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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN J. REDDING,

APPELLANT

APPELLATE CASE NO. 2022-001213

RECORD ON APPEAL

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2 IN THE GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-27-0701
7 2020-GS-27-0702

8 Brian Redding,
9 Defendant.

10 August 15, 2022
11 Jasper, South Carolina
12 Volume I of V

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

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

16 Hunter Swanson, Solicitor
17 Carolyn Carmody, Representing the defendant

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SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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4 State of South Carolina,

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17 Carolyn Carmody, Representing the defendant

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21 Official Circuit Court Reporter, III
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1 THE BAILIFF: All rise.

2 THE COURT: Be seated. Good morning. I
3 wanted to follow up on one issue, and that was the
4 cases that the solicitor provided to me to review
5 and the issues concerning admission of evidence of
6 discord.

7 I don't know if they were married. But
8 at least some of the cases that were provided,
9 they basically termed it admission of evidence of
10 marital discord. And then I think, basically,
11 this was standing for the general proposition that
12 in a homicide case, the accused and decedent, if
13 they've had previous difficulty, is generally
14 admissible.

15 MS. CARMODY: Your Honor, I'm sorry. Can
16 my client come out first?

17 THE COURT: Yeah, sure. Sure.

18 MS. CARMODY: I just want him to hear
19 everything.

20 THE COURT: No problem.

21 (Defendant enters the courtroom.)

22 THE COURT: Mr. Redding, good morning.

23 All right. Mr. Redding, I -- just before
24 you have got out here and your lawyer reminded me,
25 one of the issues that I wanted to discuss this

1 morning before we moved forward dealt with the
2 cases that the solicitor handed to me yesterday
3 concerning what I think could be termed admission
4 of evidence of discord.

5 Those cases dealt with marital discord,
6 but I believe discord in general was the
7 proposition that she felt these cases stood for.
8 And when I reviewed the cases that she gave to me,
9 that being the *State v. Taylor* case and also the
10 *State v. Williams* case, I then also pulled the
11 *State v. Clinkscales* case that I think also has
12 some bearing and actually dates back to 1957 as it
13 relates to these matters.

14 And what I've concluded is that, in
15 homicide cases, evidence that the accused and
16 decedent had previous difficulty is admissible.
17 And it's admissible to show the animus of the
18 parties and to aid the jury in deciding who might
19 have been the probable aggressor. The general
20 details of the difficulty, however, are
21 inadmissible.

22 Now, I don't really know where this is
23 going, except I do believe that I heard the
24 solicitor indicate there was an event where,
25 allegedly, the decedent -- excuse me -- the

1 defendant held a gun to the decedent or some facts
2 of that nature. And I think that's what the
3 counsel for defense, Ms. Carmody, was objecting
4 to.

5 So, Solicitor, what is the nature -- I
6 really want to address this now. Because what I
7 don't want to do is have references to something
8 in opening that can't necessarily be fixed at a
9 later time.

10 MS. SWANSON: Right. And when I was
11 preparing my opening, I was simply just going to
12 describe the relationship as toxic. I'm not going
13 to get into details about what those witnesses are
14 going to say --

15 THE COURT: All right.

16 MS. SWANSON: -- since that has not been
17 ruled on. But I can expand on what they're going
18 to say at this point, if you wish.

19 THE COURT: All right. Well, first of
20 all, Ms. Carmody, I don't think there's any
21 objection to -- is there any objection to the
22 description of a toxic relationship? I think the
23 case law as it relates to that is pretty clear.

24 MS. CARMODY: I'm not really worried
25 about that, Your Honor.

1 THE COURT: All right.

2 MS. CARMODY: I'm worried about specific
3 instances.

4 THE COURT: That is what concerns me,
5 Solicitor, is that the specifics as it relates to
6 that matter, that's very concerning, particularly
7 with that *Clinkscales* case where it actually
8 involves a shooting and that was not admissible, a
9 prior shooting.

10 And so I will tell you that concerns me.
11 And I don't know that we have to take it up now,
12 but I just wanted to make certain that we weren't
13 going to get into that during the openings so that
14 we wouldn't be -- but I think toxic, or however
15 you want to describe him, volatile, whatever, I
16 mean, I think that would certainly be sufficient.
17 And I don't anticipate there will be an objection
18 as to words of those natures. It's a specific
19 event.

20 Is that correct, Ms. Carmody?

21 MS. CARMODY: Yes, Your Honor.

22 THE COURT: So, Solicitor, for right now
23 is that good to then go ahead and move forward?
24 And as we get into the testimony, if there's an
25 objection, we can go and we can address those

1 issues at that time.

2 Is that satisfactory to the State?

3 MS. SWANSON: Yes, sir.

4 THE COURT: Ms. Carmody?

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: Okay. Are there any other
7 pretrial matters that we need to -- or any other
8 matters that we need to take up before we get the
9 jury in here?

10 MS. CARMODY: Yes, Your Honor, briefly.

11 THE COURT: Hold on one second.

12 Anything from the State?

13 MS. SWANSON: No, Your Honor.

14 THE COURT: Ms. Carmody, yes, ma'am.

15 MS. CARMODY: Your Honor, there's two
16 witnesses that I'm asking the Court to modify how
17 they testify. The first one, her name is Ashley
18 Dodson. Ashley Dodson is on the State's witness
19 list and on our list. I'm not sure if the State
20 intends to call her or not.

21 Ashley Dodson was very recently diagnosed
22 with liver cancer. She's had a port put in. She
23 is undergoing chemotherapy this week. She's very,
24 very ill.

25 I'm asking the Court to allow her to

1 testify by Webex. She is under subpoena, but she
2 is extremely ill. And I'm asking for her
3 testimony by video.

4 THE COURT: Solicitor?

5 MS. SWANSON: Your Honor, I have no
6 documentation of any of this. Additionally, she
7 is local and she is a fact witness. I do believe
8 that she is actually Mr. Redding's other
9 girlfriend. And so I do believe that the jury
10 would be best suited to be able to judge her
11 credibility and her answers to the questions if
12 she appeared right in front of them.

13 THE COURT: All right.

14 MS. CARMODY: Your Honor --

15 MS. SWANSON: If she were, you know, an
16 expert or something, it would be much less
17 important.

18 THE COURT: Ms. Carmody?

19 MS. CARMODY: Your Honor, she was, at the
20 time, the girlfriend. She's since been engaged
21 and I believe she is actually married now to
22 another man.

23 THE COURT: Okay.

24 MS. CARMODY: You know, she is extremely
25 ill.

1 THE COURT: Can you get me some
2 documentation of that?

3 MS. CARMODY: Absolutely, Your Honor.
4 Chemotherapy this week, and she's also having
5 dialysis as well. She has a port. She's
6 extremely sick. We're very fortunate she's still
7 here right now.

8 THE COURT: Well, does she have a local
9 physician?

10 MS. CARMODY: I can get documentation,
11 Your Honor.

12 THE COURT: All right. Get some
13 documentation, and I think that I certainly can
14 take that up if I get some documentation as it
15 relates to her condition, ma'am, okay?

16 MS. CARMODY: Thank you.

17 THE COURT: But certainly, she's not
18 going to be called until your case, it seems. So,
19 I mean, that isn't going to -- you've got time.
20 But you need to get me some information that's
21 going to indicate that she's not available, and
22 then I will certainly consider that.

23 What else? Yes, ma'am.

24 MS. CARMODY: Your Honor, and one more is
25 we also have another witness by the name if

1 Keith Horton. Keith Horton is the owner of the
2 Siesta Motel where a lot of the Noonan sisters
3 were living at. He is out of state this week,
4 Your Honor, and I would ask that he be able to
5 testify by Webex.

6 MS. SWANSON: Judge, this is getting a
7 little ridiculous as far as -- I mean, the State's
8 required to bring in all the witnesses for their
9 trial, and we don't conduct complete trials over
10 Webex. This is two witnesses now for the defense.
11 I would object to it.

12 THE COURT: All right.

13 MS. CARMODY: Your Honor?

14 THE COURT: Yes, ma'am.

15 MS. CARMODY: The defendant is the one
16 with a confrontation clause. The State doesn't
17 have a confrontation clause issue.

18 Number two, the State actually had to
19 replace one of their witnesses because the witness
20 is out of state, and is replacing one of their
21 experts and just sent me a CV for a new expert
22 yesterday.

23 THE COURT: Yes, ma'am.

24 MS. CARMODY: So I don't see how this is
25 any different.

1 THE COURT: Well, Ms. Carmody, based on
2 the information that you provided me right now, I
3 don't have evidence to be able. I -- don't have
4 anything in front of me other than these
5 allegations or statements -- not allegations.
6 Statements from you, ma'am. And not that I don't
7 believe you, but I've just got these statements
8 and nothing else to consider. So I'm not in a
9 position to grant or deny that matter at this
10 time.

11 I -- we had a situation last term of
12 court I was here involving witnesses and not being
13 here. But I'm not going to rule on either one of
14 those matters at this time. I think a ruling's
15 premature. But I will tell you that I've got
16 nothing to consider other than basically what
17 you've told me. And I can tell you right now,
18 that's not enough.

19 MS. CARMODY: Yes, Your Honor.

20 THE COURT: Okay.

21 MS. CARMODY: Your Honor, and -- before
22 you call the jury in, I would just ask for two
23 minutes to run to the restroom.

24 THE COURT: Of course. Yes, ma'am.

25 So what we'll do is we'll be at ease for

1 two or three minutes, and then I plan on bringing
2 the jury in and I will read them some introductory
3 language that I typically read, and then we'll let
4 you-all go right into opening. Okay?

5 MS. SWANSON: Thank you, Your Honor.

6 THE COURT: Thank you.

7 (A break was taken from 9:27 a.m. to 9:37 a.m.)

8 THE COURT: Ms. Carmody, we ready to
9 bring the jury in?

10 MS. CARMODY: Yes, Your Honor.

11 THE COURT: Is the State ready for us to
12 bring the jury in?

13 MS. SWANSON: The State is, yes.

14 THE COURT: Let's get the jury.

15 (Jury enters the courtroom at 9:37 a.m.)

16 THE COURT: Ladies and gentlemen, good
17 morning. And good to see you-all. And I want to
18 thank you again for honoring your summons and
19 being here. And now I'm going to ask that the
20 clerk please swear this jury in.

21 THE CLERK: Can I ask you to please stand
22 and raise your right hand.

23 Do you swear or affirm that you shall
24 well and truly try the cases 2020-GS-27-701,
25 2020-GS-27-702, The State of South Carolina vs.

1 Defendant Brian Redding, and render a true verdict
2 according to the law and through the evidence so
3 help you God?

4 JURY PANEL: Yes.

5 THE CLERK: If you took the oath, you may
6 be seated. Thank you.

7 THE COURT: Thank you, Madam Clerk.

8 All right. Ladies and gentlemen, we are
9 about to begin the trial in the case of Brian
10 Jamal Redding -- or The State of South Carolina
11 vs. Brian Jamal Redding.

12 Before we begin the trial, I want to tell
13 you this trial will probably be different from
14 what you might expect. Many people don't have the
15 opportunity to actually attend an actual court
16 session as you're doing now, and may think, ladies
17 and gentlemen, from watching TV, movies, or
18 reading books that trials are always full of high
19 drama, intense action, and riveting circumstances.

20 I will tell you that while all these
21 things may be true at times, one of the major
22 differences is that this trial is not for
23 entertainment. This trial is a fundamental part
24 of our democracy, and it's often -- and I will
25 repeat this -- it's often a slow, deliberate, and

1 repetitive process. Slow, deliberate, and
2 repetitive, ladies and gentlemen, because we've
3 got to get this right. And that's the exact
4 opposite of what you see on TV, the movies, and
5 books.

6 The courtroom a place of honor. It's
7 dedicated to the protection and preservation of
8 citizens' rights for what many have called the
9 greatest system of justice ever created.

10 The attorneys appearing before you are
11 advocates for their parties they represent. But
12 first and foremost, they are officers of the court
13 sworn to uphold the integrity and fairness of our
14 judicial system.

15 You should expect them to be
16 professional, competent, and ethical in the
17 representation of their client's interest. And,
18 ladies and gentlemen, you also are expected to be
19 professional, reasonable, and ethical.

20 Now, what I will now say is intended to
21 serve as an introduction to the trial of the case.
22 And these remarks are not a charge on the law in
23 this case, and I'll instruct you on the applicable
24 law at the end of the case, at the end of the
25 trial, before you retire to consider your verdict.

1 This is merely an explanation of the procedure
2 that we'll follow in the trial of this case so
3 that you may better understand what's happening.

4 Now, ladies and gentlemen, I'm going to
5 ask that you do not take notes during the trial.
6 I believe that notes and note-taking can be
7 distracting. Some folks may be deemed better
8 note-takers than others. But just because they're
9 a better note-taker doesn't mean that they're
10 writing down or recording or making notes of the
11 right thing. They may not be doing that.

12 The other thing that taking notes does is
13 that it takes or often distracts you from the
14 witness stand, because that's where the evidence
15 in this case is going to come from; witnesses who
16 will talk an oath, who will testify, and also
17 evidence is going to come from exhibits that are
18 entered into evidence.

19 What I want you to do is, ladies and
20 gentlemen, throughout this trial, you're going to
21 need to observe these witnesses, evaluate their
22 believability, their credibility. And sometimes
23 when you're taking notes, you're looking -- you're
24 observing that witness. And so for those reasons,
25 I'm going to ask that you not take notes during

1 this trial.

2 Now, the defendant, Mr. Redding, is
3 charged by an indictment in this case with the
4 crimes of murder and possession of a weapon during
5 an alleged violent offense or violent crime.

6 And, ladies and gentlemen, the elements
7 of these crimes will be explained to you later.
8 Again, just like I said yesterday, the indictment,
9 this piece of paper, is simply the charge by which
10 this case or these charges are brought into court
11 and is not in any sense evidence of the
12 allegations it contains.

13 The defendant's pled not guilty to this
14 indictment. The State, therefore, has the burden
15 of proving each of the elements of the indictments
16 beyond a reasonable doubt. And it will be your
17 duty, ladies and gentlemen, to decide whether the
18 State has met that burden.

19 Your purpose as jurors is to find and
20 determine the facts. You're the sole judge of the
21 facts. If, at any time, I make any comment
22 regarding the facts, you must disregard it. You
23 are to determine the facts from the testimony you
24 hear and other evidence introduced in court. It's
25 up to you to determine the inferences which you

1 feel may properly be drawn from the evidence. It
2 is especially important that you perform your duty
3 of determining the facts diligently and
4 conscientiously. Because, ladies and gentlemen,
5 ordinarily there is no way to correct an erroneous
6 determination of facts by a jury.

7 On the other hand and with equal
8 emphasis, the same law that makes you the judges
9 of the facts makes me the judge of the law. The
10 law as given by the Court is the only law you may
11 consider. You must accept it, follow it, even
12 though you may disagree with it. I cannot tell
13 you what the facts are and you cannot disagree
14 with me about what the law is or what the law
15 should be.

16 Your job is to take the law as I give it
17 to you, apply it to the facts as you find them
18 from the testimony of the witnesses and other
19 evidence that is introduced. And after doing
20 that, you will render your verdict under the
21 solemn oath that you just took as jurors.

22 Now, ladies and gentlemen, we talked
23 about this yesterday. Until I advise you to begin
24 your deliberations, you must not discuss this case
25 with anyone, including your fellow jurors,

1 friends, family members, and anyone involved in
2 the case. This includes discussions face to face,
3 those by telephone, email, text, blogs, or any
4 other method of communication. You may not use a
5 computer, cellular telephone, or other electronic
6 device with communication capabilities at any time
7 while in the courtroom or during deliberations.

8 During breaks, over meals, or overnight,
9 if necessary, you may use these devices. However,
10 you may not at any time use these devices to get
11 or send information about this case. And that
12 includes information about a party, a witness, an
13 attorney, a court officer, news accounts about the
14 case, research or any topics related or raised,
15 research or any topics that you think would be
16 helpful in deciding the case, or any testimony
17 presented by any witness.

18 During the trial, ladies and gentlemen, I
19 would ask that you not read, listen to, or watch
20 any news reports about the case. This includes
21 anything that may be in the newspapers or on the
22 internet, radio, or television. You must not
23 consider anything you may have read or heard about
24 the case outside of the courtroom, whether before
25 or during the trial.

1 After the case is submitted to you, you
2 must discuss it only in the jury room with your
3 fellow jurors. The attorneys and the parties in
4 this case have been advised that they are not to
5 talk to you at all. So if you see somebody
6 involved in the case and they don't say hello,
7 they don't acknowledge you in any way or nod or
8 smile, ladies and gentlemen, they're not being
9 rude or unfriendly. They are following my
10 specific instructions that I gave to them.

11 Now, folks, it's important that you keep
12 an open mind and not decide any issue in the case
13 until all the evidence has been presented, the
14 parties have made their closing arguments, and
15 I've instructed you on the law of the case. It's
16 your solemn responsibility to determine whether
17 the State has proven the defendant guilty beyond a
18 reasonable doubt, and your verdict must be based
19 solely on the evidence as it is presented to you
20 in this trial and on the law as I instruct you
21 during and at the close of the trial.

22 Now, in just a moment the solicitor will
23 make what is called an opening statement in which
24 the solicitor will explain to you the issues in
25 this case or at least what the solicitor thinks

1 the issues are in this case. The attorney for the
2 defendant may also make an opening statement,
3 although she's not required to do so.

4 What the attorneys tell you, ladies and
5 gentlemen, during their opening statement is not
6 evidence in the case. It's only their contention
7 as to what the issues are.

8 The evidence in the case will be
9 presented to you by testimony of sworn witnesses
10 from the witness stand and/or any other exhibits
11 that may be introduced into evidence.

12 Now, from time to time, you're going to
13 hear one or both of the lawyers say something
14 like, "Your Honor, I believe we have a question of
15 law" or "a matter of law to discuss with you." Or
16 "Your Honor, may we approach the bench?" Or
17 sometimes I might find it necessary to excuse you
18 from the courtroom for a short while so the
19 attorneys and I can discuss a matter of law. And
20 let me just tell you what the reason for that is.

21 Ladies and gentlemen, sometimes when
22 discussing matters of law with the attorneys, it may
23 be necessary for me to make some comment as to the
24 facts in connection with a ruling or as to whether a
25 particular law applies.

1 I'm not supposed to tell you what I think
2 the facts are, so I will excuse you from the
3 courtroom while these discussions take place so
4 that in no way will you be influenced by anything
5 that I might say or do in connection with the
6 facts.

7 In determining what the facts are in this
8 case, you must decide whether or not the testimony
9 of the witnesses is believable. It will be my
10 responsibility to rule as a matter of law as to
11 whether certain testimony is admissible at all or
12 not. But once the testimony is admitted, whether
13 or not you believe it, that's solely for you to
14 determine.

15 Now, in deciding whether to believe a
16 witness, you have a right to consider the interest of
17 any witness, the bias of any witness, the prejudice of
18 any witness, the opportunity for the witness to have
19 seen the matters and things about which the witness
20 may testify and the way the witness acts on the
21 witness stand.

22 You have a right to consider anything
23 that's in the record that will help you evaluate
24 the testimony of the witnesses. That means,
25 ladies and gentlemen, that it's your duty to pay

1 close attention to the witnesses, to observe the
2 witnesses, to listen to the witnesses, and pay
3 close attention to the attorneys and the court,
4 try not to let your thoughts wander, but pay
5 strict attention to the testimony in this case so
6 that at the end of all the testimony, folks, after
7 the arguments of counsel and the charge on the law
8 by this Court, you will then be in a position to
9 determine what the facts are and to apply the law
10 to those facts and thus render a verdict.

11 Now, ladies and gentlemen, there's one
12 other thing I want to remind you about, and I'm
13 going to ask you to do is, when you take a break
14 later this morning, I would ask if you-all could
15 decide, or someone, or elect someone to be the
16 foreperson of the jury. Okay? The foreperson
17 merely is a spokesman for the jury. If the jury
18 has a question, the foreperson will write that
19 question down, give it to the bailiff, who will
20 then give it to me, and we will then go and
21 address that matter.

22 It's also the foreperson's duty at the
23 close of the case to actually write down the
24 verdict on the verdict form. But I'll give some
25 more instructions to the foreperson about that

1 when the time comes. But, if you could, do that.
2 And I would say, though, that my alternates cannot
3 be the foreperson. The foreperson has to be one
4 of the 12, but not one of the alternates. Okay?

5 Now, ladies and gentlemen, in order to
6 preserve everyone's rights, I want to give the
7 parties and opportunity to object to anything I've
8 said.

9 Any objections to the instructions and
10 words that I've provided to the jury from the
11 State?

12 MS. SWANSON: None from the State.

13 THE COURT: From the defense?

14 MS. CARMODY: No, Your Honor.

15 THE COURT: All right. That being the
16 case, ladies and gentlemen, we are ready to go
17 ahead and start the trial.

18 Solicitor?

19 MS. SWANSON: Thank you. May it please
20 the Court?

21 THE COURT: Yes, ma'am.

22 OPENING STATEMENT

23 MS. SWANSON: Brian Redding, who sits
24 over here in the middle of these three people, was
25 the last person to see Cypress Noonan alive right

1 before he shot her between the eyes. Cypress was
2 just 16 years old when she was brutally murdered
3 by her boyfriend, 31-year-old Brian Redding.

4 They had been in a relationship for about
5 nine months prior to. It wasn't his only
6 relationship. He also had a 34-year-old
7 girlfriend in Beaufort and a wife that he was
8 separated from with two kids.

9 In the months before her murder, they
10 lived a very unstable lifestyle. Basically, they
11 were scrambling for money, not gainfully employed,
12 jumping from motel to motel, sometimes sleeping in
13 the car. And while Cypress's family would have
14 taken her in, Brian was another story.

15 They didn't approve of the vast age
16 difference between the two. They were
17 uncomfortable with that. And they had witnessed
18 Brian's controlling behavior when it came to
19 Cypress. But you've got to remember, a
20 16-year-old girl's version of love is very
21 different than an adult woman who has lived life's
22 lessons.

23 The first thing that you're going to hear
24 is the 911 call from the defendant. In that call,
25 he starts off waterworks. You're going to hear

1 those waterworks shut down very quickly, and then
2 he starts spitting out specific times of where he
3 was all morning because he knows he was the last
4 person to see her alive.

5 You're going to hear that that call comes
6 in at 9:46 a.m. on a Sunday morning. He claims --
7 he tells the 911 operator, the dispatcher, that he
8 had stopped by the motel room about 8:00, 8:05,
9 and she was sleeping. He saw her alive then.

10 So he's setting it up to where somebody,
11 some stranger, came in and murdered this 16 year
12 old who's sitting in a motel room bed between 8:00
13 and 9:45 on a Sunday morning in broad daylight
14 when folks are getting ready to go to church,
15 doing grocery shopping, I don't know, taking a
16 morning walk with the dog in the middle of
17 Ridgeland.

18 You're also going to hear about the scene
19 and the evidence that was collected from it.
20 You're going to hear from those witnesses from the
21 witness stand. And we will have several experts
22 come in and talk about the items that were
23 collected and analyzed for forensics.

24 No doubt about it, this is a
25 circumstantial case. However, it's not unlike any

1 other domestic homicide that I've prosecuted.
2 Because what you have happens behind closed doors.
3 There are two people that know what happened.
4 Those two people are the ones in that room, in
5 that relationship, and one of them is now dead.

6 So you've got to put the pieces together.
7 And I'm telling you each piece will build on the
8 next.

9 This was simply no random act of
10 violence. No stranger home invasion. There is no
11 forced entry. Nothing stolen. No robbery. You
12 have to remember what makes sense here. Cypress,
13 16 year old Cypress, had no mortal enemies.
14 There's nothing for any of these folks, any of her
15 family or friends, to gain here. They have only
16 suffered loss. Loss of a sister. She had
17 several. You're going to hear from many of them.
18 And loss of a daughter.

19 I don't want to get into too much this
20 morning because I want you to hear from the actual
21 witnesses and listen to the evidence as it comes
22 out. What I say, what Ms. Carmody says, as
23 Judge Bonds said, is not evidence. So your
24 decisions and your view of the facts must be based
25 on what comes in in admissible evidence through

1 witness testimony or through exhibits.

2 Now, I do want to mention that the State
3 bears the burden of proof in this case, so it is
4 our job to prove Mr. Redding guilty beyond a
5 reasonable doubt. In other words, that means that
6 you must be firmly convinced of his guilt to
7 convict him after you've heard everything that
8 comes in.

9 I believe Judge Bonds also covered the
10 fact that it's your job to determine the facts of
11 the case. He is the judge of the law. So once
12 you get that law, you apply the facts, what you
13 deem to be the truth, right, what you believe
14 happened, to that law, and then you make -- you
15 render your verdict from there.

16 Maintain your common sense. I'm sure
17 that you all have your own life lessons that you
18 can bring to the table, and, you know, your
19 knowledge about how the world works. So I
20 appreciate that.

21 We have, you know, the family of a
22 murdered 16-year-old and a family seeking justice,
23 and I know they pray that that happens here this
24 week.

25 Thank you.

1 THE COURT: Thank you, Solicitor.

2 Ms. Carmody?

3 MS. CARMODY: Thank you, Your Honor.

4 THE COURT: Yes, ma'am.

5 MS. CARMODY: May it please the Court?

6 THE COURT: Yes, ma'am.

7 OPENING STATEMENT

8 MS. CARMODY: Good morning, everybody.

9 As I told you yesterday, my name is
10 Carolyn Carmody. I'm an attorney here in South
11 Carolina. I represent Mr. Brian Redding.

12 There's a lot of -- I want to give you a
13 road map of what we're going to talk about. So
14 the first thing I want to talk to you about is who
15 is Brian Redding and who is Cypress Noonan. Then
16 I want to talk to you about the background of who
17 those people are and how they came together. Then
18 you all want to hear, as I'm sure everybody wants
19 to hear, what happened to Cypress Noonan. Then I
20 want to tell you why we are here and what led us
21 here. Okay?

22 Prior to doing that, I want to make one
23 thing very, very crystal clear. Brian Redding is
24 charged with murder. He is not charged with
25 having a relationship with a 16-year-old girl. Do

1 we agree whether he should have a relationship
2 with a 16-year old girl? Some of us do; some of
3 us don't. Regardless, he is not on trial for
4 that.

5 He is on trial for, as the solicitor
6 said, putting a gun to her head and pulling the
7 trigger. That is completely different than having
8 a relationship with a 16-year-old girl. And I
9 want to make sure that is crystal clear. The
10 State did not charge him with that. That's not
11 illegal in this state. The age of consent is 16.
12 They were doing nothing wrong.

13 Additionally, Brian Redding is not on
14 trial for drugs. This is not a drug case. This
15 is a murder case. Okay? As I said -- and I
16 cannot stress that enough -- this is a murder
17 trial. He is charged with murder. And that is
18 the facts that you will have to decide in this
19 case.

20 Now, who is Brian and who is Cypress? So
21 as the solicitor mentioned, Brian Redding was 31
22 years old at the time and Cypress was 16. The two
23 of them, ironically, ended up in a relationship
24 through Cypress's family.

25 Cypress did not have a good home life.

1 Cypress did not have a good relationship with her
2 mom. She didn't even have a good relationship
3 with her sisters. Oftentimes, she was living in a
4 van outside. She was living in different motels.
5 Brian and Cypress ended up meeting through
6 Cypress's sister, and he ended up taking her in
7 and caring for her. Okay?

8 So the two of them are staying in a
9 hotel. Now, these aren't people of -- I mean,
10 they have limited means. Okay? Neither one of
11 them have the means to afford like we would look
12 at an apartment or a house or things like that.

13 The Forest Motel is a motel of daily --
14 like daily rental. If you don't pay the bill that
15 day, you have to leave. So it's not the situation
16 where, you know, you would have a lot of things in
17 the motel room because then you have to pack them
18 up and you have to move every day. So you don't
19 buy a lot of food and you don't put a lot of
20 clothes in the motel room that you have to leave
21 every day possibly by noontime.

22 As the State told you, Cypress was
23 looking for money, as was Brian. Cypress -- the
24 evidence in this case will show you what happened
25 to Cypress. Cypress and Brian were both selling

1 drugs. Cypress was selling drugs to her sisters,
2 to other people in the community, as Brian. This
3 is not a drug case. Okay?

4 The evidence in this case -- you will see
5 physical evidence in this case that there were
6 drugs in that room that morning. When the police
7 showed up that morning, there are drugs on the
8 table. And you can see that the drugs on the
9 table are packaged, that they were packaged for
10 sale.

11 You can also see a baggie in the bathroom
12 on the bathroom floor. And I believe that the
13 evidence in this case will show you that this was
14 a drug deal gone bad; that someone had come to the
15 room that morning to buy drugs from Cypress, and
16 maybe they didn't pay for them. I don't know.
17 And at the end of this case, you are going to be
18 left with more questions than answers. And
19 there's one reason for that, and that's because of
20 the way this case was investigated.

21 Ladies and gentlemen, this is the most
22 botched investigation you will ever see. This
23 investigation and the way it was handled lies
24 solely at the feet of Agent McCallister. You will
25 hear testimony and you will hear from

1 Agent McCallister how she investigated this case
2 and what happened.

3 The very first day, Brian Redding called
4 911. He reported this to the police. He's on
5 scene. He gives witness statements. He talks to
6 the police. He volunteers to go to the police and
7 talk to them. He sits hours down at the police
8 station. They release him.

9 Agent McCallister calls him back. He
10 goes back to the police station, gives several
11 hours' worth of statement. Gives them everything
12 they ask for; gunshot residue tests, his clothing,
13 where he was that morning, telephone numbers,
14 addresses for people that he was with, his cell
15 phone. He gave them his cell phones. He gave
16 them the passwords to his cell phones. He gave
17 them everything they needed to investigate this
18 case. All the information about Cypress's
19 Facebook account, his Facebook account, he gave it
20 to them all. He showed them, *Look, this is*
21 *everything I have to give you.*

22 What do they do with it? Well, that day
23 he wasn't arrested. They let him go home.
24 Agent McCallister will testify she told him to go
25 home and go to bed. That's what he did. He went

1 home.

2 Also, you heard testimony, Agent
3 McCallister gave out her cell phone to numerous
4 witnesses in this case. *Call me if you know*
5 *anything. Text me if you know anything.*

6 Well, what happened was, she ended up
7 developing a relationship with the family, with
8 Cypress's sisters, and the mom, who all
9 essentially speculated on what they thought
10 happened. This is a grieving family who feels
11 guilty. This is a family who did not have a
12 relationship with Cypress. They feel guilty.

13 Who is the first person they are going to
14 blame? Brian Redding. It must have been him.
15 Who else could it have been? SLED starts buying
16 this hook, line, and sinker. You will see through
17 testimony that as the investigation starts to
18 develop, SLED ignores information that's being
19 provided to them.

20 They had specific information on people
21 they should look at, and they didn't. They had an
22 actual gun on scene that day when they have a
23 shooting victim and told the sister, *Oh, when you*
24 *have minute and you're not busy with your kids,*
25 *send me a picture of your guns.*

1 Ladies and gentlemen, this is the most
2 botched investigation you will ever see. That is
3 why we are here. We are not here because
4 Brian Redding committed murder. We are here
5 because Agent McCallister, whether through
6 inexperience or through passions or through just
7 feeling bad, got emotionally connected to this
8 case and allowed the information in this case to
9 lead her in one direction. And in doing that, she
10 ignored all these other pieces of evidence that
11 could have determined what happened to Cypress.

12 By the end of this case, ladies and
13 gentlemen, you will have more questions than
14 answers. He did not commit murder.

15 Thank you.

16 THE COURT: All right. Ms. Carmody,
17 thank you, ma'am.

18 Solicitor, you ready to call your first
19 witness?

20 MS. SWANSON: I am, Your Honor.

21 THE COURT: All right.

22 MS. SWANSON: The State calls Philip
23 Cothran.

24 THE CLERK: Raise your right hand and
25 place your left hand on the Bible.

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1 Your testimony before this Court will be
2 the truth so help you God?

3 THE WITNESS: Yes.

4 THE CLERK: Come around and have a seat
5 in the witness chair.

6 WHEREUPON:

7 PHILIP COTHRAN,
8 after having been sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. SWANSON:

11 Q Good morning.

12 A Good morning.

13 Q Can you state your name and spell it for the court
14 reporter, please?

15 A Philip Cothran. First name is P-h-i-l-i-p.
16 Last name is Cothran, C-o-t-h-r-a-n.

17 Q And who do you work for?

18 A I work for Jasper County Emergency Services
19 in the 911 center.

20 Q And what is your position there?

21 A I am the 911 coordinator.

22 Q Okay. So as part of that position, do you keep
23 records of 911 phone calls and recordings?

24 A Yes.

25 Q All right. Did we request that you make a

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1 recording for a call that came in on September 6th of
2 2020?

3 A Yes.

4 Q And did you listen to that recording?

5 A I did.

6 (STATE EXH. 1, 911 recording, was marked for
7 identification.)

8 BY MS. SWANSON:

9 Q Okay. I'm going to hand you what's been marked as
10 State's Exhibit 1 and ask if you recognize this disc.

11 A I do.

12 Q What is it?

13 A That is the recording of the phone call you
14 mentioned.

15 Q Is it a fair and accurate depiction of the call?

16 A It is.

17 Q Thank you.

18 MS. SWANSON: Your Honor, at this time, I
19 would move to enter Exhibit 1 and request to
20 publish.

21 THE COURT: Ms. Carmody, any objection to
22 State's 1?

23 MS. CARMODY: No objection.

24 THE COURT: Admitted without objection.

25 (STATE EXH. 1, 911 recording, was marked for

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1 identification.)

2 THE COURT: You may publish, yes, ma'am.

3 MS. SWANSON: Thank you.

4 (911 call played.)

5 THE COURT: Solicitor, let's start that
6 over.

7 MS. SWANSON: Yes, I was about to.

8 THE COURT: I think with the microphone,
9 it's certainly audible. And you may actually have
10 to kind of push that microphone near it. That
11 probably will do it right there. But we can start
12 that over, please. Thank you.

13 MS. SWANSON: Yes, thank you.

14 (911 called played.)

15 BY MS. SWANSON:

16 Q Thank you, Mr. Cothran.

17 MS. SWANSON: No further questions.

18 THE COURT: All right. Any
19 cross-examination?

20 MS. CARMODY: Yes, Your Honor.

21 Actually, may we approach?

22 THE COURT: Yes.

23 (Bench conference.)

24 THE COURT: Yes, ma'am.

25 MS. CARMODY: Your Honor, the State

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1 admitted the 911 call, and I am requesting under
2 the rule of completeness that we play a portion of
3 the statement to law enforcement.

4 THE COURT: Solicitor, what's your position?

5 MS. SWANSON: That was the complete 911
6 call.

7 THE COURT: I'm not going to allow that
8 at this time. I think she played the entire 911
9 call. It was admitted. You didn't object to it.
10 There was no objection.

11 MS. CARMODY: All right.

12 THE COURT: So to that extent, I believe
13 that is the complete 911 call. If you need to
14 call somebody or put something on at a later time,
15 then you can do that. But I'm not going to allow
16 you to do that.

17 MS. CARMODY: We'd ask for the recordings
18 or other statements to be considered together in
19 fairness.

20 MS. SWANSON: That's hearsay.

21 THE COURT: Hold on.

22 MS. SWANSON: Okay.

23 MS. CARMODY: Under the rule of
24 completeness, Your Honor -- I can grab the rule.

25 THE COURT: Well, that's like rule 101 or

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1 whatever. 100 of the Rules of Evidence, I think.

2 MS. CARMODY: Admission of recordings and
3 other documents to be considered together. That
4 wasn't the entire description of what happened.

5 THE COURT: I understand that, but now is
6 not the time for that to come in. And if it's
7 going to come in at all, you can put whatever you
8 want in. You can bring that up through the
9 appropriate witnesses. I'm not going to allow
10 it at this time. I disagree with you on that. I
11 don't think the rule of completeness states that
12 now you just get to go and enter something else
13 through him or ask him about something he doesn't
14 know anything about. You'll have to get that in.

15 I'm overruling your objection.

16 MS. CARMODY: We're all on the record,
17 right?

18 THE COURT: Yeah, we're on the record.

19 MS. CARMODY: I'm just making sure.

20 THE COURT: Everything is on the
21 record.

22 MS. SWANSON: Thank you, Your Honor.

23 THE COURT: All right.

24 Cross-examination, Ms. Carmody?

25 MS. CARMODY: Yes, Your Honor.

Testimony of Philip Cothran
CROSS-EXAMINATION

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1

2 BY MS. CARMODY:

3 Q Good morning, Mr. Cothran.

4 A Good morning.

5 Q Mr. Cothran, did you -- do you actually answer
6 calls for 911?

7 A I do have a normal shift. Yes, ma'am.

8 Q You do?

9 A Uh-huh.

10 Q Did you answer this particular call?

11 A No.

12 Q And do you have the CAD report?

13 A There should have been one submitted.

14 Q Do you have this?

15 A I don't have a copy of it, but that looks
16 like what it should look like.

17 Q Do you know who actually did take the call?

18 A I do.

19 Q What was her name?

20 A Jessica.

21 Q Jessica?

22 A Ortega.

23 Q Ortega.

24 Okay. So if we wanted information about the
25 call, it would best come from Jessica Ortega?

Testimony of Philip Cothran

160

1 A Depending on what information you want.

2 Q Okay. So you're just a records custodian,
3 correct?

4 A Amongst many other things.

5 Q But your purpose in testifying is just to present
6 the record?

7 A Correct. That's my understanding of why I'm
8 here.

9 Q Okay.

10 All right. So you didn't actually take the
11 call or participate in any way, shape, or form that
12 morning, correct?

13 A I believe I dispatched fire EMS to that
14 case.

15 Q Oh, okay. All right, great. So I can ask you
16 about dispatching the fire. When you dispatched them,
17 did you -- were you aware if there was a weapon on
18 scene or not?

19 A No.

20 Q And why weren't you aware of that?

21 A You assume there's always weapons on scene.
22 But if I'm not there, I can't tell you whether
23 there is a weapon there or not.

24 Q Is that something you would normally ask?

25 A Not necessarily.

Testimony of Philip Cothran

161

1 Q Would you ask if the person is breathing?

2 A I believe normally, yes.

3 Q What's the purpose of you talking with the person
4 on the phone? Like, what is the purpose just for you?
5 And I understand you didn't actually take the call,
6 but what would be your purpose? What's the
7 objective?

8 A Like, normally when you take a phone call,
9 you're asking information so you can figure out
10 what's going on and who best to send to solve the
11 problem. So, in other words, is it a law
12 enforcement problem, is it a fire problem, is it
13 an EMS problem, is it all three? Or is it none of
14 those?

15 Q Okay. Is part of your job life-saving measures,
16 too?

17 A Yes.

18 Q So whether somebody is breathing would be
19 important, right?

20 A Typically, yes.

21 Q All right. And whether the scene was secure would
22 also be an important question that you would ask?

23 A Yes.

24 Q All right. So when you dispatched the fire and
25 EMS, you didn't have any information about whether

Testimony of Philip Cothran

162

1 that scene was secure or not, correct?

2 A No. But then normally we wouldn't. That's
3 typically done -- or not typically. It is done by
4 law enforcement once they've arrived on scene.

5 Q All right. Do you generally ask who the person is
6 who's calling? Would you ask?

7 A Again, it depends on the situation. If
8 there's time to get that information, yes. If
9 there's not, then no.

10 Q Do you have record of who -- where the call came
11 from?

12 A A record of where the call --

13 Q Who made the call?

14 A It's in the CAD report.

15 Q If I showed it to you, would that refresh your
16 recollection?

17 A Yes. It would be right here under caller
18 name, which is Brian Redding.

19 Q Okay. So the call came in from Brian Redding,
20 correct, to your knowledge?

21 A That's what that says.

22 MS. CARMODY: I beg the Court's
23 indulgence, Your Honor.

24 THE COURT: Yes, ma'am.

25 MS. CARMODY: Thank you, Mr. Cothran. I

Testimony of Philip Cothran
1 have no further questions.

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2 THE COURT: Anything else, Solicitor?

3 MS. SWANSON: Just briefly.

4 REDIRECT EXAMINATION

5 BY MS. SWANSON:

6 Q Mr. Cothran, was all of the interaction between
7 the dispatcher and Brian Redding contained in what we
8 just listened to?

9 A Yes. As far as I know, that was the complete
10 phone call.

11 Q Right.

12 MS. SWANSON: Thank you. That's all I
13 have.

14 THE COURT: Ms. Carmody, anything else?

15 MS. CARMODY: No.

16 THE COURT: All right, sir. Thank you so
17 much. You're released from your subpoena.

18 Any objection to him being released from
19 the subpoena? From the State?

20 MS. SWANSON: Not from the State.

21 THE COURT: Ms. Carmody?

22 MS. CARMODY: No, Your Honor.

23 THE COURT: Thank you. Have a good day,
24 sir.

25 MS. SWANSON: The State calls Chris

Testimony of Christopher Warren
Warren.

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THE CLERK: Raise your right hand. Place
your left on the Bible. Your testimony before
this Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around and have a
seat in the witness chair.

THE COURT: Did you swear him in?

THE CLERK: Yes, Your Honor.

THE COURT: All right. Solicitor, your
witness.

MS. SWANSON: Thank you.

WHEREUPON:

CHRISTOPHER WARREN,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Officer Warren, who were you working for and where
on the morning of September the 6th of 2020?

A The Ridgeland Police Department.

Q All right. Are you still there?

A Yes, ma'am.

Q And what is your rank?

A Sergeant.

Q All right. And were you working the road that

Testimony of Christopher Warren

165

1 morning?

2 A Yes, ma'am. I was coming on shift.

3 Q You were getting off shift?

4 A I was coming on.

5 Q Oh, coming on shift.

6 All right. And do you recall a call that
7 came out around 9:45 that morning?

8 A Yes, ma'am.

9 Q What kind of call was that?

10 A It was a call to the Forest Motel in
11 reference to a female that was in one of the rooms
12 that was unresponsive and had a -- the call came
13 out with a hole in her head.

14 Q Okay. Where is the Forest Motel located?

15 A It's on Jacob Smart Boulevard right next to
16 the Siesta Motel, right here in the town of
17 Ridgeland.

18 Q You said it was Room 22?

19 A It was Room 22.

20 Q All right. And that's within Jasper County, that
21 motel is?

22 A Yes, ma'am. This town is Ridgeland.

23 Q Did you go inside that room?

24 A I did.

25 Q All right. And what did you find?

Testimony of Christopher Warren

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1 A I found a white female laying on the bed
2 slumped over. She had a gunshot wound to the --
3 basically the forehead. She was unresponsive.
4 Medic units arrived on scene shortly thereafter.

5 (STATE EXH. 4, Photo, was marked for
6 identification.)

7 BY MS. SWANSON:

8 Q Okay. I'm going to hand you what's been marked as
9 State's Exhibit 4 and ask you if you recognize what's
10 contained in this picture.

11 A Yes.

12 Q What is it?

13 A That's the victim laying on the bed inside of
14 Room 22. The same position as when we found
15 her.

16 Q Okay. So same position as you recall walking
17 into --

18 A Yes, ma'am.

19 Q All right. So that's a fair and accurate
20 depiction of how you found the victim?

21 A Yes, ma'am.

22 Q And you did not move her or anything?

23 A I did not move her. No, ma'am.

24 MS. SWANSON: State's 4, I would request be
25 admitted and move to publish.

Testimony of Christopher Warren

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1 THE COURT: Ms. Carmody, any objection to
2 State's 4?

3 MS. CARMODY: State's 4?

4 MS. SWANSON: It's the picture I just
5 showed you.

6 MS. CARMODY: No objection to State's 4.

7 THE COURT: Let me see that picture, please.

8 All right. State's 4 is admitted without
9 objection.

10 (STATE EXH. 4, Photo, was entered into
11 evidence.)

12 THE COURT: You may publish.

13 MS. SWANSON: Thank you.

14 And you'll have these pictures back in
15 the jury room.

16 BY MS. SWANSON:

17 Q Where was Mr. Redding when you responded? Was he
18 inside or outside of the room?

19 A If I recall correctly, he was inside the room
20 on the bed. Sitting on the bed.

21 Q Okay. Did he have anything in his hands?

22 A He had a cell phone in his hand.

23 Q Can you identify Brian Redding?

24 A He would be the gentleman sitting at the
25 defense table in the middle.

Testimony of Christopher Warren

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1 Q Okay, thank you.

2 In the room, did you see any signs of
3 struggle?

4 A I did not.

5 Q And was there a firearm that you saw in the
6 room?

7 A I did not locate a firearm, no, ma'am.

8 Q Did you check for a firearm?

9 A I did, as well as the other officer that was
10 on scene.

11 Q All right. And what did you advise the
12 investigations department of Ridgeland Police
13 Department?

14 A I advised them of the nature of the call,
15 that she was found unresponsive. She had a
16 gunshot wound to the head. And that a shell
17 casing was located. However, we were unable to
18 locate a firearm, and that wasn't indicative of a
19 suicide.

20 Q Did John Croft show up to the scene?

21 A Yes, ma'am.

22 Q Did you just turn it over to him at that time?

23 A Yes, ma'am. The scene was turned over to
24 investigations.

25 MS. SWANSON: Thank you. I have nothing

1 Testimony of Christopher Warren 169
2 further at this time.

3 THE COURT: Cross-examination,
4 Ms. Carmody?

5 MS. CARMODY: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. CARMODY:

8 Q Corporal Warren, correct?

9 A Sergeant Warren.

10 Q Sergeant Warren. Your report said corporal.
11 Promoted since?

12 A Yes, ma'am.

13 Q All right, congratulations.

14 So, Corporal Warren, were you the first
15 officer on scene?

16 A Yes, ma'am.

17 Q Okay. And how were you dispatched? Like did
18 you -- I mean, you weren't just driving by, right?

19 A No. I was dispatched via the radio.

20 Q Do you remember what information you were given?

21 A That the defendant had located the female
22 inside the room. She had a -- she was
23 unresponsive. And all that was advised to me was
24 that she had a hole in her head. That's how it
25 was dispatched and relayed to me.

26 Q When you arrived on scene, were you wearing a body

1 camera?

2 A Yes, ma'am.

3 Q All right. What's the purpose of wearing a body
4 camera?

5 A To record your interactions with the public
6 on a call.

7 Q All right. And were you wearing the body camera
8 the whole time?

9 A I was wearing it the whole time. Yes,
10 ma'am.

11 Q All right. I'd like to show you what's been
12 premarked as Defense A, B, C, and D for
13 identification.

14 MS. SWANSON: Judge, I'm not sure if it
15 makes a difference. But just for housekeeping, I
16 guess, is there a reason we're using letters
17 instead of numbers?

18 MS. CARMODY: Does the court reporter
19 prefer --

20 THE COURT: Madam Court Reporter, is it
21 easier for everybody to use numbers?

22 THE COURT REPORTER: Yes.

23 THE COURT: Ms. Carmody, would it be okay
24 if we just use numbers then? Is that okay?

25 MS. CARMODY: I can change mine to

Testimony of Christopher Warren

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1 numbers, sure.

2 THE COURT: That would be great. Thank
3 you.

4 MS. CARMODY: So let's use numbers 1, 2,
5 3, and 4. Let me just change this one here. Let
6 me relabel these.

7 (DFT. EXH. 1, Photo, was marked for
8 identification.)

9 (DFT. EXH. 2, Photo, was marked for
10 identification.)

11 (DFT. EXH. 3, Photo, was marked for
12 identification.)

13 (DFT. EXH. 4, Photo, was marked for
14 identification.)

15 BY MS. CARMODY:

16 Q Okay. Could you please look at these photographs
17 here and tell the jury -- I mean, look at them first
18 and see if you recognize them.

19 A Yes, ma'am. They appear to be pictures from
20 the actual crime scene at the Forest Motel.

21 Q Okay. And hold on to those for a moment. Is that
22 how you viewed the scene that morning when you showed
23 up?

24 A It appears so, yes.

25 Q Okay.

Testimony of Christopher Warren

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1 A This is actually somebody else's body camera
2 looking at me.

3 Q That's you in that body camera, though?

4 A Yeah, that's me.

5 Q All right. The person sitting there, do you
6 recognize that person as well?

7 A That's Mr. Redding.

8 MS. CARMODY: Okay. Your Honor, defense
9 moves for admission of Defense 1, 2, 3, and 4.

10 THE COURT: Any objection?

11 MS. SWANSON: No objection.

12 THE COURT: Admitted without objection.

13 Let me see them, please. Thank you.

14 (DFT. EXH. 1, Photo, was entered into
15 evidence.)

16 (DFT. EXH. 2, Photo, was entered into
17 evidence.)

18 (DFT. EXH. 3, Photo, was entered into
19 evidence.)

20 (DFT. EXH. 4, Photo, was entered into
21 evidence.)

22 MS. CARMODY: Your Honor, may I publish?

23 THE COURT: Yes, ma'am. You can publish.

24 MS. CARMODY: We can pass them around.

25 BY MS. CARMODY:

Testimony of Christopher Warren

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1 Q Who is depicted in this picture right here?

2 A That's myself, Mr. Redding, and I believe
3 Deputy Johnson with the Jasper sheriff's office.

4 Q Is this outside of the room?

5 A Yes, ma'am.

6 Q All right. And this is Defense 2. What is that
7 picture?

8 A That's a picture of the car Mr. Redding was
9 driving in front of Room 22 outside the Forest
10 Motel.

11 Q And this picture here is Defense 3. What are
12 those?

13 A It's a picture outside of the front of the
14 Forest Motel.

15 Q All right. And do you know what this is in this
16 picture here? Do you know what this? Would this be
17 to the left of the room?

18 A Yes.

19 Q Okay.

20 A That's to the left of it.

21 Q Do you remember what was over there?

22 A I do not.

23 Q All right. So let go to an overview first,
24 defense 3. When you arrived at the Forest Motel that
25 morning, were those vehicles in the parking lot?

Testimony of Christopher Warren

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1 A I don't recall.

2 Q No?

3 A I would assume so, but I can't say
4 definitely. I mean

5 Q Well, you were wearing a body camera that day,
6 correct?

7 A Yes, ma'am.

8 Q Okay. And would this be a picture from the body
9 camera?

10 A If that's my bodycam, that would be an
11 accurate depiction.

12 Q Approximately how many vehicles do you see in the
13 parking lot?

14 A It looks like it's six.

15 Q And one over here?

16 A Yes, ma'am.

17 Q Seven?

18 A (Witness nods head up and down.)

19 Q All right. And then this picture here -- well,
20 actually you can see in this picture as well -- what
21 are all of those -- what are all of those there?
22 Those are all doors?

23 A Yes, ma'am.

24 Q All right. And do you know if those doors are for
25 various motel rooms?

Testimony of Christopher Warren

175

1 A Yes, ma'am.

2 Q All right. And so we have seven vehicles outside
3 and a bunch of motel rooms when you arrived on the
4 scene?

5 A Yes, ma'am.

6 Q All right. And when you arrived on scene, what
7 did you do personally yourself to secure that scene?

8 A We put up crime scene tape and stood outside
9 the front of the room until investigators arrived
10 on scene.

11 Q All right. When did you put the crime scene
12 tape?

13 A I don't recall the exact time, but it wasn't
14 too terribly long after we got there. We
15 allowed the --

16 Q Would it have been when the detectives showed
17 up?

18 A It should have been prior to that, if I
19 remember correctly.

20 Q All right. You said you were wearing a bodycam
21 that day?

22 A Yes, ma'am.

23 Q Okay. You don't know when you put up the crime
24 scene tape, correct?

25 A Not exactly, no.

1 Q All right. Do you know if there was anybody else
2 outside?

3 A There was other medic personnel as well as
4 Officer Howard, the defendant, and
5 Deputy Johnson.

6 Q What about other individuals?

7 A Outside the room?

8 Q Uh-huh.

9 A I didn't see anybody.

10 Q No?

11 A I don't recall none.

12 Q Have you had a chance to review your body
13 camera?

14 A Yes, ma'am.

15 Q All right. And your testimony is that you did not
16 see anybody else outside?

17 A Outside that specific room, no.

18 Q How about in the parking lot?

19 A I'm sure there was people outside. Yes,
20 ma'am.

21 Q All right. As the first officer on scene, what
22 did you do to talk to people that were on scene?

23 A At that present time, I didn't talk to
24 anybody. My main objective was getting medic
25 personnel there and make sure that we had

Testimony of Christopher Warren

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1 investigators en route to investigate the crime
2 scene.

3 Q All right. So is it your testimony that you did
4 not knock on any of those doors?

5 A Not at that present time, no.

6 Q No. Is it your testimony that you didn't talk to
7 anybody out in the parking lot?

8 A At that present time, no.

9 Q Is it your testimony that you did not stop any of
10 those vehicles from leaving?

11 A At that time, no.

12 Q Is it also your testimony that you did not search
13 that area in any way, shape, or form?

14 A At that time, no.

15 Q It is also your testimony that there were other
16 people out in the parking lot, correct?

17 A Yes, ma'am.

18 Q Now, do you recall -- you went into the room,
19 correct?

20 A Yes, ma'am.

21 Q All right. And when you went into the room, you
22 said Mr. Redding had been sitting on the bed?

23 A Yes, ma'am.

24 Q Do you recall what his demeanor was?

25 A He seemed upset.

Testimony of Christopher Warren

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1 Q But upset how?

2 A He just was upset, emotionally.

3 Q Emotional? Was he crying?

4 A He was making crying sounds. However, I
5 never observed any tears or anything.

6 Q Were you looking for tears?

7 A Yes, ma'am.

8 Q Oh, okay.

9 So was the room light or was it dark?

10 A I would say in between.

11 Q Were the lights on?

12 A Not when I came in, no, ma'am. There was a
13 lamp on later. I'm not sure if somebody else
14 turned it on.

15 MS. CARMODY: All right. My apologies.
16 I had to re-mark these with numbers instead of
17 letters.

18 (DFT. EXH. 5, Photo, was marked for
19 identification.)

20 (DFT. EXH. 6, Photo, was marked for
21 identification.)

22 (DFT. EXH. 7, Photo, was marked for
23 identification.)

24 (DFT. EXH. 8, Photo, was marked for
25 identification.)

Testimony of Christopher Warren
(DFT. EXH. 9, Photo, was marked for

identification.)

(DFT. EXH. 10, Photo, was marked for

identification.)

(DFT. EXH. 11, Photo, was marked for

identification.)

(DFT. EXH. 12, Photo, was marked for

identification.)

BY MS. CARMODY:

Q I'd like to show you what has been marked as
Defense 5, Defense 6, Defense 7, Defense 8, Defense 9,
10, 11, and 12. Would you look at those? Do you
recognize those photographs?

A Yes, ma'am.

Q What are those photographs of?

A Inside Room 22 of the Forest Motel.

Q Room 22 at the Forest Motel?

A Yes, ma'am.

MS. CARMODY: Your Honor, defense moves
for admission of Defense 5 through 12.

THE COURT: Any objection, Solicitor?

MS. SWANSON: Without objection.

THE COURT: 5 through 12 admitted without
objection.

(DFT. EXH. 5, Photo, was marked for

Testimony of Christopher Warren

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1 identification.)

2 (DFT. EXH. 6, Photo, was marked for
3 identification.)

4 (DFT. EXH. 7, Photo, was marked for
5 identification.)

6 (DFT. EXH. 8, Photo, was marked for
7 identification.)

8 (DFT. EXH. 9, Photo, was marked for
9 identification.)

10 (DFT. EXH. 10, Photo, was marked for
11 identification.)

12 (DFT. EXH. 11, Photo, was marked for
13 identification.)

14 (DFT. EXH. 12, Photo, was marked for
15 identification.)

16 MS. CARMODY: All right. Your Honor, may
17 I publish?

18 THE COURT: Yes, ma'am.

19 MS. CARMODY: I'm trying these pictures
20 bigger.

21 THE COURT: Ms. Bostic, do you know how
22 to make them bigger, the photographs? There we
23 go.

24 MS. CARMODY: That's better.

25 THE COURT: Yes, ma'am.

Testimony of Christopher Warren
MS. CARMODY: Much better.

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BY MS. CARMODY:

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4

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Q So actually, let's go back to the other ones now that they're bigger. Let's start with -- so the jury can see what exactly it is we're looking at.

6

7

8

9

All right. So the first one that I showed you, this is Defense 1, correct? You had indicated that there were approximately seven vehicles in the parking lot, right?

10

A Yes, ma'am.

11

12

13

Q All right. And you also testified that you did not do anything to speak to any of those occupants of those vehicles.

14

A Not at that time, no.

15

16

Q And then we have -- and you did not knock on those doors, correct?

17

A Not at that time, no.

18

19

20

Q Okay. Then we have -- this is Defense 2. And this is the side-view looking down the hallway, correct?

21

A Yes, ma'am.

22

Q All right. Mr. Redding is sitting --

23

A To the left, outside the room.

24

Q I'm sorry?

25

A You're looking out to the left when you come

Testimony of Christopher Warren

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1 out of the room.

2 Q All right. And those are all motel rooms,
3 correct?

4 A Yes, ma'am.

5 Q At this time, we don't see any crime scene tape,
6 correct?

7 A No, ma'am.

8 Q Okay. And then this one is Defense 2. I'm sorry.
9 This was Defense 1. This is Defense 2.

10 And Defense 2, this is outside of that room,
11 correct?

12 A Yes, ma'am.

13 Q All right. And the vehicle that's outside the
14 room right here, is this Mr. Redding's, the vehicle
15 Mr. Redding was driving?

16 A Yes, ma'am.

17 Q Who's vehicle is this right here?

18 A That's mine.

19 Q All right. Do you see any crime scene tape in
20 this picture?

21 A Not at that time, no.

22 Q All right. This area here, what is over here?

23 A That's a -- like a maintenance area.

24 Q All right. Would that be this right here?

25 A Close to it, yes.

Testimony of Christopher Warren

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1 Q Would this be that area to the left?

2 A Close to it, yes.

3 Q All right. And it was your testimony that you did
4 not take any measures whatsoever to talk to anybody on
5 the scene, knock on any doors, or check out any of
6 these areas.

7 A Not at that time, no.

8 Q Okay.

9 All right. Then we have Defense 5. What is
10 this a picture of?

11 A That's inside the room.

12 Q All right. Is that how the room looked when you
13 entered?

14 A I don't recall.

15 Q You don't? Would reviewing your body camera
16 refresh your recollection?

17 A I mean, I don't recall if the drawer was
18 open. I'm not a hundred percent sure.

19 Q You don't know if this is -- was this the room?
20 This is Room 22?

21 A Yes, ma'am.

22 Q Okay. Did you do anything to the room?

23 A I didn't open anything, no.

24 Q Okay. Then let's look at Defense 6. Is this also
25 a picture of the room?

Testimony of Christopher Warren

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- 1 A Yes, ma'am.
- 2 Q All right. And did you do anything to change
- 3 anything that's in this room?
- 4 A No, ma'am.
- 5 Q All right. And would the drawer on the end table
- 6 be open?
- 7 A I did not open it, no.
- 8 Q Okay. And did you touch anything or move anything
- 9 on that table?
- 10 A No, ma'am.
- 11 Q All right. What about to the left? Is there
- 12 anything that you touched or moved there?
- 13 A No, ma'am.
- 14 Q Did you touch or manipulate anything at all in the
- 15 room prior to the detectives showing up?
- 16 A Just retrieved an envelope that had the
- 17 victim's Social Security card -- her birth
- 18 certificate in it.
- 19 Q All right.
- 20 A And that was on top of the table.
- 21 Q Let's go back. On top of which table?
- 22 A The same table that had the --
- 23 Q This table here (indicating)?
- 24 A No, ma'am.
- 25 Q This table?

Testimony of Christopher Warren

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1 A Yes, ma'am.

2 Q Okay. And you said you retrieved what?

3 A It was a black bag. It looked like a mini
4 book bag.

5 Q Okay. And did you -- did Mr. Redding actually
6 tell you where to locate --

7 A Yes, ma'am.

8 Q -- her ID?

9 A Yes, ma'am.

10 Q He did. So he assisted you with getting her
11 identification?

12 A Yeah, her birth certificate. Yes, ma'am.

13 Q All right. Did you observe anything on this table
14 here?

15 A Nothing out of the norm, no, ma'am.

16 Q No? All right.

17 What about Defense 8? What is that?

18 A It's a pair of shoes, headphones, and a
19 key.

20 Q Did you move any of those items?

21 A No, ma'am.

22 Q What about Defense 9?

23 A That's the side table. No, I didn't move
24 anything.

25 Q Are these -- there are cigarettes on the table?

Testimony of Christopher Warren

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1 A Yes, ma'am.

2 Q All right. Somebody was drinking soda or
3 something?

4 A I guess.

5 Q The drawer is open?

6 A Yes, ma'am.

7 Q Did you open that drawer?

8 A I did not.

9 Q All right. I'm going to show you what is
10 Defense 7. What is that a picture of?

11 A The top of a table.

12 Q Did you in any way, shape, or form move anything
13 on this table?

14 A No, ma'am.

15 Q Could you let the jury know what is observed on
16 the table?

17 A A bag, a plate, an empty -- or a partial bag
18 of Skittles, an ash tray, two cups, some change,
19 and it looks like a cellophane bag.

20 Q What is this item here?

21 A I can't make it out in the picture.

22 Q Are those cellophane baggies?

23 A It could be.

24 Q Okay. Would this be razor blades right here?

25 A It could be.

Testimony of Christopher Warren

187

1 Q All right. And cellophane bags here?

2 A Yes, ma'am.

3 Q Okay. You did not manipulate or move any of those
4 items, correct?

5 A No, ma'am.

6 Q All right. Then we go into the bathroom. And on
7 the bathroom floor is -- what is that on the floor?

8 A I don't know.

9 Q You want me to -- I can bring it up closer to you
10 so you can see it.

11 A I can't tell what it is.

12 Q All right. So you didn't touch or manipulate or
13 move anything on the bathroom floor.

14 A No, ma'am.

15 Q Okay. So I'm going to ask you now, this is the
16 tub that was in the bathroom, correct?

17 A It appears so.

18 Q All right. And did you find -- when you went into
19 the room, did you notice that the tub was wet or
20 dry?

21 A I didn't check the tub.

22 Q Okay. But it would be on your body camera, right?

23 A I didn't check the tub.

24 Q You didn't go in the bathroom?

25 A I didn't check the tub.

Testimony of Christopher Warren

188

1 Q I'm not -- did you go in the bathroom?

2 A Yes, ma'am.

3 Q Okay. You didn't notice if there was water on the
4 floor or if anything was wet?

5 A I didn't see any water, no.

6 Q No, you didn't see any water.

7 A On the floor, no.

8 Q Okay. You didn't see any water in the tub?

9 A I don't recall any water in the tub.

10 (DFT. EXH. 12, Photo, was marked for
11 identification.)

12 BY MS. SWANSON:

13 Q Okay. This is Defense 12. Same shower? You
14 didn't move or manipulate anything in there, did you?

15 A No, ma'am.

16 Q You didn't notice any water pooled up anywhere,
17 did you?

18 A No, ma'am.

19 Q Now, when you arrived on scene, you said
20 Mr. Redding was in the room.

21 A If I remember correctly, yeah. He was
22 sitting on the bed.

23 Q And was he on his cell phone?

24 A I don't think he was on the cell phone at
25 that time. I know he was on the cell phone a

Testimony of Christopher Warren

189

1 couple of times while I was there, but I don't
2 recall him being on the phone when I first got
3 there.

4 Q Okay. And so he was sitting on the bed on -- this
5 is to the left-hand side of Cypress, so the side
6 closest to the door?

7 A Yeah, to the left and towards the end of the
8 bed. So to the left and away from her.

9 Q All right. So in an area that wasn't in a pool of
10 blood?

11 A Correct.

12 Q All right And when -- did he speak with you?

13 A A little bit.

14 Q Okay. Did you tell him he had to speak with
15 you?

16 A No.

17 Q All right. Did it seem like he was being
18 cooperative with you?

19 A Yeah.

20 Q All right. And you went into the room. And did
21 you go in the room or did somebody else go in the room
22 to find the shell casing on the floor?

23 A Officer Howard did.

24 Q So that wasn't you?

25 A No, ma'am.

Testimony of Christopher Warren 190

1 Q All right. And you asked Mr. Redding to complete
2 a written statement as well, correct?

3 A Yes, ma'am.

4 Q All right. And did he voluntarily do that for
5 you?

6 A Yes, ma'am.

7 Q Okay. And did he remain on scene the entire time
8 that you were there?

9 A Yes, ma'am.

10 Q And he remained on scene until Detective Croft got
11 there, correct?

12 A Until he got there. Yes, ma'am.

13 Q When Detective Croft got there, did you witness
14 Mr. Redding get into the front seat of
15 Detective Croft's vehicle?

16 A Yes, ma'am.

17 Q Did you witness Mr. Redding giving Detective Croft
18 what is called a gunshot residue test?

19 A I did.

20 Q All right. And you witnessed that test being
21 administered?

22 A Yes, ma'am.

23 Q And you testified earlier that you did not speak
24 with anybody on scene at that time, you said, right?

25 A Correct.

Testimony of Christopher Warren 191

1 Q All right. So at what point in time did you speak
2 to people?

3 A Once investigators got on scene, then we
4 started knocking on doors and things of that
5 nature.

6 Q Which investigator?

7 A At that time, Investigator Croft was first.
8 Once Lieutenant Litchfield got there, that's when
9 we started knocking on doors.

10 Q So if we want to know what time you started to
11 knock on doors and speak with people, it would be at
12 the time that Lieutenant Litchfield arrived?

13 A It would be not too terribly long after he
14 got on scene.

15 Q All right. At any point in time, did you yourself
16 speak with the owner of the hotel?

17 A I did not, no.

18 Q All right. Can you give this jury any information
19 about the people that lived there? Do you know who
20 was living at the hotel?

21 A Not at the time. I don't. No, ma'am.

22 Q You don't know if anybody left either, correct?

23 A I do not.

24 Q You did not maintain a hotel manifest?

25 A No, ma'am.

Testimony of Christopher Warren

192

1 Q Okay. And is it your understanding that this
2 hotel is a daily rentals place?

3 A Daily or weekly rentals, yes.

4 Q It would be transient?

5 A For the most part.

6 Q All right. Did you see anybody walking around
7 outside?

8 A There was a couple people walking, yes,
9 ma'am.

10 Q Okay. Were one of the people outside the name
11 Dervon Jones or Popeye?

12 A I believe so, yes.

13 Q Okay.

14 A Yes, yes.

15 Q Dervon Jones or Popeye was outside the hotel?

16 A Yes.

17 Q You did not speak with him?

18 A I did not, no.

19 Q All right. And what about Cypress's sisters?
20 Were they outside?

21 A They came shortly there- -- or not shortly,
22 but they arrived on scene while we was there.

23 Q Do you remember which sisters?

24 A To be honest, I want to say all of them.

25 Q You think all the sisters showed up?

Testimony of Christopher Warren

193

1 A I believe so. I think the whole family
2 arrived on scene.

3 Q The whole family.

4 So Brandie King included?

5 A Yes, ma'am. I believe so.

6 Q Brandie King came to the scene?

7 A I'm not a hundred percent sure. I know there
8 was a good bit of family that was there. And when
9 I say a good bit, there was probably eight, nine
10 people out there that identified themselves as
11 family.

12 Q Do you remember speaking with Detective Litchfield
13 and telling Detective Litchfield that you were
14 surprised Brandie King wasn't present?

15 A I don't recall.

16 Q Maybe it was Officer Howard.

17 A Could have been. I don't recall that
18 statement. It could have been Officer Howard.

19 Q All right. So when you remain on scene,
20 Mr. Redding and Detective Croft leave in his vehicle,
21 Detective Croft's vehicle.

22 A Yes, ma'am.

23 Q All right. And prior to doing that, Mr. Redding's
24 vehicle remained there, correct? Mr. Redding's
25 vehicle remained on scene?

Testimony of Christopher Warren

194

1 A Yes, ma'am.

2 Q All right. And, at some point, did somebody show
3 up to tow that vehicle?

4 A Yes, I believe one of the investigators
5 instructed Officer Howard to call the next wrecker
6 to have it towed for processing.

7 Q And did you see that vehicle be towed?

8 A Yes, ma'am.

9 Q And approximately what time was that?

10 A I don't know the approximate time. It should
11 be on the tow report.

12 MS. CARMODY: Beg the Court's indulgence,
13 Your Honor.

14 THE COURT: Yes, ma'am.

15 MS. CARMODY: May I approach, Your Honor?

16 THE COURT: Yes, ma'am.

17 BY MS. CARMODY:

18 Q Would this be the tow report?

19 A Yes, ma'am.

20 Q Can you tell me what time the vehicle was towed?

21 A 11:08 a.m.

22 Q Okay. And -- all right. So using that 11:08 as a
23 frame of reference, was crime scene tape put up before
24 or after the tow truck arrived?

25 A It should have been before.

Testimony of Christopher Warren

195

- 1 Q And how do you know that?
- 2 A I don't know for a fact. I would just assume
- 3 that crime scene tape was put up before the tow
- 4 truck was -- arrived on scene.
- 5 Q All right. So you don't know -- you really can't
- 6 testify as to what time the tape was put up, correct?
- 7 A No, ma'am.
- 8 Q All right. Eventually, it got there.
- 9 A Yes, ma'am.
- 10 Q All right. Eventually, you-all talked to people
- 11 at the motel.
- 12 A Yes, ma'am.
- 13 Q And that would have been sometime in the
- 14 afternoon?
- 15 A Yes, ma'am.
- 16 Q Okay. By afternoon time -- are you aware of what
- 17 time check-out time is?
- 18 A I believe it's 11:00.
- 19 Q And you wouldn't have talked to people at the
- 20 rooms until after 11:00, correct?
- 21 A Correct.
- 22 Q All right. And when you talked -- knocked on the
- 23 doors, did anybody answer?
- 24 A There was a few people that did answer.
- 25 Q Did anybody from that motel tell you that they saw

Testimony of Christopher Warren

196

1 what happened to Cypress Noonan?

2 A No, ma'am.

3 Q Did anybody hear anything that happened to Cypress
4 Noonan?

5 A Nobody told us they heard anything.

6 Q Okay. Did anybody at that motel tell you that
7 they saw Brian Redding with a gun that morning?

8 A No, ma'am.

9 Q Did anybody at the motel tell you that they saw
10 Brian Redding leaving the motel with a gun?

11 A No, ma'am.

12 Q Covered in blood.

13 A No, ma'am.

14 Q No.

15 Okay. Did anybody at the motel indicate that
16 there had been a fight between Cypress Noonan and
17 Brian Redding?

18 A No, ma'am.

19 Q Did anybody report calling 911 for any type of
20 altercation, or anything like that?

21 A No, ma'am.

22 Q All right. How about the day prior, no
23 altercation?

24 A No, ma'am.

25 Q All right. And did you speak with a man directly

Testimony of Christopher Warren 197

1 to the left of Room 22?

2 A You said the manager or a man?

3 Q The man directly to the left.

4 A Yes, ma'am.

5 Q Did you speak with him?

6 A Yes, ma'am. The older gentleman, yes,

7 ma'am.

8 Q So his wall -- his wall and the wall of Room 22

9 would have been -- like, they shared the same wall,

10 correct?

11 A Yes.

12 Q All right. Did that man who shares the same wall

13 with Room 22 indicate that he heard any type of a

14 struggle?

15 A Not that morning, no.

16 Q How about -- not that morning?

17 A No, not at all. No.

18 Q Not at all. Okay.

19 A He did say he was out walking.

20 Q He was out walking.

21 But did he tell you about any fights

22 between --

23 A No, he did not.

24 Q -- Cypress and Brian?

25 A He did not.

Testimony of Christopher Warren

198

1 Q Did he say he's ever heard any type of
2 arguments --

3 MS. SWANSON: Objection, Your Honor.
4 Hearsay.

5 THE COURT: I'll sustain that
6 objection.

7 MS. CARMODY: I'll rephrase the
8 question.

9 BY MS. CARMODY:

10 Q Did you learn of any altercations between Cypress
11 and Brian?

12 A No, ma'am.

13 Q And working for Ridgeland Police Department, did
14 you receive any reports at all of any altercations
15 ever between Cypress and Brian?

16 A No, ma'am.

17 Q Have you ever responded to a scene where anyone
18 has ever called law enforcement and said they needed
19 assistance and it was Cypress and Brian?

20 A No, ma'am.

21 MS. CARMODY: I beg the Court's
22 indulgence, Your Honor.

23 THE COURT: Yes, ma'am.

24 BY MS. CARMODY:

25 Q I have no further questions, sir. Thank you very

Testimony of Christopher Warren

199

1 much.

2 THE COURT: Anything else, Solicitor?

3 MS. SWANSON: Just briefly.

4 THE COURT: Yes, ma'am.

5 REDIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q Sergeant Warren, are you aware of any evidence
8 that indicates that Cypress Noonan was not shot in the
9 head?

10 A No, ma'am.

11 Q All right. So whether or not someone heard shots
12 or did not hear shots, she was shot in the head,
13 right?

14 A Yes, ma'am.

15 MS. SWANSON: Thank you.

16 THE COURT: All right. Anything else,
17 Ms. Carmody?

18 MS. CARMODY: No, Your Honor.

19 THE COURT: Okay, great.

20 Officer Warren, sir, thank you very much.

21 Any objection to him being excused from any
22 subpoenas he may be under?

23 MS. SWANSON: No, Your Honor. Thank you.

24 MS. CARMODY: Subject to recall by
25 defense. If he can leave a cell phone number.

Testimony of Christopher Warren

200

1 THE COURT: All right. Officer Warren,
2 if you can provide a number where you can be
3 reached in the event -- or provide that to
4 Ms. Carmody in the event that she wants to recall
5 you, sir.

6 THE WITNESS: Yes, sir.

7 THE COURT: Officer Warren, please don't
8 speak with any potential witnesses in this matter.
9 Okay, sir?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay, thank you.

12 Let's take a break for a few minutes. Is
13 that all right?

14 Ladies and gentlemen, what we're going to
15 do is, we're going to take a break for a few
16 minutes. If you-all would -- this TV's in an
17 awkward position because I've got to dodge around
18 it, this one right in front of me, to be able to
19 see you. But what I want to tell you is this:
20 Don't talk about the case. And then, also, if you
21 would, see if you-all could elect a foreperson.
22 And if you would write the foreperson's name down
23 on a piece of paper, give to the bailiff so we can
24 have that and make that a part of the Court's
25 record. So don't talk about the case. See you

Testimony of Christopher Warren

201

1 back here in a few minutes. Thank you.

2 (Jury exits the courtroom at 11:08 a.m.)

3 THE COURT: Anything before we break from
4 the State?

5 MS. SWANSON: I'm sorry?

6 THE COURT: Anything before we break from
7 the State?

8 MS. SWANSON: No. Thank you, Your Honor.

9 THE COURT: Anything from the defense?

10 MS. CARMODY: No, Your Honor.

11 THE COURT: Thank you.

12 (A break was taken from 11:15 a.m. to 11:25 a.m.)

13 THE DEPUTY: All rise.

14 THE COURT: Thank you. You can be
15 seated.

16 Anything from the State before we bring
17 the jury in?

18 MS. SWANSON: Nothing from the State.

19 THE COURT: Anything from the defense?

20 MS. CARMODY: No, Your Honor.

21 THE COURT: All right. Great, thank
22 you.

23 (Jury enters the courtroom at 11:26 a.m.)

24 THE COURT: All right. Thank you.

25 Mr. Travis Reynolds?

Testimony of Christopher Warren

202

1 THE FOREPERSON: Yes, sir.

2 THE COURT: Mr. Reynolds, thank you for
3 being recruited or volunteering to be the
4 foreperson. Okay? And what I'd like you to do,
5 sir, is --

6 Madam Clerk, don't you normally put the
7 foreperson in this first seat right here?

8 THE CLERK: Yes, sir.

9 THE COURT: What I need you to do --
10 you-all can sit wherever you want to sit. My
11 alternates need to sit right there. But you-all
12 can sit wherever you need to sit or want to sit
13 except the foreperson, because the foreperson
14 needs to sit in the seat right here up front on
15 the first row where you are, sir. So if you-all
16 would, switch.

17 And then, again, any seat, just pile in.
18 I just need my foreperson seated right there,
19 okay? That would be great.

20 So I've got this. I'm going to make this a
21 Court's exhibit. If anybody wants to see this, it
22 will be available for the parties to look at.

23 Thank you all so much.

24 (COURT'S EXH. 1, Foreperson, was entered
25 into evidence.)

Testimony of Michael Royals

203

1 THE COURT: I think we're ready to
2 continue with the trial of the case.

3 Solicitor, you can call your next
4 witness, please.

5 MS. SWANSON: Thank you. State calls
6 Mike Royals.

7 THE CLERK: Raise your right hand and
8 place your left hand on the Bible. Your testimony
9 before this Court will be the truth so help you
10 God?

11 THE WITNESS: Yes, ma'am.

12 THE CLERK: Come right around and have a
13 seat in the witness chair.

14 THE COURT: Good morning, sir.

15 THE WITNESS: Good morning.

16 THE COURT: Solicitor, your witness.

17 MS. SWANSON: Thank you.

18 WHEREUPON:

19 MICHAEL ROYALS,
20 after having been sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q Mike, can you please spell your name for the court
24 reporter.

25 A It's Michael Royals, M-i-c-h-a-e-l,

Testimony of Michael Royals

204

1 R-o-y-a-l-s.

2 Q All right. And where do you work, sir?

3 A Jasper County Fire Rescue.

4 Q How long have you worked there?

5 A I'm getting ready to start my 19th year.

6 Q Are you a paramedic?

7 A Yes, ma'am.

8 Q How long have you been a paramedic?

9 A Since 2003.

10 Q Okay. Were you on duty the morning of
11 September 6th of 2020?

12 A Yes, ma'am.

13 Q Tell us what kind of call you were dispatched to.

14 A We were initially called for a GSW, which is
15 gunshot wound. That was what we were dispatched
16 for that morning.

17 Q And where were you called out?

18 A What do you mean?

19 Q What was the location?

20 A To the hotel that's listed on my report.

21 Q Okay. Do you need to see your report, sir?

22 A Yes, ma'am, please.

23 Q All right. I'm going to hand you a copy of your
24 report. If you can, tell us where you responded that
25 morning and at what time.

Testimony of Michael Royals

205

1 A The address was 10504 South Jacob Smart
2 Boulevard.

3 Q All right. Is that within Jasper County?

4 A Yes, ma'am. It's in the city limits.

5 Q What time did you respond?

6 A According to this, we were notified at 9:48
7 in the morning.

8 Q All right. Who was there when you got there?

9 A When we got there, law enforcement, as well
10 as Ridgeland Fire Department. Their first
11 responders.

12 Q So Ridgeland Police Department and Ridgeland Fire
13 Department?

14 A Yes, ma'am.

15 Q All right. What did you find when you went into
16 the room?

17 A A 17-year-old female sitting upright in the
18 bed with a single GSW to the head.

19 Q 16 or 17?

20 A I apologize. My report says 16 in the
21 narrative.

22 Q And you recalled her position as being?

23 A It looked like she was sitting upright in the
24 bed.

25 Q I'm going to show you what's been entered as

Testimony of Michael Royals

206

1 State's Exhibit 4 and ask if you recognize what's
2 contained within this picture.

3 A This -- I believe so. When we saw her, she
4 had covers over her legs.

5 Q Okay.

6 A So I don't know at this point. When we
7 initially walked in, she was actually still
8 sitting upright. The GSW was clearly visible from
9 the door when you walked in.

10 Q Okay, thank you.

11 So you remember her legs being covered and
12 she was more upright?

13 A Yes, ma'am.

14 Q How much blood was there?

15 A Not very much that was visible. She had a
16 single trickle coming down where she was shot.
17 That was all that I recall.

18 Q You do not recall much blood from the head?

19 A No, ma'am.

20 Q Does your report say anything about a severe
21 hemorrhage?

22 A It does. The severe hemorrhage was from the
23 backside of the head, if I remember correctly.

24 Q Did she have any signs of life?

25 A No, ma'am.

Testimony of Michael Royals

207

1 Q Pulse was absent?

2 A Pulse was absent and she was apneic.

3 Q So she was dead.

4 A Yes, ma'am.

5 Q No life-saving measures done?

6 A No, ma'am.

7 Q Okay. And you don't know where the entrance or
8 exit wounds would have been?

9 A No, ma'am.

10 Q Because that's not what you're qualified to do.

11 A No, ma'am.

12 Q Okay. And did you move the victim at all?

13 A I did not. When we got there, my partner
14 placed the patient on the cardiac monitor to
15 determine the rhythm that she had. According to
16 my report, she was in asystole, which is an
17 absence of rhythm. And that was the extent that
18 the body was touched.

19 Q Okay, thank you. I have nothing further for you
20 at this time.

21 THE COURT: Ms. Carmody, do you have any
22 cross-examination?

23 MS. CARMODY: Yes, Your Honor.

24 MS. SWANSON: And he still has a copy of the
25 report, Ms. Carmody.

Testimony of Michael Royals
MS. CARMODY: Okay.

208

CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, Mr. Royals.

A Good morning, ma'am.

Q My name is Carolyn Carmody.

What time did you arrive on scene?

A As listed in the call notes, we arrived on
the scene at 9:53:10.

Q Okay. And you said you responded to -- was it a
911 call?

A Yes, ma'am.

Q All right. And what information were you given in
that call?

A All we were advised was a GSW to the head,
and that was what was given.

Q And when you arrived on scene, were there people
around?

A Law enforcement was already there. They had
to secure the scene. Originally, fire came in
before us, and then we were there.

Q Okay. So when you arrived, we already have
Ridgeland Fire there previously, and then you said law
enforcement there as well.

A Yes.

Testimony of Michael Royals

209

1 Q Did you notice anybody else?

2 A There was -- as I note, the boyfriend was on
3 scene, as he identified himself.

4 Q Okay. The boyfriend that you're talking about is
5 Mr. Redding over here? Mr. Redding?

6 A I honestly don't remember what he looks
7 like.

8 Q Okay. But your report notes boyfriend was on
9 scene?

10 A Yes.

11 Q The place that you went to, it was the motel, the
12 Forest Motel?

13 A Yes, ma'am.

14 Q All right. When you got there, they did not have
15 crime scene tape up yet, correct?

16 A No, ma'am. Not that I recall.

17 Q And when you got there, you know, your job was to
18 determine whether the victim, Cypress, needed any
19 treatment, medical treatment.

20 A Yes, ma'am.

21 Q And -- so you can't testify as to what happened
22 before you were there, right? You don't know whether
23 anybody moved anything or whether anything was --

24 A I was not there to witness anything that
25 occurred prior to me getting there.

Testimony of Michael Royals

210

1 Q How long were you on scene?

2 A According to this, we arrived on scene at
3 9:53. We were clear at 10:12.

4 Q 10:12?

5 A Yes, ma'am.

6 Q All right. And did you notice any other injury to
7 Ms. Noonan besides the gunshot wound?

8 A To be completely honest, no, ma'am. Once we
9 got there, we knew it was a crime scene. I
10 believe I may have stepped into the room. I'm not
11 a hundred percent sure if I approached her or not.
12 And then we started to back out because it is a
13 crime scene. We try to limit our interaction with
14 it as much as possible.

15 Q Okay, right.

16 At this point, you work for EMS and you
17 already know it's a crime scene and that you shouldn't
18 disturb anything in the area.

19 A Correct.

20 Q All right. Did you see anybody else in the
21 room?

22 A Law enforcement had gone into the room. I'm
23 not a hundred percent positive of anybody else. I
24 know my partner and I came in.

25 Again, I told him to place her on the cardiac

Testimony of Michael Royals 211

1 monitor so we could determine whether any life-saving
2 efforts would be useful or if they would be futile and
3 then made a point to try to get out.

4 I may have walked back in in an attempt to
5 gain information for the report, but I believe that
6 was the extent of my time in the room.

7 Q Did Mr. Redding provide you information for
8 Ms. Noonan?

9 A That, I do not recall.

10 Q Would it indicate that in your report?

11 A No, ma'am.

12 Q All right. You didn't have -- you didn't know who
13 she was, or her date of birth, or anything like that,
14 right?

15 A I notated in my report the boyfriend was on
16 scene, not able to provide any information on
17 patient's history, medications, or allergies.

18 Q That's it.

19 A I believe I got patient's name and date of
20 birth from law enforcement.

21 Q All right. Hang on one second.

22 I'll collect that report from you, sir.

23 Thank you, sir. I appreciate your time, and thank you
24 very much.

25 MS. CARMODY: I have no further

Testimony of Michael Royals

212

1 questions.

2 THE COURT: Solicitor, anything else?

3 MS. SWANSON: Nothing further.

4 THE COURT: All right, sir. Thank you so
5 much for being here.

6 MS. SWANSON: Is he allowed to be
7 excused?

8 THE COURT: Yes. Any objection to being
9 excused, Ms. Carmody?

10 MS. CARMODY: No, Your Honor.

11 THE COURT: Sir, you're excused from any
12 subpoena you may be under. Thank you.

13 THE WITNESS: Thank you.

14 MS. SWANSON: The State calls John Croft.

15 THE CLERK: Raise your right hand, place
16 your left on the Bible. The testimony about to
17 give this Court will be the truth so help you God?

18 THE WITNESS: Yes, ma'am.

19 THE CLERK: Come right around.

20 THE COURT: Good morning, sir.

21 THE WITNESS: Good morning, sir.

22 THE COURT: Solicitor, your witness.

23 MS. SWANSON: Thank you, Your Honor.

24 WHEREUPON:

25 JOHN CROFT,

Testimony of John Croft

213

1 after having been sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MS. SWANSON:

4 Q Deputy Croft, who do you work for now?

5 A Jasper County Sheriff's Office.

6 Q And who did you work for in September of 2020?

7 A Ridgeland Police Department.

8 Q In what capacity?

9 A I was an investigator in criminal
10 investigations.

11 Q All right. And so were you called out the morning
12 of September 6th of 2020?

13 A Yes, ma'am.

14 Q What kind of -- what kind of event did you respond
15 to?

16 A Originally, I was told it was a suspicious
17 death. It later turned out to be a homicide.

18 Q What changed it from a suspicious death to a
19 homicide?

20 A The search that was conducted of the room
21 developed no weapon that was used.

22 Q All right. So who called you that Sunday
23 morning?

24 A He is now a sergeant, but it was
25 Corporal Chris Warren at the time.

Testimony of John Croft

214

1 Q All right. And who all was on scene when you got
2 there?

3 A Sergeant Warren, I believe Officer Howard,
4 and EMS.

5 Q All right. Were you able to determine -- first of
6 all, what hotel room did you respond to?

7 A I don't recall the hotel number, the room
8 number, but the Siesta.

9 Q The Siesta or the Forest?

10 A I'm sorry. The Forest.

11 Q All right. Room 22, does that ring a bell?

12 A Yes, ma'am, it does.

13 Q Were you able to determine whose room that was?

14 A It was the deceased and Mr. Redding's room,
15 Brian Redding's room.

16 Q So Cypress Noonan and Brian Redding's room?

17 A Yes, ma'am.

18 Q Was Brian Redding on scene when you got there?

19 A Yes, ma'am, he was.

20 Q All right. Were you-all able to determine what
21 sort of relationship there was between the two of
22 them?

23 A They were a boyfriend/girlfriend couple.

24 Q All right. And can you identify Brian Redding in
25 the courtroom today?

Testimony of John Croft

215

1 A Yes, ma'am. The defendant.

2 Q Okay. What did you observe at the scene? What
3 did the scene look like?

4 A The victim was sitting up in the bed with her
5 back against the headboard. Obviously, she had a
6 massive head trauma. There was -- the bed itself
7 was pretty much soaked with blood.

8 Q Was that primarily on the left or the right
9 side?

10 A I believe it was the right side.

11 Q Okay. Now, did you all as an agency -- I'm
12 talking about Ridgeland PD -- decide to investigate
13 the case or did you call anyone else in?

14 A We called the South Carolina Law Enforcement
15 Division, or more commonly called SLED, to
16 investigate.

17 Q All right. So did they begin assisting and then
18 take over the case or how does that work?

19 A The supervisory investigator with us was
20 Lieutenant Litchfield. He would make the call to
21 SLED dispatch and ask for a request. They come
22 down, and then it's kind of a meeting of the minds
23 to figure out who's -- what kind of resources we
24 can develop and use. That's the easiest way to
25 put it.

Testimony of John Croft

216

1 Q All right. And so who was first to arrive from
2 SLED?

3 A I believe Ms. McCallister was.

4 Q Agent McCallister?

5 A Yes, ma'am.

6 Q At some point, did you request to perform a GSR
7 kit on Mr. Redding?

8 A Yes, ma'am, I did.

9 Q Did you complete that kit?

10 A Yes, ma'am, I did.

11 (STATE EXH. 18, GSR kit, was marked for
12 identification.)

13 BY MS. SWANSON:

14 Q I'm going to show you State's Exhibit 18. And I'm
15 cutting this open. I'll hand you the scissors because
16 I know the paperwork is contained within this. But I
17 do want you to identify this item.

18 A This is the analysis data sheet that has my
19 signature on it I fill out the day of. It also
20 has the defendant's name on it, dates, times, case
21 number.

22 Q And what is the time that that kit was performed
23 on Mr. Redding?

24 A 10:25 a.m.

25 Q 10:25 a.m.

Testimony of John Croft

217

1 A Yes, ma'am.

2 Q Thank you.

3 MS. SWANSON: And this is Item 18 for
4 identification purposes at this time.

5 THE COURT: All right.

6 (STATE EXH. 17, Cell phone; Cypress, was
7 marked for identification.)

8 BY MS. SWANSON:

9 Q I'm going to hand you what's been marked as
10 State's Exhibit 17 and ask if -- actually, I'll just
11 open this for you -- and ask if you can identify
12 what's contained within this package.

13 A A cell phone from the victim.

14 Q Okay. So that's a cell phone from Cypress -- or
15 Cypress Noonan's cell phone?

16 A Yes, ma'am.

17 Q You collected that cell phone?

18 A Yes.

19 Q And you collected it from whom?

20 A The defendant.

21 Q You collected that -- Cypress's cell phone from
22 Mr. Redding?

23 A Yes, ma'am.

24 Q Okay, thank you.

25 MS. SWANSON: The State would offer 17 at

Testimony of John Croft

218

1 this time.

2 THE COURT: Any objection?

3 MS. CARMODY: Without objection.

4 THE COURT: All right. 17 is admitted
5 into evidence without objection.

6 (STATE EXH. 17, Cell phone; Cypress, was
7 marked for identification.)

8 BY MS. SWANSON:

9 Q Deputy Croft, I don't have any further questions
10 at this time. Please answer any questions that Ms.
11 Carmody may have for you.

12 A Yes, ma'am.

13 THE COURT: Ms. Carmody, do you have any
14 cross-examination?

15 MS. CARMODY: Yes, Your Honor.

16 THE COURT: All right. Go right ahead,
17 ma'am.

18 CROSS-EXAMINATION

19 BY MS. CARMODY:

20 Q Good morning, almost afternoon.

21 A Good morning.

22 Q All right. When -- what time did you arrive on
23 scene?

24 A I don't know the exact time, but it was that
25 morning.

Testimony of John Croft

219

1 Q Okay. So we established that you took the GSR
2 test at 10:25. Was it an hour before when you got
3 there?

4 A I don't recall exactly.

5 Q You don't remember, okay.

6 When you arrived on scene, crime scene tape
7 had not been put up yet, correct?

8 A No, ma'am.

9 Q You instructed the officers to put up the crime
10 scene tape.

11 A Yes, ma'am.

12 Q And when you arrived on scene, you arrived to a
13 motel room?

14 A Yes, ma'am.

15 Q And there were numerous cars in the parking lot?

16 A Yes, ma'am.

17 Q And other people on scene?

18 A Yes, ma'am.

19 Q What about a guy that was determined to be Popeye
20 or Dervon Jones? Was he on scene?

21 A I don't recall that.

22 Q You didn't speak with him?

23 A I don't recall.

24 Q When you arrived on scene, did you knock on any of
25 the doors?

Testimony of John Croft

220

- 1 A Yes, ma'am.
- 2 Q Which doors did you knock on?
- 3 A All of them.
- 4 Q As soon as you got there?
- 5 A No, not as soon as I got there.
- 6 Q Okay. So approximately when did you knock on the
- 7 doors?
- 8 A When Crime Scene with SLED began processing
- 9 the room, I started a canvass of the rest of the
- 10 rooms to see if anybody had any information.
- 11 Q You started knocking on doors when SLED arrived,
- 12 right?
- 13 A When the Crime Scene arrived.
- 14 Q So not Katie McCallister. That would have been
- 15 Beasley. Beasley?
- 16 A No, she's not part of Crime Scene.
- 17 Q Okay. Do you know who from Crime Scene arrived?
- 18 A I don't remember their names.
- 19 Q Okay. So -- okay. When you arrived on scene,
- 20 Mr. Redding was on scene.
- 21 A Yes, ma'am.
- 22 Q All right. And when you arrived on scene, he was
- 23 sitting outside the room in a chair?
- 24 A Yes, ma'am.
- 25 Q All right. And you were informed -- well, you're

Testimony of John Croft

221

1 the detective on scene now, right?

2 A Yes, ma'am.

3 Q All right. So until SLED arrived, this is
4 essentially your show. You're responsible for what's
5 going on.

6 A Yes, ma'am.

7 Q Okay. And so you're telling other people what to
8 do, right?

9 A Yes, ma'am.

10 Q And the goal is to preserve evidence, preserve
11 witnesses, things like that?

12 A Yes, ma'am.

13 Q All right. Kind of take a snapshot of what's
14 going on so you can develop your case?

15 A Yes, ma'am.

16 Q And so at that time when you first arrived, you
17 don't speak to anybody in the parking lot, you don't
18 knock on any doors.

19 A No, not right away.

20 Q Okay. And did you see Mr. Redding or a vehicle
21 Mr. Redding was using outside?

22 A Yes, ma'am.

23 Q All right. And that was a white Toyota Avalon?

24 A Yes, ma'am, I believe so.

25 Q All right. Are you aware that Mr. Redding was

Testimony of John Croft

222

1 completing a written statement?

2 A I was told he was later. Yes, ma'am.

3 Q And you were also -- were you aware or informed as
4 the detective on scene that Mr. Redding had given
5 officers a statement as well?

6 A Yes, I was later.

7 Q Okay. And when you were speaking with
8 Mr. Redding, he wasn't under arrest?

9 A No, ma'am.

10 Q All right. At some point, you go into the room.

11 Did you go into the room before you went back
12 to Ridgeland P.D. or after?

13 A Which room?

14 Q The room where Cypress is.

15 A I went in before.

16 Q You went in before, okay.

17 So I want to show you what's been previously
18 introduced as Defense 3. Is this the scene as you
19 arrived?

20 A The parts --

21 Q To the right.

22 A Yes, ma'am.

23 Q And --

24 MS. CARMODY: May I publish, Your Honor?

25 THE COURT: Yes, ma'am.

Testimony of John Croft

223

1 BY MS. CARMODY:

2 Q So this has been previously introduced as
3 Defense 3, and this is the -- these are some of the
4 vehicles that are on the right.

5 A Yes, ma'am.

6 Q So if we can describe for the jury the layout of
7 the Forest Motel, is it -- what was the layout?

8 A It's basically an L-shaped, single-story
9 hotel.

10 Q These vehicles here would be to the right-hand
11 side of Room 22?

12 A Yes, ma'am.

13 Q Okay. And they're also at the other side of the
14 L, correct?

15 A Um-hmm.

16 Q So do you know how many rooms are on the other
17 side of the L?

18 A I don't recall the exact number.

19 Q Room 22 is located the second room from the middle
20 of the L, so to speak?

21 A Yes, ma'am.

22 Q All right. And there's room to the left-hand side
23 of that?

24 A Yes, ma'am.

25 Q And also -- I'm going to put it up on the monitor

Testimony of John Croft

224

1 here. So this is Defense 2. This would be -- Room 22
2 would be right here in front of this vehicle?

3 A Yes, ma'am.

4 Q And to the left, there's another room here?

5 A Yes, ma'am.

6 Q And then there's this area here. Is this a
7 maintenance area?

8 A From the best I can tell, yes, ma'am.

9 There's just a lot of other junk back there.

10 Q Okay. Let me give you another one.

11 This here, is this the maintenance area?

12 A Yes, ma'am.

13 Q Okay. And is this a single-story structure?

14 A Yes, ma'am.

15 (DFT. EXH. 5, Photo, was marked for
16 identification.)

17 BY MS. CARMODY:

18 Q All right. And when you went into the room -- I'd
19 like to show you Defense 5. Is that a fair and
20 accurate representation of what the room looked like
21 when you went in there?

22 A The -- that area.

23 Q That area of the room, yes, sir.

24 So the drawers were open?

25 A Yes, ma'am.

Testimony of John Croft

225

1 BY MS. SWANSON:

2 Q And what about this here? This is Defense 9. Is
3 this the end table?

4 A Yes, ma'am.

5 Q And the end table would have been located to the
6 left of Ms. Noonan on the bed, correct? So Ms. Noonan
7 would be here in the bed, and the end table -- I'm
8 sorry.

9 A It would be to her right.

10 Q Her right, our left.

11 A Yes, ma'am.

12 Q Okay. And the drawer was open when you entered
13 the room?

14 A Yes, ma'am.

15 Q And this here, is that a fair and accurate
16 representation of -- we have -- the bed would be here,
17 this is the end table, this is in the corner, the door
18 would be here?

19 A Yes, ma'am.

20 Q In this area here.

21 All right. Did you move or do anything with
22 those items?

23 A No, ma'am.

24 Q Well -- these items on the floor, you didn't move
25 or disturb those in any way?

1 A No, ma'am.

2 Q What about this photo here? And this is Defense
3 Number 1. Did you move or disturb any items in this
4 photograph?

5 A No, ma'am.

6 Q All right. Can you -- you've had training and
7 experience in law enforcement for a while?

8 A Yes, ma'am.

9 Q How long have you been in law enforcement?

10 A About 15 years.

11 Q Okay. And based on what you see on that table,
12 would it indicate to you that there is a presence or
13 what appeared to be narcotics that were there at one
14 point in time?

15 A Yes, ma'am.

16 Q All right. And would that be indicated by these
17 razor blades here?

18 A It would be the totality of the evidence
19 there, the Baggies and the blades and --

20 Q So --

21 A -- the way it's laid out.

22 Q In your training an experience, these baggies here
23 would be used to package some type of narcotic?

24 A Typically, yes, ma'am.

25 Q And this here, too, as well?

Testimony of John Croft

227

1 A Yes, ma'am.

2 Q Do you recall residue or some narcotics on this
3 razor blade here?

4 A I don't recall at this moment.

5 Q Okay. Do you recall -- did you go into the
6 bathroom?

7 A Yes.

8 Q Okay. And is this a fair and accurate
9 representation of what the bathroom looked like when
10 you went in there?

11 A Yes, ma'am.

12 Q And this is Defense 10. And is this a baggie in
13 the middle of the floor here in the bathroom?

14 A Yes, ma'am.

15 Q Did you collect that baggie into evidence?

16 A I did not.

17 Q What about these hear from Defense 1? Did you
18 collect any of these narcotics or suspected narcotics
19 or baggies on this table?

20 A No, I would not have.

21 Q You didn't collect any of them?

22 A That's why we called SLED Crime Scene in, to
23 process the scene.

24 Q You didn't collect any evidence from the scene?

25 A Just the GSR kit and the phone.

Testimony of John Croft

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1 Q When you went into the bathroom, do you recall --
2 was this a fair and accurate representation of the tub
3 area?

4 A Yes, ma'am.

5 Q This is Defense 12 and Defense 11. Are these fair
6 and accurate representations of the tub?

7 A Yes, ma'am.

8 Q And do you recall whether the tub was wet or there
9 was water in and around the tub area?

10 A I do not recall that.

11 Q From these photographs, do you -- is there water
12 in the tub or in the tub area?

13 A I'm sorry?

14 Q From the photographs, is there water -- the tub
15 appeared to be wet?

16 A I can't tell from the photograph.

17 Q Okay. So this photograph here, this is
18 Defense 12. Is this the shower curtain that's bunched
19 up on the left-hand side?

20 A Yes, ma'am.

21 Q From the photograph, does it appear that there's
22 any water in the tub?

23 A Again, I can't tell from the photograph.

24 Q I can show you a closeup and have you look at it.

25 MS. CARMODY: May I approach, Your Honor?

Testimony of John Croft
THE COURT: Sure. Yes, ma'am.

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BY MS. CARMODY:

Q Does there appear to be?

A It doesn't appear so by those photographs.

Q Thank you.

All right. So you testified you didn't
collect anything from inside the room itself,
correct?

A Yes, ma'am.

Q All right. When you exited the room, did you
speak with Mr. Redding?

A Yes, ma'am.

Q All right. And in speaking with Mr. Redding, did
you ask him if he would be willing to submit to what's
called a gunshot residue test?

A Yes, ma'am.

Q Did Mr. Redding cooperate with you in doing that
test?

A Yes, ma'am. He did.

Q You requested an officer be near you with a body
camera?

A Yes, ma'am.

(DFT. EXH. 13, Photo, was marked for
identification.)

(DFT. EXH. 14, Photo, was marked for

Testimony of John Croft

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1 identification.)

2 (DFT. EXH. 15, Photo, was marked for
3 identification.)

4 BY MS. SWANSON:

5 Q I'd like to show you what has previously marked as
6 Defense 13, 14, and 15 for identification.

7 MS. SWANSON: No objection.

8 BY MS. SWANSON:

9 Q If you could, identify those pictures there.

10 A Those would be Mr. Redding sitting in
11 passenger's seat of my patrol vehicle.

12 MS. CARMODY: And may I publish, Your
13 Honor?

14 THE COURT: Yes, ma'am. Have those
15 already been admitted?

16 MS. CARMODY: I'm sorry, Your Honor.
17 Defense seeks to admit Defense 13, 14, and 15.

18 THE COURT: 13, 14, and 15. And I
19 believe the solicitor has already indicated that
20 she has no objection to them?

21 MS. SWANSON: That's correct.

22 THE COURT: So we're going to admit them
23 without objection. Thank you.

24 (DFT. EXH. 13, Photo, was entered into
25 evidence.)

Testimony of John Croft

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1 (DFT. EXH. 14, Photo, was entered into
2 evidence.)

3 (DFT. EXH. 15, Photo, was entered into
4 evidence.)

5 MS. CARMODY: May I publish, Your Honor?

6 THE COURT: Yes, ma'am.

7 BY MS. CARMODY:

8 Q So' this picture here, can you let the jury know
9 what's going on in this photograph.

10 A Mr. Redding is sitting in my passenger's side
11 of my vehicle.

12 Q Okay. Mr. Redding is -- has dark skin, correct?

13 A Yes, ma'am.

14 Q All right. And this picture here, same thing?

15 A Yes, ma'am.

16 Q And this picture here, same thing?

17 A Yes, ma'am.

18 Q Okay. And Mr. Redding was sitting in the front
19 seat of your vehicle. He was not under arrest?

20 A No, ma'am. He wasn't.

21 Q All right. And he agreed to do the gunshot
22 residue test.

23 A Yes, ma'am.

24 Q And you completed the test and gave it to
25 Officer Warren to package for you?

Testimony of John Croft

232

1 A I believe I asked him to put it in a bag for
2 me.

3 Q And you also instructed Officer Warren to put up
4 crime scene tape then, correct?

5 A Yes, ma'am.

6 Q Okay. And then immediately after doing that -- or
7 shortly thereafter, Detective Litchfield shows up?

8 A Yes, ma'am.

9 Q Okay. And when Detective Litchfield shows up, you
10 decide that you're going to take Mr. Redding to
11 Ridgeland P.D.?

12 A Yes, ma'am.

13 Q And the purposes of bringing Mr. Redding to
14 Ridgeland P.D. is you want to talk to him, right?

15 A Yes, ma'am.

16 Q Usually you want to talk to somebody and remove
17 them from the situation that's happening?

18 A Yes, ma'am.

19 Q All right. And did you do that with any other
20 witness on scene or any other person on scene? Did
21 you bring them down to Ridgeland P.D.?

22 A I believe his mother came with us.

23 Q But, I mean -- so there were other people that
24 were on scene that day, other people out in the
25 parking lot?

Testimony of John Croft

233

1 A Um-hmm. Yes.

2 THE COURT: Hold on one second. Is that
3 a "Yes," sir?

4 THE WITNESS: Yes.

5 THE COURT: Thank you. Go ahead.

6 BY MS. CARMODY:

7 Q There were other people out in the parking lot.

8 A Yes, ma'am.

9 Q Did you request any of them to go to Ridgeland
10 Police Department with you?

11 A I don't recall.

12 Q If you did, you would have a report, correct?

13 A Yes, ma'am.

14 Q Okay. And so Mr. Redding gets in the front seat
15 of your vehicle and you drive to Ridgeland P.D.

16 When you get there, he's still not under
17 arrest?

18 A No, ma'am.

19 Q He's cooperative?

20 A Yes, ma'am.

21 Q Okay. And he goes in and you interview him,
22 correct?

23 A Yes, ma'am.

24 Q That that interview was audio- and video-recorded,
25 correct?

1 A Yes, ma'am.

2 Q And during the interview that lasted, according to
3 your camera, one hour and ten minutes and 55
4 seconds?

5 A If that's what the timing says. Yes,
6 ma'am.

7 Q Does that sound about accurate to you?

8 A Yes, ma'am.

9 Q At that end of that interview, Mr. Redding was not
10 arrested.

11 A No, ma'am.

12 Q And, in fact, Mr. Redding -- you gave him a ride,
13 correct?

14 A Yes, ma'am.

15 Q And you gave him a ride home?

16 A I don't recall where I took him. I believe
17 it was back to the motel.

18 Q Did you bring him back to the motel or did you
19 bring him to Pineland?

20 A Like I said, I don't recall. But I know I
21 went back to the hotel afterwards.

22 Q Okay. So -- now, as a detective right now, you
23 are aware that Mr. Redding has called 911, correct?

24 A Yes, ma'am.

25 Q Mr. Redding's given a written statement to law

Testimony of John Croft

235

1 enforcement?

2 A Yes, ma'am.

3 Q Mr. Redding has also provided you with a GSR
4 sample?

5 A Yes, ma'am.

6 Q And at this point right now, he's already spoken
7 with you for over an hour at Ridgeland P.D.

8 A Yes, ma'am.

9 Q All right. During that interview with
10 Mr. Redding, you asked him for his address?

11 A Yes, ma'am.

12 Q He provided that to you?

13 MS. SWANSON: Your Honor, I believe we're
14 getting into hearsay, so I would object.

15 MS. CARMODY: I'm not asking him what
16 Mr. Redding said.

17 THE COURT: I'm going to sustain that.
18 Just rephrase your question. Go ahead.

19 BY MS. CARMODY:

20 Q As part of your investigation, was it important
21 for you to find out where Mr. Redding was living?

22 A Yes, ma'am.

23 Q And did you obtain that information from him?

24 A Yes, ma'am.

25 Q Okay. Did you ask him what his telephone numbers

1 were?

2 A Yes, ma'am.

3 Q Okay. And as part of your investigation that
4 would have been important, right?

5 A Yes, ma'am.

6 Q All right. And did he voluntarily provide those
7 numbers to you?

8 A Yes, ma'am.

9 Q Okay. And did you ask him if he had a Facebook
10 page?

11 A Yes, ma'am.

12 Q Okay. And did he voluntarily provide that
13 information to you?

14 A Yes, ma'am.

15 Q Did you ask him who the providers were for his
16 cell phones?

17 A I believe so.

18 Q And he voluntarily provided that as well?

19 A Yes, ma'am.

20 MS. SWANSON: The State is happy to
21 stipulate that he voluntarily provided all of that
22 information to law enforcement.

23 THE COURT: I understand that, but I'm
24 going to allow her to continue.

25 BY MS. CARMODY:

Testimony of John Croft

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1 Q You also asked him about whether Cypress had a
2 Facebook page?

3 A Yes, ma'am.

4 Q And he voluntarily provided that to you as well?

5 A Yes, ma'am.

6 Q Did you ask to see pictures on the phone?

7 A I don't recall.

8 Q Do you recall seeing pictures on his phone?

9 A Yes.

10 Q Do you recall him watching videos on his phone?

11 A Yes, ma'am.

12 Q Do you recall him crying uncontrollably?

13 A I don't remember seeing any tears.

14 Q That's not what I'm asking you. I'm asking if you
15 heard him audibly crying.

16 A Crying to me is weeping with tears.

17 Q But -- that's not my -- okay.

18 THE COURT: Hold on. I think he's
19 answered that question.

20 MS. CARMODY: Sure. Okay.

21 BY MS. CARMODY:

22 Q So -- all right. At one point, did you obtain a
23 trash barrel, a garbage bag?

24 A Yes, ma'am.

25 Q And you brought it to Mr. Redding?

1 A Yes, ma'am.

2 Q And you brought that to Mr. Redding because he was
3 going to vomit?

4 A Yes, ma'am.

5 Q Okay. And you asked Mr. Redding what he had done
6 that morning?

7 A Yes, ma'am.

8 Q And he's looking -- you saw him looking on his
9 phone to provide you those answers?

10 A Yes, ma'am.

11 Q And, at some point, did you learn of a female by
12 the name of Ashley Dodson?

13 A Yes, ma'am.

14 Q And who is Ashley Dodson?

15 A Another girlfriend of Mr. Redding's.

16 Q And what significance does Ashley Dodson have?

17 A That was her vehicle that Mr. Redding was
18 driving.

19 Q And through your investigation, what was the
20 purpose of him driving her -- that vehicle?

21 MS. SWANSON: Objection.

22 THE COURT: Counsel, approach.

23 MS. CARMODY: Sure.

24 (Bench conference.)

25 THE COURT: All right. What's the

Testimony of John Croft

239

1 objection, Solicitor?

2 MS. SWANSON: She's trying to get
3 information out through this witness about her
4 client's statement. It's hearsay.

5 THE COURT: Hold on. What's your
6 response to that?

7 MS. CARMODY: His statements are not
8 hearsay. What my client said is not hearsay. His
9 questions are not hearsay.

10 MS. SWANSON: You're trying to get
11 information that Brian said he was at Ashley
12 Dodson's.

13 THE COURT: The question was: Based upon
14 his investigation, did he come to find out why the
15 defendant was driving Ashley Dodson's car.

16 MS. SWANSON: Correct.

17 THE COURT: That's what I understand.

18 MS. SWANSON: That information would come
19 from Brian Redding. It's a way to backdoor her
20 client's statements and his alibi defense without
21 him having to take the stand.

22 THE COURT: All right. Ladies and
23 gentlemen, I'm going to have to ask you-all to
24 please go back to the jury room for just a minute.
25 There's a matter of law that I'm going to need to

Testimony of John Croft

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1 take up outside of your presence. I'll get you
2 back in here as soon as I can. Please don't talk
3 about the case. Thank you.

4 (Jury exits the courtroom at 12:11 p.m.)

5 THE COURT: Give me one minute.

6 All right. My understanding is that the
7 solicitor objected to the question -- or to the
8 response of a question that was basically to the
9 extent from the officer's investigation that the
10 officer -- was the officer able to learn why the
11 defendant was driving Ashley -- is it Dodson?

12 MS. CARMODY: Yes, Your Honor.

13 THE COURT: -- Ashley Dodson's vehicle.
14 And the State's objection is that it's hearsay.

15 Let me hear from you a little more on
16 that, Solicitor, please.

17 MS. SWANSON: Yes, Your Honor. Well, any
18 information learned would have either come from
19 Brian Redding in his interview or Ashley Dodson.
20 So for him to say, *Oh, yes, through my*
21 *investigation I learned that Brian Redding was*
22 *driving her car because his broke down and he was*
23 *taking her for a ride to McDonald's*, well, that
24 all came from interviews, so it's hearsay. It's
25 trying to backdoor hearsay. She has to call those

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1 witnesses to get that information in.

2 MS. CARMODY: Your Honor, the whole
3 theory of the defense's case is that, you know --
4 what the officers had for information and when
5 they had it and what they did with it. If through
6 his investigation he has information and they
7 don't follow up -- I'm not trying to backdoor
8 hearsay. I mean, we have these witnesses on our
9 witness list.

10 THE COURT: Well, if you've got the
11 witnesses on the witness list, aren't the
12 witnesses the best person to provide the answer to
13 that question, not this --

14 MS. CARMODY: Your Honor --

15 THE COURT: Hold on. Hold on.

16 -- and not this individual? It
17 would seem to me that the best evidence would come
18 from the witnesses that you just said are on your
19 witness list.

20 MS. CARMODY: Your Honor, it's also this
21 detective having information, what he has, and
22 when they have it. That's the whole theory of the
23 defense's case, is that SLED has -- SLED and
24 Ridgeland P.D. have information and they don't
25 follow up on it. They pick and choose what

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1 information they're going to follow up on and only
2 information that leads to his arrest.

3 THE COURT: What about that, Solicitor?
4 Because, I mean, basically everything they get and
5 everything they testify to is coming from somebody
6 else in the scope of formulating their
7 investigation. So why can't she ask that?

8 MS. SWANSON: Because that contains -- I
9 mean, if she wants to ask, "Did you interview
10 Ashley Dodson," then that shows what he has done
11 with whatever information.

12 I mean, first of all, the proper time to
13 call this witness for that purpose would be after
14 the alibi defense is presented. Because that's
15 what she's trying to do, is present the alibi
16 defense without calling those witnesses, and then
17 lock these guys into something.

18 Now, I will say that Katie McCallister is
19 the actual case agent. So SLED investigated this
20 case. Ridgeland P.D. did not. So there's that as
21 well.

22 THE COURT: Yeah, but he can --

23 MS. SWANSON: He didn't conduct an
24 interview of Ashley Dodson.

25 THE COURT: Did he learn about -- did he

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1 learn about -- I guess the question is, did he
2 learn about that during the interview?

3 MS. CARMODY: I don't know how we're
4 going to get into Parker's gas station without
5 asking him these questions I'm asking him.

6 THE COURT: I'm sorry?

7 MS. CARMODY: I don't know how we even
8 get to Parker's gas station, if they won't admit
9 that, without asking him these questions.

10 THE COURT: I don't even know what you're
11 talking about. I don't know anything about
12 Parker's gas station.

13 MS. CARMODY: I'm sorry.

14 THE COURT: Except what I read in the
15 papers. Okay? I don't what you're talking
16 about.

17 MS. CARMODY: Your Honor --

18 THE COURT: Hold on.

19 MS. CARMODY: I essentially have to ask
20 him the same question I'm asking him now.

21 MS. SWANSON: I've already done my
22 direct, so I did not ask that question.

23 THE COURT: We'll be at ease.

24 (A break was taken from 12:15 p.m. to 12:21 p.m.)

25 THE COURT: You-all be seated.

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1 All right. I thought about this. I'm
2 going to sustain the objection. I believe that it
3 is getting into hearsay testimony.

4 So that's going to be my ruling. I'm
5 going to sustain the objection.

6 But certainly, you can proceed,
7 Ms. Carmody. And any objection -- anything before
8 we bring the jury back in?

9 MS. SWANSON: No, Your Honor.

10 THE COURT: Ms. Carmody, are we ready to
11 bring the jury back in?

12 MS. CARMODY: Yes, Your Honor.

13 THE COURT: Let's go ahead and bring the
14 jury back in.

15 Hold on one second.

16 Ms. Carmody, do you think you'll be done
17 with your cross by 1:00?

18 MS. CARMODY: Oh, yes, Your Honor.

19 THE COURT: Okay, great. Thank you.

20 (Jury enters the courtroom at 12:22 p.m.)

21 THE COURT: Mr. Foreman, ladies and
22 gentlemen, I want to first tell you that was
23 completely my fault when I told him to open the
24 door and tell you to come out and then closed the
25 door right in front of you. So I apologize for

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1 that. It was just a planning matter I had to take
2 up.

3 I'm sorry to keep you waiting. But
4 again, unlike TV, unlike the movies, unlike books,
5 it's a slow, deliberative process that we've got
6 to try to make sure we get right. So some of
7 these matters just take a little more time than
8 others. But at this point, we're ready to move
9 forward.

10 And so, Ms. Carmody, I'm going to sustain
11 the Solicitor's objection, and go ahead and you
12 can continue with your examination. Okay, ma'am?

13 MS. CARMODY: Thank you, Your Honor.

14 THE COURT: Yes, ma'am.

15 BY MS. CARMODY:

16 Q All right. Detective, just to backtrack a little
17 bit, so at this point SLED is not involved, you are
18 investigating.

19 A At what point?

20 Q At the point that you're speaking with
21 Mr. Redding.

22 A They are involved, yes, ma'am.

23 Q They're not on the scene yet, are they?

24 A We had called their SLED dispatch and
25 requested assistance, so technically they are

1 involved.

2 Q But are they on scene?

3 A Not that I recall, no, ma'am.

4 Q Okay. So while you were speaking with
5 Mr. Redding, it's important for you to get as much
6 information as you can for the purposes of your
7 investigation, correct?

8 A Yes, ma'am.

9 Q Okay. During your investigation, did you learn of
10 a female by the name of Ashley Dodson?

11 A Yes, ma'am.

12 Q Okay. During your investigation, did you learn
13 that the white Toyota Avalon was registered to
14 Ashley Dodson?

15 A Yes, ma'am.

16 Q Did you also, through your investigation, learn of
17 a female by the name of Danielle Smith?

18 A Yes, ma'am.

19 Q Okay. Did you obtain addresses and contact
20 information for Ashley Dodson? Yes?

21 A Yes.

22 Q What about Danielle Smith?

23 A I believe so.

24 Q Yes, okay.

25 During your conversation with Mr. Redding,

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1 you had indicated earlier that was not under arrest,
2 correct.

3 A Yes, ma'am.

4 Q And did you also ask him for a DNA sample?

5 A Yes, ma'am.

6 Q Okay. Did he voluntarily give you that sample?

7 A Yes, ma'am.

8 Q You indicated earlier that you had seen videos on
9 his cell phone?

10 A Yes, ma'am.

11 Q Do you recall at 32 minutes and 55 seconds into
12 the interview telling Mr. Redding, "Man, that just
13 shows two people in love"?

14 A I don't recall my exact statement, no,
15 ma'am.

16 Q Do you want me to play the recording?

17 A Yeah, that would be the only way I could
18 recall my exact statement.

19 MS. SWANSON: For the purposes of
20 refreshing his memory, I want to make sure there
21 are no hearsay statements on this portion by
22 Mr. Redding.

23 THE COURT: Well, have you seen it?

24 MS. SWANSON: I've seen the entirety.

25 THE COURT: Well, why don't we do this:

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1 Why don't you just pull the spot -- I'm assuming
2 that somewhere on the video it says, "quote," or
3 words to that effect.

4 MS. CARMODY: I also prepared a
5 transcript if you would like to read it. I mean,
6 this is -- I wanted him to hear himself. So...

7 THE COURT: Ms. Carmody, as long as
8 there's no hearsay in it, I think that's -- you
9 can play that. But I don't want any hearsay in
10 it.

11 MS. SWANSON: I'm not sure -- he's just
12 saying he doesn't recall.

13 THE COURT: Right.

14 MS. SWANSON: He's not denying making the
15 statement.

16 THE COURT: Why don't you rephrase the
17 statement, Ms. Carmody. Why don't you rephrase it
18 and ask would you doubt, or does he dispute that
19 he may have indeed said that? I mean --

20 MS. CARMODY: All right.

21 THE COURT: Is that satisfactory? Can
22 you do that, Ms. Carmody?

23 MS. CARMODY: Yes, Your Honor. That's
24 fine.

25 THE COURT: Sure.

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1 BY MS. CARMODY:

2 Q Detective Croft, while -- at 32 minutes and
3 55 seconds, Brian Redding is showing you his cell
4 phone.

5 Do you recall seeing his phone?

6 A Yes, ma'am.

7 Q Okay. And do you dispute saying, quote, "Man,
8 that just shows two people in love"?

9 A No, ma'am, I don't dispute it.

10 Q Thank you.

11 And after your interview with Mr. Redding,
12 you drove him back to the motel?

13 A I don't remember exactly where I drove him.

14 Q But you did transport him somewhere.

15 A Yes, ma'am.

16 Q It wasn't to jail.

17 A No, ma'am.

18 Q Okay. And on the way transporting him, did you,
19 in fact, stop at BP to buy him cigarettes?

20 A I don't recall.

21 Q You don't recall whether you stopped anywhere?
22 Would that be out of the ordinary?

23 A Stopping to get somebody a pack of
24 cigarettes? No.

25 Q Okay. Did you transport anybody else from the

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1 scene to Ridgeland P.D. to speak with you?

2 A I don't recall if I did. If I had my report,
3 I would be able to tell you.

4 Q Let me see if I have an unhighlighted version.

5 MS. CARMODY: Beg the Court's
6 indulgence.

7 THE COURT: Yes, ma'am.

8 BY MS. CARMODY:

9 Q Detective Croft, I'm going to show you my
10 highlighted version just for the sake of expediency.

11 A Yes, ma'am.

12 Q If you could, review that report, please, and
13 please let me know if you transported anyone else from
14 the scene to Ridgeland P.D. for the purposes of an
15 investigation.

16 A Okay, ma'am.

17 Q Did you transport anybody else?

18 A No, ma'am.

19 Q Okay. And you indicated earlier that you knocked
20 on doors to speak with people?

21 A Yes, ma'am.

22 Q All right. And in speaking with people -- let's
23 start with the room directly adjacent to Mr. Redding's
24 room. Well, first of all, before I ask you that, how
25 did you find out Mr. Redding rented the room?

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- 1 A I believe he told me.
- 2 Q Did you ever obtain the hotel manifest?
- 3 A Yes.
- 4 Q Okay. And did you speak with the owner of the
- 5 hotel?
- 6 A I believe it was the owner, yes, ma'am.
- 7 Q Mr. Peter Patel?
- 8 A Yes, ma'am.
- 9 Q Okay. And Mr. Peter Patel was there when
- 10 Mr. Redding called 911?
- 11 A I don't know that.
- 12 Q Okay. This here is Defense 2. So this picture
- 13 here, just to confirm what we're looking at, in front
- 14 of this vehicle right here, this is Room 22,
- 15 correct?
- 16 A Yes, ma'am.
- 17 Q Did you speak with the occupants of this room to
- 18 the left?
- 19 A Yes, ma'am.
- 20 Q All right. And do you remember who that was?
- 21 A It would be documented in my report.
- 22 Q You want your report back?
- 23 A Sure.
- 24 Q I'm not sure if it has it in there, but ...
- 25 A Yeah, this just appears to be the sections of

1 the interview with Mr. Redding, not the full
2 report.

3 Q All right. So you did not prepare another report
4 in this case, did you? Did you prepare another
5 report?

6 A That was just the interview section with
7 Mr. Redding. There should have been another of
8 the initial response.

9 Q Was that provided to the State?

10 A I don't know. I'm not in charge of
11 evidence.com.

12 Q So is it your testimony that you prepared an
13 incident report in the case?

14 A I would have prepared a supplement for the
15 case.

16 Q Besides for the supplement that I just handed
17 you?

18 A Beside for the supplement for the interview,
19 yes, ma'am. There should have been a response
20 from me to the scene.

21 Q Okay. And you uploaded that into evidence.com?

22 A I'm not in charge of evidence.com.

23 Q Okay. And who is in charge of the evidence at
24 your office?

25 A That would be Lieutenant Litchfield.

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1 Q Okay. Well, do you remember speaking with a man
2 to the left of Room 22?

3 A Yes, ma'am.

4 Q Okay. And did that man indicate to you that he
5 heard any type of gunshot?

6 A No, ma'am.

7 Q Did that man indicate to you that he had heard
8 Cypress or Brian fighting?

9 A No, ma'am.

10 Q Did that man indicate to you that he saw Brian
11 with a weapon?

12 A No, ma'am.

13 Q Did the man indicate that he had ever called 911
14 to report any type of argument between Cypress and
15 Brian?

16 A No, ma'am.

17 Q Did you respond ever -- in your time with
18 Ridgeland Police Department, ever respond to Room 22
19 in response to a domestic situation between Brian and
20 Cypress?

21 A No, ma'am. I would not have.

22 Q Have you ever investigated a domestic violence
23 incident between Brian and Cypress?

24 A Not that I recall.

25 Q If you did, SLED would have that information,

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1 correct? If there was a prior incident of domestic
2 violence, that information would have been provided to
3 SLED.

4 A Yes, ma'am.

5 Q Now, you indicated that you were knocking and
6 talking to people. So let's go to the right. So we
7 have to the right of Room 22 here. Did you speak with
8 anybody in that room?

9 A Like I said, I don't recall. There were some
10 rooms that were empty and some rooms that were
11 vacant altogether. Nobody was renting those
12 rooms. So I don't recall exactly which ones had
13 people in them.

14 Q Do you know if anybody had checked out that day?

15 A I don't recall.

16 Q Okay. Do you recall whether anybody at all at the
17 Forest Motel heard or saw an argument between Cypress
18 and Brian?

19 A No, ma'am.

20 Q Did they hear anything at all happen between
21 Cypress and Brian?

22 A Not that was informed to me.

23 Q Were you informed during the course of your
24 investigation how long Cypress and Brian had been
25 living at the motel?

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1 A I want to say it was a month or two. I can't
2 recall the exact date and time.

3 Q Did anybody at any point in time indicate -- well,
4 first of all, did you ask -- did you ask people
5 whether there were any type of domestic disputes
6 between Brian and Cypress?

7 A Yes, ma'am.

8 Q Did anybody indicate --

9 MS. SWANSON: This would be hearsay, Your
10 Honor.

11 THE COURT: I would -- Ms. Carmody --

12 MS. CARMODY: Sure.

13 THE COURT: -- I would sustain the
14 objection as it relates to hearsay, ma'am.

15 BY MS. CARMODY:

16 Q All right. So, in the course of your
17 investigation, if you would have obtained information
18 that there was a domestic dispute between Brian
19 Redding and Cypress Noonan, Brian Redding would have
20 been under arrest, correct? If you obtained
21 information that there had been a domestic dispute on
22 September 6th, instead of driving Brian Redding back
23 to the motel, you would have placed him under arrest.

24 MS. SWANSON: Objection. I don't believe
25 it would actually have been his call. And this is

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1 a hypothetical question.

2 THE COURT: I'm going to sustain that
3 objection. I think it's a hypothetical. I think
4 he is the -- he's not the patrolman. He was an
5 investigator at the time.

6 MS. CARMODY: I will rephrase the
7 question, Your Honor.

8 THE COURT: All right.

9 BY MS. CARMODY:

10 Q Do you have arresting authority?

11 A Yes, ma'am.

12 Q Okay. Now, when you to the room -- to the left of
13 Room 22, if the man in that room had told you that he
14 heard or witnessed a domestic dispute between Brian
15 and Cypress, would you have placed him under arrest?

16 A Depends on the circumstances.

17 Q We have a gunshot victim. Would you have placed
18 the man under arrest?

19 A Depending on the information that was turned
20 over to me.

21 Q All right. To the right of Room 22, did you speak
22 with anybody at all in the motel?

23 A Yes, ma'am.

24 Q Okay. Did anybody at that motel provide you with
25 information that they saw a dispute between Cypress

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1 and Brian?

2 MS. SWANSON: Again, this would be
3 hearsay. She keeps asking about providing --

4 THE COURT: Solicitor, you said hearsay.
5 And I believe the way the question is phrased,
6 that's calling for hearsay. I'll sustain that
7 objection.

8 BY MS. CARMODY:

9 Q Through your investigation, did you obtain any
10 information from a single person at that motel,
11 anyone, that had witnessed a domestic dispute between
12 Cypress and Brian?

13 MS. SWANSON: Same objection. Hearsay.

14 THE COURT: All right. I'm going to
15 overrule that objection. He can go ahead and
16 answer the question if he understands the
17 question, ma'am.

18 THE WITNESS: No, I don't remember
19 getting any information.

20 BY MS. CARMODY:

21 Q Okay. Now, let's go to the left of Room 22. We
22 have this area right here, correct?

23 A Yes, ma'am.

24 Q All right. What, if anything, did you do to look
25 at that area there? Did you look at it or investigate

1 it at all?

2 A I looked at it, of course.

3 Q Okay. Is there anything behind there?

4 A I don't recall what's behind it. But
5 obviously, the blankets or sheets are covering
6 something.

7 Q Did you remove any of them?

8 A No, ma'am.

9 Q Okay. So to be clear, you're investigating a
10 shooting that happened two doors down, correct?

11 A Yes, ma'am.

12 Q This is in the corner of the L at the Forest?

13 A Yes, ma'am.

14 Q Did you look in this area at all and search for
15 any evidence?

16 A Again, we called SLED Crime Scene in to
17 process.

18 Q Okay. Before SLED arrived, did you do anything to
19 look in this area?

20 A I would have looked at it, yes, ma'am.

21 Q Okay. So you would have -- would you have moved
22 anything, or no?

23 A I would not have moved anything if I called
24 SLED Crime Scene.

25 Q All right. Do you recall speaking with a man by

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1 the name of Dervon James or Popeye?

2 A I don't recall. I do recall a Popeye coming
3 up, but I don't recall. What time are we talking
4 about?

5 Q The same day.

6 A I don't recall exactly speaking to him that
7 day.

8 Q Okay. He was on scene, correct?

9 A I don't recall.

10 Q Okay. There were other officers on scene with
11 you. Officer Warren --

12 A Yes, ma'am.

13 Q -- was on scene?

14 A Yes, ma'am.

15 Q Okay. And you don't recall if Popeye was there.

16 A No, ma'am. I don't recall.

17 Q All right. Did get any search warrants?

18 A Yes, ma'am.

19 Q For what?

20 A The room and the vehicle.

21 Q All right. Now, the search warrant for the room
22 authorized you --

23 MS. CARMODY: Beg the Court's indulgence,
24 Your Honor.

25 THE COURT: Yes, ma'am.

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1 BY MS. CARMODY:

2 Q When you obtained the search warrant for the room,
3 you hadn't asked Mr. Redding for his consent, had
4 you?

5 A No, ma'am.

6 Q Okay. You obtained the warrant on your own
7 volition?

8 A Yes, ma'am.

9 Q And in obtaining the warrant, do you remember what
10 the warrant was for, like what area to be searched?

11 A The hotel room.

12 Q All right. Is this the search warrant?

13 A Yes, ma'am.

14 Q Okay. And the search warrant, what is it --
15 what's the place to be searched?

16 A The address residence property curtilage to
17 include vehicles, persons, outbuildings, sheds,
18 conex boxes, kennels, containers, other such
19 storage capacities, pull-behind trailers located
20 at 10504 South Jacob Smart Boulevard, Forest Motel
21 Room 22, Ridgeland, South Carolina, County of
22 Jasper. Residence is further described as being a
23 single-story structure, a motel with a dark in
24 color shingles, front door to the residence is
25 blue with the number 22 on it.

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1 Q Thank you.

2 And what is -- what is curtilage?

3 A Basically, any property that is upkept.

4 Q So would the curtilage include the area that I
5 showed you in the picture in the corner?

6 A Yes, ma'am.

7 Q All right. This would include curtilage, yes?

8 A Yes, ma'am.

9 Q Would this area up here include curtilage?

10 A Yes, ma'am.

11 Q What about down both sides of the L at the hotel?
12 Would that have been curtilage?

13 A Yes, ma'am.

14 Q Was any of that searched or seized by you?
15 Anything searched?

16 A You would have to ask SLED Crime Scene.

17 Q But you obtained the warrant.

18 A Yes, ma'am.

19 Q Okay. So you personally did not conduct a search
20 or seizure in any of those areas.

21 A Typically, you don't execute your own search
22 warrant.

23 Q All right. But it would authorize those areas.

24 A Yes, ma'am.

25 Q All right. And when you took the GSR from

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1 Mr. Redding, are you aware of the results?

2 A I was later told, yes, ma'am.

3 Q What were those results?

4 MS. SWANSON: Objection, Your Honor.

5 Hearsay.

6 THE COURT: I believe that is hearsay,

7 and so I'll sustain that objection.

8 MS. CARMODY: Beg the Court's indulgence,

9 Your Honor.

10 THE COURT: Yes, ma'am.

11 MS. CARMODY: Your Honor, I don't have

12 any further questions for the witness at this

13 time, but subject to recall once I have that

14 incident report.

15 THE COURT: All right. Yes, ma'am.

16 MS. CARMODY: Thank you.

17 THE COURT: All right. Any redirect,

18 Solicitor?

19 MS. SWANSON: Yes, sir.

20 THE COURT: Go ahead.

21 REDIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q Deputy Croft, do you know for a fact that there's
24 another incident report?

25 A No, I don't know for a fact. No, ma'am.

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1 Q Okay. Would it be unusual for a road deputy to
2 write an initial report and then other officers write
3 supplementals and only supplementals?

4 A Yes, ma'am, that's the way it works.

5 Q And so would it be unusual for us to have two
6 responding officers -- or a responding officer's
7 report, a supplemental from another responding
8 officer, and a supplemental from the investigator?

9 A That's usually how it works, yes, ma'am.

10 Q Okay. Ms. Carmody asked you about whether Brian
11 showed you some videos. Do you recall the content of
12 those videos that he showed you?

13 A No, ma'am. I don't recall the actual content
14 of them.

15 Q Okay. At that point when you're interviewing him,
16 was he considered a suspect?

17 A No, ma'am.

18 Q He was not considered a suspect? Was he ruled out
19 as a suspect?

20 A No. We hadn't ruled him out as a suspect,
21 no. But he wasn't our primary suspect, is what
22 I'm trying to say.

23 Q You had other suspects?

24 A You have to develop information to develop
25 your suspect pool. Basically, at that time

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1 everybody was. Everybody in the county was a
2 suspect at the time until we had information that
3 steers us in that direction.

4 Q I understand. So you had not narrowed on him as
5 your only suspect.

6 A Yes, ma'am.

7 Q But he had not been ruled out.

8 A No, ma'am, he had not.

9 Q And when you are conducting an interview, what is
10 rapport building?

11 A A short term for it is building a really fast
12 friendship with somebody, getting him to talk with
13 you and open up. Basic interview techniques.

14 Q All right. And that's so that you can try and get
15 the most information possible?

16 A Yes, ma'am.

17 Q All right. Is complimenting someone part of
18 that?

19 A Yes, ma'am.

20 MS. SWANSON: I have nothing further.
21 Thank you.

22 THE COURT: Ms. Carmody?

23 MS. CARMODY: Just as I said earlier,
24 Your Honor.

25 THE COURT: All right.

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1 MS. CARMODY: No more questions. Subject
2 to recall.

3 THE COURT: All right. Yes, ma'am.

4 Sir, you can step down. You are subject
5 to recall. And, as a result, please don't talk to
6 anybody or any potential witnesses concerning this
7 matter. Thank you very much.

8 THE WITNESS: Yes, sir.

9 THE COURT: Ladies and gentlemen, we're
10 going to go ahead and break for lunch. I'm going
11 to ask that you be back at 2:15. And please don't
12 talk about the case. And I'll see you back at
13 2:15.

14 Anything else before I let the jury go?
15 From the State?

16 MS. SWANSON: No, Your Honor.

17 THE COURT: Defense?

18 MS. CARMODY: No, Your Honor.

19 THE COURT: All right. We'll see you-all
20 back at 2:15. Thank you very much.

21 (Jury exits the courtroom at 12:50 p.m.)

22 THE COURT: All right. Solicitor, can we
23 inquire about the existence of an initial report?
24 I know that when you conducted some redirect,
25 he -- on direct -- or on cross, he was sure there

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1 was something else. And on redirect, he's sure
2 there's not anything else.

3 MS. SWANSON: We've already reached out
4 to Lieutenant Litchfield, but neither the SLED
5 agent nor I had any additional report.

6 THE COURT: I understand. And, of
7 course, one of the things that I ask -- sir, come
8 on up here for one minute.

9 All right. Let me ask you this. Right
10 there is fine. When you were being crossed, it
11 seemed that you were fairly certain that there was
12 some type -- some other portion of your report
13 that wasn't a supplement, that what you were
14 making a reference to on the stand was a
15 supplement.

16 THE WITNESS: Yes, sir.

17 THE COURT: But you thought that there
18 was another portion of your report. But then on
19 redirect, you tended to indicate there was not
20 another portion of your report or no other
21 portion.

22 And what I want to ask you, sir: Do you
23 know for certain whether there's any other
24 portions of your report? Did you do anything
25 else, sir?

Testimony of John Croft

267

1 THE WITNESS: I don't know that there's
2 any more portions that have been turned over.

3 THE COURT: Okay.

4 THE WITNESS: Typically, when I come to a
5 scene, I'll do a short narrative of, I responded
6 to the scene and did this.

7 THE COURT: All right. So what we need
8 to do is -- and who would be the person that --
9 since you're not sure about that, who would be the
10 person that would know where that -- if that
11 report existed, sir?

12 THE WITNESS: Lieutenant Litchfield is in
13 charge of downloading things into evidence.com.

14 THE COURT: All right.

15 THE WITNESS: And he would be the one to
16 pull it from the report and put it into
17 evidence.com.

18 THE COURT: And where would your report
19 be? In the file and he's responsible, or you put
20 it onto a computer? How does Litchfield get it to
21 evidence.com? How does it get to evidence.com so
22 Litchfield can then download it and distribute it?

23 THE WITNESS: We have, obviously, a
24 computer report system.

25 THE COURT: Okay.

Testimony of John Croft

268

1 THE WITNESS: We type up our reports in
2 that. Once they're completed, he downloads that
3 file and then puts it into evidence.com.

4 THE COURT: All right. So, Solicitor,
5 I'm going to ask that you inquire of
6 Mr. Litchfield as to whether --

7 MS. SWANSON: I understand, Your Honor.
8 And we inquired five minutes ago. We're still
9 waiting on a response.

10 THE COURT: I understand. But again,
11 that's why I wanted to know exactly what his
12 understanding was as it relates to that.

13 Thank you, sir. Thank you so much.

14 MS. SWANSON: Right. We are following up
15 with it as we speak.

16 THE COURT: That sounds great. We'll be
17 at ease. I'll see everybody back here at five or
18 ten after 2:00.

19 (A break was taken at 12:54 p.m. to 2:10 p.m.)

20 THE DEPUTY: All rise.

21 THE COURT: Anything from the State
22 before we bring the jury in?

23 MS. SWANSON: No, Your Honor.

24 THE COURT: Anything from the defense,
25 Ms. Carmody?

Testimony of John Croft

269

1 MS. CARMODY: Hang on one moment, Your
2 Honor.

3 Nothing right now, Your Honor.

4 THE COURT: I think we're waiting one more
5 minute for a few jurors.

6 MS. SWANSON: Judge, I did convey to
7 Ms. Carmody that we got word back from
8 Lieutenant Litchfield that there was no additional
9 information in Ridgeland P.D.'s system that had
10 not been uploaded to evidence.com. So we do not
11 appear to be missing a report

12 THE COURT: All right.

13 THE CLERK: We have them all, Your
14 Honor.

15 THE COURT: Okay, thank you. Let's go
16 ahead and get the jury in.

17 (Jury enters the courtroom at 2:16 p.m.)

18 THE COURT: All right. Mr. Foreman,
19 ladies and gentlemen of the jury, welcome back.

20 I believe the State is ready to call their
21 next witness.

22 THE CLERK: We're missing one

23 THE COURT: Who are we missing?

24 Thank you, Ms. Bostick.

25 All right. As I was saying, welcome

Testimony of Delila Cirencione
back.

270

And I think the State is ready to
proceed. And Solicitor, you can call your next
witness.

MS. SWANSON: Thank you. The State calls
Delila Cirencione.

THE CLERK: Raise your right hand. Place
your left on the Bible. The testimony you're
about to give will be the truth so help you God?

THE WITNESS: Yes, ma'am.

WHEREUPON:

DELILA CIRENCIONE,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q If you can spell your name for the court reporter,
please, ma'am.

A It's Delila -- pull this down?

THE COURT: Pull that down. Right.

Thank you.

THE WITNESS: Delila Cirencione,
C-i-r-e-n-c-i-o-n-e.

BY MS. SWANSON:

Q All right. And I'm just going to call you Delila.

A Yes, ma'am.

Testimony of Delila Cirencione

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1 Q Where do you work?

2 A I work for the South Carolina Law Enforcement
3 Division, also known as SLED.

4 Q All right. And how long have you worked there?

5 A I've been with SLED about six and a half
6 years and with the Crime Scene Unit for five and a
7 half years.

8 Q Tell us how you got involved in the case against
9 Mr. Redding.

10 A On September 6th, 2020, I was on call. And I
11 received a call from our operations desk, also
12 known as OD. It's essentially dispatch for SLED.
13 And it was a request for a death investigation for
14 a 16-year-old juvenile female out of the
15 Ridgeland Police Department.

16 Q All right. Who did you first make contact with
17 when you got on scene?

18 A I initially made contact with Lieutenant
19 Litchfield, Daniel Litchfield, and Special Agent
20 Katie McCallister with SLED's Low Country Region.

21 Q Okay. And did you at some point take custody of a
22 GSR kit that had been performed by John Croft?

23 A Yes, ma'am. John Croft collected a gunshot
24 residue kit from Brian Redding and I received it
25 by a chain of custody form.

Testimony of Delila Cirencione 272

1 Q So that was done prior to your arrival, correct?

2 A Yes, ma'am, it was.

3 Q All right. I'm going to the hand you State's 18
4 and just ask if this is the GSR kit that was turned
5 over to you.

6 A Yes, ma'am, it is.

7 Q So what kind of establishment was this?

8 A This was the Forest Motel off of South Jacob
9 Smart Boulevard, I believe.

10 Q All right. And do you recall the room number?

11 A Yes, ma'am. It was Room 22.

12 (STATE EXH. 2, Photo, was marked for
13 identification.)

14 (STATE EXH. 3, Photo, was marked for
15 identification.)

16 BY MS. SWANSON:

17 Q Okay. I'm going to show you what has been marked
18 as State's 2 and 3 and ask if this is a fair and
19 accurate depiction of the motel room that you
20 responded to.

21 A It is.

22 MS. SWANSON: Okay. State would move 2
23 and 3 into evidence at this time.

24 THE COURT: Any objection?

25 MS. CARMODY: No, Your Honor.

Testimony of Delila Cirencione

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1 THE COURT: Admitted without objection.

2 (STATE EXH. 2, Photo, was entered into
3 evidence.)

4 (STATE EXH. 3, Photo, was entered into
5 evidence.)

6 MS. SWANSON: Move to publish.

7 THE COURT: Yes, ma'am.

8 BY MS. SWANSON:

9 Q I'll publish State's 2 first.

10 Agent, if you can tell us what we are looking
11 at here.

12 A You're looking at the door of Room 22 at the
13 Forest Motel. And it's just sealed off and
14 secured with crime scene tape, barrier tape.

15 Q Was that tape there prior to your -- or upon your
16 arrival?

17 A It was there upon my arrival.

18 Q That's how it appeared?

19 A Yes, ma'am.

20 Q And then this is State's 3.

21 A You're looking at Room 22, and you can see
22 some suspected blood on the exterior of the door
23 and as well on the handle of the door, the
24 exterior door handle.

25 (STATE EXH. 7, Photo, was marked for

Testimony of Delila Cirencione

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1 identification.)

2 (STATE EXH. 8, Photo, was marked for
3 identification.)

4 BY MS. SWANSON:

5 Q Okay. I'm going to show you State's 7 and 8 and
6 ask if you can identify what's contained within these
7 pictures, beginning with State's 7.

8 A Yes, ma'am.

9 Q Okay. And what are those pictures of?

10 A The pictures are scale tape that we placed on
11 the suspected bloodstain on the exterior of the
12 door labeled as Stain A with the date, initials,
13 and a description. And then a scale tape on the
14 interior of the door, which is labeled as Stain B,
15 with the initials, date, and description of the
16 stain.

17 Q And are those fair and accurate depictions of the
18 stains as they appeared when you saw them?

19 A Yes, ma'am, they are.

20 MS. SWANSON: I would move 7 and 8 --

21 MS. CARMODY: Your Honor, may we approach?

22 THE COURT: Yeah.

23 (Bench conference.)

24 THE COURT: Yes, ma'am.

25 MS. CARMODY: Her sister is in the

Testimony of Delila Cirencione
1 courthouse and they were sequestered.

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2 MS. SWANSON: She wasn't subpoenaed.
3 Well, she wasn't subpoenaed by you.

4 THE COURT: The State -- it's not a
5 State's witness. Did you subpoena her to be here?

6 MS. CARMODY: She lives in the area.

7 THE COURT: Let's check. And who is
8 this?

9 MS. CARMODY: Sabrina Noonan.

10 THE COURT: Sabrina Noonan. She's on the
11 list, yes, ma'am. Go ahead.

12 MS. CARMODY: Raven was not subpoenaed.

13 THE COURT: This is Raven Johnson.

14 All right. So she's a witness that
15 you're calling, and you want your witness to be
16 sequestered.

17 MS. CARMODY: Especially fact witnesses.
18 The State can call her. I can call her.

19 THE COURT: I will ask that she be
20 sequestered and not be in the courtroom while this
21 is going on.

22 MS. CARMODY: Thank you.

23 THE COURT: Solicitor, have the victim's
24 advocate advise her that she cannot be in here
25 because she's a potential witness and not to

Testimony of Delila Cirencione

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1 discuss this matter with any of the potential
2 witnesses.

3 MS. SWANSON: Yes, sir. She is not under
4 subpoena, though.

5 THE COURT: I understand that.

6 Is that satisfactory from the defense?

7 MS. CARMODY: Yes, Your Honor.

8 THE COURT: Thank you.

9 All right. Solicitor, you can proceed.

10 MS. SWANSON: Thank you, Your Honor.

11 MS. SWANSON: I believe I was at the
12 stage of moving State's 7 and 8 into evidence at
13 this time.

14 THE COURT: Any objection to State's 7 or
15 8?

16 MS. CARMODY: No, Your Honor.

17 THE COURT: All right. 7 and 8 admitted
18 without objection.

19 (STATE EXH. 7, Photo, was marked for
20 identification.)

21 (STATE EXH. 8, Photo, was marked for
22 identification.)

23 MS. SWANSON: If I may publish?

24 THE COURT: Yes, ma'am.

25 BY MS. SWANSON:

Testimony of Delila Cirencione

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1 Q This is State's 7. And that's a bloodstain from
2 the exterior?

3 A The exterior door, yes, ma'am, of Room 22.

4 Q Did you take any swabs of the exterior of the
5 door?

6 A Yes. I collected two swabs from the
7 suspected blood on Stain A.

8 Q All right. I'm going to publish State's 8 and ask
9 if you collected any swabs from the interior of the
10 door.

11 A I did. I collected two swabs from the
12 interior suspected blood from Stain B.

13 Q Did you collect swabs from any other area of the
14 door?

15 A I did. I collected swabs from the exterior
16 door handle, as well as two swabs from the
17 interior door handle.

18 (STATE EXH. 19, Bag of swabs, was marked for
19 identification.)

20 BY MS. SWANSON:

21 Q I'm going to hand you what's been marked as
22 State's Exhibit 19 for identification purposes and ask
23 if this bag contains all the swabs that you took from
24 the exterior and interior of the door and the exterior
25 and interior of the door handle.

Testimony of Delila Cirencione

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1 A Yes, ma'am, they do.

2 Q Okay. And then you turned those in for testing?

3 A I did. I collected that and then submitted
4 it in the lab for analysis.

5 Q Thank you.

6 At some point, did you obtain a buccal swab
7 from the defendant?

8 A Yes, ma'am, I did.

9 Q Can you tell the jury what a buccal swab is.

10 A A buccal swab is a non-invasive swab of DNA
11 from the inside of the mouth. So we take two,
12 they look like Q-Tips but a little bit longer, and
13 they're sterile, it has a sterile container, and
14 you swab the cheeks of the mouth. And we use that
15 for elimination purposes or comparison purposes
16 for any DNA that may be collected within the crime
17 scene or outside of the crime scene depending on
18 the investigation. And those were collected with
19 a signed voluntary consent to search from the
20 witness Brian Redding.

21 Q So he provided that voluntarily.

22 A Yes, ma'am, he did.

23 (STATE EXH. 6, Bag containing swabs, was
24 marked for identification.)

25 BY MS. SWANSON:

Testimony of Delila Cirencione

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1 Q I'm going to hand you what's been marked as
2 State's Exhibit 6 and ask if this bag contains the
3 swabs that you just referenced.

4 A Yes, ma'am, they do.

5 Q That went to SLED for analysis?

6 A It did.

7 Q Going back to the door, did you note any signs of
8 forced entry?

9 A No, ma'am, there were no signs of forced
10 entry that I saw.

11 Q Once inside, what did you find?

12 A Once we got inside of Room 22 at the motel,
13 we observed a female victim with a suspected
14 gunshot wound to the left side of her forehead.
15 She was slumped over the bed. There was suspected
16 blood around the bed and on the bed.

17 Q Was there a lot of blood?

18 A There was a blood-letting event.

19 (STATE EXH. 26, Photo, was marked for
20 identification.)

21 BY MS. SWANSON:

22 Q I'm going to show you what has been marked as
23 State's 26 and ask if you recognize what's contained
24 within this picture.

25 A Yes, ma'am.

Testimony of Delila Cirencione 280

1 Q And does that accurately reflect the state of the
2 victim when you came on the crime scene?

3 A Yes, ma'am.

4 Q Okay. And the position?

5 A From what I can see, yes, ma'am.

6 MS. SWANSON: I would move State's 26
7 into evidence at this time.

8 THE COURT: Any objection to State's 26?

9 MS. CARMODY: No objection.

10 THE COURT: Submitted without objection
11 State's 26.

12 (STATE EXH. 26, Photo, was entered into
13 evidence.)

14 THE COURT: You can publish, Solicitor.

15 BY MS. SWANSON:

16 Q Okay. Is there anything else that this picture
17 contains?

18 A Yes, ma'am. If you are looking at the
19 picture to the right side, there is a cartridge
20 case on the floor between the bed and the wall.

21 Q Is that what you're referring to?

22 A I can't see it from here, but, yes, ma'am.

23 Q All right. I've got another picture.

24 (STATE EXH. 15, Photo, was marked for
25 identification.)

Testimony of Delila Cirencione
(STATE EXH. 16, Photo, was marked for

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1
2 identification.)

3 BY MS. SWANSON:

4 Q I'm going to hand you 15 and 16 and ask if you can
5 identify what's contained within these pictures.

6 A Yes, ma'am.

7 Q Are those pictures of where the cartridge case was
8 found?

9 A They are.

10 MS. SWANSON: I would move 15 and 16 into
11 evidence at this time.

12 THE COURT: Any objection?

13 MS. CARMODY: No, Your Honor.

14 THE COURT: Admitted without objection.

15 (STATE EXH. 15, Photo, was entered into
16 evidence.)

17 (STATE EXH. 16, Photo, was entered into
18 evidence.)

19 (STATE EXH. 5, Cartridge case, was marked
20 for identification.)

21 BY MS. SWANSON:

22 Q And I'm handing you what's been marked as State's
23 Exhibit 5 for identification purposes and ask if this
24 is the cartridge case that you collected from the
25 right side of the bed at the Forest Motel room.

Testimony of Delila Cirencione

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1 A It is.

2 Q And that went off to testing?

3 A Yes, ma'am, it did.

4 MS. SWANSON: Your Honor, I would ask to
5 publish 15 and 16 at this time.

6 THE COURT: That's fine. Yes, ma'am.

7 BY MS. CARMODY:

8 Q It's a little difficult to see, but it's behind
9 this bottle; is that right?

10 A Yes, ma'am, it's a cartridge case found on
11 the ground.

12 Q And then with the placard right there?

13 A Yes, ma'am. That's the same cartridge case
14 head-stamped WMA19 and marked with a Marker 1.

15 Q Thank you.

16 Did you locate any firearms in the hotel
17 room?

18 A No, we did not.

19 Q All right. So no gun was collected from Room 22.

20 A No, ma'am.

21 Q Was there any sign of a struggle?

22 A Not to my observations, no, there was not.

23 Q No overturned furniture or anything of that
24 sort?

25 A Nothing.

Testimony of Delila Cirencione

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1 Q Was there any evidence of drug use in the room?

2 A Yes, ma'am. There was a white powdery
3 substance collected from the table in the corner
4 closest to a window, and it was directly collected
5 by Investigator Croft, but documented by SLED
6 Crime Scene.

7 (STATE EXH. 9, Photo, was marked for
8 identification.)

9 BY MS. SWANSON:

10 Q I'm going to hand you what's been marked as
11 State's Exhibit 9 and ask if this is what you were
12 referring to when you say white powdery substance.

13 A It is.

14 Q Is that how those razors and the substance
15 appeared in the room what you guys got there?

16 A Yes, ma'am, that's how it was.

17 MS. SWANSON: I would move 9 into
18 evidence at this time and request to publish.

19 THE COURT: Ms. Carmody, any objection to
20 State's 9 being entered into evidence?

21 MS. CARMODY: No, Your Honor.

22 THE COURT: It is 9, isn't it?

23 MS. SWANSON: It is.

24 THE COURT: Okay. Admitted without
25 objection.

Testimony of Delila Cirencione
(STATE EXH. 9, Photo, was entered into

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evidence.)

BY MS. SWANSON:

Q All right. Also, from the scene you collected some evidence -- some forensic evidence from the victim. What did you collect from the victim?

A From the victim, with the permission from the coroner, the Jasper County coroner, we collected a set of postmortem major case prints. That's just inked fingerprints for comparison purposes or elimination purposes to any latents found on any evidence. We also collected a buccal swab like we did with Mr. Redding and fingernail scrapings and a GSR or gunshot residue kit.

(STATE EXH. 22, Finger nail scraping;
Noonan, was marked for identification.)

BY MS. SWANSON:

Q I'm going to hand you State's 22 and ask if these were the fingernail scrapings that you collected from the victim Cypress Noonan.

A Yes, ma'am, these are.

Q And those were sent off for testing?

A Yes, ma'am, I believe so.

(STATE EXH. 23, GSR kit, was marked for
identification.)

Testimony of Delila Cirencione

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1 BY MS. SWANSON:

2 Q I'm going to hand you State's 23 and ask if this
3 is the GSR kit that you collected from Cypress Noonan.

4 A Yes, ma'am, it is.

5 Q And, again, that was sent off for testing.

6 A It was.

7 Q Thank you.

8 All right. Once you were finished at the
9 scene, did you photograph the defendant?

10 A Yes, ma'am. I was requested by
11 Ridgeland P.D. to go to the police department and
12 document Redding with additional photographs.

13 Q Okay. And you took photos of his person and his
14 hands?

15 A Yes, ma'am.

16 Q And his shoes and things of that nature?

17 A His clothing, yes.

18 (STATE EXH. 10, Photo, was marked for
19 identification.)

20 (STATE EXH. 11, Photo, was marked for
21 identification.)

22 (STATE EXH. 12, Photo, was marked for
23 identification.)

24 (STATE EXH. 13, Photo, was marked for
25 identification.)

Testimony of Delila Cirencione
(STATE EXH. 14, Photo, was marked for

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1
2 identification.)

3 BY MS. SWANSON:

4 Q I'm going to hand you State's Exhibits 10 through
5 14 and ask if these are photos that you took of
6 Mr. Redding that day after you left the crime scene.

7 A Yes, ma'am, they are.

8 Q And that accurately portrays what he -- how he
9 appeared --

10 A Yes, it does.

11 Q -- on September 6th?

12 A Yes, ma'am.

13 Q Thank you.

14 MS. SWANSON: The State would move 10 to
15 14 into evidence at this time.

16 THE COURT: Any objection, Ms. Carmody?

17 MS. CARMODY: No, Your Honor.

18 THE COURT: No objection, State's 10
19 through 14 admitted without objection.

20 (STATE EXH. 10, Photo, was entered into
21 evidence.)

22 (STATE EXH. 11, Photo, was was entered into
23 evidence.)

24 (STATE EXH. 12, Photo, was was entered into
25 evidence.)

Testimony of Delila Cirencione 287
(STATE EXH. 13, Photo, was was entered into

1 evidence.)

2
3 (STATE EXH. 14, Photo, was was entered into
4 evidence.)

5 MS. SWANSON: Thank you. Beg the Court's
6 indulgence.

7 BY MS. SWANSON:

8 Q Do you recall if you asked Mr. Redding whether or
9 not he had changed clothes?

10 A I don't recall asking.

11 Q Okay. What about -- I'm sorry.

12 MS. SWANSON: Okay. I would move to
13 publish these at this time.

14 THE COURT: All right. Go ahead.

15 BY MS. SWANSON:

16 Q Did you end up collecting the clothing that he was
17 wearing in those photos?

18 A Yes. I collected the red Adidas shirt and
19 the shorts with a consent to search form.

20 (STATE EXH. 24, L20-14672; Item number
21 13, was marked for identification.)

22 BY MS. SWANSON:

23 Q I'm going to show you what's been marked as
24 State's 24 and ask if these are the shorts that you
25 collected from Mr. Redding.

Testimony of Delila Cirencione

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1 A Yes, ma'am, they are.

2 (STATE EXH. 25, Red shirt; Redding, was
3 marked for identification.)

4 BY MS. SWANSON:

5 Q All right. And State's 25, is this the red Adidas
6 shirt that you collected from Mr. Redding?

7 A Yes, ma'am, it is.

8 Q All right. Thank you.

9 And both of these items were sent off to
10 SLED?

11 A They were.

12 Q All right. You took buccal swabs from the victim
13 as well?

14 A Yes, ma'am, I did.

15 (STATE EXH. 20, Buccal swabs; Noonan, was
16 marked for identification.)

17 BY MS. SWANSON:

18 Q I'm handing you what's been marked as State's
19 Exhibit 20, are these the swabs that you took from the
20 victim in this case?

21 A They are.

22 (STATE EXH. 21, Firearms evidence, was
23 marked for identification.)

24 BY MS. SWANSON:

25 Q Okay. I'm handing you State's Exhibit 21 labeled

Testimony of Delila Cirencione

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1 as Items 2 and 3. Can you explain what those items
2 are.

3 A One of them is a suspected fire projectile
4 fragment from Defect A inside the motel room 22.
5 There was a headboard. Once the victim was moved,
6 when the coroner arrived on the scene, you could
7 see a suspected bullet defect to the back of the
8 headboard. Next to it was a small fired
9 projectile fragment.

10 And then I can't really get to the other
11 one.

12 Q That's okay.

13 A Oh, I see it. That was a fired projectile.
14 I attended autopsy on September 9th at the Medical
15 University of South Carolina, and I received a
16 fired projectile that purportedly came from the
17 hair of Cypress Noonan with the medical staff at
18 MUSC.

19 Q Okay. And so that's the firearms evidence that
20 was then sent for analysis.

21 A Yes, ma'am. This was all sent to firearms.

22 Q All right. Thank you.

23 All right. When you were finished with
24 processing the hotel room, were you tasked with
25 processing a Toyota Avalon?

Testimony of Delila Cirencione

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1 A Yes, ma'am. Once we were done with the crime
2 scene, we were requested to go to the Ridgeland
3 Police Department where there was a Toyota Avalon
4 that was white in color, and we searched it as
5 well as documented with digital photographs.

6 Q Okay. Did you end up swabbing that car at some
7 point?

8 A A few days later, I believe on -- I want to
9 say the 23rd. Yup. On the 23rd, we were
10 requested to go back out to the Ridgeland Police
11 Department, and we processed the Toyota Avalon
12 with leucocrystal violet. It's a chemical for --
13 it's called LCV. It's a chemical that looks at
14 the presumptive presence of suspected blood. It
15 did test positive for the driver's door handle on
16 the exterior.

17 MS. CARMODY: Objection, Your Honor.
18 Facts not in evidence.

19 MS. SWANSON: I'm sorry?

20 THE COURT: Come here. Counsel approach.

21 (Benc conference.)

22 THE COURT: Hold on. What's your
23 objection?

24 MS. CARMODY: My objection is to the
25 blood analysis on the car.

Testimony of Delila Cirencione

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1 THE COURT: I think all she said was --

2 MS. SWANSON: It was just a presumptive
3 test, she said.

4 THE COURT: I'll sustain the objection.
5 I think she can rephrase it in such a way that
6 doesn't use the "positive." I think what happens
7 is, she sprayed it down and it then basically was
8 presumptive for the presence of blood on the
9 handle, or whatever it was.

10 MS. SWANSON: The swabs did come back --

11 THE COURT: I'll sustain. And as it
12 relates to the test, just rephrase it however you
13 want to. Thank you. (End .

14 I will sustain the objection.
15 Solicitor -- I'd ask the jury to disregard the
16 last comment. If you'd just rephrase the
17 question, please.

18 BY MS. SWANSON:

19 Q Did you use a presumptive test to determine a
20 couple of places on where to swab in the Toyota
21 Avalon?

22 A Yes, there was a presumptive test.

23 Q Okay. And you're not a serologist.

24 A No, ma'am. I'm not.

25 Q You don't know the results of that test, do you?

Testimony of Delila Cirencione

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1 A I do not.

2 Q All right. So photos of the car were taken, a
3 couple swabs, and that was the extent of the Toyota
4 Avalon?

5 A Yes, ma'am.

6 Q I think that's everything I have for you at this
7 time. If you can please answer any questions that the
8 defense may have for you.

9 A Thank you.

10 THE COURT: Ms. Carmody, do you have any
11 questions for this witness?

12 MS. CARMODY: Yes, Your Honor.

13 THE COURT: All right. Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. CARMODY:

16 Q Good afternoon, ma'am.

17 A Good afternoon.

18 Q So, ma'am, you indicated earlier that you're a
19 crime scene specialist, correct?

20 A Yes, ma'am.

21 Q And you're working under the direction of
22 Agent McCallister?

23 A No, ma'am. She was just there to assist us
24 and we're there to assist her. We work
25 together.

Testimony of Delila Cirencione

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1 Q You prepared a report in this case?

2 A Yes, ma'am. I wrote a report.

3 Q Okay. So in your report, when it would indicate
4 "All actions were discussed with S.A. McCallister,"
5 Special Agent McCallister, "no further processing was
6 requested at that time," would that indicate that you
7 were in charge of the investigation or Special Agent
8 McCallister?

9 A We do the crime scene portion of the
10 investigation and she does the entire
11 investigation, and she's going to be the lead
12 agent for it.

13 Q So if she wanted any further processing of
14 anything, that would come from her?

15 A Yes, ma'am. It would.

16 Q And so it's -- you check in with her and indicate
17 what's been done, how it's been done, and why?

18 A Yes, ma'am. We do an entire walk-through of
19 everything that we've done so we're all on the
20 same page before we leave the crime scene.

21 Q Okay, great.

22 So your report indicates that you got to the
23 crime scene at 12:26 p.m., correct?

24 A Yes, ma'am. 12:26, yep.

25 Q All right. And you testified earlier the scene

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1 that we're talking about was the Forest Motel.

2 A Yes, ma'am.

3 Q Okay. Now, you need information in order to do
4 your job, correct?

5 A I do.

6 Q All right. So your report indicates that the
7 information that you were provided to do your
8 investigation -- your investigation is based on the
9 information that you have so you know what you're
10 looking for, correct?

11 A We get information once we get on the scene,
12 and it's helpful to our investigation as a whole.
13 But we look for evidence. We search everything.
14 We process everything that we can. So we don't
15 know all the information of what could be or what
16 had happened until we look for that evidence. So
17 we let the evidence kind of tell us the story.

18 Q All right, ma'am. So your report indicates that
19 you went on scene with this following information.
20 And please correct me if I'm wrong. You arrived on
21 scene with the information that Mr. Redding had called
22 911.

23 A Yes, ma'am.

24 Q Okay. Additionally, the reason that you were
25 processing -- hold on one second. Let me find the

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1 right spot.

2 Okay. And that the -- so when you say a male
3 witness, you're referring to Mr. Redding, that he had
4 left the motel room and reported the victim alive at
5 that time, correct?

6 A Yes, ma'am, that's what we were told.

7 MS. SWANSON: Your Honor, that's
8 hearsay.

9 MS. CARMODY: This is the information
10 she's being provided in order to collect
11 evidence.

12 THE COURT: I'm going to overrule that.
13 I think this is information that she's indicated
14 that she's going to rely upon as she then goes
15 about conducting her analysis. I'm going to
16 overrule that.

17 Go ahead, please.

18 BY MS. CARMODY:

19 Q And then you also had information that the
20 witness, Mr. Redding, had returned to the motel room
21 and found the victim deceased with a suspected gunshot
22 wound to the head, correct?

23 A That's what we were told at the time, yes,
24 ma'am.

25 Q This is what you're basing your investigation on,

1 correct?

2 A That's not what I based my investigation on.
3 That's just the information that I receive when I
4 initially get there, yes, ma'am.

5 Q Additionally, you also had information that
6 Mr. Redding touched the victim's head and arms and
7 then reported to have called 911, correct?

8 A Yes, ma'am. We were told that he touched the
9 victim.

10 Q Okay. And as you had testified earlier,
11 Investigator Croft had already collected a gunshot
12 residue kit. You had that information as well.

13 A Yes, ma'am.

14 Q Okay. Were you aware that a DNA sample had
15 already been provided as well?

16 THE WITNESS: Your Honor, may I look at
17 my notes?

18 THE COURT: Sure.

19 THE WITNESS: Ma'am, could you rephrase
20 that?

21 BY MS. CARMODY:

22 Q I'm sorry.

23 Were you made aware that Mr. Redding had
24 already provided a DNA sample to Investigator Croft?

25 A No, ma'am.

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1 Q And when you arrived on scene, you were with
2 Special Agent Worley, correct?

3 A Yes, ma'am, I was.

4 Q And McCallister was on scene as well, correct?

5 A Yes, ma'am.

6 Q So it would be -- is it fair to assume that you
7 were not alone and you had help with you?

8 A Yes, ma'am. We are teamed up with a second
9 partner, so we always work as two people on a
10 crime scene.

11 Q In this case, there were actually three, correct?

12 A With Crime Scene, there was only two.

13 Q Okay. And your -- is it your understanding that
14 you entered the motel room -- or actually you went to
15 the Forest Motel pursuant to a search warrant?

16 A Yes, ma'am. The Ridgeland Police Department
17 obtained a search warrant for the motel room and
18 curtilage.

19 Q Okay. Ma'am, do you remember what areas -- the
20 places that the Court ordered to be searched?

21 A No, ma'am. I don't have the search warrant
22 with me right now.

23 Q Would it refresh your recollection if I showed you
24 a copy?

25 A Yes, ma'am.

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1 Q (Hands document.)

2 A Yes, ma'am.

3 Q Okay. And what areas were to be searched?

4 A The address residence property to include
5 curtilage and all vehicles, persons, outbuildings,
6 sheds, conex boxes, kennels, containers, and other
7 such storage contraptions, pull-behind trailers
8 all located at 10504 South Jacob Smart Boulevard
9 or the Forest Motel, Room 22 in Ridgeland,
10 South Carolina, 29036, County of Jasper.

11 And the residence is further described as
12 being a single-story structure motel with dark in
13 color shingles, and the front door of the residence is
14 blue in color with the number 22 on the door.

15 Q Ma'am, when you were on scene -- when you arrived
16 on scene, you did not know what had happened with
17 Cypress Noonan.

18 A No, ma'am. I did not know the victim's name
19 at the time. I just knew that it was a female
20 juvenile victim with a gunshot wound to the
21 head.

22 Q So again, you don't know what happened to her.

23 A No, ma'am.

24 Q All right, great.

25 So your job in being on scene is to examine

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1 the crime scene and to collect evidence?

2 A Yes, ma'am. We documented the crime scene
3 with digital photographs and notes, measurements
4 in a rough stretch, and then we collect all the
5 evidence and keep it as pristine as we can, drive
6 it to the SLED Forensic Services Laboratory where
7 we submit it all.

8 Q Ma'am, have you been sitting in the courtroom
9 while the other officer testified?

10 A No, ma'am.

11 Q Okay. You're not aware of the previous officer's
12 testimony?

13 A No, ma'am.

14 Q All right. The jury has seen this picture
15 earlier, but I'm going to show you a picture of what
16 has previously marked as Defense 3.

17 So ma'am, is this the right side of the
18 L-shaped Forest Motel?

19 A I can't really see the picture. I'm sorry.

20 Q I can hand it to you, ma'am.

21 A Thank you. I don't know from this picture.
22 I'm sorry.

23 Q You don't know what the Forest Motel looks like?

24 A I know that it was yellow outside with tan
25 and blue doors, but I can't read the name of the

1 motel.

2 Q Ma'am, when you arrived on scene, were there other
3 cars in the parking lot?

4 A Yes, ma'am, there were.

5 Q All right. And there were people in the parking
6 lot as well, correct?

7 A I can't recall if there were people in the
8 parking lot other than law enforcement and law
9 enforcement vehicles and residents' vehicles.

10 Q All right. And maybe this picture will help you
11 better. How about this one? Is this one -- this is
12 Defense 2. Does this one refresh your recollection of
13 what the Forest Motel looks like?

14 A I can't really see the picture from here.
15 I'm sorry.

16 Q I'm sorry. (Hands document).

17 A Thank you. That appears to be the L-shaped
18 area of the Forest Motel, but I can't see -- it's
19 not my photo. I didn't take this. And I can't
20 see that that is Room 22 or that it is the
21 Forest Motel, but it looks similar.

22 Q Okay. And I think the big one the State produced.
23 We'll just use that one.

24 Okay. Ma'am, I'm going to show you
25 State's 2. How about this one?

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1 A Yes, ma'am.

2 Q Can you identify this one?

3 A Yes, ma'am.

4 Q Okay. Ma'am, this area here, what is this?

5 A I can't see from the photo.

6 Q (Hands document).

7 A Thank you. I'm not sure what that area is.

8 Maybe it's a fly. I don't know. I was focused on

9 Room 22 at that time.

10 Q Oh, okay. So the crime scene, according to your
11 testimony, is only Room 22.

12 A We typically also search the outside area and
13 anything around it. We don't remember any
14 observations made on the outside of the motel room
15 at that time.

16 Q Ma'am -- so, specifically, Room 22 is right here.

17 A Yes.

18 Q And did you search this area or any area
19 surrounding Room 22 for a weapon?

20 A I don't recall searching it myself, no,
21 ma'am.

22 Q Okay. This is a single-story structure,
23 correct?

24 A Yes, ma'am. It is.

25 Q Did you search anywhere up here, up top, for a

1 weapon?

2 A No, ma'am, I didn't.

3 Q Okay. Did you search anywhere outside in the
4 curtilage of Room 22 for a weapon?

5 A Not that I can recall.

6 Q Did you talk to any of the neighbors in the
7 adjoining rooms?

8 A No, ma'am. That's typically not part of my
9 job duties. That's more of the investigation
10 side.

11 Q Your job is only looking for physical evidence,
12 like a firearm?

13 A That's part of it, yes, ma'am, and then
14 latent evidence as well that you can't see.

15 Q All right. And so when you're in the room, you
16 would have documented and collected evidence,
17 correct?

18 A Yes, ma'am.

19 Q All right. Now, you indicated earlier -- I'd like
20 to show you State's 7 and --

21 MS. SWANSON: I believe that's defense.

22 BY MS. CARMODY:

23 Q I'm sorry. Defense 7.

24 And was this the table in the room?

25 A Can I please see the picture closer up?

Testimony of Delila Cirencione

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1 Q Sure.

2 A Thank you. Yes, ma'am, I believe it was.

3 Q Okay. So your testimony is that this was a table
4 in the room. And, ma'am, did you collect any evidence
5 from the table?

6 A No, ma'am, that day I did not collect any
7 evidence.

8 Q That day you didn't collect any evidence?

9 A I did not collect any evidence from this
10 table -- or from the table of Room 22 at the
11 Forest Motel.

12 Q Okay. And you testified earlier that you were
13 there responding to a gunshot wound, correct?

14 A Yes, ma'am.

15 Q You don't know at this point what happened to
16 Cypress Noonan, correct?

17 A No, ma'am, I don't.

18 Q All right. You didn't collect anything at all on
19 the table.

20 A No, ma'am. I did not collect anything from
21 that table.

22 Q What about this picture here where the drawers
23 were open? Did you collect anything out of the
24 drawers?

25 A No, ma'am. I didn't collect anything out of

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1 the drawers. It was all documented with digital
2 photographs.

3 (DFT. EXH. 17, Photo, was marked for
4 identification.)

5 (DFT. EXH. 18, Photo, was marked for
6 identification.)

7 (DFT. EXH. 19, Photo, was marked for
8 identification.)

9 (DFT. EXH. 20, Photo, was marked for
10 identification.)

11 BY MS. SWANSON:

12 Q All right. I'd like to show you what has been
13 pre-marked as Defense 17 -- 17 and 18.

14 A Yes, ma'am.

15 Q All right. And, actually, while I'm over here,
16 Defense 19 and 20.

17 A Yes.

18 MS. CARMODY: Your Honor, defense moves
19 17, 18, 19, and 20 into evidence. May I publish?

20 THE COURT: Any objection, Solicitor?

21 MS. SWANSON: No objection.

22 THE COURT: Yes, ma'am. Admitted without
23 objection. You can publish. Yes, ma'am.

24 (DFT. EXH. 17, Photo, was marked for
25 identification.)

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(DFT. EXH. 18, Photo, was entered into

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1
2 evidence.)

3 (DFT. EXH. 19, Photo, was entered into
4 evidence.)

5 (DFT. EXH. 20, Photo, was entered into
6 evidence.)

7 BY MS. SWANSON:

8 Q Ma'am, do you know where these were located?

9 A I believe those were from the side table next
10 to the bed, but they also could have been from the
11 dresser where the TV was on top in front of the --
12 we look through each one of the drawers typically
13 on scene and document everything that could be in
14 there, as well as pocketbooks, purses, book bags,
15 et cetera.

16 Q Ma'am, what is the picture? What is depicted in
17 the picture?

18 A This is a picture of Tri-Legest FE for
19 Cypress Noonan. I believe those are birth control
20 pills.

21 Q Ma'am, what's the date on the prescription?

22 A I believe that's -- is that 8/27/20 on the
23 far right corner?

24 Q Right here. Do you want me to blow it up bigger
25 before showing it to you? Is that better?

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1 A I believe it's August 27th.

2 Q August 27, 2020?

3 A Yes, ma'am.

4 Q And when were these collected?

5 A These were not collected.

6 Q When did you take this picture?

7 A This picture was taken on September 6,
8 2020.

9 Q Okay. It's fair to assume there was no pills
10 missing out of the container, correct?

11 A Yes, ma'am, that can be assumed.

12 Q I'm sorry?

13 A Yes, ma'am. It can be assumed that there's
14 no pills missing out of that container.

15 Q All right. Ma'am, I'm going to show you
16 Defense 7, this picture. So these are -- what are
17 these?

18 A The clear plastic bags.

19 Q And those were left on the table?

20 A To my knowledge, yes.

21 Q And, ma'am, this picture here, what is this?

22 A This appears to be the bathroom and toilet on
23 the right-hand side.

24 Q In the middle of the floor in the bathroom, what
25 was in the middle of floor in the bathroom?

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- 1 A I'm not sure. I can't see that.
- 2 Q It would be in your report, too, ma'am, right?
- 3 A If there wasn't any evidentiary value to it,
- 4 it probably was not in my report.
- 5 Q Okay. Are you saying that drugs in the room -- is
- 6 it your testimony that suspected narcotics in the room
- 7 and suspected drug paraphernalia on the bathroom floor
- 8 are not items of evidentiary value?
- 9 A I don't recall seeing suspected drugs on the
- 10 bathroom floor. I do remember suspected drugs on
- 11 the side table, which were collected by
- 12 Investigator Croft.
- 13 Q Here (indicating). This table, ma'am?
- 14 A Yes, ma'am.
- 15 Q Okay. And you said Investigator Croft collected
- 16 them?
- 17 A Yes, ma'am.
- 18 Q Did he confirm that with you?
- 19 A Yes, ma'am. Those were collected by
- 20 Investigator Croft per my report.
- 21 Q And, ma'am, you had testified earlier that there
- 22 were no signs of forced entry, correct?
- 23 A Yes, ma'am.
- 24 Q All right. I want to show you Defense 20.
- 25 Ma'am, is that the door right here?

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1 A It is.

2 Q Okay. And do you -- did you have opportunity to
3 examine the door to see if that door closes and
4 latches correctly?

5 A I don't recall at this time.

6 Q It would be indicated in your report, no?

7 A Unless there was -- the door was not closed
8 or locked or there was an issue with it,
9 typically, no. I didn't observe any forced entry
10 to the motel room door.

11 Q Okay. When you're saying you're not observing
12 forced entry, you're talking about a door being kicked
13 in, like a busted doorjamb?

14 A Typically, the doorjamb or the strike plate
15 off the door or footwear impression on the door,
16 or damage to the door, or if the door does not
17 lock or close properly.

18 Q All right. You testified that your job on scene
19 is to document, right?

20 A Yes, ma'am.

21 Q And do you recognize Defense 11?

22 A Yes, ma'am. That's the bathroom in Room 22.

23 Q Okay.

24 A The bathtub.

25 Q And also Defense 12.

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1 A Yes, ma'am. That's the bathtub.

2 Q Did you observe water in either of those pictures
3 or in the tub?

4 A No, ma'am, not that I can see.

5 Q Okay. What about the sink in the room? You
6 didn't observe water in that either, did you?

7 A Not that I recall.

8 Q Okay. Ma'am, let me show you -- let's see. Let's
9 use this one. I'm going to show you State's 4. Do
10 you recognize that?

11 A Yes, ma'am. I do.

12 Q Ma'am, that's a picture of Cypress on the bed?

13 A Yes, that's a picture of Cypress Noonan.

14 Q Okay. Ma'am, there was a significant amount of
15 blood on the bed, right?

16 A There was a blood-letting event on the bed,
17 yes, ma'am.

18 Q There was also blood on the wall behind her,
19 ma'am?

20 A There was.

21 Q And there was blood on the ceiling?

22 A Yes, there was blood on the ceiling as well.

23 Q Brain matter, ma'am, on the wall?

24 A Yes, ma'am. Brain matter on the ceiling and
25 the wall.

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1 Q And the ceiling, okay.

2 And you had indicated earlier -- you
3 testified that that also sprayed off the side of the
4 bed on the right, on the floor?

5 A Possibly.

6 (DFT. EXH. 22, Photo, was marked for
7 identification.)

8 (DFT EXH. 23, Photo, was marked for
9 identification.)

10 (DFT. EXH. 25, Photo, was marked for
11 identification.)

12 (DFT. EXH. 26, Photo, was marked for
13 identification.)

14 (DFT. EXH. 27, Photo, was marked for
15 identification.)

16 (DFT. EXH. 28, Photo, was marked for
17 identification.)

18 BY MS. SWANSON:

19 Q Okay. Ma'am, I want to show you what has been
20 pre-marked as Defense 22, 23 -- I'm sorry. Wait a
21 minute. 22, 23, 26, 27, and 28, and 25 as well.

22 Can you identify those?

23 A Yes, ma'am.

24 Q Thank you.

25 Ma'am, you indicated -- well, you saw

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1 Cypress Noonan with a gunshot wound to the forehead?

2 A I did. Yes, ma'am.

3 Q Okay. Ma'am, would it be reasonable to say that
4 this was a close-contact gunshot wound? The person
5 had to be in close vicinity to the person?

6 A I can't testify to the close proximity of the
7 gunshot wound.

8 Q So you don't know how far away the person was?
9 Were they across the room?

10 A No, ma'am. I can't say that.

11 Q You don't know that. But you do know that when
12 you took photographs of Mr. Redding --

13 MS. SWANSON: Your Honor, defense seeks
14 to admit and publish 26, 22, 23, 27, 28, and 25.

15 THE COURT: 22, 23, 25 --

16 MS. CARMODY: I'm sorry. 22, 23, 25, 26,
17 and 27?

18 THE COURT: All right. Is there a 28?
19 Is there a 28 in that batch? There may not be.

20 MS. CARMODY: I don't believe so.

21 THE COURT: That's fine. So you want to
22 admit 22, 23, 25, 26, 27 into evidence?

23 MS. SWANSON: Yes, Your Honor.

24 THE COURT: Is there any objection to
25 those, Solicitor?

Testimony of Delila Cirencione

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1 MS. SWANSON: These are photos of the
2 defendant taken by SLED? I'm asking you what they
3 are.

4 THE COURT: Show her.

5 MS. SWANSON: Thank you. No objection.

6 THE COURT: The photographs are admitted
7 without objection.

8 (DFT. EXH. 22, Photo, were entered into
9 evidence.)

10 (DFT EXH. 23, Photo, were entered into
11 evidence.)

12 (DFT. EXH. 25, Photo, were entered into
13 evidence.)

14 (DFT. EXH. 26, Photo, was marked for
15 identification.)

16 (DFT. EXH. 27, Photo, were entered into
17 evidence.)

18 BY MS. CARMODY:

19 Q Ma'am, you went to Ridgeland Police Department to
20 photograph Mr. Redding, correct?

21 A Yes, I did.

22 Q Okay. And when you went to photograph him, you
23 asked him if you could take pictures of him, correct?

24 A I believe so.

25 Q All right. And he was cooperative with you,

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1 correct?

2 A Yes, he was cooperative.

3 Q And when you saw him, you didn't observe blood --

4 A No, ma'am.

5 Q -- on his person?

6 A No, ma'am. I saw no blood on his person.

7 Q How about on his arms?

8 A I did not see any blood on his arms.

9 Q His legs?

10 A Or his legs.

11 Q Shoes?

12 A No, ma'am.

13 Q That's the left shoe. What about the right one?

14 A That's the left shoe.

15 Q Right and then left.

16 A Yes, ma'am. I did not see any blood on his
17 shoes.

18 Q The stains on the jeans -- I'm sorry. Was there
19 stains on the jeans?

20 A There was some staining on his jean shorts.

21 Q Okay. You gave these shorts to
22 Special Agent Worley to photograph and send off to
23 SLED?

24 A I collected the shorts myself, and I
25 submitted it to the SLED Forensic Services

Testimony of Delila Cirencione

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1 Laboratory for analysis.

2 Q And his hands, as well as arms, there was no
3 blood?

4 A No. There was no blood on his arms or his
5 hands.

6 Q No brain matter either, right?

7 A No, ma'am. Not that I could see.

8 Q Now, the baggie on the bathroom floor, you
9 indicated that you did not collect that?

10 A I don't recall a baggie on the bathroom
11 floor. I did not collect any baggies or baggie or
12 any evidence from the bathroom floor.

13 Q The photograph, ma'am, I can show it to you again.
14 The bathroom floor.

15 A I can't tell what that is, but I didn't
16 collect anything off the bathroom floor.

17 Q So if items were not collected off the bathroom
18 floor, they would not have been sent out for testing,
19 correct?

20 A That's correct. There was no evidence to
21 collect. It was not submitted.

22 Q All right. You indicated earlier you collected
23 DNA from Mr. Redding, Brian?

24 A Yes, ma'am. I took a buccal swab from
25 Mr. Brian Redding.

Testimony of Delila Cirencione

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1 Q What about DNA from her sisters, Cypress's
2 sisters?

3 A I wasn't aware that the victim had sisters.

4 Q Well, nobody else volunteered their DNA to you,
5 right?

6 A I was not aware there was anyone else.

7 Q What about an individual by the name of Popeye or
8 Dervon Jones?

9 A I don't know who that is.

10 Q No, you didn't collect any DNA from Popeye?

11 A No.

12 Q Did you collect DNA from Peter Patel?

13 A No, ma'am.

14 Q What about any of the adjacent rooms at the
15 Forest Motel, did you collect DNA from any of those
16 people?

17 A No, ma'am. I did not.

18 Q Okay. Ma'am, when you collected -- when you asked
19 Mr. Redding for his DNA, we would expect to find his
20 DNA there, correct?

21 A Yes, ma'am, you would expect to find his DNA
22 in the room since he was habitually living there.
23 From what we were told, he stayed in the room.

24 Q You'd also expect to find Cypress's DNA in the
25 room, correct?

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1 A Yes, ma'am, same with Cypress. We had
2 information that she lived there, so her DNA
3 should be expected to be in the room.

4 Q All right. Now, ma'am, you said you also were
5 looking for -- you know, when you're doing the crime
6 scene, did you locate any cameras in or around the
7 property?

8 A Not that I recall.

9 Q Did you notice if any of the vehicles had any
10 dashcams or anything like that?

11 A Not to my knowledge. Not at the time.

12 Q Are you aware that there's a post across the
13 street from the Forest Motel?

14 A No, ma'am. I don't have that information.

15 Q So you're not aware if the post has cameras across
16 the street?

17 A No, ma'am.

18 Q All right. Ma'am, you indicated earlier that you
19 collected Brian's shirt and his shorts to send them
20 off to SLED for testing.

21 You did not collect his shoes or his socks,
22 correct?

23 A That's correct.

24 Q And that's because there was no blood on the shoes
25 and socks, correct?

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- 1 A I was requested to collect his shirt, as well
2 as the shorts.
- 3 Q And you never asked Mr. Redding if he had the same
4 shirt on when he woke up that morning, did you?
- 5 A No.
- 6 Q All right. I want talk to you about the search of
7 the vehicle. So we have -- we're talking about the
8 search of the white Toyota Avalon.
- 9 A Yes.
- 10 Q Okay. Now, on 9/6, the day that Cypress passed
11 away, you executed a search warrant on the Toyota
12 Avalon, correct?
- 13 A Yes, ma'am.
- 14 Q And at the -- when you executed the search warrant
15 on the Toyota Avalon, you indicate in your report that
16 you obtained, quote, "There was a cell phone recovered
17 from the vehicle."
- 18 A Yes, ma'am. There was.
- 19 Q And the vehicle was documented, correct?
- 20 A Yes.
- 21 Q With photographs?
- 22 A Yes, ma'am. The car was documented with
23 photographs --
- 24 Q And --
- 25 A -- by SLED Crime Scene.

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1 THE COURT: Hold on. Ms. Carmody, just
2 allow her to answer, and then ask a question.

3 Thank you.

4 BY MS. CARMODY:

5 Q Ma'am, if you can just repeat your answer. I'm
6 sorry.

7 A The car was documented with photographs by
8 SLED Crime Scene agents. The phone itself was
9 collected by Special Agent McCallister with
10 SLED.

11 Q Okay. And then your report indicates there were
12 no other items of evidentiary value.

13 A No, ma'am. Nothing else was collected from
14 that vehicle by Crime Scene that day.

15 Q On September 6th -- we're talking about the day
16 that Cypress passed away. That vehicle was released
17 to the owner Ashley Dodson, correct?

18 A I don't have that information.

19 Q You don't know who released the vehicle or whether
20 it was released?

21 A No, ma'am. Once I finished my documentation
22 of the vehicle and all the evidence was collected,
23 we left the scene and the vehicle was released to
24 the SLED Low Country Region, as well as the
25 Ridgeland Police Department. And what's done with

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1 it from then on, we left.

2 Q All right. Ma'am, so on September 6th, you
3 released -- you completed the search of the vehicle.

4 A Yes. I completed my search of the vehicle,
5 yes, ma'am.

6 Q And then there was another search warrant obtained
7 on September 17th. So -- I have the warrant here if
8 you need to see it.

9 A I went back out to the vehicle on
10 September 23rd.

11 Q Okay. So you testified earlier that you sprayed
12 the vehicle. That was on September 23rd?

13 A Yes, ma'am, that was on September 23rd.

14 Q Okay. And Cypress passed away on September 6th.

15 A Yes, ma'am.

16 Q So excuse my math, but we're talking about 15 --
17 the 6th to the 23rd. A couple weeks later?

18 A Yes, ma'am.

19 Q That's when you sprayed the vehicle and you said
20 that -- I forgot how you phrased it, but you had like
21 suspected blood on the vehicle. Is that what you
22 said?

23 A Yes, ma'am. We sprayed the vehicle with
24 leucocrystal violet, the presumptive agent --
25 chemical agent for presumptive or suspected blood,

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1 which was positive.

2 Q On the 23rd of September.

3 A Yes, ma'am, on the 23rd of September.

4 Q All right. Are you aware that there was another
5 search warrant on the vehicle?

6 A No, ma'am, I'm not. There was a search
7 warrant by Ridgeland Police Department that I
8 received on the -- September 6th, and then a
9 search warrant by the SLED Low Country Region on
10 the 23rd that I received. I look over a search
11 warrant before I do anything with a crime scene
12 related to a piece of evidence or anything to be
13 processed.

14 Q Okay. On September 6th -- just so we're clear.
15 September 6th, there were no more items of evidentiary
16 value, but then you go you and get another search
17 warrant 17 days after Cypress passed away?

18 A Yes, ma'am. I didn't obtain the search
19 warrant. I just saw a copy of the search
20 warrant.

21 Q Ma'am, I'd like to show you what's marked as
22 Defendant's 18.

23 A Yes, ma'am.

24 MS. CARMODY: Your Honor, defense moves
25 Defense 18 into evidence.

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1 MS. SWANSON: Without objection.

2 THE COURT: All right. Admitted without
3 objection.

4 (DFT EXH. 18 previously entered into evidence.)

5 MS. CARMODY: May I publish?

6 THE COURT: Yes, ma'am.

7 BY MS. CARMODY:

8 Q Ma'am, this is a picture of you collecting the
9 projectile from the floor?

10 A Yes, ma'am. This is the cartridge case
11 projectile.

12 Q I'm sorry. The cartridge casing from the floor,
13 yes.

14 Also, ma'am, I showed you a picture earlier
15 where you collected the birth control pills. Do you
16 remember that?

17 A I did not collect the birth control pills.

18 Q I'm sorry. You picked them up and photographed
19 them, though, correct?

20 A Yes, ma'am. Special Agent Worley documented
21 all the evidence.

22 Q So, ma'am, are these picked up with the same
23 gloves?

24 A This was Special Agent Worley's gloves. And
25 our typical procedure is to change gloves out

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1 while collecting and documenting evidence.

2 Q But you don't know that that happened.

3 A I don't. That's not my hands.

4 Q Did you also -- I'd like to show you
5 Defendant's 19.

6 A Yes, ma'am.

7 MS. SWANSON: Without objection.

8 THE COURT: You want to admit
9 Defendant's 19 without objection?

10 MS. CARMODY: Yes, Your Honor. May I
11 publish?

12 THE COURT: Sure.

13 (DFT. EXH. 19 previously entered into evidence.)

14 BY MS. CARMODY:

15 Q Ma'am, in this photograph here -- let me just
16 scroll this up. In this corner right here, ma'am --
17 you took this photograph?

18 A I didn't take this photograph, but I
19 recognize the photograph.

20 Q You do, okay.

21 Ma'am, is this a shoeprint in the corner on
22 the sheet?

23 A It doesn't appear to have any
24 characteristics, and I don't recall any footwear
25 in this case. No, ma'am.

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1 Q Okay. But you did take shoe prints from

2 Mr. Redding.

3 A I did not.

4 Q Pictures of the bottom of his shoes?

5 A Yes, ma'am. That's standard practice for us,
6 to take pictures of the bottom of their shoes, as
7 well as their hands, to look for any suspected
8 blood or debris or any bruises that the person may
9 have; cuts, scrapes, anything like that.

10 Q Ma'am, there was a significant amount of blood on
11 the scene.

12 A There was a blood-letting event on scene.

13 Q Okay.

14 MS. CARMODY: Beg the Court's indulgence,
15 Your Honor.

16 THE COURT: Yes, ma'am.

17 BY MS. CARMODY:

18 Q Thank you very much, ma'am. I don't have any
19 further questions.

20 THE COURT: Redirect, Solicitor?

21 MS. SWANSON: Just briefly.

22 REDIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q Agent, you said that you had received information
25 that the defendant had touched the victim's head and

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1 arms, right?

2 A Yes, ma'am. That's correct.

3 Q Okay. What time did you arrive at the
4 Forest Motel that day?

5 A I arrived around 12:26 p.m. on the 6th.

6 Q So that was a few hours after the responding
7 officers had initially been there?

8 A We received the initial call at 10:41 a.m.
9 from Ridgeland Police Department.

10 Q Okay. So that was the call to SLED for
11 assistance?

12 A Yes, ma'am.

13 MS. SWANSON: Thank you very much.
14 Nothing further.

15 THE COURT: All right. Anything else,
16 Ms. Carmody?

17 MS. CARMODY: No, Your Honor.

18 THE COURT: All right. Thank you. Any
19 objection to this witness being released?

20 MS. CARMODY: No, Your Honor.

21 THE COURT: Solicitor?

22 MS. SWANSON: No.

23 THE COURT: Thank you so much, ma'am.
24 Have a safe trip back.

25 THE WITNESS: Thank you.

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1 THE COURT: All right. Ladies and
2 gentlemen, we are going to take about ten minutes,
3 take a brief break. I'll have you back in here
4 and I think the State will be calling their next
5 witness. Thank you. Don't talk about the case.

6 (Jury exits the courtroom at 3:29 p.m.)

7 THE COURT: Solicitor, I didn't mean to
8 cut you off. It was a good time for a break.

9 Was there something you wanted to tell
10 me?

11 MS. SWANSON: Yes, sir. I was just going
12 to ask to approach because I was going to let you
13 know that the next several witnesses are sisters
14 and lay witnesses. And I just wanted to make sure
15 we were all on the same page about the parameters
16 of their testimony, that the details of the
17 difficulties are not admissible, but the fact that
18 there were difficulties between the parties are.

19 MS. CARMODY: I would ask that the
20 testimony be proffered, Your Honor.

21 THE COURT: Well, as far as -- let me ask
22 you this, Solicitor: As far as generalities,
23 please understand they're not going to go into any
24 specific instance. They're not going to talk
25 about the defendant allegedly holding a firearm to

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1 the decedent.

2 And I would just say that I think from my
3 reading of the law and looking at the *Clinkscales*
4 case, and that case involves somebody that was
5 shot, and the same facts as it relates to -- it
6 was a domestic violence-type of situation, may
7 have excluded that.

8 So I think this -- I think any reference
9 to holding a gun or pointing a gun at her, I think
10 following the same line of thought, that would be
11 excluded. But I think as it relates to
12 generalities, I think that those generalities
13 are --

14 (Knock on jury room door.)

15 THE COURT: Is that the door?

16 THE CLERK: Yes.

17 THE COURT: See what's up.

18 THE CLERK: A note.

19 THE COURT: As it relates to those
20 generalities, I think she is allowed to hear from
21 that.

22 Ms. Carmody, what's your position on
23 that?

24 MS. CARMODY: Your Honor, it depends on
25 what the Court means by "generalities." So I

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1 believe in the case, they -- evidence was admitted
2 that they heard a thump in the room. Things like
3 that, Your Honor, I think is -- would be
4 within what the case law talks about, but, you
5 know -- like hearing a thump, or something like
6 that, I think that's a generality to me versus,
7 you know, saying, you know, "I saw him thump her,"
8 that type of situation.

9 THE COURT: All right. Well, again, what
10 we're going to do is, we'll let them get started.
11 And if there's an issue, then I'll probably send
12 them back out and I'll just hear from them as we
13 move along. If there's an issue, you certainly
14 can object.

15 But I think the solicitor understands
16 that they need to be cautioned as it relates to
17 generalities and not specific events. Because I
18 think it could be easy to move into specific
19 events.

20 But, right now, let's deal with something
21 else. I got a note from the jury. The note says,
22 "Someone I know came in and sat on the defendant's
23 side. Someone I know very well," dot, dot dot, "
24 close friend. I think went to the school with the
25 defendant."

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1 Okay. So that's the note that I just got.

2 MS. CARMODY: On the defendant's side.

3 THE COURT: I'm just -- well, I guess
4 what I need to do is, I need to bring -- pull this
5 juror out. Let's get this juror out here and see
6 what's going on.

7 Do you-all want to come look at the note?

8 MS. SWANSON: I don't need to see the
9 note.

10 MS. CARMODY: I don't need to see it. I
11 don't understand it, but I don't need to see it.

12 THE CLERK: Is she a witness?

13 THE COURT: It just says, "Someone I know
14 came in and sat on the defendant's side, someone I
15 know very well...close friend. I think I went to
16 school with the defendant."

17 So now it's -- I think we need to get
18 this juror out here and get to the bottom of it.

19 Any objection for bringing the juror out
20 and allowing me to question the juror? From the
21 State?

22 MS. SWANSON: No, Your Honor.

23 THE COURT: From the Solicitor? Excuse
24 me. From the defense?

25 MS. CARMODY: No, Your Honor.

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1 THE CLERK: Did they sign the name?

2 THE COURT: No, didn't sign the name.

3 Do you know which one -- was it the
4 foreperson that handed you this note or someone
5 other than the foreperson?

6 THE DEPUTY: Other.

7 THE COURT: Other than the foreperson?

8 All right. In that case, why don't you
9 bring -- just get that individual to come out
10 here, okay?

11 THE DEPUTY: Yes, sir.

12 (Juror 69 enters the courtroom.)

13 THE CLERK: Ms. Eason.

14 THE COURT: Hey, ma'am. How are you
15 doing?

16 JUROR 69: Good.

17 THE COURT: Ma'am, did you write this note?

18 JUROR 69: Yes.

19 THE COURT: I just wanted to make certain
20 before I inquired further.

21 So, ma'am, when you said someone you know
22 came in and sat on the defendant's side. The
23 defendant's side, you're talking about right over here
24 on this side?

25 JUROR 69: Yes.

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1 THE COURT: All right. And you also
2 think you went to school now -- you may have gone
3 to school with the defendant, Mr. Redding; is that
4 correct?

5 JUROR 69: Yes.

6 THE COURT: Let me ask you this, ma'am:
7 Were you-all friends in school?

8 JUROR 69: I would say yes. Not close
9 friends, but friends, yes.

10 THE COURT: All right. So let me ask you
11 this, ma'am: Have you -- how long have you been
12 out of school?

13 JUROR 69: About 12 years.

14 THE COURT: Okay. And I wasn't going to
15 assume anything. So what I wanted to do now,
16 ma'am, is, have you had any contact with the
17 defendant since finishing school?

18 JUROR 69: No.

19 THE COURT: Okay.

20 JUROR 69: Him, no.

21 THE COURT: Hold on. I'm going to get to
22 that in a minute.

23 JUROR 69: Okay.

24 THE COURT: I'm going to get to that in a
25 minute. What I want to know is about the

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1 defendant. Have you had any contact, interaction,
2 any relationship -- I mean, just business
3 dealings, social dealings with the defendant,
4 Mr. Brian Redding? Have you had any dealings with
5 him --

6 JUROR 69: No.

7 THE COURT: -- since school?

8 JUROR 69: No.

9 THE COURT: All right. Hold on one
10 second.

11 Counsel, approach.

12 (Bench conference off the record.)

13 THE COURT: Okay. Ma'am, let me ask you
14 this: You indicated that someone came in.

15 And I wanted to let you know, you've done
16 nothing wrong.

17 JUROR 69: Okay.

18 THE COURT: No, no, no. You've done
19 nothing wrong. What you've done is you've brought
20 something to my attention. I appreciate that.
21 Okay?

22 JUROR 69: Okay.

23 THE COURT: All right. Now, what I want
24 to ask you is this: The individual that came in
25 and sat down on the defendant's side, who was

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1 that?

2 JUROR 69: You want me say her name?

3 THE COURT: Yeah.

4 JUROR 69: Varenisha (ph) Scott.

5 THE COURT: Ms. Scott?

6 JUROR 69: Yes.

7 THE COURT: So how do you know Ms. Scott?

8 JUROR 69: A very close family friend.

9 THE COURT: Of yours?

10 JUROR 69: Yes.

11 THE COURT: And do you know, has she got
12 any relationship to the defendant?

13 JUROR 69: I'm not sure.

14 THE COURT: You don't know.

15 JUROR 69: I'm not sure. I just assumed.

16 THE COURT: Let me ask you this, ma'am:
17 Have you spoken with Ms. Scott about this matter?

18 JUROR 69: No.

19 THE COURT: Have you spoken with her --
20 when I say "this matter," let me just ask you
21 this.

22 JUROR 69: Okay.

23 THE COURT: Have you spoken with her
24 since you received your notice or your summons
25 that you would have received from the Clerk of

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1 Court to come and appear in court yesterday? Have
2 you spoken with her about this matter, about being
3 on jury duty, anything of that nature?

4 JUROR 69: No.

5 THE COURT: All right. Before this --
6 before you would have received your summons to
7 come to court, have you discussed this case or
8 this incident with her in any fashion?

9 JUROR 69: No.

10 THE COURT: All right. Have you spoken with
11 anybody in the jury room about this?

12 JUROR 69: No.

13 THE COURT: Okay. All right. What I
14 want to to do is this.

15 Counsel approach.

16 (Bench conference.)

17 THE COURT: Let me just ask: Who is Miss
18 Scott?

19 MS. CARMODY: His mom.

20 THE COURT: She is the -- that's his mom?

21 MS. CARMODY: Yes.

22 THE COURT: What we're going to do is --
23 do you all want me to put her back in the jury
24 room while I talk about this. Right now we're
25 going to talk about this outside of her presence.

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1 I'm just going to ask her to back in the jury room
2 and not discuss this matter with any of the jurors
3 and I may need to bring her back out.

4 Is that satisfactory to the State?

5 MS. SWANSON: Yes.

6 THE COURT: To the defense?

7 MS. CARMODY: Yes.

8 THE COURT: Ma'am, what I'm going to do
9 is this: I'm going to ask that you go back into
10 the jury room.

11 JUROR 69: Okay.

12 THE COURT: But I am going to instruct
13 you, do not discuss this matter or anything that
14 we discussed here with any member of the jury,
15 okay?

16 JUROR 69: Um-hmm.

17 THE COURT: And I may bring you back out
18 in just a minute, but there's a couple things I've
19 got to take up outside of your presence. Do not
20 discuss this matter with any of your fellow
21 jurors, okay?

22 JUROR 69: Okay.

23 THE COURT: Thank you.

24 (Juror 69 exits the courtroom.)

25 THE COURT: So, Ms. Bostick, you told

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1 me -- this juror's name and number?

2 THE CLERK: Juror number 69, Marvelle
3 Eason.

4 THE COURT: Ms. Eason. Okay. So
5 Ms. Eason indicates that she is close friends with
6 Ms. Scott. Is it my understanding that Ms. Scott
7 is the defendant's mother?

8 MS. SWANSON: Yes, Your Honor, that's
9 correct. And she's also a witness for the defense
10 and not supposed to be in the courtroom.

11 MS. CARMODY: Right. I didn't even know
12 she came in, Your Honor.

13 THE COURT: All right. Hold on. We'll
14 deal with that. Kind of got two different things
15 going on here.

16 All right. So it would appear that this
17 witness -- that this juror is close friends with
18 the defendant's mother? Would that be accurate?
19 I mean, I guess the question is, who is Ms. --
20 where is Ms. Scott? Is she here?

21 VARENISHA SCOTT: This is on behalf of the
22 sister, not the mom.

23 THE COURT: Hold, hold, hold, hold on.
24 What name did she say she was friends with?

25 MS. CARMODY: Verdell Scott.

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1 THE COURT: Who is Verdell Scott?

2 VARENISHA SCOTT: She said Varenisha Scott.

3 MRS. SCOTT: My daughter.

4 THE COURT: Okay, hold on.

5 MS. CARMODY: I thought she said Verdell.

6 VARENISHA SCOTT: No. She said Varenisha.

7 THE COURT: Well, let's get Varenisha.

8 Let me ask you, are you Varenisha Scott?

9 VARENISHA SCOTT: Yes.

10 THE COURT: Did you go to school with this

11 young lady?

12 VARENISHA SCOTT: Yes.

13 THE COURT: What is your relationship,

14 ma'am, to the defendant?

15 VARENISHA SCOTT: That's my brother.

16 THE COURT: Your brother?

17 VARENISHA SCOTT: Um-hmm.

18 THE COURT: What the State's position?

19 MS. SWANSON: I would ask that she be

20 replaced by an alternate. I do not feel that she

21 is going to feel comfortable to render a fair

22 verdict for the State against the brother of a

23 very close friend of hers.

24 MS. CARMODY: Your Honor, I brought this

25 up earlier. You know, it seems like the only

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1 people that are being excused from the juries or
2 that are here are all African-Americans, Your
3 Honor. I brought this up in the Batson motion.

4 THE COURT: All right.

5 MS. CARMODY: The State literally strike
6 every African-American, and now here we are trying
7 to get rid of another one.

8 THE COURT: Now, hold on. Hold on.

9 MS. CARMODY: I know. I know.

10 THE COURT: If this had been a white
11 person, what would you be saying? If this was a
12 Caucasian person that wrote this note --

13 MS. CARMODY: Your Honor --

14 THE COURT: Hold on. Hold on. If this
15 was a Caucasian person who wrote this note, are
16 you telling me you'd feel differently?

17 MS. CARMODY: Your Honor, I believe that
18 right now the demographics of the jury is
19 already -- the whole jury pool, Your Honor, was
20 already a very, very small jury pool. And there
21 were not enough African-Americans in the jury pool
22 to be representative of people in the community.

23 THE COURT: That's another matter. You
24 should have made that motion and you didn't.

25 MS. CARMODY: Your --

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1 THE COURT: Hold on. There's a specific
2 motion to be made for that. I asked at the
3 beginning of this trial before we started, "Are
4 there any motions concerning jury selection, jury
5 qualification?" Your response was, "No."

6 MS. CARMODY: I understand, Your Honor.

7 THE COURT: I've got the information
8 right here, because we've been faced with that.
9 So that's water under the bridge. You can't go
10 back now. That's done.

11 So that having been said, I guess -- I mean,
12 I understand where you're coming from, but I don't
13 know how I keep somebody on here who writes a note
14 that says, "Someone I know very well," dot, dot dot,
15 "close friend..." And it is the sister of the
16 defendant.

17 MS. CARMODY: Your Honor, I didn't --

18 THE COURT: Go ahead.

19 MS. CARMODY: I would ask the Court to
20 ask if she could be fair and impartial as we did
21 at the beginning of the trial.

22 MS. SWANSON: Your Honor, I would point
23 out that both of our alternates are
24 African-American. So it actually doesn't change
25 the dynamic of the jury pool at all. So it would

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1 just be the strict analysis of whether or not she
2 can remain.

3 THE COURT: Well, that's a good point.
4 We'd be replacing one African-American female with
5 another. And I hadn't thought about that.

6 I'll tell you, Ms. Carmody, I understand
7 exactly where you're coming from. I understand
8 that. I understand the cross-sectional argument
9 that wasn't made.

10 MS. CARMODY: And the victim's white,
11 Your Honor.

12 THE COURT: Well, again, I mean, the
13 cross-sectional argument wasn't made. That's
14 water under the bridge. I think that what we
15 would be doing is, I think we would be
16 substituting -- as it relates to your concern, I
17 don't think that the dynamics of the jury as it
18 relates to race is going to be changed.

19 But irrespective of whether that
20 individual was black or white, I will tell you
21 that I think that the only thing I can look at, at
22 this point, ma'am, I've got to look at this note
23 and what was written, and I think that given that
24 note and given the information that I have, that
25 irrespective of who the next batter would be, so

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1 to speak, as it relates to the jury pool, I think
2 that I would still move and go ahead and remove
3 this juror from the jury panel out of an abundance
4 of caution.

5 But I also believe that it is
6 certainly -- it is certainly worth noting that the
7 dynamics of the jury will remain the same. So
8 what I'm going to do is, I'm going to ask that
9 this juror be removed. I'm going to have her come
10 out and I'm going to discharge her from this
11 matter.

12 And then we've got two jurors remaining.
13 And so if Ms. Bostick would put their names into a
14 cup or some other -- a hat, or whatever she wants
15 to do, and then if you-all can watch those names
16 go in the hat, she can shake it all about, and
17 then she can pull one out. And I want to make
18 sure you all see that. And then that person will
19 become our alternate.

20 Is that satisfactory as to how to select
21 the alternate juror from the State?

22 MS. SWANSON: Yes, Your Honor.

23 THE COURT: From the defense?

24 MS. CARMODY: Yes, Your Honor.

25 THE COURT: How about bringing this juror

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1 out for me?

2 THE DEPUTY: Certainly.

3 (Juror 69 enters the courtroom.)

4 THE COURT: All right. What I'm going to
5 do, ma'am, given this note that you provided me,
6 is I'm going to excuse you from service on this
7 jury. Okay?

8 JUROR 69: Okay.

9 THE COURT: That way the relationship and
10 close friend, we're not going to have to worry
11 about that. You're not going to have to worry
12 about that.

13 JUROR 69: Okay.

14 THE COURT: So I'm going to discharge you
15 from this jury.

16 Now, I want you to know, you didn't do
17 anything wrong.

18 JUROR 69: Okay.

19 THE COURT: You didn't. You
20 recognized -- this came to you once you saw her.
21 You brought that to my attention. You did exactly
22 what you were supposed to do. Okay?

23 JUROR 69: Okay.

24 THE COURT: And if you did not, I'd be
25 letting you know. You did exactly what you needed

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1 to do. So what I'm going to do is, I'm going to
2 discharge you from this jury.

3 JUROR 69: Okay.

4 THE COURT: Do you have any personal
5 belongings back there?

6 JUROR 69: No.

7 THE COURT: Then what I'm going to do is
8 I'm going to have you call back -- when would she
9 call back, tonight after 6:00?

10 THE CLERK: Tonight after 6:00.

11 THE COURT: Did Miss Bostick give you a
12 number to call back?

13 JUROR 69: To call back.

14 THE COURT: Just call that number tonight
15 after 6:00 and they'll have instructions as to
16 what you need to do, okay?

17 JUROR 69: Okay.

18 THE COURT: So thank you very much.
19 Thank you for bringing this to my attention, and
20 you're discharged.

21 JUROR 69: Thank you.

22 THE COURT: Just call back tonight after
23 6:00. Okay? Thank you, ma'am.

24 I'm going to make this a Court's exhibit.

25 And if you need anything, or an excuse for

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1 work or anything, they'll take care of you, okay?

2 THE CLERK: Go to the clerk's office on
3 the first floor.

4 THE COURT: Thank you, ma'am.

5 THE CLERK: That's Juror 69.

6 (COURT EXH. 2, Note from Juror 69, was
7 marked for identification.)

8 (Juror 69 was excused from the trial of the case.)

9 THE COURT: We're going to pick that
10 juror and then recess.

11 MS. CARMODY: Your Honor, can I ask for a
12 brief recess?

13 THE COURT: Yeah, we're going to get a
14 recess. We're going to pick this juror right now
15 and get that done, then we're going to take the
16 break. Okay?

17 Have you put the two names in there, Miss
18 Bostick, and shaking it up?

19 THE CLERK: Yes.

20 THE COURT: That's good, Miss Bostick.
21 So she's going to pick one of those names out, and
22 that name will be our new juror.

23 THE CLERK: Juror number 77, which is
24 Alternate 1, Comernita Frazier-Kemp.

25 THE COURT: Okay. Let's take a few

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1 minutes. All right?

2 MS. SWANSON: Thank you, Your Honor.

3 (A break was taken from 3:50 p.m. to 3:59 p.m.)

4 MS. CARMODY: If I may, Ms. Verdell
5 Scott, she's right here. She is on the defense
6 witness list, Your Honor. This is my client's
7 mother.

8 Your Honor, he is sitting here facing
9 murder and a life term in prison. He does need
10 the support of his family. I'm asking the Court
11 to make an exception for his mom. She got out of
12 work today to sit here. She's not speaking with
13 anybody. She's been instructed not to talk to
14 anybody about the case.

15 I would request that she stay, as the
16 victim's mom is here as well.

17 THE COURT: Solicitor?

18 MS. SWANSON: I would object to that.
19 The victim's mother is here because of the
20 Victim's Bill of Rights. The defendant is not a
21 victim here. His mother is a fact witness on the
22 witness list. And no such exceptions were made
23 for any of the sisters of the actual victim who he
24 is accused of murdering. So I certainly would
25 object. It's just not fair. She is supposed to

Testimony of Delila Cirencione

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1 be sequestered. And that was agreed to
2 pretrial.

3 Thank you.

4 MS. CARMODY: Your Honor, I mean, it's
5 his mother.

6 THE COURT: Ms. Carmody, we're just not
7 going to get into that. She's got to be
8 sequestered. I mean, I can't -- I can't get
9 into -- you know, the sisters weren't in. She's
10 in. She's the mother. She needs to be
11 sequestered. So she needs to leave the courtroom.
12 Anybody who's going to be testifying or possibly
13 testifying needs to be leaving the courtroom.

14 MS. CARMODY: One other thing.

15 THE COURT: Yes, ma'am.

16 MS. CARMODY: It's my understanding -- I
17 just want you to know in advance the issue with
18 the video is coming up, because I do have a cell
19 phone expert who needs to be here for that and he
20 is in Columbia. And he would need advance notice
21 of when to be here, so I'm trying to give him some
22 notice.

23 THE COURT: Okay. Are we planning on
24 using a video today?

25 MS. SWANSON: Not today. I was

Testimony of Delila Cirencione

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1 thinking -- before I realized how long cross was
2 taking.

3 THE COURT: Right.

4 MS. SWANSON: You know, I certainly can't
5 predict how long that's going to take. I imagine
6 we'll get into it at some point tomorrow.

7 THE COURT: Then she's on notice that the
8 individual needs to be here sometime tomorrow --
9 or needs to be here tomorrow. I have no idea, nor
10 do I think the solicitor has to tell you, when she
11 plans on calling a witness. You know, it would be
12 great if you-all could work and try to find out
13 when that is to minimize your expert's down time.
14 If not, you need to plan to have your witness here
15 at the appropriate time. Okay, Ms. Carmody?

16 MS. CARMODY: Yes, Your Honor.

17 MS. SWANSON: Of course, it depends on
18 what we get through it.

19 THE COURT: I understand that.

20 All right. Anything before we bring the
21 jury in?

22 MS. SWANSON: I will tell the Court that
23 I did speak to all of the sisters and the lay
24 witnesses and told them I will not be asking about
25 specific instances of difficulty.

Testimony of Delila Cirencione

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1 THE COURT: All right. So Ms. Carmody,
2 if there is an issue with that, then bring it to
3 my attention. I think you-all both have an idea
4 as to what my position is on that in this matter.
5 But if there's a problem, you can object, of
6 course, and we'll take that up at the appropriate
7 time.

8 I'm going to bring the jury in. I'm
9 going to tell the jury that I had to release one
10 of their jurors. The juror didn't do anything
11 wrong. It's not for them to speculate as to why
12 or guess why she's not here, but that Mrs. -- is
13 think -- is it Francis-Kemp?

14 MS. SWANSON: Frazier-Kemp.

15 THE COURT: Frazier-Kemp, number 77, is
16 now going to be one of our jurors.

17 Is that satisfactory to the State?

18 MS. SWANSON: Yes, sir.

19 THE COURT: Ms. Carmody?

20 MS. CARMODY: Yes, Your Honor.

21 THE COURT: Thank you. You can bring the
22 jury in.

23 (Jury enters the courtroom at 4:10 p.m.)

24 THE COURT: Thank you.

25 All right. Ladies and gentlemen, I have

Testimony of Delila Cirencione

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1 released one of the jurors, one of your fellow
2 jurors, from serving on this case. The juror
3 didn't do anything wrong. Don't speculate or try
4 to guess why she's not with you. But that's the
5 reason we have alternates. Okay?

6 And so, Ms. Frazier-Kemp,
7 congratulations. I see a look of relief on
8 somebody's face right there. Right in front of
9 you. But, Ms. Frazier-Kemp, you are now going to
10 be one of the 12 jurors. Okay? And so what you
11 can do is, if you want to right now, you can move
12 or you can just stay right there. The next time
13 you come in, I'd ask that you move to one of the
14 12 seats. Again, you-all can sit wherever you
15 want to, but you'll sit in one of those seats.
16 Okay?

17 All right. Any objections to the
18 instructions that I just gave the jury, from the
19 State?

20 MS. SWANSON: None from the State.

21 THE COURT: From the defense?

22 MS. CARMODY: No, Your Honor.

23 THE COURT: All right. Solicitor, you
24 can call your next witness.

25 MS. SWANSON: Thank you. The State calls.

Testimony of Desiree Noonan
Desiree Noonan.

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THE CLERK: Come right this way. Raise your right. Place your left on the Bible. The testimony you're about to give the Court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around and have a seat in the witness box. You can pull your mask down while you're on the stand.

WHEREUPON:

DESIREE NOONAN,
after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Desiree, if you can please state and spell your name for the court reporter.

A My name is Desiree Noonan, D-e-s-i-r-e-e,
N-o-o-n-a-n.

Q Okay. How many sisters do you have?

A Six.

Q All right. Was Cypress one of your sisters?

A Yes.

Q And where were you living about a month before her death?

A I was staying at the Days Inn.

Testimony of Desiree Noonan

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1 Q All right. Where was Cypress living?

2 A At the Days Inn as well.

3 Q Okay. And who was she living with at the Days Inn
4 at that time?

5 A Brian.

6 Q Brian who?

7 A Redding.

8 Q Okay. Do you see him in the courtroom today?

9 A Yes, ma'am.

10 Q Can you point him out for me?

11 A He's sitting over there.

12 Q All right. Had you ever -- did you ever hang out
13 with he and Cypress?

14 A One time, yes, ma'am.

15 Q All right. But not really after that?

16 A No, ma'am.

17 Q Why is that?

18 A Because I wasn't allowed to.

19 Q All right. Did you ever see Cypress or go into
20 Cypress's room without him knowing?

21 A Yes, ma'am.

22 Q How many times did that happen?

23 A Once.

24 Q Did he come home when you were there?

25 A Yes, ma'am.

Testimony of Desiree Noonan

351

1 Q What was his reaction?

2 A He just stared at her and slammed the door
3 when he got upstairs.

4 Q All right. Did you ever see a gun in the room?

5 A Yes.

6 Q All right. What did it look like?

7 A All I knew, it was a pretty blue. Like
8 turquoise.

9 Q Okay. A gun that was turquoise. You don't know
10 what kind or anything?

11 A No, ma'am. I didn't pay attention.

12 Q All right. When you were around Cypress without
13 Brian, was she ever on the phone?

14 A Always on the phone.

15 Q Do you know with who?

16 A With Brian.

17 Q How do you know?

18 A Because she told me.

19 Q Did she do FaceTime?

20 A No, not around me.

21 Q Okay. Let's see. A few weeks before her death,
22 did you and Cypress have an altercation at the Siesta?

23 A Yes, ma'am, we did.

24 Q Where is the Siesta in relation to the
25 Forest Motel?

Testimony of Desiree Noonan

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- 1 A Right next door.
- 2 Q Okay. Did the altercation get physical?
- 3 A Yes, ma'am.
- 4 Q Were any weapons used?
- 5 A No, ma'am.
- 6 Q Did anyone go to the hospital?
- 7 A No, ma'am.
- 8 Q Would you ever kill your sister?
- 9 A No, I would not.
- 10 Q Who else was there at the altercation?
- 11 A It was me, Cypress, Paige, Paige's boyfriend
- 12 at the time, and another girl named Desiree.
- 13 Q All right. Who was the altercation between?
- 14 A Me and Cypress.
- 15 Q All right. And were the other people just
- 16 there?
- 17 A Yes, ma'am.
- 18 Q All right. Was this the only time you and your
- 19 sisters fought?
- 20 A No, ma'am.
- 21 Q All right. Because there's six of you, right?
- 22 A Yes, ma'am. We've always fought.
- 23 Q All right. Are you-all close in age?
- 24 A Yes, ma'am.
- 25 Q Okay. And had things between you and your sisters

Testimony of Desiree Noonan

353

1 gotten physical before?

2 A Yes, ma'am.

3 Q Were guns ever used?

4 A No, ma'am.

5 Q Did you love your sister?

6 A Yes, ma'am.

7 Q Thank you. Please answer any questions that the
8 defense may have for you?

9 A Yes, ma'am.

10 THE COURT: Ms. Carmody, do you have any
11 questions of this witness?

12 MS. CARMODY: Yes, Your Honor.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 BY MS. CARMODY:

16 Q Good afternoon, Ms. Noonan.

17 Ms. Noonan, you indicated that a month before
18 your sister passed away, that she was at the Days Inn
19 with Brian?

20 A Yes, ma'am.

21 Q And is that the time that you hung out with her?

22 A Yes, ma'am.

23 Q Okay. And then you said you were one time in
24 Cypress's room.

25 A Yes, ma'am.

Testimony of Desiree Noonan

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1 Q Okay. And was that about two weeks prior?

2 A No, ma'am.

3 Q How long was that?

4 A That was while we were saying at the
5 Days Inn.

6 Q Okay. So -- all right. So while staying at the
7 Days Inn, you saw Cypress two times, right?

8 A Yes, ma'am.

9 Q One time was at your room -- your room?

10 A Uh-huh.

11 Q And one time at her room.

12 A Yes, ma'am.

13 Q And you indicated that you'd seen a gun in the
14 room and that it was turquoise. So we're talking
15 about at least a month prior to her passing away,
16 correct?

17 A Yes, ma'am.

18 Q Okay. And you indicated that she was always on
19 the phone?

20 A Yes, ma'am.

21 Q You don't know who she was on the phone with,
22 correct?

23 A She told me she was on the phone with
24 Brian.

25 Q Oh, okay. How old are you?

Testimony of Desiree Noonan

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- 1 A Twenty-four.
- 2 Q So when you were 16, did you talk on the phone?
- 3 A Oh, yeah.
- 4 Q All right. And you also -- you testified about
- 5 the altercation at the Siesta. And so you say it was
- 6 Paige and Paige's boyfriend. Now, Paige's boyfriend,
- 7 his name is what?
- 8 A It's Dervon Jones.
- 9 Q He's no longer the boyfriend now?
- 10 A No, ma'am.
- 11 Q Do you know know why?
- 12 A No. No, ma'am, I don't.
- 13 Q Okay. And Dervon Jones, does he have a
- 14 nickname?
- 15 A Popeye.
- 16 Q And there was also a girl -- another female by the
- 17 name of Desiree?
- 18 A Yes, ma'am.
- 19 Q And do you know if her last name is Ansley?
- 20 A Yes, ma'am, it is.
- 21 Q Okay. During this altercation, do you remember --
- 22 well, you said you didn't have a weapon. Do you
- 23 remember if Popeye, Dervon Jones, had a weapon?
- 24 A Yes, ma'am.
- 25 Q Did he?

1 A Yes, he did.

2 Q Thank you. And did anybody pull out that weapon
3 during that argument?

4 A No.

5 Q It wasn't taken out during the argument?

6 A No, it was not.

7 Q Okay. He had the weapon on him?

8 A Yes.

9 Q Do you remember what type of container it was
10 in?

11 A It was in a bag.

12 Q What color bag?

13 A I have no idea.

14 Q All right. But you know that there was a gun in a
15 bag?

16 A Yes.

17 Q So you don't know what the gun looked like.

18 A No, I do not.

19 Q You don't know the caliber?

20 A No, I do not.

21 Q Do you know if Popeye, Dervon Jones, uses drugs?

22 A I do not.

23 Q Do you know if your sister was selling drugs?

24 A No, she was not.

25 Q She was not? In the month prior? Which point?

Testimony of Desiree Noonan

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1 MS. SWANSON: Your Honor, I believe --

2 THE WITNESS: I'm sorry. Which sister?

3 THE COURT: Ma'am, hold on one second.

4 Do you have an objection?

5 MS. SWANSON: Objection. I believe that
6 may not be within her realm of knowledge. I
7 believe she answered she has not.

8 THE COURT: Well, I note your objection.
9 I'm going to overrule your objection.

10 Ask the question again and let's see what
11 the response is.

12 BY MS. CARMODY:

13 Q So a month prior is the last time you saw her,
14 right?

15 A No. I saw her with the altercation.

16 Q Okay.

17 A That wasn't a month prior.

18 Q She wouldn't have been selling drugs during the
19 altercation, would she?

20 A I'm not sure, honestly.

21 Q Was the altercation over money?

22 A No. The altercation was over the fact that
23 she thought I wanted Brian.

24 Q Had you had a previous relationship with Brian?

25 A No, ma'am.

Testimony of Desiree Noonan

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1 Q But your sister thought you wanted her boyfriend?

2 A Yes, she did.

3 Q Now, you've never seen Brian with a gun, have
4 you?

5 A No, I have not.

6 Q And the day that Cypress passed away, you weren't
7 in the area, were you?

8 A I was sleeping in my apartment at the
9 Siesta.

10 Q And where is the Siesta located?

11 A Right next door to the Forest.

12 Q Did you hear any fight?

13 A No, ma'am.

14 Q Did you hear any gunshots?

15 A No, ma'am.

16 Q Do you remember having a conversation with SLED?

17 A Yes, ma'am.

18 Q And the conversation with SLED was on
19 September 25th of 2020, right?

20 A Yes, ma'am.

21 Q Do you remember at approximately 23 minutes into
22 the conversation where you tell Agent McCallister, "We
23 need Brian gone"?

24 A Yes, ma'am.

25 Q How many times did you communicate with

Testimony of Desiree Noonan

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1 Agent McCallister?

2 A I'm not sure how many times exactly, but it
3 was more than once.

4 Q Did you have her cell phone number?

5 A At one point, I did.

6 Q Did you ever call her on the phone?

7 A Yes.

8 Q Did you ever text her?

9 A Maybe a few times.

10 Q Do you remember 33 minutes into the conversation
11 where you told Agent McCallister that Cypress was
12 happy with Brian?

13 A I do not remember saying that.

14 Q "Even with Brian, Cypress was happy." Does that
15 sound familiar?

16 A Yes, ma'am.

17 Q Okay. You never thought Brian would actually hurt
18 her?

19 A At first. We didn't know him.

20 Q But is that what you told Agent McCallister?

21 A Yes, ma'am.

22 Q So you never -- prior to meeting Brian, do you
23 recall that your sister had a relationship with
24 another older man?

25 A No, ma'am.

Testimony of Desiree Noonan

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1 Q Do you remember telling Agent McCallister
2 approximately 47 minutes into the conversation, "I
3 feel like what if he didn't do it and we are all
4 bashing him and making him look like this big, bad
5 person?" Do you remember saying that?

6 A Yes, I do.

7 Q Do you remember telling Agent McCallister, "And I
8 really fell like Hollywood name got mentioned"?

9 A Yes, I do.

10 Q To your knowledge, did Agent McCallister follow up
11 on that?

12 A I'm not sure.

13 Q Do you remember telling Agent McCallister that you
14 knew that Hollywood did coke and that he had been --
15 "Now he's a full-fledged crackhead and everything"?

16 MS. SWANSON: Your Honor, I would object
17 to the relevance of this.

18 THE COURT: I'm going to sustain that.
19 I'm going to sustain that.

20 BY MS. CARMODY:

21 Q Do you have personal knowledge on whether he uses
22 drugs?

23 A Hollywood?

24 Q Uh-huh.

25 A Yes.

Testimony of Desiree Noonan

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1 Q Okay. And Popeye as well?

2 A I'm not sure about Popeye.

3 MS. CARMODY: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 BY MS. CARMODY:

6 Q Do you recall your sister living in a vehicle?

7 A I do not recall that.

8 Q Or in a van?

9 A I do not recall that.

10 Q Do you know -- do any -- well, is there a reason
11 that you live in the hotel and not in your mother's
12 home?

13 A Because I wanted to.

14 Q Do you know why Cypress chose to not live at
15 home?

16 A I have no idea.

17 MS. CARMODY: I don't have any further
18 questions, Your Honor. Thank you.

19 THE COURT: Anything else, Solicitor?

20 MS. SWANSON: Just briefly.

21 REDIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q Desiree, Ms. Carmody asking you what the
24 altercation was about, and it was about that she had
25 impression you wanted Brian.

1 A Yes.

2 Q So they had issues of jealousy in their
3 relationship?

4 A From what I --

5 MS. CARMODY: Objection; calls for
6 speculation.

7 THE COURT: I'm going to sustain that.

8 BY MS. SWANSON:

9 Q When Ms. Carmody asked you if you recalled saying
10 Cypress was happy with Brian, you did not recall that,
11 but then she read it back to you.

12 And it was actually that -- did you mean to
13 express that even with Brian, Cypress was a happy
14 person?

15 A Yes, ma'am.

16 Q All right. Because actually it was, "Even with
17 Brian, Cypress was happy." Is that what you said?

18 A Yes, ma'am.

19 Q And then you did express concern to
20 Agent McCallister, "What if he's innocent?"

21 So you not made a snap decision about his
22 guilt or innocence, had you?

23 A No, ma'am.

24 Q All right. And were you happy to let SLED's
25 investigation take its course?

Testimony of Desiree Noonan

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1 A Yes, ma'am.

2 MS. SWANSON: All right. Thank you.

3 THE COURT: Anything else, Ms. Carmody?

4 Ms. Carmody?

5 MS. CARMODY: I beg the Court's
6 indulgence, Your Honor.

7 THE COURT: Yes, ma'am.

8 MS. CARMODY: Sorry. I have no further
9 questions, Your Honor.

10 THE COURT: All right. Thank you.

11 MS. SWANSON: I would ask that Desiree be
12 allowed to be excused at this time.

13 THE COURT: Yes, ma'am. She just can't
14 talk with any other witnesses about her testimony
15 or about what took place in the courtroom today.

16 Thank you, ma'am.

17 MS. SWANSON: Thank you.

18 State calls Taylor Cowherd.

19 THE COURT: All right.

20 THE CLERK: Come right around this way.

21 Raise your right hand, put your left hand on the
22 Bible. The testimony you're about to give the
23 Court will be the truth so help you God?

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Come right around. Have a

Testimony of Taylor Cowherd

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1 seat in the witness stand.

2 WHEREUPON:

3 TAYLOR COWHERD,

4 after having been sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q Hey, Taylor. Can you state and spell your name
8 for the court reporter, please.

9 A Taylor Cowherd, T-a-y-l-o-r, C-o-w-h-e-r-d.

10 Q All right. Can you tell the jury what your
11 relationship with Cypress Noonan was?

12 A My sister.

13 Q All right. How many sisters do you have?

14 A All together, there's five.

15 Q And then one brother?

16 A Yes, ma'am.

17 Q Okay. Are you married?

18 A Yes, ma'am.

19 Q Do you have kids?

20 A Yes, ma'am. Three.

21 Q Three. What would you describe as your kind of
22 sister role in the family dynamic?

23 A I'm the granny.

24 Q All right. You take care of people?

25 A Yes, ma'am.

Testimony of Taylor Cowherd

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- 1 Q You live in Ridgeland?
- 2 A Yes, ma'am.
- 3 Q And would you see Cypress on a regular basis?
- 4 A Yeah.
- 5 Q How often do you think you would see her?
- 6 A Maybe once or twice during the week. It just
- 7 depends on what was going on that week.
- 8 Q Okay. And how would she get to your house?
- 9 A Drove. Sometimes she got dropped off.
- 10 Q Who would she get dropped off by?
- 11 A Mostly Brian.
- 12 Q All right. And what was her relationship with
- 13 Brian?
- 14 A They were dating.
- 15 Q Can you identify Brian Redding?
- 16 A Yes, ma'am. He's right there.
- 17 Q Okay. Seated between --
- 18 A The two --
- 19 Q -- the two women at counsel table?
- 20 A Yes.
- 21 Q All right. How long had you known of Brian?
- 22 A Like, how long I've known him?
- 23 Q Known him as a person.
- 24 A Since 2014.
- 25 Q All right. You guys worked together at one

Testimony of Taylor Cowherd

366

1 time?

2 A Yes, ma'am. Waffle House.

3 Q Did you socialize with him?

4 A Yes, ma'am. My friend would sometimes give
5 him a ride home on occasions when he didn't have a
6 ride.

7 Q But did you hang out beyond work with him?

8 A No, ma'am.

9 Q Okay. Did you express any concerns to Cypress
10 about their relationship?

11 A Yes, ma'am, absolutely.

12 Q What did you tell her, or what advice did you give
13 her?

14 A That she should get away from that person and
15 that it wasn't a good relationship.

16 Q Okay. Was Brian ever invited into your home?

17 A No, ma'am.

18 Q Would you welcome Cypress into your home?

19 A Absolutely.

20 Q And would you offer to let her sleep there
21 sometimes?

22 A All the time.

23 Q All right. And then what would happen?

24 A She would go do her own thing sometimes, and
25 most of the times she would come in the morning.

Testimony of Taylor Cowherd

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- 1 Q Okay. Did they ever sleep out in the car in the
2 yard?
- 3 A Yes, ma'am.
- 4 Q Or in the driveway?
- 5 A Yes, ma'am.
- 6 Q But again, at that point in time, Cypress was
7 welcome in the house. It was Brian who wasn't.
- 8 A Yes, ma'am.
- 9 Q Were those times when they had no money for a
10 motel?
- 11 A Yes, ma'am.
- 12 Q So because you didn't allow Brian into your home,
13 you didn't really see them interact a lot, did you?
- 14 A No, ma'am.
- 15 Q What would Cypress do when she came over to your
16 house?
- 17 A She would sleep, eat, shower. We'd hang out.
18 Hang out with my kids. Normal sister stuff.
- 19 Q Okay. Was she on the phone a lot?
- 20 A Yes.
- 21 Q Do you know who she was on the phone with?
- 22 A With Brian most of the time.
- 23 Q Did she FaceTime?
- 24 A No, ma'am. It was normally on speaker.
- 25 Q Speaker.

Testimony of Taylor Cowherd

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1 A Yes.

2 Q So you recognized his voice?

3 A Yes, ma'am.

4 Q Would you say it was a lot of the time?

5 A Yes, ma'am.

6 Q Did you know Brian to have a gun --

7 A Yes, ma'am.

8 Q -- or carry a gun?

9 A Yes, ma'am.

10 Q All right. Did you see that gun?

11 A Yes, ma'am.

12 Q What did it look like?

13 A It was like aqua/teal looking.

14 Q Do you recall when you saw that gun?

15 A Yes, ma'am.

16 Q When was that?

17 A One day they were in the car together when I
18 pulled up to my mom's house, and he and her were
19 sitting in the car. And I walked up to the car,
20 and I actually looked at it and I touched it and
21 stuff.

22 Q Do you know what type or make or model or --

23 A To be honest, no. I just know it was an
24 aqua, pretty blue color.

25 Q Okay. Do you remember where you were that Sunday

Testimony of Taylor Cowherd

369

1 morning, September 6th of 2020, when you learned of
2 Cypress's death?

3 A Yes, ma'am. I was in the vehicle getting
4 ready to head back from Florida.

5 Q And how did you find out?

6 A I got a call from Cypress's Facebook and it
7 was Brian, and he told me.

8 Q What did he say?

9 A At first, he was telling me that she was
10 unresponsive. And I asked him what was she
11 unresponsive from. And he just kept saying,
12 "She's unresponsive. She's unresponsive." And I
13 kept asking what was she unresponsive from. And
14 then he told me that, you know, she was
15 unresponsive. I hung up the phone and I called my
16 friend.

17 THE COURT: Hold on. We've got some
18 feedback.

19 THE WITNESS: Am I too close?

20 THE COURT: You might be. Hold on.

21 THE WITNESS: Okay.

22 THE COURT: All right. Thank you.

23 THE WITNESS: So I called my husband and
24 told him that something was happening, if he could
25 please go to the Forest and see what was going on.

Testimony of Taylor Cowherd

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1 I then called him back and asked him
2 again what was going on. He proceeded to tell me
3 about his morning and what happened in the
4 morning. Then --

5 BY MS. SWANSON:

6 Q Brian did?

7 A Yes. He proceeded to tell me what he did
8 that morning, and then he told me that somebody
9 had shot her.

10 Q Okay. So he told you what he had been doing all
11 morning --

12 A Yes.

13 Q -- before he told you that your sister had been
14 shot in the head.

15 A Yes, ma'am.

16 Q Thank you, Taylor.

17 MS. SWANSON: I don't have anything
18 further at this time.

19 THE COURT: Go ahead.

20 MS. SWANSON: Just a minute, Desiree.

21 THE COURT: Ms. Carmody, do you have any
22 cross-examination of this witness, ma'am?

23 MS. CARMODY: Yes, Your Honor.

24 THE COURT: Go ahead.

25 CROSS-EXAMINATION

Testimony of Taylor Cowherd

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1 BY MS. CARMODY:

2 Q Okay. Good afternoon, ma'am.

3 A Good afternoon.

4 Q Ma'am, do you remember speaking with
5 Agent McCallister?

6 A Yes.

7 Q Okay. And did you -- you did not approve of
8 Cypress having a relationship with Brian because of
9 his age, correct?

10 A Yes.

11 Q And do you remember your sister having a
12 relationship with another man?

13 A I do not recall.

14 Q You don't recall whether she had a relationship
15 with another man or not?

16 A I know she had little boyfriends, but not as
17 far as a man. No, ma'am.

18 Q All right. And you indicated Brian would drive
19 Cypress to your house, right?

20 A Yes.

21 Q And he would leave her there all day with you?

22 A Yes, ma'am.

23 Q And you didn't see your sister injured, correct?

24 A No, ma'am.

25 Q Your sister wasn't -- you know, she didn't have

Testimony of Taylor Cowherd

372

1 black eyes and bruises and things like that,
2 correct?

3 A No, ma'am.

4 Q And you said that she was on the phone, but she
5 was 16, right?

6 A Yes, ma'am.

7 Q Okay. And you don't know what happened with
8 Cypress that night, do you?

9 A No, ma'am.

10 Q Now, you indicated that Cypress didn't have money
11 for the room at times. I want to ask you about her
12 relationship with your mom.

13 Cypress was 16, right?

14 A Yes, ma'am.

15 Q Is there a reason she wasn't living at home?

16 A If there was, she never really told me.

17 Q Do you recall your sister living in a van, a white
18 van?

19 A Yes. Sleeping in it sometimes, yes, ma'am.

20 Q Prior to meeting Brian?

21 A Yes, ma'am.

22 Q Okay. So prior to meeting Brian, your sister was
23 not living at your mother's home, correct?

24 A She didn't live there full time, yes, ma'am.

25 Q So prior to meeting Brian, your sister was living

Testimony of Taylor Cowherd

373

1 in a van?

2 A Sometimes she would sleep in the van, yes.

3 But she wasn't fully living in the van.

4 Q But she would sleep overnight in a van.

5 A Yes.

6 Q All right. And you indicated that Brian had
7 called you that morning, correct?

8 A Yes, ma'am.

9 Q Okay. And when he called you, he was telling you
10 about everything that had happened, right?

11 A When he first called me, the first phone
12 call, he was telling me that she was unresponsive,
13 and that's what he kept telling me.

14 So I hung up on him and I called my husband
15 so that -- because I was three hours away. So I
16 called my husband so that he could go and see what was
17 going on.

18 So when I called him back after I talked to
19 my husband, that's when he proceeded to tell me about
20 his morning. And then at the end, he told me that she
21 was gone.

22 Q Okay. So he was -- would be fair to say that he
23 was letting you know everything that had occurred that
24 morning?

25 A Yeah, I guess.

1 Q And when he first talked to you on the phone and
2 he said she was unresponsive, would it be fair to say
3 that he didn't want to tell you your sister was
4 deceased over the phone?

5 A No.

6 MS. SWANSON: That would be conjecture.

7 THE COURT: I'm going to -- your
8 objection is what?

9 MS. SWANSON: Conjecture.

10 THE COURT: I would sustain that
11 objection. Thank you.

12 BY MS. CARMODY:

13 Q Do you know if your -- was anybody receiving any
14 type of assistance for Cypress, like food stamps or
15 cash assistance?

16 A No, I don't --

17 Q You don't know?

18 A I don't know. No, ma'am.

19 Q So Cypress was looking for a job?

20 A I don't know if she was, per se, looking for
21 a job at the time. I know she did work at KFC at
22 one time. But at the time, I don't know if she
23 was really looking for a job.

24 Q When is the last time you'd seen her prior to her
25 passing away?

Testimony of Taylor Cowherd

375

1 A I believe I'd seen her that Thursday, because
2 I left for Florida Friday.

3 Q You saw her on Thursday. She was working at KFC
4 on Thursday.

5 A No, ma'am.

6 Q Okay. And do you know if Cypress used drugs?

7 A No, ma'am.

8 Q To your knowledge, you don't know?

9 A To my knowledge.

10 Q What about marijuana?

11 A Yes, she does.

12 Q Okay.

13 A She did. I'm sorry.

14 Q Okay. And you don't live in the daily rentals, do
15 you?

16 A No, ma'am.

17 Q And how often did you talk with Agent McCallister?

18 A To be honest, I'm not really sure. Because
19 when I was talking with them, this just happened
20 and my mind was a bit scattered.

21 Q I'm sorry?

22 A I'm not really sure.

23 Q Did you have her cell phone number?

24 A Ma'am?

25 Q Did you have her cell phone number?

Testimony of Taylor Cowherd

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- 1 A I believe I did. I broke my phone, kind of,
2 right after everything happened, so I wouldn't --
3 I didn't have it anymore.
- 4 Q You broke your phone?
- 5 A Yes, ma'am.
- 6 Q Did something happen to it or you just dropped
7 it?
- 8 A My kid was playing with it and my kid dropped
9 it.
- 10 Q All right. So you received no phone call from
11 your sister on the 5th or the 6th indicating that
12 anything had been wrong, right?
- 13 A No, ma'am.
- 14 Q And you indicated on direct that you were the
15 granny, so to speak, right?
- 16 A Yes, ma'am.
- 17 Q Okay. And it's fair to say she would have come to
18 you, right?
- 19 A No, ma'am. I'm the granny that they hide all
20 the bad stuff from.
- 21 Q I'm sorry?
- 22 A I'm the granny that they hide all the bad
23 stuff from. They don't tell me the bad stuff.
- 24 Q Your sister wouldn't have told you she needed
25 help?

Testimony of Taylor Cowherd

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1 A Obviously not.

2 Q Obviously not or no?

3 A No, she didn't --

4 Q She didn't indicate --

5 A -- tell me she needed help. She did not
6 indicate that she needed help.

7 Q All right. As far as you knew, everything was
8 good, right?

9 A Yes, ma'am.

10 Q Yes?

11 A Yes.

12 Q Thank you. I don't believe I have any further
13 questions.

14 MS. CARMODY: No further questions, Your
15 Honor.

16 THE COURT: All right. Do you have
17 anything else, Solicitor? Any redirect?

18 MS. SWANSON: Just briefly.

19 THE COURT: Yes, ma'am.

20 REDIRECT EXAMINATION

21 BY MS. SWANSON:

22 Q Just to clarify as to when you saw the aqua -- the
23 pretty blue gun, do you know about when it was in
24 connection to the Cypress's death when they pulled up
25 to your mom's house?

Testimony of Taylor Cowherd

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1 A Honestly, I don't.

2 Q I mean, months? Weeks?

3 A I would say -- I went to Florida -- I would
4 say two months.

5 Q Okay. Just ballpark.

6 A Yes.

7 MS. SWANSON: Thank you.

8 THE COURT: Ms. Carmody, anything?

9 MS. CARMODY: Nothing further, Your
10 Honor.

11 THE COURT: All right, ma'am. Thank you
12 so much. You're released. And you can't talk
13 with anybody about this matter, about your
14 testimony today, that is a witness in this case.

15 THE WITNESS: Yes, sir.

16 THE COURT: Can she sit in the courtroom?

17 Well, we'll get into that in one second.
18 You can go have a seat in the courtroom right now,
19 yes, ma'am. That would be fine.

20 THE WITNESS: Okay.

21 THE COURT: All right. Ladies and
22 gentlemen, I'm going to go ahead and break for the
23 day. I can tell you, I've looked over. Every
24 time I've looked over, I hadn't seen anybody
25 sleeping. I've seen people paying attention. And

1 what that tells me is that you are honoring the oath
2 that you took.

3 As you see, we're dealing with important
4 matters; important to the State and important to
5 the defendant.

6 So I'm going to ask you to be back here
7 tomorrow morning at 9:30. I'm also going to ask
8 that you don't talk about this matter with anyone.
9 Don't discuss this matter with anyone. Don't do
10 any research on this matter. Remember, everything
11 is going to come from this witness stand or from
12 exhibits that are admitted into evidence.

13 So with that, I'm going to discharge you
14 for the evening. I'll see everybody back tomorrow
15 morning at 9:30. Thank you.

16 (Jury exits the courtroom at 4:51 p.m.)

17 THE COURT: All right. Anything from the
18 State before we break for the evening?

19 MS. SWANSON: Your Honor, I know that I
20 initially said that I was not going to get into
21 statements made by the defendant to
22 Agent McCallister, and, therefore, we didn't need
23 a Denno hearing. But at this point, the record is
24 abundantly clear that the encounter was voluntary
25 and noncustodial, and these are self-serving

1 statements. So I just wanted to let everyone know
2 that I will be eliciting some of his statements
3 from Agent McCallister, but I will not be trying
4 to play the whole video that has things that are
5 referencing prior bad acts or that he's a felon or
6 anything like that.

7 MS. CARMODY: Your Honor, I would go back
8 to the Rule of Completeness that I asked the Court
9 about earlier. And if the State intends to play a
10 portion of his statement, I'd ask that the whole
11 thing be played. I've already sent the State a
12 list of redactions prior to trial. There are not
13 many. And I just think that to play a portion of
14 his statement without playing the whole thing
15 would be prejudicial and unfair to my client.

16 MS. SWANSON: I'm not playing the
17 recording. I'm eliciting testimony from the
18 agent. And it's certainly -- you know, if there
19 is something that Agent McCallister can't answer,
20 then Ms. Carmody can cross on that.

21 MS. CARMODY: Your Honor?

22 THE COURT: Um-hmm.

23 MS. CARMODY: That's essentially
24 admitting portions of his statement and picking
25 and choosing which pieces and parcels they want to

1 tell the story.

2 THE COURT: All right. Well, I'll think
3 about that overnight. I'll think about that
4 overnight. And we'll be in here at 9:00 tomorrow
5 morning and we'll discuss the Rule of
6 Completeness.

7 All right. Anything else, Solicitor?

8 MS. SWANSON: Just -- let's see. I guess
9 any of the sisters who want to come for the trial,
10 are they going to remain sequestered?

11 THE COURT: I think if they've already
12 testified --

13 MS. CARMODY: Your Honor, I can let them
14 know first thing in the morning. I have no -- I
15 just need to make sure I don't need anything else
16 out of them. If I don't, then that's fine. I can
17 let them know by morning. I understand why they
18 want to be here.

19 THE COURT: Sure.

20 MS. SWANSON: Thank you.

21 THE COURT: Anything else, Solicitor?

22 MS. SWANSON: That's it from the State.

23 THE COURT: Okay. Anything else,
24 Ms. Carmody?

25 MS. CARMODY: Nothing -- Ashley Dodson.

1 THE COURT: Yes, ma'am?

2 MS. CARMODY: Your Honor, Ashley Dodson,
3 as I mentioned, has liver cancer. I have personal
4 experience with my husband with cancer, Your
5 Honor. And especially after chemotherapy, they
6 tend to be very, very ill and weak. And also, her
7 immune system would be compromised.

8 MS. SWANSON: While I appreciate --

9 THE COURT: Hold on, Solicitor.
10 Solicitor, I'll give you an opportunity. Let
11 Ms. Carmody finish.

12 Go ahead, ma'am.

13 MS. CARMODY: Your Honor, so I would
14 request that under those circumstances, she's no
15 longer in a relationship with Mr. Redding. She
16 has not been in a relationship with him since
17 shortly after he went to the jail. And I believe
18 she's, if not married, at least engaged right now
19 to another man.

20 And I would ask that she testify by
21 Webex, Your Honor. She would be testifying to the
22 same thing that --

23 THE COURT: Hold on. So you're producing
24 me a document that appears to come from her
25 physician; is that right?

1 MS. CARMODY: Yes, Your Honor.

2 THE COURT: "Please excuse her from other
3 labs, appointments..."

4 So her chemo treatment is being delayed?

5 MS. CARMODY: No, Your Honor. I believe
6 she had chemo today.

7 THE COURT: This says, "Planned for
8 chemo, but delayed." I'm just reading this, the
9 document that you provided me.

10 MS. CARMODY: I believe she had a port
11 put in, Your Honor, as well.

12 THE COURT: All right.

13 MS. CARMODY: She just had surgery. She
14 had surgery on the liver cancer as well, Your
15 Honor. And dialysis.

16 THE COURT: Solicitor, I'm happy to hear
17 from you.

18 MS. SWANSON: Again, my objection is
19 still the same. I don't think that Ms. Carmody
20 has any personal knowledge of exactly how ill she
21 is, although I appreciate the fact that she has
22 had some personal knowledge of someone else being
23 that ill. She is local. She is a fact witness
24 whose credibility should be judged by the jury.

25 Thank you.

1 THE COURT: All right. Let's make these
2 Court's exhibits, these two documents. And then I
3 I'd like a copy of them. I'm going to take them
4 with me.

5 (COURT EXH. 3, Doctor note, was marked for
6 indentification.)

7 (COURT EXH. 4, Doctor note, was marked for
8 indentification.)

9 MS. CARMODY: Your Honor, my investigator
10 in Beaufort, Christi Estrada, she actually went to
11 her home and saw her in person, and that's when
12 she -- when she served the subpoena, that's when
13 she informed me how ill she was. I hadn't talked
14 to her in probably a year and a half, Your Honor.
15 I did not realize that she was that ill.

16 And Christi, the investigator in
17 Beaufort, has actually offered to go there and
18 make sure she has Webex available. And she's the
19 one that brought all this to my attention.

20 THE COURT: All right. I'll let you know
21 something about that in the morning, also.

22 MS. CARMODY: Thank you, Your Honor.

23 MS. SWANSON: Thank you, Your Honor.

24 THE COURT: All right. Anything else?

25 MS. SWANSON: No, Your Honor.

1 THE COURT: Thank you. We'll see
2 everybody back about 9:00 okay tomorrow morning.
3 (Trial adjourned at 4:58 p.m.)
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1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF JASPER

4 State of South Carolina,

5 vs. Transcript of Record
6 2020-GS-27-0701
7 2020-GS-27-0702

8 Brian Redding,
9 Defendant.

10 August 17, 2022
11 Jasper, South Carolina
12 Volume III of V

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

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

16 Hunter Swanson, Solicitor
17 Carolyn Carmody, Representing the defendant

18

19

20

21 SHARON G. HARDOON, CSR
22 Official Circuit Court Reporter, III

23

24

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1 THE DEPUTY: All rise.

2 THE COURT: Yesterday, we took up two
3 matters, and I've had an opportunity to consider
4 both of them.

5 Miss Carmody, as it stands right now, I'm
6 going to require your witness to be here.

7 MS. CARMODY: I have new information,
8 Your Honor.

9 THE COURT: Okay.

10 MS. CARMODY: Medical records that I
11 received last night. I just gave them to
12 Miss Swanson.

13 THE COURT: Well, I'll deal with that
14 later. Right now, based on the information I
15 have, I'm going to require her to be here. If
16 there's more information you want to submit later,
17 I'll consider that.

18 There is something concerning the rule of
19 completeness as it relates to the State and if and
20 when the State will call the investigator who had, I
21 guess, a detailed interview with the defendant,
22 Mr. Redding.

23 Miss Carmody, I believe that you are
24 correct, and I think that when I look at the case
25 of State vs. Carbrera-Pena, 361 S.C. 372, deals

1 with this issue pretty much spot on. And it
2 indicates if an officer is going to give testimony
3 about conversation when part of a conversation is
4 put into evidence, and that can be through an oral
5 statement, a recorded statement, or a written
6 statement.

7 So, even if I don't put in the statement
8 itself, but if she provides any type of testimony
9 concerning the conversation, what he may have
10 said, an adverse party is entitled to prove the
11 remainder of the conversation so long as it's
12 relevant, particularly when it explains or gives
13 new meaning to the part originally cited.

14 Plaintiffs principals of justice require that if
15 one of the statements is to be used against the
16 party, all of the other statements tending to
17 explain or qualify this use should be shown and
18 considered in connection with it.

19 So, what I've -- that doesn't mean you're
20 going to be able to play the recording. I mean,
21 you just don't -- because they bring it up, that
22 doesn't mean you get to just hit play and play the
23 recording.

24 If there are parts of the recording, or
25 if there are -- if you're going to bring up

1 issues -- I mean, for example, you know, if he
2 says -- or somebody says -- tells the officer, *I*
3 *did take the pen*, and then later in the statement
4 says, *I didn't take the pen*, I certainly think you
5 could inquire from the officer did he, in fact,
6 state later in the interview that he did not take
7 the pen.

8 But as far as them saying, well, I get to
9 play the whole tape. No, ma'am. I don't think the
10 case stands for that. I think it stands for the
11 proposition that, basically, if something is
12 irrelevant, that portion can then be played.

13 So, A -- and we'll get into this, but I
14 want to give you a heads up as to what my
15 preliminary ruling would be. When we get into it,
16 if there are portions, specific focused portions
17 that are going to counter a specific thing or a
18 specific comment that he made that the case
19 officer discusses, then I would allow it. And, of
20 course, again, it's got to be related to that
21 fact.

22 And so, again, I really think that this
23 case was -- was spot on. My clerk did a good job
24 finding it for me.

25 That would be my tentative ruling as it

1 relates to that.

2 Any questions, Solicitor?

3 MS. SWANSON: No, Your Honor. I just
4 want to say that the audio on the recording is
5 kind of difficult to hear and also it's extremely
6 long, and so that's why I would like to present
7 the officer's testimony. But I completely agree
8 that, whatever he said to her, you know, on cross
9 is going to be relevant.

10 THE COURT: Right. Whatever you want to
11 put up in your case is fine.

12 MS. SWANSON: Thank you.

13 THE COURT: I just want to let
14 Miss Carmody know that that does not mean the
15 entire document plays. What she could do is cross
16 on a particular issue, if it's relevant. Again,
17 using my example, which is very simple, but if
18 there's something along those lines -- but also
19 there is no hearsay. That does not mean that
20 hearsay testimony of this defendant comes in.

21 So she obviously -- again, hearsay
22 testimony, it doesn't defeat the hearsay rule.
23 But would be my ruling. I don't know if that's
24 going to come up right away. But in any event
25 that's the case from which I'm gleaning my

1 information and what I believe my decision will be
2 if that even becomes an issue.

3 But, again, I just wanted to give you-all
4 the heads up. Are there any other matters that we
5 need to take up before we get the jury in here.
6 We got a few more minutes, but is there anything
7 from the State?

8 MS. SWANSON: None from the State.

9 THE COURT: Miss Carmody? Miss Carmody,
10 you have some additional information.

11 MS. CARMODY: Yes, I do.

12 THE COURT: All right.

13 MS. CARMODY: Just one second. This is
14 her medical record, Your Honor.

15 THE COURT: All right. Thank you.

16 MS. CARMODY: My investigator -- Christy
17 in the Beaufort office, she's the investigator for
18 Beaufort. And this witness lives in Beaufort and
19 she went out and obtained her medical record, and
20 I believe Miss Price highlighted the relevant
21 portions. It also explains why the chemo was
22 delayed.

23 THE COURT: Solicitor, have you seen the
24 information she's provided to the court this
25 morning?

1 MS. SWANSON: I have, Your Honor.

2 THE COURT: Let me ask you this, Miss
3 Carmody: What is this witness supposed to testify
4 to? I don't have any idea. And I'm not trying
5 get you to give away the farm, but, I mean -- what
6 I'm trying to do is, I'm trying to understand what
7 is she supposed to be testifying to.

8 MS. CARMODY: So, essentially,
9 Mr. Redding was using her vehicle and she had to
10 be at work that morning. He had to pick her up.
11 He had to bring her to work. He had to -- and
12 this is all corroborated by her, too. SLED has
13 corroborated this by time stamps of what time she
14 arrived at work by his cell phone records of where
15 he was that morning. So it's corroborated
16 information.

17 All she is going to testify to is where
18 he brought her and whether the man -- essentially,
19 you know, was covered in blood that morning and
20 whether she saw a gun and things like that. He
21 brought her to work. He dropped her off and then
22 he picked up his cousin that morning. It goes to
23 his alibi, Your Honor.

24 THE COURT: All right.

25 MS. CARMODY: She's an alibi witness.

1 THE COURT: All right.

2 MS. CARMODY: SLED has already
3 corroborated all the information. I don't believe
4 that she'll testify to anything different than
5 what she told SLED.

6 THE COURT: All right. Solicitor, what
7 is your position?

8 MS. SWANSON: My position remains the
9 same. I didn't see anything in those medical
10 records that would make me change my mind.

11 THE COURT: Would you agree with me that
12 the medical records appear authentic, Solicitor?

13 MS. SWANSON: Yes, sir. I still see
14 where -- I mean, unless I'm reading it wrong, but
15 she received a treatment yesterday, and it says
16 stage three something, but that it's moderate.

17 THE COURT: Well, the first question I
18 asked was -- or the question that I asked and I
19 think you answered it. The documents that she's
20 provided certainly to me appear to be authentic.

21 MS. SWANSON: Yes.

22 THE COURT: As in these appear to be
23 legitimate records over 30 years of representing
24 folks and reviewing medical records. To me, they
25 appear to be authentic records. What I'm asking

1 is: Do you have any reason to doubt the
2 authenticity of these records, Solicitor?

3 MS. SWANSON: I do not.

4 THE COURT: Okay. Well, the information
5 that she's provided concerning the records that
6 she's provided the court today is certainly more
7 detailed than the information that she provided
8 yesterday.

9 From my review of the 8/16/22 note, it
10 indicates that she was there to get chemotherapy
11 yesterday, but, apparently, it was postponed due
12 to the fact that she apparently already had
13 dialysis that morning and maybe they want to do it
14 on another day, or a day that she doesn't have
15 dialysis. They also gave her some new medication.

16 I see she's been diagnosed with some type
17 of colon cancer. She has chronic kidney disease.
18 She receives -- she's on dialysis, I believe,
19 three days a week per the note. She has a
20 colostomy bag. She's recovering from surgery.
21 The 8/13 note indicates she remains recovering
22 from surgery and is getting used to her colostomy.

23 The note on 8/16 yesterday, which was
24 yesterday, expresses concern that her ANC was low.

25 I think with the information that she's

1 provided me, that I will allow her to appear
2 virtually.

3 MS. CARMODY: Thank you, Your Honor.

4 THE COURT: Miss Carmody, you're going to
5 be responsible for getting this set up.

6 THE CLERK: Yes, Your Honor.

7 THE COURT: Having a solid connection.
8 Because if there's problems with it, then we're
9 moving on. I'm not going to have -- you know,
10 because one of the things, you know, I don't want
11 this set up so that she can't be heard or can't be
12 seen.

13 I don't want this in a car on the side of
14 the road. Well, you shake your head and say no.
15 I got to say that unfortunately. Because if I
16 don't -- and I'm not saying you would do that.
17 That's where this ends up.

18 I do believe that this woman, per these
19 notes, and I have no reason to doubt the notes, is
20 recovering from the surgery that obviously
21 involved her receiving a colostomy. And I have
22 family that has had to deal with that issue, and
23 that's just not -- going and moving anywhere when
24 you're getting used and accompanied to that
25 appliance. It just is not a pleasant situation.

1 She's obviously immunocompromised.

2 So I want for you to set that up. It
3 needs to be set up. I'm not going to wait. We're
4 not going to have down time waiting for this to
5 get done. So you need to get one of your
6 assistants to help bring this together when that
7 comes.

8 And I do, for the record, assuming we do
9 have a good connection I would say that -- I would
10 say that the chief justice has encouraged us when
11 possible, if at all possible, to use Webex and
12 other types of virtual capabilities when we deem
13 it's necessary. I think this is necessary. I
14 think that if we have a good connection. I think
15 that the jury will be able to observe
16 appropriately the demeanor and will be able to
17 hear and evaluate this witness sufficiently.

18 And that is why, Miss Carmody, I am
19 requiring that this be set up in as professional
20 of a setting as possible. Because that -- I don't
21 want there to be any distractions that's going to
22 distract the jury from their ability to evaluate
23 the credibility, demeanor of this witness. Okay?

24 I think that can be done via Zoom or
25 Webex, and I think with this information that you

1 provided me, I think it's reasonable under the
2 circumstances that have been presented to me.

3 All right. So is there -- yes, ma'am.

4 MS. CARMODY: Should we use the virtual
5 courtroom?

6 THE COURT: Well, you get with my clerk
7 on that. You-all can -- it's unlikely that's
8 going to be today anyway.

9 MS. CARMODY: No. I'm thinking tomorrow.

10 THE COURT: It also says she gets her
11 dialysis in the morning on Thursday, so you're
12 going to have to work around that.

13 I will tell you this, we're not going to
14 work out her schedule. She's going to have to
15 work around the court's schedule. Okay?

16 All right. Anything else, Solicitor?

17 MS. SWANSON: Nothing from the State.

18 THE COURT: Anything from the defense?

19 MS. CARMODY: Yes. Yesterday,
20 Taylor Howard had testified and Miss Swanson asked
21 if she could come in the courtroom if I need her
22 on recall. I only need to ask her one question on
23 recall that she has already provided the
24 information to SLED and can easily be impeached if
25 she were to say something different. I don't

1 believe she testified truthfully yesterday, so I
2 would have no objection if she wanted to come in
3 and sit with her mom.

4 THE COURT: Thank you, Miss Carmody.
5 Great.

6 MS. CARMODY: And the same with the other
7 sister, Your Honor, as well.

8 THE COURT: Same with the other sister.
9 All right. Thank you, Miss Carmody.

10 Is there anything else? Do we need to
11 take a break before we bring the jury in?

12 MS. SWANSON: Two seconds to run to the
13 restroom.

14 THE COURT: Two seconds, Miss Carmody.
15 I'll give you four seconds. Just joking. Take
16 your time.

17 (Off the record.)

18 THE COURT: Are we ready to bring the
19 jury in from the State?

20 MS. SWANSON: State's ready.

21 THE COURT: Miss Carmody, is the defense
22
23
24
25

Testimony of Whitney Uva

403

1 ready?

2 MS. CARMODY: Yes, Your Honor.

3 MS. CARMODY: Yes, Your Honor.

4 (Jury enters the courtroom at 9:41 a.m.)

5 THE COURT: Ladies and gentlemen, good
6 morning. We are ready to proceed with the trial
7 of this case. And so, Solicitor, are you ready to
8 call your next witness?

9 MS. SWANSON: Thank you, Your Honor.
10 State calls Whitney Uva.

11 THE CLERK: Raise your right hand. Place
12 your left hand on the Bible. The testimony you're
13 about to give will be the truth, so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Come right round. Have a
16 seat in the witness chair.

17 WHEREUPON:

18 WHITNEY UVA,

19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. SWANSON:

22 Q Good morning, Whitney. Can you please state your
23 name and spell it for the court reporter?

24 A Whitney Uva, W-h-i-t-n-e-y, U-v-a.

25 Q Can you tell the tell the jury how you knew

Testimony of Whitney Uva

404

1 Cypress Noonan?

2 A I was a friend. I grew up with her. I worked
3 with her. Went out of town with her. We were
4 very close.

5 Q All right. At some point, did you work with her
6 mom at KFC?

7 A Yes, ma'am. That's where I met her.

8 Q So you knew her family?

9 A Yes, ma'am.

10 Q And about how long were you and Cypress close?

11 A I was close before I started working at KFC,
12 like I knew her around school. So I want to say I
13 probably known her about five years, tops.

14 Q Okay. What was Cypress like when you first became
15 friends with her. What was her personality like
16 before she started dating Brian Redding?

17 A She was very bubbly. Like, you always saw
18 her around town. She knew everyone. She was
19 cheerful. She, like, was way out there. Didn't
20 care about what anyone had thought of her. She
21 was very outgoing. She was just a very cheerful
22 person, like one of a kind.

23 Q Okay. And did you notice any changes in her
24 personality when she and Brian began dating?

25 A Yes, ma'am. You didn't see her around town

Testimony of Whitney Uva

405

1 anymore. You barely saw her at all. If you ever
2 tried to get in contact with her, it would take a
3 while for her to reply, which is very unlike her.
4 And she stopped checking in on me lately. Like,
5 she used to always text me almost every single day
6 and that slowly died down.

7 Q Okay. Did you ever meet Brian Redding?

8 A No, ma'am.

9 Q Let's see. You were not living in Ridgeland at
10 the time?

11 A No, ma'am. I was in Hardeeville.

12 Q All right. So you never spent any time around
13 them together?

14 A No, ma'am.

15 Q Did Cypress ever ask you for money?

16 A Yes, ma'am.

17 Q All right. And did you give it to her?

18 A Yes, ma'am.

19 Q You helped her out when you could?

20 A Yes, ma'am.

21 Q Did you ever go to the Forest Motel?

22 A Yes, ma'am. One time.

23 Q All right. And what were you going to the Forest
24 Motel for?

25 A That was the day I came over and gave her a

Testimony of Whitney Uva

406

1 bunch of clothes, perfume, undergarments and
2 stuff, and I hung with her about three hours with
3 my sister.

4 Q Okay. When you guys went over there to drop off
5 toiletries and clothing, did she come to the door, was
6 she outside of the door?

7 A She came to the door and just peaked out.
8 Opening it up a crack.

9 Q And did she invite you-all in after that?

10 A Yes, ma'am.

11 Q Okay. Do you recall if she locked the door after
12 that?

13 A Yes, she did.

14 Q And Brian was not there, right?

15 A No, ma'am.

16 Q Why did you guys leave?

17 A She was adamant about when he was coming.
18 But she didn't necessarily say for us to go, but
19 she just kept mentioning when he was coming, so
20 that gave me, like, yeah, I need to go.

21 Q Okay. At some point you and Cypress and some of
22 other friends were discussing a trip to Florida.

23 A Yes, ma'am.

24 Q And did you want Cypress to go?

25 A Yes, ma'am.

Testimony of Whitney Uva

407

1 Q All right. But what was the problem?

2 A A lot of my other friends were uncomfortable
3 with his age, so they didn't want him to come but
4 they wanted her to come. And there was a point
5 where she wasn't going to come because he couldn't
6 come, but she did end up coming in the end.

7 Q And what age are your friends?

8 A My friends are like 18, 17, 20, 19.

9 Q And when you say "he," do you mean Brian
10 Redding?

11 A Yes, ma'am.

12 Q Did you receive messages from that group text that
13 didn't sound like Cypress?

14 A Yes, I did. It was weird because, like, it
15 was something she wouldn't say. I'm sorry. I
16 can't remember what it was, but I know I said that
17 it was weird.

18 Q So you received messages from her phone that
19 didn't sound like her?

20 A Yes, ma'am.

21 Q Did you ever see Cypress upset about her and
22 Brian's relationship?

23 A Yes. When she came to me for --

24 Q We don't need to get into the specifics of it, but
25 thank you.

Testimony of Whitney Uva

408

1 Do you recall seeing Cypress with a gun?

2 A Yes, ma'am. On Snap. Yes.

3 Q In Snapchat?

4 A Yes, ma'am.

5 Q Do you recall what the gun looked like?

6 A No, ma'am. I don't. Sorry.

7 Q Had you ever seen Cypress with a gun before she
8 started dating Brian Redding?

9 A No, ma'am.

10 Q Thank you, Whitney.

11 MS. SWANSON: Beg the Court's
12 indulgence.

13 MS. SWANSON: All right. Thank you,
14 Whitney. Please answer any questions that the
15 defense may have for you.

16 THE COURT: Miss Carmody, do you have any
17 questions of this witness?

18 MS. CARMODY: Yes, Your Honor.

19 THE COURT: All right. Yes, ma'am.

20 CROSS-EXAMINATION

21 BY MS. CARMODY:

22 Q Good morning, Miss Uva.

23 A Good morning.

24 Q I'm Carolyn Carmody. Miss Uva, I want to go back
25 to what you first testified to that -- well, you had

Testimony of Whitney Uva

409

1 known Cypress for a long time, correct?

2 A Yes, ma'am.

3 Q So did you know Cypress when she was living in her
4 vehicle?

5 A Yes, ma'am.

6 Q And do you know why she was living in her
7 vehicle?

8 A I believe it was because her family wasn't
9 okay with her dating Brian and she wanted to get
10 away from them so she could be with him.

11 Q So you're saying she was living in her vehicle
12 while -- prior to knowing Brian or while she knew
13 Brian?

14 A While she knew Brian.

15 Q Is that when she first started seeing Brian?

16 A I'm not sure. I'm not sure.

17 Q Do you know when she was living in her vehicle?

18 A No, ma'am.

19 Q So you're not sure of the exact time period.

20 A No, ma'am. I just know about them staying in
21 the vehicle before.

22 Q All right. And the -- you testified that you had
23 always seen her around town.

24 A Yes, ma'am.

25 Q Prior to meeting Brian, right?

Testimony of Whitney Uva

410

1 A Uh-huh.

2 Q And that would be, she would be walking around
3 town, right?

4 A Yes, ma'am.

5 Q And where did you see her walking around town?
6 You testified you're from Hardeeville, correct?

7 A Yes, ma'am.

8 Q So how would you see her walking around town?

9 A Because I used to stay in Ridgeland. Like,
10 this was prior to me moving.

11 Q Did you have a vehicle at the time?

12 A Yes, ma'am.

13 Q Did you pick her up?

14 A Yes, I drove her home one time after work.

15 Q Before she met Brian?

16 A Yes, ma'am.

17 Q So you're always familiar with Cypress's home life
18 because you know her family?

19 A Yes, ma'am.

20 Q And isn't it true that prior to Cypress moving out
21 of her mother's house that they often struggled with
22 money in the home?

23 A I'm not aware of that.

24 Q She didn't have a lot of clothes at home?

25 A Well, I gave her clothes just because I

Testimony of Whitney Uva

411

1 didn't want to throw them away. I'm not sure if
2 she had them or not.

3 Q Prior to her meeting Brian, she didn't have a lot
4 of clothes at home, right?

5 A I would think so, yes.

6 Q Okay. So -- all right. So you're testifying she
7 didn't have a lot of clothes when she lived with her
8 mother?

9 A Yes.

10 Q Would you say that she did not have a good
11 relationship with her sisters?

12 A No, I wouldn't say that.

13 Q She did have a good relationship with sisters, is
14 that what you're saying?

15 A Yes, she did.

16 Q So when she was living in a vehicle, which sister
17 agreed to take her in?

18 A I want to say Raven.

19 Q Did she go to Raven's house?

20 A Yes, she stayed with Raven multiple times.

21 Q Okay. So when was that?

22 A When she was staying in the car, that was
23 Raven's van that she was staying in.

24 Q So, is it your testimony that essentially instead
25 of staying at Raven's house in a bed, her sister Raven

Testimony of Whitney Uva

412

- 1 gave her a car to stay in?
- 2 A I believe so. I'm not sure.
- 3 Q She would have been about 15 or 14 at the time?
- 4 A I guess. I don't know.
- 5 Q All right. And when you gave clothes to Cypress,
- 6 you were trying to be a good friend, right?
- 7 A Yes, ma'am.
- 8 Q And, you know, oftentimes teenage girls, they
- 9 share clothes, correct?
- 10 A Yes, ma'am.
- 11 Q Okay. And you brought her, like, tops, I guess,
- 12 and pants and things like that?
- 13 A Yes, ma'am.
- 14 Q All right. But that's not out of the ordinary for
- 15 teenagers to give each other clothes, correct?
- 16 A No, ma'am.
- 17 Q All right. And you said that Cypress had asked
- 18 you for money. Isn't it true that she asked you for
- 19 money to help pay for the motel room?
- 20 A No, ma'am. She asked for money to eat.
- 21 Q How much money did you send her?
- 22 A Twenty dollars.
- 23 Q Okay, \$20. So we're not talking about substantial
- 24 amounts of money?
- 25 A No, ma'am.

Testimony of Whitney Uva

413

1 Q All right. Maybe another time -- like 15, does
2 that sound about right?

3 A No, ma'am. I sent her money one time.

4 Q I believe you -- that's fine. You said you went
5 to the Forest one time and that was to bring her
6 clothes?

7 A Yes, ma'am.

8 Q Okay. And at the time that you were at the
9 Forest, you did not see Cypress with bruises on her
10 body or anything like that, correct?

11 A No, ma'am.

12 Q You did not see Cypress with any signs that she
13 had been abused, correct?

14 A Not that I'm aware of.

15 Q Okay. Well, you would have saw it?

16 A Yes, ma'am.

17 Q All right. And she's your friend?

18 A Yes, ma'am.

19 Q She would have told you, correct?

20 A Yes, ma'am.

21 Q Okay. And when you were talking about on direct
22 examination that you had wanted to go with Cypress on
23 a trip to Florida, isn't it true that the reason that
24 she did not want to go to Florida is because she did
25 not want to be the only person there without her

Testimony of Whitney Uva

414

1 boyfriend?

2 A Yes, ma'am.

3 Q And that she did not want to be away from her
4 boyfriend for five days?

5 A Yes, ma'am.

6 Q Okay. And it wasn't that he would not let her go,
7 correct?

8 A No, ma'am.

9 MS. SWANSON: I'm sorry. Objection;
10 conjecture.

11 THE COURT: I'll sustain that. Disregard
12 that answer and please move on.

13 BY MS. CARMODY:

14 Q You indicated that Cypress's personality had
15 changed since she had been with Brian?

16 A Yes, I did.

17 Q And that she was no longer walking around town,
18 right?

19 A Yes, ma'am.

20 Q But when she was with Brian, she had a place to
21 live, correct?

22 A Yes, ma'am.

23 Q All right. She wouldn't be walking around town
24 with a place to live, right?

25 A Well, when she was staying in town, she was

Testimony of Whitney Uva

415

1 still walking around. So she had a place to live,
2 but she was still in town.

3 Q To your knowledge, does Brian have a vehicle?

4 A I believe so, yes.

5 Q Okay. Ridgeland is not a safe town to walk
6 around, is it?

7 A No, ma'am.

8 Q Okay. Remember I asked you earlier about her
9 relationship with her sisters?

10 A Yes, ma'am.

11 Q Whitney, do you have a Facebook account?

12 A Yes, ma'am.

13 Q Do you know what your Facebook name is?

14 A Whitney Briana Uva, it should be.

15 Q Did you regularly talk to Brandy Johnson King on
16 Facebook?

17 A Yes, ma'am.

18 Q Okay. And do you recall sending a message on
19 Facebook after Cypress passed away on September 8th of
20 2020? Do you recall sending messages to Brandy?

21 A I'm sure when you read it, I will.

22 Q Okay. Do you recall telling Brandy King, "I can
23 hear her saying," the F word, "them. Nobody really
24 messed with her when she was here. Now, everyone all
25 of a sudden, oh, I talked to her this day and I just

Testimony of Whitney Uva

416

1 say to her that at least we know she knows who
2 genuinely cared about her." Do you remember putting
3 that on there?

4 A Yes, ma'am.

5 Q All right. And that refers to the relationship
6 that she had with her family?

7 A No, that refers to the relationship with her
8 friends.

9 Q With her friends?

10 A Yes.

11 Q And people were posting all kinds of messages on
12 Facebook about that they care for her but they showed
13 up after she passed away, right?

14 A Yes, ma'am.

15 Q All right. Thank you.

16 MS. CARMODY: Court's indulgence, Your
17 Honor.

18 THE COURT: Yes, ma'am.

19 BY MS. CARMODY:

20 Q Ma'am, just one more question. Have you ever been
21 in a relationship?

22 A Yes, ma'am.

23 Q And when you're in a relationship with a
24 boyfriend, is it normal for you to want to spend time
25 with him?

Testimony of Whitney Uva

417

1 A Yes, ma'am.

2 Q And it's also normal that you would talk to your
3 friends less to spend time with the new boyfriend?

4 A Yes, ma'am.

5 Q Okay, thank you.

6 MS. CARMODY: No further questions.

7 THE COURT: All right. Solicitor, do you
8 have any redirect?

9 MS. SWANSON: Just briefly.

10 THE COURT: Yes, ma'am.

11 REDIRECT EXAMINATION

12 BY MS. SWANSON:

13 Q Miss Carmody asked you about Facbook and how it
14 seemed that people were coming out of the woodwork.
15 Based on all these Facebook messages, did it seem that
16 Cypress Noonan was well-loved by the community?

17 A Yes, she was.

18 Q And had Cypress dated people before?

19 A Yes, ma'am.

20 Q And did she remain in touch with you when she
21 dated those people?

22 A Yes, ma'am.

23 Q Thank you.

24 THE COURT: Miss Carmody, anything else,
25

Testimony of Taniya Payne

418

1 ma'am?

2 MS. CARMODY: No, Your Honor.

3 THE COURT: All right. Ma'am, thank you
4 so much. You can step down.

5 MS. SWANSON: The State calls Taniya
6 Payne.

7 THE CLERK: Right this way. Come right
8 around. Could you raise your right hand. Place
9 your left hand on the Bible. The testimony you're
10 about to give the court will be the truth so help
11 you God?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: Come around. You can pull
14 down the mask while you're on the stand.

15 WHEREUPON:

16 TANIYA PAYNE,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q Thank you for being here, Taniya. Can you state
21 and your spell your name for the court reporter?

22 A Taniya, T-a-n-i-y-a.

23 Q And spell your last name for me. Take your time.
24 I know this is emotional for you?

25 A P-a-y-n-e.

Testimony of Taniya Payne

419

- 1 Q Okay. You go by Niya?
- 2 A Yes, ma'am.
- 3 Q All right. Niya, when did you become friends with
- 4 Cypress?
- 5 A In fifth grade.
- 6 Q Can you pull your mask down?
- 7 A In fifth grade.
- 8 Q In what grade?
- 9 A Fifth grade.
- 10 Q Fifth grade, okay.
- 11 Q And did you remain friends with her until the time
- 12 of her death?
- 13 A Yes.
- 14 Q Did you ever hang out with her when she began
- 15 dating Brian?
- 16 A Yes.
- 17 Q Do you know who Brian Redding is?
- 18 A Yes.
- 19 Q Do you recognize him in the courtroom?
- 20 A Yes.
- 21 Q Okay. Can you point him out for me?
- 22 A (Indicating.)
- 23 Q Okay. He's seated at the table over to your
- 24 left?
- 25 A Yes, ma'am.

Testimony of Taniya Payne

420

1 Q Okay, thank you.

2 Did she ever talk to you about her
3 relationship with Brian?

4 A Yes, she did.

5 Q Did you give her any advice?

6 A Yes, I did.

7 Q What did you tell her?

8 A I just told her that, you know, we're kids,
9 and we got a lot of life to live. One person
10 shouldn't control you and that you should get
11 away.

12 Q Did you ever see her emotional because of her
13 relationship with Brian?

14 A Yes.

15 Q You saw her cry as a result?

16 A Yes, ma'am.

17 MS. CARMODY: Objection; calls for
18 speculation.

19 THE COURT: I'm going to overrule that.
20 Go ahead.

21 MS. SWANSON: Thank you.

22 BY MS. SWANSON:

23 Q Did you ever see Brian be controlling with
24 Cypress?

25 A Yes, ma'am.

Testimony of Taniya Payne

421

1 Q Did you ever see him with a gun?

2 A Yes, ma'am.

3 Q What did that gun look like?

4 A It was a torquise blue and it was silver --
5 like a dark silver one.

6 Q Okay. So it was blue and silver?

7 A Yes.

8 Q Okay. Did you ever go to the Forest Motel?

9 A Yes, ma'am.

10 Q Did you ever go when it was just Cypress
11 sometimes?

12 A Not -- like, for a second, we were by
13 ourselves.

14 Q Right. So if you went there and it was just
15 Cypress, would she let you in the room?

16 A If it was already planned for me to come,
17 but, if not, no, ma'am.

18 Q So tell me how she would deal with coming outside
19 to meet you if you showed up at the motel room?

20 A If I showed up, she would -- just showed up
21 unannounced, she wouldn't come out outside for me.
22 She would just text me over the phone and I would
23 just go home.

24 Q Okay. Did she have a habit of locking the motel
25 room door?

Testimony of Taniya Payne

422

1 A Always.

2 Q All right. Are you -- is she the type of person
3 that answered the door for strangers?

4 A Unh-uh.

5 Q Because you're her friend, right?

6 A Yeah.

7 Q And she wouldn't necessarily answer the door for
8 you?

9 A No, unh-uh.

10 Q Did you go to the Forest Motel with her and Brian
11 one day?

12 A Yes.

13 Q And were there difficulties between the two of
14 them that day?

15 A Yes, ma'am.

16 Q Did you ever go back?

17 A No, ma'am.

18 Q Did you talk to Cypress after that?

19 A A little.

20 Q Okay. But you-all weren't as close?

21 A No, ma'am.

22 MS. SWANSON: Beg the Court's
23 indulgence.

24 THE COURT: Yes, ma'am.

25 BY MS. SWANSON:

Testimony of Taniya Payne

423

1 Q All right. Please answer any questions that the
2 defense may have for you.

3 THE COURT: All right. Miss Carmody, do
4 you have any questions of this witness?

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. CARMODY:

9 Q Good morning, ma'am.

10 A Good morning.

11 Q Do you need a minute?

12 A I'm fine.

13 Q I can give you a minute, ma'am.

14 A I'm fine.

15 THE COURT: Go ahead.

16 BY MS. CARMODY:

17 Q All right. Ma'am, you testified that you saw
18 Brian with a gun that was blue and silver, correct?

19 A Two different guns.

20 Q Two different guns?

21 A Yes, ma'am.

22 Q One was blue and one was silver?

23 A Yes, ma'am.

24 Q Okay. Is this -- did you previously tell agent
25 McCallister about two separate guns?

Testimony of Taniya Payne

424

1 A The first lady that I ever talked to when it
2 first happened, I told her. And I was only asked
3 about the blue gun and told about both of them,
4 though.

5 Q Ma'am -- so hold on one second. Okay.

6 So -- all right. Let's back up for a second.

7 Where were you when you saw Brian with a blue gun?

8 A At the Forest in the corner room on the side
9 of the bed. I was sitting on the side of the
10 bed.

11 Q Okay. Ma'am, do you remember speaking with Agent
12 McCallister in reference to this case?

13 A I don't really know names of anybody.

14 Q Do you remember speaking to a SLED agent in
15 reference to this case?

16 A Like, two years ago, the lady.

17 Q Yes.

18 A Yes, ma'am.

19 Q All right. Did you tell Agent McCallister that
20 where you saw the gun was at the Sure Stay Motel?

21 A Everywhere. I don't know if I can --
22 everywhere he goes, she asks like where have I
23 been them, and I named the Sure Stay motel as one
24 of the places as well.

25 Q Ma'am, you just testified this was at

Testimony of Taniya Payne

425

1 Forest Motel.

2 A Yes, I know. This was at the Forest. When I
3 saw, when I first was introduced to the guns, I
4 was at the Forest. But I also visited them at the
5 other hotel is what I told them. And, yes, he did
6 have guns there, too.

7 Q Ma'am, hold on for a second.

8 All right. Back in -- let's back up.

9 Okay. Cypress passed away in September of
10 2020, correct?

11 A Yes, ma'am.

12 Q And you had an interview with Special Agent
13 McCallister on September 10th of 2020. And we're
14 talking about four days after your friend -- she's
15 your friend, correct -- four days after your friend
16 passed away, okay? And at the time that you had this
17 conversation with Agent McCallister, first, you did
18 not mention to her about seeing Brian with a gun at
19 the Forest Motel, did you?

20 A I think I did. I'm sure that I did. She
21 asked me if I ever saw him with a gun and I told
22 her that I did.

23 Q Ma'am, did you --

24 MS. CARMODY: Beg the Court's indulgence,
25 Your Honor.

Testimony of Taniya Payne
THE COURT: Yes, ma'am.

426

1

2

BY MS. CARMODY:

3

Q Okay. Ma'am, so four days after your friend

4

passed away when you had the conversation with

5

Special Agent McCallister -- you recall that, right?

6

With SLED. You're not sure? She was a female, right?

7

A Yes.

8

Q Was it this lady here?

9

A I'm not sure.

10

Q You don't know, okay. So, this is four days after

11

your friend had passed away?

12

A Correct.

13

THE COURT: All right. Ma'am, you're

14

going to have to speak up a little bit louder,

15

okay? Thank you.

16

Go ahead.

17

BY MS. CARMODY:

18

Q Ma'am, in four days after your friend had been

19

shot, it would have been extremely important for you

20

to provide as much detail to SLED as possible,

21

correct?

22

A Right.

23

Q Okay. And do you recall at 26 minutes and

24

44 seconds into the conversation that you told Agent

25

McCallister, SLED, that you had saw Brian with a gun

Testimony of Taniya Payne

427

1 at the hotel by the Dairy Queen?

2 A Yeah.

3 Q Okay, ma'am. Is the Forest Motel by the Dairy
4 Queen?

5 A No.

6 THE COURT: Ma'am, you have got to speak
7 up. I cannot hear you.

8 THE WITNESS: I'm sorry, sir.

9 THE COURT: All right. Then get closer
10 to the microphone. Thank you.

11 Go right ahead.

12 BY MS. CARMODY:

13 Q Do you need a minute?

14 THE COURT: Go ahead.

15 THE WITNESS: No, ma'am. It isn't.
16 Forest isn't near the Dairy Queen.

17 BY MS. CARMODY:

18 Q So this is new information that you're providing
19 to the jury today, correct?

20 A That I mentioned to her before I got her.

21 Q I understand, ma'am. But this is new information
22 that you're providing to the court today?

23 A (Witness moves head from side to side.)

24 Q All right. Now, also you indicated earlier that
25 you saw -- you testified that you saw Brian with two

Testimony of Taniya Payne

428

1 guns; one was blue and one was silver, correct?

2 A Yes, ma'am.

3 Q And, again, on September 10th of 2020 four days
4 after your best friend, your friend had passed away,
5 you did not indicate to Special Agent McCallister,
6 SLED, anything at all about a silver gun, correct?

7 A I'm not sure. If I did not, then I was
8 shaken up. I was a 15-year-old who had just lost
9 the friend she had.

10 Q Okay. Ma'am? Ma'am?

11 A I don't know. I'm telling you what --

12 Q All right. Ma'am, let me ask you this: After
13 Cypress had passed away, were you having conversations
14 with her sisters?

15 A Not really.

16 Q How about her mom?

17 A Not really.

18 Q You didn't talk to nobody?

19 A I visit, but as a conversation, not really.

20 Q But you did not visit or talk to the family?

21 A No, I visit.

22 Q You did?

23 A Like, I hang around but I didn't really
24 converse and get into the conversation. I was
25 just there because that was my best friend.

Testimony of Taniya Payne

429

1 Q Okay. So prior to -- how did you know to speak
2 with Special Agent McCallister?

3 A Would you repeat that?

4 Q How did you know to speak with Special Agent
5 McCallister?

6 A I don't -- I think somebody gave me a card
7 and told me that I had to go there and I just went
8 there. I never wanted to go over nothing.

9 Q Ma'am?

10 A I don't know.

11 Q Ma'am, did Cypress's family tell you to go see
12 Special Agent McCallister?

13 A No. No, ma'am. I don't remember who gave me
14 a card. It was a police card and it had a number
15 on the back. And when I called, they told me that
16 I had to go up there and I went. My mama took
17 me.

18 Q Okay. All right.

19 And what date did you -- do you remember the
20 day that you got that card? Was it like the day
21 before or was it?

22 A It was probably, like, two days after.

23 Q Okay. No conversation with her family about why
24 you received this card from the police that came out
25 of nowhere?

Testimony of Taniya Payne

430

1 A I don't know. It wasn't coming out of
2 nowhere. She had just got murdered. Of course,
3 they wanted to speak with me. And the message is
4 in the phone and stuff. That's what they were
5 telling me.

6 Q All right. You said -- I believe that you said,
7 and please correct me if I'm wrong, everyone was
8 talking about a blue gun, correct?

9 A Yes.

10 Q All right. So when you say everyone was talking
11 about a blue gun, you're talking about her family and
12 members of the community, correct?

13 A Like friends, kids, because she would post
14 with the same gun. She would take videos with it.

15 Q Ma'am, that's not what I'm asking you.

16 A I'm telling you the friends, like not the
17 family members.

18 Q So --

19 THE COURT: Hold on. Yes, ma'am, you
20 have an objection?

21 MS. SWANSON: Your Honor, I would object
22 because that was responsive to Miss Carmody's
23 question and she is explaining how she knows that
24 the community was talking about the gun.

25 THE COURT: All right. I'm going to

Testimony of Taniya Payne

431

1 sustain the objection.

2 Miss Carmody, let's move on.

3 BY MS. CARMODY:

4 Q Ma'am, so prior to talking to SLED, you are
5 talking to members of the community about what
6 happened to Cypress?

7 A Not really talking, but I'm hearing.

8 Q Your hearing information. Okay, that's what I'm
9 getting at.

10 So the information that you provided to SLED
11 was based on information that you had been hearing in
12 the community?

13 A Incorrect. That statement that I let her
14 know that also other people knew about the gun,
15 that's not, like, saying hearsay.

16 Q Ma'am, that's not what I asked you.

17 A I didn't tell her that. Seeing that -- you
18 know, trying to tell her what I heard. I told her
19 everything that I knew.

20 Q Okay, right. But you just testified earlier the
21 one that everybody is talking about, correct?

22 A Yes, ma'am.

23 Q Okay.

24 A The one everybody seen as well.

25 Q You also --

Testimony of Taniya Payne

432

1 THE COURT: Miss Carmody? Miss

2 Carmody --

3 MS. CARMODY: I'm sorry.

4 THE COURT: Let her finish her answers.

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: Ma'am, hold on. Let her
7 finish her answers and then ask the question,
8 okay?

9 MS. CARMODY: Uh-huh.

10 THE COURT: All right. Go ahead.

11 BY MS. CARMODY:

12 Q Ma'am, isn't it true that today is the very first
13 mention that you ever made of a silver gun?

14 A False. Incorrect.

15 Q Okay, ma'am. There's -- in your interview with
16 SLED -- we have a transcript here, ma'am, would you
17 like to review it? Because there is no mention of a
18 silver gun.

19 A If there's no mentioning it with her, I'm
20 telling you, I've told them. I had to keep
21 constantly telling them because I couldn't
22 remember everything at once. It was so much.

23 Q Ma'am, you're upset --

24 THE COURT: Miss Carmody, don't interrupt
25 the witness, please.

Testimony of Taniya Payne

433

1 MS. CARMODY: I'm sorry.

2 THE COURT: Miss Carmody, don't interrupt
3 me.

4 All right. Do you have any other
5 questions of this witness, Miss Carmody?

6 BY MS. CARMODY:

7 Q Ma'am, you're upset that your friend passed away,
8 correct?

9 A I'm upset that she passed away.

10 Q Okay, thank you.

11 MS. CARMODY: Your Honor, I don't believe
12 I have any further questions.

13 THE COURT: Okay, take your time.

14 MS. CARMODY: No further questions, Your
15 Honor.

16 THE COURT: All right. Any redirect?

17 MS. SWANSON: Very briefly.

18 REDIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q Niya, the last time you saw Cypress and you saw
21 the gun was about how long before her death?

22 A A week and a half.

23 Q A week and a half?

24 A Yes, ma'am.

25 Q Thank you.

Testimony of Taniya Payne

434

1 MS. SWANSON: That's all I have.

2 THE COURT: Anything else? Yes, ma'am.

3 CROSS-EXAMINATION

4 BY MS. CARMODY:

5 Q Ma'am, in the same conversation that you had with

6 SLED, do you recall telling SLED the last time that

7 you had hung out with Cypress was three weeks ago?

8 A That's -- I don't recall saying that. It has

9 been, like, about two weeks. But the last time

10 I'd been with her, it was about a week and a

11 half.

12 MS. CARMODY: I don't have any further
13 questions, Your Honor.

14 THE COURT: All right, thank you. Thank
15 you, ma'am.

16 MS. SWANSON: I would ask that Miss Payne
17 be allowed to be excused.

18 THE COURT: Miss Carmody?

19 MS. CARMODY: No objection, Your Honor.

20 THE COURT: No objection. Thank you.

21 All right. Solicitor, you can call your
22 next witness.

23 MS. SWANSON: Okay, thank you. The State

24

25

Testimony of Paige Mayma

435

1 calls Paige Johnson.

2 THE CLERK: Come right around. Right
3 here. Raise your right hand, place your left hand
4 on the Bible. The testimony you give will be the
5 truth, so help you God?

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Come right around. Come a
8 little closer to the mic.

9 WHEREUPON:

10 PAIGE MAYMA,
11 after having been sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q Thank you for being here, Paige. Can you please
15 state and spell your name for the record?

16 A It's Paige Mayma, P-a-i-g-e, M-a-y-m-a.

17 Q All right. And you've got married in the past two
18 years?

19 A Yes, ma'am.

20 Q All right. Paige, you're one of Cypress's
21 sisters, right?

22 A Yes, ma'am.

23 Q At the time of her death, who would you say was
24 the closest to Cypress?

25 A I would say my twin.

Testimony of Paige Mayma

436

1 Q I'm sorry?

2 A I would say -- as far as not me, my twin.

3 Q Okay. Your twin is who?

4 A Raven.

5 Q Raven, okay. Would you consider yourself having
6 been close to Cypress at this time?

7 A Yes, ma'am.

8 Q At this time, was, say, you know, the month before
9 her death, did you see her on a regular basis?

10 A Yes, ma'am. What were the places that you
11 were living in the couple of months before
12 Cypress's death.

13 A The weekly rentals.

14 Q And those are located where?

15 A I think Jacob Smart Boulevard, across from
16 the Siesta.

17 Q Okay.

18 A I don't remember the address there.

19 Q Okay. How close is it to the Forest Motel?

20 A A skip and a hop.

21 Q Okay. So, right near the Forest Motel?

22 A Yes, ma'am.

23 Q And then Siesta is right there as well?

24 A Yes, ma'am.

25 Q And who were you living there with?

Testimony of Paige Mayma

437

- 1 A My boyfriend at the time.
- 2 Q Which is who?
- 3 A Dervon Jones.
- 4 Q Dervon Jones?
- 5 A Yes, ma'am. And my four children.
- 6 Q Okay. Do you recall how Cypress and Brian got
- 7 together?
- 8 A She said they met at the laundromat. They
- 9 already new each other, but they started becoming
- 10 a thing.
- 11 Q All right.
- 12 A He caught her attention at the laundromat.
- 13 Q Okay. So that's where she connected?
- 14 A Yes, ma'am.
- 15 Q They knew of each other, but they connected at the
- 16 laundromat?
- 17 A Yes, ma'am.
- 18 Q Did you and Dervon hang out with Cypress and
- 19 Brian?
- 20 A We have, yes, ma'am.
- 21 Q You have. And where have you hung out with
- 22 them?
- 23 A In my room.
- 24 Q At your room at the weekly rentals?
- 25 A Yes, ma'am.

Testimony of Paige Mayma

438

1 Q Did you ever hang out in their room?

2 A I gone by there to see Cypress, but he wasn't
3 never there.

4 Q When you went by there to see Cypress, did she let
5 you in the motel room?

6 A Uh-huh.

7 Q Okay. Could you tell if she had the door
8 locked?

9 A She always had the door locked.

10 Q All right. Did she check to see who it was at the
11 door when you came over?

12 A Yes.

13 Q All right.

14 A She would want you to announce yourself.

15 Q I'm sorry?

16 A She would want you to announce yourself.

17 Q Okay. Did he ever come back to the motel room
18 while you were there?

19 A No, ma'am.

20 Q Did you ever have to leave because he was coming
21 home?

22 A She always -- yeah.

23 Q Yes?

24 A Yes.

25 Q Was she on her phone a lot?

Testimony of Paige Mayma

439

1 A All the time.

2 Q With who?

3 A With him.

4 Q How do you know that?

5 A Because she always had him on speaker phone.

6 Q Would she ever mute yourself if she were talking
7 to you?

8 A No, ma'am.

9 Q Okay. So, you don't know if he knew if you were
10 there or not?

11 A No, he knew.

12 Q Oh, okay.

13 THE COURT: Ma'am, could you just --
14 uh-huh, if you would just answer yes, no, or
15 however you want to answer the question assuming
16 you understand it, because she's just making a
17 record of everything. That just makes for a
18 clearer record, okay?

19 THE WITNESS: Okay.

20 THE COURT: Thank you. You're good.

21 Thank you, ma'am.

22 BY MS. SWANSON:

23 Q All right. Did you ever see Brian with a gun?

24 A Yes.

25 Q All right. And can you describe that gun?

Testimony of Paige Mayma

440

1 A It looked like a 9, it was blue. Like a
2 turquoise color maybe.

3 Q A Turquoise 9.

4 A Yes, ma'am.

5 Q Did you ever handle that gun?

6 A No, ma'am.

7 Q Okay. Did you compare it to a gun of yours?

8 A Yes, ma'am.

9 Q All right. And did you actually give him a grip
10 for his gun?

11 A Yes, ma'am.

12 Q So, you had an ample opportunity to observe the
13 gun?

14 A Yes, ma'am.

15 Q Did you only see it once?

16 A Several times.

17 Q Okay. How long before her death was the last time
18 that you had seen it?

19 A It had to be a couple days.

20 Q So within the week before?

21 A Yes, ma'am.

22 Q All right. Do you remember the sister fight
23 between Desiree and Cypress that took place at the
24 Siesta?

25 A Yes, ma'am.

Testimony of Paige Mayma

441

1 Q Okay. Tell me what you recall about that.

2 A I know it started over -- I think, I can't
3 say really the other details. But from what I
4 could see, it was like a bowl of beans. It was
5 just really dumb. From what I could see, they
6 were just arguing going back and forth, and that's
7 pretty much it.

8 Q Okay. Was the argument between Cypress and
9 Desiree?

10 A Yes, ma'am.

11 Q It wasn't between you, Dervon, or anyone else
12 there?

13 A No. No, no, no, no.

14 Q At that time, did Dervon have a firearm on him?

15 A Yes, ma'am.

16 Q All right. And what firearm did he have on him?

17 A One of mine.

18 Q Okay. What color is your firearm?

19 A Black.

20 Q All right. And what kind?

21 A I can't remember if it was the G2 or G3 on
22 the 9.

23 Q So G2 or G3, 9-millimeter. Did he use that gun
24 that night?

25 A No.

Testimony of Paige Mayma

442

1 Q Okay. Moving on to -- let me ask you this: Did
2 you ever see Cypress with a gun while she was dating
3 Brian?

4 A Yes, ma'am.

5 Q And what did that gun look like?

6 A That gun, the blue --

7 Q The blue 9?

8 A Yes, ma'am.

9 Q The same gun?

10 A Yes, ma'am.

11 Q And when was the last time you saw Cypress with
12 that gun?

13 A I've only seen it with her once.

14 Q Okay.

15 A And I can't recall when was the last time.

16 Q Had you ever seen her with guns before she met
17 Brian?

18 A No, ma'am.

19 Q Did you ever let her mess with your guns?

20 A No, ma'am.

21 Q Did she ever load any ammo into your guns?

22 A No, ma'am.

23 Q Was there any animosity between Dervon and
24 Cypress?

25 A No, ma'am.

Testimony of Paige Mayma

443

1 Q Did you-all hang out?

2 A On a regular.

3 Q Was that generally at your place?

4 A Yes, ma'am.

5 Q Okay. Was Cypress well-liked by her friends and
6 family?

7 A Yes, ma'am.

8 Q You don't know of any mortal enemies that she
9 had?

10 A No, ma'am.

11 Q Let's go to the night before her murder, that
12 would be Saturday, September 5th of 2020. Where were
13 you and Dervon staying?

14 A Weekly rentals. No. I was staying with my
15 mother.

16 Q Okay.

17 A We got kicked out of weekly rentals.

18 Q So you were staying with your mom because you got
19 kicked out of the weekly rentals?

20 A Yes, ma'am.

21 Q About how long beforehand had you gotten kicked
22 out of the weekly rentals?

23 A It had to have been like a week or two prior.

24 Q Okay. About what time do you recall getting to
25 your mom's house? Was it that eveing?

Testimony of Paige Mayma

444

- 1 A Yes, ma'am. It was before I went to work.
- 2 Q Okay. I mean, Saturday. Did you work that
- 3 Saturday?
- 4 A Yes, ma'am. I worked Saturday.
- 5 Q Okay. What time do you get off?
- 6 A Around, like, 4:00, if I can remember.
- 7 Q And did you go anywhere after work that day that
- 8 you can recall?
- 9 A No, ma'am.
- 10 Q You just went back to your mom's?
- 11 A Yes, ma'am.
- 12 Q Okay. Were your kids at your mom's?
- 13 A Yes, ma'am.
- 14 Q Was Dervon at your mom's?
- 15 A Yes, ma'am.
- 16 Q Did you-all go to bed together?
- 17 A Yes, ma'am.
- 18 Q Did you wake up together Sunday morning?
- 19 A Yes, ma'am.
- 20 Q What time did you wake up Sunday morning?
- 21 A It was around 8-something. I was already
- 22 getting ready for work to be there at 9:00.
- 23 Q Do you recall anyone driving by the house that
- 24 morning?
- 25 A Yes, ma'am.

Testimony of Paige Mayma

445

1 Q Who did you see drive by the house that morning?

2 A Brian.

3 Q Brian?

4 A Yes, ma'am.

5 Q Do you recall what car he was in?

6 A In a white car.

7 Q All right. Did he have any windows down?

8 A The driver.

9 Q All right. And did he do anything when he drove
10 by?

11 A He said, hey, waived.

12 Q Did he honk his horn?

13 A Yes, ma'am.

14 Q Honked his horn, waived, said, hey. And this was
15 at 8-something?

16 A Yes, ma'am.

17 Q On Sunday morning?

18 A Yes, ma'am.

19 Q Before you learned that your sister had been shot
20 in the head?

21 A Yes, ma'am.

22 MS. CARMODY: Objection, Your Honor.

23 Leading.

24 THE COURT: I'll sustain that objection.

25 Yes, ma'am.

Testimony of Paige Mayma
MS. SWANSON: Beg the Court's

1
2 indulgence.

3 THE COURT: Certainly.

4 BY MS. SWANSON:

5 Q All right. When you and Cypress and Brian were
6 together, did you ever witness any controlling
7 behavior?

8 A Yes, ma'am.

9 Q All right. Did you ever see Cypress cry as a
10 result of anything that he did?

11 A Yes, ma'am.

12 Q In your interactions with him and from what you
13 observed, were there problems within the
14 relationship?

15 A Yes, ma'am.

16 MS. CARMODY: Calls for speculation, Your
17 Honor.

18 THE COURT: I'm going to sustain that
19 objection.

20 BY MS. SWANSON:

21 Q Did you witness difficulties in their
22 relationship?

23 MS. CARMODY: Objection; calls for
24 speculation.

25 THE COURT: I'll overrule that.

Testimony of Paige Mayma

447

1 THE WITNESS: Yes, ma'am.

2 BY MS. SWANSON:

3 Q Okay. Did you ever give her any advice about the
4 relationship?

5 A Yes, ma'am.

6 Q What did you tell Cypress?

7 A Pretty much do what makes her happy, but you
8 can't make somebody else happy if you're not happy
9 yourself.

10 Q Did you and Dervon break up after Cypress's
11 death?

12 A Yes, ma'am.

13 Q And what was the basis for that break up? Why did
14 you-all break up?

15 A For him cheating on me.

16 Q All right. Is there any animosity between Dervon
17 and you and your family?

18 A No, ma'am.

19 Q All right. In fact, did he help take care of your
20 kids when you were working?

21 A Yes, ma'am.

22 Q All right. I have nothing further at this time,
23 Paige. Please answer any questions that the defense
24 may have for you.

25 A Yes, ma'am.

Testimony of Paige Mayma

448

1 THE COURT: Miss Carmody, do you have
2 cross-examination?

3 MS. CARMODY: Yes, Your Honor.

4 THE COURT: Okay.

5 CROSS-EXAMINATION

6 BY MS. CARMODY:

7 Q Good morning, ma'am.

8 A Good morning.

9 Q All right. Ma'am, you saw Cypress on a regular
10 occasion?

11 A Yes, ma'am.

12 Q Okay. And you didn't witness any bruising or
13 signs that Cypress had been beaten?

14 A No, ma'am.

15 Q Okay. And you knew that your -- you knew where
16 your sister was living, correct?

17 A Yes, ma'am.

18 Q You knew that your sister was in a relationship
19 with Mr. Redding?

20 A Yes, ma'am.

21 Q Okay. I mean, you didn't go there and try to
22 remove her from the hotel or anything, did you?

23 A No, ma'am.

24 Q Now, I want to talk to you about Dervon Jones.
25 What is his nickname?

Testimony of Paige Mayma

449

1 A Popeye.

2 Q Popeye? Okay.

3 Ma'am, you had given -- on direct
4 examination, you talked about an argument at the -- I
5 believe it was the Siesta, you said, correct?

6 A Yes, ma'am.

7 Q You said it involved beans, or something like
8 that?

9 A Yeah.

10 Q Ma'am, the police were called to that incident,
11 weren't they?

12 A Yes, ma'am.

13 Q And as a result of the police being called, did
14 Popeye do anything?

15 A Yeah. He tried to leave.

16 Q He tried to leave.

17 A Yeah.

18 Q Did he try to do anything with the firearm?

19 A Yeah. He tried to take it back to the
20 room.

21 Q Okay. Was he -- did he get rid of it?

22 A No, ma'am.

23 Q He didn't toss it under a vehicle?

24 A I don't know. I wasn't up there whenever
25 that happened.

Testimony of Paige Mayma

450

1 Q Okay. So you weren't there after he left with a
2 firearm?

3 A I wasn't there whenever the police got him at
4 the front with the firearm.

5 Q All right. And, ma'am, do you -- you had a
6 conversation with -- actually, I believe you had three
7 conversations with law enforcement, correct?

8 A When?

9 Q Did you have three conversations with law
10 enforcement after your sister passed away?

11 A Yes.

12 Q Is that correct, three?

13 A I can't recall how many times, but yes.

14 Q It was several times?

15 A Yes.

16 Q You had Special Agent McCallister's cell phone
17 number and you texted her and called her regularly?

18 A Not regularly.

19 Q But you texted her and called her?

20 A Yes, ma'am. When I had questions.

21 Q All right, ma'am. So your first interview --
22 during your first interview with

23 Special Agent McCallister, did you mention anything at
24 all to Special Agent McCallister about a gun being at
25 the Forest Motel on the day that your sister was

1 killed?

2 A No, I didn't say anything about it because I
3 don't know if there was one there.

4 Q Okay. Ma'am, you were working the morning that
5 your sister died, correct?

6 A Yes, ma'am.

7 Q Okay. Did you -- approximately, probably several
8 weeks after your sister had passed away, did you have
9 a second inter action with Special Agent McCallister?

10 A You said several weeks after?

11 Q Several weeks later. Did she call you and ask you
12 to come back?

13 A Not that I recall. I don't remember much.

14 Q Okay. So, do you recall SLED calling you because
15 they wanted to talk to you about a gun?

16 A Yes, ma'am.

17 Q All right. And the reason, isn't it true that the
18 reason that SLED called you to ask you about a gun is
19 because you never mentioned it at the first interview,
20 correct?

21 A You're talking about my personal?

22 Q I'm asking you about any firearm, ma'am, that you
23 or Popeye may have owned.

24 A Can you ask your question again, please?

25 MS. CARMODY: Madam Court Reporter, do

Testimony of Paige Mayma

452

1 you have the question?

2 (The last question is played back.)

3 THE WITNESS: Yes, ma'am, I have.

4 BY MS. SWANSON:

5 Q Okay. So in your second interview with
6 Special Agent McCallister, and I believe this is on
7 the 25th of September, so this is several weeks after
8 your sister had passed away, isn't it true that the
9 reason Special Agent McCallister called you back to
10 meet with her is because she wanted to talk to you
11 about the firearm?

12 A Yes, ma'am.

13 Q And did you, during that interview, relay to
14 Special Agent McCallister that you had knowledge about
15 a firearm at the Forest Motel on the morning that your
16 sister passed away?

17 A Yes, ma'am.

18 Q Okay. And did you relate to
19 Special Agent McCallister that you had knowledge that
20 Popeye had passed a bag over the fence from the
21 Forest Motel to the Siesta?

22 A Yes, ma'am.

23 Q Okay. Did you also relay to Special Agent
24 McCallister that you had knowledge that the bag that
25 was passed over the fence from the Forest Motel to the

Testimony of Paige Mayma

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1 Siesta contained a firearm?

2 A On the arrival of the person, yes, ma'am.

3 The arrival of the person.

4 Q I'm sorry, ma'am?

5 A When the person got there, that's when I
6 learned that it was there.

7 Q Okay. So, ma'am, so you're conveying this
8 information to Special Agent McCallister, correct?

9 A Yes, ma'am.

10 Q Okay. And you also conveyed to
11 Special Agent McCallister that you had knowledge that
12 the firearm that was in the bag that was passed from
13 the Forest Motel to the Siesta by Popeye?

14 A Yes, ma'am.

15 Q Okay. So, on September 25th -- let me make sure I
16 got the date right. September 25th,
17 Special Agent McCallister has knowledge that Popeye
18 passed a gun in a bag from the Forest Motel where your
19 sister was killed to the Siesta next door?

20 A Yes, ma'am.

21 Q The person that Popeye handed that bag to was a
22 man by the name of Matthew Hatchell.

23 A Yes, ma'am.

24 Q And when you provided this information to
25 Special Agent McCallister, did she ask you to see any

Testimony of Paige Mayma

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1 of your guns?

2 A Yes, ma'am.

3 Q All right. Did you bring those guns to her?

4 A No, ma'am.

5 Q Isn't it true that Special Agent McCallister told
6 you, and I quote, when you are not busy with the kids
7 why don't you send me a picture of your guns?

8 A She did.

9 Q Okay. Did you ever send Special Agent McCallister
10 a picture?

11 A No, ma'am.

12 Q So Special Agent McCallister has never been to
13 your house to look at any weapons?

14 A No, ma'am.

15 Q All right. Did you -- Special Agent McCallister
16 let you know that she wanted to speak with Popeye.

17 A Yes, ma'am.

18 Q Okay. And did you tell Special Agent McCallister
19 that you would try to talk to him?

20 A Yes, ma'am.

21 Q To your knowledge, did you have that
22 conversation?

23 A Yes, ma'am.

24 Q Okay. To your knowledge, did Popeye ever speak
25 with Special Agent McCallister?

Testimony of Paige Mayma

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1 A Not that I know of.

2 Q Okay. You were at work that morning, correct?

3 A Yes, ma'am.

4 Q All right. So you were not with Popeye that
5 morning?

6 A No, ma'am.

7 Q Okay. We are talking about the morning of
8 September 6th when your sister passed away when she
9 was shot, correct?

10 A Yes, ma'am.

11 Q And, ma'am, you indicated that you and Popeye had
12 broken up because he had cheated on you?

13 A Yes, ma'am.

14 Q Ma'am, you also had a cell phone with your
15 sister's pictures on it, correct?

16 A Yes, ma'am.

17 Q And isn't it true that Popeye took your cell phone
18 with your sister's pictures on it and threw it into a
19 pool?

20 A Yes, ma'am.

21 Q So he damaged your personal property that
22 pertained to her sister?

23 MS. SWANSON: I would object to
24 relevance.

25 THE COURT: Hold on. Your objection is

Testimony of Paige Mayma

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1 relevance?

2 MS. SWANSON: Correct.

3 MS. CARMODY: Your Honor, she asked why
4 they had broken up. I'm clarifying.

5 THE COURT: I'm going to sustain that
6 objection.

7 Let's move on, Miss Carmody.

8 MS. CARMODY: All right.

9 BY MS. CARMODY:

10 Q You didn't only break up because he had cheated on
11 you, correct?

12 A Yes, ma'am.

13 Q Okay.

14 All right. Ma'am, that morning when you
15 saw Brian drive a way in the white car and he
16 beeped the horn, you didn't see any firearm,
17 correct?

18 A No, ma'am.

19 Q You didn't see any blood?

20 A No, ma'am.

21 Q All right.

22 MS. CARMODY: Beg the Court's indulgence,
23 Your Honor.

24 THE COURT: Yes, ma'am.

25 MS. CARMODY: No further questions, Your

Testimony of Paige Mayma

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1 Honor.

2 THE COURT: Solicitor, do you have any
3 follow-up?

4 MS. SWANSON: Briefly.

5 THE COURT: Yes, ma'am.

6 REDIRECT EXAMINATION

7 BY MS. SWANSON:

8 Q All right. Paige, I want to clarify something
9 that I got a little confused about because we had
10 talked earlier that on the day of your sister's
11 murder -- okay. First of all, that Saturday, the
12 night before, you and Dervon went to bed together and
13 then you woke up together that morning.

14 A Yes, ma'am.

15 Q Was he still at the house when Brian drove by?

16 A Yes, ma'am. He had to stay.

17 Q He was taking care of your kids that Sunday
18 morning?

19 A That's correct.

20 Q So did he leave the house at all that morning.

21 A Not until the call.

22 Q And the call that you're referring to is the call
23 about Cypress?

24 A Yes, ma'am.

25 Q All right. You stated that you were getting ready

Testimony of Paige Mayma

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1 to go to work. Did you make it in to work?

2 A Yes, ma'am.

3 Q Okay. And so for how long and at what times were
4 you at work?

5 A I can't remember much, but I do know that I
6 wasn't there very long. It couldn't have been
7 more than an hour.

8 Q All right. Where were you working at the time?

9 A Hardee's.

10 Q Hardee's. And Dervon was baby-sitting?

11 A Yes, ma'am.

12 Q Do you know what gun was in the bag that Dervon
13 passed over the fence?

14 A I can't remember if it was the G2 or G3.

15 Q It was one of your guns?

16 A Yes, ma'am.

17 Q Do you know why he was passing it to Matt
18 Hatchell?

19 A Because he arrived.

20 THE COURT: Counsel approach.

21 (Bench conference.)

22 THE COURT: Solicitor, what was your
23 question? Why he --

24 MS. SWANSON: If she knew why he was
25 passing the bag with her gun over to Matt

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1 Hatchell.

2 THE COURT: And your objection?

3 MS. CARMODY: It calls for speculation.

4 She wasn't there. This is information she
5 provided to SLED.

6 MS. SWANSON: She might have knowledge of
7 it. It's not for the truth of the matter
8 asserted.

9 THE COURT: I'm going to sustain the
10 objection. Thank you.

11 I'm going to sustain the objection. Please
12 proceed, Solicitor.

13 BY MS. SWANSON:

14 Q Paige, do you know if Dervon was legally allowed
15 to carry a gun?

16 A I don't know.

17 Q Okay.

18 A I didn't try to care -- try to see.

19 Q Okay. Do you have any knowledge that Dervon --
20 any personal knowledge that Dervon was at all
21 connected to the death of your sister, Cypress?

22 A Was not connected at all.

23 Q Thank you.

24 A Yes, ma'am.

25 THE COURT: Miss Carmody, anything else?

Testimony of Paige Mayma
MS. CARMODY: Briefly, Your Honor.

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THE COURT: Yes, ma'am.

RECROSS-EXAMINATION

BY MS. CARMODY:

Q Ma'am, you indicated in your testimony that you know that Dervon, Popeye, did not leave your house, ma'am, but isn't it true you were at work?

A Yes, ma'am.

Q So you don't know if he left your house or not.

A My mother was home.

Q Ma'am, that's not what I asked. You personally do not have knowledge whether he left your home?

A Not with me telling him not to.

Q Ma'am, what is the distance from your mother's house to the Forest Motel?

A Ten minutes, maybe.

Q Ten minutes, maybe?

A Yes, ma'am.

Q Okay. And you have no knowledge of -- or no personal knowledge of what gun was passed over the fence from the Forest Motel to the Siesta, correct?

A Correct.

Q Thank you.

MS. CARMODY: No further questions, Your Honor.

Testimony of Paige Mayma

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1 THE COURT: All right. Anything else,
2 Solicitor?

3 MS. SWANSON: No, Your Honor.

4 THE COURT: All right. Ma'am, thank you
5 very much. You can step down. Thank you.

6 All right. Ladies and gentlemen, I think
7 now is a good time to take a break and so I'm
8 going to let you go back and do that and I'll get
9 you back in here in just a few minutes. Please
10 don't talk about the case.

11 Anything from the State before we have a
12 break?

13 MS. SWANSON: No, Your Honor.

14 THE COURT: Anything from the defense?

15 MS. CARMODY: No, Your Honor.

16 THE COURT: Let's try to be back in here
17 5 or 10 after.

18 MS. SWANSON: Thank you, Your Honor.

19 MS. CARMODY: Thank you, Your Honor.

20 (A break was taken from 10:53 a.m. to 11:08 a.m.)

21

22

23

24

25

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1 THE BAILIFF: All rise.

2 THE COURT: All right. Counsel, the
3 bailiff informed me that one of the jurors
4 approached him as they were leaving and he
5 indicated that this individual was having some
6 difficulty hearing, and so I'm going to ask you to
7 encourage your witnesses to speak up. You know,
8 he didn't indicate that he had not heard
9 information, but I think what we need to do is
10 make sure that our witnesses are speaking up.

11 So I want you to know -- I know one
12 witness I asked at least two times to speak up.
13 Not trying to pick on any witnesses. I just want
14 to make sure that the jury hears these witnesses
15 such that they can look at, evaluate their
16 testimony when it comes time to deliberate.

17 So I would appreciate your making sure
18 that your witnesses speak up and don't think I'm
19 picking on anybody if I'm asking them to speak up.
20 All right?

21 MS. CARMODY: Your Honor, I think that's
22 why I end up talking over her, because I couldn't
23 hear if she was done with her answer. I thought
24 she was done. I couldn't hear her. I think
25 that's why I was asking her another question.

Testimony of Paige Mayma

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1 THE COURT: All right. So anything from
2 the State before we bring the jury in?

3 MS. SWANSON: Your Honor, we have our
4 firearms expert next, and there is a photo -- a
5 stock photo from the Internet that I intend to
6 show my witness after laying a foundation for it,
7 to ask her if this is consistent with her
8 findings, this type of firearm is consistent with
9 her findings. And I believe Miss Carmody has an
10 objection to that.

11 THE COURT: All right. Miss Carmody, you
12 got an objection?

13 MS. CARMODY: Absolutely.

14 THE COURT: Hold on. If the witness can
15 identify that photograph.

16 MS. CARMODY: Your Honor, yes. So, first
17 of all, number 1, the firearms report only says
18 that it's consistent with -- the rifle is
19 consistent with guns manufactured by SCCY. So the
20 solicitor pulled a baby blue gun manufactured by
21 SCCY. Your Honor, SCCY manufactures hundred of
22 guns. Did different colors. All different
23 calibers. Not a single witness has testified that
24 they knew that the baby blue gun was an SCCY.

25 So I believe that she is trying to rope in

Testimony of Paige Mayma

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1 the witnesses saying, oh, they didn't testify it was
2 an SCCY. One person said they thought it was a
3 9-millimeter but they never actually handled it.

4 So to have a firearms expert testify that
5 that's an SCCY and it's baby blue, I think, is making
6 an improper connection. It would be prejudicial to my
7 client. And, Your Honor, it's also from the Internet,
8 Your Honor. I don't even know where it came from.

9 THE COURT: Miss Carmody, I think that
10 all of that would be appropriate for
11 cross-examination. I think that if this
12 individual is identified as an expert and can
13 identify that photograph and describe what it is,
14 I don't think -- and certainly if he's trying to
15 make that out to be the gun or appear to be the
16 gun, I think that's fertile for cross-examination,
17 but I'm going to -- right now, I think I'm going
18 to allow that if the proper foundation is allowed.

19 MS. CARMODY: Your Honor, I would request
20 that the photograph be in black and white.

21 THE COURT: No.

22 Let me see the photograph. Let me take a
23 look.

24 MS. CARMODY: Not a single witness has
25 testified they saw it on SCCY, Your Honor.

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1 THE COURT: I understand that.

2 MS. SWANSON: Right. And it's the expert
3 that's going to testify that the projectile and
4 shell case match in SCCY.

5 MS. CARMODY: On SCCY, not that SCCY.

6 MS. SWANSON: I'm asking if this is
7 consistent with the gun that fired the
8 projectile.

9 MS. CARMODY: Your Honor, I believe
10 that's improper evidence.

11 THE COURT: All right. Let's see.

12 MS. CARMODY: I mean, I could probably
13 pull a bunch of different blue guns, Your Honor.

14 THE COURT: I'm sure you can.

15 All right. I'll note your objection for
16 the record, and, at the appropriate time, you can
17 renew it. But I'm going to allow it, if he can
18 identify it.

19 MS. SWANSON: Thank you, Your Honor.

20 THE COURT: If they lay the proper
21 foundation, excuse me.

22 MS. SWANSON: Yes, Your Honor.

23 THE COURT: Anything else,
24 Miss Carmody?

25 MS. CARMODY: Is that who they are

Testimony of Paige Mayma
1 calling right now?

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2 THE COURT: I'm sorry?

3 MS. CARMODY: Is that who they're calling
4 right now?

5 MS. SWANSON: Correct.

6 THE COURT: Yes.

7 MS. CARMODY: Okay.

8 THE COURT: All right. Let's get the
9 jury.

10 (Jury enters the courtroom at 11:10 a.m.)

11 THE COURT: All right. Ladies and
12 gentlemen, the bailiff indicated that one of the
13 jurors stopped him and indicated that it sometimes
14 was hard hearing folks, okay, and I wanted to let
15 you know that's why I have asked people to please
16 speak up. I'm not trying to be rude. I just want
17 to make sure that you-all hear what's going on.

18 So I have asked the parties if they would
19 make certain that their witnesses are aware that
20 they need to speak up. And also if you're having
21 trouble hearing, please raise your hand, let me
22 know, let him know, so we can make sure that we
23 got that witness speaking in such a fashion that
24 you can hear him or her.

25

Testimony of Michelle Eichenmiller
Thank you very much, Mr. Foreman, ladies

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and gentlemen.

Solicitor, you can call your next
witness.

MS. SWANSON: Thank you. The State calls
Michelle Eichenmiller.

THE CLERK: Raise your hand. Place your
left on the Bible. The testimony you're about to
give the court will be the truth so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Come right around. You can
adjust that mic.

WHEREUPON:

MICHELLE EICHENMILLER,
after having been sworn to tell the truth, testified
as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Agent Eichenmiller, can you please spell your name
for the record?

A Eichenmiller, E-i-c-h-e-n-m-i-l-l-e-r.

Q And tell the jury where you work and in what
capacity.

A I work for the South Carolina Law Enforcement
Division, also known as SLED. I work in the

Testimony of Michelle Eichenmiller 468
1 forensic lab in the firearms department.

2 Q How long have you worked in the firearms
3 department?

4 A Approximately, 16 years.

5 Q All right. And what sort of education and special
6 training did you acquire to do your job?

7 A In order to be a SLED agent, you need a
8 bachelor's degree. I have a bachelor's degree in
9 biology and psychology. I also have a master's of
10 science in forensic science.

11 Q All right. And did you receive special on-the-job
12 training in firearms and tool marks?

13 A Yes, I did. There is no college that you can
14 attend or classes. It's basically an
15 apprenticeship program. So once you're hired
16 somewhere, you learn with the firearms examiners
17 that are there. You do a lot of reading and
18 practice case work on your own. Microscopic
19 examinations. After the end of -- it's about
20 three to four years. So at the end of three or
21 four years, you take a test, comprehensive. If
22 you pass it, they deem you competent to do things
23 on your own.

24 Q Okay. And so you've been doing case work on your
25 own for about 12 years now?

Testimony of Michelle Eichenmiller

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1 A That's correct.

2 Q And how many times have you testified in court as
3 an expert in firearms and tool marks?

4 A Approximately, 115 times.

5 Q And any clue how many cases you've worked?

6 A I'd have to say probably thousands.

7 Q Okay.

8 MS. SWANSON: At this time, I would offer
9 Agent Eichenmiller has an expert in firearms and
10 tool marks.

11 THE COURT: Any objection?

12 MS. CARMODY: No, Your Honor.

13 THE COURT: All right. So, ladies and
14 gentlemen, normally a person cannot give opinion
15 testimony. Normally, when a person testifies,
16 they must testify as to what they saw or heard or
17 smelled or observed. Something of that nature.
18 However, there is an exception when someone
19 basically is permitted to give opinion testimony,
20 if the Court qualifies them to be such an expert
21 witness.

22 And, in this case, ladies and gentlemen,
23 through her qualifications, education and
24 experience, and with the parties stipulating, I
25 hereby will inform you that Agent Eichenmiller

1 Testimony of Michelle Eichenmiller 470
2 will be deemed an expert in firearms and tool
3 marks.

4 Now, ladies and gentlemen, I want to let
5 you know, that means that she can give opinion
6 testimony in that area. That does not mean,
7 ladies and gentlemen, that you must accept the
8 opinion, but it is evidence for you to use in any
9 way you see fit.

10 Thank you. Your witness.

11 MS. SWANSON: Thank you.

12 BY MS. SWANSON:

13 Q So if you can briefly tell the jury what you are
14 looking at when you're analyzing projectiles and shell
15 casings.

16 A When we receive evidence at SLED, I'm in
17 charge of any firearms evidence. So if we receive
18 a bullet, we'll document it how we received it,
19 take photographs, fill out a worksheet based on
20 its general characteristics. So we look for the
21 number of lands and grooves, the diameter which
22 tells me the caliber, the direction of twists for
23 those lands and grooves.

24 For cartridge cases we do something
25 similar. I document the head stamp, the caliber,
 and then look at both of them under my microscope

Testimony of Michelle Eichenmiller

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1 to see if they're suitable for identification.

2 Q Okay. And is it SLED's routine or policy or
3 protocol to have two firearms experts analyze every
4 case before reporting out conclusions?

5 A Yes. One of us will work the case, most of
6 the case, and then one of us will come in and do
7 what we call a micro verification. So that
8 person will examine the evidence and reach a
9 conclusion and their conclusions should agree.

10 Q Okay. And so did that happen in this case?

11 A Yes.

12 Q All right. Who was the other person that worked
13 the case?

14 A It was Lieutenant Tracy Thrower.

15 Q All right. And so you did your own independent
16 examination of same evidence and reached the same
17 conclusion?

18 A Yes.

19 Q Can you tell us -- let me hand you -- I'm going to
20 hand you State's Exhibit 5 and ask if this is an item
21 that you examined.

22 A Whenever we receive evidence at SLED, we'll
23 scribe -- so, engrave the case number, the item
24 number and our initials on the evidence. When we
25 complete our examination, we heat seal the bag,

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1 date it, and initial it as well. So this is the
2 evidence that we examined.

3 Q Okay. And what conclusions did you reach -- first
4 of all. What is that item?

5 A It's a 9-millimeter caliber cartridge case,
6 which is the same as a 9-millimeter Luger.

7 Q So it's a 9-millimeter case?

8 A Yes.

9 Q And that's the cartridge case that you
10 microscopically examined?

11 A Yes.

12 MS. SWANSON: State would move 5 into
13 evidence at this time.

14 THE COURT: Any objection?

15 MS. CARMODY: Your Honor, briefly, if I
16 could look at the bag.

17 THE COURT: Sure.

18 BY MS. SWANSON:

19 Q Agent Eichenmiller, your initials on here?

20 A Mine are not.

21 Q Okay. Does SLED keep a certified chain of
22 custody.

23 A Yes.

24 Q And would that show you as having this evidence
25 for a period of time to do your analysis?

Testimony of Michelle Eichenmiller

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1 A No. We do the micro-verification in the
2 office, the office of the examiner who's case it
3 is. So the only person in the chain would be
4 Lieutenant Thrower.

5 Q Did that piece of evidence ever leave the
6 office?

7 A Just to be returned back to log in.

8 Q Okay. Is that typical of SLED protocol?

9 A Yes.

10 MS. SWANSON: The State would move 5 into
11 evidence at this time.

12 THE COURT: Any objection?

13 MS. CARMODY: No, Your Honor.

14 THE COURT: So 5 moved into evidence
15 without objection. Thank you.

16 MS. SWANSON: Thank you.

17 (STATE EXH. 5, Cartridge case, was
18 entered into evidence.)

19 BY MS. SWANSON:

20 Q I'm going to hand you what's been marked as
21 State's 21, and it includes items two and three. I'm
22 going to ask if these are items that you analyzed.

23 A Yes, these are the items we examined.

24 Q Okay. What is Item 2?

25 A SLED Item 2 is a fired bullet.

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1 Q And that was the fired bullet that you analyzed
2 and were able to reach conclusions about?

3 A Yes.

4 Q Okay. What is Item 3?

5 A Item 3 is one piece of lead.

6 Q All right. Were you able to reach any conclusions
7 about Item 3?

8 A We just reached the conclusion that was
9 unsuitable due to its size and damage.

10 Q So what conclusions were you able to reach about
11 the fired bullet?

12 A The fired bullet was consistent with being a
13 9-millimeter Luger caliber. We found marks of
14 value and it was suitable for identification to
15 other firearms-related evidence.

16 In the absence of receiving a firearm to
17 compare it to, we have a database that we can put in
18 the measurements, the width of lands and grooves, the
19 number, the direction of twists, and the caliber, and
20 the database has in it manufactures that make firearms
21 with those specifications. So we put the bullet in
22 the database and came back with a manufacturer that
23 makes firearms with those specifications.

24 Q And what manufacturer was that?

25 A SCCY.

Testimony of Michelle Eichenmiller

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1 Q And that's S-C-C-Y?

2 A Correct.

3 Q So the bullet could only come from an SCCY
4 9-millimeter?

5 A That's correct.

6 MS. SWANSON: At this time, I would move
7 State's 21, which is the projective fragment, into
8 evidence.

9 THE COURT: Any objection, Miss Carmody?

10 BY MS. SWANSON:

11 Q And, again, Agent Eichenmiller --

12 THE COURT: Was there any objection? I'm
13 sorry? Oh, you're going to ask a few more
14 questions?

15 MS. SWANSON: I'm just going to ask a
16 couple more questions.

17 THE COURT: No problem.

18 MS. SWANSON: Thank you.

19 BY MS. SWANSON:

20 Q Agent Eichenmiller, this never left the custody of
21 the firearms department, correct?

22 A Correct.

23 Q And so there was no break in the chain or anything
24 like that?

25 A That's correct.

Testimony of Michelle Eichenmiller

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1 Q Thank you.

2 MS. SWANSON: State would move 21 into
3 evidence at this time.

4 THE COURT: Miss Carmody?

5 MS. CARMODY: No objection.

6 THE COURT: Thank you. 21 admitted
7 without objection.

8 MS. SWANSON: Thank you.

9 (STATE EXH. 21, Fired cartridge; piece of
10 lead, was entered into evidence.)

11 BY MS. SWANSON:

12 Q So are you -- do you know if SCCY 9-millimeters
13 come in a teal color?

14 A They do.

15 Q All right. Do you know what model that would
16 be?

17 A They make their CPX series in a multitude of
18 colors.

19 Q Okay. Have you ever -- here, actually, let me go
20 ahead and show you State's Exhibit 34.

21 (STATE EXH. 34, Photo; SCCY CPX 2,
22 9-millimeter, was marked for identification.)

23 BY MS. SWANSON:

24 Q Do you recognize the make and model of the firearm
25 contained in this picture?

Testimony of Michelle Eichenmiller

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1 A Yes.

2 Q All right. What is it?

3 A It's a picture of a SCCY CPX 2 in
4 9-millimeter.

5 Q All right. Is the gun in that picture consistent
6 with the firearm that created or shot the projectile
7 and the shell casing that you analyzed?

8 A We can't determine if the cartridge case came
9 from this kind of firearm, but the bullet could
10 have been fired from this firearm.

11 Q All right, thanks.

12 MS. SWANSON: I would move 34 into
13 evidence at this time.

14 THE COURT: Any objection?

15 MS. CARMODY: Yes, Your Honor. My
16 previous objection.

17 THE COURT: I'll note your objection for
18 the record and would deny it, but I think you've
19 got everything on the record you need. Okay?

20 MS. CARMODY: Thank you, Your Honor.

21 THE COURT: Thank you.

22 MS. SWANSON: I would move to publish at
23 this time.

24 THE COURT: Yes, ma'am. And what number
25 was that?

Testimony of Michelle Eichenmiller
MS. SWANSON: This is 34.

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THE COURT: Thank you.

(STATE EXH. 34, Photo; SCCY CPX 2,
9-millimeter, was marked for identification.)

BY MS. SWANSON:

Q All right. Can you tell us how the ejection port
works on that type of 9-millimeter?

A The ejection port is on the right, so
provided the firearm is held in the proper form,
the cartridge case should eject to the right.

Q All right. And can you add an extended magazine
to those types of firearms?

A Yes.

Q What kind of manufacturer -- manufacturer's G2 or
G3 models -- am I saying that right?

A Taurus makes a G2 and a G3 model of firearms.

Q All right. So does SCCY make G2 or G3 models?

A Not that I'm aware of.

Q All right.

MS. SWANSON: Beg the Court's indulgence.

All right. Thank you, agent. Please answer
any questions that the defense may have for you.

THE COURT: All right. Miss Carmody, do
you have cross-examination?

MS. CARMODY: Yes, Your Honor.

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THE COURT: Certainly. Yes, ma'am.

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CROSS-EXAMINATION

BY MS. CARMODY:

Q Good morning, ma'am.

A Good morning.

Q Still morning, right? Yes.

Ma'am, now -- so you reviewed the projectile
in this case?

A Yes.

Q Okay. And you determined that that projectile is
most consistent with an SCCY?

A Yes.

Q So, great. That's perfect. Which one?

A Any firearms that were made by SCCY with
those specifications.

Q How many guns does SCCY manufacture?

A I would imagine thousands.

Q Okay. Ma'am, how many SCCY guns have been sold in
the United States, do you know?

A I don't have a guess.

Q Would half a million sound like an estimate? Is
that a good estimate?

A A lot is a good estimate.

Q A lot is a good estimate. So more than half a
million, maybe? Okay.

Testimony of Michelle Eichenmiller 480

1 Ma'am, what -- you can't tell by looking at
2 the projectile what color a gun is, correct?

3 A That's correct.

4 Q And that SCCY manufacturers guns in all different
5 colors, correct?

6 A Yes.

7 Q Silver?

8 A I think so.

9 Q Black?

10 A Yes.

11 Q And there's SCCY also is a relatively cheap gun,
12 is it not?

13 A Relatively speaking.

14 Q It's considered a budget gun so to speak?

15 A That's what I call it.

16 Q All right. It wouldn't be a high end. Maybe
17 selling for a maximum of 300 bucks.

18 A I think so.

19 Q And relatively inexpensive for people in the
20 community?

21 A Yes.

22 Q And also, you saw a picture, this picture that the
23 State put up. This picture here. This isn't a
24 firearm that you actually examined in this case, is
25 it?

Testimony of Michelle Eichenmiller

481

1 A No.

2 Q And you testified earlier, you don't know what
3 firearm other than an SCCY that could have fired that
4 projectile?

5 A Correct.

6 Q Okay. And my other question for you, too, is
7 that, did you examine any other firearms in this
8 case?

9 A We didn't receive any firearms in this
10 case.

11 Q Okay. Did you recover -- was any firearm in this
12 case at all recovered?

13 A No.

14 Q So is it your testimony that you don't have a
15 firearm to compare that projectile to?

16 A Correct.

17 Q Okay. Did SLED ever provide any Taurus guns to
18 you to examine?

19 A We didn't exam any firearms in this case.

20 Q All right. Then basically, ma'am, it's your
21 testimony that we have no idea which gun fired that
22 projectile, correct?

23 A We had a SCCY model.

24 Q You said a SCCY model, but you said that they
25 actually manufactured thousands of models?

Testimony of Michelle Eichenmiller

482

1 A Yes.

2 MS. CARMODY: Thank you, ma'am. No
3 further questions.

4 THE COURT: Solicitor, anything else?

5 MS. SWANSON: No, redirect. I would just
6 ask that Agent Eichenmiller be allowed to be
7 released from her subpoena.

8 THE COURT: All right, hold on one
9 second.

10 All right. Ma'am, thank you so much.
11 You're excused. Have a safe trip back, okay?

12 THE WITNESS: Thank you.

13 THE COURT: Thank you.

14 All right. Solicitor, you ready to call
15 your next witness?

16 MS. SWANSON: Yes, thank you, Your Honor.
17 The State calls Kiera Amor.

18 THE COURT: All right.

19 THE CLERK: Raise your right hand. Place
20 your left hand on the Bible. The testimony you're
21 about to give the court will be the truth so help
22 you God?

23 THE WITNESS: Yes.

24 THE CLERK: Come right around.

25 MS. SWANSON: Your Honor, may we

Testimony of Michelle Eichenmiller

483

1 approach?

2 THE COURT: Sure.

3 THE CLERK: When you start testifying, if
4 you'll speak into the mic loudly. Pull up your chair
5 just a little bit. You can adjust that mic.

6 THE WITNESS: Okay.

7 (Bench conference.)

8 THE COURT: Yes.

9 MS. CARMODY: The State is going to put
10 this video in and introduce photos from the video.
11 I object to this because they are the same thing.

12 MS. SWANSON: Judge, I'm authenticating
13 and entering these items. I don't intend to
14 publish them at this time. They will be in
15 evidence if the defense wishes to publish it.

16 THE COURT: What she's going to do,
17 Miss Carmody, as I understand it, she's going to
18 authenticate the DVD. And basically, from
19 authenticating the DVD, then she's going to ask,
20 would these be the two photographs from the DVD.
21 I believe that she can say yes they are -- I don't
22 know. I don't know, but if she wants to admit
23 them, then she probably could.

24 Now, as it relates to -- I'm assuming,
25 but are you admitted that DVD into evidence?

Testimony of Michelle Eichenmiller

484

1 MS. SWANSON: I am, and the whole thing
2 will be in here. I am just choosing not to put --

3 THE COURT: I understand. So,
4 you know, Miss Carmody, if the DVD is entered into
5 evidence, I take it that there's no hearsay --

6 MS. SWANSON: No.

7 THE COURT: And nothing else on that.
8 Well, I don't know anything that's on there. So,
9 I think if the DVD is admitted, I think you could
10 use it for whatever you want to use it for.

11 MS. CARMODY: Well, if she's --

12 THE COURT: Well, I'm not going to answer
13 the question, but if that's in the evidence, I
14 don't know why off the top of my head why you
15 wouldn't be able to use that in any way you see
16 fit, ma'am. You with me?

17 MS. SWANSON: Yes.

18 MS. CARMODY: Yes.

19 THE COURT: All right. Thank you.

20 WHEREUPON:

21

22

23

24

25

Testimony of Kiera Amor
KIERA AMOR,

485

1

2 after having been sworn, testified as follows:

3

DIRECT EXAMINATION

4

BY MS. SWANSON:

5

Q Okay. Miss Amor, can you please tell --

6

MS. SWANSON: I'm sorry, Madame Court
Reporter, did you get her name and spelling?

8

COURT REPORTER: Yes, ma'am.

9

BY MS. SWANSON:

10

Q Can you please tell the Court where you are
occupied?

11

12

A I work for Parker's Corp loss prevention.

13

THE COURT: Ma'am, I am sorry to have to
tell you this, but would you please try to speak
up.

15

16

THE WITNESS: Yes.

17

THE COURT: Because we want everybody to
hear what you said. Okay?

18

19

THE WITNESS: Yes.

20

THE COURT: Thank you for being here.

21

Okay.

22

THE WITNESS: You're welcome.

23

THE COURT: Yes, ma'am.

24

BY MS. SWANSON:

25

Q So you work in loss prevention for Parker's?

Testimony of Kiera Amor

486

1 A Yes.

2 Q And as part of your duties, do you go to court and
3 authenticate video surveillance that comes from your
4 stores?

5 A Yes.

6 (STATE EXH. 30, Parker's 55 surveillance,
7 was marked for identification.)

8 BY MS. SWANSON:

9 Q Okay. Were you asked to review video from
10 Parker's 55?

11 A Yes.

12 Q All right. And where is that Parker's 55
13 located?

14 A In Ridgeland, 7021 North Okatie Highway.

15 Q All right. Is that the Parker's by Snake Road by
16 Beaufort, Jasper Water and Sewer?

17 A Yes.

18 Q I'm going to hand you what has been marked as
19 State's Exhibit 30 and ask if you can identify this
20 video.

21 A Yes.

22 Q Is that video that came from Parker's 55?

23 A Yes.

24 Q Did you review that?

25 A Yes.

1 Q And you can authenticate that it came from there
2 and it's a fair and accurate depiction of surveillance
3 taken at that time?

4 A Yes.

5 Q Okay. And you initialed that and dated it after
6 you reviewed it?

7 A Yes.

8 Q Thank you.

9 MS. SWANSON: State would move 30 into
10 evidence.

11 THE COURT: Any objection?

12 MS. CARMODY: No objection, Your Honor.

13 THE COURT: All right. State's 30 is
14 admitted without objection.

15 (STATE EXH. 30, Parker's 55 surveillance,
16 was entered into evidence.)

17 (STATE EXH. 31, Still shots; Parker's 55
18 surveillance, was marked for identification.)

19 (STATE EXH. 32, Still shots; Parker's 55
20 surveillance, was marked for identification evidence.)

21 BY MS. SWANSON:

22 Q I'm going to hand you State's 31 and State's 32
23 and ask if these are still shots taken from that video
24 from Parker's 55?

25 A Yes.

Testimony of Kiera Amor

488

1 Q And those are fair and accurate depictions, one is
2 just blown up from that video that you reviewed?

3 A Yes.

4 MS. SWANSON: All right. State would
5 move 31 and 32 into evidence at this time.

6 THE COURT: Any objection?

7 MS. CARMODY: No objection.

8 THE COURT: All right. State's 31 and 32
9 admitted without objection.

10 (STATE EXH. 31, Still shots; Parker's 55
11 surveillance, was entered into evidence.)

12 (STATE EXH. 32, Still shots; Parker's 55
13 surveillance, was entered into evidence.)

14 MS. SWANSON: Thank you. I have no
15 further questions.

16 THE COURT: All right. Miss Carmody, do
17 you have any questions of this witness?

18 MS. CARMODY: No questions, Your Honor.

19 THE COURT: All right. Ma'am, thank you
20 so much for being here. You can step down.
21 You're excused from any subpoena that may have
22 been served upon you.

23 THE WITNESS: Thank you.

24 THE COURT: Solicitor, you ready to call
25 your next witness?

Testimony of Katie McCallister

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1 MS. SWANSON: Yes. The next witness is
2 going to be Agent McCallister.

3 THE COURT: Okay.

4 THE CLERK: The testimony you're about to
5 give the court will be the truth so help you God?

6 THE WITNESS: Yes.

7 THE CLERK: Come right around.

8 WHEREUPON:

9 AGENT KATIE MCCALLISTER,
10 after having been sworn to tell the truth, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q All right. Agent McCallister, can you please
15 spell and state your name for the court reporter?

16 A Yes. It's Mary Katherine McCallister,
17 M-c-C-a-l-l-i-s-t-e-r, but I go by Katie,
18 K-a-t-i-e.

19 Q Thanks. And, Katie, how long have you been in law
20 enforcement?

21 A Fourteen years.

22 Q All right. Where were you before SLED?

23 A The Hampton County Sheriff's Office. I was
24 there for four years.

25 Q Okay. So how long have you been with SLED?

Testimony of Katie McCallister

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1 A Almost 10.

2 Q Can you tell us how you became involved in the
3 case and investigation against Brian Redding?

4 A Yes. So on the morning of September 6, 2020,
5 I received a phone call from my captain stating
6 that there had been a homicide in Ridgeland. I
7 was on-call at the time and he asked me to respond
8 to the scene.

9 Q All right. And what did you do as a matter of
10 course through your investigation?

11 A We -- I arrived on scene. We looked at
12 everything we had. I consulted with crime scene.
13 And, from that point, we began our investigation
14 into Miss Noonan's death.

15 Q Okay. And did that consist of a lot of
16 interviews?

17 A It did.

18 Q And about how many interviews do you think you
19 conducted through the course of this investigation?

20 A I believe it was around 15 to 20. Somewhere
21 in there.

22 Q And were those friends and family?

23 A Some of them were, yes.

24 Q Okay. And you didn't actually get any eyewitness
25 witnesses, did you?

Testimony of Katie McCallister

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1 A No, we didn't find anyone who had witnessed
2 the incident.

3 Q Through the course of your investigation, did you
4 ever come across anybody that heard a shot in the
5 early morning of September 6th or the morning of
6 September 6th?

7 A No, no one reported to us that they had heard
8 a gunshot.

9 Q Now, a lot of names came up through this
10 investigation, a lot of names with nicknames. For
11 instance, Popeye, Hollywood. I believe there's
12 another. Who am I thinking of?

13 A Miami.

14 Q Miami. Did you look into those people as possible
15 suspects? Did you -- sorry. Did you look at those
16 people as possible suspects?

17 A We did, yes.

18 Q So you followed up on those possible leads?

19 MS. CARMODY: Objection; leading.

20 THE COURT: Please rephrase. I'll
21 sustain the objection.

22 BY MS. SWANSON:

23 Q Did you follow up on those possible leads?

24 A We did.

25 Q And how did you do that?

Testimony of Katie McCallister

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1 A We interviewed them, if we could find them
2 and if they willing to talk. SLED can't make
3 people talk, so if they chose not to interview,
4 obviously, an interview wasn't conducted. But the
5 ones that did come and speak with me, we did
6 conduct an interview.

7 Q All right. And did you also interview people who
8 were with them or people who were associated with
9 them?

10 A We tried to, yes.

11 Q Okay. Were you able to rule out any of those
12 people as a suspect?

13 A We were.

14 Q All right. Who were you able to rule out?

15 A Most of them. Everyone.

16 Q All right. Eventually, do you develop one
17 suspect?

18 A We did.

19 Q And who was that?

20 A Brian Redding.

21 Q All right. And how long did you work this case in
22 this investigation before making an arrest?

23 A I believe it was about two months.

24 Q All right. So Brian was not arrested right away.

25 A He was not, no.

Testimony of Katie McCallister

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1 Q And why was that?

2 A We had an investigation to conduct.

3 Q Okay. What did you arrest Brian Redding for?

4 A Murder.

5 Q Of?

6 A Cypress Noonan.

7 Q Can you identify the man that was arrested for the
8 murder of Cypress Noonan?

9 A Yes.

10 Q All right. Where is he?

11 A He is at the defense table in a black vest
12 and a multi-colored -- I think that's a plaid
13 shirt.

14 Q Okay, thank you.

15 Now, at some point were you able, through the
16 course of your investigation able to verify or get
17 surveillance that Brian Redding had stopped at a
18 Parker's on 170?

19 A Yes, we were.

20 Q Okay. And law enforcement obtained that
21 surveillance?

22 A Yes. Investigator Croft, who, at the time,
23 was with the Ridgeland Police Department.

24 Q And then that became part of your case file?

25 A It did.

Testimony of Katie McCallister

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1 Q Okay. And do you recall reviewing the
2 surveillance?

3 A We did.

4 Q All right. Were you able to identify
5 Brian Redding on that surveillance?

6 A I was.

7 Q Do you recall what he was wearing on that
8 surveillance?

9 A Denim shorts, they were kind of long, and a
10 black shirt that we believed to have a Batman
11 emblem on the front.

12 Q Okay. I'm going to show what's been entered as
13 State's 31 and 32 and ask if these are still shots
14 from that surveillance showing Brian Redding, a white
15 Toyota, and what he was wearing.

16 A They are, yes.

17 Q All right.

18 MS. SWANSON: At this time, I'm going to
19 publish 31, Your Honor.

20 THE COURT: Yes, ma'am.

21 BY MS. SWANSON:

22 Q Okay. And, Agent McCallister, we can see here
23 this has a time stamp and a date?

24 A Yes.

25 Q Okay. And what is that date and time stamp?

Testimony of Katie McCallister

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1 A The time is 06:33:15 a.m. and the date is
2 September the 6th, 2020.

3 Q And is this who you identified as Mr. Redding --
4 oh, I'm sorry. Right here.

5 A Yes.

6 Q Sorry. We have a -- State's 32 is a blown-up
7 picture. So we're talking about this Batman
8 t-shirt?

9 A Yes.

10 Q All right. When you got to the crime scene, the
11 Forest Motel, was Mr. Redding there?

12 A He was.

13 Q What was he wearing at the motel that morning?

14 A So he was wearing denim shorts, they were
15 rather long and a red t-shirt.

16 Q Okay. At some point, did you come across
17 information that you relayed to crime scene that he
18 touched the body on the head and arms?

19 A Yes.

20 Q Did he appear to have any blood on him?

21 A No.

22 Q Did you observe any blood around the head of
23 Cypress Noonan?

24 A I did.

25 Q All right. Were you able to collect any cell

Testimony of Katie McCallister

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1 phones?

2 A I was.

3 Q Which cell phones did you collect? Whose were
4 they?

5 A I collected one from Mr. Redding himself and
6 then I collected the victim's cell phone, Miss
7 Noonan's.

8 (STATE EXH. 28, Blue Samsung cell phone;
9 9/6/2020, was marked for identification.)

10 BY MS. SWANSON:

11 Q All right. I'm going to hand you what's been
12 marked as State's 28 and ask whose cell phone this is
13 and where it came from and if you collected it.

14 A This is one blue in color Samsung cell phone
15 with a black in colored Body Glove case from the
16 driver's seat of the Avalon. It's dated 9/6/2020,
17 and, yes, I collected it.

18 Q Okay.

19 MS. SWANSON: State would move 28 into
20 evidence at this time.

21 THE COURT: Any objection?

22 MS. CARMODY: No objection.

23 THE COURT: All right. Admitted without
24 objection, State's 28.

25 (STATE EXH. 28, Blue Samsung cell phone;

Testimony of Katie McCallister

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1 9/6/2020, was entered into evidence.)

2 (STATE EXH. 29, Black Samsung S9 Plus in
3 black case, was marked for identification.)

4 BY MS. SWANSON:

5 Q I'm handing you what's been marked as State's 29.
6 What is this item?

7 A This is one black in color Samsung S9 Plus
8 cell phone in a black case from the possession of
9 Brian Redding.

10 Q Okay.

11 A And I did collect it.

12 Q Whose phone is that?

13 A This phone appears to be Mr. Redding's.

14 Q Okay. Is that not Cypress's cell phone?

15 A I don't think so.

16 Q I got you. So this is another cell phone that
17 Mr. Redding had?

18 A Yes.

19 Q Okay.

20 MS. SWANSON: At this time, I would move
21 29 into evidence.

22 THE COURT: Any objection?

23 MS. CARMODY: Without objection.

24 THE COURT: All right. State's 29
25 admitted without objection.

Testimony of Katie McCallister
(STATE EXH. 29, Black Samsung S9 Plus in

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1
2 black case, was admitted into evidence.)

3 BY MS. SWANSON:

4 Q Did you have those cell phones analyzed?

5 A We did.

6 Q Did you review the analysis?

7 A I did.

8 (STATE EXH. 17, Cell phone; Cypress Noonan,
9 was marked for identification.)

10 BY MS. SWANSON:

11 Q All right. I'm going to hand you what has been
12 marked as State's Exhibit 17 and ask you if you had
13 this item analyzed.

14 A I did.

15 Q What is that item?

16 A This is Cypress Noonan's cell phone.

17 Q And where did that item come from?

18 A I received it from Detective Croft.

19 Q All right. And once it was analyzed -- and are we
20 talking about a cell phone dump here?

21 A Yes.

22 Q Once it was analyzed, did you then physically go
23 through that phone?

24 A I did.

25 Q All right. Tell us about that?

Testimony of Katie McCallister

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1 A We did a physical search of the phone. I
2 manually went through the phone and looked through
3 it.

4 Q What were you looking for?

5 A Anything that we thought would be relevant to
6 the case at that point.

7 Q Okay. And did you find anything that you thought
8 to be relevant to the case?

9 A We did.

10 Q All right. What was that?

11 A It's video --

12 MS. CARMODY: Objection, Your Honor.

13 THE COURT: Hold on. Counsel approach.

14 MS. CARMODY: We have a matter of law
15 that we need to take up.

16 THE COURT: All right. Ladies and
17 gentlemen, I'm going to ask you to step outside
18 for one minute. I'll get you back here as soon as
19 I can. Thank you. Don't talk about the case,
20 please.

21 (Jury exits the courtroom at 1:54 p.m.)

22 THE COURT: All right. So I believe the
23 question was, she was searching the phone, and I
24 believe was about to testify to what -- did she
25 find anything that was relevant and it was, and I

Testimony of Katie McCallister

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1 think she was about to say a video and I think
2 that's when you made your objection, Counsel.

3 MS. CARMODY: Yes, Your Honor.

4 THE COURT: What's your objection?

5 MS. CARMODY: Your Honor, the State
6 cannot authenticate that video and they cannot
7 determine when the video was created. They can't
8 even determine where the video came from.

9 I actually have our cell phone expert
10 here, Your Honor, as well who can inform the Court
11 of the technicalities in a better language than I
12 can and explain it better.

13 But it's -- they don't know when the
14 video was created. They don't even know where the
15 video came from. And I believe that that is the
16 issue for the objection. It was not included in
17 the cell phone dump either.

18 THE COURT: But she testified that she
19 manually went through the phone and found this
20 video. Isn't that what she said?

21 MS. CARMODY: Yes, Your Honor. But my
22 cell phone expert could better explain to the
23 Court.

24 THE COURT: But I don't -- right now, she
25 went through it -- I mean, your concern is --

Testimony of Katie McCallister

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1 MS. CARMODY: The video cannot be
2 properly authenticated, Your Honor.

3 THE COURT: What is the video?

4 MS. SWANSON: It is a video of
5 Mr. Redding with a teal firearm. And it came from
6 Cypress Noonan's Facebook app, which is why it did
7 not show up on the cell phone dump.

8 THE COURT: Well, so it's just video that
9 shows him with a gun?

10 MS. SWANSON: Correct.

11 MS. CARMODY: Your Honor, but the issue
12 is that the State cannot show when the video was
13 created.

14 THE COURT: I understand. I understand
15 that, Miss Carmody. I'm just trying --

16 MS. CARMODY: And it's not a complete
17 video.

18 THE COURT: Are you finished?

19 MS. CARMODY: It's not a complete video
20 either, Your Honor.

21 THE COURT: All I was inquiring about is
22 what the video showed because I haven't seen it.

23 MS. CARMODY: Okay.

24 THE COURT: Okay. So if she says it just
25 shows him with this teal-colored gun or some type

Testimony of Katie McCallister

1 of gun, it doesn't have any talking -- there's no
2 communication, no talking on it, it's just -- the
3 video is for the purposes him holding this gun. Is
4 that what the video shows?

5 MS. SWANSON: Yes, Your Honor. There's
6 some music in the background, but there's
7 nothing -- no statements or anything.

8 MS. CARMODY: Your Honor?

9 THE COURT: Yes, ma'am.

10 MS. CARMODY: The issue that comes in is
11 that I believe that the State is trying to show
12 that this was posted on Cypress's Facebook at a
13 certain date at a certain time, and that implies
14 that the video was created on a certain date at a
15 certain date. That is completely inaccurate. We
16 don't know when this video was created. And I
17 believe, actually, based on the forensic review of
18 my cell phone examiner that the video was created
19 sometime back in June possibly. We have evidence
20 to suggest it was created in June, which is
21 nowhere near the time -- it's too remote and no
22 where near the time that -- and that's only a
23 speculation too that it was created in June. We
24 really don't know when it was created. We don't
25 even know whose they're working from.

Testimony of Katie McCallister

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1 MS. SWANSON: I am not eliciting any
2 testimony about when or where it was posted on the
3 Facebook. This is the evidence.

4 THE COURT: What's the significance --
5 let me ask you this, Miss Carmody. Okay, I would
6 assume that the solicitor would agree that she
7 doesn't know when that video was created.

8 MS. SWANSON: Correct.

9 THE COURT: I would assume that she would
10 agree that basically it's a video of what she
11 purports to be, or what I'm assuming this witness
12 will be able to identify as your client holding a
13 gun.

14 MS. CARMODY: Your Honor?

15 THE COURT: I don't understand the
16 significance of when it was created. I don't --
17 because we know -- they don't know when it was
18 created. I'm with you on that.

19 MS. CARMODY: Right, Your Honor. It goes
20 to authentication. The State cannot authenticate
21 that video. And I believe if you can't
22 authenticate evidence and let the jury know when
23 it was created and where it came from, then, you
24 know, Your Honor, that's -- I mean, it's not
25 properly authenticated. And under 403, it's going

Testimony of Katie McCallister

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1 to imply that he had a gun at the time that she
2 died, and it's false. It's nowhere near accurate,
3 Your Honor.

4 And implying that information to the jury
5 is extremely prejudicial. There's no probative
6 value of it, Your Honor, at all because we don't
7 know when it was created. And, actually, I have
8 information that it's significantly remote, if
9 anything. If anything it was created back in
10 June. I don't believe there's any probative value
11 whatsoever and it's extremely prejudicial.

12 THE COURT: I think it's probative by
13 virtue of the fact that we've heard nothing but
14 him -- nothing but evidence of him owning --
15 what's been presented so far is just evidence
16 after evidence after evidence of him owning a gun
17 that is teal in color or emerald, or whatever
18 folks have described the color of the gun.

19 So, I mean, and I think some of the
20 testimony was that they saw him with this gun some
21 time ago.

22 All right. Let me go back and think
23 about this for a minute. We'll be at ease.

24 (A break was taken from 12:00 p.m. to 12:03 p.m.)

25 THE COURT: All right. You can be

Testimony of Katie McCallister

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1 seated.

2 I want to see the video. I need to see
3 the video because, tentatively, what I will say is
4 this: I don't think -- I don't think authenticity
5 here is an issue. I think the evidence that they
6 proved, or will be able to present -- and I know
7 Miss Carmody disagrees with me on that -- that
8 it's authentic, that is it's a video that she
9 found on the phone and it purports what it
10 purports to be, and I'm assuming that's somebody
11 she's going to identify that she recognizes as
12 Mr. Redding.

13 Now, and he's got a gun. But I want to
14 see the video because then I want to look at this
15 and determine because there was -- you made, in
16 essence, you know, a 404 -- I guess, a 404(b)
17 or --

18 MS. CARMODY: Right.

19 THE COURT: All right. So, I want to
20 look at that video, because I've got to make a
21 determination. I want to see the video before I
22 rule on that.

23 Can we play the video?

24 MS. SWANSON: Yes, sir. For whatever
25 reason, the courthouse DVD player is not working.

Testimony of Katie McCallister

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1 I can bring it, Your Honor. Do you have a disk
2 drive?

3 THE CLERK: I think it started.

4 MS. SWANSON: Oh, you think it did?

5 THE CLERK: I think it did. It finally
6 loaded. It took so long to load it.

7 MS. SWANSON: Let me throw it back in and
8 see. I'm pressing the play button.

9 Actually, I guess the audio is
10 problematic in here, but the audio is not
11 necessary. It's simply Agent McCallister stating
12 what she just testified to, that she is looking at
13 Cypress Noonan's phone and it's such and such date
14 and she's there. We can listen to it.

15 THE COURT: All right. Just play the
16 video.

17 MS. SWANSON: It is playing. It will
18 start in two seconds. This is when she was there.

19 (Video played.)

20 MS. SWANSON: That's it.

21 THE COURT: All right. My concern now
22 turns to the video and the prejudicial effect of
23 the video. Of course, I understand all evidence
24 is prejudicial. I've heard that, and I understand
25 that. But the question is whether it's

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1 substantially -- the prejudicial value
2 substantially outweighs the probative value.

3 And what I think exists is, I think there
4 are some portions of what the video shows that are
5 relevant and would be applicable and that the
6 prejudicial value does not outweigh the probative
7 effect, but I think there are other aspects of
8 that video that I believe that the prejudicial
9 effect outweighs the probative value.

10 I don't -- it's got a gentleman, who
11 purportedly is Mr. Redding, smoking what appears
12 to be a marijuana cigarette. At least, from my
13 looking at that. Moving back and forth. I -- the
14 way he was talking into the camera -- even though
15 I didn't hear what was being said, I think it
16 projected potential stereotypical behavior. I
17 just didn't like that.

18 As it relates to him holding the gun in
19 his hand, though, I think holding the gun is, in
20 fact -- I think it goes to show that he had a
21 teal-colored gun at some point, and I think that's
22 relevant.

23 So, what I'm going to do is: I'm not
24 going to allow the video to be played, Miss
25 Carmody. I agree with you. The video -- and I

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1 understand all your objections and you certainly,
2 I think, have protected the record, but as it
3 relates to a still of him holding that gun, I
4 believe that that is relevant.

5 I understand your authenticity argument.
6 I think it can be properly authenticated that it
7 came from the phone. We don't know when it was
8 made. But I think it does show that he was in
9 possession of a teal-colored firearm at some
10 point.

11 And so for those reasons, I would allow a
12 still of that, but I'm not going to allow the
13 video in because I just don't -- I just think the
14 video, as a whole, is more prejudicial than
15 probative.

16 So that would be my ruling as it relates
17 to the video.

18 MS. SWANSON: Okay.

19 THE COURT: So however you-all want to do
20 that -- when I say -- I know you don't want to do
21 it at all, Miss Carmody, I understand that, but
22 that's what I'm going to allow. I'm going to
23 allow the still of him holding the gun, but not
24 the video.

25 MS. SWANSON: Judge, in the event that I

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1 cannot get a not burry enough still, can I just
2 elicit the testimony about what -- that there was
3 a video on the phone with Brian Redding holding a
4 teal gun?

5 THE COURT: Yeah, I think that's
6 appropriate. In fact, Miss Carmody, I don't think
7 you have a -- I mean, I don't know that you have
8 -- you still have your authenticity objection, but
9 I don't think you would object to her doing
10 that.

11 MS. CARMODY: That's absolutely fine,
12 Your Honor.

13 THE COURT: Okay. So --

14 MS. SWANSON: We'll just handle it that
15 way.

16 THE COURT: Miss Carmody, I understand
17 your authenticity objection. That still exists.
18 But as it relates to letting her do that, you got
19 no objection to that.

20 MS. CARMODY: No objection, Your Honor.
21 So no picture and no video.

22 THE COURT: Yes, ma'am.

23 MS. SWANSON: I would say, Your Honor,
24 though, that I don't think it would be fair for
25 Miss Carmody to suggest that we are withholding

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1 that information or that it doesn't exist if it's
2 not placed before the jury.

3 THE COURT: Well, I think she can
4 certainly cross-examine that she doesn't know when
5 the video was made.

6 MS. SWANSON: Right.

7 THE COURT: But to sit there and say,
8 hey, why did they play that video for you is
9 because I didn't --

10 MS. SWANSON: Just making sure.

11 THE COURT: I understand. I don't think
12 she would ever do that.

13 MS. CARMODY: No.

14 THE COURT: But I understand your
15 concerns, Solicitor. I don't think she would do
16 that.

17 But, no, it would absolutely be proper
18 for her to cross-examine that she didn't --
19 doesn't know when it was made and things of this
20 nature.

21 MS. SWANSON: Sure.

22 THE COURT: All right. So are we all on
23 one page there?

24 MS. SWANSON: Yes, sir.

25 THE COURT: So let's see if we can get

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1 the jury back in here.

2 Hold on one second. For planning
3 purposes, we may end up taking a break for lunch
4 during the middle -- or when the State finishes
5 the direct. Because also at 1:45, I've got a
6 brief hearing that I need to take up that I think
7 may take about 15, 20 minutes. Okay? So I think
8 that's what we'll do for planning purposes.

9 Let's go ahead and get the jury in here.

10 (Jury enters the courtroom at 12:15 p.m.)

11 THE COURT: Mr. Foreman, ladies and
12 gentlemen of the jury, as I told you in the past,
13 there's matters of law that we've got to take up
14 outside of your presence and sometimes they take a
15 little longer than others. I'm sorry. But,
16 again, unlike TV, radio, and books, you know, it's
17 a slow, deliberative, and repetitive process
18 because we got to try to get it right.

19 So I believe that I am going to sustain
20 the objection and -- or, actually, just a matter
21 of law was brought to my attention. We've
22 addressed that matter of law.

23 And, Solicitor, you can continue with your
24 examination of this witness, please.

25 MS. SWANSON: Yes, sir.

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1 BY MS. SWANSON:

2 Q All right. Agent McCallister, last we were
3 talking, I had handed you State's Exhibit 17, which is
4 a phone, Cypress Noonan's phone --

5 A Yes.

6 Q -- that you searched physically.

7 A I did.

8 Q All right. And what were you looking for?

9 A Anything that was relevant to the case at
10 that time.

11 Q All right. And did you find anything that was
12 relevant to the case?

13 A I did.

14 Q All right. And where did you find that?

15 A It was within the Facebook app on the phone.

16 Q All right. And what did you find? Can you
17 describe the video that you found?

18 A It was a video of Mr. Redding and he's
19 holding what appears to be a blue firearm.

20 Q All right. And what color blue?

21 A Aqua, teal, turquoise, something along those
22 lines.

23 Q Okay.

24 MS. SWANSON: All right. I believe
25 that's all I have for Agent McCallister at this

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1 time.

2 THE COURT: All right. Counsel, approach
3 for one minute.

4 Solicitor, I just want to ask you, the
5 phone, it's in evidence?

6 MS. SWANSON: Yes.

7 THE COURT: So the contents -- it's the
8 contents that's on the video, technically they can
9 access to the phone.

10 MS. SWANSON: I wouldn't think so. But
11 we can keep it out.

12 THE COURT: I just want to make sure.

13 MS. SWANSON: Yeah.

14 THE COURT: I just want to make sure we
15 don't -- I just want to make sure that doesn't
16 happen. So we can remove something, the SIM card
17 or whatever. I just don't want them --

18 MS. SWANSON: Okay.

19 THE COURT: If something else comes up in
20 the testimony, and they want to look at it and
21 make sure it's relevant, that they can't. I want
22 to make sure that the video doesn't go back there
23 so they can look at it.

24 MS. SWANSON: Okay.

25 THE COURT: All right. Ladies and

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1 gentlemen, what I'm going to do is, I'm going to
2 ask you to go to lunch. And I will have to tell
3 you, this is my fault. I have another matter that
4 I have to hear at 1:45 in this courtroom that I
5 think will last probably 15 minutes. Not much
6 more than that.

7 I expect that Miss Carmody's
8 cross-examination of this witness will be lengthy.
9 And so what I'm going to do is, I'm going to ask
10 you to go to lunch and come back at two o'clock.
11 It's a little longer lunch than I would regularly
12 send you to, but I apologize. That's my fault,
13 but I've got to have this other hearing. I've got
14 to address this matter.

15 So I'm going to ask that you come back at
16 two o'clock when you continue with the
17 cross-examination of the SLED agent. And, please,
18 during the break, don't talk about the case.
19 Thank you very much.

20 (Jury exits the courtroom at 12:19 p.m.)

21 THE COURT: All right. Thank you.

22 Agent, of course, I would remind you that
23 during the break, you're not allowed to talk to
24 anybody about your testimony. Okay?

25 THE WITNESS: Yes, sir.

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1 THE COURT: All right. Anything before
2 we break for lunch?

3 MS. SWANSON: Nothing from the state.

4 THE COURT: I hope to start back right at
5 2:00, if these folks get here. In fact, they
6 might get here a few minutes early.

7 So, Miss Sharon, could you be back around
8 1:30 so we can see whether or not they come back a
9 little early and we can knock this hearing out?

10 COURT REPORTER: Of course, Judge.

11 THE COURT: Thank you very much.

12 Anything before we break from the State?

13 MS. SWANSON: No, Your Honor.

14 THE COURT: Defense?

15 MS. CARMODY: No, Your Honor. I just
16 want to say that defense is amenable to working,
17 you know, like to maybe 6:00 or so to try to get
18 in as much as we can today, because I know today
19 is already Wednesday and we still have to put on
20 our defense, too.

21 THE COURT: All right. Well, we'll see
22 where we go. We'll see where we go with that.
23 Okay?

24 MS. CARMODY: Okay.

25 THE COURT: Thank you.

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(A break was taken from 12:21 p.m. to 2:00 p.m.)

1 THE BAILIFF: All rise.

2 THE COURT: Be seated. Can the witness
3 come back around and take the stand?

4 MS. SWANSON: Yes, Your Honor.

5 THE COURT: All right. Is there anything
6 from the State before we bring the jury in?

7 MS. SWANSON: Yes, Your Honor.

8 Miss Carmody has shown me some pictures on her
9 cell phone that she said she would like to use to
10 cross-examine Agent McCallister. They appear to
11 be various teal guns. She does not have a
12 printout. She is not -- Agent McCallister is not
13 a firearms expert, has never seen these. I don't
14 think that that's an appropriate demonstrative
15 item for this witness.

16 I think, if Miss Carmody wanted it in,
17 the appropriate party -- and I think she did that
18 through cross, she brought out the testimony of
19 the firearms expert that there are many different
20 types of makes and models that come in teal or
21 aqua green.

22 THE COURT: All right. Miss Carmody,
23 yes, ma'am.

24 MS. CARMODY: Thank you, Your Honor.

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1 Your Honor, the web site that I'm referring to is
2 nrawoman.com. And the only reason it's on my cell
3 phone is because I haven't pulled it up on my
4 actual laptop yet. But I would like to just use
5 it as a demonstrative aid. And, essentially,
6 cross-examining Agent McCallister about her
7 investigation and why she focused on one
8 particular gun instead of doing her investigation
9 and focusing on a gun that was on scene that
10 morning that very well could have been teal
11 because the witness testified that she had a G2
12 gun, and they actually do have a teal G2, so she's
13 assuming.

14 There's been no testimony at all that any
15 gun that my client had was an SCCY. And I believe
16 that she narrowed her investigation and the scope
17 of her investigation and that's what I wanted to
18 cross-examine her on. Just use this as a
19 demonstrative aid.

20 THE COURT: Let me see it.

21 MS. CARMODY: I can show it to the Court,
22 Your Honor. It's on my phone because I haven't
23 pulled it up on my laptop. It's the NRA's web
24 site.

25 MS. SWANSON: Could I inquire if Miss

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1 Carmody -- is she intending it publish something
2 that is not admitted or admissible into evidence
3 to the jury?

4 MS. CARMODY: Demonstrative aid, Your
5 Honor. It's not going to be admitted. Just a
6 demonstrative aid.

7 THE COURT: So you want to show it to the
8 jury. You just don't want to admit it.

9 MS. CARMODY: I'm not going to admit,
10 Your Honor, no.

11 THE COURT: All right.

12 MS. CARMODY: I mean, she admitted a
13 picture she pulled off of Google. I mean, so --

14 MS. SWANSON: After laying a proper
15 foundation.

16 THE COURT: Hold on. All right. Hold on
17 one second.

18 MS. CARMODY: Your Honor, at the
19 beginning of that, there's actually one page that
20 just shows all one, two, three, four --

21 THE COURT: Yeah, I see it. Right. So
22 what do you plan to do with this?

23 MS. CARMODY: I just want to show it to
24 her and ask her why she narrowed her investigation
25 to one particular gun when the gun she should be

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1 looking for, a teal gun apparently, there's five
2 of them, Your Honor. So I just think that --

3 THE COURT: Well, you already brought up
4 there's thousands of them.

5 MS. CARMODY: I mean, this is at least
6 five though. And on the sister, Popeye, actually
7 had -- she testified she had a G2 and that Popeye
8 had a G2 and one of these is a G2.

9 THE COURT: Why can't you just ask her if
10 the G2 has a teal handle?

11 MS. CARMODY: Well, what if she says she
12 don't know?

13 THE COURT: Well, then, in that case, I
14 think you can use your demonstrative evidence.

15 MS. CARMODY: Okay.

16 MS. SWANSON: That's fine.

17 THE COURT: You know, if she says, *Oh, I*
18 *have no idea*, then you say, *well, is it -- or, are*
19 *you aware of guns --* I mean, I'm just saying, you
20 know, she's not the gun expert. I don't know what
21 her expertise is, but, I mean, she's familiar
22 enough that I think that if she denies that, oh,
23 there's no other gun other than the SCCY, or, you
24 know, lots of colors, lots of whatever. If she
25 denies it, I think you can go and you can

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1 potentially use this demonstrative aid to see if
2 that helps her as it relates to that.

3 But under that circumstance, I think I
4 would allow it.

5 I think I would have allowed it with the
6 other witness, the gun expert.

7 MS. CARMODY: You want me to recall her,
8 Your Honor?

9 THE COURT: The gun expert has gone back
10 to Columbia.

11 MS. CARMODY: Yeah.

12 THE COURT: I'm not worried about that.
13 Not right now. That's gone.

14 But under that expert, I think I probably
15 would have said, go right ahead. But on this one,
16 as long as she goes and answers your question,
17 then I'm not going to get into this.

18 MS. SWANSON: And, Judge, the firearms
19 expert actually did already testify that there are
20 many makes and models. And, of course, it's not a
21 Taurus G2 that the murder weapon is.

22 THE COURT: I understand.

23 MS. SWANSON: Okay.

24 THE COURT: As it relates to the use of
25 the demonstrative evidence, I'm going to deny this

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1 at the present time. However, depending on what
2 the testimony is, it may be that you could use
3 this aid to see if this does, in fact, aid her in
4 her testimony or her recollection and her
5 knowledge. All right? I'm going to hand you back
6 your phone, Miss Carmody.

7 MS. CARMODY: Thank you.

8 THE COURT: Anything else?

9 MS. SWANSON: Nothing from the State.

10 THE COURT: Miss Carmody?

11 MS. CARMODY: Your Honor, the Solicitor
12 just mentioned my cell phone expert.

13 THE COURT: I'm sorry? What?

14 MS. CARMODY: My cell phone expert, Chris
15 Watson.

16 THE COURT: What about him?

17 MS. CARMODY: Your Honor, he did not
18 prepare a report for the defense. That's why we
19 have not turned over a report. What he did was,
20 he analyzed the cell phones and he's
21 essentially -- I mean, he also looked at the
22 State's report.

23 THE COURT: You're not calling him today,
24 are you?

25 MS. CARMODY: I'm not calling him

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1 today.

2 THE COURT: Then let's move. Let's rock.

3 MS. SWANSON: We don't need to spend time on
4 that right now.

5 THE COURT: Why would I address that
6 right now when I got a jury waiting?

7 MS. CARMODY: I understand, Your Honor.

8 THE COURT: I'm asking. Is there a
9 reason? That has nothing to do with your
10 testimony or examination of this witness, does it?

11 MS. CARMODY: No, Your Honor. I'm not
12 asking her about cell phone data.

13 THE COURT: Okay, great. Let's get the
14 jury in here.

15 (Jury enters the courtroom at 2:10.)

16 THE COURT: Mr. Foreman, ladies and
17 gentlemen, thank you and I appreciate your
18 patience. That was my bad as it relates to this
19 almost 15 minutes. But I had another matter, a
20 hearing that I had to take care of this afternoon.
21 I'm sorry for that. I believe we are now ready.

22 Miss Carmody, are you ready to
23 cross-examine Agent McCallister?

24 MS. CARMODY: Yes, Your Honor.

25 THE COURT: All right. Your witness,

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1 ma'am.

2 You're still under oath, okay?

3 THE WITNESS: Yes, sir.

4 CROSS-EXAMINATION

5 BY MS. CARMODY:

6 Q Good afternoon, ma'am.

7 A Good afternoon.

8 Q All right. So, ma'am, you became involved in this
9 investigation after the Ridgeland Police Department?

10 A I'm sorry.

11 Q You became involved in the investigation after the
12 Ridgeland Police Department?

13 A Yes, ma'am.

14 Q Okay. And you arrived on scene at what time?

15 A It was around 12:15, 12:30, I believe.

16 Q Okay. And when you arrived on scene, you became
17 aware that Ridgeland Police Department had not talked
18 to or tried to talk to anybody at the hotel,
19 correct?

20 A I don't think it was immediate, but, yes,
21 ma'am.

22 Q Okay. So by 12:30 in the afternoon, nobody had
23 tried to reach out to any of the people at the
24 Forest Motel?

25 A I was not there. I don't know if they tried

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1 yet or not.

2 Q Okay. And you testified that no one reported
3 hearing a gunshot, correct?

4 A Yes, ma'am.

5 Q But you didn't talk to the people at the hotel
6 that morning, correct?

7 A That was later during the investigation.

8 Q Is it fair to say you don't know who was at the
9 hotel that morning?

10 A We learned later who was there. But, at the
11 time, no, ma'am. Upon my arrival, I did not know
12 who was there.

13 Q How did you learn later who was there?

14 A We did a canvas of the hotel.

15 Q After 12:30?

16 A Yes, ma'am. It would have been after 12:30.

17 Q Okay. But the 911 call came in at what time?

18 A I believe it's around 9:46 a.m.

19 Q All right. So we're talking about almost three
20 hours later you're looking for people that would have
21 been there that morning?

22 A Yes, ma'am.

23 Q Ma'am, when you arrive on scene, you were informed
24 that Mr. Redding had already gone to Ridgeland Police
25 Department and spoken with Detective Croft, correct?

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1 A Yes, ma'am.

2 Q And Detective Croft had actually given him a ride
3 back to the Forest Motel?

4 A I was not there for the ride back, so I'm not
5 sure.

6 Q When you got there, was Mr. Redding there?

7 A He was.

8 Q Okay. So at 12:30 in the afternoon, he's still
9 sticking around, correct?

10 A Yes.

11 Q Okay. And, at some point, you ask him if he's
12 willing to speak with you?

13 A I did.

14 Q And he voluntarily when to Ridgeland Police
15 Department to speak with you.

16 A He did.

17 Q And while he was at Ridgeland Police Department
18 speaking with you, he had his cell phone on him?

19 A He did.

20 Q Okay. And he, without being asked, showed you his
21 cell phone, correct?

22 A He did, yes.

23 Q And he's showing videos and picture and things
24 like that on his phone?

25 A He is.

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1 Q And also without being asked, he provided -- he
2 showed his Facebook page as well?

3 A I don't recall if he showed the Facebook page
4 or not.

5 Q So when you're talking with him, at some point,
6 did you ask him if you could collect the phone?

7 A I believe we did, yes.

8 Q And did he voluntarily give you his cell phone?

9 A He did.

10 Q And that cell phone was actually password
11 protected, was it not?

12 A I believe that it was, yes.

13 Q And he provided you the password, did he not?

14 A I think he did, yes, ma'am.

15 Q And the password worked, correct?

16 A I think it did, yes.

17 Q You actually confirmed while they're sitting there
18 that it worked?

19 A Okay.

20 Q And you started going through his phone, correct,
21 with him sitting there?

22 A I don't know that I would use the words
23 "going through his phone," no, ma'am.

24 Q Well, you're looking at the video and you're
25 looking at Facebook with him, correct?

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1 A Yes, but he's showing me those things.

2 Q But you have the phone in your hand at some point
3 and you're going through the phone and you're asking
4 him what things are, correct?

5 A I have the phone in my hand and we are
6 looking at it together, yes, ma'am.

7 Q All right. And he also provided you with his
8 Facebook name?

9 A He did, yes.

10 Q Okay. And he provided you with Cypress's Facebook
11 accounts?

12 A I believe it was him, yes, ma'am.

13 Q And it was a weird Facebook name, suppressiveglen,
14 and he spelled that out for you too, correct?

15 A Yes.

16 Q Okay. And he also informed you of his cell phone
17 number.

18 A He did.

19 Q He also informed you that he had another cell
20 phone in the vehicle?

21 A I don't recall if he told us at that point if
22 there was another one in the vehicle.

23 Q Okay. Did you ask him if you could collect that
24 phone?

25 A That phone was collected pursuant to the

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1 search warrant for that vehicle.

2 Q Ma'am, do you recall asking him if you could
3 collect the phone?

4 A I don't, no, ma'am.

5 Q The search warrant was not obtained because he did
6 not want you to have access to that phone, correct?
7 The search warrant was obtained because the vehicle
8 wasn't his, isn't that true?

9 A It's SLED protocol to get a search warrant to
10 search anything.

11 Q Okay. But he voluntarily gave you access to both
12 phones, correct?

13 A No, ma'am. I don't think that's correct. I
14 think that second phone was taken pursuant to the
15 search warrant for that white Avalon.

16 Q I'll have my investigator pull up the specifics of
17 the conversation.

18 Moving forward for now, also, at some point,
19 you believe you -- I believe you were informed that he
20 had already provided a DNA sample.

21 A Yes, I was.

22 Q Two DNA samples, correct?

23 A One was done before I arrived and the second
24 one was done while I was there at the crime
25 scene.

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1 Q Okay. Both were voluntarily, correct?

2 A I believe, yes.

3 Q Okay. You met with Mr. Redding that day for -- I
4 want to say at least two and a half to three hours,
5 correct?

6 A Yes.

7 Q Okay. And during that time he wasn't under
8 arrest?

9 A No, ma'am.

10 Q Okay. At the end of your meeting with him that
11 day, he also provided you -- or prior to leaving that
12 day, he provided you with his whereabouts that day.

13 A He did.

14 Q He provided you with the names of the people that
15 could verify his whereabouts.

16 A He did.

17 Q He provide you with their phone numbers.

18 A I believe so, yes.

19 Q And he also provided you with the addresses.

20 A I believe we had some addresses, yes,
21 ma'am.

22 Q Okay. And, at the end of that day, he was not
23 under arrest, correct?

24 A No, ma'am. He was not.

25 Q Okay. And you actually at the end of that

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1 conversation told him to go home and get some sleep?

2 A I did.

3 Q And, ma'am, talking about the Toyota Avalon for a
4 minute. Do you recall obtaining three separate search
5 warrants for that vehicle?

6 A Three?

7 Q Yes, ma'am.

8 A I don't remember the exact number, but I know
9 it was at least two.

10 Q Okay. The first day was on 9/6 when Cypress
11 passed away?

12 A Yes, ma'am.

13 Q And the vehicle then was released to the
14 registered owner, Ashley Dodson, correct?

15 A It was.

16 Q Ashley Dodson had come in and given you an
17 interview as well?

18 A Yes. That day, she did.

19 Q And the purpose of that interview was to confirm
20 the information that Mr. Redding had given you?

21 A It was.

22 Q Okay. After meeting with Ashley Dodson,
23 Mr. Redding was not placed under arrest, correct?

24 A No, he was not.

25 Q Okay. And a couple days later, I believe you also

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1 met with a female by the name of Danielle Smith?

2 A Yes.

3 Q Okay. And Danielle Smith's name was provided by
4 Mr. Redding?

5 A It was.

6 Q The purpose of meeting with Danielle Smith was to
7 confirm Mr. Redding's whereabouts?

8 A It was.

9 Q And after meeting with Danielle Smith, Mr. Redding
10 was still not placed under arrest, correct?

11 A Correct.

12 Q Okay. Additionally, when you obtained the video
13 from Parker's gas station, you discussed that with Mr.
14 Redding as well?

15 THE WITNESS: Your Honor, may I refer to
16 my report?

17 THE COURT: Sure.

18 THE WITNESS: I need to double check
19 that.

20 I don't recall discussing the specifics of
21 that video with Mr. Redding.

22 BY MS. CARMODY:

23 Q Okay. Did you -- you had a conversation with Mr.
24 Redding that day about Parker's gas station,
25 correct?

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1 A We did, yes.

2 Q Okay. And after that conversation, he still was
3 not placed under arrest, correct?

4 A Correct.

5 Q And then during that same day on 9/6, you were
6 provided with the name of -- well, you learned on 9/6
7 that a man by the name of Popeye or Dervon Jones was
8 on scene, correct?

9 A Yes.

10 Q Okay. And also -- you also learned of the name
11 Hollywood.

12 A Yes.

13 Q And Hollywood's name is a nickname for Antwone
14 Drake, correct?

15 A Let me double check, but, yes, I believe
16 that's correct.

17 Q And this information was provided to you to
18 confirm on September 6th.

19 A Yes, Hollywood is Antwone Drake.

20 Q All right. Okay. So, ma'am, do you -- you said
21 your investigation lasted approximately two months?

22 A Yes, ma'am.

23 Q And Mr. Redding was arrested on November 12th?

24 A Let me look at the warrant. According to the
25 warrant, it was served on November the 10th,

Testimony of Katie McCallister

533

1 2012.

2 Q November 10th. I'm sorry, ma'am.

3 And on November 10th, you seized that same
4 white Avalon for the 4th time, correct?

5 A No, ma'am. I don't believe we seized the
6 Avalon that day.

7 Q It was towed, correct?

8 A Not on that day. No, ma'am.

9 Q When Mr. Redding was arrested, are you saying that
10 the vehicle wasn't towed?

11 A No, ma'am. I don't believe that was. Not
12 that day.

13 Q Where did the vehicle go?

14 A He was not -- I think he was in someone
15 else's vehicle that day, if I recall correctly.

16 Q Okay. Ma'am, now looking at -- we saw earlier the
17 pictures from the Parker's. And it appears in the
18 pictures that Mr. Redding is wearing a black t-shirt
19 with a Batman logo on the front, correct?

20 A Yes, ma'am.

21 Q Okay. And isn't it true that you never asked
22 Mr. Redding about the black Batman t-shirt?

23 A Yes.

24 Q You actually, when you went out to his home, and
25 correct me if I'm wrong, on the date that you picked

Testimony of Katie McCallister 534

1 up the vehicle -- what day did you pick up the vehicle
2 for the second or third search? You were out at his
3 house. What date was that? Was that 9/25? Oh, wait.
4 Actually, I have it here. 9/23, ma'am?

5 A Yes, ma'am.

6 Q On 9/23, isn't it true that you went out to [REDACTED]
7 Cohen Road?

8 A Yes, ma'am.

9 Q And the purpose of going out to [REDACTED] Cohen Road,
10 which is the home of Letha Shiggs, was to execute a
11 search warrant on that home? On the vehicle? I'm
12 sorry. On the vehicle?

13 A Yes, ma'am.

14 Q Okay. And while you were there, you end up
15 speaking with Miss Shiggs, correct?

16 A Yes, ma'am.

17 Q And Miss Shiggs is the owner of that home?

18 A She is.

19 Q And Miss Shiggs actually signed a voluntary
20 consent to search form?

21 A She did.

22 Q She gave you permission to go into her home?

23 A Yes, ma'am.

24 Q Mr. Redding was actually sitting right outside
25 on -- I believe there was two tires stacked up outside

Testimony of Katie McCallister

535

1 and he was sitting outside, correct?

2 A He was outside, yes, ma'am.

3 Q Did you ever inform Mr. Redding what you were
4 looking for?

5 A I don't think I directly did, no, ma'am.

6 Q Now, when you were inside the home, did you,
7 yourself, or anyone on your team ever search the
8 laundry basket that was in the living room?

9 A We searched the entire residence. Yes,
10 ma'am.

11 Q Did you have a body cam that day?

12 A I don't recall if I had it or not.

13 Q You don't. How many people showed up at the
14 residence?

15 A I believe, with the two crime scene agents,
16 there was maybe five of us.

17 Q Okay. Ma'am, up to this point in your
18 investigation, everything you asked Mr. Redding for he
19 provided to you, correct?

20 A Yes, ma'am.

21 Q What is the reason that you wouldn't have asked
22 him for a Batman t-shirt?

23 A I don't -- at that time that was information
24 that we were keeping close to us. We don't always
25 reveal everything we know at the time.

Testimony of Katie McCallister

536

1 Q Okay. But, ma'am, he provided everything to
2 you?

3 A He had. Yes, ma'am.

4 Q I mean, you never asked him for it, correct?

5 A No, ma'am.

6 Q Okay.

7 All right. Now, the name Popeye had
8 initially come up through Detective Litchfield,
9 correct?

10 A I don't remember exactly how we originally
11 got Popeye's name.

12 Q You were in the room with Mr. Redding
13 approximately one hour and 17 minutes into the
14 interview and did you hear Detective Litchfield say,
15 *You don't think Popeye would have any reason to do*
16 *with Cypress, do you (sic)?* Do you recall that?

17 A Yes, ma'am, vaguely.

18 Q Okay. And -- all right. So, ma'am, you've been
19 in the courtroom since the testimony began this
20 week?

21 A Yes, ma'am.

22 Q Okay. And you've been here listening to the
23 testimony?

24 A Yes, ma'am.

25 Q And I'm sure that you heard officers testify that

Testimony of Katie McCallister

537

1 nobody talked to anyone on scene that morning at the
2 Forest?

3 A That's correct.

4 Q Okay. And you also heard testimony that no one
5 searched the area around the Forest for a gun,
6 correct?

7 A I did.

8 Q You had a search warrant that would have allowed
9 you to search the area around the Forest for a gun?

10 A Yes, ma'am.

11 Q And the search of the Forest was strictly related
12 to the inside of Room 22, correct?

13 A Yes, ma'am, it was.

14 Q Okay. Isn't it true that we don't have a list of
15 names of people that were actually on scene that
16 morning because no one bothered to talk to anybody,
17 right?

18 A Yes, ma'am.

19 Q Okay. And it's true that someone may have heard
20 something or witnessed something, but we have no idea
21 because we don't know who checked out of the motel?

22 A Yes, ma'am.

23 Q Okay.

24 All right. And now, earlier, we've heard
25 testimony about a baby blue gun, correct?

Testimony of Katie McCallister

538

1 A Yes.

2 Q And you were desperate to find one specific gun,
3 isn't that true?

4 A No, ma'am, not initially.

5 Q Okay. One minute, ma'am.

6 Isn't it true that the firearm's report
7 doesn't tell you what color the gun was?

8 A That's correct. It doesn't.

9 Q Okay. But that didn't matter, did it? You were
10 looking for one particular gun?

11 A Not initially, no, ma'am.

12 Q Okay. So you interviewed a man by the name of
13 Keith Willis, correct?

14 A I don't remember Keith Willis, no, ma'am.

15 Q Keith Willis -- you want to check your report,
16 ma'am?

17 A Yes, ma'am, I will. No, ma'am. I don't have
18 an interview with Keith Willis.

19 Q I do have a transcript. I can tell you the date.
20 Maybe it's Williams. I'm sorry. Let me just look it
21 up. One second. I think it's Willis, though. One
22 moment. I believe that this is a man who was the
23 uncle of Mr. Redding, if that refreshes your
24 recollection. I believe it was an uncle or a cousin.

25 A No, ma'am. I don't remember a Keith Willis.

Testimony of Katie McCallister

539

1 Q Okay. So -- that's what I have his name as,
2 Keith Willis. But, ma'am -- well, regardless of the
3 man's name, do you remember telling a witness that you
4 interviewed that you were, *beating down doors because*
5 *we need that gun, the blue one?*

6 A That sounds like something I would say, yes,
7 ma'am.

8 Q And you actually asked the witness if he knew what
9 gun you are referring to but he did not?

10 A Yes, ma'am.

11 Q Okay. And isn't it true that you also told the
12 same witness that, *This is a crucial piece of evidence*
13 *and we need it. I am to the point of begging people.*
14 *I'm not going to lie?*

15 A Yes, ma'am.

16 Q Okay. And you also interviewed a man by the name
17 of Lorenzo Dash, correct?

18 A I don't recall a Mr. Dash.

19 Q I have a transcript of that as well, ma'am. And
20 do you recall telling somebody Mr. Dash, Lorenzo Dash,
21 ma'am, the transcript, *It's a small gun. It's a*
22 *9-millimeter, baby blue.* Do you recall telling a
23 witness it was small a gun, 9-millimeter, baby blue?

24 A I don't recall that specific comment to that
25 specific person, no, ma'am.

Testimony of Katie McCallister

540

1 Q I can have my team pull that up as well.

2 Ma'am, my point in asking you these questions
3 is that -- and the reason that I keep bringing up
4 transcripts is -- so are you aware that -- you heard
5 the firearms expert testify earlier?

6 A Yes, ma'am.

7 Q By looking at the projectile, the firearms expert
8 was unable to determine what type of SCCY gun -- what
9 type of SCCY gun it was, correct?

10 A Yes, ma'am. That's what I understand.

11 Q And are you also aware that there are many guns,
12 many manufacturers that manufacturer baby blue guns,
13 that it's not an odd color?

14 A Yes, ma'am.

15 Q One of those manufacturers is a Taurus G2. Are
16 you aware of that?

17 A I'm not familiar with that specific weapon,
18 no, ma'am.

19 Q You're not familiar with Taurus G2 coming in light
20 baby blue, teal color?

21 A I personally have never owned a Taurus. I've
22 never fired a Taurus. I'm not familiar with the
23 colors it would come in.

24 Q But you are familiar with there are many guns that
25 come in teal and baby blue?

Testimony of Katie McCallister

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1 A Yes.

2 Q And so, at this point, you have information that
3 the gun is an SCCY. You have no testimony or no
4 information from any witness that Mr. Redding
5 specifically carried an SCCY.

6 A That's correct.

7 Q Okay. And -- but yet you limit your investigation
8 to baby blue. In hindsight, that's an
9 over-generalization, correct?

10 A No, ma'am. I don't believe so.

11 Q Okay. Well, during the investigation, you also
12 speak with Paige Noonan, Cypress's sister?

13 A Yes, ma'am.

14 Q And when you talk with Paige Noonan you had to ask
15 her, at least two times -- actually, she had already
16 been interviewed by lieutenant -- not Lieutenant
17 Litchfield -- Detective Croft, so this was the third
18 time she had been in, you had to call her back to talk
19 to you about a gun, correct?

20 A Yes, ma'am.

21 Q And the first time you talked to Paige was on
22 September 8, a couple days after Cypress passed
23 away?

24 A Yes, ma'am.

25 Q When you called her back to talk about a gun that

Testimony of Katie McCallister 542

1 had been on scene at the Forest Motel that morning,
2 that was on 9/25, correct?

3 A That sounds right, yes, ma'am.

4 Q All right. And the reason that you called her in
5 is because she didn't mention anything about a gun at
6 the Forest Motel that morning, initially?

7 A Yes, ma'am.

8 Q All right. And during your investigation, you had
9 learned that there was a gun there on scene?

10 A Yes.

11 Q You also learned that the witness who saw that a
12 witness told you, one of the people you had talked to
13 told you that they saw a man pass a bag with a gun
14 over the fence at the Forest Motel?

15 A I believe they saw that the bag was passed,
16 but I don't know that they initially thought it
17 might be a gun.

18 Q Ma'am, the bag that passed over the fence from the
19 Forest Motel -- this is where Cypress died, correct?

20 A Yes.

21 Q And the bag was passed over the fence from the
22 Forest Motel where we just had a shooting to the
23 Siesta Motel next door?

24 A Yes, that was the information we learned.

25 Q All right. And these are adjacent properties,

Testimony of Katie McCallister

543

1 correct?

2 A I believe they are, yes, ma'am.

3 Q And are you familiar with where the fences are
4 that they're talking about?

5 A So the hotel is in an L shape, and on the --
6 I think it's the short part of the L, once the
7 building ends, a chain-link fence begins and runs
8 back to Jacob Smart Boulevard.

9 Q And this area had not been previously searched,
10 correct?

11 A No, ma'am.

12 Q All right. Now, you would agree that having a gun
13 on scene at the Forest Motel on September 6th, the
14 morning that Cypress Noonan died, would be critical
15 information to your investigation?

16 A Absolutely.

17 Q Okay. And the -- you wait until September 25th to
18 call Paige in for a second interview?

19 A Because we did not develop the information
20 about the gun while we were on scene initially.

21 Q Okay.

22 A It was sometime later that we developed that
23 information.

24 Q That was because nobody had talked to anybody on
25 scene, correct?

Testimony of Katie McCallister

544

- 1 A No, ma'am. We had talked to Paige shortly.
- 2 Q Okay.
- 3 A After the incident.
- 4 Q But she didn't mention anything at all about a
- 5 gun?
- 6 A No, ma'am.
- 7 Q Okay. So the reason that you contacted Paige
- 8 versus contacting another one of the people that you
- 9 talked to, is that you learned that Paige's
- 10 boyfriend's name is Popeye, correct?
- 11 A Popeye, yes.
- 12 Q And Popeye is the man who the witness told you
- 13 passed a bag over the fence from the Forest Motel to
- 14 the Siesta, correct?
- 15 A Yes.
- 16 Q So you call Paige because this is her boyfriend?
- 17 A Yes.
- 18 Q You never went directly to Popeye, did you?
- 19 A No, ma'am. He would not come in for an
- 20 interview.
- 21 Q You asked Paige to talk to him for you?
- 22 A I asked her to see if she could get him to
- 23 come and speak with me, yes.
- 24 Q And so Paige also confirms to you that she knows
- 25 that Popeye had a gun in a black bag?

Testimony of Katie McCallister

545

1 A She does.

2 Q And she knows that Popeye passed the bag over the
3 fence from the Forest to the Siesta?

4 A She did.

5 Q And she also knows that Popeye passed the bag over
6 the fence from the Forest to the Siesta to a man named
7 Matthew Hatchell, correct?

8 A Yes, ma'am.

9 Q So when you ask -- so now you testified earlier
10 this was a critical piece of information that you
11 have, correct?

12 A Yes.

13 Q Okay. Now, instead of contacting Popeye directly,
14 you testified that you asked Paige to see if he would
15 come in and talk with you?

16 A I did.

17 Q And he refused.

18 A He did.

19 Q Okay. Do we know the make and caliber of the gun
20 that was passed over the fence, ma'am?

21 A Yes. Miss Noonan told me it was a Taurus.

22 Q Ma'am, no.

23 Do you know the make and caliber of the gun
24 that was passed over the fence?

25 A I know that Miss Noonan told me it was a

Testimony of Katie McCallister

546

1 Taurus.

2 Q Ma'am, I'm not asking you what Miss Noonan told
3 you. I'm asking you what you investigated.

4 MS. SWANSON: Your Honor, I would object
5 to her objecting to her own question.

6 THE COURT: All right.

7 MS. CARMODY: It's unresponsive, Your
8 Honor.

9 THE COURT: No, I disagree. I think
10 she's responded to that question. I sustain the
11 objection.

12 BY MS. CARMODY:

13 Q Ma'am, you did not personally look at the gun,
14 correct?

15 A No, ma'am.

16 Q You didn't personally look at the bag, correct?

17 A No, ma'am.

18 Q Okay. And you also testified that you have not
19 talked to Popeye, he refused?

20 A Yes, ma'am.

21 Q Okay. And was the gun that was passed over the
22 fence the morning of Cypress's death collected at any
23 point in time?

24 A No, ma'am. It was not.

25 Q And has any gun been recovered in this case?

Testimony of Katie McCallister

547

1 A It has not.

2 Q And although SLED firearms does have a projectile
3 that they can compare, correct?

4 A Yes.

5 Q And your report indicates that you were going to
6 check with Ridgeland Police Department about a report
7 about Paige's gun, correct?

8 A Yes.

9 Q Nothing in the report indicates that it was ever
10 done.

11 A Okay.

12 Q Okay. And Popeye was living with Paige, ma'am?

13 A I believe they were living together, yes.

14 Q Okay. At the time, Paige also tells you that she
15 has other guns at her home as well?

16 A Yes.

17 Q Ma'am, these guns are all guns that Popeye had
18 access to, correct?

19 A I don't know if he had access to them or not.

20 Q Ma'am, he's living with her, correct?

21 A Yes.

22 Q You didn't go to Paige's house to collect any of
23 those guns that Popeye had access to, did you?

24 A No, ma'am.

25 Q And you didn't go to Paige's house to see if any

Testimony of Katie McCallister

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1 of her guns were missing?

2 A No, ma'am.

3 Q In fact, ma'am, do you recall telling Paige,
4 ma'am, *When you are not busy with the kids, send me a*
5 *picture of your guns?*

6 A Yes.

7 Q Ma'am, you never received those pictures, did
8 you?

9 A No, ma'am.

10 Q Ma'am, and the report indicates that this is the
11 same Popeye that refuses to talk to you and you did
12 actually nothing to follow up, correct?

13 A I did attempt to follow up. He refused to
14 come in. I can't make him. And so there's not
15 much there for me to follow up on as far as the
16 interview with Mr. Jones.

17 Q You never got a search warrant?

18 A No, ma'am.

19 Q You have the authority to get a search warrant,
20 correct?

21 A If there's probable cause, yes, ma'am.

22 Q Okay. Ma'am, in addition, I also want to talk
23 about a man named Hollywood, Antoine Drake.

24 A Okay.

25 Q So, ma'am, on September 6th, you testified that

Testimony of Katie McCallister 549

1 you had information about Antoine Drake possibly being
2 involved in Cypress's murder, correct?

3 A Yes, ma'am.

4 Q Ma'am, on September 25th, Desiree, which is
5 Cypress's sister, also tells you about Hollywood
6 potentially being involved in Cypress's murder,
7 correct?

8 A Yes, ma'am.

9 Q In fact, she mentions it two times during the
10 interview, correct?

11 A Yes, ma'am.

12 Q Ma'am, what day did you say Mr. Redding was
13 arrested?

14 A November the 10th.

15 Q Ma'am, isn't it true that you finally went to go
16 see Antoine Drake on November 13th?

17 A November 13th was the day that we were able
18 to make contact with him for the first time.

19 Q Okay. So he was not in the area?

20 A I don't know where he was.

21 Q Okay. And November 13th, we're talking about two
22 and a half months after Cypress died?

23 A Yes.

24 Q Two and a half months after you received the
25 information he was potentially involved in a murder?

Testimony of Katie McCallister

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1 A Yes, ma'am.

2 Q And this was after Mr. Redding was arrested?

3 A It was.

4 Q Okay. And, ma'am, when you met with him, that
5 conversation was not recorded?

6 A It was not, no, ma'am.

7 Q Ma'am, you never asked where he was that morning,
8 did you?

9 A I believe that I did, yes, ma'am.

10 Q Can you refer to your report?

11 A Yes, ma'am. I have it right here.

12 Q Did you ask him where he was that morning?

13 A It's not written in this memorandum of
14 interview, no, ma'am.

15 Q Okay. And you never asked him if he owns a gun?

16 A No, ma'am. I don't think I did.

17 Q And you never asked him for DNA, or anything like
18 that?

19 A No, ma'am.

20 Q Okay. So again, ma'am, this is a person of
21 interest named by both Brian and Cypress's sister and
22 there was no follow-up, correct?

23 A There was an interview with him, yes, ma'am,
24 which is considered a follow-up.

25 Q Ma'am, you testified that you didn't ask the man

Testimony of Katie McCallister

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1 where he had been that morning.

2 A I don't recall.

3 Q All right. This information came from Cypress's
4 sister Desiree, correct?

5 A Yes.

6 Q Okay. So, ma'am, how many witnesses did you
7 interview?

8 A I believe it was about 15.

9 Q Okay. And, as I told you earlier, I was talking
10 about the transcript, so the defense actually in
11 preparation for trial prepared a transcript of all
12 those interviews.

13 And would it surprise you to know that
14 Hollywood's name came up over a hundred times in a
15 search?

16 A No, ma'am.

17 Q And, ma'am, through your talking with all of these
18 witnesses, Mr. Redding is the only person who actually
19 sat down with you for hours, correct?

20 A I don't remember the exact total amount of
21 time.

22 Q Okay. But this is the same man who called 911?

23 A It is.

24 Q And waited on scene for officers?

25 A I was not there when they arrived.

Testimony of Katie McCallister

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- 1 Q He was on scene when you got there?
- 2 A When I got there, yes, ma'am.
- 3 Q Okay. He also gave a written statement?
- 4 A He did.
- 5 Q Do you have his DNA?
- 6 A We do.
- 7 Q Gunshot residue?
- 8 A Yes, ma'am.
- 9 Q Both of this cell phones?
- 10 A Yes, ma'am.
- 11 Q Passwords?
- 12 A I believe so.
- 13 Q Facebook accounts?
- 14 A Yes.
- 15 Q His whereabouts that morning?

16 MS. SWANSON: Objection; asked and
17 answered several times.

18 THE COURT: So far you --

19 MS. CARMODY: That's fine.

20 THE COURT: Whoa, whoa, whoa, whoa.
21 Miss Carmody -- counsel approach.

22 MS. CARMODY: Yes, sir.

23 THE COURT: Miss Carmody, do not -- when
24 I'm talking, don't talk.

25 MS. CARMODY: I'm sorry, Your Honor.

Testimony of Katie McCallister

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1 THE COURT: Okay. I would like to think
2 that I pride myself on letting people talk and
3 protect their record.

4 MS. CARMODY: Okay.

5 THE COURT: That's all I'm going to say,
6 but, please, do not --

7 MS. CARMODY: I understand.

8 THE COURT: Let me finish right now.
9 Please do not interrupt me in front of the jury.
10 This is the second time today. Just don't do
11 that, okay?

12 MS. CARMODY: Okay.

13 THE COURT: Thank you.

14 MS. CARMODY: Beg the Court's
15 indulgence.

16 THE COURT: No problem. Take your time.
17 Yes, ma'am.

18 BY MS. CARMODY:

19 Q Ma'am, I want to follow-up on what I asked you
20 earlier. The conversation with Mr. Lorenzo Dash at
21 approximately one minute and 48 seconds in the
22 conversation, did you indicate to Mr. Dash it's a
23 small gun, it's a 9-millimeter?

24 A That sounds about right, yes, ma'am.

25 Q And did you hear Miss Beasley, who was working

Testimony of Katie McCallister 554
1 with you, inform the Mr. Dash that the gun had been --

2 MS. SWANSON: Objection.

3 THE COURT: Hold on.

4 MS. SWANSON: Hearsay.

5 THE COURT: I'm going to sustain that.

6 BY MS. CARMODY:

7 Q Ma'am, regarding the consent for the cell phones,
8 do you recall telling Mr. Redding, *Well, here is the*
9 *thing. If you allow me and give me consent, I can*
10 *look at them and go through them and get them right*
11 *back to you?*

12 A Yes, ma'am.

13 Q And you asked him if he was okay with that?

14 A Yes, ma'am.

15 Q Okay. He did sign the voluntarily consent,
16 ma'am?

17 A He did.

18 Q All right.

19 MS. CARMODY: I do not believe I have
20 further questions, Your Honor. Just, I beg the
21 Court's indulgence.

22 THE COURT: Take your time. Yes, ma'am.

23 MS. CARMODY: We're good, Your Honor.
24 Thank you. Thank you, ma'am.

25 THE COURT: Solicitor, do you have any

Testimony of Katie McCallister

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1 redirect?

2 MS. SWANSON: Just a few questions, Your
3 Honor.

4 THE COURT: Yes, ma'am.

5 REDIRECT EXAMINATION

6 BY MS. SWANSON:

7 Q Agent McCallister, the defense asked you why you
8 focused on a specific gun and when. Why is that?

9 A So during the investigation, I communicate
10 regularly with the lab. And when they indicated
11 that the weapon was most likely the SCCY, or
12 S-C-C-Y, that is what we focused on at that
13 point.

14 Q Okay. And prior to you knowing that you were
15 looking for a blue gun of some type?

16 A A blue gun, yes.

17 Q Okay. And, again, it's your understanding that
18 the Taurus G2 is not the murder weapon?

19 A That's my understanding, yes.

20 Q Okay. Regarding your entire investigation, all of
21 your interviews, the review of the forensic evidence
22 as the case agent, did any of that evidence lead you
23 to believe that Hollywood or Popeye committed the
24 murder of Cypress Noonan?

25 A No, ma'am.

Testimony of Katie McCallister

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MS. SWANSON: Thank you.

THE COURT: Miss Carmody, do you have
anything else, ma'am?

MS. CARMODY: No, Your Honor.

THE COURT: All right. Thank you.

All right. Ma'am, thank you so much. You
can step down.

THE COURT: Solicitor are you ready to
call your next witness?

MS. SWANSON: The State calls Dr. Ellen
Riemer.

THE COURT: All right.

THE CLERK: Raise your right hand. Place
your left on the Bible. The testimony your about to
give will be the truth so help you God?

THE WITNESS: Yes.

THE CLERK: Come around. Have a seat in
the witness box. Adjust this.

Testimony of Ellen Riemer, M.D.

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1 WHEREUPON:

2 ELLEN RIEMER, M.D.,

3 after having been sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. SWANSON:

6 Q Dr. Rimer, can you please spell and say your name
7 for the court reporter?

8 A Yes. It's Dr. Ellen Riemer, R-i-e-m-e-r.

9 Q And, Dr. Riemer, where do you work?

10 A I'm employed at the Medical University of
11 South Carolina where I'm a forensic pathologist. *

12 Q And what does a forensic pathologist do?

13 A A forensic pathologist is a physician that
14 specialized in determining the cause and manner of
15 death by performing autopsy examinations on
16 deceased individuals.

17 Q All right. Can you briefly describe your
18 educational background in the field of forensic
19 pathology?

20 A Yes. So after completing my medical
21 education and receiving an M.D. degree, I did my
22 residency in pathology at Columbia Presbyterian
23 Medical Center, which is part of New York Hospital
24 and Columbia University in the city of New York.
25 Following that, I did a fellowship in forensic

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1 pathology at the office of the chief medical
2 examiner of the State of Maryland, which is a
3 statewide medical examiner in Maryland. After
4 that, I did an additional subspecialty fellowship
5 training at John's Hopkins Hospital in
6 cardiovascular and pulmonary pathology. And I'm
7 board certified in anatomic pathology and forensic
8 pathology.

9 Q Okay. And approximately how many autopsies have
10 you performed?

11 A I'm not really keeping complete track, but
12 over five thousand.

13 Q Okay. And how many times have you testified as an
14 expert in forensic pathology in court,
15 approximately?

16 A Approximately, 200 times.

17 Q Okay. Thank you.

18 MS. SWANSON: At this time, the State
19 would request that Dr. Riemer be declared as an
20 expert in forensic pathology.

21 MS. CARMODY: No objection.

22 THE COURT: All right. No objection.
23 Ladies and gentlemen, remember expert witnesses,
24 unlike lay witnesses can give opinion testimony.
25 Thank you.

Testimony of Ellen Riemer, M.D.
MS. SWANSON: Thank you.

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BY MS. SWANSON:

Q At some point, did you have the opportunity to perform an autopsy on Cypress Noonan?

A Yes.

Q Okay. And when did you perform that autopsy?

A I'm going to pull out my file to refresh my recollection. I did perform the autopsy on September 9th, 2020.

Q Okay.

All right. And can you explain the findings from your autopsy on Cypress Noonan?

A Yes. She was a healthy girl, 16 years of age, consistent with 16 years of age, with a contact gunshot wound to the head with the entrance wound on the middle of the forehead, slightly to the left of the end line but close to the center, and the bullet went through the forehead, the skull, and the brain then exited the back of the head and the projectile bullet was recovered in her hair.

Q Okay. And when you say contact shot, or contact wound, do you mean that the barrel of the gun had contact with the forehead?

A Yes --

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1 MS. SWANSON: I'm sorry. Hold on one
2 second, Doctor. Did you have an objection?

3 MS. CARMODY: Leading.

4 THE COURT: Overruled. Go ahead.

5 THE WITNESS: Yes, well, one of the
6 gunshot wounds has different characteristics which
7 every forensic pathologist knows how to evaluate.

8 And, in this case, the entrance wound on the
9 forehead showed some soot around it on the skin. So,
10 it just gives us a range of fire.

11 Sometimes there's no soot there and then
12 I can't say anything about the range because it
13 could be a couple of feet back, or a mile back. I
14 can't tell.

15 But when I do see soot, that's basically
16 the gun powder that's coming out of the barrel of
17 the gun along with the bullet because the bullet
18 needs -- there's gun power in the barrel of the
19 gun and it goes off and there's a lot of, you
20 know, it's heat and fire and the gun powder comes
21 out of the barrel of the gun with the bullet, but
22 gun powder doesn't travel very far. The bullet
23 could potentially travel a very long distance
24 until it strikes something. But soot really only
25 travels a couple of, you know, inches or so.

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1 So we can see soot -- when I see soot, I know
2 it's very, very close.

3 Q Okay. And how would you describe the entrance
4 wound?

5 A Well, it was basically a typical appearing
6 entrance wound on the skull. It had a stellate
7 appearance. So it's tears. It's not a
8 completely, like, a smooth round entrance.
9 There's, kind of, tears on the skin, and that's
10 because, when in contrast to, like, over the
11 abdomen which is soft, the skull is a hard
12 surface. So when a bullet goes through the
13 skull -- when it goes through the scalp, there's a
14 lot of gas build up from the energy from the
15 bullet and gasses between the scalp and the skull
16 and it causes that characteristic stellate tearing
17 pattern.

18 It's not required, but it's not common to see
19 it. But it's an entrance gunshot wound.

20 Q Okay. Did you recover a projectile from the
21 autopsy?

22 A Yes.

23 Q Okay. And where was that projectile recovered
24 from?

25 A It was in the -- in the hair at the back of

Testimony of Ellen Riemer, M.D.

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1 her head. And it was on the right side of the
2 back of the head, not far from the midline. Let
3 me see where exactly. Yeah, it was actually to
4 the left of midline. So the bullet was in the
5 hair just beyond the exit wounds. So the
6 projectile exited the back of the head and the
7 scalp but it didn't make it past her hair.

8 So a lot of times going through bone slows
9 down a bullet a lot. That, kind of, slows it down.
10 So by the time it got -- had the bullet -- the
11 projectile had enough energy to go through the front
12 skull, the brain, and then the back skull, and then
13 enter through the scalp, and then it's caught up in
14 the hair. That's where it stopped.

15 Q And if her head had been leaned back on the
16 surface, would that have also stopped the projectile,
17 in your opinion?

18 A Unlikely. If it's a very hard surface,
19 potentially it could have stopped it. If it's
20 very hard, it's something soft. A lot of times,
21 the bullet will just continue.

22 Q Okay. But if it was a hard surface, it could
23 cause it to become lodged in her hair?

24 A Yes.

25 Q Okay. As a pathologist, are you ever able to

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1 pinpoint a time of death.

2 A Well, the determination of the time of death
3 is not something that I can do a couple days
4 later. By the time I get the autopsy -- get a
5 body for autopsy, it's frequently a couple of days
6 after the person was found. And, at that time,
7 there's a lot of environmental exposures. The
8 body can be put in a refrigerator. You know, it
9 could have been cold or hot which can accelerate
10 or slow down the rate of decomposition.

11 And the best time, really, to evaluate
12 the -- it's very -- sometimes people want me to
13 tell them exactly when the person died, and it's
14 pretty much not possible for me to do it. I mean,
15 they could say, well, we think it happened, like,
16 you know, two weeks ago, I can say, well, I think
17 it's more recent than that, but I can only say
18 it's consistent within a general range.

19 Q Okay. Because, in South Carolina, do we have
20 medical examiners who go to the scene?

21 A There are actually coroners. It's a
22 coroner's system. So the reason this autopsy came
23 to me at the Medical University of South Carolina
24 is because it was the Jasper County Coroner's
25 Office had jurisdiction over this death. And

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1 since it is sudden unexpected death, they
2 determined that an autopsy needed to be performed
3 and then they sent it to the -- we have a staff of
4 forensic pathologists at MUSC.

5 But the scene investigation, I'm not
6 involved in the scene investigation. I do not go
7 to the scene. I basically rely on information
8 that's given to me from the scene investigation.

9 Q Okay. There is not a medical expert on scene?

10 A Yes, correct.

11 Q Right, okay.

12 Let's see. Do you rely on information
13 provided by the investigation to factor into your
14 findings?

15 A Well, the autopsy findings, you know, I find
16 what I find. It is what it is.

17 But, you know, I do get historical
18 information and investigated information which can
19 have an influence on my determination of the manner of
20 death.

21 Q Okay. And so in this particular case, the cause
22 of death was what?

23 A Was a contact gunshot wound to the head.

24 Q All right. And the manner of death was?

25 A The manner of death, I determined to be

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1 homicide, which is based on the information that
2 the investigators provided.

3 Q And why did you rule it homicide rather than
4 suicide?

5 A Well, I was told that somebody else shot her,
6 so there was nothing in my findings at the autopsy
7 that couldn't be -- that indicated that she could
8 not have been shot by somebody else.

9 You know, it's frequent when we have suicide
10 gunshot wounds, we frequently see soot on the skin
11 because when people shoot themselves, there's contact
12 range. It's frequently contact range. People aren't
13 holding the gun, like, way far away from them. It's
14 possible. But most of the time with suicides, we have
15 contact range. But somebody else can also shoot
16 somebody at contact range.

17 So in this case, the autopsy alone just shows
18 that there's contact range fire.

19 But the determination of homicide, I rely on
20 the investigation that I was told that somebody else
21 shot her. I would not have been able to make that
22 conclusion myself.

23 Q So you receive a coroner's report with that
24 information in it as well?

25 A Yes.

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1 Q Thank you, Dr. Riemer. Please answer any
2 questions that the defense may have for you?

3 THE COURT: Miss Carmody, do you have any
4 questions?

5 MS. CARMODY: Yes, Your Honor.

6 THE COURT: All right.

7 CROSS-EXAMINATION

8 BY MS. CARMODY:

9 Q Good afternoon, Dr. Riemer.

10 A Hi.

11 Q Dr. Riemer, you did prepare an autopsy final
12 report, correct?

13 A Yes.

14 Q And you did list the time of death, correct?

15 A The time of death is provided to me by the
16 coroner. So the time of death is elicited -- just
17 like her date of birth is provided. You know, I'm
18 not there asking for her birth certificate. So
19 the time of death is a determination made by the
20 coroner and that's provided to me and it ends up
21 on the report.

22 Q Ma'am, you sign your report, right?

23 A Yes, that's the information. That's -- you
24 know, the date and time of death is provided by
25 the coroner.

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1 Q Ma'am, and what is the time of death in your
2 report?

3 A The time of death that was provided to me
4 that I listed was nine o'clock a.m.

5 Q On what day?

6 A On September 6, 2020.

7 Q Okay. So in doing your autopsy, though, and
8 conducting a final autopsy report -- I mean, an
9 autopsy is like a certification, right? Aren't you
10 certifying --

11 A A death certification.

12 Q The coroner certifies death. I'm sorry.

13 But this is your final report, correct?

14 A That's correct.

15 Q There is no other changes that need to be made to
16 it, it's final?

17 A That's correct.

18 Q And you put 9:00 a.m., correct?

19 A Yes, that's what they told me it was. I'm
20 not verifying it, but I'm providing it. The
21 information at the top is the date of injury and
22 the time and the place of injury is information
23 that's historical and provided to me by the
24 investigator.

25 Q All right.

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1 A The diagnosis and autopsy -- the findings
2 from the autopsy are my own.

3 Q Okay. And, ma'am, did you also receive a
4 toxicology report for Miss Noonan?

5 A Yes. So every person that has an autopsy
6 also has a complete toxicology report performed,
7 and that's done on blood that I take at autopsy.

8 So, the toxicology -- the toxicologist sends
9 that blood off. I get a report from the toxicology
10 lab and I include those results in my report. But
11 that's supposed to -- I'm relying on toxicology
12 results that were determined by somebody else. I'm
13 not actually testing the blood myself. So that's
14 another piece of information that goes into my report
15 that's provided by somebody else.

16 Q Ma'am, there was no cocaine in her system,
17 correct?

18 A There was not.

19 Q Okay. Just marijuana?

20 A Yes. There was marijuana and cotinine, which
21 is metabolite of nicotine.

22 Q A smoker?

23 A Yeah, that would be from smoking.

24 Q So, ma'am, you know, in doing your autopsy, you
25 also -- isn't it true that you have to mark any

Testimony of Ellen Riemer, M.D.

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1 abnormalities or injury that you see?

2 A Yes, I have evidence of an injury section.

3 Q Okay. And there is no evidence of other injury
4 but for the gunshot wound to the forehead, correct?

5 A That's correct.

6 Q Okay. If there was, you would have marked it on
7 the report, right?

8 A Yes.

9 Q No other signs of trauma at all?

10 A That's correct.

11 MS. CARMODY: I beg the court's
12 indulgence, Your Honor.

13 THE COURT: Yes, ma'am.

14 BY MS. CARMODY:

15 Q Ma'am, so you testified that there was no medical
16 examiner on scene, correct?

17 A We don't -- there is -- as far as I know,
18 there's no -- this is not a medical examiner's
19 state. So a medical examiner is actually, kind
20 of, a political term. In this state, in South
21 Carolina, we have coroners. So coroners are the
22 entity responsible for the investigation that's
23 not a medical examiner, per se. Although, in
24 other jurisdictions, a medical examiner can have
25 similar responsibilities that the coroner has

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1 here.

2 Q Okay. So, is it fair to say the time of death
3 came from the coroner?

4 A That's -- yeah, the time of death came from
5 the coroner.

6 Q And that would be an investigation, correct?

7 A Yes.

8 Q Okay.

9 A Based on whatever they used to determine
10 that.

11 Q Okay. And, ma'am -- so earlier you testified that
12 you did not rule out suicide because of the
13 information that you had received, correct? Is that
14 correct?

15 A I don't -- can you repeat that? That's kind
16 of a -- there's lot of negatives in there. I need
17 to make sure I answer the question.

18 Q Oh, I'm sorry.

19 Ma'am, so you had indicated that you ruled
20 out suicide because you were informed that she had
21 been shot by someone else.

22 A Correct.

23 Q Ma'am, what if you weren't informed that she was
24 shot by someone else?

25 A Then I -- it could have very well been

Testimony of Ellen Riemer, M.D.

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1 suicide.

2 Q Thank you, ma'am.

3 MS. CARMODY: No further questions, Your
4 Honor.

5 THE COURT: Anything else, Solicitor?

6 MS. SWANSON: Just briefly.

7 THE COURT: Yes, ma'am.

8 REDIRECT EXAMINATION

9 BY MS. SWANSON:

10 Q All right. I think this is clear, but the time of
11 death was relayed by Jasper County Coroner's Office,
12 not SLED.

13 A That's correct.

14 Q Okay. And is the coroner an elected official here
15 in South Carolina?

16 A Yes.

17 Q All right. And there's no qualification that they
18 be a medical professional?

19 A That's correct.

20 Q All right. And so even if you were on scene as a
21 medical professional and you had no other information
22 about when the person was last seen alive, would you
23 be able to pinpoint a time of death between a matter
24 of hours?

25 A Well, if it just happened -- if it just

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1 happened, like within a half an hour, then the
2 body would be warm. But short of that, it's very
3 difficult to say.

4 Q Okay. Because it depends on so many variables?

5 A Yes.

6 Q Like how warm the room is, how cold it is?

7 MS. CARMODY: Objection; leading.

8 THE COURT: Overruled.

9 THE WITNESS: Yes. So environmental
10 factors, clothing. You know, the body habitus of
11 somebody. So people who are very heavy, like,
12 have a lot of adipose tissue, they're kind of --
13 if you'll think of it like, if you're rounder,
14 you're going to cool off slower. If you're really
15 thin, you have a lot of surface area. Because,
16 basically, heat rises from the surface of the
17 body. So, you know, like, if you're compact and
18 round -- but even at the same weight you'll cool
19 off faster. So there's so many different
20 variables that could contribute to -- I think
21 that's also a very inexact science.

22 So, you know, it's kind of -- it's always
23 an estimate.

24 Q And would you also expect if someone -- if a
25 deceased person were lying in a bed with blankets on

Testimony of Ellen Riemer, M.D.

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1 them that they might cool off more slowly than
2 somebody who was not?

3 A Yes.

4 Q Okay. And regarding the toxicology, Cypress only
5 had tobacco and marijuana in her system?

6 A Yes.

7 Q Not cocaine?

8 A Correct.

9 Q Any crack?

10 A Yeah, crack is -- the toxicology report
11 doesn't distinguish between, you know, crack
12 cocaine, or powder cocaine. You know, they're
13 looking for the chemical structures. Those would
14 come out the same as cocaine. And then there's
15 metabolites of cocaine that last awhile in your
16 system, and she doesn't have any metabolites of
17 cocaine either.

18 Just like we don't have nicotine, but we have
19 a metabolite of nicotine. So the nicotine wasn't in
20 her system. Like, she wasn't smoking a cigarette,
21 like, right then. But there is nicotine, so that
22 indicates that, at some point, she had been smoking.

23 And then she also, in addition to having the
24 parent compound of marijuana, which is Delta-9 THC,
25 she has two metabolites of marijuana, so that

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1 indicates that the marijuana is already starting to
2 break down.

3 Q Okay, thank you very much.

4 THE COURT: Anything else?

5 MS. CARMODY: No, Your Honor.

6 THE COURT: Thank you so much, ma'am.
7 Appreciate you coming down.

8 MS. SWANSON: And I would ask that Dr.
9 Riemer be excused from her subpoena.

10 THE COURT: Any objection to that?

11 MS. CARMODY: No objection.

12 THE COURT: All right. Thank you,
13 Doctor. Have a safe trip back.

14 Solicitor, call your next witness.

15 MS. SWANSON: The State calls Megan
16 Fletcher.

17 THE COURT: All right.

18 THE CLERK: Raise your right hand and
19 place your left on the Bible. The testimony
20 you're about to give the court shall be the truth
21 so help you God.

22 THE WITNESS: It is.

23 THE CLERK: Come around and have a seat.
24 If you'll pull down your mask while you're
25 testifying and speak into the mic.

Testimony of Megan Fletcher
THE WITNESS: Yes, ma'am.

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WHEREUPON:

MEGAN FLETCHER,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Hi, Megan. How are you?

A I'm fine. How are you?

Q Good. Can you please state your name and spell it
for the court reporter?

A My name is Megan, M-e-g-a-n, Fletcher,
F-l-e-t-c-h-e-r.

Q Okay. Agent Fletcher, where do you work?

A I'm employed by the South Carolina Law
Enforcement Division in the forensic services
building in the trace evidence department.

Q All right. And how long have you worked there?

A About 15 years.

Q Okay. Can you please briefly describe your
education and training in that field?

A I have my bachelor's degree in biochemistry
and English from Chatum College. I also have my
master's degree from Marshall University
emphasizing in computer forensics and forensic --
or chemistry. Once I obtained my job at SLED in

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1 2007, I underwent training in each of the
2 disciplines in which I am competent to perform
3 analysis. Those would include gunshot primer
4 residue, fire debris, paint, fibers, glass,
5 explosives, tape, general chemical physical
6 unknowns amongst some others.

7 Q Okay. And how many times have you been -- have
8 you testified as an expert in trace analysis in
9 general sessions court?

10 A Over 50 times.

11 Q Okay, thank you.

12 MS. SWANSON: At this time, the State
13 would move to introduce Agent Fletcher as an
14 expert in trace evidence.

15 THE COURT: Any objection?

16 MS. CARMODY: No objection.

17 THE COURT: All right. So we're going to
18 find that she is an expert in trace analysis.
19 Ladies and gentlemen, she can give opinion
20 testimony. Thank you.

21 MS. SWANSON: Okay, thank you.

22 BY MS. SWANSON:

23 Q Can you please tell the jury what GSR is and how
24 you go about testing for it?

25 A So gunshot residue or GSR is everything that

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1 comes out of a gun when it's fired. That includes
2 the smoke, the soot, pieces and fragment of the
3 bullet. It also includes something called gunshot
4 primer residue, which is actually what we analyze
5 at SLED. And the gunshot primer residue are the
6 components from the primer component of a
7 cartridge. And particles that are characteristic
8 of gunshot primer residue are microscopic molten
9 particles that contain the elements bearing
10 antimony.

11 These particles are analyzed using a scanning
12 electron microscope with an energy dispersive x-ray
13 detector. This is a very powerful microscope that
14 uses electrons instead of light and allows us to see
15 very small particles. The particle size that we're
16 looking at is anywhere between a half a micron to
17 maybe 20 microns or 30 microns. To give you some
18 perspective there, a typical human hair might be 100
19 microns. So very, very small particles and that's why
20 we need the electron beam instead of light.

21 It also has the energy dispersive x-ray
22 detector that allows us to determine what elements are
23 present. So once we look at a particle, a very small
24 particle, and determine that it's molten, we look to
25 see if it contains the elements lead, barium, and

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1 antimony. And if it does, then we classify it as a
2 particle characteristic of gunshot primer residue.

3 Q Okay. And so did you analyze a number of items in
4 the case against Brian Redding?

5 A There were a number of items analyzed in this
6 case, yes.

7 Q Okay. And throughout that processing and analysis
8 of these items, are they handled or prepared by
9 various people in SLED?

10 A Yes, they are.

11 Q Okay. And explain to the jury what a certified
12 chain of custody is?

13 A So a certified chain of custody is a -- is a
14 document that is kept in the regular course of
15 business, and it is maintained by keeping or
16 documenting the location in which evidence travels
17 within the laboratory. So if evidence is in the
18 possession of an analyst, then a bar code is
19 scanned of that analyst and then it goes into our
20 system as being in the possession of that analyst.

21 If that item of evidence is in a specific
22 location, then a bar code is scanned for that location
23 and then the item shows that it's in that location in
24 our system.

25 Q Okay. So, essentially, each move a piece of

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1 evidence makes is accounted for?

2 A Yes, ma'am.

3 Q And was that done with all the pieces of evidence
4 that you analyzed in the case against Brian Redding?

5 A Yes, ma'am, it was.

6 (STATE EXH. 23, Gunshot residue kit, was
7 marked for identification.)

8 BY MS. SWANSON:

9 Q I am going to hand you what has been marked as
10 State's Exhibit 23 and ask if this is a piece of
11 evidence that you analyzed.

12 A I do. I recognize this piece of evidence
13 based on the laboratory bar code of L2014672, item
14 number 11 and the initials of the technician and
15 the analyst who did analyze this.

16 Q Okay. Do you have your report in front of you?

17 A I have it in my bag.

18 Q Okay. If you want to -- if it would help, you're
19 welcome to pull it out and refer to the SLED number
20 item numbers, if that's easier.

21 A Okay.

22 Q So this was a piece of evidence that you
23 analyzed?

24 A That was analyzed.

25 Q That was analyzed and you formed an opinion on

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1 it?

2 A Yes, ma'am.

3 Q Okay. All right, thank you. And what is this
4 item?

5 A It is a gunshot residue kit from Cypress Lee
6 Noonan.

7 MS. SWANSON: State would enter 23 into
8 evidence at this time.

9 THE COURT: Any objection to State's 23?

10 MS. CARMODY: No objection, Your Honor.

11 THE COURT: All right. Admitted without
12 objection.

13 (STATE EXH. 23, Gunshot residue kit, was
14 entered into evidence.)

15 BY MS. SWANSON:

16 Q Okay. What were your findings pertaining to the
17 GSR kit from Cypress Noonan?

18 A Am I able to refer to my notes?

19 THE COURT: Yes, ma'am.

20 BY MS. SWANSON:

21 Q Yes.

22 A For Item Number 11-1 GSR kit from Cypress Lee
23 Noonan, particles characteristic of gunshot primer
24 residue were found. In general: "Particles
25 characteristic of gunshot primer residue are

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1 microscopic molten particles that contain the
2 elements lead, barium, and antimony. Gunshot
3 primer residue can come from being in the vicinity
4 to the discharge of a firearm to include
5 sustaining a gunshot wound, discharging a firearm,
6 or coming into contact with a surface that has
7 gunshot primer residue on it. It should be noted
8 that the presence or absence of gunshot primer
9 residue on the victim of a gunshot wound cannot
10 determine whether the shooting was the result of a
11 homicide, slash, assault, accident, suicide, or
12 self-defense."

13 Q Okay. Let me ask you this: If someone sustains a
14 contact gunshot wound to the head, would you
15 anticipate there to be a lot or a little GSR?

16 A I don't know that I would quantify the amount
17 of gunshot primer residue, but I would definitely
18 expect gunshot primer residue to be on that
19 individual.

20 Q Okay. Would your opinion change as far as amount
21 depending on how far away the firearm was from the
22 person that's sustained the gunshot?

23 A So gunshot primer residue actually travels
24 along with the bullet in the helical back of the
25 bullet up outwards of about 60 feet. So the

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1 further out it gets, the less that you could
2 expect on it because as the bullet travels along
3 the path then gunshot primer residue particles are
4 actually falling off of it. However, it does take
5 quite a great distance before you could actually
6 see that difference.

7 Q Okay.

8 (STATE EXH. 18, GSR kit; Brian Redding, was
9 marked for identification.)

10 BY MS. SWANSON:

11 Q Let me hand you what has been marked as State's
12 exhibit 18 and ask if this was an item that was
13 analyzed for gunshot residue.

14 A I do recognize this based on the SLED
15 laboratory bar code L20-14672 item number 12 and
16 the technician and the analyst's initials that are
17 placed on this bag.

18 Q And what is that?

19 A If I may refer to my notes.

20 Q Yes, please.

21 A Item number 12 was a GSR kit from
22 Brian J. Redding.

23 Q All right. And you formed an opinion on the
24 results of the analysis for this item?

25 A Yes, ma'am. I do.

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1 MS. SWANSON: State would move 18 into
2 evidence.

3 THE COURT: Any objection?

4 MS. CARMODY: Without objection.

5 THE COURT: Admitted without objection.
6 Thank you.

7 (STATE EXH. 18, GSR kit; Brian Redding, was
8 entered into evidence.)

9 BY MS. SWANSON:

10 Q And what were the results in reference to item 12,
11 which is State's 18?

12 A Item number 12 one GSR kit from Brian J.
13 Redding. "No particles characteristic of gunshot
14 primer residue detected. The absence of primer
15 residue on the hands is consistent with but not
16 limited to the following scenarios: The
17 individual not having discharged the firearm; four
18 to six hours passing between firings and sampling;
19 normal physical activity between firing and
20 sampling; the individual washing the hands, wiping
21 the hands, or sweating profusely, the individual
22 wearing gloves during the discharge of a firearm;
23 excessive blood on or debris on the hands;
24 environmental factors including wind and rain; the
25 ammunition discharge not producing particles

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1 characteristic of the conventional gunshot primer
2 residue as some lead-free non-toxic, or some
3 22-caliber rimfire ammunition does not; or the
4 firearm not producing primer residue on the hands
5 when discharged.

6 Q Okay. So when does someone start shedding gunshot
7 residue from their hands?

8 A So as soon as somebody discharges a firearm,
9 the GSR is going to deposit on their hands. But
10 as soon as they drop that weapon or place the
11 weapon on another surface they start to lose
12 particles of gunshot residue, and that's because
13 the gunshot primer residue particles are extremely
14 transferable. So if you put your hands in your
15 pockets, you might transfer from your hands to
16 your pockets. If you touch a doorknob, you may
17 transfer it to the doorknob. And it's very easily
18 removed by simply washing your hands.

19 Q Okay. And what is the purpose of the four- to
20 six-hour limitation on when you will analyze them?

21 A Numerous published studies as well in-house
22 studies have shown that merely all of the gunshot
23 residue has dissipated off of the hands of a
24 shooter even with limited and controlled activity
25 within four to six hours after a shooting. So it

Testimony of Megan Fletcher

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1 can't be traced back to that initial incident
2 beyond that six-hour time frame.

3 Q You stated that gunshot residue can easily be
4 transferred. Could it transfer from the victim of a
5 shooting to someone who touches that person?

6 A Yes, ma'am, it can.

7 Q Okay.

8 (STATE EXH. 25, Red shirt; Redding, was
9 entered into evidence.)

10 BY MS. SWANSON:

11 Q I'm going to hand you State's 24 and 25 --
12 actually. I'm going to hand you 25 and ask if this is
13 a piece of evidence that went to SLED and was prepared
14 for analysis?

15 A State's Exhibit Number 25, does have the lab
16 number L20-14672, item number 14, and the
17 technician from the trace evidence department does
18 have a notation on here that it was not analyzed
19 or inventoried by our department.

20 Q And what is that? What is that item?

21 A It is described on the outside of the bag as
22 one red in color shirt, Addias, the Go-To tee,
23 size L from Brian Redding, 9/6/20, 3:07 p.m., DJ.

24 Q Okay. And this shirt ended up at SLED as its last
25 stop, essentially.

Testimony of Megan Fletcher

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1 A I just know that it ended up at SLED.

2 Q Okay. And then came back in a sealed package from
3 SLED. Would that indicate that it ended up at SLED as
4 the last stop?

5 A It just was never opened after it went to
6 SLED, is all I can say.

7 Q Okay, I got you.

8 MS. SWANSON: I would move State's 25
9 into evidence at this time.

10 THE COURT: Any objection?

11 MS. CARMODY: No objection.

12 THE COURT: All right. Admitted without
13 objection, State's 25. Thank you.

14 (STATE EXH. 25, Red shirt; Redding, was
15 entered into evidence.)

16 (STATE EXH. 24, L20-14672; Item Number 13,
17 was marked for identification.)

18 BY MS. SWANSON:

19 Q I'm going to hand you State's 24 and ask if this
20 was processed for analysis by the trace evidence lab.

21 A I can identify State's Exhibit 36 (sic) by
22 the bar code sticker showing L20-14672, item
23 number 13, and the technician's initials
24 indicating that she processed it for gunshot
25 primer residue.

Testimony of Megan Fletcher

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1 Q Okay.

2 MS. SWANSON: I would move item 36 into
3 evidence at this time.

4 THE COURT: That's State's 24?

5 MS. SWANSON: I mean State's 24.

6 THE WITNESS: The sticker says State's
7 Exhibit 36.

8 MS. SWANSON: I'm sorry. You're right.
9 It is State's 24, I didn't see the sticker, Your
10 Honor. I move State's 24 into evidence at this
11 time.

12 MS. CARMODY: Which one, 24?

13 MS. SWANSON: 24, yes.

14 (STATE EXH. 24, L20-14672; Item Number 13,
15 was marked for identification.)

16 (STATE EXH. 35, L20-14672, Item Number 13.1,
17 was marked for identification.)

18 BY MS. SWANSON:

19 Q I'm handing you State's Exhibit 35 and ask you if
20 these are items that you analyzed.

21 A State's Exhibit 35 is identifiable based on
22 its laboratory bar code sticker of L20-14672, item
23 number 13.1 and also by the initials of the
24 technician and the analyst who analyzed them.

25 Q Okay. And did you come to conclusions about those

Testimony of Megan Fletcher
pieces of evidence?

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1
2 A Yes, ma'am, I did.

3 Q Okay. Is that State's 35?

4 A Yes, ma'am.

5 MS. SWANSON: I would move 35 into
6 evidence at this time.

7 THE COURT: Any objection?

8 MS. CARMODY: May I see it first, please?

9 THE COURT: Yes, here.

10 MS. CARMODY: No objection, Your Honor.

11 THE COURT: State's 35 admitted without
12 objection.

13 (STATE EXH. 35, L20-14672, Item Number 13.1,
14 was entered into evidence.)

15 BY MS. SWANSON:

16 Q And what were your conclusions in analyzing those
17 items?

18 A So item number 13 was one pair of encrypted
19 Supply Company jean shorts being from Brian Jamal
20 Redding. And item 13.1 were the particle lifts
21 collected from those jean shorts. And the results
22 for that were: "Particles characteristic of
23 gunshot primer residue were found. In general,
24 particles characteristic of gunshot primer residue
25 or microscopic molten particles that contain the

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1 elements lead, barium, and antimony. Gunshot
2 primer residue can come from being in the vicinity
3 to the discharge of a firearm or coming into
4 contact with a surface that has gunshot primer
5 residue on it. However, no information can be
6 provided as to the time frame in which these
7 particles were deposited."

8 Q Okay, thank you.

9 MS. SWANSON: I have nothing further.

10 THE COURT: All right. Miss Carmody,
11 cross-examination?

12 MS. CARMODY: Yes, Your Honor.

13 THE COURT: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. CARMODY:

16 Q Good afternoon, Miss Fletcher.

17 A Good afternoon.

18 Q Ma'am, you indicated earlier that Miss Noonan had
19 gunshot primer residue on her, correct?

20 A Yes, ma'am.

21 Q Okay. And were you able to determine whether it
22 was in the palm of her hands or on top of her hands or
23 just on her hands?

24 A So the gunshot residue kit collected from her
25 hands, which is -- the typical kit that we provide

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1 from SLED is a right-handed kit and a left-handed
2 kit. There is no palm versus back.

3 Q So, how she ended up with gunshot primer residue
4 on her hands, you can't determine that, can you?

5 A I can only say that it was either from being
6 in the vicinity to the discharge of a firearm,
7 which includes sustaining a gunshot wound,
8 discharging a firearm or touching something that
9 has gunshot primer residue on it.

10 Q So either being shot or firing the weapon herself?

11 A That's correct. I cannot tell the
12 difference.

13 Q Okay. Ma'am, you also testified Mr. Redding did
14 not have any GSR on his hands, correct?

15 A That's correct.

16 Q And, ma'am, do you know what time the GSR was
17 collected from Mr. Redding?

18 A May I refer to my notes?

19 Q Sure.

20 A It is indicated on the information sheet that
21 the swabs were taken at 10:25 a.m. on August 6,
22 2020.

23 Q So, ma'am, if we have a time of death as
24 nine o'clock and a GSR kit was run on Mr. Redding at
25 10:25, that would be within that four-hour window?

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1 A Yes, ma'am, it was.

2 Q You would still expect to see GSR on his hands,
3 correct?

4 A I don't ever expect to find gunshot primer
5 residue just because somebody fired a gun because
6 of all the variables that can happen after the
7 fact.

8 Q It was within the four-hour window, though,
9 correct?

10 A Correct. It was within our six-hour time
11 frame in which SLED will accept gunshot residue
12 kits.

13 Q Now, ma'am. How much GSR is actually ejected from
14 a gun?

15 A It's very ammunition and gun dependent and so
16 there's very little I can say. Even the same gun
17 fired sequentially will deposit different amounts
18 of gunshot primer residue.

19 Q Does it go in one spot or does it, kind of, go
20 everywhere?

21 A So out the muzzle of the gun, it will go
22 outwards about 60 feet to either side and behind
23 of the gun, it will go about two to three feet to
24 either side and behind of the gun.

25 Q Okay. You indicated earlier that GSR is extremely

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1 transferable?

2 A Yes, ma'am, it is.

3 Q What does that mean?

4 A That means that if something has gunshot
5 primer residue on it and you touch it you could
6 potential transfer it from that object to your
7 hands. Also, the reverse of that, if you fire a
8 weapon and you touch an object, you could transfer
9 it to that other object.

10 Q Okay. Ma'am, so just so I understand and the jury
11 understands, if there is a victim of a shooting in a
12 room and a person goes into a room, would they expose
13 themselves to GSR?

14 A So it will stay in the air. Again, gun and
15 ammunition dependent. The larger guns will last a
16 little longer. But about eight minutes is about
17 as long as it will stay in the room.

18 Q It will on any -- what about bedding material and
19 stuff like that?

20 A It will stay on the bedding material until
21 it's actively removed by putting it in the washing
22 machine or shaking it off or something like that.

23 Q Can it be transferred from a bedding material to
24 somebody's clothing?

25 A Yes, ma'am, it can.

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1 Q And, ma'am, you indicated that the particles from
2 the jean shorts -- there was particles taken from both
3 sides, correct?

4 A Correct, there was.

5 Q They weren't particles. I'm sorry. There were
6 swabs taken from both sides?

7 A There were particle lifts collected. One
8 from the right side of the shorts, the front side
9 of the shorts. And one from the left front of the
10 shorts.

11 Q Okay. And there wasn't GSR all over the shorts,
12 correct?

13 A The only particles that were confirmed were
14 on the right front of the shorts.

15 Q How many particles are we talking about?

16 A Two.

17 Q And where on the shorts was that located?

18 A The right front of the shorts.

19 Q The groin area?

20 A Yes, ma'am. That's our designation, but it's
21 the right front. So that would include the
22 waistband, the pocket area, but not inside the
23 pocket, down to about the groin area is about as
24 low as we would go.

25 Q Okay. All right, ma'am, I don't have any further

Testimony of Megan Fletcher

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1 questions.

2 THE COURT: Anything else, Solicitor?

3 MS. SWANSON: No, Your Honor.

4 THE COURT: All right. Thank you so
5 much, ma'am. Any objection to her being released
6 from the subpoena?

7 MS. SWANSON: None from the State.

8 MS. CARMODY: No, Your Honor.

9 THE COURT: Thank you. Have a safe trip
10 back.

11 Let's take a brief break. And so, ladies
12 and gentlemen, I'm going to ask you to go back to
13 the jury room. Don't talk about the case. I'll
14 have you back in here in a few moments. Thank
15 you.

16 (Jury exits the courtroom at 3:41 p.m.)

17 (A break was taken from 3:41 p.m. to 4:00 p.m.)

18 THE COURT: Solicitor, are we ready for
19 you to call your next witness?

20 MS. SWANSON: We are.

21 THE COURT: Miss Carmody, are we ready to
22 bring the jury in?

23 MS. CARMODY: Yes, Your Honor.

24 THE COURT: All right. Let's get the
25 jury in here.

Testimony of Megan Fletcher

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1 Ladies and gentlemen, I think the State is
2 ready to continue.

3 Solicitor, you can call your next witness,
4 please.

5 MS. SWANSON: Thank you. The State calls
6 Adrienne Hefney.

7 THE CLERK: Raise your right hand. Place
8 your left hand on the Bible. The testimony you're
9 about to give the court will be the truth so help
10 you God?

11 THE WITNESS: Yes, ma'am.

12 THE CLERK: Come around here to the
13 stand. Pull that chair up and adjust the mic.

14 THE WITNESS: Okay.

15 WHEREUPON:

16 ADRIENNE HEFNEY,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20

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Testimony of Adrienne Hefney

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1 Q All right. Agent Hefney, can you please state
2 your name and spell it for the court reporter?

3 A Yes. It's Adrienne Hefney. Last name is
4 spelled H-e-f-n-e-y.

5 Q All right. Thank you. Can you please tell the
6 jury where you work and what you do there?

7 A Yes, I work with the South Carolina Law
8 Enforcement Division, more commonly known as SLED
9 and I'm a forensic DNA analyst there.

10 Q All right. And how long have you worked there?

11 A November will make 25 years.

12 Q All right. So a long time.

13 A Uh-huh.

14 Q Can you describe your educational background and
15 training in the field?

16 A Sure, I have a bachelor of science degree in
17 biology from the University of South Carolina. I
18 also have a bachelor's of business administration
19 from the Winthrop University. I received
20 on-the-job training by a court-qualified analyst,
21 but I also took post-graduate courses in the field
22 of proclamation genetics, statistics, and
23 molecular biology.

24 Q All right.

25 A Each year, we're required to continue our

Testimony of Adrienne Hefney

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1 education by taking at least eight hours of
2 continuing education credits as well. We do that
3 by attending conferences to find out the latest in
4 DNA technology to stay abreast to any changes in
5 the field.

6 Q And approximately how many times have you
7 testified as an expert in the forensic DNA analysis?

8 A This is either the 90th or a little over 90
9 times at this point.

10 Q All right.

11 A In federal, state, and civil court.

12 Q Thank you.

13 MS. SWANSON: The State would offer
14 Agent Hefney as an expert in forensic DNA analysis
15 at this time.

16 THE COURT: Any objection?

17 MS. CARMODY: No objection.

18 THE COURT: And so she is going to be
19 noted as an expert in forensic DNA analysis?

20 MS. SWANSON: Correct.

21 THE COURT: All right. Thank you.

22 MS. SWANSON: Thank you.

23 BY MS. SWANSON:

24 Q Thank you. And Agent Hefney, I think we all have
25 a general understanding of what DNA is, but can you

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1 just briefly describe where DNA comes from and how you
2 go about testing for it?

3 A Sure. We can get DNA from a variety of any
4 biological fluid that was left. So say it could
5 be blood, semen, saliva, we can get it from skin
6 cells, hair roots, bones, teeth, so any type of
7 biological fluid or that material that was left
8 behind.

9 What was the second part of it.

10 Q The second part is, how do you conduct the
11 analysis?

12 A So what we do is, once we have the item and
13 we may or may not identify the body fluid, and we
14 will take a cutting from that item and put
15 chemicals on it that will extract the DNA from it
16 and develop a DNA profile. And we use this in the
17 forensic science bill because no two people, with
18 the exception of identical twins, will have the
19 same DNA. We make a comparison to known
20 standards. That can be a blood standard or a swab
21 from the inside of your cheek, and we make that
22 comparison of unknowns which was left behind at
23 the scene and compared to the known standards.

24 Q Okay, thank you. And at SLED, do you have what's
25 called a certified chain of custody?

Testimony of Adrienne Hefney

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1 A We do.

2 Q And is that a document that tracks the move of
3 each piece of evidence within the department?

4 A It does.

5 Q Okay. And regarding the evidence that you
6 analyzed in the case against Brian Redding, was it
7 documented where each of these pieces you analyzed
8 went?

9 A Yes, it was.

10 Q Okay. And so you will have a forensic tech who
11 may help prepare something for analysis and those are
12 analyzed to help ensure that we all know who handled
13 any evidence and prevent any sort of break in the
14 chain.

15 A That's correct.

16 (STATE EXH. 6, Buccal swabs; Redding,
17 was marked for identification.)

18 BY MS. SWANSON:

19 Q Okay, thank you. I'm going to hand you what has
20 been marked as State's Exhibit 6 and this is your SLED
21 Number 8 and ask if this is an item that you analyzed.

22 A Yes, these are two buccal swabs from Brian
23 Redding, and I recognize it because my signature
24 and the date is here on the seal, as well as on
25 the back of the envelope.

Testimony of Adrienne Hefney

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1 Q Okay.

2 THE COURT: Okay.

3 MS. SWANSON: At this time, I would offer
4 6 into evidence.

5 THE COURT: State's 6?

6 MS. SWANSON: Correct.

7 THE COURT: All right. Any objection to
8 State 6?

9 MS. CARMODY: No objection.

10 THE COURT: Admitted without objection.
11 Thank you.

12 (STATE EXH. 5, Buccal swabs; Redding, was
13 marked for identification.)

14 BY MS. SWANSON:

15 Q And, Agent, did you conduct -- you conducted an
16 analysis of those items. What was your conclusion?

17 A Okay. From his buccal swab, there was a DNA
18 profile developed that was suitable to use as a
19 known standard for both autosomal and a YSTR. So
20 the YSTR profile developed a suitable for use an
21 known standard as well. And what YSTR testing is,
22 we know that we get half of our DNA from our
23 mother and half of our DNA from our father, what
24 we do in some cases where it's -- say you have an
25 overabundance of a female and you see a trace of a

Testimony of Adrienne Hefney

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1 male, we can target male DNA to where we're just
2 able to get the male DNA profile. And that male
3 DNA profile follows the lineage of the paternal
4 side.

5 So Mr. Redding his brother, his father, his
6 father's brother, his grandmother on his father's
7 side, they would all have the same YSTR DNA profile,
8 but not the same autosomal DNA profile.

9 Q Okay. So you developed both of those profiles for
10 Mr. Redding?

11 A That's correct.

12 Q Okay. And those are profiles used for
13 comparison?

14 A Yes, ma'am.

15 Q All right. Did you do the same for buccal swabs
16 from Cypress Noonan?

17 A I did. However, I didn't do a YSTR because
18 she's female.

19 Q Got you.

20 (STATE EXH. 20, Buccal swabs; Noonan, was
21 marked for identification.)

22 BY MS. SWANSON:

23 Q I'm going to hand you State's Exhibit 20 and ask
24 if these are the swabs that you analyzed.

25 A Yes, I recognize my signature and date on the

Testimony of Adrienne Hefney

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1 back on the envelope that said it contained two
2 buccal swabs from Cypress Lee Noonan.

3 MS. SWANSON: State would offer 20 into
4 evidence at this time.

5 THE COURT: Miss Carmody?

6 MS. CARMODY: Without objection.

7 THE COURT: All right. 20 is admitted
8 without objection.

9 (STATE EXH. 20, Buccal swabs; Noonan, was
10 entered into evidence.)

11 BY MS. SWANSON:

12 Q Okay. So were you able to develop a profile for
13 comparison for Cypress Lee Noonan?

14 A I was.

15 (STATE EXH. 27, Buccal swab; Cartridge case,
16 Marker 1, was marked for identification.)

17 BY MS. SWANSON:

18 Q All right. Moving on to what is labeled as
19 State's Exhibit 27, I'm going to ask if these are
20 swabs that you analyzed.

21 A Yeah. State's Exhibit 27 is our item 1.1,
22 and, again, I see my initials on the back as well
23 as on the seal here.

24 Q All right. And what is that item?

25 A These are swabs from cartridge case, head

Testimony of Adrienne Hefney

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1 stamped WMA 19 from marker 1.

2 Q Okay.

3 MS. SWANSON: State would move --

4 BY MS. SWANSON:

5 Q Is that 27?

6 A Yes, ma'am.

7 MS. SWANSON: -- 27 into evidence at this
8 time.

9 MS. CARMODY: Without objection.

10 THE COURT: All right. 26 -- 27 without
11 objection.

12 (EXH. 27, Buccal swab; Cartridge case,
13 Marker 1, was marked for identification.)

14 BY MS. SWANSON:

15 Q What conclusions did you reach regarding the swabs
16 from the cartridge case?

17 A I'll read directly from my report: "DNA
18 suitable profile for comparison was developed.
19 Brian Redding is excluded as a contributor.
20 Likelihood ratios for this profile were calculated
21 using STRmix."

22 What STRmix is is a software program that
23 we used at SLED in the DNA department to be able
24 to develop likelihood ratios. What likelihood
25 ratios are is, it is a statistic that would come

Testimony of Adrienne Hefney

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1 up that's basically where we're making a
2 comparison to -- if you're comparing two things.
3 Saying -- and I always use this as an example to
4 kind of describe it. If you are in a house with
5 two children and one child is under the age of one
6 and can't walk yet, and the other child is, say,
7 five years old and there's a plate of cookies on
8 the table, all of the sudden, the cookies are gone
9 and the five-year-old is saying, well, I didn't
10 eat them. The under one year old must have eaten
11 them.

12 So what's the likelihood that the one
13 year old who can't -- or under one who can't walk
14 yet climbed up onto the table to get the cookies,
15 ate them and they barely have any teeth versus the
16 five-year-old, which one was more likely to have
17 eaten the cookies?

18 So that's the way we think of likelihood
19 ratios. So you will hear that term a lot as I read my
20 report.

21 "The DNA profile was interpreted as a single
22 source," that means it came from one individual. "The
23 HP," which we say is the prosecutor's hypothesis.
24 That by any means doesn't mean that's this
25 prosecutor's hypothesis or the other one, it's HD,

Testimony of Adrienne Hefney 605

1 which is defense hypothesis, it has nothing to do with
2 case. It's a general term. Because, you listen to
3 any courtroom TV thing, they're going to say the
4 person on trial did it. And the defense is going to
5 say anyone but my client did it. So that's how we set
6 each, what's known as a proposition set. This is all
7 part of the STRmix program.

8 And what generates proposition sets is when
9 we have standards. And I have a standard from
10 Miss Noonan and I have a standard from Mr. Redding.
11 And so you can potentially see two proposition sets
12 within an item.

13 Back to reading my report: "The HP,
14 Cypress Noonan --

15 Q Noonan.

16 A -- Noonan contributed the DNA profile and the
17 HD and an unidentified, unrelated individual
18 contributed to the DNA profile." And the result
19 is, "The DNA profile is approximately 470
20 septillion times more likely if Cypress Noonan
21 contributed the profile benefit than an
22 unidentified, unrelated individual contributed the
23 profile."

24 Q Okay. You saw her profile, single source, not a
25 mixture, on the shell casing swab?

Testimony of Adrienne Hefney

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1 A That is correct.

2 Q Okay. No unidentified individual profile.

3 A That is correct.

4 Q Okay, thank you.

5 (STATE EXH. 19, Analyzed swabs, was marked
6 for identification.)

7 BY MS. SWANSON:

8 Q All right. Now, you analyzed a number of swabs
9 that are contained in this one package that's State's
10 Exhibit 19. I mean, I'll have you confirm that these
11 are the swabs that you analyzed.

12 A Yes, I see swabs of suspected blood stain in
13 B in Room 22, the door, exterior door handle of
14 Room 22, swabs of blood from the anterior door
15 handle of Room 22, and from exterior. I can't see
16 the rest of it.

17 But I do recognize these as my signature is
18 there, and I see my the date and signature on the back
19 of these envelopes.

20 Q Okay, thank you.

21 MS. SWANSON: State would move 19 into
22 evidence at this time.

23 THE COURT: Any objection to State 19?

24 MS. CARMODY: Without objection.

25 THE COURT: All right. Admitted without

1 objection.

2 (STATE EXH. 19, Analyzed swabs, was entered
3 into evidence.)

4 BY MS. SWANSON:

5 Q And agent, if you can take us through your
6 conclusions on those swabs.

7 A Sure. Item 4, which was the swab from the
8 exterior door handle of Room 22, presumptive
9 testing for blood was positive. DNA profile
10 suitable for comparison was developed.
11 Brian Redding is excluded as a contributor. And
12 likelihood ratios for this profile were calculated
13 using STRmix. The DNA profile, again, was
14 interpreted as a single source. Miss Noonan
15 contributed -- Cypress Noonan contributed the DNA
16 profile. The HD is that an unidentified unrelated
17 individual contributed the DNA profile. The
18 result, the DNA profile is 900 septillion times
19 more likely if Cypress Noonan contributed the DNA
20 profile than if an unidentified unrelated
21 individual contributed the profile.

22 Q Okay. So, again, single source, victim's DNA on
23 the exterior door handle of Room 22?

24 A That is correct.

25 Q No profile from Brian Redding?

Testimony of Adrienne Hefney

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1 A I also did a YSTR. I attempted to do YSTRs
2 on that. And there was a mixture of at least
3 three male individuals. So due to the inability
4 to calculate a statistic, no further conclusion
5 could be offered there.

6 Q Okay. The swabs from the interior door handle of
7 22.

8 A Yes. That is SLED item 5, presumptive
9 testing for blood was positive, and we were able
10 to develop a DNA profile that was suitable for
11 comparison and likelihood ratios given were given.
12 The DNA profile interpreted as a mixture
13 originating from two individuals; Brian Redding
14 and an unidentified unrelated individual
15 contributed to the mixture, that's a prosecutor's
16 hypothesis. The defense hypothesis is that two
17 unidentified unrelated individuals contributed to
18 the mixture.

19 The DNA profile is approximately 73,000 times
20 more likely if Brian Redding and an unidentified
21 unrelated individual contributed to the mixture than
22 if two unidentified unrelated individuals contributed
23 to the mixture.

24 I had another standard from Miss Noonan, so
25 proposition set 2 was from her. Again, it's

Testimony of Adrienne Hefney

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1 interpreted as originated from two people. The
2 prosecutor's hypothesis is, Cypress Noonan and
3 unidentified unrelated individual contributed to the
4 mixture. And the defense hypothesis is two
5 unidentified unrelated individuals contributed to the
6 mixture. And the result of that DNA profile is 460
7 septillion times more likely if Cypress Noonan and an
8 unidentified unrelated individual contributed to the
9 mixture than that of two unidentified unrelated
10 individuals contributed to the mixture.

11 And because I had an inclusionary likelihood
12 ratio for both Mr. Redding and Miss Noonan, I
13 developed proposition set 3 that compared the
14 likelihood that both of them contributed to the
15 mixture, and I'll read it. The DNA composite, again,
16 was interpreted as a mixture originating from two
17 individuals. Prosecutor's hypothesis is that
18 Brian Redding and Cypress Noonan contributed to the
19 mixture. And the defense hypothesis would be that two
20 unidentified unrelated individuals contributed to the
21 mixture. The result of that comparison, the DNA
22 profile is approximately 499 million times more likely
23 if Brian Redding and Cypress Noonan contributed to the
24 mixture than if two unidentified unrelated individuals
25 contributed to the mixture.

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1 Also the YSTR testing on that, the partial
2 YSTR profile developed matches the YSTR profile of
3 Brian Redding. Paternal male relatives of Brian
4 Redding may not be excluded as the contributor of this
5 profile. We also -- every time we say an inclusion,
6 we'll give a statistic to it. So, in this case, it
7 wasn't likelihood ratios, but we use what is known as
8 our Y known statistics for this profile. And the
9 result of that, the probability of randomly selecting
10 an unrelated male individual having a YSTR profile
11 matching this item is one in 6,100.

12 Q Okay. And that's a lot of words, so these were
13 swabs from the interior door handle of Room 22?

14 A That's correct.

15 Q And, essentially, you saw a mixture of Brian and
16 Cypress's DNA profiles?

17 A Uh-huh.

18 Q Okay.

19 All right. So, the swabs from stain A
20 exterior of the door, Room 22, what were your
21 findings?

22 A Okay. Again, our presumptive testing for
23 blood was positive. We developed a DNA profile.
24 Mr. Redding was excluded as a contributor and
25 interpreted as single source. Miss Noonan

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1 contributed to the DNA profile versus an
2 unidentified unrelated individual contributing the
3 DNA profile. And the result, the DNA profile is
4 900 septillion times more likely if Cypress Noonan
5 contributed the profile than if an unidentified
6 unrelated individual contributed the profile.

7 I also did YSTR testing on this item. The
8 partial YSTR profile developed and matched the YSTR
9 profile of Brian Redding. Again, paternal male
10 relatives of Brian Redding may not be excluded. And
11 the probability of randomly selecting an unrelated
12 male individual have a YSTR matching this profile is 1
13 in 6,100.

14 Q Okay. So, again, the swabs from the exterior
15 stain on the door, you saw victim's DNA profile and a
16 profile that matches the defendant's YSTR profile.

17 A That is correct.

18 Q All right. Moving on to the swabs from the stain
19 on the interior of the door.

20 A Okay.

21 Q What were your results?

22 A Again, presumptive testing for blood was
23 positive. Mr. Redding is excluded as a
24 contributor. It was interpreted as a single
25 source. Cypress Noonan contributed the DNA

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1 profile versus an unidentified unrelated
2 individual contributing it. And a DNA profile is
3 approximately 900 septillion times more likely if
4 Cypress Noonan contributed the profile than if an
5 unidentified unrelated individual contributed.

6 Again, a partial DNA -- I mean, a YSTR was
7 attempted. The partial YSTR profile developed as a
8 possible mixture. And due to the inability to
9 calculate a statistic no further conclusion will be
10 offered.

11 Q Okay. So, basically, did you just not have enough
12 information to report out a result on that?

13 A For the YSTR portion.

14 Q Okay. I'm going to hand you State's 22 and ask if
15 this was an item that you analyzed.

16 A Yes. Again, I see my initials here as well
17 as here, and these are fingernail scrapings from
18 Cypress Noonan.

19 Q Okay. And what -- I'm sorry.

20 A SLED item number 10.

21 Q SLED item 10 and that's State's 22.

22 MS. SWANSON: I would move State's 22
23 into evidence at this time.

24 MS. CARMODY: No objection.

25 THE COURT: All right. Admitted without

1 objection.

2 (STATE EXH. 22, Fingernail scrapings;
3 Noonan, was admitted into evidence.)

4 BY MS. SWANSON:

5 Q All right. So what conclusions were you able to
6 reach about the fingernail scrapings taken from
7 Cypress Noonan?

8 A Okay. It was a single source profile.
9 Mr. Redding was excluded. When comparing
10 Miss Noonan to an unidentified unrelated
11 individual, the result was, the DNA profile is
12 approximately 900 septillion times more likley if
13 Cypress Noonan contributed the profile than if an
14 unidentified unrelated individual contributed the
15 profile. I attempted YSTRs and no YSTR profile
16 was developed from that.

17 Q Okay. So, Cypress didn't have anyone else's DNA
18 under her fingernails?

19 A Could you repeat that?

20 Q Cypress didn't have anyone else's DNA under
21 fingernails?

22 A That is correct.

23 Q Okay. Did you also analyze some swabs from a
24 Toyota Avalon?

25 A I did.

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1 Q All right. And did you get any results or DNA
2 profiles from those swabs?

3 A I did. Item 24 was from the front passenger
4 quarter panel and item 25, which was from the
5 exterior driver door handle, both from a Toyota
6 Avalon, and no DNA profile was developed from
7 either one.

8 Q Thank you, Agent Hefney. Please answer any
9 questions that the defense may have for you.

10 THE COURT: Miss Carmody, do you have any
11 questions?

12 MS. CARMODY: Yes, Your Honor.

13 THE COURT: Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MS. CARMODY:

16 Q Good afternoon, ma'am.

17 A Good afternoon.

18 Q All right. Ma'am, were you provided any
19 information about this case and making any of those
20 analyses?

21 A Nothing other than the incident report that
22 comes in, as well as the pre-log sheets where the
23 items are logged in.

24 Q All right. So, ma'am, let's start -- let's start
25 with the simplest question. If you were to take a DNA

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1 sample from your home that you live in, would you
2 expect to find your DNA there?

3 A I would.

4 Q What about -- like, your husband's there too.
5 Would you expect to find his DNA?

6 A I would.

7 Q So the fact that we have Cypress's DNA and Brian
8 Redding's DNA in the hotel that they shared is really
9 not surprising, correct?

10 A No. The blood is, but no.

11 Q So -- well to find blood, but not to find their
12 DNA?

13 A Correct.

14 Q So, ma'am, the DNA does not prove activity,
15 correct?

16 A What do you mean?

17 Q So, we don't know how somebody's DNA got there.

18 A That is correct.

19 Q We don't know why somebody's DNA is there. We
20 just know it's there, correct?

21 A That's correct.

22 Q And there's -- the absence of DNA does not mean
23 that somebody was not there, correct?

24 A That is correct.

25 Q For instance, like, you know, in some of these