

7 Q. The day Dakota went missing, do you remember seeing  
8 Dakota?

9 A. Yes.

10 Q. How was he that day?

11 A. He was happy. He was excited. We were recently  
12 getting back together after a split and he was happy. He got  
13 to see his daughter after six months so it was all good.

14 Q. What was he excited about?

15 A. Just excited about being with his family and child  
16 again and he was just in a good mood.

17 Q. Was it a normal day?

18 A. It was a normal day for all of us.

19 Q. Can you tell me a little bit about Dakota. What did  
20 he like to do?

21 A. He liked to drive. He liked to hang out. He liked  
22 to fish. He had a great work ethic. He was very protective.  
23 He was just a good person.

24 Q. After you saw Dakota on the morning he went missing,  
25 what did you do that day?

1 A. After I saw Dakota that day, I went to work.

2 Q. Where were you working?

3 A. I was working at Red Lobster on Washington Road in  
4 Augusta.

5 Q. Did anything happen while you were at work?

6 A. No.

7 Q. Okay. At what point did you talk with Ms. Angela?

8 A. It was about 9:45 that night, she called and asked  
9 if I had heard or seen from Dakota and I told her no. I was  
10 at work and he was supposed to have picked her up from work  
11 and he never showed up and he was missing.

12 Q. Was that out of character for him?

13 A. That was very out of character for him.

14 Q. Okay. What did y'all do the next morning? Who did  
15 you go with and where did you go?

16 A. The next morning angie called me asking me if I  
17 could take her to file a missing person's report, so I picked  
18 her up from her home, we drove to the North Augusta Police  
19 Department first and they turned us down because it was in the  
20 wrong county so they sent us to Edgefield County, and we were  
21 on our way to Edgefield County when I think Angie decided to  
22 ping the phone to a hotel in Augusta and that's where we went  
23 after that, and then after we found out he wasn't there, we  
24 went to the dealership where we had got our cars from and we  
25 asked them if they could ping him because it had a tracking

1 device on there.

2 Q. Where did you go from the dealership?

3 A. After the dealership we went out up 25 toward Mount  
4 Zion Road where they had pinged the car off of Sandy  
5 Springs.

6 Q. Okay. And did you arrive there before the police?

7 A. I did.

8 Q. Did you see the vehicle?

9 A. I did.

10 Q. Did y'all touch the vehicle?

11 A. We did not.

12 Q. What was the condition of the vehicle when you saw  
13 it?

14 A. We could obviously tell that it was wrecked. It had  
15 dirt mound up like it skidded in the dirt while we was there.  
16 Also it just looked trashy so we didn't touch anything, we  
17 just left.

18 Q. Were the doors closed?

19 A. The doors were closed.

20 Q. What did y'all do next?

21 A. We walked back out to the street and that's when I  
22 met the first police officer and we started to search.

23 Q. What were you searching for?

24 A. We were searching for Dakota and just any evidence  
25 if he was out there or not.

1 Q. Okay. What did y'all do next?

2 A. After looking for hours on the wrong side of the  
3 street, they were about to conclude the search that they were  
4 doing at that time and told us they were going to start a new  
5 search after getting a helicopter out there to look for a  
6 bigger area and he was telling us how Dakota had on pink and  
7 if the helicopter come out there, he would be easier to find  
8 and he was like if he got messed up, you know, say, off of  
9 drugs or anything, he's probably just sleeping it off and he  
10 told us not to worry about it and at that moment I turned  
11 around and I saw pink.

12 Q. You saw pink in the woods?

13 A. In the woods.

14 Q. Looking at what's already in evidence as State's  
15 Exhibit 7, do you recognize this photograph on the screen?

16 A. I do.

17 Q. Is your car in that photograph?

18 A. It is.

19 Q. Which car is your car?

20 A. The silver Chevrolet Cruz.

21 Q. Do you recognize Jordan Thomas' car?

22 A. I do.

23 Q. Which car is that?

24 A. It's the white one, the Impala.

25 Q. And who's in that photograph?

VANESS BOULWARE - DIRECT BY MR. DRYLIE

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1           A.    I see a police officer and Gabe.

2           Q.    Okay.  And when you talk about seeing pink and  
3 finding the body, where were you looking?

4           A.    We were looking on that side of the road, opposite  
5 on the side of the road from where my car was.

6           Q.    Okay.  So you had been looking over -- Just so I  
7 understand, most of the day y'all had been looking over on  
8 this side of the road where the car was, correct?

9           A.    Correct.

10          Q.    All right.  And his body was actually on the other  
11 side of the road?

12          A.    Yes, sir.

13          Q.    And you saw the pink?

14          A.    Yes, sir.

15          Q.    Can you tell me what happened that night?

16          A.    That night me, Angie and Kahlo, we got into the car  
17 and we drove to Sabrina's house to confront Gabe and at that  
18 time we were all just drilling him, you know, like what  
19 happened?  You were the last person to see him.  Why you  
20 didn't come out to look for him?  Just asking all of the  
21 obvious questions and we noticed he got nervous, started  
22 fidgeting and then he like just cut us off and he was like,  
23 hold on.  I'll be back.  And then it was kind of like sketchy  
24 at that point, you know, did he go to grab something, and we  
25 were like, oh, it might be time to go so we got in the car and

1 left because at that point we was scared.

2 Q. When y'all were out there searching for Dakota, did  
3 the defendant come out and help you look at all?

4 A. No.

5 Q. Okay. I'm going to show you what's marked as  
6 State's Exhibit 52 and I want you to tell me if you recognize  
7 this picture and if you recognize any vehicles or the people  
8 in that picture?

9 A. Yes. I recognize Angie's vehicle and I do recognize  
10 that as Gabe.

11 Q. Okay. You recognize whose vehicle?

12 A. Angie's. Angela's.

13 Q. Who's driving that car?

14 A. Gabe.

15 Q. Is Dakota in that picture?

16 A. I don't see Dakota at all.

17 MR. DRYLIE: Let the record reflect that was State's  
18 52.

19 BY MR. DRYLIE;

20 Q. I'm also gonna show you State's 62 for ID only at  
21 this time. Tell me if you recognize this picture. Who is in  
22 this picture and how do you recognize it?

23 A. I recognize the car as Angela's car and that is Gabe  
24 standing in front of it and I recognize the gas station.

25 Q. Is Dakota anywhere in that photo?

VANESSA BOULWARE - CROSS BY MR. CHEHOSKI

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1 A. No. He's not.

2 Q. When you saw Dakota's body, what did you do?

3 A. I broke down. I started running towards him, but  
4 the police officer dragged me back and told me I couldn't go.  
5 I didn't get as close as I wanted to.

6 Q. Were you crying?

7 A. I was crying.

8 Q. Did they let you go to the body?

9 A. No. Not at all.

10 Q. What did the police do?

11 A. They brought me back over by the police car.

12 Q. Would they let anyone go back there?

13 A. No.

14 Q. Did they put up tape?

15 A. Yes.

16 MR. DRYLIE: No further questions.

17 CROSS EXAMINATION

18 BY MR. CHEHOSKI:

19 Q. Just a couple questions, Ms. Boulware. When you and  
20 Kahlo and the family went to confront Gabe, did you call him  
21 beforehand and tell him you were coming over?

22 A. No.

23 Q. You just showed up?

24 A. Yes.

25 MR. CHEHOSKI: That's all I have.

1 MR. DRYLIE: No redirect.

2 THE COURT: May this witness be excused?

3 MR. CHEHOSKI: Absolutely.

4 MR. DRYLIE: The State calls Effran Nipper to the  
5 stand.

6 MR. CHEHOSKI: Your Honor, may we approach?

7 THE COURT: Yes.

8 (Side bar off the record.)

9 THE COURT: All right. At this time we'll excuse  
10 the members of the jury.

11 (Whereupon, the jury entered the jury room at 11:00  
12 a.m.)

13 THE COURT: Mr. Chehoski.

14 MR. CHEHOSKI: Yes, Your Honor. We wanted to put on  
15 the record that we object to Mr. Nipper's testimony.  
16 Based off the items that were disclosed in discovery, it  
17 appears that Mr. Nipper, the relevant testimony would be  
18 that he has seen Gabe with a gun and that this happened  
19 in 2018 and according to discovery and before he went to  
20 jail in 2018 which would have been in late July, Your  
21 Honor, obviously there's the relevance, the tenuous of  
22 any connection between the two dates given that there's I  
23 think roughly 75 to 90 days between the two dates. Your  
24 Honor, I think there's also a note here that Mr. Nipper  
25 had sold drugs to Gabe as well which we would object to

1           that as improper character testimony and further, Your  
2           Honor --

3           THE COURT: So it's the testimony regarding seeing  
4           him with a gun as well as selling of the drugs to your  
5           client?

6           MR. CHEHOSKI: Correct.

7           THE COURT: Anything else?

8           MR. CHEHOSKI: And I just want to make sure. One  
9           moment please. That's all, Your Honor.

10          THE COURT: Thank you. Any response?

11          MR. DRYLIE: Judge, first I'll address these one at  
12          a time. Regarding the narcotics issue, we don't plan to  
13          go into that if he's selling drugs at all. That's not on  
14          the table. We're not going into that.

15          THE COURT: So the witness knows not to mention it?

16          MR. DRYLIE: Yes. We talked about it this morning  
17          and he does have a record for selling drugs. We're gonna  
18          ask him about that, but we're not going into the reason  
19          Gabe was by his house that day. Judge, we do believe  
20          that the testimony is relevant. I think even Mr.  
21          Chehoski said the relevant testimony. As far as seeing  
22          Gabe with a gun, he specifically saw Gabe with a small  
23          black pistol. Gabe said he wanted to show him something.  
24          This is in the summer of 2018. We believe a small black  
25          pistol specifically a .380 is the type of gun used in

1           this homicide, seeing Gabe with a gun that fits that  
2           description. There's already been testimony that Gabe  
3           threw a gun of that description away after the murder.  
4           So, Judge, I think that this is extremely relevant  
5           testimony. I think that it's not prejudicial in the fact  
6           that lots of people carry guns. We're not saying he did  
7           something bad. We're saying that he was seen having a  
8           gun before this murder occurred. The time frame is not  
9           so remote.

10           MR. CHEHOSKI: Your Honor, there is no testimony  
11           that the gun that was used was a .380.

12           MR. DRYLIE: He's gonna testify a small black  
13           pistol. The casing is a .380 that is already in evidence  
14           that was found at the crime scene.

15           THE COURT: All right. I am going to allow the  
16           testimony of this witness regarding the sighting of the  
17           gun. Your objection is overruled. I will caution the  
18           State, I just want to make sure that the witness is not  
19           going to go into the selling to the defendant of any  
20           narcotics.

21           MR. DRYLIE: Mr. Nipper, did you understand that?

22           THE WITNESS: Can she repeat that again?

23           THE COURT: Can you hear me?

24           THE WITNESS: Yes, ma'am.

25           THE COURT: I don't want you to go into selling any

EFFRAN NIPPER - DIRECT BY MR. DRYLIE

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1 drugs to the defendant.

2 THE WITNESS: Okay.

3 THE COURT: Okay?

4 THE WITNESS: All right.

5 THE COURT: All right. Thank you, sir.

6 MR. DRYLIE: Or taking the defendant anywhere to buy  
7 drugs. None of that, okay?

8 THE WITNESS: Okay.

9 THE COURT: All right. We'll bring the jury back in  
10 please.

11 MR. DRYLIE: And nothing regarding the other case.

12 THE WITNESS: Okay.

13 MS. FULLER: Don't mention any other case. No  
14 mention of the other case.

15 THE WITNESS: No. Okay. Okay.

16 (Whereupon, the jury entered the courtroom at 11:10  
17 a.m.)

18 Thereupon,

19 EFFRAN NIPPER

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

21 THE CLERK: Please have a seat. Once you're seated,  
22 state your full name spelling your last please.

23 THE WITNESS: Efferan Nipper, N-i-p-p-e-r.

24 DIRECT EXAMINATION

25 BY MR. DRYLIE:

1 Q. All right. Mr. Nipper, you don't really want to be  
2 here today, do you?

3 A. No, sir.

4 Q. Did I make you come?

5 A. No, sir.

6 THE COURT: Mr. Nipper, I need you to sit up and  
7 then speak. There you go.

8 BY MR. DRYLIE:

9 Q. Mr. Nipper, you've been in trouble before, haven't  
10 you?

11 A. Yes, sir.

12 Q. You've got convictions for shoplifting?

13 A. Yes, sir.

14 Q. Convictions for burglaries?

15 A. Yes, sir.

16 Q. Breaking into cars?

17 A. Yes, sir.

18 Q. Selling drugs?

19 A. Yes, sir.

20 Q. Mr. Nipper, do you know Gabriel Curry?

21 A. Yes, sir.

22 Q. How do you know him?

23 A. I just used to see him for years here and there at  
24 local places around the neighborhood.

25 Q. Do you remember seeing Gabe in the summer of 2018?

EFFRAN NIPPER - CROSS BY MR. CHEHOSKI

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1 A. Yes, sir.

2 Q. Did he say he had something to show you?

3 A. Yes.

4 Q. What did he have to show you?

5 A. A pistol.

6 Q. Was it a big pistol or a small pistol?

7 A. Small pistol.

8 Q. What color was it?

9 A. Black.

10 Q. How do you know it was the summer of 2018?

11 A. We was, as a matter of fact, we used to work at  
12 Amick Farms together and we was working there around that  
13 time.

14 Q. And what did you want to do with that pistol?

15 A. What I wanted to do with it? I wanted to take it  
16 from him and go sell it.

17 Q. So you knew it was a real pistol?

18 A. Yeah.

19 Q. Do you know what type of pistol it was?

20 A. No, sir.

21 MR. DRYLIE: Please answer any questions that the  
22 defense has.

23 CROSS EXAMINATION

24 BY MR. CHEHOSKI:

25 Q. Mr. Nipper, the State asked you some questions about

1 your past. I just want to go into that a little bit. You had  
2 to go to prison for five years in 2013 for burglary; is that  
3 right?

4 A. Yes, sir.

5 Q. And in 2016 you had to go to prison for five years

6 --

7 MR. DRYLIE: Objection, Judge. Can we approach?

8 (Side bar off the record.)

9 BY MR. CHEHOSKI:

10 Q. I'll ask again. In 2016 you were sentenced to five  
11 years for selling drugs?

12 A. Yes.

13 Q. And in 2020 you were sentenced for two years for  
14 breaking into motor vehicles?

15 A. Yes.

16 Q. All right. Do you remember what month you saw this  
17 gun?

18 A. It was during the summertime. I'm not quite sure of  
19 the exact day, month or things.

20 MR. CHEHOSKI: Nothing further.

21 MR. DRYLIE: Just briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. DRYLIE:

24 Q. Mr. Chehoski asked you what month you saw the gun.  
25 Just to be sure, you did see Gabriel Curry with a small black

EFFRAN NIPPER - REDIRECT BY MR. DRYLIE

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1 . pistol, correct?

2 A. Yes, sir.

3 MR. DRYLIE: No further questions.

4 MR. CHEHOSKI: Nothing further, Your Honor.

5 THE COURT: This witness can be excused. Thank you,  
6 sir.

7 MR. CHEHOSKI: Your Honor, may we approach?

8 THE COURT: Yes.

9 (Side bar off the record.)

10 THE COURT: Ladies and gentlemen of the jury, we'll  
11 escort you out for a short bathroom break, stretch break  
12 for about 15 minutes.

13 (Whereupon, the jury entered the jury room at 11:15  
14 a.m.)

15 THE COURT: This is the witness we were waiting on?

16 MS. FULLER: There was one additional one, but we  
17 can go ahead.

18 THE COURT: And then break for lunch after this.

19 MS. FULLER: Well, these will all go in sequence.  
20 Do you still break at one? We'll be able to do these  
21 three before lunch if we're still breaking at one.

22 THE COURT: I think I'm going to break at one.

23 MS. FULLER: Okay.

24 THE COURT: How long will this witness be?

25 MS. FULLER: I just have four questions.

1 MR. CHEHOSKI: What's the witness' name?

2 MS. FULLER: Travis Bibb.

3 MR. CHEHOSKI: All right. Your Honor, I represented  
4 him. He's a former client of mine.

5 THE COURT: Mr. Bibb?

6 MR. CHEHOSKI: Yes.

7 MS. FULLER: Can Rob handle the cross. That's what  
8 usually happens.

9 MR. MADSEN: Well, I mean, technically I'm his boss  
10 and so these are kind of all my clients.

11 THE COURT: Tell you what, what's his name?

12 MS. FULLER: Travis Bibb.

13 THE COURT: We're going to take lunch. We're going  
14 to recess for lunch and then we'll bring the witness  
15 back, if you all are not willing to wave the conflict.

16 MR. MADSEN: Judge, I don't know if we can. He  
17 wasn't on the witness list so it's not something that we  
18 could anticipate.

19 THE COURT: All right. We're going to take a quick  
20 lunch. We'll come back here at 1:00. I'm going to talk  
21 to the jury and release them for lunch. I'll tell the  
22 jury what I normally tell them which is not to discuss  
23 the case and not to look at any information on the case.  
24 I'm not going to bring them back because it will take a  
25 long time. I'll go to the jury room. We'll stand down

EFFRAN NIPPER - REDIRECT BY MR. DRYLIE

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1           until 1:10.

2                   (Lunch break.)

3           BAILIFF: All rise.

4           THE COURT: Please be seated. Mr. Chehoski or Mr.  
5 Madsen, are they getting your client?

6           MR. CHEHOSKI: Yes.

7           THE COURT: When we broke for lunch, we had a matter  
8 of whether or not Mr. Bibb, I think y'all had a conflict  
9 with Mr. Bibb. I'm not going to allow any testimony from  
10 Mr. Bibb or anyone else who is not located on either one  
11 of the witness lists, all right? So if the State has  
12 another witness, I know you all have a number of  
13 witnesses for today, you can call whoever was after him,  
14 whoever you had planned to call, but I will not allow the  
15 testimony of any witness not located on the witness list.  
16 All right. Bring the jury back in please.

17                   (Whereupon, the jury entered the courtroom at 1:15  
18 p.m.)

19           THE COURT: Okay. At this time the State will call  
20 their next witness.

21           MS. FULLER: Thank you, Your Honor. The State calls  
22 Randy Duran.

23 Thereupon,

24                                   RANDY DURAN

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

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

1 THE CLERK: Please have a seat. Once you're seated,  
2 state your full name spelling your last please.

3 THE WITNESS: Randy Duran, D-u-r-a-n.

4 DIRECT EXAMINATION

5 BY MS. FULLER:

6 Q. Where are you employed?

7 A. I'm employed at Edgefield County Government.

8 Q. And what is your current position there?

9 A. Code enforcement officer.

10 Q. How long have you been in law enforcement?

11 A. 32 years.

12 Q. Back in 2018 where were you employed?

13 A. Edgefield County Sheriff's Office.

14 Q. What was your position there?

15 A. I was the chief investigator.

16 Q. I want to talk to you about December 2nd of 2018.

17 Do you recall making an arrest that day?

18 A. Yes, ma'am.

19 Q. Without identifying that individual, do you remember  
20 what the charge was that you brought?

21 A. Assault and battery and unlawful possession of a  
22 weapon.

23 Q. What type of weapon was involved in that case?

24 A. It was a Beretta .380 caliber handgun.

25 Q. Was that a black and silver handgun?

RANDY DURAN - DIRECT BY MS. FULLER

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1 A. It was.

2 Q. What caliber?

3 A. .380.

4 Q. When you logged that firearm into evidence, did you  
5 log it in evidence associated with an assault and battery  
6 case?

7 A. No, ma'am.

8 Q. What case did you log it into evidence with?

9 A. It was logged in as a murder case.

10 Q. And the murder case that we are here on today?

11 A. Yes, ma'am.

12 Q. And was that weapon eventually sent to SLED for  
13 testing?

14 A. It was.

15 Q. And were you able to connect that weapon in this  
16 case?

17 A. I was not.

18 Q. Were you able to connect that weapon to the  
19 defendant in any way?

20 A. I was not.

21 Q. And was it an oversight logging that weapon in the  
22 murder case versus in the assault and battery case?

23 A. It was.

24 Q. And the purpose of sending it to SLED for  
25 comparison, what was the purpose of that?

1           A.    Because we had some .380 shell casings found at the  
2 crime scene and we knew the defendant in this case, on my case  
3 was living in the area, we wanted the gun checked.

4           Q.    So the purpose was to include it or exclude it in  
5 this case?

6           A.    Yes, ma'am.

7           Q.    So to determine if that other individual may be  
8 involved in this case?

9           A.    That's correct.

10          Q.    And you were able to determine that that other  
11 individual is not involved in this case?

12          A.    That's correct.

13          Q.    And you were able to determine that that individual  
14 and the defendant in this case have no relationship in regards  
15 to that firearm?

16          A.    That's correct.

17          Q.    And just to be clear that this firearm was recovered  
18 approximately two months after the case that we are on here  
19 today?

20          A.    Correct.

21          Q.    And just to be clear, it was not recovered, it was  
22 recovered on a person or in an area?

23          A.    An area.

24          Q.    What area? Was it on someone's physical body or was  
25 it found randomly?

RANDY DURAN - CROSS BY MR. MADSEN / REDIRECT BY MS. FULLER

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1 A. It was found in a vehicle.

2 Q. That the person that you were arresting was in?

3 A. Riding in.

4 Q. So that's safe to say it was found associated with a  
5 person?

6 A. Yes, ma'am.

7 Q. And that was the person that you charged on December  
8 2nd of 2018 in the assault and battery case?

9 A. Yes, ma'am.

10 Q. And that case utilized that weapon?

11 A. Yes, ma'am.

12 MS. FULLER: No further questions at this time.

13 THE COURT: Cross.

14 CROSS EXAMINATION

15 BY MR. MADSEN:

16 Q. Randy, and that address was [REDACTED] Mount Zion Road that  
17 you recovered that from?

18 A. Yes, sir.

19 Q. Right there at [REDACTED] Mount Zion right next to it?

20 A. Within that area, yes, sir.

21 MR. MADSEN: That's all the questions I have.

22 REDIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. Just to be clear, that is down the street,  
25 correct?

1 A. Yes, ma'am.

2 Q. It's not next door?

3 A. Right.

4 MS. FULLER: Thank you.

5 THE COURT: All right. Call your next witness.

6 MS. FULLER: The State calls Michele Eichenmiller.

7 Thereupon,

8 MICHELE EICHENMILLER

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

10 THE CLERK: Please have a seat. Once you're seated,  
11 state your full name spelling your last please.

12 THE WITNESS: Michele Eichenmiller,  
13 E-i-c-h-e-n-m-i-l-l-e-r.

14 DIRECT EXAMINATION

15 BY MS. FULLER:

16 Q. Can you introduce yourself to the jury? Where are  
17 you currently employed?

18 A. I work at the South Carolina Law Enforcement  
19 Division, also known as SLED. I work in the forensic  
20 laboratory in the firearms department.

21 Q. And how long have you been employed by SLED?

22 A. Approximately 16 years.

23 Q. And how long have you been in the firearms  
24 division?

25 A. The whole time I've been at SLED.

MICHELE EICHENMILLER - DIRECT BY MS. FULLER

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1 Q. And what is your educational background?

2 A. I have a bachelor's degree in biology and  
3 psychology. I have a master's of science in forensic  
4 science.

5 Q. What is your training and experience in the field of  
6 firearm identification?

7 A. In order to be a firearms examiner, there's no real  
8 college you can attend, you have to be hired somewhere and  
9 then learn with court qualified examiners that are in that  
10 agency so SLED, it's about a three to four year program. I  
11 learned with the examiners there. I did a lot of reading and  
12 examinations on my own. At the end I took a comprehensive  
13 final and they deemed me competent to work cases on my own.

14 Q. What is firearm identification?

15 A. It's the branch of forensic science that deals with  
16 anything related to firearms so the firearm itself, bullets,  
17 cartridge cases, sometimes serial number restoration and also  
18 tool marks.

19 Q. What actually makes an identification possible?

20 A. A firearm will mark the evidence as it's fired so it  
21 marks cartridge cases and it marks bullets so we compare  
22 bullets that we test fire ourselves to evidence received from  
23 a crime scene.

24 Q. I guess the analysis, does that allow you to compare  
25 cartridge casings to fired projectiles?

1           A.    There's no comparison for a cartridge case to a  
2   projectile.  We would just compare both of those to a  
3   firearm.

4           Q.    So you're not able to say if you find a projectile  
5   and a casing, that the projectile came from that casing?

6           A.    Correct.

7           Q.    And can you explain to the jury, I don't want to  
8   take it for granted, the parts of a bullet?

9           A.    The cartridge contains the gun powder and the bullet  
10   so that's the whole package.  Once the cartridge is fired, the  
11   cartridge case is empty and the bullet has come out the front  
12   of the firearm.

13          Q.    And have you testified in court previously in the  
14   field of firearm identification?

15          A.    I have.

16          Q.    Approximately how many times?

17          A.    Approximately a hundred.

18                MS. FULLER:  Your Honor, at this time the State  
19   seeks to introduce Michele Eichenmiller as an expert in  
20   the field of firearm identification.

21                THE COURT:  Any questions or objections to this  
22   witness?

23                MR. MADSEN:  None.

24                THE COURT:  All right.  I will qualify her as an  
25   expert in the field of firearm identification.

MICHELE EICHENMILLER - DIRECT BY MS. FULLER

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1 MS. FULLER: Thank you, Your Honor.

2 BY MS. FULLER:

3 Q. As it relates to SLED lab number L1814929, were you  
4 the analyst that handled the firearm examination or  
5 identification in this case?

6 A. I was.

7 Q. And did you receive what's been already introduced  
8 into evidence as SLED item 3 which is a cartridge case? Did  
9 you perform an analysis on that?

10 A. I did.

11 Q. Did you also receive what would be SLED item 18  
12 which would be fired bullet fragments from autopsy in this  
13 case?

14 A. I did.

15 Q. Were you able to do analysis on that?

16 A. I did.

17 Q. Did you also receive a firearm that was logged in an  
18 unassociated case, I believe SLED item 22 for comparison? Did  
19 you do, to be compared in this case, did you also receive  
20 that?

21 A. Yes.

22 Q. Dealing with SLED item 3 identified as one fired  
23 .380 auto caliber cartridge case, what, if any, results were  
24 you able to - can you publish your results?

25 A. Yes. I physically and microscopically examined item

1 3. I found marks of value and I concluded that item 3 was  
2 suitable for identification as firearm evidence.

3 Q. Were you able to identify item 3, or compare item 3  
4 with any other firearm in this case?

5 A. I compared it to item 22.

6 Q. What were your results?

7 A. It was not fired by item 22.

8 Q. So the firearm that was logged in unrelated to this  
9 case was not responsible for firing SLED item 3?

10 A. Correct.

11 Q. As it relates to SLED item 18, can you describe that  
12 to the jury?

13 A. As I received it, it was a fired bullet jacket, a  
14 bullet core and four lead fragments lifted from autopsy.

15 Q. And what were your results?

16 A. I physically and microscopically examined them. The  
17 bullet core and the metal fragments had no marks of value and  
18 were unsuitable for identification. I also examined the  
19 jacket. The jacket is what comes into contact with the barrel  
20 so that's the part that would have any marks on it. I noted  
21 the caliber. I measured the diameter. It was consistent with  
22 a .38 caliber. I had no marks of value so I couldn't possibly  
23 use it to identify other firearm evidence. It had been fired  
24 through a conventionally rifled barrel with six grooves, left  
25 twist. In the absence of a firearm, we put in those

MICHELE EICHENMILLER - DIRECT BY MS. FULLER

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1 specifications into a database and the database will give us a  
2 list of manufacturers that make firearms with those  
3 specifications so I did that in this case.

4 Q. And for this case is there anything unique about the  
5 rifling that you just described?

6 A. In general it's been my experience that most  
7 evidence I see is right rifling and this was left.

8 Q. Okay. And you indicated that you generated a list.  
9 Would this be considered a rather short list of potential  
10 firearms compared to other cases with unknown firearms?

11 A. Yes.

12 Q. Can you list out to the jury the short list of  
13 potential firearms involved in this case?

14 A. So the bullet jacket was consistent with a .38  
15 caliber. .38 caliber encompasses several different calibers.  
16 So .357 Magnum, .38 special, .380 auto, or a nine millimeter  
17 Luger. In the case of a .357 Magnum the only manufacturer  
18 that the database had in it was Colt. For the .38 special the  
19 manufacturers were American Derringer, Arms Corps, Colt, Davis  
20 Industries, EIG Importers, Variety. For the .380 auto the  
21 manufacturers were Acti-Tech, AMT, Colt or Davis. And for  
22 nine millimeter Luger, Beretta, Cobra Industries, Colt, Glock  
23 or Kimber.

24 Q. In looking at the .357 Magnum that's on the list, is  
25 that a semi automatic or is that a revolver?

1 A. Typically a revolver caliber.

2 Q. And for the .38 special, is that typically a  
3 semiautomatic or a revolver?

4 A. Yes. .38 special is a revolver as well.

5 Q. Looking at the .380 auto, is that specifically a  
6 semiautomatic or a revolver?

7 A. Semiautomatic.

8 Q. And looking at the nine millimeter Luger, this that  
9 a semiautomatic or a revolver?

10 A. A nine millimeter typically is a semiautomatic as  
11 well.

12 Q. Now, looking at the .380 and comparing it, I know  
13 you cannot do a comparison between casings and fired  
14 projectiles, but I'm asking you a question based on the  
15 evidence collected in this case, does the fact that a  
16 cartridge case was located close to the deceased's body in  
17 this case suggest to you that a semiautomatic -- Let me ask it  
18 this way: Under normal circumstances that a semiautomatic or  
19 a revolver was used?

20 A. If the cartridge case was recovered, typically I  
21 assume that it was a semiautomatic.

22 Q. And so cutting this list down to the potential  
23 semiautomatics in this case, we would potentially be looking  
24 for based on the evidence collected a .380 auto or a nine  
25 millimeter Luger; is that correct?

MICHELE EICHENMILLER - CROSS BY MR. MADSEN

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1 A. Correct.

2 Q. And generally describing a .380 semiautomatic would  
3 that normally be considered in terms of size, a small, medium  
4 or a large handgun?

5 A. The .380 autos that I have seen are typically on the  
6 smaller size.

7 Q. And in terms of the way most .380 semiautomatics  
8 would eject, the ejection path of most semiautomatics, would  
9 they typically eject to the left or the right?

10 A. Most semiautomatic pistols are set up to eject to  
11 the right.

12 Q. And then also just to reiterate, that the firearm in  
13 item 22 that was received unrelated to this case would not  
14 account for the cartridge case that was left behind at the  
15 crime scene?

16 A. Correct. It was not fired by that firearm.

17 MS. FULLER: No further questions at this time.

18 CROSS EXAMINATION

19 BY MR. MADSEN:

20 Q. The casing that was found, those type of, I'll call  
21 them bullets, those could be fired by that .380 that was  
22 submitted to you, correct? That would be an appropriate type  
23 of ammunition?

24 A. The cartridge case?

25 Q. Yes.

1 A. Yes.

2 Q. And SLED receives a lot of guns, correct?

3 A. Yes.

4 Q. And do you do anything with the IBIS system?

5 A. We did.

6 Q. And so if I understand you, and correct me if I'm  
7 wrong, IBIS basically is a system that when you get either  
8 projectiles, and so we're talking about the thing that kind of  
9 comes out of the casing, or the cartridge casing, you can kind  
10 of take that and essentially put it in like a database,  
11 correct?

12 A. Correct. The IBIS that we have at SLED only takes  
13 cartridge casings.

14 Q. Only takes cartridge casings. And so, and you put  
15 it in that database because it almost kind of becomes like a  
16 fingerprint database, correct?

17 A. It's similar to that, yes.

18 Q. And so you have it and if you get, say, another  
19 cartridge casing two years in the future, you could say, ooh,  
20 that matches to this one that we put in our IBIS system,  
21 right?

22 A. Yes.

23 Q. And the same thing with a gun, you can match later  
24 potentially a gun to let's say a cartridge that's been logged  
25 in that IBIS system, correct?

MICHELE EICHENMILLER - CROSS BY MR. MADSEN

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1 A. Correct.

2 Q. And you might get guns that aren't associated with  
3 any type of case, it just comes in and y'all log them into  
4 that IBIS system, or cartridge casings, I guess, correct?

5 A. Yes.

6 Q. And in this case the gun that came in wasn't  
7 something that you were looking at for an IBIS type of thing,  
8 was it? It was associated with this case?

9 A. Yes.

10 Q. And generally that means that someone thinks, hey,  
11 this might be associated with this case. Please test it and  
12 rule it in or rule it out, correct?

13 A. Yes.

14 Q. And then no one can sit here and say and you can't  
15 testify that when a cartridge casing is ejected, that it's  
16 always going to, if I fire it here, that it's always going to  
17 boom, land right there, can you?

18 A. No. I can't.

19 Q. I mean, they can just, they'll go all over the place  
20 depending on weather conditions, barometric pressure, how you  
21 are holding the gun, the area that you're in. I mean, they  
22 can be scattered all about, can't they?

23 A. Correct.

24 MR. MADSEN: That's all the questions I have.

25 MS. FULLER: Just briefly just to clarify a couple

1 questions.

2 REDIRECT EXAMINATION

3 BY MS. FULLER:

4 Q. It could be, it could fit, SLED item 3 could fit in  
5 SLED item 22, the gun that was submitted for analysis, but in  
6 your expert opinion it was not fired by that firearm; is that  
7 correct?

8 A. Correct. It was the right caliber, but not fired by  
9 that firearm.

10 Q. And that is based on your expertise and your years  
11 of experience?

12 A. Correct.

13 Q. In terms of the SLED item 18 that was recovered at  
14 autopsy, were you able to compare that to that firearm?

15 A. I did.

16 Q. And what did you determine?

17 A. It wasn't fired by that firearm.

18 Q. Okay. So none of the, neither the casing or the  
19 fired projectile in this case was associated with the  
20 unrelated gun that was logged into this case for comparison?

21 A. Correct.

22 MS. FULLER: Okay. Thank you.

23 MR. MADSEN: That's all the questions I have.

24 THE COURT: This witness may be excused.

25 MR. DRYLIE: The State calls Chase Harley to the

CHASE HARLEY - DIRECT BY MR. DRYLIE

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1 stand.

2 Thereupon,

3 CHASE ALAN HARLEY

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

5 THE CLERK: Please have a seat. Once you're seated,  
6 state your full name spelling your last please.

7 THE WITNESS: Chase alan Harley, H-a-r-l-e-y.

8 DIRECT EXAMINATION

9 BY MR. DRYLIE:

10 Q. Good afternoon, Lieutenant Harley. Could you  
11 introduce yourself to the jury real quick?

12 A. I'm Lieutenant Harley. I'm with the Sheriff's  
13 Office. I've been here approximately 18 years. I'm a chief  
14 investigator for the crime scene investigation division.

15 Q. Could you pull the microphone up just a little bit?  
16 It's a little hard to hear. Go ahead and finish what you were  
17 saying.

18 A. I've been a supervisor for criminal investigation  
19 for approximately a year. I've been in investigation  
20 approximately seven years.

21 Q. What is your current position?

22 A. I'm a chief investigator.

23 Q. Okay. And are you the current chief investigator  
24 assigned to this case?

25 A. Yes.

- 1 Q. Who was the original investigator?
- 2 A. James Smith.
- 3 Q. Why is he not here?
- 4 A. He's deceased.
- 5 Q. All right. Did you assist us in preparing this case
- 6 for trial?
- 7 A. I did.
- 8 Q. Did you also have some involvement in this case
- 9 originally?
- 10 A. Yes.
- 11 Q. What was your involvement in this case originally?
- 12 A. I assisted Investigator Smith with the execution of
- 13 a search warrant at [REDACTED] Mount Zion.
- 14 Q. What did you do on the search warrant?
- 15 A. I helped Investigator Smith locate items in the
- 16 residence which he collected, also searched outside the
- 17 residence and served the search warrant on the resident.
- 18 Q. I'm gonna show you what's been marked as State's
- 19 Exhibit 145 and 146 and I'm gonna ask you if you recognize
- 20 those items?
- 21 A. I do.
- 22 Q. How do you recognize those items?
- 23 A. They were items that we took when we executed the
- 24 search warrant at [REDACTED] Mount Zion.
- 25 Q. Okay. The gold phone, did you determine who that

CHASE HARLEY - DIRECT BY MR. DRYLIE

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1 belonged to?

2 A. Yes. We determined that it belonged to Gabriel  
3 Curry.

4 Q. And the other phone, did you determine who that  
5 phone belonged to?

6 A. Kirtrina Dixon.

7 Q. And these two items are marked for ID only. I'm  
8 gonna show you what's been marked as State's Exhibit number  
9 100. Tell me if you recognize that photo.

10 A. I do.

11 Q. How do you recognize that photo?

12 A. This is the photo from when we executed the search  
13 warrant and found the gold phone.

14 Q. Does that picture fairly and accurately reflect the  
15 phone where you found it?

16 A. It does.

17 Q. Was it taken on scene during the search warrant of  
18 [REDACTED] Mount Zion Road?

19 A. It was.

20 Q. Has it been altered or changed in any way?

21 A. No, sir.

22 Q. Did you determine that the phone in that photo  
23 belonged to Gabriel Curry?

24 A. We did.

25 MR. DRYLIE: At this time I would offer State's 100

1           into evidence.

2           MR. CHEHOSKI: Your Honor, we renew all previous  
3           objections to these matters.

4           THE COURT: It's entered. You may publish.

5 BY MR. DRYLIE:

6           Q. At this time we'll publish State's 100 to the jury.  
7           Again, just to be clear, you found that phone at [REDACTED] Mount  
8           Zion Road, correct?

9           A. Yes.

10          Q. Now, when you were searching at [REDACTED] Mount Zion Road,  
11          could you tell me other areas that you searched?

12          A. We searched the yard and behind the residence.

13          Q. What's behind the residence?

14          A. Woods.

15          Q. Did you help search the woods?

16          A. I did.

17          Q. Did you ever recover a gun?

18          A. I did not.

19          Q. Was the gun that was used to murder Dakota ever  
20          recovered?

21          A. No.

22          Q. Did you look?

23          A. Yes.

24          Q. All right. Now, taking over your role as chief  
25          investigator in this case, I'm gonna show you what's been

CHASE HARLEY - DIRECT BY MR. DRYLIE

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1 marked as State's Exhibit 16. Do you recognize this?

2 A. Yes. That's the phone numbers of people involved in  
3 this case.

4 Q. Okay. And did you familiarize yourself with all  
5 aspects of this case?

6 A. Yes.

7 Q. Were all these numbers deemed to be relevant?

8 A. Yes.

9 Q. Have they all been testified to in court this  
10 week?

11 A. Yes.

12 Q. Would you go ahead and publish the numbers.

13 Yes. The first one is [REDACTED]-5170 for Gabriel Curry. The  
14 next one is [REDACTED]-8898 for Angela Bargeron. [REDACTED]-8503  
15 Kahlo Calhoun. [REDACTED]-3343 for Kirtrina Dixon. [REDACTED]-9687  
16 for a Sabrina Curry. And [REDACTED]-0659 for Marcus Robinson.

17 MR. DRYLIE: Judge, at this time I would offer  
18 State's 16 into evidence.

19 MR. CHEHOSKI: Your Honor, we have an objection  
20 under Rule 10-06.

21 THE COURT: Does this need to be heard outside the  
22 presence of the jury?

23 MR. CHEHOSKI: If we could have a side bar maybe.

24 THE COURT: Okay.

25 (Side bar off the record.)

1 MR. DRYLIE: Again, at this time, Your Honor, I  
2 offer State's 16 into evidence.

3 THE COURT: So moved.

4 BY MR. DRYLIE:

5 Q. Lieutenant Harley, I'm now gonna show you what's  
6 been marked as State's Exhibit 103. Can you tell me if you  
7 recognize this item?

8 A. Yes. This is T-Mobile records for a Gabriel  
9 Curry.

10 Q. Can you tell me the phone number that's on those  
11 T-Mobile records?

12 A. It's [REDACTED]-5170.

13 Q. Did the Edgefield County Sheriff's Office receive  
14 those records as part of your investigation?

15 A. We did.

16 Q. Does that record fairly and accurately reflect the  
17 business records received from T-Mobile?

18 A. It does.

19 MR. DRYLIE: Your Honor, at this time since they've  
20 now been identified, I would offer them in pursuant to  
21 19-5-520.

22 MR. CHEHOSKI: Again, Your Honor, subject to all  
23 previous objections.

24 THE COURT: So moved.

25 BY MR. DRYLIE:

CHASE HARLEY - DIRECT BY MR. DRYLIE

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1 Q. Just looking at these records, can you show me where  
2 the phone number is on those records?

3 A. Right here.

4 Q. All right. And these were identified with Gabriel  
5 Curry, correct?

6 A. Correct.

7 Q. Next I'm gonna show you what's been marked for  
8 identification as State's Exhibit 104. Going back to the  
9 previous records real quick, do you remember when they were  
10 received?

11 A. I believe October 22nd, I believe.

12 Q. Of what year?

13 A. 2018.

14 Q. Okay. And going to State's Exhibit 104, I'm gonna  
15 ask you if you recognize that?

16 A. I do.

17 Q. How do you recognize that?

18 A. This is gonna be the phone records for Angela  
19 Bargeron.

20 Q. Did the Edgefield County Sheriff's Office receive  
21 those business records as part of your investigation?

22 A. We did.

23 Q. Will you publish Ms. Bargeron's phone number for  
24 me?

25 A. Yes. It's [REDACTED]-8898.

1 Q. Have those records been changed or added to or  
2 deleted in any way?

3 A. They have not.

4 MR. DRYLIE: Your Honor, at this time we would offer  
5 State's 104 into evidence.

6 MR. CHEHOSKI: Your Honor, renew all previous  
7 objections.

8 THE COURT: So moved.

9 BY MR. DRYLIE:

10 Q. Go ahead and show the jurors the phone numbers on  
11 this exhibit.

12 A. The phone number is right there.

13 Q. Okay. Now, during the course of your investigation,  
14 did the Edgefield County Sheriff's Office receive numerous  
15 videos from businesses in the area?

16 A. We did.

17 Q. Why was it important to receive those videos?

18 A. We were trying to create a timeline of Dakota's  
19 actions that day.

20 Q. Because did anyone see him get shot that we know  
21 of?

22 A. No.

23 Q. But you wanted to build a timeline for where he  
24 was?

25 A. Yes.

CHASE HARLEY - DIRECT BY MR. DRYLIE

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1 Q. Did information come out that he was with someone on  
2 that day?

3 A. It did.

4 Q. Who was he with?

5 A. Gabriel Curry.

6 Q. Going to the location of the body and the location  
7 of the car, did that indicate anything to the investigators?

8 A. Where we found the body it was a good ways away from  
9 the car. The car was across the street a hundred yards maybe.  
10 The car could have been driven after the murder. We did note  
11 that.

12 Q. Okay. And I'm gonna show you some maps. They've  
13 been marked State's number 105 through 108. Going to State's  
14 108, do you recognize the item?

15 A. I do.

16 Q. How do you recognize this item?

17 A. This is the photo of Dollar General, I believe the  
18 Dollar General at 195 Market Place Road, North Augusta and  
19 also the Circle K which is directly in front of that at 1014  
20 Edgefield Road.

21 Q. Did the Sheriff's Office receive videos from these  
22 locations?

23 A. We did.

24 MR. DRYLIE: Your Honor, at this time we would offer  
25 State's 105 into evidence.

1 MR. CHEHOSKI: Without objection, Your Honor.

2 THE COURT: So moved.

3 BY MR. DRYLIE:

4 Q. Can you tell me again, this is located in North  
5 Augusta. What's it near?

6 A. It's near the Food Lion and I-20.

7 Q. And going to State's 106, I'm gonna ask you if you  
8 recognize that?

9 A. I do. This is an overview shot of the Country  
10 Hearth Inn Suites of Augusta at 2182 Gordon Highway.

11 Q. And was the Edgefield County Sheriff's Office able  
12 to receive video from that location?

13 A. We were.

14 MR. DRYLIE: Your Honor, at this time we would offer  
15 State's 106 into evidence.

16 MR. CHEHOSKI: No objection.

17 THE COURT: So moved.

18 BY MR. DRYLIE:

19 Q. Where is the Country Hearth Inn?

20 A. In Augusta, Georgia on Gordon Highway.

21 Q. All right. Going to State's 107, I'm gonna ask you  
22 if you recognize that?

23 A. Yes, sir. This is the Greg's Gas Plus at 1295 West  
24 Martintown Road in Augusta.

25 Q. Did the Sheriff's Office receive video from Greg's

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1 Gas Plus?

2 A. We did.

3 MR. DRYLIE: Judge, at this time I would offer  
4 State's 107 into evidence.

5 MR. CHEHOSKI: Without objection.

6 THE COURT: So moved.

7 BY MR. DRYLIE:

8 Q. Where is that Greg's Gas Plus formally located?

9 A. On West Martintown Road.

10 Q. Has it changed owners since then?

11 A. I believe it's a Sprint now.

12 Q. And that's near what exit off of I-20?

13 A. Exit one.

14 Q. And finally, I'm gonna show you State's number 108  
15 and tell me if you recognize that photo?

16 A. Yes. This is the Burger King at 673 Bettis Academy  
17 Road and also this Circle K which is next door to the Burger  
18 King at 673 Bettis Academy Road.

19 Q. Okay. And did the Sheriff's Office receive videos  
20 from that location?

21 A. We did.

22 MR. DRYLIE: All right. At this time, Your Honor,  
23 we would offer State's 108 into evidence.

24 MR. CHEHOSKI: Without objection.

25 THE COURT: So moved.

1 BY MR. DRYLIE:

2 Q. Where is State's 108 located here?

3 A. I-20.

4 Q. What exit?

5 A. I believe it's 11. I'm not sure.

6 Q. Okay. All right. I'm gonna show you State's 110  
7 and ask you if you recognize it. Lieutenant Harley, do you  
8 recognize this exhibit?

9 A. Yes.

10 Q. And can you tell me what it is on this exhibit?

11 A. It's a timeline of every location that we received  
12 video.

13 Q. Does it also include the addresses?

14 A. It does.

15 Q. Will you tell me the times and the location of each  
16 place that you received video from?

17 A. Yes. The first one is gonna be the Dollar General,  
18 195 Market Place Drive, North Augusta, time is from 1:15 p.m.  
19 to 1:22 p.m. The second one is the Country Hearth Inn and  
20 Suites at 2182 Gordon Highway in Augusta, 2:54 p.m. to 3:01  
21 p.m. The next one is at Greg's Gas Plus at 1295 West  
22 Martintown Road, North Augusta, 3:15 p.m. to 3:30 p.m., and  
23 then back again at the Dollar General, 195 Market Place Drive,  
24 North Augusta, 3:54 p.m. to 3:57 p.m., and then the Circle K,  
25 1014 Edgefield Road in North Augusta at 3:59 p.m. to 4:02

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1 p.m., and then at the Burger King at 673, Bettis Academy Road,  
2 4:28 p.m. to 4:30 p.m., and then the Circle K, 651 Bettis  
3 Academy Road, Graniteville, South Carolina at 4:31 p.m. to  
4 4:36 p.m.

5 MR. DRYLIE: Judge, at this time we would offer  
6 State's 110 into evidence.

7 THE COURT: Same objection?

8 MR. CHEHOSKI: Same objection, your Honor, Rule  
9 10-06.

10 THE COURT: All right. Same objection is overruled.  
11 So moved.

12 BY MR. DRYLIE:

13 Q. So in reviewing all of these places, these are all  
14 places the Sheriff's Office received video from in  
15 investigating this case?

16 A. Correct.

17 Q. And were you all able to develop a timeline for that  
18 day?

19 A. Correct.

20 Q. Can you tell me just in an overview, when was the  
21 last time that we saw Dakota Calhoun alive?

22 A. It is gonna be at the Circle K. Can I refer to my  
23 notes?

24 Q. You can, absolutely.

25 A. It's gonna be at the Circle K at 3:59 p.m. is when

1 they got there.

2 Q. And after that is Dakota Calhoun ever seen anywhere  
3 again alive?

4 A. He was not.

5 Q. I'm gonna show you what's been marked as State's 17,  
6 State's 18, and State's 143. Please tell me if you recognize  
7 those disks? Did you have a chance to review those disks  
8 before coming in here into court today?

9 A. I did.

10 Q. Did the Edgefield County Sheriff's Office receive  
11 those disks in the course of investigating this case as  
12 business records?

13 A. We did.

14 MR. DRYLIE: Judge, at this time, State's 17 is for  
15 ID only, and we would move State's 18 and 143 into  
16 evidence.

17 MR. CHEHOSKI: Can we approach very quickly?

18 (Side bar off the record.)

19 MR. DRYLIE: Again, 17 is for identification only,  
20 18 and 143 are moved in.

21 THE COURT: Is that without objection?

22 MR. CHEHOSKI: Without objection, Your Honor.

23 THE COURT: Thank you. So moved.

24 BY MR. DRYLIE:

25 Q. I'm gonna show you again what's been marked as

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1 State's Exhibit number 26. Can you tell me if you recognize  
2 this?

3 A. I do.

4 Q. How do you recognize it?

5 A. It is the video from the Country Hearth Inn.

6 Q. Did the Sheriff's Office receive that video as part  
7 of their investigation?

8 A. We did.

9 MR. DRYLIE: Judge, pursuant to 19-5-520 we would  
10 move that this is evidence and we would offer this as  
11 evidence at this time.

12 THE COURT: Any objection?

13 MR. CHEHOSKI: No, Your Honor.

14 THE COURT: So moved.

15 BY MR. DRYLIE:

16 Q. Again, this is State's number 26. I'm gonna show  
17 you what's marked as State's number 31, 32, and 33. Can you  
18 please tell me if you recognize those items?

19 A. Yes. This is video from Greg's Gas Plus.

20 Q. The Sheriff's Office received that video as part of  
21 their investigation?

22 A. We did.

23 Q. Have you had a chance to review that video prior to  
24 today?

25 A. I have.

1 Q. Does that video fairly and accurately reflect --

2 A. Exactly.

3 MR. DRYLIE: -- the videos received. Your Honor, at  
4 this time we would offer 31 and 32 for ID only, and move  
5 33 into evidence.

6 MR. CHEHOSKI: No objection.

7 THE COURT: So moved.

8 BY MR. DRYLIE:

9 Q. I'm gonna show you what's been marked as State's  
10 Exhibit 40 and 41 and ask you if you recognize it?

11 A. Yes. This is more video from the Dollar General on  
12 Market Place. This is the second time they went there.

13 Q. Did you have an opportunity to review those disks?

14 A. I did.

15 Q. Do they fairly and accurately reflect the Dollar  
16 General?

17 A. They do.

18 MR. DRYLIE: Your Honor, at this time we would offer  
19 State's number 41 into evidence and 40 is for ID only.

20 MR. CHEHOSKI: No objection.

21 THE COURT: So moved.

22 BY MR. DRYLIE:

23 Q. I'm gonna show you State's number 45 for ID only,  
24 and number 46. Can you tell if you recognize this and how you  
25 recognize it?

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1           A.    This is video from Circle K, 1014 Edgefield Road.

2           Q.    Did you have an opportunity to review those disks  
3 before coming here today?

4           A.    I did.

5           Q.    Do those disks fairly and accurately reflect the  
6 cameras, the video footage that the Sheriff's Office received  
7 as a result of the investigation in this case?

8           A.    It does.

9           MR. DRYLIE:  Judge, we would offer number 45 for ID  
10 only, and 46 into evidence.

11           THE COURT:  Any objection?

12           MR. CHEHOSKI:  No objection.

13           THE COURT:  So moved.

14 BY MR. DRYLIE:

15           Q.    I'm gonna show you State's number 49 which is marked  
16 for ID only, and State's number 50.  Same questions.  I'm  
17 gonna ask you if you recognize them and how you recognize  
18 them?

19           A.    Video from the Burger King on Bettis Academy Road  
20 in Graniteville.

21           Q.    Did the Sheriff's Office receive that video as a  
22 result of their investigation in this case?

23           A.    We did.

24           Q.    Does that video fairly and accurately reflect the  
25 video you received?

1 A. It does.

2 MR. DRYLIE: Okay. Your Honor, at this time  
3 pursuant to 19-5-520 I would offer 49 in for ID only, and  
4 50 into evidence.

5 MR. CHEHOSKI: No objection to 50 coming in.

6 THE COURT: So moved.

7 BY MR. DRYLIE:

8 Q. And finally, I've got State's number 58 marked for  
9 ID only, and State's number 59. Can you tell me if you  
10 recognize those disks and how you recognize those disks?

11 A. Yes. This is the gas station video on Bettis  
12 Academy Road next to Burger King.

13 Q. And did the Sheriff's Office receive that video as a  
14 result of the investigation into this case?

15 A. We did.

16 Q. Did you have a chance to review that video?

17 A. I did.

18 Q. Do they fairly and accurately depict the video that  
19 the Sheriff's Office received?

20 A. Yes.

21 MR. DRYLIE: At this time, Your Honor, we would  
22 offer State's number 59 into evidence pursuant to  
23 19-5-520.

24 MR. CHEHOSKI: No objection to 59.

25 THE COURT: So moved.

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1           MR. DRYLIE: And, Judge, just for the record, I may  
2 not have said it on all of them, but all of those videos  
3 are moved in under 19-5-520 and entered for evidence.

4           THE COURT: So noted for the record.

5           MR. DRYLIE: Judge, at this time we plan to publish  
6 the videos for the jury.

7           (Playing State's Exhibit videos.)

8 BY MR. DRYLIE:

9           Q. Investigator, can you tell me, who is that?

10          A. That's Dakota Calhoun.

11          Q. Can you tell who the individual is towards the  
12 bottom of the screen where we see the back of her hair?

13          A. That's gonna be Jordan Thomas.

14          Q. What's going on here?

15          A. She's giving him money to purchase drinks is what we  
16 learned.

17          Q. What is Dakota doing there?

18          A. Leaving the Dollar General.

19          Q. What time does Dakota enter into the Dollar  
20 General?

21          A. 1:16 p.m.

22          Q. Can you tell me whose car is in this video here?

23          A. Jordan Thomas.

24          Q. What time does Dakota leave Dollar General there?

25          A. 1:19 p.m.

1 Q. Who's walking out of the Dollar General right behind  
2 him?

3 A. Jordan Thomas and Angela Bargeron. That's Angela  
4 Bargeron at the door of Jordan Thomas' car as Jordan Thomas  
5 sits in the car.

6 Q. Who's driving off right there?

7 A. That's gonna be Dakota Calhoun driving off in Angela  
8 Bargeron's vehicle.

9 Q. The last clip at this time of the Dollar General.

10 A. This is a clip of Dakota purchasing a drink at the  
11 Dollar General.

12 Q. Is he wearing the same clothes that y'all found him  
13 in the next day?

14 A. He is.

15 Q. Can you tell what type of bill he handed her?

16 A. Appears to be a 20.

17 Q. How are you able to tell that?

18 A. By the location she put it in the drawer and the  
19 change that she gives back.

20 Q. Can you tell approximately how much change she's  
21 giving him back?

22 A. I believe 17, \$18.00. Three fives and three ones it  
23 looks like.

24 Q. Okay. Now, I'm just gonna go through some pictures  
25 real quick with you and ask you if you recognize these real

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1 quick. They're already in evidence.

2 A. That's the front door to the Dollar General.

3 Q. We'll go through them in just a second. Just tell  
4 me if you recognize them.

5 A. Yes.

6 Q. All right. Publishing State's 19 again, tell me  
7 what we're looking at here.

8 A. The entrance to Dollar General.

9 Q. Who is this entering the store?

10 A. Dakota Calhoun.

11 Q. Can you tell what time he's entering?

12 A. 1:16 p.m.

13 Q. Again, real quick, whose car is that?

14 A. Jordan Thomas.

15 Q. State's 21?

16 A. Dakota Calhoun entering the store.

17 Q. And what is he doing at approximately 1:17?

18 A. Appears to be getting money from Jordan Thomas.

19 Q. And at 1:18?

20 A. Purchasing a drink.

21 Q. And again, shortly thereafter who is walking out of  
22 the Dollar General?

23 A. Dakota Calhoun, Jordan Thomas, Angela Bargeron.

24 Q. What time does he leave the Dollar General?

25 A. 1:19.

- 1 Q. All right. Whose car is that at the top?
- 2 A. Angela Bargeron's.
- 3 Q. Did your investigation reveal that Dakota had
- 4 anything else with him besides her car?
- 5 A. He also borrowed her cell phone.
- 6 Q. Is that part of the reason you got her cell phone
- 7 records?
- 8 A. That's correct.
- 9 Q. We're going to move onto the next video.
- 10 (Playing State's video.)
- 11 BY THE WITNESS:
- 12 A. That's Angela Bargeron with Dakota Calhoun exiting
- 13 in the video.
- 14 BY MR. DRYLIE:
- 15 Q. Who's driving the vehicle?
- 16 A. Dakota Calhoun.
- 17 Q. What time is that?
- 18 A. 2:54 p.m.
- 19 Q. How did Investigator Smith film this?
- 20 A. It's either on a cell phone or a body cam.
- 21 Q. Okay. Did you learn anything about what set the
- 22 cameras off at these hotels?
- 23 A. I believe the bottom layer, the bottom camera is by
- 24 motion.
- 25 Q. The time just jumped. Could the top also be

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1 motion?

2 A. It could be. Yes. That's Dakota exiting the room  
3 now.

4 Q. Who's behind him?

5 A. Darius Garrett.

6 Q. Who gets into the driver's side?

7 A. Dakota.

8 Q. What time is he leaving the motel?

9 A. 3:01 p.m.

10 Q. What are we watching here?

11 A. The lower level of the motel. That's Angela  
12 Barger's vehicle pulling in.

13 Q. What time did they arrive at the hotel?

14 A. 2:54 p.m. That's Dakota exiting the driver's door.  
15 That's them leaving the motel.

16 Q. What time did they leave?

17 A. 3:01.

18 Q. Again, did your investigation reveal if there was  
19 anyone else in the car with Dakota?

20 A. Yes. Through interviews it was determined that  
21 Gabriel Curry was in the vehicle.

22 Q. So looking at State's 27 already in evidence can you  
23 tell me what we see here?

24 MR. CHEHOSKI: Your Honor, I have to object to that  
25 last comment about people who may have been in the car.

1           Again, that's outside of his personal knowledge and it's  
2           hearsay.

3           MR. DRYLIE:  It's been testified to in this  
4           courtroom this week.

5           THE COURT:  Overruled.

6           MR. CHEHOSKI:  All right.  Just want to make sure  
7           it's on the record.

8           THE COURT:  Yes, sir.

9   BY MR. DRYLIE:

10          Q.  Go ahead.  State's 27 is?

11          A.  That's Dakota exiting the vehicle at the motel.

12          Q.  Is this a still shot from the body cam video?

13          A.  It is.

14          Q.  State's 28?

15          A.  That's Dakota on the second floor of the Country  
16          Hearth.

17          Q.  State's 29?

18          A.  That's Dakota as he's exiting and Darius Garrett  
19          standing on the balcony.

20          Q.  That's them leaving at what time?

21          A.  3:01 p.m.

22          Q.  Lieutenant Harley, is this video lengthy?

23          A.  Yes.

24          Q.  Is there a period of time where Mr. Calhoun is not  
25          seen on camera?

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1 A. There is.

2 Q. Approximately what time is Mr. Calhoun getting to  
3 Greg's Gas Plus?

4 A. 3:15.

5 Q. What is he attempting to do here?

6 A. Purchase gas.

7 Q. Did your investigation reveal how much gas he's  
8 attempting to purchase?

9 A. I believe three dollars.

10 Q. Was he able to purchase that?

11 A. No.

12 Q. How come?

13 A. His card was declined.

14 Q. All right. So he's outside for approximately 11  
15 minutes?

16 A. Approximately.

17 Q. Just for the jury, point out Dakota?

18 A. Again, Dakota's there in the pink shirt and khaki  
19 shorts right behind that display right there.

20 Q. Where were his sunglasses?

21 A. On top of his head.

22 Q. Point those out for us.

23 A. Yes. They're right up there. That's Dakota exiting  
24 the store.

25 Q. What time does he leave the store?

- 1           A.    3:30 p.m.
- 2           Q.    Please point out Angela Bargeron's car?
- 3           A.    Right here pulling in.
- 4           Q.    Who's getting out of the driver's side?
- 5           A.    Dakota is exiting the driver's side.
- 6           Q.    Who is exiting the passenger side?
- 7           A.    That's gonna be Gabriel Curry.
- 8           Q.    And is Gabe standing outside the car for the next
- 9           few minutes on this video?
- 10          A.    He is.
- 11          Q.    All right. At this point has Dakota gotten back in
- 12          the car?
- 13          A.    Yes. He has.
- 14          Q.    Has Gabe gotten back in the car?
- 15          A.    At this point he's still standing. He's in the car.
- 16          I'm sorry.
- 17          Q.    What is he doing in the car?
- 18          A.    Appears he changed shirts or takes his top shirt off
- 19          and has an undershirt on. When they leave, you can actually
- 20          see he has a white different shirt.
- 21          Q.    The color of the shirt he changes into is what?
- 22          A.    White. That's Dakota returning to the vehicle.
- 23          Q.    Point out Mr. Curry for us.
- 24          A.    Right. Yes. Right there in the white shirt you can
- 25          see.

1 Q. What time are they leaving?

2 A. 3:30 p.m.

3 Q. We're gonna look at that clip from another angle.

4 A. Right there you can see that white shirt.

5 Q. And who's leaving?

6 A. Dakota Calhoun and Gabriel Curry.

7 Q. Who was driving that car?

8 A. Dakota.

9 Q. I just handed you a stack of pictures marked State's  
10 34 through 39. Do you recognize those photos?

11 A. I do.

12 Q. How do you recognize them?

13 A. They're still shots from the video we just  
14 watched.

15 MR. DRYLIE: Your Honor, pursuant to 19-5-520 we  
16 would offer these into evidence, 34 through 39.

17 MR. CHEHOSKI: No objection.

18 THE COURT: So moved.

19 BY MR. DRYLIE:

20 Q. So in building this timeline out for this day,  
21 Dakota is walking into the store. What time is that?

22 A. 3:15 p.m.

23 Q. And what is he trying to do inside the store?

24 A. Purchase gas.

25 Q. And approximately what time did he leave there

1 first?

2 A. 3:16.

3 Q. And looking at this shot, who are the two  
4 individuals you can identify?

5 A. Dakota Calhoun and Gabriel Curry.

6 Q. Looking at State's 37, that was 36 the last one,  
7 again, who are the individuals you can identify?

8 A. Dakota Calhoun is in the driver's seat and Gabriel  
9 Curry is standing next to the passenger side.

10 Q. Looking at State's 38, what is different about this  
11 photo than the others?

12 A. When he gets back, when Gabe gets back in the  
13 passenger seat, he had a dark shirt on here. You can see him  
14 on video swapping the shirts out.

15 Q. Okay. Finally tell me what we're looking at here.

16 A. In this one when they're leaving, you can actually  
17 see it's a white shirt.

18 Q. All right. What are we looking at here?

19 A. This is the Dollar General when he returned where  
20 his mother works.

21 Q. What time did he return?

22 A. 3:55 p.m.

23 Q. Did your investigation reveal why he returned?

24 A. He returned to get some money from his mother for  
25 gas.

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1 Q. This is the Dollar General at 195 Market Place Drive  
2 that he visited earlier?

3 A. Correct.

4 Q. What time does he leave the Dollar General?

5 A. 3:57 p.m.

6 Q. Who is that?

7 A. Angela Bargeron.

8 Q. Who else is on there?

9 A. That's Dakota.

10 Q. And what is she doing?

11 A. She's giving him money.

12 Q. Where are his sun glasses?

13 A. They're on top of his head. This is another shot of  
14 Dakota entering the Dollar General.

15 Q. I hand you what's already in evidence as State's  
16 Exhibit 42, 43, and 44. Do you recognize those?

17 A. I do.

18 Q. Tell me what we're looking at in this picture.

19 A. That's Dakota entering the Dollar General.

20 Q. What's this a still shot of?

21 A. Dakota and his mother Angela, getting money from  
22 them.

23 Q. Then he leaves the Dollar General at what time?

24 A. 3:57 p.m.

25 Q. Where is the Circle K in relation to the Dollar

1 General?

2 A. Right in front.

3 Q. What time does Dakota come in?

4 A. 3:59 p.m.

5 Q. How many times - what time did he leave the Circle  
6 K?

7 A. At 4:01.

8 Q. And what's the difference between this and the  
9 videos we just watched?

10 A. This actually shows the purchase that he's making  
11 and how much it was.

12 Q. Do you know what Dakota purchased?

13 A. Gas.

14 Q. Do you know what type of bill he used to pay for  
15 it?

16 A. \$5.00 bill. He purchased \$3.00.

17 Q. Is this the same Circle K?

18 A. Yes.

19 Q. Using the laser pointer when it shows up, can you  
20 show Angela Barger's car?

21 A. Yes. It pulls up on the far right, on the left.  
22 Dakota exited the driver's seat.

23 Q. Does it appear that somebody else exited the  
24 vehicle?

25 A. Yes.

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1 Q. What color shirt were they wearing?

2 A. White. Dakota gets out, goes to the left. We  
3 believe he's speaking with someone. Yeah. He walks across  
4 the parking lot back to the vehicle, walks over to the pump  
5 for a short time, then walks and gets back in the driver's  
6 seat.

7 Q. Who pumped the gas?

8 A. Gabriel Curry.

9 Q. Who drove away?

10 A. Dakota is driving.

11 Q. Okay. Was that the last image that y'all have of  
12 Dakota Calhoun ever seen alive?

13 A. It is.

14 Q. I'm gonna show you what's been marked as State's  
15 Exhibit 47 and 48 and ask you if you recognize those?

16 A. I do.

17 Q. How do you recognize those?

18 A. Still shots from the video we just watched.

19 MR. DRYLIE: Your Honor, at this time pursuant to  
20 19-5-520 we would offer State's 47 and 48 into evidence.

21 MR. CHEHOSKI: No objection.

22 THE COURT: So moved.

23 BY MR. DRYLIE:

24 Q. Is that a still shot of Dakota entering the store?

25 A. It is.

1 Q. And can you see white over by the car?

2 A. It's hard because that video is so grainy that you  
3 can't.

4 Q. Publishing State's number 48, tell me what we're  
5 looking at here?

6 A. It's a video of Dakota purchasing gas. You can see  
7 here he purchased \$3.00, paid with a \$5.00 bill, received  
8 \$2.00 in change.

9 Q. When we next see the car, who is driving the  
10 vehicle?

11 A. Gabriel Curry.

12 Q. What time does Dakota leave the Circle K?

13 A. 4:01 p.m.

14 Q. Okay. And again, who was driving that car?

15 A. Dakota.

16 Q. Just for clarification, does Dakota drive off at  
17 4:02 p.m.

18 A. Yes. He left the store at 4:01.

19 Q. And he drives off at 4:02?

20 A. Yes.

21 Q. What time is this?

22 A. 4:28 p.m.

23 Q. Who's driving that vehicle?

24 A. Gabriel Curry.

25 Q. Is there anyone else in the car?

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1 A. There is not.

2 Q. What does he pay with?

3 A. A \$20.00 bill.

4 Q. What is he getting there?

5 A. Apparently a Whopper meal or a meal from Burger  
6 King.

7 Q. Was there a receipt in there?

8 A. A receipt and change.

9 Q. Where does he put it.

10 A. Placed it on the passenger seat.

11 Q. Again, where does he put his food?

12 A. On the passenger seat of the vehicle and he leaves  
13 at 4:30 p.m.

14 Q. I'll show you what's been marked as State's 51  
15 through 57. Would you please tell me if you recognize  
16 those?

17 A. Yes.

18 Q. How do you recognize those?

19 A. They're still shots from the video.

20 Q. Do they fairly and accurately depict the video we  
21 just watched?

22 A. They do.

23 MR. DRYLIE: Your Honor, at this time we would offer  
24 State's 51 through 57 into evidence pursuant to 19-5-520.

25 MR. CHEHOSKI: No objection.

1 THE COURT: So moved.

2 BY MR. DRYLIE:

3 Q. Looking at 51, tell me who's car that is?

4 A. Angela Bargerons's.

5 Q. What time is it pulling up to the Burger King?

6 A. 4:28 p.m.

7 Q. Who's in this car?

8 A. Gabriel Curry.

9 Q. Did your investigation reveal whether he ever had  
10 permission to drive Angela Bargerons's car?

11 A. He did not.

12 Q. Can you see at least, what bills does he have in his  
13 hand?

14 A. A 20 there he's passing to the clerk at Burger  
15 King.

16 Q. Did Dakota pay with a \$5.00 bill at Circle K?

17 A. He did.

18 Q. Again, what do we see here?

19 A. The clerk passing Gabriel his Burger King cup.

20 Q. Here we have a good shot of what?

21 A. She's giving the receipt and change.

22 Q. Okay. And did you guys, did the Sheriff's Office  
23 find a receipt in the car the next day?

24 A. We did.

25 Q. Do you know what the defendant said when he was

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1 asked about going to Burger King?

2 A. He did not go.

3 Q. And looking at this picture, can you tell if there's  
4 anyone in the passenger seat?

5 A. There is not.

6 Q. What's going on here?

7 A. The clerk is passing Gabriel his food.

8 Q. Okay. Final shot, State's 57. Once again, what is  
9 Gabriel doing in that photo?

10 A. He's leaning over into the passenger seat.

11 Q. Okay. Investigator Harley, I forgot to ask you,  
12 State's 52, when it comes up on the screen in a second, was  
13 this the photo that has been previously identified three times  
14 in this trial as being Gabriel Curry?

15 A. It is.

16 Q. And it was identified by Angela Bargeron, Jordan  
17 Thomas and Vanessa Boulware?

18 A. That's correct.

19 Q. And all three had knowledge of Gabriel Curry?

20 A. Yes.

21 Q. All right. Once again, that was State's 52. Where  
22 is this video from?

23 A. This is going to be the Circle K in Graniteville.

24 Q. Point out Gabriel, the defendant.

25 A. That's him walking right there coming into the store

- 1 and going to the restroom.
- 2 Q. How long was he in the restroom?
- 3 A. 23 seconds. This is Gabriel Curry entering the
- 4 Circle K.
- 5 Q. Do you know how long he was inside the store for?
- 6 A. 47 seconds.
- 7 Q. Just to be clear, this Circle K is located where?
- 8 A. It's on Bettis Academy Road in Graniteville.
- 9 Q. What is it next to?
- 10 A. Burger King.
- 11 Q. What is that?
- 12 A. Gabriel Curry exiting the store.
- 13 Q. What time does the defendant pull up in the car?
- 14 A. 4:31 p.m.
- 15 Q. Can you point him out to us?
- 16 A. Yes. That's Gabriel Curry right there exiting
- 17 Angela's car.
- 18 Q. Is there anyone else inside that vehicle?
- 19 A. There is not.
- 20 Q. What does he appear to be doing?
- 21 A. Appears to be checking the car for damage.
- 22 Q. Can you see what he's doing in the car?
- 23 A. He appears to be eating the meal he just purchased
- 24 at Burger King. You can he's reaching for things on the
- 25 passenger seat several times.

1 Q. Again, is that the Burger King he denied going to  
2 when his cousin was missing?

3 A. That is correct. That's what he said. That's Gabe  
4 in the driver's seat and going into the store on the video we  
5 just watched.

6 Q. What's going on here?

7 A. This is Gabriel exiting the store going back to  
8 Angela's vehicle. He gets in the driver's seat.

9 Q. What's in his hand when he gets out?

10 A. Appears to be the Burger King cup.

11 Q. What's he doing here?

12 A. Checks the vehicle, the front of the vehicle again.  
13 That's Gabriel driving off, no one in the passenger seat of  
14 the vehicle.

15 Q. Can you point the car out to me now just to make  
16 sure we don't lose it?

17 A. He stops right here.

18 Q. There's no motion of anyone getting in the car or  
19 anything?

20 A. No.

21 Q. When you come out of Circle K where he is and makes  
22 a right, where are you heading towards?

23 A. I believe I-20.

24 Q. If someone is going to North Augusta, would I-20 be  
25 the quickest route to take?

1 A. It would be.

2 Q. This is simply a different angle, correct?

3 A. Yes. This is an angle of him leaving the store  
4 where he stops. You can see here nobody enters or exists the  
5 vehicle.

6 Q. There's not anyone else outside smoking a cigarette  
7 getting into the car, correct?

8 A. No. That's the vehicle backing up and then leaving.

9 Q. What time does he leave the parking lot?

10 A. 4:36 p.m.

11 Q. And I'm handing you State's Exhibit 60 through 65.  
12 Do you recognize those?

13 A. Yes.

14 Q. Okay. How do you recognize those?

15 A. They're still shots from the video we just  
16 watched.

17 Q. Do they fairly and accurately reflect that video?

18 A. They do.

19 MR. DRYLIE: Your Honor, at this time pursuant to  
20 19-5-520 we would offer 60 through 65 into evidence.

21 THE COURT: Any objection?

22 MR. CHEHOSKI: No objection.

23 THE COURT: So moved.

24 BY MR. DRYLIE:

25 Q. What is this a still shot of?

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1           A.    The parking lot of Burger King and that's Angela  
2 Bargeron's vehicle pulling into the parking lot.

3           Q.    That was State's 60 previously.  What is 61?

4           A.    Gabriel Curry exiting the driver's seat.

5           Q.    All right.  State's 62, what do we have here?

6           A.    Gabriel Curry appears to be looking for any kind of  
7 damage or anything wrong with this vehicle in front.

8           Q.    Is State's 62 the photo that was previously  
9 identified three times in this trial as being Gabriel Curry by  
10 Angela Bargeron, Jordan Thomas and Vanessa Boulware?

11           MR. CHEHOSKI:  Objection, Your Honor.  Leading.

12           Also bolstering.  It's also hearsay.

13           MR. DRYLIE:  Just confirming that it's the photo.

14           We didn't publish.

15           THE COURT:  Restate your question.

16 BY MR. DRYLIE:

17           Q.    State's 62, has this photo been previously  
18 identified in trial?

19           A.    It is.

20           Q.    By whom?

21           A.    Angela Thomas - excuse me, Angela Bargeron, Jordan  
22 Thomas --

23           MR. CHEHOSKI:  Objection, Your Honor.  It's still  
24 the same thing.

25           MS. FULLER:  No, it's not.

1 MR. DRYLIE: You objected to leading.

2 THE COURT: Overruled. Overruled.

3 BY MR. DRYLIE:

4 Q. Go ahead and finish.

5 A. Angela Bargeron, Jordan Thomas, and Vanessa  
6 Boulware.

7 Q. What do we have in State's 63?

8 A. That's Angela Bargeron's vehicle with Gabriel Curry  
9 in the driver's seat.

10 Q. What does he appear to be doing?

11 A. Appears to be eating.

12 Q. State's 64?

13 A. Gabriel Curry inside the Circle K.

14 Q. Finally, State's 65?

15 A. That's Gabriel Curry standing outside holding what  
16 appears to be a Burger King cup and looking at the front of  
17 Angela Bargeron's vehicle.

18 Q. I'm gonna show you what's been marked for State's ID  
19 109. Can you tell me if you recognize this?

20 A. I do.

21 Q. Can you tell me how you recognize this?

22 A. It's a timeline that was created and it's a summary  
23 of each action that was caught on video.

24 Q. Does this fairly and accurately reflect a summary of  
25 the videos that we reviewed here today?

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1 A. It does.

2 MR. DRYLIE: Judge, at this time we would offer  
3 State's 109 into evidence.

4 MR. CHEHOSKI: Your Honor, objection under rule  
5 10-06.

6 THE COURT: So noted. I'll allow it in.

7 BY MR. DRYLIE:

8 Q. Officer Harley, would you mind stepping down for  
9 just a minute.

10 A. (Witness complies.)

11 Q. Could you go ahead and publish this summary for us  
12 of what your investigation revealed?

13 A. Yes. 1:15 p.m. to 1:22 p.m. video at the Dollar  
14 General --

15 MR. CHEHOSKI: Objection, Your Honor. Asked and  
16 answered.

17 MR. DRYLIE: He's publishing the exhibit. It's in  
18 evidence.

19 MR. CHEHOSKI: It's been testified to, repetitive  
20 multiple times.

21 THE COURT: I'll sustain. It has been testified to  
22 and it's there visually in front of the jury.

23 MR. DRYLIE: Okay. We'll move on.

24 BY MR. DRYLIE:

25 Q. During your investigation, did the Sheriff's Office

1 learn that Gabriel Curry owned a car?

2 A. Not to my knowledge.

3 Q. He didn't have his own victim to travel around in?

4 A. No.

5 Q. And during your investigation, did you do some  
6 driving for us in preparing for this case?

7 A. I did.

8 Q. Did you drive from, I'll grab the board, did you  
9 drive from the location of Dakota Calhoun's body to [REDACTED] Mount  
10 Zion Road?

11 A. I did.

12 Q. Okay. And can you tell me approximately how long it  
13 took you to drive that?

14 A. I'll refer to my notes. Approximately two minutes  
15 and 20 seconds.

16 Q. And how far is it on the road from Dakota Calhoun's  
17 body to Mount Zion Road?

18 A. One point one miles.

19 Q. And it would shorter through the woods?

20 A. Yes.

21 Q. Did you also drive the route that Dakota and the  
22 defendant would have taken on the day in question?

23 A. I did.

24 Q. Okay. So what time did you drive this route?

25 A. I started the first drive at 4:10 p.m.

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1 Q. And this would be from, what route did you drive?

2 A. I went from the Circle K gas station, the last known  
3 location that Dakota was alive and I drove to the incident  
4 location where the body was found.

5 Q. And were you driving the speed limit?

6 A. Yes. Normal driving conditions.

7 Q. Is the area built up more now than in 2018?

8 A. Yes. It is.

9 Q. Okay. So it's more crowded?

10 A. Yes.

11 Q. Approximately how long did it take you to go from  
12 Circle K to Sandy Springs Road driving normal speed?

13 A. 13 minutes 10 seconds.

14 Q. And from Sandy Springs Road what did you do?

15 A. From the incident location where the body was found  
16 I drove to the Burger King on Bettis Academy Road. It took me  
17 approximately eight minutes, not approximately, it took eight  
18 minutes and 20 seconds and I started this drive at 4:27 p.m.

19 Q. And so this was a total of 21 minutes and 30 seconds  
20 of driving?

21 A. Yes.

22 Q. And the last time we have Dakota on camera is at  
23 4:02 p.m.?

24 A. Yes, sir.

25 Q. And then the next time we see the car it's at 4:28

- 1 p.m.?
- 2 A. Correct.
- 3 Q. Who is driving the vehicle?
- 4 A. Gabriel Curry.
- 5 Q. In preparing this case for trial, did you visit the  
6 crime scene on Sandy Springs Road?
- 7 A. I did.
- 8 Q. Did you also visit where Dakota's body was found?
- 9 A. I did.
- 10 Q. Did you visit where the car was found?
- 11 A. I did.
- 12 Q. I'm gonna show you what's already in evidence as  
13 State's Exhibit 6. Is this the area where the body was  
14 found?
- 15 A. It is.
- 16 Q. Is this the area where the car was found?
- 17 A. It is.
- 18 Q. Okay. And on State's Exhibit 6, was Dakota's body  
19 found in anyone's yard?
- 20 A. No.
- 21 Q. Were there houses around there?
- 22 A. No.
- 23 Q. Was there a place for him to go visit?
- 24 A. No.
- 25 Q. Where the car was found, was it in anyone's yard?

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1 A. No.

2 Q. Was there houses around there?

3 A. No.

4 Q. Was there a place to go visit?

5 A. No.

6 Q. And from this location at [REDACTED] through the woods how  
7 far is it? It's less than a mile?

8 A. I would say less than a mile. Yes.

9 MR. DRYLIE: Thank you, Lieutenant Harley. At this  
10 time answer any questions the defense has.

11 THE COURT: Cross.

12 CROSS EXAMINATION

13 BY MR. CHEHOSKI:

14 Q. Let's start at the beginning. At the beginning of  
15 your testimony you said your initial involvement was a search  
16 warrant at [REDACTED] Mount Zion Road?

17 A. Correct.

18 Q. You indicated that you had recovered cell phones at  
19 that location, correct?

20 A. Correct.

21 Q. You actually recovered more than two cell phones;  
22 isn't that correct?

23 A. Correct.

24 Q. You recovered six cell phones; is that correct?

25 A. Yes, sir.

1 Q. Were you at the Sandy Springs location when the car  
2 was located as well?

3 A. I was not.

4 Q. You were not. But in your role as chief  
5 investigator now you had the opportunity to review all of the  
6 documents and all of the other items that were produced  
7 through law enforcement being body cam footage, incident  
8 reports and the like?

9 A. Yes, sir.

10 Q. And there was, there were no photographs of any  
11 footprints; is that correct?

12 A. No, sir.

13 Q. There was no photographs of any tire tracks; is that  
14 correct?

15 A. No, sir.

16 Q. That would indicate that no photographs of any  
17 footprints were taken?

18 A. No, sir.

19 Q. And we don't know if they were ever even looked  
20 for?

21 A. I do not know.

22 Q. That search warrant that you were present for at [REDACTED]  
23 Mount Zion Road, was that the only search warrant on a real  
24 property that was conducted?

25 A. Yes. I believe so.

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1 Q. There was no search warrant at any other  
2 residence?

3 A. No.

4 Q. Even at any of the residences that were connected to  
5 Gabe Curry?

6 A. No.

7 Q. In light of that, you testified that Gabe Curry is  
8 on video wearing two different shirts; is that correct?

9 A. Yes, sir.

10 Q. We don't have those shirts, do we?

11 A. No. We don't.

12 Q. And also in your role as chief investigator you  
13 would have realized that the clothes that Dakota Calhoun was  
14 wearing were collected; is that correct?

15 A. Yes, sir.

16 Q. Do you have those anymore?

17 A. No, sir.

18 Q. Do you know what happened to them?

19 A. I do not.

20 Q. But they were collected by the Edgefield County  
21 Sheriff's Office, right?

22 A. We have documented they were collected at autopsy,  
23 yes.

24 Q. And you don't have them anymore?

25 A. No, sir.

1 Q. And in your role as chief investigator you look to  
2 see the qualify of the investigation; is that correct?

3 A. Yes, sir.

4 Q. And part of the investigation was there were people  
5 from Edgefield County talked with members of Dakota's family;  
6 is that correct?

7 A. They did.

8 Q. And they were asked if there was anybody out there  
9 who might have wanted to hurt Dakota, correct?

10 A. Yes, sir.

11 Q. Without giving names, but you were told the  
12 identities of certain people who might have wanted to hurt  
13 Dakota, correct?

14 A. I don't recall that. I can look at the notes in the  
15 case file and see. It could have been, but I don't recall.

16 Q. Could have been. All right. You don't have any  
17 personal knowledge at this time?

18 A. No, sir.

19 Q. But that would have been a routine procedure; is  
20 that correct?

21 A. Yes, sir.

22 Q. Because one thing, when you're looking for someone  
23 who hurt someone to see if he might have wanted to do so?

24 A. Correct.

25 Q. And in your review of the records, was anybody, was

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1 any of those people who might have wanted to hurt Dakota ever  
2 talked to?

3 A. I don't know of anyone that ever wanted to hurt  
4 Dakota.

5 Q. But you don't have any evidence that they were  
6 talked to or any knowledge right now that they were talked  
7 to?

8 A. I don't know anybody that could have been talked to.  
9 No, sir.

10 Q. What was the address where Dakota's body was  
11 found?

12 A. [REDACTED] Sandy Springs Road.

13 Q. Do you know who owns the property at that  
14 location?

15 A. I do not.

16 Q. Do you know if the owners of that property were ever  
17 talked to?

18 A. I believe they were.

19 Q. They were. But we don't know who they are?

20 A. I do not know at this time. I could look it up, but  
21 I don't know at this time.

22 Q. As we already discussed, you know of no conflict  
23 between Gabe and Dakota; is that correct?

24 A. I do not.

25 Q. What was the address for Sabrina Curry?

1           A.    It's on Mount Zion Road.  I have to find the  
2 address.

3           Q.    The same road that Kirtrina Dixon lived on?

4           A.    Yes.

5           Q.    Mount Zion Road, is that a lengthy road?

6           A.    It's somewhat lengthy, but not much of it is in  
7 Edgefield County.

8           Q.    All right.  We've heard testimony this week that  
9 when the car was located, it was damaged, correct?

10          A.    Yes, sir.

11          Q.    There was front end damage?

12          A.    Yes, sir.

13          Q.    And also on the driver's side; is that correct?

14          A.    Yes, sir.  Front bumper.

15          Q.    Like the front bumper and front fender?

16          A.    Yes, sir.

17          Q.    Showing you State's Exhibit 51, there's no dirt in  
18 the grill; is that correct?

19          A.    That's correct.

20          Q.    And there's no obvious damage on the front side; is  
21 that correct?

22          A.    Not that I can see.

23          Q.    Not that you can see.  And on State's 60, again,  
24 there's no front-end damage that you can see; is that correct?

25          A.    Not that you can see.

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1 Q. And there's no dirt in the grill that you can see;  
2 is that correct?

3 A. Not that you can see.

4 Q. And showing you State's Exhibit 28, you can't see  
5 anybody in the passenger seat from that angle; is that  
6 correct?

7 A. No, sir.

8 Q. State's Exhibit 44. Is Angela Bargeron's car  
9 visible in this picture?

10 A. No.

11 Q. When you saw the video from this angle, was there  
12 ever a point where you see the car?

13 A. Is this the first time?

14 Q. Second time.

15 A. No. Her car is not visible.

16 Q. The search warrant at [REDACTED] Mount Zion Road, that was  
17 the only search warrant that was performed on the property?

18 A. Yes, sir.

19 Q. No clothes were recovered?

20 A. No, sir.

21 Q. No shoes were recovered?

22 A. No, sir.

23 Q. And the Edgefield County Sheriff's Department once  
24 had Dakota Calhoun's clothes but they don't anymore?

25 A. That's correct.

1 MR. CHEHOSKI: No further questions, Your Honor.

2 MR. DRYLIE: No redirect, Your Honor.

3 THE COURT: This witness may be excused. All right.  
4 At this time we'll take a break to allow the jury to go  
5 outside and stretch.

6 (Whereupon, the jury entered the jury room at 3:20  
7 p.m.)

8 (Short break.)

9 THE COURT: All right. Counsel, we'll go back on  
10 the record and we'll bring the jury back in.

11 (Whereupon, the jury entered the courtroom at 3:38  
12 p.m.)

13 THE COURT: All right. Ladies and gentlemen, at  
14 this time we'll continue the trial.

15 MS. FULLER: Your Honor, at this time the State  
16 calls John Vanhouten.

17 Thereupon,

18 JOHN VANHOUTEN

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

20 THE CLERK: Please have a seat. Once you're seated,  
21 state your full name spelling your last please.

22 THE WITNESS: John Vanhouten, V-a-n-h-o-u-t-e-n.

23 DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. Please introduce yourself to the jury. Where are

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 you employed?

2 A. Yes. I am employed with the United States Secret  
3 Service.

4 Q. What do you do there?

5 A. I'm part of the electronic crime special agent  
6 program where I'm a network extrusion forensic examiner.

7 Q. Explain to the jury what exactly that is.

8 A. Yes. The majority of my job is processing digital  
9 evidence, cell phones, computers, networks, vehicles, anything  
10 that stores digital data it's my job to recover the data.

11 Q. Explain to the jury what your education, training  
12 and experience in this area is.

13 A. Yes. I've received extensive training and education  
14 through the National Computer Forensic Institute, Mississippi  
15 State University Center for Computer Forensic Research, the  
16 National White Collar Crime Center, the Federal Law  
17 Enforcement Training Center and various vendors of the tools  
18 that we use.

19 Q. How long have you been in this, practicing in this  
20 field?

21 A. A little over 12 years.

22 Q. Have you testified in court before in the area of  
23 cell phone and digital forensic, as an expert in the area of  
24 cell phone and digital forensics?

25 A. Yes.

1 Q. Approximately how many times?

2 A. Over, maybe two dozen times.

3 MS. FULLER: At this time, Your Honor, the State  
4 seeks to offer John Vanhouten as an expert in the field  
5 of cell phone and digital forensics.

6 MR. MADSEN: No objection.

7 THE COURT: Okay. We'll qualify him as an expert  
8 witness in the areas of cell phone and digital  
9 forensics.

10 BY MS. FULLER:

11 Q. As it relates to this case, did you have two phones  
12 to examine?

13 A. Yes.

14 Q. I'm gonna show you what's been marked for  
15 identification State's Exhibit 145 and 146, and ask you if you  
16 recognize them?

17 A. Yes. These phones were submitted to me, to our lab  
18 on December 13st, 2021.

19 Q. Can you explain to the jury what you would have done  
20 with those phone per request of law enforcement?

21 A. Yes. So our computer forensic lab is in Columbia,  
22 South Carolina out at the Columbia field office. We assist  
23 law enforcement, state, local, Federal with their digital  
24 electronics recovery and cell phones. In this situation we  
25 would try to pull three different types of extraction, a

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1 physical, a logical, and a file system extraction. A logical  
2 extraction, if you were to look at your phone, it is the  
3 pretty photos and the text messages and things that you can  
4 see on your phone. The file system consists of third party  
5 data, such as things you download from the app store,  
6 Facebook, certain things that don't come standard on a phone.  
7 The physical extraction includes unallocated data which is  
8 data that is deleted that we can recover. In this type  
9 situation with cell phones we always try to get a physical  
10 extraction first. Sometimes it's not always possible. We go  
11 down the line with a file system and then a logical  
12 extraction, but we try to get as much data off of the device  
13 as we can.

14 Q. In this case were you able to get data off of both  
15 devices?

16 A. Yes.

17 Q. And looking at the first one, what device, what type  
18 of device was State's 145?

19 A. That would be a Samsung SMJ727 android cell phone.

20 Q. I'm gonna hand you what's been pre-marked for ID as  
21 State's Exhibit 111 and ask you if you recognize it?

22 A. Yes. That's my signature on it, that's my  
23 extraction results from the phone.

24 Q. I'm handing you also what's been marked for ID as  
25 State's 120 and ask you if you recognize it?

1           A.    Yes.  This has my signature on it as well.  This is  
2   the second extraction on the second phone that was submitted  
3   the ZTE.

4           Q.    Looking at the ZTE phone, did you identify a number  
5   associated with that device?

6           A.    Yes.  One moment.  On the ZTE phone I recovered  
7   what's called an MSISDN number and that number is  
8   ██████████-3343.

9           Q.    I'm handing you what's been marked for ID as State's  
10   121.  If you'll take a moment and let me know if you recognize  
11   it?

12          A.    This is the beginning page of the forensic report  
13   generated using software called Cellebrite.

14          Q.    What's the device that's associated with?

15          A.    This is the ZTE device.

16          Q.    Do you also see that phone number that you just  
17   published on there?

18          A.    Yes.  It's the same phone number.

19          Q.    Looking at what's in evidence as State's 16, do you  
20   also see the phone number on here as well?

21          A.    Yes.

22          Q.    And looking at State's 16 as ██████████-3343 is that  
23   associated with Kirtrina Dixon?

24          A.    According to the document, yes.

25          Q.    And that would be the phone number associated with

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1 this device based on your extraction?

2 A. That's correct.

3 MS. FULLER: Your Honor, at this time the State  
4 seeks to introduce into evidence State's Exhibit number  
5 121.

6 MR. CHEHOSKI: No objection.

7 THE COURT: So moved.

8 BY MS. FULLER:

9 Q. Looking at your report, just for the jury, if you  
10 can orient the jury what they're exactly looking at.

11 A. Yes. This document contains certain characters of  
12 the device itself such as the IMEI, what's called the  
13 international mobile equipment identifier, that's the serial  
14 number identified for the phone. It's also listing the tools  
15 and programs that I used to extract the data off the device.

16 MR. MADSEN: Judge, if I might, subject to pre-trial  
17 requests.

18 THE COURT: Certainly. Certainly.

19 MR. MADSEN: I'm sorry. I should have mentioned  
20 that.

21 BY MS. FULLER:

22 Q. Looking down here, can you point out using the laser  
23 pointer where the jury would find the phone number associated  
24 with this device?

25 A. Yes. MSI, this number is recovered off of the SIM

1 card that is in the cell phone. If the SIM card is not  
2 available and it is stored in the device, we can get it from  
3 the phone itself.

4 Q. And that's that [REDACTED] 3343 number?

5 A. Correct.

6 Q. I'm gonna hand you now what's been pre-marked as  
7 State's Exhibit 191 - I mean 112 and ask you if you recognize  
8 this?

9 A. This is the beginning of the extraction report for  
10 the Samsung android phone that I processed.

11 Q. And similar to what we were looking at on the screen  
12 for the other device?

13 A. Yes.

14 MS. FULLER: Your Honor, at this time the State  
15 seeks to introduce into evidence 112.

16 MR. MADSEN: Subject to our previous objection, Your  
17 Honor.

18 THE COURT: So moved.

19 BY MS. FULLER:

20 Q. Looking at this to orient the jury again, very  
21 similar, down by this Samsung, is that where I'm pointing  
22 where it's reflected?

23 A. That is correct.

24 Q. And then going to the similar spot, is the phone  
25 number located in the same spot as on the previous report?

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1           A.    That is the phone number that was recovered off the  
2   SIM, that is the MSISDN number, correct.

3           Q.    And can you publish that number for the record?

4           A.    ██████████-5170.

5           Q.    And I'm gonna return State's Exhibit 16 to you and  
6   point here, is that the same number that you see here on  
7   State's Exhibit 16?

8           A.    Yes.

9           Q.    Now, also on this report going to the next page  
10   under device user name, is there a device user name?

11          A.    Yes.

12          Q.    What is the name associated?

13          A.    Gabe Curry.  Curry.

14          Q.    That was pulled from the device?

15          A.    Correct.

16          Q.    I'm gonna show you a couple more items.  Looking at  
17   State's 113, I'll ask you if you recognize it?

18          A.    This appears to be a communication timeline report  
19   that I generated off of the Samsung cell phone.

20          Q.    Specifically what are the contents and the date  
21   range?

22          A.    The date range would be around October 9th, 2018  
23   through October 10th, 2018.

24          Q.    Now, already in evidence is State's Exhibit 103.  In  
25   looking at this, how does this differ from what's on State's

1 113?

2 A. This appears to be a call detail record provided by  
3 the carrier of the device.

4 Q. What phone number is on State's 103?

5 A. [REDACTED]-5170.

6 Q. Just so it's clear, State's 103 would be call detail  
7 associated from the actual phone provider?

8 A. Yes.

9 Q. And what I showed you in State's 113 is from the  
10 device itself?

11 A. Yes. 113 is the data that I recovered from the  
12 Samsung device itself.

13 MS. FULLER: At this time, Your Honor, the State  
14 seeks to introduce State's Exhibit 113 into evidence.

15 MR. CHEHOSKI: Subject to our previous objection,  
16 Your Honor.

17 THE COURT: So moved.

18 BY MS. FULLER:

19 Q. In looking at State's 113 which would be the call  
20 log associated with the device of Gabriel Curry, in this  
21 column where it has the time stamp, it has in parentheses UTC  
22 minus four. Can you explain UTC to the jury?

23 A. Yes. Also phone data is stored in what's called  
24 GMT, Greenwich mean time. We have to convert. Once we do the  
25 extraction, we convert to local time. In this case it's

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 eastern standard time and at that time of the year it's minus  
2 for so it is the correct time. When this incident occurred,  
3 the actual time is in eastern standard time.

4 Q. And so in looking at this report here for the first  
5 line, line one has seven a.m., that would be current eastern  
6 standard time?

7 A. That is correct.

8 Q. Because it's already adjusted for the UTC time that  
9 device would have, the data would have been pulled in?

10 A. Correct.

11 Q. Going specifically into certain communications with  
12 different people, I'm gonna show you State's Exhibit 114 and  
13 ask you if you recognize it?

14 A. This also appears to be a call detail timeline for  
15 the Samsung phone that I processed.

16 Q. Between what numbers are corresponding?

17 A. Between the Samsung cell phone and number  
18 803-991-3343.

19 Q. And on what date?

20 A. The date is October 10th, 2019.

21 MS. FULLER: At this time, Your Honor --

22 BY MS. FULLER:

23 Q. October what?

24 A. October 9th, 2018.

25 MS. FULLER: At this time, Your Honor, the State

1 seeks to introduce State's Exhibit 114 into evidence.

2 MR. MADSEN: Subject to our previous objection, Your  
3 Honor.

4 THE COURT: So moved.

5 BY MS. FULLER:

6 Q. Starting with October 9th based on the records and  
7 with the information on the full extraction, would this be,  
8 would this account for the communication between the device  
9 and those two numbers on that day?

10 A. Yes.

11 Q. And does this account for the call, the  
12 incoming/outgoing calls between, for the record, the [REDACTED]  
13 number 3343 which is Kirtrina Dixon for October 9th or 2018?

14 A. Correct. That's an outgoing call from the Samsung  
15 to that number.

16 Q. Can you publish for the record the first call time  
17 you see here?

18 A. October 9th, 2018, 7:08 p.m.

19 Q. Is there any indication that they actually  
20 connected, that the devices connected?

21 A. Yes.

22 Q. Where is that indicated?

23 A. In the status column.

24 Q. Then looking at line 2, was that a connected call?

25 A. That was a missed call.

1 Q. At what time?

2 A. That was October 9th, 2018 at 7:09 p.m.

3 Q. Looking at line 3, the communication with the  
4 defendant and Kirtrina Dixon, was that a connected call?

5 A. Yes.

6 Q. What time was that?

7 A. October 9th, 2018 at 7:10 p.m.

8 Q. And then line 4 with Kirtrina Dixon and the  
9 defendant in this case, was that also a connected call?

10 A. That is correct.

11 Q. That's indicated by the column where it has status  
12 where it says the call was answered?

13 A. Yes.

14 Q. Looking at line 6 which is a little different, was  
15 that a connected call?

16 A. That was not a connected call.

17 Q. And that's indicated by what?

18 A. The status of not answered generally identifies that  
19 the phone was, it did not continue to ring. It was  
20 disconnected by the user so the user basically failed to  
21 answer the call by initiating a button on the phone itself.

22 Q. Now, when you compare call details that you recover  
23 from the data on the actual device to what the cell phone  
24 company would have had records of, would the cell phone  
25 company have been able to log the call as a not answered call

1 on their records?

2 A. It's going to depend and it's going to depend  
3 whether they use the system file built into the phone that  
4 made the call or if they used an app, third party app to make  
5 the call, so if they used a third party app to make the call,  
6 it may not be logged into the call detail records of the phone  
7 carrier because it's using the data file instead of  
8 cellular.

9 Q. And if they're using the actual device?

10 A. Then, yes, the call should be logged with the  
11 carrier as it is on the phone. The only difference that you  
12 may run into is the time may be off either a few seconds or a  
13 few minutes.

14 Q. Would the duration be the same?

15 A. Yes.

16 Q. Okay. Looking at another timeline communication  
17 report, State's Exhibit 115, I'll ask you if you recognize  
18 this as part of the same report, just filtered out all  
19 communications?

20 A. Yes. This is a timeline communication report for  
21 the Samsung cell phone.

22 Q. And on what date?

23 A. This is October 10th, 2018.

24 Q. And what phone number is the device communicating,  
25 is Gabriel Curry communicating with?

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 A. [REDACTED]-3343.

2 MS. FULLER: And that's Kirtrina Dixon again for the  
3 10th. At this time, Your Honor, the State seeks to  
4 introduce State's Exhibit 115 into evidence.

5 MR. CHEHOSKI: Noting our previous objection, Your  
6 Honor.

7 THE COURT: Thank you. So moved.

8 BY MS. FULLER:

9 Q. Similarly I'm gonna ask you a couple questions about  
10 each of these lines and have you publish them looking at line  
11 one between the defendant and Kirtrina Dixon, was that an  
12 answered call?

13 A. Yes.

14 Q. And what time was that call?

15 A. That was October 10th, 2018 at 5:18 a.m.

16 Q. What was the duration?

17 A. Two minutes 48 seconds.

18 Q. Looking at line 2 between defendant and Kirtrina  
19 Dixon, was that an answered call?

20 A. That was an answered call.

21 Q. At what time?

22 A. That was October 10th, 2018 at 5:53 a.m.

23 Q. What was the duration?

24 A. One minute 42 seconds.

25 Q. Looking at line three between the defendant and

- 1 Kirtrina Dixon, what time was that call?
- 2 A. October 10th, 2018 at 6:01 a.m.
- 3 Q. And that was a connected call?
- 4 A. Yes.
- 5 Q. What was the duration?
- 6 A. 15 minutes 34 seconds.
- 7 Q. Looking at line 4 between the defendant and Kirtrina  
8 Dixon, what time was that call?
- 9 A. October 10th, 2018, 6:44 a.m.
- 10 Q. What was the duration?
- 11 A. 3 minutes 3 seconds.
- 12 Q. Looking at line 5 between the defendant and Kirtrina  
13 Dixon, what time was that call?
- 14 A. October 10th, 2018 at 7:19 a.m.
- 15 Q. And the duration?
- 16 A. One minute 56 seconds.
- 17 Q. And then the next call between these two individuals  
18 is line 6. What time is that?
- 19 A. October 10th, 2018 at 8:18 p.m.
- 20 Q. Was that a connected call?
- 21 A. That was not.
- 22 Q. I'm gonna show you now what's been marked as State's  
23 Exhibit 116 and ask you if you recognize it?
- 24 A. This appears to be a communication timeline  
25 generated from the Samsung cell phone.

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 Q. What date?

2 A. This date is October 9th, 2018.

3 Q. What number is the defendant corresponding with?

4 A. [REDACTED]-9687.

5 Q. I'm gonna show you what's already in evidence and  
6 been testified to, State's Exhibit 16. Down here, do you see  
7 that same number [REDACTED] 9687?

8 A. Yes.

9 Q. That's associated on this chart with Sabrina  
10 Curry?

11 A. Yes.

12 MS. FULLER: Your Honor, at this time the State  
13 seeks to introduce into evidence State's Exhibit 116.

14 MR. MADSEN: Renew my previous objection.

15 THE COURT: So moved.

16 BY MS. FULLER:

17 Q. Similarly starting here with the first line, can you  
18 publish for the record the phone number that the defendant was  
19 communicating with?

20 A. [REDACTED]-9687.

21 Q. What time was that call?

22 A. October 9th, 2018 at 8:36 a.m.

23 Q. And that was a connected call?

24 A. Yes.

25 Q. What was the duration?

1 A. Three seconds.

2 Q. Now, looking at line 10, the defendant communicates  
3 with Sabrina Curry in this case. What time was that call?

4 A. October 9th, 2018, 4:18 p.m.

5 Q. Was that a connected call?

6 A. It was not.

7 Q. Is that indicated in the status column?

8 A. Yes.

9 Q. Recorded as a missed call?

10 A. Yes.

11 Q. What is the duration of that call?

12 A. That's an incoming call.

13 Q. So what would that indicate?

14 A. That the Samsung received a phone call from  
15 [REDACTED] 9687 and continued to ring until it was disconnected  
16 by the customer or voice mail.

17 Q. The next time that the defendant communicates with  
18 Sabrina Curry is when after that missed call?

19 A. October 9, 2018, 7:48 p.m.

20 Q. That's indicated by what?

21 A. Outgoing call from the Samsung cell phone in the  
22 answered column, status for the answered column.

23 Q. So approximately three and a half hours after the  
24 missed call at 4:18 which is when the defendant returned the  
25 call to Sabrina Curry?

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 A. Correct.

2 Q. I'm going to show you now what's been marked as  
3 State's Exhibit 117 and ask you if you recognize this?

4 A. This is the communication timeline report from the  
5 Samsung cell phone.

6 Q. What date?

7 A. October 9th, 2018.

8 Q. What's the phone number?

9 A. Phone number [REDACTED]-0659.

10 Q. I'll show you what's been marked in evidence and  
11 testified to as State's 16. Down here in this last line  
12 [REDACTED]-0659, is that the number you just published --

13 A. Yes.

14 Q. -- on this chart associated with Marcus Robinson?

15 A. Correct.

16 MS. FULLER: At this time, Your Honor, the State  
17 seeks to introduce into evidence State's Exhibit 117.

18 MR. MADSEN: Subject to my previous objection, Your  
19 Honor.

20 THE COURT: So moved.

21 BY MS. FULLER:

22 Q. Now, publishing for the jury, again, that's the same  
23 number [REDACTED]-0659 on display that you just testified to?

24 A. Yes.

25 Q. This would be the communication between the

1 defendant and the individual identified as Marcus Robinson on  
2 October 9th, 2018?

3 A. This would be between the Samsung and phone number  
4 of Marcus Robinson.

5 Q. Okay. And the first call for that day is at what  
6 time?

7 A. October 9th, 2018 at 12:45 p.m.

8 Q. Was that a connected call?

9 A. That was not.

10 Q. How is that indicated?

11 A. In the status column not answered which means it's a  
12 declined call.

13 Q. That was what duration?

14 A. An outgoing call.

15 Q. What would that indicate?

16 A. That the Samsung attempted to call the phone number  
17 [REDACTED]-0659.

18 Q. When was the next time Marcus Robinson and the  
19 defendant communicated?

20 A. October 9th, 2018 at 1:14 p.m.

21 Q. That's reflected as an answered call?

22 A. Correct.

23 Q. What was the duration?

24 A. One minute 20 seconds.

25 Q. This one is converted into eastern standard time; is

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 that correct?

2 A. That is correct.

3 Q. Line 3, when is the next time the individuals  
4 communicate?

5 A. October 9th, 2018, 5:47 p.m.

6 Q. Was that a connected call?

7 A. Yes.

8 Q. How long was that call?

9 A. 20 seconds.

10 Q. The last time that these two individuals  
11 communicated on that day, line 4, publish that.

12 A. October 9th, 2018, 6:08 p.m.

13 Q. And the duration?

14 A. 25 seconds.

15 Q. I'm going to show you what's been previously marked  
16 as State's Exhibit 118 and ask you if you recognize it?

17 A. This is a communication timeline report from the  
18 Samsung cell phone.

19 Q. What number is the device communicating with?

20 A. [REDACTED]-8503.

21 Q. I'm showing you what's in evidence and been  
22 testified to on State's Exhibit 16, pointing to the green  
23 here, is that the same phone number that's on that  
24 communication log?

25 A. Yes.

1 Q. And that's [REDACTED] 8503?

2 A. Correct.

3 Q. Associated on this document on State's 16 associated  
4 is Kahlo Calhoun?

5 A. Yes.

6 MS. FULLER: Your Honor, at this time the State  
7 seeks to introduce into evidence State's 118.

8 MR. MADSEN: Just renew our previous objection, Your  
9 Honor.

10 THE COURT: All right. So moved.

11 BY MS. FULLER:

12 Q. Looking at State's 118, this would be the  
13 communication between the defendant and Kahlo on that day?

14 A. Yes.

15 Q. The calls at least?

16 A. Correct.

17 Q. Looking at the first line, can you publish again for  
18 the record the phone number that the defendant is  
19 communicating with?

20 A. [REDACTED]-8503.

21 Q. Now, underneath that phone number is a name in blue.  
22 Who would have made that entry?

23 A. The user of the Samsung device would have manually  
24 entered that into the context.

25 Q. And so that device is associated by the user to the

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1 defendant in this case and Kahlo?

2 A. Yes.

3 Q. What is the first time, what's the first  
4 communication on the document?

5 A. October 9th, 2018, 9:21 p.m.

6 Q. What was status of that call?

7 A. It was rejected.

8 Q. And on the previous exhibit 16, answered, not  
9 answered, we see missed?

10 A. Yes.

11 Q. And this one indicates rejected. What would that  
12 indicate by the user?

13 A. The same as not answered.

14 Q. The same as not --

15 A. Yes. The user of the device, the Samsung device  
16 would have rejected the call same as not letting the call go  
17 to voice mail but using the user interface to decline the  
18 call.

19 Q. So this was an incoming call from Kahlo to the  
20 defendant in this case at 9:21 p.m. on the 9th?

21 A. Correct.

22 Q. And the user would have had to actually press on the  
23 phone to reject the call?

24 A. Correct.

25 Q. And the next time a call was placed?

1 A. October 9th, 2018, 9:22 p.m.

2 Q. That was an outgoing call?

3 A. That is correct.

4 Q. And they actually spoke that night?

5 A. Yes.

6 Q. And then throughout the rest of that night those are  
7 communications between the two individuals?

8 A. Correct.

9 Q. All the way up until 10:39 p.m.?

10 A. Correct.

11 Q. And then lastly, same individual, just a different  
12 date on State's exhibit 119. Do you recognize that?

13 A. Yes. Communication timeline report for the Samsung  
14 android phone.

15 Q. And between Kahlo?

16 A. Yes.

17 Q. What is states in the device is Kahlo's?

18 A. Yes.

19 Q. And what date range?

20 A. October 10th, 2018.

21 MS. FULLER: At this time, Your Honor, the State  
22 seeks to introduce into evidence State's Exhibit 119.

23 MR. MADSEN: Per our previous objection, Your Honor.

24 THE COURT: So noted. So moved.

25 BY MS. FULLER:

JOHN VANHOUTEN - DIRECT BY MS. FULLER

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1           Q.    Now, looking on the 10th, there's been testimony  
2           that Kahlo is the defendant's cousin in this case and the  
3           deceased's brother.  This is the day that they were looking  
4           for the deceased.  On the 10th now starting with the first  
5           earliest communication, what time is that?

6           A.    October 10th, 2018 at 12:06 p.m.

7           Q.    Was that call connected?

8           A.    It was not.

9           Q.    What direction was that call?

10          A.    That was an outgoing call.

11          Q.    From the device to Kahlo?

12          A.    From the Samsung device.  Yes.

13          Q.    And then line two?

14          A.    October 10th, 2018 at 12:06 p.m.

15          Q.    What was the length of that call?

16          A.    It was three seconds.

17          Q.    And then line three?

18          A.    October 10th, 2018 at 12:08 p.m.

19          Q.    And the status is missed on that?

20          A.    That is correct.

21          Q.    That was an incoming call?

22          A.    Correct.

23          Q.    Line four, was that also an incoming call?

24          A.    Correct.

25          Q.    And it was a missed call?

- 1           A.    Yes.
- 2           Q.    And then line five at 12:15; is that correct?
- 3           A.    Correct.
- 4           Q.    And that's outgoing and it's not answered.
- 5           A.    Correct.
- 6           Q.    Then at 12:17 on line six, was there communication  
7 there?
- 8           A.    Yes.  32 seconds.
- 9           Q.    Then on line seven, what time is that call?
- 10          A.    October 10th, 2018 at 12:25 p.m.
- 11          Q.    Was that a missed call?
- 12          A.    It was a missed call.
- 13          Q.    The next line, line eight?
- 14          A.    October 10th, 2018 at 12:49 p.m.  That also was a  
15 missed call.
- 16          Q.    And that's an incoming call, correct?
- 17          A.    Correct.
- 18          Q.    And then, what line did we just do?
- 19          A.    We finished up with eight.
- 20          Q.    Okay.  Line nine?
- 21          A.    That is an incoming call on October 10th, 2018 at  
22 12:50 p.m.  That also was a missed call.
- 23          Q.    And line 10?
- 24          A.    An incoming call on October 10th, 2018 at 1:18 p.m.  
25 That also was a missed call.

JOHN VANHOUTEN - CROSS BY MR. MADSEN

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1 Q. And then line 11?

2 A. An incoming call October 10th, 2018 at 1:42 p.m.  
3 Again, a missed call.

4 Q. And that's at 1:42 p.m.?

5 A. That is correct.

6 Q. Okay. And then the next time they communicate  
7 there's a gap there. Is that line 12?

8 A. Yes. That is an outgoing call on October 10th, 2018  
9 at 6:19 p.m. That was an answered call.

10 Q. And they communicated?

11 A. Correct.

12 Q. This is the extent of their communication on that  
13 day, correct, up until 10:31 p.m. that night?

14 A. Yes.

15 MS. FULLER: No further questions at this time.

16 CROSS EXAMINATION

17 BY MR. MADSEN:

18 Q. So I guess when we're talking about these, these are  
19 extractions from the phone, not phone records from the phone  
20 company, correct?

21 A. That is correct.

22 Q. And she gave you a variety of ones that are just  
23 between these individuals, correct?

24 A. Correct.

25 Q. Doesn't encompass any other calls, if it's a smart

1 phone using websites, text or anything like that, correct?

2 A. Not what was presented to me today, no.

3 MR. MADSEN: That's all the questions I have.

4 THE COURT: Any redirect?

5 MS. FULLER: No, Your Honor.

6 THE COURT: All right. This witness may be  
7 excused.

8 MS. FULLER: Your Honor, may we approach?

9 THE COURT: Yes.

10 (Side bar off the record.)

11 THE COURT: Ladies and gentlemen of the jury, at  
12 this time we are going to excuse you for the night.  
13 Again, let me remind you, do not discuss this case with  
14 anyone or amongst yourselves and do not do any research  
15 on this case. Tomorrow we'll get started a little bit  
16 earlier. We'll start at 9:00 tomorrow morning. We ask  
17 that you be here at 8:45 so that once you are here, we  
18 can start the case, all right? Have a good evening.

19 (Whereupon, the jury was released for the evening at  
20 4:20 p.m.)

21 THE COURT: Court is adjourned. See you tomorrow  
22 morning at 9:00 a.m.

23 (Whereupon, court was adjourned for the evening at  
24 5:00 p.m.)

25

1 JUNE 30, 2022

2 BAILIFF: All rise.

3 THE COURT: Good morning. Please be seated. Are we  
4 ready to call our next witness?

5 MS. FULLER: Yes, Your Honor, the State's ready.

6 THE COURT: Are there any matters that we need to  
7 take care of?

8 MR. MADSEN: Judge, the only thing that I would  
9 point out is there was some times yesterday when the  
10 Solicitors would tell someone on the stand, hey, so and  
11 so and so and so and so and so testified to this or said  
12 this. I don't think that that's appropriate. We've  
13 sequestered witnesses for a reason because those people  
14 up there who are testifying are supposed to only testify  
15 as to their knowledge. You know, it would have been  
16 inappropriate for, say, the Solicitor to meet last night  
17 with a witness and say, hey, let me tell you what this  
18 person testified to and let's see if yours jibe. That's  
19 a violation of sequestration. If they try to do it, I  
20 will object because I just don't think that that's  
21 appropriate and that's why we have sequestration.

22 THE COURT: All right. And I agree with you on that  
23 and so we'll just be mindful of that. If there is an  
24 objection, we'll handle that objection at the appropriate  
25 time. Have you all considered the jury charge that we

1 will be presenting or do you just want the standard  
2 charges?

3 MS. FULLER: Your Honor, do you send out your  
4 charges in advance?

5 THE COURT: I do. So, Mr. Odeshin (phonetic) is not  
6 here. He is a bit ill and so I will be working on those  
7 today. I'll send them out as soon as they are completed  
8 so if you send any requests electronically, if not, I'll  
9 prepare the standard charges and email those to you and  
10 we can printout a paper one to go over before we go into  
11 closings.

12 MS. FULLER: Okay. Right now I'm thinking that the  
13 standard charge direct and circumstantial, you use the  
14 latest one?

15 THE COURT: Yes.

16 MS. FULLER: That's pretty much it. Are you  
17 charging general intent?

18 THE COURT: I can. I don't normally charge general  
19 intent.

20 MS. FULLER: I'm not requesting it. I was just  
21 asking.

22 THE COURT: Okay. I do -- I normally don't.

23 MR. MADSEN: I think this is a specific intent crime  
24 so I don't think general intent would be appropriate.

25 MS. FULLER: Murder is general intent. But it

1           doesn't matter to me. I was just asking. I know some  
2           Judges do. I just wanted to know if we needed to prepare  
3           for that, but I can't think of any, and obviously if the  
4           defendant doesn't testify, that charge would be in there.  
5           Do you have anything?

6           MR. MADSEN: I imagine that there will just be the  
7           standard charges although I'll say, I don't know, this is  
8           the second - the last two times I've tried cases here,  
9           both times the clerks have gotten, the Judge's clerks  
10          have gotten sick. Means was the same way with Judge  
11          McCaslin.

12          THE COURT: So perhaps this courthouse is the --

13          MR. MADSEN: Might not be the place that they want  
14          to sit.

15          THE COURT: All right. But I will be preparing  
16          those and we'll obviously get you a copy so we can both  
17          have the same thing during the charge conference, but  
18          again electronically would be easier for me.

19          MS. FULLER: Yes. And then also do you send the  
20          jury charges back?

21          THE COURT: I do.

22          MS. FULLER: Okay.

23          MR. MADSEN: And I would expect some of those things  
24          that we have objected to initially as far as the stuff  
25          that we received on Friday, that I'll renew our

1 objections under all the previous reasons, due process,  
2 Rule 5, the discovery and all that, but if it's okay I'll  
3 just say that we are renewing those objections on each  
4 one. I think I've got to do it on each piece.

5 THE COURT: Certainly. That's fine. That is noted  
6 for the record so when you renew, we know what you are  
7 referencing so that's preserved for the record.

8 MR. MADSEN: Just wanted to make sure. Appellant  
9 Courts potentially, if we get there, do that also because  
10 they can be sticklers.

11 THE COURT: Yes, sir. All right. Any other matters  
12 that we need to take care of prior to bringing in the  
13 jury? We will discuss, are you going to decide after the  
14 State closes whether or not your client will testify?

15 MR. CHEHOSKI: Usually after the State rests.

16 THE COURT: I'm sorry.

17 MR. CHEHOSKI: Yes. After the State rests.

18 THE COURT: Okay. Very good. All right. Bring the  
19 jury back in please.

20 (Whereupon, the jury entered the courtroom at 9:20  
21 a.m.)

22 THE COURT: Good morning, ladies and gentlemen of  
23 the jury. At this time we will resume the trial. The  
24 State will call its next witness.

25 MS. FULLER: Thank you, Your Honor. The State calls

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1 Mathew Wilde.

2 Thereupon,

3

MATHEW WILDE

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

5 THE CLERK: Please have a seat. Once you're seated,  
6 state your full name spelling your last please.

7 THE WITNESS: Mathew Wilde, W-i-l-d-e.

8

DIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. Good morning.

11 A. Good morning.

12 Q. Please introduce yourself to the jury. Where are  
13 you currently employed?

14 A. I'm a special agent with the FBI.

15 Q. And what's your current position with the FBI?

16 A. I'm currently national assets with the Cellular  
17 Analysis Survey Team. I'm assigned out of the FBI  
18 headquarters in D.C., but I work here in South Carolina.

19 Q. And how long have you been employed by the FBI?

20 A. Approximately 12 years.

21 Q. And how long have you been with the cellular, what  
22 did you say it was?

23 A. The Cellular Analysis Survey Team. I've been  
24 certified since 2016 and I've been a full time national assets  
25 since May of 2019.

1 Q. And is that team referred to as CAST?

2 A. It is.

3 Q. So with your time at CAST, can you describe to the  
4 jury what your training and experience has been?

5 A. Yes. So in order to get into CAST I had to take a  
6 series of courses. I have over 400 hours of training. I took  
7 a basic CAST course in 2012 which was three days where we  
8 learned how to read call detail records. Those are the  
9 records we get from the phone companies when we request them,  
10 and we learned to read, in that class we learned to read the  
11 cell tower activity so the records tell us which tower and  
12 which side of the tower was used to handle those calls. So in  
13 that class we learned a very basic, uhm, a very basic class  
14 going through each one of those carriers, learning how to map  
15 out those cell phone records. I used that technique in every  
16 one of my cases between 2012 and 2016.

17 In 2016 I was selected to go to the advanced course  
18 which was a week long where we took a deeper dive into those  
19 records that we can get from each one of the carriers. We had  
20 multiple practicals during that course and at the end I was  
21 selected to go through the CAST certification course. The  
22 CAST certification course is four weeks or was four weeks.  
23 The first week we learned about radio frequency theory. We  
24 learned how radio waves travel between the cellular network  
25 and a cell phone. The second week we met with each one of the

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1 carriers. When I say carriers, I'm referring to ATT,  
2 T-Mobile, Verizon, Sprint, and in those meetings we met with  
3 records custodians. Those are the people that provide the  
4 records to law enforcement when they're requested. And we  
5 also met with the network engineers. Those are the people  
6 that design and maintain the network.

7           The third week we did, we learned about our network  
8 survey equipment. I have a little box that I can put in my  
9 car and I can drive around and figure out about how far a cell  
10 phone tower actually reaches. And then the fourth week we did  
11 moot court scenario where we were given a real case records to  
12 analyze. We had to go out and do a drive test and then  
13 present that in a moot court scenario and at that point I was  
14 certified and every year since then. So 2017 to 2022 I've  
15 attended the CAST recertification course which is a week long.  
16 We go back and meet with carriers, we get updates on the  
17 technology and just different things we're seeing because  
18 we're located around the country and at times in different  
19 parts of the world.

20           Q. Thank you. And, I guess, just for the record your  
21 education and then your background prior to joining the FBI.

22           A. I have a bachelor's degree in business  
23 administration with a concentration in accounting and then  
24 prior to joining the FBI I was a deputy at the Spartanburg  
25 County Sheriff's Office. I worked there as a deputy and

1 investigator for about 10 years.

2 MS. FULLER: Your Honor, at this time the State  
3 seeks to introduce Special Agent Mathew Wilde as an  
4 expert in the field of historical call detail records and  
5 cellular technology.

6 THE COURT: Any objection?

7 MR. MADSEN: No objection.

8 THE COURT: I will qualify him as an expert.

9 MS. FULLER: Thank you.

10 BY MS. FULLER:

11 Q. Special agent, do you, as it relates to this case  
12 and preparing for trial, did you prepare court exhibits in the  
13 form of maps as it relates to certain numbers provided to you  
14 in records?

15 A. Yes, ma'am.

16 Q. And did you receive records from [REDACTED]-5170  
17 associated with Gabriel Curry in this case?

18 A. Yes. I did.

19 Q. And did you also receive records for [REDACTED]-8898  
20 associated with Angela Bargeron, the last known number in  
21 Dakota Calhoun's possession in this case?

22 A. Yes.

23 Q. And how did you receive those records, in what  
24 format?

25 A. I received them electronically so they come in in

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1 Excel, Microsoft Excel format and I received them  
2 electronically.

3 Q. And could you describe to the jury what you do with  
4 those records once you receive them?

5 A. What I do with the records is, first of all, those  
6 records, they include the date and the time that a call  
7 occurred, who called who, so which numbers called that  
8 telephone number, but they also give me the cell tower, so the  
9 cell tower that was used to handle that call, and then tell me  
10 the side of the tower that was used to handle that call. So  
11 it gives me a date and a time and a general location. So what  
12 I do is I take that information, I use a Google based mapping  
13 program, I ingest it into that program and it matches that  
14 cell tower information on those records off of a list of cell  
15 towers so in this case we're dealing with T-Mobile. It takes  
16 those cell tower numbers from the records that we get and  
17 matches them up with a tower list, a list of all the towers  
18 for T-Mobile and then it illustrates on the map generally  
19 where that call occurred.

20 Q. I'm gonna hand you what's already in evidence and  
21 pre-marked, that's been marked as State's Exhibit 103 and 104  
22 and I'll leave them up here with you and ask you if you  
23 recognize them?

24 A. Yes, ma'am. These are the records for, these are  
25 the paper copies of the records for [REDACTED]-5170 and

1 [REDACTED]-8898.

2 Q. And these are the records that you used in this  
3 case?

4 A. Yes, ma'am.

5 Q. I'm gonna show you what's been pre-marked as State's  
6 Exhibit 122 and ask if you recognize this?

7 A. This was a list of addresses that was provided to me  
8 that were relevant in this case.

9 Q. And these listed addresses, were these points of  
10 interest provided to you to generate court exhibits for this  
11 case?

12 A. Yes, ma'am.

13 Q. And you've had an opportunity to review this?

14 A. Yes.

15 Q. And is this generally the list that you actually  
16 created?

17 A. It is.

18 MS. FULLER: Your Honor, at this time the State  
19 seeks to introduce into evidence 122 pursuant to 10-06 to  
20 assist the jury.

21 MR. MADSEN: Judge, we would renew our objection  
22 under 10-06 and we would also object under hearsay.

23 THE COURT: All right. Thank you. The objection is  
24 noted and overruled. So moved. Go ahead.

25 MS. FULLER: Thank you, Your Honor.

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1 BY MS. FULLER:

2 Q. Then just to review these list of addresses with you  
3 -- It might be easier if I move to the next item. I'm gonna  
4 hand you what's also been marked as State's Exhibit 123 and  
5 ask if you recognize it?

6 A. Yes, ma'am. This is the report that I generated for  
7 this case.

8 Q. And you were able to review it and it hasn't been  
9 altered in any way since you finalized it?

10 A. That's correct.

11 MS. FULLER: Your Honor, at this time the State  
12 seeks to introduce State's Exhibit 123 into evidence.

13 THE COURT: Same objection?

14 MR. MADSEN: Judge, yes. I would renew the  
15 objections under hearsay, the pretrial objections. Also,  
16 if we could just approach?

17 (Side bar off the record.)

18 MS. FULLER: Your Honor, is this admitted into  
19 evidence? I apologize.

20 THE COURT: Yes. It's admitted into evidence.

21 MS. FULLER: Thank you, Your Honor.

22 BY MS. FULLER:

23 Q. I'll leave this copy with you.

24 A. Thank you.

25 Q. And we will be publishing for the jury. Special

1 agent, there's a laser up there. What is displayed now, is  
2 that part of the court exhibit that you generated for this  
3 case here?

4 A. It is. It's a cover page of my exhibit.

5 Q. Okay. And looking at these, actually, just so I  
6 want to make sure these are published, for the record, State's  
7 Exhibit 122, you received the crime scene location on Sandy  
8 Springs Road in Trenton?

9 A. Yes.

10 Q. As well as Angela Bargeron's home in North Augusta  
11 on Country Club Hills Drive?

12 A. Yes.

13 Q. And then Kirtrina Dixon's home at [REDACTED] Mount Zion  
14 Road?

15 A. Yes.

16 Q. Marcus Robinson's home, [REDACTED] Culley Street in North  
17 Augusta?

18 A. Yes.

19 Q. The Dollar General at 195 Market Plaza Drive?

20 A. Yes.

21 Q. The Greg's Gas Plus at 1295 West Martintown Road in  
22 North Augusta?

23 A. Yes.

24 Q. The Country Hearth Inn and Suites on Gordon Highway  
25 in Augusta?

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1 A. Yes.

2 Q. Circle K on Edgefield Road in North Augusta?

3 A. Yes.

4 Q. And then the Burger King and Circle K on Bettis  
5 Academy Road?

6 A. That is correct.

7 Q. And these are all areas of interest that you  
8 incorporated into these court exhibits?

9 A. Yes.

10 Q. Can you go ahead and take us through what you've  
11 prepared today and explain to the jury your methodology and  
12 everything that goes into generating these court exhibits?

13 A. Yes. All right. So page 2 here is just the  
14 background. So I was asked by the Solicitor's Office to  
15 assist with this case that occurred on October 9th, 2018. The  
16 methodology is that I've looked at the call detail records, so  
17 these records here. I looked at these records. The records  
18 tell me the date and the time of calls. They tell me who  
19 called who and they give me the general location of where  
20 those calls occurred, or the tower that was used to handle  
21 those calls. So they document an interaction between the  
22 phone and between the cellular network which in this case is  
23 T-Mobile.

24 And so using these records which give me the date  
25 and the time and then the general location, when we combine

1     them with the cell tower list, I can determine the general  
2     area of where a phone was located at the time a call occurred.  
3     The cell site locations, so the network changes. Just in the  
4     last couple years we've gone from using 3G to 4G, and now  
5     we're getting into 5G so as it changes, the network changes.  
6     They add towers, they take towers away and so the point in  
7     telling you that is that I used the tower list that's in  
8     effect around the time of the crime. So this is a 2018 case.  
9     It would be improper for me to use the tower list from 2022 to  
10    match 2018. It wouldn't give me an accurate picture of what  
11    the network looked like in 2018, and then my conclusions are  
12    further down in the report.

13             Slide three, so this just shows different examples  
14    of cell phone towers. I would like to draw your attention to  
15    the one on the top left hand side. That's just a general cell  
16    phone tower you really see anywhere in America. Just a couple  
17    important things about this. Number 1, these antenna kind of  
18    look like speakers that hang on that tower. Those are the  
19    antennas that transmit and receive the signal to and from a  
20    cell phone. A cell phone is very much like a car radio. As I  
21    drove here today, I was tuning into my favorite frequency for  
22    my favorite radio station and somewhere between here and  
23    Columbia there was a radio tower, it admits a signal and my  
24    car antenna could receive that signal and let me listen to my  
25    favorite station.

1           The major difference between my car radio and a cell  
2 phone is that the communication has to go in two directions  
3 with a cell phone. You have to be able to receive  
4 information, but you also need to be able to send information  
5 back through the network and those are the antennas that are  
6 transmitting and receiving those signals.

7           The second important thing about that is you'll  
8 notice those antennas that hang are a triangular shaped  
9 structure. Most cell phones towers are designed to cover a  
10 full circle or 360 degrees and the way that the carriers  
11 accomplish covering that circle is by breaking that tower into  
12 three sides or three sectors so any time you see a sector or  
13 on my maps what I like to think of as sectors, the center of  
14 that sector is nothing more than the center of one side of  
15 that triangle. The other examples, in more urban areas it's  
16 harder to find space to build a big tower or a pole so they'll  
17 put them on the outside of a building so it's the center.  
18 Flagpoles we see a lot of times at colleges, universities,  
19 high schools, just other examples of cell phone towers.

20           So this slide deals with sectors an orientation so  
21 when I looked at the call detail records, they tell me the  
22 tower, sector and they tell me which way that tower faces.  
23 What they give me, they tell me which way it faces and gives  
24 me something called the azimuth or the orientation. Azimuth  
25 and orientation are just two big scary words for direction.

1 So if the azimuth is zero, all that means is that side of the  
2 tower faces north. If the azimuth is 180, it just means that  
3 side of the tower faces south and what I have to do is I'm  
4 trying to break that tower, that 360 degrees, I'm trying to  
5 break it into three equal sides.

6 So if the azimuth is zero, what I'm gonna do is I'm  
7 gonna draw a line at the zero coordinate and then it goes to  
8 60 degrees in one direction and 60 degrees in the other  
9 direction and that gives me one-third of that circle. On this  
10 next slide, this is just how I illustrate this sector on the  
11 map. So again, the sector faces at zero degrees which is  
12 north, I go 60 degrees in one direction, 60 degrees in the  
13 other, and then I use this little shaded area in that sector.  
14 When you see that shaded area, I'm by no means saying the  
15 phone has to be within that shaded area. I'm just saying  
16 that's the way that the energy is being emitted from that  
17 tower, very much like if I were to shine a flashlight towards  
18 the back of the courtroom, the energy from that light is being  
19 emitted towards the back of the courtroom.

20 And then this is how I map. Slide 6 shows how I  
21 actually map the sectors on the map so you'll notice the red  
22 sector there, and then those green dots, those represent the  
23 other T-Mobile cell phone towers. So again, where this phone  
24 could potentially be when using this tower, the phone could be  
25 somewhere between the tower that's being used - let's see if I

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1 can show this - so between the tower that's being used which  
2 is this bottom tower, so it needs to be somewhere between the  
3 tower that's being used and the next tower in that direction  
4 closer to the one that's being used. And the reason for that  
5 is because if I were to be using my phone here and starting a  
6 call on this bottom tower, as I travel north and away from  
7 this tower, the signal from the bottom tower is gonna get  
8 weaker and weaker and weaker and eventually it will pick up  
9 the signal from this top tower. It's gonna have an opposing  
10 sector that faces south. So it has to be somewhere between  
11 the tower that's being used and the next one in that direction  
12 but closer to the one that's being used.

13 This slide, slide 7, so this is just an overview of  
14 all the addresses that we've been over. So starting at the  
15 top we have the crime scene which is this red pin which is up  
16 here at the top of the map kind of in the center. Next we  
17 have Angela Barger's home which is this green pin. Then we  
18 have Kirtrina Dixon's home which is this blue pin above the  
19 red pin. Then we have Marcus Robinson's home which is down  
20 here in North Augusta. Then we have the Dollar General which  
21 is right here on Market Plaza Drive, that purple pin. Greg's  
22 Gas Plus which is the orange pin. The Country Hearth Inn  
23 which is down here in Augusta, Georgia on the bottom left.  
24 The circle K which is here on Edgefield Road in North Augusta  
25 very close to the Dollar General. And then finally the Burger

1 King and the Circle K on Bettis Academy Road which is up here  
2 at the intersection of Bettis Academy and I-20.

3 And then you see the T-Mobile cell phone towers.  
4 Each one of these green dots represents a T-Mobile cell phone  
5 tower. You can see that those towers, there's more density of  
6 towers in areas with a higher concentration of population so  
7 where the - in Augusta, Georgia obviously the population is a  
8 lot more dense. There's a lot more people living in a closer  
9 area so the towers are closer and closer together to be able  
10 manage that load. Whereas when you get further out into a  
11 more suburban or rural area, you can see the towers get  
12 further and further apart.

13 Q. I have a question on that slide 7. Just to confirm  
14 here, those T-Mobile towers that are platted on this map  
15 indicate the towers that existed in 2018?

16 A. Yes, ma'am.

17 Q. And presumably now in 2022 there would be more  
18 towers available?

19 A. There may be more towers available. I do know that  
20 these towers are still -- The towers - the towers here on the  
21 map, a lot of them are still in the same place that they were  
22 in 2018.

23 Q. And are you - how do you know that?

24 A. I know that because this morning I went out and I  
25 checked a handful of them here between North Augusta and the

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1 Graniteville address and I was able to find all of them.

2 Q. Going into the maps, the court exhibits specifically  
3 now as it relates to this case, what time frame generally was  
4 requested of you to map?

5 A. Between 12:00 p.m. on October 9th, 2018 until the  
6 afternoon of October 10th, 2018.

7 Q. So starting here on the first one, what is the date  
8 and time range for this first map?

9 A. Yes. So this one covers October 9th between 12:09  
10 p.m. and 1:50 p.m. so this covers about two hours of time.

11 Q. Can you go ahead and describe to the jury what we're  
12 looking at?

13 A. Yes, ma'am. So first I'm gonna start with the blue  
14 phone which is ending in 8898 and basically between 12:09 and  
15 1:15 that phone is using a tower in the sector down here at  
16 the bottom of the page which is in the area of the Dollar  
17 General at 195 Market Plaza Drive. And between 1:24 and 1:43  
18 the phone is using a tower just north of there so at 1:24  
19 through 1:40 it uses sector one on this tower which faces kind  
20 of to the northeast, and then at 1:43 it uses sector two which  
21 faces to the south.

22 Q. In regards to Angela Barger's device, that type of  
23 movement, what would that indicate?

24 A. Well, it indicates that the phone likely moved  
25 between 12:09 and 1:24, it moved up north and then it's either

1 in this area between these two towers, between these two  
2 sectors or it then moved back south again.

3 Q. Okay. And I apologize. Please continue.

4 A. Yes, ma'am. All right. And then so the black phone  
5 ending in 5170, during that time period which would be 12:17  
6 and 1:50 the phone was constantly using this one cell phone  
7 tower at the top and that tower is consistent with being in  
8 the area of Kirtrina Dixon's home at [REDACTED] Mount Zion Road.

9 Q. Okay. I'm gonna show you what's been introduced  
10 into evidence as State's Exhibit 110. In looking at this  
11 timeline at the Dollar General from 1:15 to 1:22 do you have  
12 any evidence of any of those devices utilizing a tower that  
13 would service the Dollar General?

14 A. Yes. So the 8898 phone, the blue phone, between  
15 1:11 and 1:15 there's multiple calls that are using the tower  
16 and the sector that will provide coverage to the Dollar  
17 General.

18 Q. If we could move on to the next one.

19 A. Okay. This is the blue phone only so ending in 8898  
20 and this is 1:43 to 2:11. So again, at 1:43 that phone is  
21 using tower 70838 which is here in the area of Murphy Village  
22 and then at 2:11 the phone uses tower 73945 which is up closer  
23 to Kirtrina Dixon's home.

24 Q. And what would that indicate as well?

25 A. Again, the phone movement between 1:43 and 2:11.

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1           All right. So this slide 10 is showing the activity  
2           on both phones between 1:50 and 2:57 p.m. and so at 1:50 again  
3           the black phone ending in 5170 is in the area of Kirtrina  
4           Dixon's home and it's actually using the sector that faces in  
5           that direction. Actually, it's not. I'm sorry. It uses the  
6           sector that faces south. Now the blue phone, there's activity  
7           on that at 2:11 and it's using the same tower, but a different  
8           sector that faces off to northwest.

9           Q. In terms of the 8898 number, the fact that it's  
10          utilizing that tower in that area, is it possible that, does  
11          that area include that general area of Mount Zion Road and  
12          would indicate that the person utilizing the device is in that  
13          area?

14          A. It's in the area. It could be in the area of Mount  
15          Zion Road and I'm not sure of the main thoroughfare that runs  
16          up through here, but it could be, it's definitely, it could be  
17          in that area. The fact that it's not using a sector covering  
18          facing Ms. Dixon's home, I mean, to get these records we're  
19          relying on a phone call, an incoming or outgoing phone call or  
20          incoming or outgoing text message, so if there's no activity  
21          during a specific time, it's not because I left it off, it's  
22          because there's no activity there at that time.

23          Q. So just to be clear, there has to be a transmission  
24          with the network to generate the actual location for the  
25          records that we have?

1           A.    Yes.  There has to be a text or a phone call or  
2           sometimes a text message that would generate at that location.  
3           If there's no phone calls or text messages in a certain time  
4           period, there's nothing for me to map during that time.

5           Q.    Okay.  Thank you.

6           A.    So then after 2:11, the next activity is at 2:12 on  
7           the blue phone just south of there and then after that it goes  
8           2:14 and 2:15 on the black phone, 2:16 on black phone, 2:22 on  
9           blue phone, 2:27 on the blue phone, 2:31 on the blue phone,  
10          2:47 on the blue phone, and then finally at 2:52 and 2:57 we  
11          have two activations down in the area near Country Hearth Inn  
12          on both phones.  So the moral of the story is between 1:50 and  
13          2:57 the phones travel from the area around Kirtrina Dixon's  
14          home down to the area near the Country Hearth Inn in Augusta,  
15          Georgia.

16          Q.    And looking back at State's Exhibit 110 already in  
17          evidence, I'm gonna show you the time range here, 2:54 to  
18          3:01.  Is there evidence on the device to it being in that  
19          general area of Gordon highway?

20          A.    Yes.  There's activity on both those devices that  
21          put the devices down in that area around the Country Hearth  
22          Inn.

23          Q.    And it's both devices, correct?

24          A.    Yes, ma'am.

25          Q.    Okay.  Thank you.

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1           A.    So now this is 2:52 through 3:52 p.m.  So again,  
2    2:52 p.m. and 2:57 there's two calls on each of the devices  
3    using a tower and sector just north of the Country Hearth Inn  
4    with the black phone using the sector that actually covers the  
5    Country Hearth Inn at 2:57.  After that, the black phone has  
6    activity at 3:02 which is south of the Country Hearth Inn, and  
7    then both phones have activity at 3:17 and 3:30 on tower 72471  
8    which is up here close to Greg's Gas Plus in the center of the  
9    page and then at 3:52 p.m. the black phone has activity over  
10   here near the Dollar General and Circle K and so at 3:17 p.m.  
11   is the last activity on the blue phone, on that phone until  
12   9:12 p.m.  So after 3:52 - I'm sorry - after 3:17 there's no  
13   other activity on the blue phone until 9:12 p.m.

14           Q.    Again looking back at State's 110 for the video  
15    timeline that's in evidence, or the Greg's Gas Plus, the time  
16    frame there is 3:15 to 3:30.  Is that also consistent with the  
17    users of those devices?

18           A.    It is because we have a call at 3:17 on the blue  
19    phone 8898 and then a call at 3:30 on the black phone 5170 so  
20    it fits right within that window.

21           Q.    Then in terms of, I apologize for going back to it,  
22    for the Circle K, we have it looks like for the 3:52 time  
23    frame that's the Circle K and Dollar General overlapping or  
24    pretty much close together?

25           A.    Yes, ma'am.

1 Q. And we have video evidence from 3:54 to --

2 MR. MADSEN: Judge, I'm gonna object.

3 MS. FULLER: I'm publishing the exhibit that's in  
4 evidence.

5 THE COURT: What's the basis for your objection?

6 MR. MADSEN: My pretrial objections.

7 THE COURT: So noted. Overruled.

8 MS. FULLER: Thank you.

9 BY MS. FULLER:

10 Q. Looking at State's 110 for the Dollar General 3:54  
11 to 3:57, is that generally consistent on the device, with  
12 device usage?

13 A. Yes. It's consistent with the 3:52:28 activity on  
14 the 5170 black device up here at the top right hand corner of  
15 slide 11.

16 Q. Looking at State's 16 just to confirm again, that  
17 black device, is that [REDACTED] 5170 associated with Gabriel Curry  
18 on this exhibit?

19 A. Yes, ma'am.

20 Q. Thank you.

21 A. So now this next slide, slide 12 is showing the  
22 activity only on the black phone. Again, there's no activity  
23 on the blue phone until 9:12 p.m. so we're showing the  
24 activity on the black phone between 3:52 and 4:18 p.m. and so  
25 again, at 3:52 the phone is using this tower that's right

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1 there consistent with being near Circle K and the Dollar  
2 General and then it goes 4:18, it's using a tower in the  
3 sector that would provide coverage in the area of Ms. Dixon's  
4 home or the crime scene or both. And then the next activity  
5 is at 4:23 over to the right side of the page at the top and  
6 then finally at 4:36 and 4:37 the phone is using this tower  
7 just south of the Circle K and Burger King at Bettis Academy  
8 Road.

9 Q. Looking at that call at 4:18, the T-Mobile records  
10 that you have there, can you confirm the phone number  
11 associated with that 4:18 call?

12 A. Yes. It's an incoming call from [REDACTED]-9687.

13 Q. And then showing you State's Exhibit 16, that's  
14 [REDACTED] 9687 as reflected on here is associated with Sabina  
15 Curry?

16 A. Yes, ma'am.

17 Q. And that's reflected on the T-Mobile records as  
18 well?

19 A. Yes, ma'am. It is.

20 Q. And it's reflected as a missed call?

21 A. It just has no duration and it shows as an abnormal  
22 completion. A lot of times an abnormal completion is just an  
23 incomplete call.

24 Q. Would you repeat that last part?

25 A. It's an incomplete call.

1 Q. What would that indicate?

2 A. That the call wasn't answered. There's no duration  
3 so I can tell the call was not answered, but I can also tell  
4 the call was not routed to voice mail.

5 Q. Looking at that 4:18 time, again, the holder of that  
6 device would be in the area of the crime scene and Mount Zion  
7 Road around 4:18 p.m.?

8 A. Yes. It's using the towers that's consistent with  
9 being in the area of those. What I mean by that is with these  
10 records I couldn't tell you that the phone is on the steps of  
11 the courthouse here, okay? But what I could tell you is that  
12 the phone is using a tower on top of this courthouse and that  
13 tower faces south so the phone has to be somewhere between  
14 this courthouse and the next tower to the south. So I can  
15 just give you the general area. I just can't specifically say  
16 it's at the crime scene or it's at Ms. Dixon's home, but I  
17 could say it's using a tower in this sector consistent with  
18 being at either one of those places.

19 Q. As it relates to, I guess, the crime scene - well,  
20 not the crime scene, but as it relates to a missed call, does  
21 that impact at all the tower that it utilizes?

22 A. No, ma'am. It should not.

23 Q. Okay. And then in terms of the 4:23 tower location,  
24 what does that indicate between 4:18, 4:23 and 4:36?

25 A. So between 4:18 and 4:36 the phones moved, the phone

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1 moves from the area around the crime scene and Ms. Dixon's  
2 home down towards the area around Bettis Academy Road and I-20  
3 in the area of Burger King or the Circle K.

4 Q. And then just to confirm around this time period  
5 there's no outgoing information or any data associated with  
6 the 8898 number associated with Angela Bargeron in this  
7 case?

8 A. Yes, ma'am.

9 Q. Looking again back at State's 110, the time frame  
10 that we just described, the 4:36 time frame that you see  
11 there, we have on the video timeline Burger King on Bettis  
12 Academy Road as well as the Circle K on Bettis Academy Road  
13 from generally 4:28 to 4:36, 4:38, is that consistent with  
14 Gabriel Curry's device being in that area?

15 A. Yes. It is.

16 Q. Thank you.

17 A. So slide 13 is showing the activity again for the  
18 5170 phone between 4:37 and 5:03. So at 4:37 the phone is  
19 using sector three here at the top right hand side of the page  
20 again using the tower and sector in the area of Circle K on  
21 Bettis Academy Road. Next, at 4:41 it uses the tower, it uses  
22 the sector just south of there. The next activity is at 4:45.  
23 It's using tower number 70844 and then after that the phone  
24 uses tower number 63703 which is here just south of the  
25 Belvedere neighborhood and north of Marcus Robinson's house.

1 Q. During this time frame can you tell me whether or  
2 not if there's any attempt or any indication that [REDACTED] 5170  
3 attempted to communicate with 8898?

4 A. No. There's not.

5 Q. And based on this movement, can you tell me whether  
6 or not this indicates this individual, based on the time frame  
7 and I know that now that you're familiar with the area, that  
8 this individual would have been walking or driving?

9 A. Likely driving.

10 Q. And that's based on what?

11 A. On the time it would take to get from specifically  
12 at 4:41 up at this top tower down to 4:45 at the bottom left  
13 and then 5:03 over here finally at the left.

14 Q. And if we can go back to your previous slide,  
15 looking at the area of Mount Zion Road and the crime scene at  
16 4:18, is it possible to be at Mount Zion and hit off of the  
17 tower 209 for that 4:23 call or the 750 tower for 4:36 and  
18 4:37 as well on your next slide those towers in North  
19 Augusta?

20 A. 4:23, I mean, I'm not gonna say it's impossible, but  
21 it's not likely because there are times when this phone is  
22 just steady using this tower, but for the other towers I  
23 wouldn't expect the phone to be at the crime scene or Kirtrina  
24 Dixon's home using any of those other towers.

25 Q. And when you indicate that there's times, and I'm

1 thinking that that's later on, where it's steady using that  
2 tower, does that type of history or record of tower  
3 utilization impact your opinion?

4 A. It does.

5 Q. And in what way?

6 A. Because, I mean, when, I mean, a phone, the network  
7 is constant. It's constantly there. It's always there. It's  
8 like a WiFi. It's just way different. It's just always  
9 there. There's very little things that are going to fluctuate  
10 or change in that situation. So generally when I'm analyzing  
11 thousands of these network records when I'm looking for  
12 somebody, what I'm looking for is when that phone is pinned  
13 down using the same tower over and over and over and over  
14 again, that's a good indication that they are in the area of  
15 that tower. The times when the phone is moving around using  
16 different towers, that's a good indication the phone is not  
17 stationary, it's moving around.

18 Q. Thank you. And you can proceed.

19 A. All right. So here again going back to slide 13,  
20 the phone ends about 5:00 or 5:03 on 63703 which is the tower  
21 about two towers north of Marcus Robinson's house at 110  
22 Culley Street in North Augusta. Again, there's no activity  
23 for the blue phone 8898. This next slide, slide 14, showing  
24 5:21 through 6:31 p.m. on the 5170 phone, the black phone, so  
25 at 5:21 p.m. the phone uses 63703 and then it goes 5:27 up to

1 the right at 70844, then 5:56 down here south on 63667, then  
2 at 6:08 on the tower 64837 facing south, and then finally 6:31  
3 it comes back to 63703 which is here in the center of the  
4 page.

5 Q. Looking at the call for 5:27, can you tell me what  
6 activity or what call generated that location information?

7 A. Yes, ma'am. So that's an outgoing call from 5170 so  
8 from this phone to [REDACTED]-0659.

9 Q. Okay. And looking at State's Exhibit 16, do you see  
10 that same number that you just published reflected at the  
11 bottom line here [REDACTED]-0659?

12 A. Yes, ma'am.

13 Q. Associated with Marcus Robinson?

14 A. Yes, ma'am.

15 Q. Also look at the call at 6:08 on tower 64837. And I  
16 apologize. Can you point out to the jury where the tower is.  
17 They've probably picked up on it by now --

18 A. Yes.

19 Q. -- but I just want it for the record.

20 A. So 63703 at 6:31 is here in the center of the page  
21 I'm pointing to with the green dot right now.

22 Q. So in each block at the top where it says E and B,  
23 those are the tower numbers that when we were talking about  
24 tower numbers, that's where they're reflected?

25 A. Yes, ma'am.

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1 Q. Okay. I apologize. And then looking for that 6:08  
2 call --

3 A. So 6:08:31, that's an outgoing call from 5170 so  
4 from this phone number to [REDACTED]-0659 and again, that's on  
5 64837 which is this one southern like southwestern most tower  
6 that faces south towards Augusta, Georgia.

7 Q. And that's the same number we just referenced  
8 associated with Marcus Robinson?

9 A. It is.

10 Q. And then in terms of this movement going from tower  
11 63703 to 70844 down to 63667 and then back around and then  
12 back up, what does that indicate?

13 A. I mean, it indicates, I doubt it's somebody walking.  
14 Likely a vehicle because they're traveling around here.

15 Q. So you said likely a vehicle?

16 A. Yes, ma'am.

17 Q. Then the next one.

18 A. All right. So slide 15 shows the activity on  
19 October 9th, 2018 at 6:31 p.m. through October 10th, 2018 at  
20 12:40 a.m. and here I'm only showing for the blue phone. I'm  
21 showing the activity between 9:12 and 12:40 a.m. because there  
22 was no activity before 9:12 which, I believe it was 3:17 and  
23 9:12 p.m. there was no activity on the blue phone and so this  
24 is just showing the activity between 9:12 and 12:40 and the  
25 phone is using, during that time, the phone is using this

1 tower 63703 sector one so that's the blue sector here at the  
2 bottom of the page, and so it uses that between 9:12 p.m. and  
3 12:40 a.m.

4 Now jumping to the black phone, 5170, that phone  
5 also uses that tower but a different sector at 6:31 p.m. which  
6 is also down here at the bottom of the page. After 6:31 p.m.  
7 the phone travels back up into the area around Kirtrina  
8 Dixon's home so 6:31, 6:41, 7:05 it uses sector one up here,  
9 7:09 and 7:10 it uses this tower to the north which is 73575.  
10 7:08 it uses this tower just to the southeast, and then  
11 basically after that the phone uses sector two 73945 between  
12 7:29 and 10:39 p.m. so it's consistently hitting on this tower  
13 and sector during that time.

14 Q. And so in dealing with Gabriel Curry's device,  
15 that's the end of his activity or location activity for  
16 October 9th; is that correct?

17 A. Yes, ma'am.

18 Q. Focusing on tower 73945, from 7:05 p.m. and then it  
19 jumps to tower 73209 at 7:08 and then moves up at 7:09 and  
20 7:10, what does that indicate about the device?

21 A. It indicates that the phone is, uhm, it's either  
22 moving around so it's either moving from sector one here down  
23 to here at 7:08 and then 7:10, 7:09, 7:10, or it's in a place  
24 where it could see all those at a time full strength so what  
25 happens is there's multiple calls coming in, it's at a place

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1 where all of those towers inside the sector are overlapping  
2 and so from call to call to call. The phone is picking the  
3 tower and sector using the strongest and clearest signal and  
4 it's just picking those because it's in a place where all  
5 three of those are overlapping.

6 Q. Looking at the activity that triggered the 7:08  
7 call, would you publish for the record what phone number is  
8 associated with that call?

9 A. Yes, ma'am. So the 7:08 call is an outgoing call  
10 from 5170 so it would be the black phone to [REDACTED]-3343.

11 Q. Looking at State's 16, this fourth line, do you see  
12 that number that you just published?

13 A. Yes. I do.

14 Q. And that's [REDACTED]-3343 associated with Kirtrina  
15 Dixon?

16 A. Yes. It is.

17 Q. Looking at the 7:09 and 7:10 call, can you publish  
18 that number as well?

19 A. Yes. So the 7:09 call is incoming from that 399 -  
20 I'm sorry - [REDACTED]-3343 phone and then 7:10 is also incoming from  
21 that same number [REDACTED]3343 and that has a duration of about  
22 218 seconds. The previous call was routed to voice mail.

23 Q. Okay. And then looking at the call responsible for,  
24 associated with the 7:29 time?

25 A. That's an incoming call. That's 84 seconds and

1 again it's from [REDACTED]-3343.

2 Q. And that's associated with Kirtrina Dixon on State's  
3 16?

4 A. Yes, ma'am.

5 Q. And then looking at the 7:47 call.

6 A. That's an outgoing call from 5170 so from the black  
7 phone to [REDACTED]-3343 the Dixon phone.

8 Q. And that's the same one on State's 16 Kirtrina  
9 Dixon?

10 A. Yes, ma'am.

11 Q. And then looking at the 8:23 call.

12 A. 8:23 is an outgoing call from the 5170, the black  
13 phone again to [REDACTED]-3343, has no duration so it doesn't  
14 look like a completed call.

15 Q. And that's to the same number associated with  
16 Kirtrina Dixon?

17 A. Yes, ma'am.

18 Q. Now, looking at that tower 73945 which you can be at  
19 Kirtrina Dixon's home or the crime scene or that area  
20 utilizing that tower, would you also be utilizing that tower  
21 if you parked your car at the crime scene and walked back to  
22 Kirtrina Dixon's home?

23 A. It would be consistent with being at either one of  
24 those locations or in between.

25 Q. And is there any indication from the records of

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1 movements from tower to tower in terms of the call length  
2 because you indicated one call was lengthy?

3 A. Yeah. So the records just give me the starting  
4 location so they don't give me the ending, but what you can do  
5 is look at the duration and look at the next call and you will  
6 see that it traveled, the phone is moving around from tower to  
7 tower when it starts those calls.

8 Q. And so even though we don't have per se the ending  
9 location for the 7:29 call or the 7:47 call, your testimony is  
10 that based on the fact that another call was made on that  
11 tower, the same side and sector would indicate that the device  
12 is still in that area?

13 A. The device is still in that area. I mean, between  
14 7:47 and 7:48 and then just in that minute it would be a  
15 challenge to leave that area and then come back to make a  
16 phone call in that area again.

17 Q. And then again, based on this slide and your  
18 expertise, the device associated with Gabriel Curry, could it  
19 be at Mount Zion Road at Kirtrina Dixon's house at 6:31 p.m.?

20 A. No. That would be impossible.

21 Q. Not possible at all?

22 A. No. It would be completely impossible.

23 Q. And why is that?

24 A. Because again, the energy from that tower so sector  
25 two at 6:31, the energy from this tower is being emitted in

1 this direction southeast, whereas Ms. Dixon's home is all the  
2 way up here north probably 10 miles away so using this tower  
3 and sector there's no way the energy from this tower and  
4 sector could make it all the way up here. It's impossible.

5 Q. So based on these records, is there any indication  
6 that the device and the user Gabriel Curry remained in the  
7 area of Mount Zion Road after 5:00 p.m.?

8 A. No.

9 Q. Now, going down to tower 63703 and I request that  
10 you stand up because I want to show the jury the records so  
11 they know where to look for this information.

12 A. Yes, ma'am.

13 MS. FULLER: Permission for the witness to step  
14 down.

15 THE COURT: Yes.

16 BY MS. FULLER:

17 Q. Looking at these records, would you point out to the  
18 jury what information you used to rely on for your  
19 testimony?

20 A. Yes, ma'am. So starting with, we're gonna start  
21 with the date, so we have the date and the time, okay? The  
22 important thing about this date and time is we see at the top  
23 here it says that these are produced to universal time,  
24 universal coordinated time, okay? So T-Mobile operates across  
25 multiple time zones. They actually have subsidiaries in

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1 Europe so in order to be, to maintain those records in a  
2 standardized format they keep them in UTC time so what I have  
3 to do to convert these back to eastern time is I have to  
4 subtract four or five hours, somewhere between four and five  
5 hours.

6 Q. Let me have you go back on the stand.

7 A. (Witness complies.)

8 Q. Can you see okay?

9 A. Yes. So again, the date and time is in UTC time so  
10 we have to convert the time. Here on October 9th and 10th,  
11 2018 it's a four hour converge, so if you look at this time  
12 and it says 10/9/2018 just after midnight, this is actually  
13 about 8:07 p.m. on the 8th, okay? So we're subtracting four  
14 hours from this. The number in the next column is the  
15 duration, so it's how many seconds the call lasted so you will  
16 see that here this one was 24 seconds, here is one a minute  
17 and four seconds, and then if you go down, some of these are  
18 blank which means that there was no duration, likely not a  
19 connected call.

20 The next thing, call type, we're gonna jump over  
21 direction because it's kind of a duplicated thing, but the  
22 direction is outgoing or incoming, okay? So if it's an  
23 outgoing call, it's this phone call making a telephone call,  
24 if it's incoming, it's this phone number receiving a telephone  
25 call. We have the call in number and the dialed number,

1 right? So an outgoing call. This phone number 5170 should be  
2 the number in the calling number column because that's the  
3 number making the phone call. The dialed number is the number  
4 dialed. The call number is the number receiving the call so  
5 an outgoing call, the 5170 phone is calling this other number  
6 ending in 3938 and that's the destination number is the same.  
7 Next we have ICCID which is the number that's on the SIM card  
8 on the phone and the IMEI which identifies the device, the  
9 physical phone that's being used.

10 Q. And so I want to ask you about the IMEI number. Is  
11 the IMEI number unique to a device?

12 A. It is unique. It's unique to a specific device.  
13 The important thing about the IMEI number is that it's  
14 important we focus on the first 14 digits of that. The last  
15 two digits of the IMEI number have to do with, it's like a  
16 place holder or a software version of the phone that the phone  
17 is using. So sometimes you'll see discrepancies between the  
18 IMEI maybe on this report and the IMEI from like the download  
19 for the phone and 99.9 percent of the time that discrepancy  
20 has to do with the last two characters.

21 And then one other thing to mention here. So in the  
22 calls in T-Mobile when a call is routed to voice mail, it  
23 shows up on two lines so what happens is we'll have an  
24 incoming call so you'll see one line and it's an incoming call  
25 so somebody is calling this number and then the next line is

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1 going to be an outgoing call from that number to the T-Mobile  
2 voice mail number. So if I were to receive a call and it go  
3 to voice mail, the way it would look is the calling person's  
4 number would be on my records, they would call my phone, that  
5 would be the first line. The second line would be the person  
6 calling this number outgoing to the T-Mobile voice mail number  
7 which is 1-805.

8 Q. And we'll swap out here because I want you to on  
9 State's Exhibit 104 to show me, because on your court exhibit  
10 you indicated that the calls were incoming routed to voice  
11 mail from 9:12.

12 A. Yes, ma'am.

13 Q. If you can find that here and I'll publish it for  
14 the jury and you can show them what you're talking about.

15 A. Yes, ma'am. It's right here, 1:12.

16 Q. So publishing the second page of State's 104, can  
17 you go ahead and point out to the jury how you know that from  
18 9:12 the calls are going to voice mail?

19 A. Yes, ma'am. So first I have to find the time so  
20 9:12 on October 9th is actually gonna be four hours, it's  
21 gonna be, it's gonna show four hours ahead on this record so  
22 it's gonna be 1:12 a.m. on the 10th. This is where it starts  
23 and here we have those incoming calls, and this is an incoming  
24 call for this 8503 number, okay? And then it's not answered  
25 and the next line is an outgoing call from the 8503, a

1 T-Mobile voice phone number here [REDACTED]-7249.

2 Q. I'm gonna show you real quickly State's 16, that  
3 [REDACTED]-8503 number. Do you see that on here?

4 A. I do.

5 Q. And that's saying Kahlo Calhoun on this document?

6 A. Yes. It is.

7 Q. And that starts at 9:12 p.m.

8 A. It does.

9 Q. And then you can continue explaining.

10 A. Yeah. So that's what's going on there. So any time  
11 you see they're around the same time, they're incoming  
12 followed by outgoing, the 805 number, that's an incoming call  
13 that's being immediately routed to voice mail. Sometimes the  
14 cell tower activation is associated with that because the  
15 phone is still on so the phone's receiving a signal, it's  
16 ringing, it's not being answered, it's going to voice mail.  
17 Other times if the phone is off, you'll still see that, I'll  
18 still see that that transaction occurred, that  
19 incoming/outgoing, but there'll be no cell tower activation  
20 associated with that.

21 Q. And when there's no cell tower activation, does that  
22 indicate that the phone is either dead or off?

23 A. The phone's either off or it's somewhere where it's  
24 not getting service.

25 Q. Okay. And the IMEI, is that consistent throughout

1 these incoming calls being routed to voice mail?

2 A. Yes.

3 Q. So it's the same device the entire time?

4 A. Yes, ma'am.

5 Q. Looking to the next page, I think your range was  
6 12:40?

7 A. Yes, ma'am.

8 Q. State's 4, I believe.

9 A. That would be 4:40 a.m.

10 Q. Okay. If you can explain to the jury, point out to  
11 the jury where that range stops and then we'll go to the tower  
12 pages.

13 A. Yes, ma'am. So here we're going to 12:40 a.m., and  
14 that's 12:40 a.m. on October 10th, 2018 and here you have the  
15 incoming and outgoing to voice mail, and then before we look  
16 at the towers, what I'm looking at is this column and the  
17 codes on the right-hand side. 2A is call forward, no reply.  
18 Basically that's usually when the phone is on, it's generating  
19 a cell phone at that cell site and nobody is answering. 2B is  
20 call forwarding not reachable and so you can see right after  
21 12:40 all of these codes basically go from 2A to 2B and that  
22 means the phone is either off or it's somewhere where it  
23 doesn't receive service.

24 Q. And then dealing with one through four where the  
25 cell tower information would be, briefly explain this and then

1 we'll go back to the maps.

2 A. Yes, ma'am. So the switch name is not important  
3 here. What I'm looking for is this first LTE cell ID, so  
4 that's the number that's referenced in my maps when I talk  
5 about the cell tower number. That number is unique across  
6 T-Mobile's network so there's only one 71662 in T-Mobile's  
7 network, I know that that's gonna be in North Augusta, Georgia  
8 or near North Augusta, Georgia. The next line here 72471 is  
9 the tower number, this sector ID, in my report I simplify it  
10 as one, two and three just to make it easier, but there's  
11 multiple sectors on the tower. Here's the azimuth so that's  
12 the direction that that tower faces, so this is at 60 degrees  
13 so it faces kind of north, northeast and then we have latitude  
14 and longitude, okay?

15 This isn't the latitude and longitude of where the  
16 phone is. It's not the GPS where the phone is, it's the  
17 latitude and longitude of where the tower is located. It just  
18 gives us a general, it gives us an idea of where the tower is  
19 located. And then the address is the closest address to that  
20 location. In the city, in an urban/suburban area, most of the  
21 time that address is pretty spot on because the tower might be  
22 on top of a building at that address. In a rural area you may  
23 have a farm that has an address on one road but that farm is a  
24 couple thousand acres and the tower could be a mile away so  
25 the latitude/longitude there is the most, uhm, the most

1 accurate thing to use to find the tower.

2 Q. Thank you for explaining that.

3 A. Yes, ma'am.

4 Q. All right. I want you to take us back to where we  
5 are in one second. Now, looking at that tower 63703, is  
6 there, in terms of the blue phone being routed to voice mail  
7 at that location, is it possible that the phone is somewhere  
8 at the crime scene?

9 A. No. It's impossible.

10 Q. And the fact that it's routed to that tower 63703,  
11 what, if anything, does that indicate about where the device  
12 is?

13 A. The device has to be somewhere between the tower  
14 that's being used so the tower here and that's the sector and  
15 the next two towers on this map but closer to this tower so  
16 it's gonna be somewhere in this Belvedere, generally in this  
17 Belvedere area.

18 Q. Okay. And you also have the defendant's phone  
19 utilizing a different sector but the same tower at 6:31?

20 A. Yes, ma'am.

21 Q. Okay. We can go to the next slide.

22 A. So this slide, slide 16, is showing activity between  
23 5:18 a.m. and 6:54 a.m. Again, the last activity was on the  
24 8898 phone was at 12:40 a.m. which is on the previous slide.  
25 So after this, there's no more mapping of the blue phone. So

1 at 5:18 a.m. the phone uses the tower in the sector close to  
2 the Dixon home on Mount Zion Road and then after that at 5:21  
3 we're going off to the east. At 5:25 it's using a tower in a  
4 sector in the area of the Circle K. 6:01 it's using this  
5 south tower. I'm sorry. At 5:53 it's using this tower down  
6 in the bottom right and 6:01 on this south tower and then 6:44  
7 it goes back to using tower 63703 in the same sector that the  
8 blue phone had been previously used.

9 Q. In terms of 5:18 to 6:44 and that type of movement,  
10 in your expert opinion is that individual driving a car or  
11 walking?

12 A. Driving.

13 Q. And emphasizing that tower 63703, that is the same  
14 tower that Gabriel Curry returns to that general area at 6:44  
15 in the morning?

16 A. Yes.

17 Q. And that's the same tower that, in your opinion,  
18 that is the area of where Angela Bargeran's phone would have  
19 been that morning, the last time it connected to a tower?

20 A. The last time it connected to a tower, it uses that  
21 same tower and sector.

22 Q. Looking at the call that generated the tower  
23 information at 5:18, can you publish that number?

24 A. Yes, ma'am. So that is an outgoing call to  
25 [REDACTED] 3343.

1 Q. And the duration?

2 A. It is 169 seconds.

3 Q. And then the call at 5:53?

4 A. That is an outgoing call to [REDACTED]-3343 and the  
5 duration is 103 seconds.

6 Q. And the 6:01 call?

7 A. 6:01 is an outgoing call to [REDACTED] 3343, the  
8 duration is 934 seconds.

9 Q. That's roughly how many minutes. Just over 15  
10 minutes?

11 A. Yes. About 15 minutes.

12 Q. Okay. And looking at that 6:44 call utilizing  
13 tower 63703 the same area where Angela Bargeran's phone last  
14 connected to a tower, who is he communicating with?

15 A. He's communicating with that same number again so  
16 that's an incoming call from [REDACTED] 3343 and it's about 183  
17 seconds, about three minutes.

18 Q. And looking at State's 16, do you recall that  
19 991-3343 number is associated with Kirtrina Dixon?

20 A. Yes. It is.

21 Q. And so is there any way possible that he is at  
22 Kirtrina Dixon's home while making these calls?

23 A. No, ma'am.

24 Q. And that's based on your expert opinion?

25 A. Yes.

1 Q. Then we can go on to the last page.

2 A. Yes. So this shows the activity on the 5170 phone  
3 between 7:19 a.m. and 12:50 p.m. on the 10th and at that time  
4 the phone is consistently using that tower and sector  
5 consistent with Kirtrina Dixon's phone.

6 Q. Okay. And I want to point out around the 12:00  
7 time, at 12:08 what phone number - excuse me - 12:06 what  
8 phone number is that location, that tower utilization?

9 A. I'm sorry. What phone number?

10 Q. Yeah. Referring to the 12:06 tower utilization.

11 A. Yeah. That was just an outgoing call to  
12 803-991-8503.

13 Q. Do you recall on here that's associated with Kahlo  
14 Calhoun on State's 16?

15 A. Yes.

16 Q. Do you need see this again?

17 A. No, ma'am.

18 Q. Okay. And then the calls from 12:06 all the way  
19 down to 12:50, a number of them are associated with that  
20 991-8503 number?

21 A. Yes, ma'am.

22 Q. And the tower utilized is consistent with being at  
23 Kirtrina Dixon's home?

24 A. Yes.

25 MS. FULLER: No further questions at this time.

MATHEW WILDE - CROSS BY MR. MADSEN

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1 THE COURT: Cross.

2 CROSS EXAMINATION

3 BY MR. MADSEN:

4 Q. Good morning, Mr. Wilde.

5 A. Good morning.

6 Q. Would you go back to I guess slide 7 on that?

7 A. Yes, sir.

8 Q. You've got the right one, right?

9 A. Yes, sir.

10 Q. Let's look at them and if you will try to utilize  
11 that. I'm not as technologically savvy.

12 A. Yes, sir.

13 Q. Bear with me because I guess we've got records,  
14 we've got maps, I've got questions, it might take me a little  
15 bit.

16 A. That's okay.

17 Q. So, you were only given two phones or records from  
18 two phones to look at in this case, correct?

19 A. That is correct.

20 Q. And were you told that there were six phones taken  
21 into evidence?

22 A. No.

23 Q. It's not unusual for people to have multiple phones,  
24 correct?

25 A. Correct.

1 Q. You might have an office phone and a personal  
2 phone?

3 A. I do.

4 Q. You might have a side phone. Some people, I guess,  
5 call them a fat phone but, I mean, if you don't get those  
6 records, you can't take a look at those and know what is on  
7 there, correct?

8 A. Correct.

9 Q. And I heard a lot of the questions were is it  
10 possible that they could be near one of these places on here,  
11 correct?

12 A. Yes.

13 Q. But it's possible that they're not, right?

14 A. That's correct.

15 Q. Because these towers can look out over a large  
16 range, can't they?

17 A. They do.

18 Q. And so when she would say, hey, it's possible that  
19 he's at Kirtrina Dixon's home, I mean, he could be a mile away  
20 at his mother's house?

21 A. He could be. Yes.

22 Q. And were you told that his mother lived on Mount  
23 Zion Road?

24 A. No.

25 Q. And that's not on any of these maps, is it?

1 A. That is correct.

2 Q. And these smart phones that a lot of folks have,  
3 they actually have GPS capability, don't they?

4 A. Most phones in the last 10 years have some kind of  
5 GPS capabilities.

6 Q. I think it's like Federal law or something after  
7 911, wasn't it?

8 A. I'm not sure.

9 Q. But you've done stuff where the phones have GPS  
10 capability, don't they?

11 A. Yes, sir.

12 Q. And GPS is absolutely the most accurate, isn't it?

13 A. Not always. No.

14 Q. Why not?

15 A. Well, because it depends on where the phone is. If  
16 the phone is in the basement of a parking garage, cell phone  
17 towers can be more accurate than GPS location if you can get  
18 that.

19 Q. Sure.

20 A. To get the GPS location you would to know that a  
21 crime is going to occur and has occurred and you have to  
22 actively ask the carrier to send a signal to that phone to  
23 recover the information.

24 Q. Right. But sometimes phones in and of themselves have  
25 GPS locations associated with the using of apps or that and

1 things like that, correct?

2 A. Sometimes, yes.

3 Q. And if you can get GPS, you can pretty much put  
4 someone within about 10 feet of where they're standing,  
5 right?

6 A. It really just depends. I wouldn't want to answer  
7 that as a yes or no.

8 Q. But it's a lot more accurate than, say, a cell tower  
9 hit, isn't it?

10 A. Sometimes it can be. Sometimes it isn't.

11 Q. And when we say GPS, you had something up there.  
12 That will actually give latitude and longitude? That's what  
13 GPS means, doesn't it?

14 A. It will give you latitude/longitude, but again, when  
15 it's great, when it works well, yeah. It can put you on a  
16 street corner. When it doesn't work well, it can put you in  
17 the State of South Carolina which isn't super helpful.

18 Q. But we don't have any GPS locations here, do we?

19 A. Correct.

20 Q. And then there's also something called range to  
21 tower location, isn't there?

22 A. That's correct.

23 Q. And basically what happens is, is that can tell you  
24 someone like you that, hey, I'm 500 feet from the tower?

25 A. Yeah. So it will tell us which sector is being used

1 and it gives us an estimation of how many miles from the tower  
2 the phone is located so it draws an arc from the tower.

3 Q. So kind of very similar to something like this if it  
4 says, hey, on the cell to tower, we know if it's a mile out  
5 that I'm going to be somewhere on this arc of that sector?

6 A. That is correct.

7 Q. And so that's a lot more accurate than, say, if you  
8 just get a tower hit and I could potentially be here at  
9 whatever this pin is or I could be down here, I could be up  
10 here?

11 A. Yes, sir. It can be more accurate. Yes.

12 Q. And we don't have any of that in this case, do we?

13 A. That is correct.

14 Q. And if I'm correct, you're not an RF engineer, a  
15 radio frequency engineer, correct?

16 A. That is correct.

17 Q. You are not employed by any cell phone company?

18 A. No. I'm employed by the FBI.

19 Q. You've had some training from them, correct?

20 A. Absolutely.

21 Q. And you're not privy to any of the algorithms that  
22 those cell companies use in deciding how to route cell phone  
23 calls, are you?

24 A. Well, I'm privy to it, but it also doesn't matter  
25 because I know that the phone is connecting to the tower and

1 sector, it can see it's the strongest and clearest signal and  
2 that happens in every one of these calls so every time before  
3 the call is even made, the phone is making a decision and so  
4 how the call is routed after that is really of no consequence  
5 to me because I know which tower and sector it used from the  
6 call start.

7 Q. Well, when we're talking about that, you can't sit  
8 here and tell me that -- This one right here is 72811?

9 A. Yes.

10 Q. You can't tell me what range of that tower is, can  
11 you?

12 A. Not specifically. No.

13 Q. And there could be towers, say, if you go to  
14 downtown Augusta, the range of that tower or a tower down in  
15 the city might be a tenth of a mile, correct?

16 A. It could. Yes.

17 Q. Because every single block might have one?

18 A. Yes. Some of those have towers. Yes.

19 Q. If you go out to Wyoming and potentially the range  
20 of a tower could be 50 miles?

21 A. I don't know if it would be that far. You can see  
22 towers 20 miles away so... Now, whether or not you can make a  
23 phone call from that tower, your phone might be connected to  
24 it, but it might be limited capability of what you can do from  
25 that distance.

1 Q. And a lot of things can affect what tower you  
2 actually connect to; isn't that true?

3 A. I mean, the number one thing that determines the  
4 tower that you connect to is what your phone determines is the  
5 strongest clearest signal. That's the number one thing.  
6 Anything else that gets between that, it doesn't matter as  
7 long as the phone determines that the tower and sector is the  
8 strongest and clearest signal. That is what it's gonna use  
9 and that's what's gonna be logged on these records.

10 Q. Obviously strength of signal can be extremely  
11 important, but strength of signal can be affected by a number  
12 of things such as, say, the type of phone that you have. The  
13 newer ones are probably gonna have a lot better signal  
14 strength than maybe some of the older ones, correct?

15 A. Again, I mean, it might have just a better - it  
16 might connect better or have a better signal strength, but it  
17 still selects, whether it's an old phone or a new phone, it's  
18 still selecting the tower and sector to see which has the  
19 strongest signal.

20 Q. And whether a phone might, say, connect under 3G,  
21 4G, or 5G network, I don't even know, do we even have 3G  
22 anymore?

23 A. We have it. Yes.

24 Q. Okay. So we're just 4G, 5G --

25 A. Yes.

1 Q. -- and LTE, whatever that means --

2 A. Yes.

3 Q. -- is that 4G?

4 A. Yes.

5 Q. And so but when we connect to towers, certain things  
6 like topography can - if I'm on one side of a mountain and on  
7 the other side is the closest tower, I might not hit off of  
8 that tower even though it's the closest to me, correct?

9 A. That is correct because signals can't penetrate a  
10 mountain so what you might hit is the next tower that's  
11 further away but on a better site from.

12 Q. And the same thing, if you're in the area of a  
13 building or something like that, things like that,  
14 obstructions can affect what tower potentially you're going to  
15 hit off of?

16 A. I mean, it can, but again, buildings and mountains  
17 are solid and that's really kind of why engineers really  
18 developed and designed the network so I don't really like the  
19 term obstruction because it's accounted for. I mean, in the  
20 city, the network is designed to work in the city. It's  
21 designed and set up to work in those areas so whether there's  
22 a building there or not is not a consequence because there's a  
23 building there. It is designed to work in and around those  
24 buildings.

25 Q. And sometimes coverage or at least what towers, you

1 know, depending on the different types of companies might have  
2 better coverage or more towers than others, correct?

3 A. I mean, they might have more, like more towers in an  
4 area than others, they might use a different frequency than  
5 another company but, I mean, here we know what company is  
6 being used, it's T-Mobile, all the phones are using T-Mobile  
7 so what the other companies were using really doesn't  
8 matter.

9 Q. And sometimes even how busy a particular tower is  
10 can determine whether or not someone logs onto it, correct?

11 A. What do you mean logs on?

12 Q. Well, or connects to it. In other words, towers can  
13 get so full with calls that for some reason you kick to a  
14 tower that might be farther away even though you're closer and  
15 would normally hit off of that tower?

16 A. That would be after the initiation of the call so in  
17 that situation there's two things that could happen. If the  
18 tower is overloaded which is not a common occurrence, but what  
19 happens is you pick the phone up, make a call, your phone has  
20 already seen that tower is the strongest and clearest signal  
21 and you get a dead space, the phone call doesn't connect, it  
22 won't be recorded on the records that I look at. The other  
23 instance is if you are on an overloaded tower, your phone sees  
24 that tower is the strongest and clearest signal, you initiate  
25 the call, the call goes through but you're in a place where

1 you can see another tower and an acceptable signal strength.  
2 After the call goes through or is initiated, after the record  
3 is generated, the network can move you over to that second  
4 tower.

5 Q. And you had mentioned something to the Solicitor  
6 about if I call someone and I start on a tower, whatever tower  
7 is gonna hit me here and then I stay on a big long call with,  
8 say, my dad and I drive all the way to Atlanta, I'm not gonna  
9 be on the same tower?

10 A. Correct.

11 Q. And I don't think that these records reflect any of  
12 those ending towers, do they?

13 A. They do not. T-Mobile even now and in 2018 when  
14 they transitioned into LTE, under 3G we used to get the  
15 starting and ending tower. When they transitioned into LTE,  
16 they stopped providing the end towers to us.

17 Q. But if you can get the beginning and the ending  
18 tower, that's a lot more helpful in determining movement  
19 potentially because you know you start in a particular area  
20 and you end, say, is Atlanta and you hit off of a tower there,  
21 that's a lot better to determine movement as compared to just  
22 where you start?

23 A. Well, in that situation, yes. You would be able to  
24 tell when somebody drove from here to Atlanta, however, you  
25 would also be able see the next call they made and they would

1 be in Atlanta. In a situation where you have a lot of towers  
2 in close proximity, a lot of times, remember the first tower  
3 is picked by the phone so we know how that was determined.  
4 The ending tower is picked by the network so it's not always  
5 the tower that you are using as the strongest and clearest  
6 signal at the time the call ended and so it can be, in tight  
7 areas like this, it can be misleading whether or not the phone  
8 moved or didn't move. Again, what I'm looking for is the next  
9 activity for the next call in close proximity to that. That's  
10 a better way to determine the ending tower.

11 Q. But you also said that looking at this if someone is  
12 not sending out some kind of a call or information and they're  
13 not receiving anything at that point in time, then there's no  
14 way to tell?

15 A. Correct.

16 Q. And I think on these records that you went over with  
17 the Solicitor, there were some big gaps in time and so you  
18 can't sit here and testify that if there's a 40 minute gap  
19 that I don't make the call and hit this particular tower,  
20 leave and go someplace, I don't get a call, I don't call  
21 anybody, and then come back and, say, my mom calls me now, it  
22 might look like I'm still there, but I could have left and  
23 gone someplace. It all depends on the activity on the phone,  
24 doesn't it?

25 A. That is correct. I think the point I made on direct

1 was that there were a few calls within two minutes of each  
2 other and the phone could only have gone, if it did move, it  
3 could have only gone so far, you know, it didn't probably have  
4 gone out of the coverage area of that tower because it is a  
5 pretty large area, it wouldn't have gone that far in two  
6 minutes.

7 Q. Sure. Certainly if I make a call a second later and  
8 I'm not three miles away or teleporting myself.

9 A. Yes.

10 Q. And then so we see, if I understand correctly, and  
11 if I've got this wrong, just stop me, okay? So these are both  
12 T-Mobile towers, right?

13 A. Yes, sir.

14 Q. Even though we've got different phones hitting off  
15 of them, they're both T-Mobile towers?

16 A. Yes.

17 Q. And so you can't tell me then if I'm here which of  
18 these towers I'm going to hit off of, can you?

19 A. No. I cannot.

20 Q. The coverage, that's a trade secret generally among  
21 cell phone companies, isn't it? I mean, it's very important  
22 for them to know what their coverage areas are?

23 A. It is but, I mean, it's also something that's  
24 modeled using a computer model and so unless you go out and  
25 drive between those two towers, unless I were to go out and

1 drive that in 2018, there's no way for me to determine exactly  
2 where that line is. That's why I'm saying it's in that  
3 general area. Again, I wouldn't expect the blue phone using  
4 sector one to be at Kirtrina Dixon's home, right? It's  
5 further away. There's a tower closer. Obviously that tower  
6 has coverage, that tower sector has coverage over that area so  
7 we wouldn't expect it to be there. Could it be half way  
8 between the two? Yes. It's possible. Again, it has to be  
9 somewhere between the tower that's being used to the next  
10 tower in that direction but closer to the one that's being  
11 used.

12 Q. And what if, and you talked about, I guess, 180  
13 degrees and you kind of divided it up 60, or they divide it up  
14 into 60 degrees, what if I'm on the line?

15 A. If you're on the line, again, you can see either one  
16 of those sectors have an equal strength and so the phone could  
17 pick one of those. I've seen situations where the phone is  
18 actually on the line and what you see is when it's making  
19 multiple calls, it's bouncing back and forth between the  
20 two.

21 Q. But other than saying, hey, potentially if it's  
22 closer, it will hit the closest tower. I mean, that's why  
23 you, when you testified, you said, hey, it's possible.

24 A. Yes. It should. I mean, if I were to be at  
25 Kirtrina Dixon's home using my T-Mobile cell phone, I would

1 expect to use the tower and sector that the black phone is  
2 using at that time. That's why I say it's possible.

3 Q. That would make sense, but if you're standing on  
4 that line somewhere and I'm facing this way, my phone might  
5 hit off of this tower. If I turn this way, all of a sudden  
6 things change. I might be hitting off of a different tower?

7 A. You would have to be really standing on the line and  
8 hitting off of the two towers.

9 Q. Sure. But that's a possibility, isn't it?

10 A. Yes. It is a possibility.

11 Q. And can we go - that's section seven, correct? No.  
12 That's eight.

13 A. For these towers.

14 Q. You have no idea what the range of any of these  
15 towers that you've talked about specifically is?

16 A. Not specifically. Not -- I can't tell you that --  
17 Again, it's not perfect, okay? I can't go out there and draw  
18 a line and say that, you know, the tower, this is a north  
19 facing tower, that it ends one mile from where the tower is.  
20 It's not perfect. It's like a light from shining a flashlight  
21 in this room. There's gonna be a point where we can all use  
22 that light to read a book, and there's gonna be a point where  
23 you can see that light, maybe it's not bright enough to read,  
24 and then there's gonna be a point where we can't use that  
25 light or see that light. I mean, it's the same concept of a

1 cell phone tower. There's gonna be a point where, yeah,  
2 that's the strongest, clearest signal, the strongest point of  
3 that sector. There's gonna be a point where you kind of see  
4 both that sector and another one, and then there's gonna be a  
5 point where the phone can't see that first sector. So I can't  
6 draw a specific line. I can't tell you that it's, you know,  
7 one mile from the tower. I can't tell you that using these  
8 records.

9 Q. So basically your answer is no?

10 A. Yes.

11 Q. And the towers are gonna overlap some, aren't  
12 they?

13 A. Slightly. Yes.

14 Q. I mean, you don't want to have a gap in coverage?

15 A. Correct. You want to be able to travel as you're  
16 traveling from here to Atlanta and you want to be able to  
17 maintain that phone call so you're being passed on from tower  
18 to tower.

19 Q. And so if we look at 2:11, and I know that you  
20 mentioned that on those -- I'm sorry. I think it was number  
21 9.

22 A. Nine?

23 Q. Yes, number 9.

24 A. Yes, sir.

25 Q. I meant the time 2:11. I know you had mentioned

1 that at least for the towers, the longitude and latitude is  
2 more accurate because I guess you said if it's say in a  
3 farmer's field, the address might be here but the tower might  
4 be, you know, a mile down the road on his property, a big farm  
5 or something like that?

6 A. Yes, sir.

7 Q. But if you don't mind can I just use the addresses?  
8 I think that that would be easier.

9 A. Yes. That's fine. Yeah. That's fine.

10 Q. Okay. Like I said, it might be a little bit off.  
11 So, if I understand correctly, according to number 9 Angela's  
12 phone is hitting off, at 2:11 and 14 seconds that phone is  
13 hitting off the tower at 1939 Edgefield Road; is that  
14 correct?

15 A. Yes.

16 Q. And then if we go to the next slide please, 10.  
17 Then at 2:12 that same phone is connecting to the tower at  
18 1384 Stephens Road, correct?

19 A. Yes.

20 Q. And did you know that those towers are 3.7 miles  
21 apart approximately?

22 A. I drove passed it this morning. Yeah. I know  
23 that.

24 Q. And so we've got a changing towers in a minute and  
25 the towers are four miles apart, certainly someone is not

1 driving four miles in a minute?

2 A. Correct.

3 Q. Because we don't know which in those areas or  
4 sectors those folks are, correct? If they started off kind of  
5 almost close to both of those, then that makes sense, but  
6 you're not gonna start under one tower and some how get four  
7 hours and a minute to get into the range of the other tower,  
8 correct?

9 A. I mean, you would be between. You would have to be  
10 somewhere between those two sectors along that timeline  
11 following along Edgefield Road.

12 Q. And then like I said, at 2:12 we're hitting off of  
13 1384 Stephens Road, and then there don't appear to be any  
14 tower hits for about 10 minutes.

15 A. Yes.

16 Q. No incoming, no outgoing calls?

17 A. Correct.

18 Q. Then at 2:22 and 2:23 it's hitting off just the same  
19 tower?

20 A. Yes. 2:22 and 2:31.

21 Q. 2:31. I'm sorry.

22 A. It goes 2:22 and 2:27 is the bottom right side down  
23 there. It goes 2:22, 2:27 and then 2:31 so it's got to be  
24 somewhere in this area during that time.

25 Q. So here, here?

1           A.    And then back.  Yes, sir.

2           Q.    But we don't know that they wouldn't have been right  
3   in here kind of between them that entire time just kind of  
4   stationary?

5           A.    I mean, it's a, looks like a nine minute period, a  
6   nine minute time period so, I mean, it goes, you know, it  
7   could have been up in here, down in here or somewhere in  
8   between between 2:27 and 2:31.

9           Q.    I think you said could have been.  We don't know?

10          A.    I don't know specifically where they were.

11          Q.    And then we don't have another tower hit for almost  
12   20 minutes, or excuse me, for 16 minutes from here with the  
13   only hit a little bit farther there?

14          A.    Yes, sir.

15          Q.    And I think that the 2:27 is the tower at 514  
16   Plantation Road, correct?

17          A.    If you say so.  I'm not -- I don't have the records  
18   in front of me.  I don't know.

19          Q.    I'm not going to surprise you.

20          A.    Okay.

21          Q.    And Plantation Road or Plantation Drive, excuse me,  
22   Plantation Drive to that 1384 Stephens Road, did you realize  
23   that that tower is about maybe, those towers are about eight  
24   miles apart?

25          A.    Stephens Road the one at 2:22 p.m. and 2:31?

MATHEW WILDE - CROSS BY MR. MADSEN

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1 Q. Yes. I believe so.

2 A. Yes. They're probably about eight miles apart.  
3 Again, the phone is not moving from the base of one tower to  
4 the base of the other tower.

5 Q. Sure.

6 A. During that time period the phone could be anywhere  
7 between those two towers.

8 Q. Then at 2:52 the tower is hitting off of, or the  
9 phone is hitting off of a tower down here, correct?

10 A. Yes, sir.

11 Q. And I guess that's where the Country Hearth Inn and  
12 Suites is?

13 A. It's close to it. Yes.

14 Q. I guess that's also where Augusta Mall is, isn't  
15 it?

16 A. I don't know. I'm not familiar with that.

17 Q. And then the one that I'm talking about at 2:52,  
18 that is, I believe that's 1525 Crescent Drive is that tower?  
19 You have the records, right?

20 A. Yeah. I have the records. I can look it up. I  
21 mean, I'm not super familiar with that part of town so...

22 Q. But between that and 514 Plantation Drive I guess is  
23 about 8.9 miles, so we've got, you know, the difference in the  
24 towers is about 25 minutes between the calls?

25 A. Yes.

1 Q. And then there's a big gap on that phone between, I  
2 guess, what, 3:17 and 9:12?

3 A. Yes.

4 Q. So no calls, no outgoing calls, no incoming calls,  
5 just no one is calling?

6 A. I think -- Honestly, I can't remember. I would have  
7 to look at the records to be a hundred percent sure. There  
8 was no cell site activity. I know that for sure. Let me see.  
9 3:17. Yeah. There's no activity between -- There's a couple  
10 text messages, but no cell site activity between 3:17 and  
11 9:12.

12 Q. Okay. And then you had mentioned something earlier  
13 in the testimony about, maybe I'll use my word, pinging. Law  
14 enforcement, I think even the U.S. Marshals have the ability  
15 to kind of ping a phone, don't they?

16 A. We do. Yes.

17 Q. In other words, if I want to find out where a phone  
18 is, I can - they don't tell us the exact stuff and I can't  
19 imagine that you will, but they have something they can go  
20 around and try to hit off of a phone and find out where the  
21 exact location is?

22 A. So that's different than pinging. So pinging is,  
23 whoever the carrier is, or T-Mobile, asking T-Mobile to help  
24 us locate the phone, we can do that in emergency circumstances  
25 without a warrant or we have to do that with a warrant in

1 certain circumstances and what happens there is T-Mobile sends  
2 a signal to that phone to try to tell us where the phone is so  
3 it will give us the latitude and longitude and estimate an  
4 area where the phone is. What you're referring to there is a  
5 piece of equipment that law enforcement has and they can go  
6 out and try to physically locate the phone with that equipment  
7 without a ping.

8 Q. And it can be used sometimes, if I'm on the run or  
9 something like that and I've got a cell phone on me, they can  
10 take, they can either go through I guess the cell phone  
11 company or take this piece of equipment and try to find where  
12 this is because they think I might be there too?

13 A. They do both most of the time. Yes.

14 Q. And we don't have any of that in this case that you  
15 are aware of?

16 A. Not that I'm aware of. No.

17 Q. Okay. So we know we don't have any pinging,  
18 correct?

19 A. Correct.

20 Q. No GPS locations?

21 A. As far as I know, no.

22 Q. No range to tower?

23 A. Correct.

24 Q. When you say as far as you don't know, if they had  
25 GPS, you would want to take a look at that, wouldn't you?

1 A. If they had it, I would have liked to see it.

2 Yes.

3 Q. And you could have put that on a map?

4 A. Possibly. Yes.

5 MR. MADSEN: That's all the questions I have.

6 THE COURT: Redirect.

7 MS. FULLER: Yes, Your Honor, just briefly.

8 REDIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. Does T-Mobile provide range to tower information?

11 A. They have something called timing advanced data.

12 I'm trying to remember back in 2018. I believe it was -- I  
13 don't remember specifically when they rolled it out to provide  
14 to law enforcement, but it was between 2017, 2018 or so.

15 Q. And how long is that record available?

16 A. Currently it's available for six months. Back then  
17 it was not available for very long. I'm not sure what the  
18 exact time range was. Maybe a week or two.

19 Q. So back in 2018 it wasn't available for that long?

20 A. Correct. And it wasn't something that was commonly  
21 acquired when doing historical cases at that time. It's only  
22 become commonplace probably within the last two or three  
23 years.

24 Q. Okay. We're dealing with October 9th of 2018; is  
25 that correct?

MATHEW WILDE - REDIRECT BY MS. FULLER

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1 A. Yes, ma'am.

2 Q. And what date were those records generated?

3 A. November 5th, 2018.

4 Q. And so that would be outside of the one to two year  
5 window even if we could get the information?

6 A. Yes, ma'am.

7 Q. So it's not stored forever?

8 A. They do not store it forever. That information has  
9 sometimes up to 30 to 40 records per minute so you can only  
10 imagine in an hour how many records you get and then in a day  
11 how many records you get and then maintaining that for all of  
12 their customers, it's a huge undertaking so they didn't store  
13 it for very long at that time.

14 Q. Can you go to the map showing the 4:18 time?

15 A. Yes, ma'am.

16 Q. I want to make sure my question is clear.

17 A. Yeah. There it is.

18 Q. When I was asking about the general area of Mount  
19 Zion Road, my intent was to exclude his mother's address and I  
20 think your answer was that that tower would service that  
21 location; is that correct?

22 A. I mean, it's gonna service Mount Zion Road. I don't  
23 know where his mother resides on Mount Zion Road because Mount  
24 Zion Road actually goes all the way, it goes all the way out  
25 closer to this 4:23 tower.

1           Q.    I believe it's in the record already as 717 and you  
2 plotted --

3           A.    707 so it's probably right there.

4           Q.    Which would be close in that range?

5           A.    Yes, ma'am.

6           Q.    And you published, for the record, the 4:18 call for  
7 Sabrina Curry, the defendant's mother in this case; is that  
8 correct?

9           A.    Yes, ma'am.

10          Q.    Okay.  And in terms of questions asking about the  
11 crime scene, utilizing that tower, defense counsel was going  
12 on with obstruction questions, kind of like distracting  
13 questions.  In this situation, do you have any doubt that that  
14 tower serviced Kirtrina Dixon's house, the mom's house and the  
15 crime scene?

16          A.    No.  I have no doubt whatsoever.

17          Q.    None?

18          A.    None.

19          Q.    And you're an expert?

20          A.    Yes, ma'am.  Done this thousands of times and if I  
21 were to be looking for that phone today and get those records  
22 and have that address as a potential address, that would be a  
23 likely place to start looking.

24          Q.    And let's go to, jump around a little bit, let's go  
25 to the one where it shows the 7:00 p.m. time.  I just want to

MATHEW WILDE - REDIRECT BY MS. FULLER

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1 make sure this is clear.

2 MR. MADSEN: Judge, this is redirect. I don't think  
3 I asked about any 7:00 p.m. time.

4 MS. FULLER: I can go into it. You asked about  
5 range of towers and at this time I'm setting up my  
6 example up for a question.

7 THE COURT: Approach.

8 (Side bar off the record.)

9 BY MS. FULLER:

10 Q. Again, the time zone. When defense counsel was  
11 asking you a question about the records not having ending time  
12 and you were attempting to explain that you rely on the next  
13 call or connection point to determine if the phone moved  
14 around. I think your response was even if it moved around,  
15 you look at the next call; is that correct?

16 A. Yes.

17 Q. And is the 7:00 range a good example of that?

18 A. That's a great example of that.

19 Q. Okay. So looking at the 7:47 entry, even though you  
20 don't have the ending tower location, there was another call  
21 made at 7:48 so what does that indicate?

22 A. It indicates that the phone is either in the same  
23 place or has moved slightly, but it can't go very far in a  
24 minute was my point that I was making.

25 Q. And so it's still using the same tower?

1           A.    It's still using the same tower and sector, still  
2    within the coverage area of that tower and sector and the  
3    phone is talking to that tower and sector as the strongest and  
4    clearest signal in that minute.

5           Q.    Defense counsel also asked you questions about  
6    buildings or anything that would, you know, intervene or mess  
7    up essentially, I don't know the exact word, but that would  
8    have connection issues with a tower. So my question follows  
9    up on that. Do cell phone companies want their calls to  
10   drop?

11          A.    No. They're in the business of making money. The  
12   way they do that is by pleasing their customers.

13          Q.    They make thousands? Millions?

14          A.    Millions.

15          Q.    Billions?

16          A.    Yes.

17          Q.    So they don't want their calls to drop?

18          A.    Correct.

19          Q.    So when these engineers, is it accurate to state  
20   that when these engineers developed these towers, it is truly  
21   with all that in mind?

22          A.    Yes.

23          Q.    Can you hear me now?

24          A.    Exactly.

25          Q.    So in terms of, and then also we're dealing with

MATHEW WILDE - REDIRECT BY MS. FULLER

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1 this part of town, that would be Trenton, South Carolina?

2 A. Yes, ma'am.

3 Q. I know you're not familiar with the area, but would  
4 you consider based on the T-Mobile towers that are available,  
5 that this would be a heavily populated area?

6 A. No. I drove by there this morning and it seemed  
7 very rural with just a few houses, very small business and a  
8 bunch of farm land.

9 Q. Any problem with overloading the towers in your  
10 expert opinion?

11 A. I wouldn't expect that there.

12 Q. Any problem with in terms of looking maybe at  
13 Augusta or a bigger city like Columbia where you have this  
14 intervening, so even though you can't talk about range, when  
15 you're in a bigger city, you're likely, you could probably  
16 give a better opinion in terms of how close you are to a tower  
17 because there's closer towers around?

18 A. Yes.

19 Q. And I think the testimony is based on that  
20 connection to the tower, the strongest tower, that's what you  
21 would be close to?

22 A. Yes.

23 Q. So in an area like this looking at tower 73945, is  
24 there any other tower in that area close to Sandy Springs Road  
25 where Dakota Calhoun's body was found and Mount Zion Road that

1 that device could be connected to?

2 A. No. That's the closest tower in that area.

3 Q. And that's based on your expert opinion?

4 A. Yes.

5 Q. Looking at, jumping back to 3:52 and then we get to  
6 the 4:18 time, looking at 3:52 time and the 4:18 time I think  
7 it was suggested --

8 MR. MADSEN: Judge, I would again object. I didn't  
9 even talk about this cell phone.

10 THE COURT: Which cell phone is it?

11 MR. MADSEN: This is 5170.

12 MS. FULLER: I'm talking about tower, and you talked  
13 about my timeline. I can go there.

14 THE COURT: Are you asking specifically -- Can you  
15 approach?

16 (Side bar off the record.)

17 BY MS. FULLER:

18 Q. In looking at State's 110, the video summary, just  
19 to be clear, my question was do the records that you, the  
20 court exhibits that you generated and the record information,  
21 was it consistent with the video timeline summary showing  
22 usage for these devices at these locations and these general  
23 time frames?

24 A. Absolutely.

25 Q. Thank you. I just wanted to make sure that was

MATHEW WILDE - RECROSS BY MR. MADSEN

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1 clear. And then my final question, do you doubt any of your  
2 mapping in any way?

3 A. No.

4 Q. And that's based on what?

5 A. It's based on my experience. I've been doing this  
6 pretty much full time for three years. I've been doing this  
7 part-time for six years and I locate using the same technique  
8 and the same methodology to locate fugitives, missing people,  
9 items of evidence, cars, anything you can imagine in any kind  
10 of case and I don't doubt this one bit.

11 Q. And how many times have you testified in court as an  
12 expert?

13 A. 130.

14 Q. And that's across the country?

15 A. It's in Maryland, D.C., West Virginia, Pennsylvania,  
16 South Carolina, North Carolina and Georgia and Florida.

17 MS. FULLER: Thank you. No further questions.

18 RECROSS EXAMINATION

19 BY MR. MADSEN:

20 Q. Can you go to slide 10 please?

21 A. Yes, sir.

22 Q. You have these sectors here overlapping, correct?

23 A. Overlapping. Yes, sir.

24 Q. And then go to slide 11. And the sectors off of  
25 this tower you have overlapping, correct?

1           A.    That's the same tower.  It's slightly overlapping,  
2  yes.

3           MR. MADSEN:  Thank you.  That's all the questions I  
4  have.

5           THE COURT:  Thank you.  This witness may now be  
6  excused.  At this time we're going to break for 15  
7  minutes.  Take our jury out please.

8           (Whereupon, the jury entered the jury room at 11:00  
9  a.m.)

10          (Short break.)

11          BAILIFF:  All rise.

12          THE COURT:  Please be seated.  We can bring the jury  
13  back in please.

14          (Whereupon, the jury entered the courtroom at 11:30  
15  a.m.)

16          THE COURT:  All right.  Ladies and gentlemen of the  
17  jury, we'll proceed with the trial.  Does the State have  
18  any other witnesses to present at this time?

19          MR. DRYLIE:  Your Honor, at this time the State  
20  rests.

21          THE COURT:  All right.  Ladies and gentlemen of the  
22  jury, the State has rested and at this time I'm going to  
23  release you all for your lunch break.  It's 11:34 now so  
24  we'll release you for lunch break.  I ask you to be back  
25  here at 1:00 p.m., all right?  While you're excused for

**From:** [Pollard, Shelby](#)  
**To:** [SC - BROWN MELODY; Angela Brown](#)  
**Cc:** [Dudek, Robert](#)  
**Subject:** 2022-000996 The State v. Gabriel Dantray Curry - Record on Appeal - Volume I  
**Date:** Friday, December 15, 2023 1:51:00 PM  
**Attachments:** [2022-000966 The State v. Gabriel D. Curry - Record on Appeal - Volume I.pdf](#)

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Good afternoon,

Please find attached for service in the above-referenced case the Record on Appeal Volume I. This will be filed today, December 15, 2023, with the Court of Appeals via email filing. Due to the large attachments, the record on appeal volume II will be sent in a separate email.

Thank you,  
Shelby

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