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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable William P. Keesley, Circuit Court Judge
Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CRAIG CORY COOPER,

APPELLANT

APPELLATE CASE NO. 2021-000441

RECORD ON APPEAL

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VOLUME I OF III PAGES 1-500

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED NOVEMBER 19, 2020 1

OPENING STATEMENT BY MS. WEISS 5

COLLOQUY WITH DEFENDANT 6

PRESENTATION OF FACTS BY MS. WEISS 10

GUILTY PLEA 13

DISCUSSION OF PLEA AGREEMENT 14

CONTINUED PLEA COLLOQUY 15

DIRECT EXAMINATION OF DEFENDANT BY MS. WEISS 22

COURT ACCEPTS GUILTY PLEA AND DEFERS SENTENCING 25

MOTION TO WITHDRAW PLEA 28

MEMO IN SUPPORT OF MOTION TO WITHDRAW PLEA 31

TRANSCRIPT OF HEARING ON MOTION TO WITHDRAW PLEA DATED APRIL 2, 2021 39

DEFENDANT CONSENTS TO WEBEX HEARING 41

OPENING STATEMENT BY MR. SPANGLER 42

OPENING STATEMENT BY MS. WEISS 48

REBUTTAL BY MR. SPANGLER 51

COURT DEFERS RULING 54

COURT'S EXHIBIT #1 (JACOB COOK SLED CATCH) 56

ORDER ON MOTION TO WITHDRAW PLEA 58

TRANSCRIPT OF CO-DEFENDANT'S TRIAL DATED APRIL 19, 2021 65

TESTIMONY OF CRAIG COOPER 200
Direct Examination by Ms. Weiss Discussing Prior Plea Agreement 201
Utterance by Craig Cooper Expressing Innocence and Withdrawal of Prior Plea 202
Ms. Weiss Defers Continued Direct Examination 202
Court's Discussion on Motion to Withdraw Plea, Order and Sentencing 204
Colloquy with Defendant 207

TESTIMONY OF M.C. 408
Direct Examination by Ms. Weiss 408
In-Camera Examination by Ms. Weiss 444
Continued Direct Examination by Ms. Weiss 449
Cross- Examination by Mr. Williams 484
Re-direct Examination by Ms. Weiss 514
Re-cross Examination by Mr. Williams 521

TESTIMONY OF CRAIG COOPER 618
Defendant Invokes Fifth Amendment Rights 619

SENTENCING OF CRAIG COOPER 1183
Remarks by Ms. Weiss 1186
Statement by M.C. 1188
Further Remarks by Ms. Weiss 1190
Remarks by Mr. Spangler 1191
Withdrawal of Innocence Claim and Assumption of Guilty Plea by Craig Cooper 1193
Court's Statement of the Facts 1193
Court's Sentencing 1204

INDICTMENTS AND SENTENCING SHEETS 1207

CERTIFICATE OF COUNSEL 1226

State of South Carolina	)	Court of General Sessions
	)	Eleventh Judicial Circuit
County of Lexington	)	Case No. 2017-GS-32-03577
	)	Case No. 2017-GS-32-03579
	)	Case No. 2017-GS-32-03580
	)	Case No. 2017-GS-32-03582
	)	Case No. 2017-GS-32-03583
	)	Case No. 2017-GS-32-03584
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Craig Cooper,	)	
	)	
Defendant.	)	
	)	

November 19, 2020
Lexington, South Carolina

B E F O R E:

The Honorable William P. Keesley, Judge

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

Heather Weiss, Esquire
Attorney for the State

Colin Spangler, Esquire
Attorney for the Defendant

Proceedings Recorded Electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

I N D E X

WITNESS/DESCRIPTION	PAGE NUMBER
Guilty Plea	4
Defendant's Rights	9
Facts	11
Craig Cooper	
Direct by Ms. Weiss	22
Findings	25
Acceptance of Plea	25
Court Reporter Certification	27

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
C-1	Statement of Defendant		26

COURT REPORTER LEGEND

dashes	--	intentional or purposeful interruption or change in thought
ellipses	. . .	trailing off
[*ph*]		phonetically written
[*sic*]		written as said

NOVEMBER 19, 2020

(WHEREUPON, the proceedings began at 4:57 p.m.)

THE CLERK: Indictment 2017-GS-32-03577, State versus Craig Cory Cooper, indictment for burglary first degree. He's pleading to burglary second degree. It has been true billed.

Indictment 2017-GS-32-03579, State versus Craig Cory Cooper, indicted for armed robbery. He is pleading to armed robbery armed with a deadly weapon. It has been true billed.

Indictment 2017-GS-32-03580, State versus Craig Cory Cooper, indicted for kidnapping. He is pleading to the same. It has been true billed.

Indictment 2017-GS-32-03582, State versus Craig Cory Cooper, indicted for criminal sexual conduct, first degree. He is pleading to the same. It has been true billed.

Indictment 2017-GS-32-03583, State versus Craig Cory Cooper, indicted for possession of a firearm during a violent crime. He is pleading to the same. It has been true billed.

Indictment 2017-GS-32-03584, State versus Craig Cory Cooper, indicted for criminal conspiracy. He is pleading to the same. It has been true billed.

He is represented by Mr. Spangler.

Raise your right hand. Do you solemnly swear or affirm the testimony you give the Court is the truth, the whole truth, and nothing but the truth, so help you God?

THE DEFENDANT: Yes, I do.

THE CLERK: Thank you.

MS. WEISS: May it please the Court, Your Honor.

THE COURT: Yes, ma'am, Ms. Weiss.

MS. WEISS: Thank you.

Before you is Craig Cooper with his attorney, Colin Spangler, of the private bar. We are here today for the defendant to enter a guilty plea under a plea agreement to each of the charges as they have been read to you, Your Honor.

The defendant has a co-defendant, Christopher Cooper. The co-defendant's trial is scheduled for December 7th of 2020. The defendant -- well, both defendants were made the same offer, but the defendant's offer was that if he wanted to plead guilty that we would ask the Court to defer sentencing.

There is a negotiated range of 10 to 19 years, and that is predicated upon his willingness to testify, if needed, to the truth of the facts as he provided to law enforcement. And, Your Honor, if that does not happen, we would -- the plea agreement is that the plea itself would stand, but the negotiated range would be gone and he would then be subject to the full range of all of the charges.

Your Honor, at the appropriate time I would like to ask the Court if I can ask the defendant a couple of quick

questions on the record just to be clear that we all know --

THE COURT: Certainly.

MS. WEISS: -- what the truth is under oath that he intends to be testifying to.

THE COURT: Are you Craig Cory Cooper, sir?

THE DEFENDANT: Yes, I am.

THE COURT: I have an indictment that charges that in Lexington County on or about July 28th, 2017, you conspired with Christopher P. Cooper to accomplish a burglary, armed robbery, kidnapping, and/or criminal sexual conduct in the first degree.

Upon your arraignment on this charge, it appears that you wish to enter a plea of guilty to criminal conspiracy. Is that right?

THE DEFENDANT: Yes, I do.

THE COURT: Another indictment charges that in Lexington County on or about July the 28th, 2017, you knowingly and willfully possessed a firearm during the commission of a violent crime or attempted commission of a violent crime, specifically burglary, armed robbery, criminal sexual conduct in the first degree, and/or kidnapping, the weapon being a pistol.

Upon your arraignment on that charge, it appears you wish to plead guilty to possession of a firearm during a violent crime. Is that right?

THE DEFENDANT: Yes.

THE COURT: Another indictment charges that in Lexington County on or about July 28th, 2017, you, along with Christopher P. Cooper, knowingly and willfully while armed with a deadly weapon, the said pistol, feloniously took from the person or presence of M.C. [redacted] by force, threats or intimidation, goods or monies described as cash, with the intent to deprive the owner of that property.

Upon your arraignment, it appears you wish to plead guilty to armed robbery. Is that right?

THE DEFENDANT: Yes, I do.

THE COURT: Another indictment charges that in Lexington County on or about July 28th, 2017, you willfully and unlawfully committed a sexual battery in the first degree by engaging in a sexual battery with M.C. [redacted] under one or more of the following circumstances: either that you used aggravated force to accomplish the sexual battery or that the victim submitted to the sexual battery under circumstances of forcible confinement, kidnapping, robbery, extortion, burglary or any other similar events or acts.

Upon your arraignment on that charge, it appears you wish to plead guilty to criminal sexual conduct in the first degree. Is that right?

THE DEFENDANT: Yes, I do.

THE COURT: Another indictment charges that in Lexington

County on or about July 28th, 2017, you, along with Christopher P. Cooper, knowingly and willfully entered a dwelling in West Columbia, being the dwelling of M.C. [redacted], without consent and with the intent to commit a crime therein, and that while you were entering or while you were inside the dwelling or in immediate flight therefrom, you or another participant in the crime was armed with a deadly weapon or that you used or threatened the use of a dangerous instrument or displayed what was or appeared to be a pistol or revolver or other firearm or that you caused physical injury to a person not a participant in the crime or that the entering or remaining occurred in the nighttime.

Upon your arraignment on that charge of burglary in the first degree, it appears you wish to plead guilty to burglary in the second degree, violent. Is that right?

THE DEFENDANT: Yes, I do.

THE COURT: And I have an indictment that charges that in Lexington County on or about July 28th, 2017, you, along with Christopher P. Cooper, knowingly, willfully, and unlawfully kidnapped M.C. [redacted], preventing her from leaving her home without authority of law.

Upon your arraignment on that charge, it appears you wish to enter a plea of guilty to kidnapping. Is that correct?

THE DEFENDANT: Yes, I do.

THE COURT: Mr. Spangler, have you fully explained to your client the nature and the elements of the offense, the possible punishment on each, and his constitutional rights, including his right to trial by jury?

MR. SPANGLER: I have. Yes, sir.

THE COURT: You're satisfied there's a factual basis for each plea?

MR. SPANGLER: I am.

THE COURT: Do you agree with his decision to enter the pleas?

MR. SPANGLER: Yes, sir.

THE COURT: Mr. Cooper, today are you under the influence of any medicine, drug, alcohol or anything that affects your thinking?

THE DEFENDANT: No, Your Honor.

THE COURT: Do you suffer from any physical or mental problems that affect your thinking?

THE DEFENDANT: No.

THE COURT: You’re clear-headed today? You know what you're doing?

THE DEFENDANT: Yes, I am.

THE COURT: When you plead guilty, you give up important rights, including your right to remain silent and your right to a jury trial. Do you know that?

THE DEFENDANT: Yes, I do.

THE COURT: If you want a jury trial, you are presumed to be innocent. The State has to prove you're guilty beyond a reasonable doubt to convict you. You get to see, hear, and have your lawyer cross-examine every witness against you. Do you understand?

THE DEFENDANT: Yes, I do.

THE COURT: If you had a jury trial and you chose not to testify, the trial judge would tell the jury they could not hold your silence against you in any way at all. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: If you plead guilty, you give up all those rights, you give up defenses you may have, you give up any challenges you have to the evidence, and you admit the charge is true in each instance. Do you understand?

THE DEFENDANT: I understand.

THE COURT: Do you want a jury trial on any of these cases?

THE DEFENDANT: No, I do not.

THE COURT: I need you to listen to the solicitor, please, or the Attorney General. I'm sorry.

MS. WEISS: Thank you, Your Honor. And for the record, VICTIM is present in the courtroom. She knows this is just for the entering of a guilty plea and does not intend to speak today. I just wanted to let the Court know for the

record that she is in the courtroom.

FACTS

MS. WEISS: Your Honor, the incident occurred on or about July 28th, 2017, at [redacted] F Avenue in West Columbia, South Carolina, which is in Lexington County. The defendant, along with co-defendant Christopher Cooper, did go to the victim's residence, which is the [redacted] F Avenue, and armed with a firearm, they did kick open the door, come in the residence. They went upstairs to the victim's room, where she was. She had just gotten home from work. They went into her room, demanded money, demanded that she open a safe. They held her at gunpoint.

The co-defendant -- I believe it was the co-defendant was the one who went downstairs looking for money and other things that I believe they thought was going to be in the residence, came back upstairs because he didn't find anything, began demanding from the victim with the gun pointed at her that she tell them where this -- where the things were, where the money was in the house.

She did tell them that there was some money in Buddha statues that they had as banks, two Buddha statues. They went and got those, broke them, broke them open, and took the money from that, which was approximately $1500.

Your Honor, after that the defendant and the co-defendant held the victim at gunpoint and wanted to have sex

with her. She said that she had a yeast infection and after back and forth about that, she -- they demanded oral sex and anal sex, both co-defendants, and then they took her cell phone and they left the residence and told her to stay there at least for 10 minutes until they were gone.

And, Your Honor, I'm trying to minimize the facts at this point as I know we're not here for sentencing, but just to set up the facts for the pleas.

Your Honor, after that, [redacted] M.C. was able to leave and go across the street and get someone to call 9-1-1 and get law enforcement to respond to the house. When law enforcement got there, they were able to collect evidence. She went to the hospital and had a SANE kit performed.

As a result of the SANE kit and the evidence that was collected on scene, DNA matching the defendant came back, as well as DNA matching the co-defendant, but the defendant's was matched in CODIS. The victim -- neither of the victims knew either of the co-defendants and, Your Honor, that's still one of the big questions right now as they do not understand why they were the targets of this.

The -- so DNA was found for both. They went and got Craig Cooper and brought him in. He initially gave a statement that said that -- that it was an arranged -- arranged meet-up with the victim, [redacted], and then later gave a more complete statement where he admitted to the

facts that I gave you earlier as far as showing up to the house, kicking in the door with the gun.

He also identified his cousin, Chris Cooper. Chris was brought in. He also gave a statement admitting to the same facts and they were able to get his DNA, and his DNA matched as well, Your Honor.

Those are the facts underlying each of these charges. Yes, Your Honor, those are the facts underlying. At the appropriate time though, if Your Honor will allow, I'd like to ask the defendant a couple questions.

THE COURT: Yes, ma'am.

All right. Mr. Cooper, do you admit you're guilty of these charges?

THE DEFENDANT: Yes, I do.

THE COURT: Do you admit you're guilty of burglary in the second degree under the violent subsection?

THE DEFENDANT: Yes, I do.

THE COURT: Do you admit you're guilty of kidnapping?

THE DEFENDANT: Yes, I do.

THE COURT: Do you admit you're guilty of criminal sexual conduct in the first degree?

THE DEFENDANT: Yes, I do.

THE COURT: And armed robbery?

THE DEFENDANT: Yes, I do.

THE COURT: And you -- you conspired with your co-

defendant to commit these crimes?

THE DEFENDANT: Yes, I did.

THE COURT: And that you were in actual or constructive possession of a firearm during the commission of the violent crimes? Do you admit to that?

THE DEFENDANT: Yes, I do.

THE COURT: Are you pleading guilty because you are, in fact, guilty of these charges?

THE DEFENDANT: Yes, I am.

THE COURT: Has anybody forced you, threatened you, coerced you in any way to get you to waive your rights and plead guilty?

THE DEFENDANT: No.

THE COURT: Any plea bargain that the State might have made with you, any agreement like dropping a charge, reducing a charge, recommending a sentence, anything like that, it either has to be said out here on the record or it has to be part of a written plea agreement that is put into the record as an exhibit or you lose whatever they haven't told me about or they haven't put in writing and put as an exhibit. Do you understand that?

THE DEFENDANT: I understand.

THE COURT: So, Mr. Spangler, all the plea agreement is on the record?

MR. SPANGLER: Judge, I believe that Ms. Weiss mentioned

it. It's a negotiated 10- to 19-year sentence that's conditioned on his cooperation testimony, if it comes to that.

THE COURT: All right.

MR. SPANGLER: That's concurrent on all the charges that he's pleading guilty to.

THE COURT: And is anything being dropped?

MR. SPANGLER: Just the one reduction from -- I believe it was a burglary first to a burglary second.

THE COURT: Other than what's on the record now, Mr. Cooper, has anybody promised you anything or offered you any hope of reward to get you to plead?

THE DEFENDANT: No, Your Honor.

THE COURT: Are you fully satisfied with your attorney?

THE DEFENDANT: Yes, I am.

THE COURT: Is there anything you want him to do on your case that he has not done for you?

THE DEFENDANT: No. He's done everything.

THE COURT: Have you had enough time to meet with him and talk with him so he can represent you properly?

THE DEFENDANT: Yes, I have.

THE COURT: Do you need him to explain anything else to you or go over anything else with you right now?

THE DEFENDANT: No, Your Honor.

THE COURT: Do you have any complaint of any kind

against your attorney, law enforcement officials, anybody who has dealt with your case?

THE DEFENDANT: No, Your Honor.

THE COURT: Have you had enough time to make up your own mind about all this?

THE DEFENDANT: Yes, I have.

THE COURT: Have you understood everything we've been over so far?

THE DEFENDANT: Yes, I have.

THE COURT: All right. I'm going to go over the possible punishment, and I'm going to cover some of the collateral consequences of the guilty pleas. I'm not trying to cover every single little tiny thing. I'm just going to try to hit the high points. If you've got any questions about anything and you need to talk to your attorney, let me know. All right?

THE DEFENDANT: Yes, I will.

THE COURT: Criminal sexual conduct in the first degree is a felony that carries up to 30 years in prison. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: The legislature has classified certain crimes as violent. Criminal sexual conduct in the first degree is a violent crime. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: The legislature has also classified certain crimes under what's commonly called two strikes and three strikes legislation, but it's technically called most serious offenses and serious offenses. Criminal sexual conduct in the first degree is a most serious offense. That means it's a strike. If you get the right combination of strikes, you have to do life in prison without the possibility of parole. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: It falls under what's commonly called truth in sentencing. Those things are really called no-parole offenses and, basically, what that means is that anyone who is serving time on a no-parole offense cannot possibly be released from prison sooner than serving 85 percent of the time. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: There's no guarantee they get out in 85 percent. That's the least time you could possibly do. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: You're not going to be eligible, I don't believe, for any type of good-time credits or work release or extended work release because you've got this CSC involved here. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: And I'll tell you this, though the 85 percent may override it. The law on a second violent crime is that the person is not parole eligible. Do you understand that?

THE DEFENDANT: I understand.

THE COURT: The Department of Corrections and the parole and pardon authorities -- they treat violent offenders differently than non-violent offenders. So you would not be eligible for certain programs or placement that a non-violent offender might be eligible for. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: The possession of a weapon during a violent crime is a felony that carries up to five years in prison. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: Kidnapping carries up to 30 years in prison. It's a felony. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: It's a violent crime as well, it's a most serious offense, it’s a strike, and both this and the criminal sexual conduct are going to require you to register as a sex offender. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: And there are provisions in the law dealing with the mandatory monitoring of someone who has been

convicted of a sex offense. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: Also, anytime there's a sexually involved case, a case that involves sexual offenses, there's a possibility that the Attorney General's Office could seek before you were released to have you declared as a sexually violent predator. If you were to be declared as a sexually violent predator, it's a civil process.

And if you were given a petition to declare you as a sexually violent predator and everything went against you, you could be housed for the rest of your life, theoretically, to seek treat -- for treatment to be provided to you for sexually violent predators, and you would not be released until it was determined that you were safe to go into the community. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: Burglary second degree violent carries up to 15 years in prison. It's a violent crime, classified as serious, meaning it's a strike. Do you understand all that?

THE DEFENDANT: Yes, I do.

THE COURT: Burglary is graduated. If you violate burglary laws in the future, you face higher punishment, which can involve life in prison. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: Conspiracy carries up to five years in

prison. It's a felony. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: And armed robbery carries not less than 10 years in prison and up to 30 years in prison. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: So the least time any judge could give you would be 10 years. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: It’s also a violent crime. It’s classified as a most serious offense. Do you understand those things?

THE DEFENDANT: Yes, I do.

THE COURT: And it's an 85-percent, no-parole offense as well. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: I think I covered all of them. Have you understood everything we've been over now?

THE DEFENDANT: Yes, I have.

THE COURT: And what they're telling me they want me to do is to accept your plea of guilty today on each of these cases and defer sentencing. Is that your understanding?

THE DEFENDANT: Yes, sir.

THE COURT: If I do that, what I will do is I’ll make findings that your plea is free, knowing, voluntary, and intelligent, that you've entered it upon the advice of

counsel with whom you're fully satisfied, that there are facts to support each of the essential elements of the crimes, and so there are facts to support your pleas, and I will determine that you're guilty, the same way as if you went before a jury and a jury came out with a guilty verdict.

So once I make that finding and I accept your plea, you've been determined to be guilty and the only thing that remains is sentencing. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: And you're in agreement for me to do that?

THE DEFENDANT: Yes, I am.

THE COURT: You understand the condition about the negotiation or your sentence? That is that you have to testify truthfully in -- in a subsequent proceeding or proceedings?

THE DEFENDANT: Yes, I do.

THE COURT: And you're willing to do that?

THE DEFENDANT: Yes, I am.

THE COURT: Now, they want to have you answer questions today under oath. The lady down here is recording everything we say. She's a court reporter. There can be a transcript of this hearing and if you try to change your story, not only can you lose your plea agreement, you can be indicted for perjury. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: Are you willing to talk and answer her questions?

THE DEFENDANT: Yes, I am.

THE COURT: Mr. Spangler, you're in agreement with him answering --

MR. SPANGLER: Yes, sir.

THE COURT: -- the questions of the State?

MR. SPANGLER: Yes, sir.

THE COURT: All right. Can y'all bear with me just a minute?

MS. WEISS: Yes, Your Honor.

THE COURT: I've got drug court in a few minutes and I have to open this up.

(WHEREUPON, there was a pause in the proceedings, after which the proceedings resumed as follows.)

THE COURT: Okay. You're under oath. Do you understand that?

THE DEFENDANT: Yes, I am.

THE COURT: Ms. Weiss?

MS. WEISS: Thank you, Your Honor.

CRAIG COOPER, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. WEISS:

Q: Mr. Cooper, based on the discovery and the information

that we've been provided from law enforcement, on the day that you were interviewed by law enforcement on August 1st, 2017, you gave two statements. Do you recall that?

A: Yes, I do.

Q: Okay. And because we're here today and you're going to be testifying, all we want you to do is tell the truth, but these statements conflict with each other and I am not sure which one was first. I have a feeling, but they're not time -- there's no timestamp on them.

On one you stated that on July 28th, 2017, you set up a meeting with a lady off of the Internet to have sex for 400 -- for $100. We, Chris and me, went to West Columbia to meet her at her place. We met at the back door, came into the kitchen. We talked for a second, and then we had sex. Is that the first or the second statement that you gave?

A: That was the first statement.

Q: And was that statement accurate?

A: No, it wasn't.

Q: Also as a part of that statement, law enforcement asked how did you set up the encounter, and you responded using my phone and the Internet. Was that true?

A: No.

Q: Okay. The second -- so the next statement was on July 28th Chris Cooper and I went to West Columbia to a guy house that was flashing money on the Internet and social media. We

went there and kicked in the back door and looked around, didn't think anyone was there until I heard a female voice upstairs. That is from the second statement that you gave?
A: Yes, it is.
Q: Okay. And have you had a chance to review this statement?
A: Yes.
Q: And to be clear, this is a summary of a lot of information that you discussed with law enforcement at that time?
A: Yes.
Q: And is the information on here -- does it reflect the truth of the information that you gave law enforcement?
A: Yes, it does.
MS. WEISS: At this time, if you would, just to acknowledge --
MR. SPANGLER: Just initial it up here.
BY MS. WEISS:
Q: The mark CC, those are your initials?
A: Yes, it is.
MS. WEISS: Thank you, Your Honor.
THE COURT: All right. I think the only thing I've got to make sure I cover is that any time a crime is classified as violent and it's a felony, there is a statute that bars the person who is guilty of that from transporting, shipping,

receiving or possessing any firearm or ammunition in the future. Do you understand that?

THE DEFENDANT: Yes, I do.

THE COURT: So I am making a finding on the record pursuant to the statute under South Carolina law that you will be barred from transporting, shipping, receiving or possessing any firearm or ammunition if I accept your plea. Do you understand that?

THE DEFENDANT: Yes, I do.

FINDINGS

THE COURT: All right. If there's nothing else, the Court finds that Mr. Cooper has made a free, knowing, voluntary, and intelligent decision to waive his rights and plead guilty. He’s done so upon the advice of counsel with whom he’s fully satisfied. There's a factual basis for each plea.

The pleas are accepted as the defendant is declared to be guilty of these offenses. Pursuant to the plea agreement, the sentencing will be deferred until a later date.

Thank you, sir.

MS. WEISS: Your Honor?

THE COURT: Yes, ma'am.

MS. WEISS: May we ask that the statement that has the initials be kept in the clerk's file in case there's any question later at a later time of what he swore to is the

truth of this?

THE COURT: Do you need to make it a Court's Exhibit so you can --

MS. WEISS: That's what I was going to ask that we make it a Court's exhibit.

THE COURT: Certainly.

(WHEREUPON, the statement was marked as Court's Exhibit No. 1.)

MS. WEISS: And, Your Honor, just for procedural purposes, would you prefer to retain jurisdiction over the final sentencing or is it okay with Your Honor if it gets done at a different time with a different Court just depending on how this case moves forward?

THE COURT: I don't retain jurisdiction. I want it to be as flexible as it possibly can.

MS. WEISS: Thank you, Your Honor.

THE COURT: Thank you very much.

Good luck to you, sir. Thank you.

MR. SPANGLER: Thank you, Judge.

MS. WEISS: Thank you, everybody.

(WHEREUPON, the proceedings ended at 5:29 p.m.)

--- END REQUESTED TRANSCRIPT ---

State of South Carolina)

) Certificate

County of Florence)

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 26, constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Lexington County, South Carolina, on the 19th day of November, 2020, to the best of my ability based on the audio and information provided.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

s/*Krystal J. Smith*

Court Reporter

Florence, South Carolina

August 25, 2021

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF $1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO:

KRYSTAL J. SMITH, COURT REPORTER
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2021 MAR 18 AM 11:08

LISA M. COUNTS
CLERK OF COURT
LEXINGTON S.C.

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	)	IN THE COURT OF GENERAL SESSIONS
STATE OF SOUTH CAROLINA, Plaintiff,	)	CASE NO.: 2017A3221100535; 2017A3221100537 through --0541
v.	)	
CRAIG C. COOPER, Defendant.	)	**MOTION TO WITHDRAW PLEA**

COMES NOW, Defendant Craig Cooper. by and through undersigned counsel, moving this Honorable Court to set aside his guilty plea in these matters, taken by the Honorable William P. Keesley on November 19, 2020. In support of this motion, Defendant submits the following:

1. Defendant has been held at Lexington County Detention Center since August 1, 2017 on the above noted charges (totaling 1,323 days as of the date of this filing).
2. On November 19, 2020, pursuant to an agreement with the State, Defendant entered pleas to violating: § 16-011-0312(B); § 16-011-0330(A); § 16-17-0410; § 16-03-0652; § 16-03-910; and § 16-23-0490.
3. Per the agreement, Defendant would be sentenced at the conclusion of his codefendant, Christopher Cooper's date-certain trial, which was set to begin on December 7, 2020.
4. The State relayed to Defendant that his plea must be taken by November 20, 2020, the end of the last term of General Sessions Court prior to the codefendant's trial. Defendant submits this urgency created undue pressure to plead guilty.
5. Due to the ongoing COVID-19 pandemic, his codefendant's trial was cancelled, and Defendant has remained incarcerated in Lexington County. During this time,

Defendant has determined that a defense to the charges against him may exist and wishes to withdraw his plea.

WHEREFORE, Defendant prays this Honorable Court issue an order granting this motion and allowing Defendant to proceed to trial on the above noted cases.

RESPECTFULLY SUBMITTED,

BY:

Colin T.L. Spangler, Esq.
Floyd & Spangler, Attorneys at Law
1611 Augusta Road, West Columbia, SC 29169
(803) 739-1824
Counsel for Defendant

This 18th day of March, 2021.

CERTIFICATE OF SERVICE

I certify the foregoing Motion to Withdraw Plea was served upon Heather Weiss at the South Carolina Office of the Attorney General by email: hweiss@scag.gov on the 18th of March, 2021.

Colin T.L. Spangler, Esq.
Floyd & Spangler, Attorneys at Law
1611 Augusta Road, West Columbia, SC 29169
(803) 739-1824
Counsel for Defendant

FILED
2021 APR -5 AM 11:29
LISA M. COMER
CLERK OF COURT
LEXINGTON, SC

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	)	IN THE COURT OF GENERAL SESSIONS
STATE OF SOUTH CAROLINA, Plaintiff,	)	CASE NO.: 2017A3221100535; 2017A3221100537 through --0541
v.	)	
CRAIG C. COOPER, Defendant.	)	**MEMO IN SUPPORT OF MOTION TO WITHDRAW PLEA**

COMES NOW, Defendant Craig Cooper, by and through undersigned counsel, submitting this memorandum in support of his motion to withdraw his pleas to the above-noted charges. A hearing was held on this issue before the Honorable Judge William P. Keesley on Friday, April 2, 2021. In addition to the issues presented during this hearing, Defendant submits the following memorandum to address the Rule 5/*Brady* violation alleged during the hearing.

FACTS

On November 5, 2020, Defendant retained undersigned counsel to represent him on these charges. That same day, undersigned counsel faxed a letter of representation and discovery requests to Assistant Deputy Attorney General Heather Weiss. On November 12 and 13, 2020, the State provided undesigned counsel with discovery via email. Pertinent to this issue, the discovery contained information regarding Jacob Cook, the husband of M.C. [redacted]. M.C [redacted] is the alleged victim of the Criminal Sexual Conduct 1st Degree charge. Discovery materials indicate Mr. Cook was at the couple's marital home in the late hours of July 27, 2017, however, he chose to leave the home at 1:00am on July 28, 2017, the date of the alleged crime, to go to Waffle House. This left the alleged victim home alone.

Discovery materials further indicate Mr. Cook was notified either by the victim or victim's family of the alleged assault and burglary at their residence. He then rushed back on scene, arriving as EMS was there to transport the alleged victim to the Lexington Medical Center Emergency Department. Further, discovery materials indicate he gave statements to law enforcement about his whereabouts, his knowledge of the case, items removed from the home during the alleged burglary, and provided DNA samples for analysis. Jacob Cook is listed as a "victim" on the West Columbia Police Department Investigative Report.[1]

The State provided a three-year driver record for Jacob Cook, but did not provide a SLED background report or NCIC report. While reviewing discovery, but before Defendant's November 19, 2020, plea hearing, undersigned counsel verbally consulted with the State about whether Jacob Cook had a prior record; the State informed undersigned counsel that Cook had no arrest record or involvement with illegal activities.

After the December 7, 2020 trial for Christopher Cooper, Defendant's co-defendant, was postponed due to the COVID-19 pandemic, Defendant's sentencing was delayed.[2] During the interim, Defendant and undersigned counsel continued to meet to discuss this case. Following these conversations, undersigned counsel learned Jacob Cook had pending felony charges from Richland County, with a date of arrest of June 12, 2020. Further, undersigned counsel learned that on February 11, 2021, Mr. Cook was arrested in Richland County for attempted murder and possession of a weapon during a violent crime.

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[1] The reports references victims "M. Cooper and Jacob Cooper." This is clearly a scriveners error, as the Defendant's last name is Cooper, and the alleged victims last name's are Cook.

[2] Per the November 19, 2020 plea agreement, Defendant agreed to be sentenced at the conclusion of his codefendant's trial.

Immediately upon learning about Jacob Cook's arrests, Defendant reached out to the State to inquire as to whether this record was indeed for the same Jacob Cook involved in this case, and to request the State provide a date of birth for Mr. Cook, to enable the Defendant to pull a SLED background report.[3]

In responding to this request, the State provided Mr. Cook's date of birth and again confirmed "the reports I [Assistant Attorney General Weiss] have do not show a criminal record for either [redacted]M.C or Jacob Cook]." (See Exhibit 1). Defendant then ran a SLED background report which reflected the aforementioned 2020 and 2021 arrests. (See Exhibit 2). When Defendant confronted the State with this information, the State noted they had no knowledge of the arrests, and stated that Defendant was "getting a great deal" by pleading guilty. (See Exhibit 3).

It is undisputed the State did not turn over a SLED background check nor NCIC check prior to Defendant's November 19, 2020 plea.

ARGUMENT

The determination of whether a Defendant should be permitted to withdraw a plea after the plea has been accepted by the Court is in the sound discretion of the trial judge. In *State v. Thrift*, 312 S.C. 282, 440 S.E.2d 341 (1993), the South Carolina Supreme Court reaffirmed numerous United States Supreme Court holdings in noting "a plea bargain rests on contractual principles, and that each party should receive the benefit of the bargain." The *Thrift* court further noted "that a plea agreement analysis must be more stringent than a contract because the rights involved are fundamental and constitutionally based." *Id.* at 347. Therefore, it is essential that a

[3] All identifying information aside from the name "Jacob Cook" was redacted from the discovery Defendant received prior to his plea.

defendant's decision to plead guilty is made knowingly, voluntarily, and intelligently to be valid. *Pittman v. State*, 337 S.C. 597, 599, 524 S.E.2d 623, 624 (1999) ("Entering a guilty plea results in a waiver of several constitutional rights, therefore the Due Process Clause requires that guilty pleas are entered into voluntarily, knowingly, and intelligently by defendants."). Consequently, if material information mandated by Rule 5 and *Brady* is not represented accurately to a defendant, then the decision to plead guilty cannot satisfy that constitutional benchmark.

The South Carolina Supreme Court recently addressed the State's duty to accurately disclose a witness's criminal history. *State v. Durant*, 430 S.C. 98, 844 S.E.2d 49 (2020). While the opinion was not in the context of withdrawing a plea, the legal reasoning addressing the State's failure to follow its obligation under *Brady* applies. In *Durant*, our Supreme Court specifically rejected the notion that it is a defendant's burden to ascertain a State's witness's criminal history. Instead, the Court reached the logical conclusion that counsel should be able to rely on the veracity of the State's representation that its witness did not have a criminal history. *Id.* at 110, 844 S.E.2d at 55. Specifically, the Supreme Court noted,

> [W]hen the State discloses *Brady* material, the defense has the right to rely on its veracity. We find it entirely unreasonable to shift the burden to the defense to independently investigate the criminal background of each of the State's own witnesses when the State has affirmatively claimed that its witness does not have a criminal background. It is not incumbent on the defense to review the State's NCIC search for misspelled names. **While we do not suggest any improper motive by the State, we will not undermine a defendant's due process rights by overlooking and immunizing the State's mistake.**

[emphasis added]

Id. Further, recognizing the constitutional considerations at stake, the Supreme Court noted even the State's good faith attempt to provide accurate discovery does not change the analysis. *Id.*

("Importantly, whether the prosecution acted in good or bad faith is irrelevant in determining whether a *Brady* violation occurred."). Simply put, when the State represents one of its witnesses (here also a victim) has no criminal history, a defendant is entitled to rely on that fact in evaluating how to proceed, regardless of whether there is no indication of bad faith.

Here, the Defendant entered into an agreement with the State based on indisputably inaccurate representations by the State as to an important fact in his case. Whether a key State witness/victim has a criminal record, or is currently facing charges, are facts the State was obliged to disclose during discovery. *See* Rule 5, SC Rules of Criminal Procedure. Not only did the State not produce a SLED background report or NCIC report on their key witness, it went a step further and *represented to Defendant that this witness had no record*, exactly as was the case in *Durant.*

To counter their failure to comply with Rule 5, the State now represents that Jacob Cook is not an important witness for the State in an effort to seize on the fact that Durant's conviction was ultimately upheld. While it is true the Supreme Court affirmed Durant's conviction, that decision turned on the fourth element required for a *Brady* violation. In determining the witness's criminal history was not material, the Supreme Court found the substance of her testimony was cumulative, and therefore, there was not a reasonable probability that the result of the trial would have been different. Importantly, the court had the benefit of reviewing the entire trial transcript, which included the testimony of several girls who alleged they were abused by Durant. Accordingly, the potential value of the undisclosed information for a remote witness *who was not a victim* did not rise to the level of being considered material.

Here, Jacob Cook's criminal history, which should have been disclosed by the State under Rule 5 and *Brady*, is material. Jacob Cook establishes the State's timeline of events, was on scene in the moments after the assault, spoke with law enforcement both on scene and during subsequent interviews, and is also an alleged victim, as a resident of the home that was allegedly burglarized. Based on the materials Defendant did receive in discovery, Jacob Cook appears to be a central and important State witness. By withholding evidence relevant to his background, which bears directly on his credibility, willingness to testify, or as evidence to explain an alternate theory of this crime, the State deprived Defendant of his ability to fairly weigh his options between plea and trial.

Defendant's position is supported by the South Carolina Supreme Court's holding in *Gibson v. State*, 334 S.C. 515, 514 S.E.2d 230 (1999). In *Gibson*, a Defendant pled guilty to manslaughter. It was later discovered the State had not disclosed evidence the Defendant was entitled to under *Brady* and Rule 5. The *Gibson* Court noted that "a defendant's decision whether or not to plead guilty is often heavily influenced by his appraisal of the prosecution's case," and "when a defendant lacks knowledge of material evidence in the prosecution's possession, the waiver of constitutional rights cannot be deemed knowing and voluntary." *Id.* at 523, 324. The *Gibson* court, addressing the issue in a Post Conviction Relief claim to set aside the conviction, held as follows:

> We adopt the standard applied by other courts, which essentially is the same standard that is applied in the context of a trial: A Brady violation is material when there is a reasonable probability that, but for the government's failure to disclose Brady evidence, the defendant would have refused to plead guilty and gone to trial.

Id. at 525, 325.

Accordingly, Defendant's decision to plead guilty was not made knowingly, voluntarily, or intelligently, and therefore, this Court should enable Defendant to withdraw his plea.

Additionally, Defendant submits that Jacob Cook's arrest for serious felony charges after the plea but prior to Defendant's sentencing presents a material change in circumstances from the time the plea was entered. These arrests bear directly on Mr. Cook's credibility as a witness for the State. Defendant further submits the State is under a continuing obligation to disclose material which becomes known to the State under *Brady* until the Defendant is sentenced.

WHEREFORE, Defendant prays this Honorable Court issue an order granting this motion and allowing Defendant to proceed to trial on the above noted cases.

RESPECTFULLY SUBMITTED,

BY:

Colin T.L. Spangler, Esq.
Floyd & Spangler, Attorneys at Law
1611 Augusta Road, West Columbia, SC 29169
(803) 739-1824
Counsel for Defendant

This 5th day of April, 2021.

CERTIFICATE OF SERVICE

I certify the foregoing Memorandum in Support of Motion to Withdraw Plea was served upon Heather Weiss at the South Carolina Office of the Attorney General by email: hweiss@scag.gov on the 5th of April, 2021.

Colin T.L. Spangler, Esq.
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1611 Augusta Road, West Columbia, SC 29169
(803) 739-1824
Counsel for Defendant

State of South Carolina	)Court of General Sessions
	)
County of Lexington	)2017-GS-32-03577,-30579,
	)-03580,-03582,-03583,-03584
STATE OF SOUTH CAROLINA,	)
	)
Plaintiff,	)
	)
vs.	)Transcript of Record
	)
CRAIG CORY COOPER,	)
	)
Defendant.	)

Friday, April 2, 2021
Virtual Courtroom, S.C.

B E F O R E:

The Honorable William P. Keesley, Judge.

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

Heather Weiss, Attorney General
South Carolina Attorney General
1000 Assembly Street
Columbia, South Carolina 29201
Attorney for the State/Attorney for the Plaintiff

Colin T.L. Spangler, Esquire
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Columbia, South Carolina 29169
Attorney for the Defendant

Nadine Capps, CVR
Court Reporter

INDEX

WITNESSES FOR THE PLAINTIFF:	Direct	Cross	Redirect	Recross	Further Redirect
(No witnesses.)					
CERTIFICATE	17				

EXHIBITS:		Marked	Received
Court's 1	Document	10	10

PROCEEDINGS

VIA WEBEX, SOUTH CAROLINA, APRIL 2, 2021, 2:00 P.M.

(The matter was heard via virtual courtroom.)

THE COURT: This is 2017A321100535537 through 541, State versus Craig C. Cooper. The matter before the Court is a motion to withdraw the plea filed by the defendant. Mr. Spangler is on the connection and representing the defendant. Ms. Weiss is present for the Attorney General's office for the State.

Are you Craig C. Cooper, sir?

THE DEFENDANT: (No audio)

THE COURT: Say again, please? I don't have audio.

THE DEFENDANT: Yes, I'm Craig Cooper.

THE COURT: Raise your right hand, please, Mr. Cooper.

CRAIG CORY COOPER, SWORN

THE COURT: Thank you. Mr. Cooper this motion's been scheduled by videoconference. Do you consent to do this by video?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Sir, you understand you won't be physically present in a courtroom and your attorney is not there with you?

Oh, well, I'm getting an error message.

Ms. Capps, are you still with me? I lost your video -- your audio. Okay. She is saying she is on and she can hear everything. I've got a low bandwidth notice for her.

So, Mr. Cooper, you understand you're not physically present in the courtroom and your lawyer is not physically present with you at the jail?

THE DEFENDANT: Yes, I do.

THE COURT: If you need to stop and talk to him at any time, you let me know. If you need to talk privately with him, they will set up a phone connection in the back so you can speak with him privately. Do you understand that?

THE DEFENDANT: Yes, I do, Your Honor.

THE COURT: So you agree to do this in this fashion -- this hearing?

THE DEFENDANT: Yes.

THE COURT: All right. So, Mr. Spangler, it's your motion. I've read your submissions. Let me hear from you, please.

MR. NICHOLSON: Yes, Your Honor. And I appreciate you taking the time to hear this on short notice.

Briefly, to create a record, just in case this case is looked at by a higher court, defendant was arrested August 1st of 2017. He's been held in Lexington County Detention Center without bond this entire time.

Back on November the 5th of 2020, his family came up with the means to retain private counsel. Up to that point, he was represented by the public defender's office in Lexington. On November the 9th, four days later, we filed a motion to continue. There was a trial date coming up of December the 7th of 2020. On the 9th of November, we filed a motion to continue that. On the 10th of November, we had a status conference with Judge Addy. It was myself, Attorney General Weiss. We spoke with Judge Addy, and he gave us the time frame. They did not want to disturb the date-certain trial December the 7th, so they told us -- it was November the 10th. They said by November the 20th we need an up or down on this plea. Is he going to plea and cooperate, or is he going to be on to trial as well, so that gave us ten days to get an answer.

Now, on the 19th, which is the last term of court before his December 7th date-certain trial for the codefendant, a hearing was scheduled. It was in front of Your Honor. There was some rush to get it done. There were some questions as to whether Mr. Cooper knew what was going on. But it was put in right at the end of the day, on the 19th of November. He pled guilty to these charges. In exchange -- it was a negotiated sentence of 10 to 19 years, along with -- that now was conditioned on his cooperation.

Your Honor, just hours after that, the

Supreme Court handed down an order withdrawing, again, all jury trials, canceling all jury trials. So that December the 7th trial that created the pressure for us to get this plea done and only gave us 20 days to work on it -- that trial has gone away then. At that point we'd been waiting to hear when this trial is going to be rescheduled.

And, Judge, I say "waiting." That doesn't mean that we've put the file back in the cabinet and haven't worked on it. We've still been working on this case with Mr. Cooper, and that's what has led us to file this motion at this point. We've met with him several times over the past couple of months. Instead of having two weeks to prepare, now we have five months to prepare for a trial. During that time, we've met with him; we've developed defenses. But just given the time period we were on prior to the December 7th trial, we weren't able to explore. So that's the first issue that we'd like the Court to take under consideration, is the pressure that was created by giving him 20 days to decide and giving us 20 days to work on the case. Once that pressure went away, which was the December 7th trial, that put us in a different position.

The second issue, Your Honor -- and this is not in our written motion. This came to my attention just earlier today. We have learned, just earlier today, that there were certain SLED background sheets on State's witnesses that

were not provided to us in discovery. We did not have them at the time we looked at this case with Craig back in November. We did not have them at the date of that plea, on November the 19th. We would not have had them on December the 7th. The only way we've learned of this -- and I'll tell you it's the victim's husband, who was identified by the State as a potential witness. He was listed in discovery. We had a copy of his driving record. We had interviews between him and law enforcement, but there was no SLED background. From talking with Ms. Weiss, when we were working up the case, she assured us there's no record, there's no issues, the victim and her husband have no criminal history, whatsoever.

We learned today that in 2020 he was arrested on general sessions charges in Richland. Those are still pending. And back in February of this year -- so between the time this plea was entered and today's hearing, he was arrested on attempted murder charges in Richland. It was all over the news. It's hard to say that no one knew of it, because it's on the public index. That's how I found it, just Googling around, trying to figure out what was going on with this case. And I submit to the Court that had we known that -- and the reason it's important is, Jacob Cook, the husband of the victim, he's one of the first people on scene after the outcry -- he, at least in discovery, let officers

know that on the night this happened, he came home; it was about ten or eleven o'clock. Instead of staying home with his wife, he decides for some inexplicable reason to leave the house and go to Waffle House to hang out. At some point, he's notified by the victim or the family. Minutes after the alleged assault happened, he's contacted by the victim or the family, and he rushes home, is on scene when the ambulance gets there, is on-scene, talking with officers. Judge, he's a State witness that we had no idea had these pending criminal charges. It's very serious charges. And I submit to the Court that had Mr. Cooper and I known that we would have taken a different route and probably not taken this plea deal.

Those are things that -- and there's a recent case that came down; it's *State versus Durant*. And that -- interestingly, it's another case that was handled by the Attorney General's Office, and it talks about the duty on the prosecutors to supply that information on State witnesses. It's not our job, as the defense, to track down these rap sheets. The only reason we found this, though, and the only reason it's being mentioned today is because Mr. Cooper and myself took the initiative to start doing background on these people.

So those are the two main issues, here, Judge. He was put under pressure, given the December 7th trial date.

We submit that if we had known we had five months to work on this case, we would, of course, have taken extra time to go through the discovery. That's the first issue. The second issue is the State's failure to comply with Rule 5 and supply this information on one of the witnesses they identified in their discovery. Those are things that, at least, were in possession of the State. Had they run an updated background check or any background check -- those are things that Craig and I should have known when we were going through this discovery and that would have made a difference when he's deciding whether to accept these pleas or not.

That concludes our submission, Judge. I did send a copy of that SLED background check that Mr. Cooper and I paid for, requested and accepted. We just got it in this morning. I've emailed that to your law clerk. I'd also ask that it be made an exhibit for court today. And if the court reporter wishes, I can email a separate copy to her. Just for the record, that's a two-page document. It's, at the top, "State Law Enforcement Division, SLED Catch for Jacob Cook." It lists two sets of pending charges. The first from June 12th, 2020. That puts us about six months before the plea in this case, something we should have known about, that he was arrested on general sessions charges. And then we have the charge from just about a month and a

half ago, February the 11th, 2021, attempted murder and possession of a weapon during a violent crime. It's a two-page document, and we would just ask that it be made a Court's exhibit for this hearing.

(Court's Exhibit 1 was marked and received.)

THE COURT: Thank you, Ms. Weiss?

MS. WEISS: Thank you, Your Honor. May it please the Court. First of all, I provided the Court with a copy of the transcript from the December plea. Your Honor had a very detailed plea colloquy. Based on the case law that I've been able to review, what is most important is the defendant knowingly, freely, and voluntarily entered the guilty plea. He admitted to the elements of the crime. You specifically went through on each indictment. It was explained to him that if he did that he was waving all of his rights, to include his right to remain silent, to include his right to a jury trial; and if at that the end of that plea you found that there was substantial -- that there was sufficient evidence to find him guilty and that if you found him guilty, he would be guilty as if he had been found guilty by 12 people in a jury.

Your Honor, all of that happened, the facts were laid out very specifically. He even, under oath, admitted to the facts. And the statements clarified confused facts between two different statements that were given, clarified

that for the Court; said he had had enough time to make up his mind; had talked to his attorney. All of that information was provided during the plea. That plea was taken in December of 2020. It is now April of 2021, as we are almost to the eve of the jury trial of the codefendant, where he is supposed to testify. It is scheduled to occur on April 19th of 2021. Your Honor, it is the State's belief that really that is everything that should be required at this point, in you're considering of whether to withdraw a guilty plea, where, based on your own words, he has been found guilty as if he had found guilty by 12 people.

If Your Honor would like, I will address the other issues that Mr. Spangler brought up. First of all, just to be clear, this case is a 2017 case. Obviously, it was not my case until 2019. In 2019, his attorney at the time sent an email saying that the defendant wanted to cooperate and -- against his codefendant and wanted to plead guilty, and, of course, also that he wanted a bond hearing because he was in jail on bond but that he wanted -- that they had been indicating to the solicitor's office he wanted to cooperate and plead guilty, and he still did at that point. That was reiterated to me again in May of 2020. October 30th of 2020, another email from his public defender said that Mr. Cooper accepts and is still willing to cooperate; when would you like to schedule his plea. That

was October 30th of 2020. And then, on November 3rd, 2020, is when we first received information that the defendant, who had already accepted the plea and was going to be scheduled to plea, was now talking with the private counselor -- counsel, Mr. Spangler.

So the plea offer -- the idea of pleaing actually came from the defense before I was even -- before I even talked to them about a plea offer, and that had been going on for a long time, which leads me to further underline and stress the fact that there is not a change in the facts that Mr. Cooper admitted to when you took the guilty plea. The facts were freely, voluntarily, knowingly, and intelligently stated before you, and nothing that they have said today changes any of those facts that support the indictments in these cases. And secondly, those requests to plead guilty came before there was ever an arrest. And, Your Honor, Mr. Cook has these charges on the public index. And running a brand-new rap sheet has charges on there, but he is innocent until proven guilty. They didn't occur until 2020 and 2021. So after they had -- after the defendant had asked to plead guilty and then again after he had pled guilty -- they ave nothing to do with what was going on in 2017. They -- and if anything, the defendant said that they broke into the house because they believed that Jacob Cook was involved in criminal activity, of which there was no

evidence at the time. There's no evidence to this day that he was involved in any sort of activity like they were trying to attest. But even if we took that argument as somehow a valid argument, then we'd be saying that, okay, if you can show that someone is involved in criminal -- some criminal activity, then it's okay to break into their house at gunpoint, rape their wife, and break their items and steal their money. And Mr. Cook wasn't even there.

So what Mr. Spangler is arguing today, I would submit are nothing but red herrings. What happened in your courtroom prior to the trial, the guilty plea, was very thorough, and Mr. Cooper was under oath, admitted his guilt to all of these offenses, and there is nothing that has been said today that negates any of those facts or negates his guilt. And even if it did, there is nothing to say that what he said under oath on November 19th is not the truth, as he was sworn to tell the truth at that point and admitted to every piece of this case.

Your Honor, I would respectfully ask that you deny his request to withdraw his plea.

THE COURT: Thank you. Mr. Spangler, do you have any response?

MR. NICHOLSON: Judge, just very briefly.

To focus solely on the issue with providing the State's witnesses updated background report, Judge, this

case law is clear. And I'll just put it on the record. It's *State v. Durant*, 430 S.C. 98. That's a 2020 case under the Supreme Court of South Carolina. Judge, that's information that we have a right as the defense to consider. It's something that Mr. Cooper and I should have been able to consider in deciding whether we want to take this plea or not. This is the biggest decision of his life, and that's something that should have been at our disposal. The State made the decision not to supply us with that information. It was only this very morning of this hearing that, based on our work, we were able to find this, and it was just by Googling the person's name. So the idea that the State somehow didn't have access to this or it doesn't matter -- and, Judge, I can submit exactly why it matters. There might not be convictions for Rule 609 purposes, but it's relevant when we're cross-examining this witness to know does he have pending charges in other places, is he somehow involved in criminal activity that may have been linked to what was going on back in 2017. These are all things -- and we talked with Ms. Weiss at length about how did these people find each other, right. This is -- she likes to refer to it as a stranger assault or a stranger rape. Judge, the fact that the husband is involved with criminal activity; that he, for some reason, leaves the house at one o'clock in the morning, and then comes back on the scene

shortly after, and then he picks up all these charges, serious felony charges -- those are things that we have a right to know. And it's a due process concern. It's a Rule 5 concern. And if we look at this like a contract, it's our position the State -- and we don't think it's ill will. They're not doing it on purpose, but the State was not supplying us with all the information and they were acting in bad faith when we created this contract. Neither party has performed at this point. He has not been sentenced, so the State has not performed. He has not testified, so Mr. Cooper hasn't performed.

At this point, we think that withdrawing this plea agreement is proper, and it is in the Court's discretion -- the sound discretion of the trial judge. So we'd ask that you consider these arguments, think about what's at stake for Mr. Cooper. And we appreciate your time.

THE COURT: Thank you. Anything else, Ms. Weiss?

MS. WEISS: No, Your Honor. We stand on everything we've said already.

MR. NICHOLSON: Judge, you're muted.

THE COURT: I apologize. I've got a dog in the background. I didn't want him to disturb us.

I need the court reporter to tell me how you want to handle the exhibit.

MR. NICHOLSON: Judge, I emailed the document to

Ms. Capps prior to the hearing.

THE COURT: She's seen the email, and then I guess she will send that then to the clerk.

Ms. Weiss, is that okay with you?

MS. WEISS: Yes, sir.

THE COURT: And then if there's nothing else, I know we have other people on, but if there's nothing else, I will do a written order after I have considered everything. I've read the transcript again. I saw the exhibit just before I started, so I will look at it do a written order.

When I do the order, Mr. Cooper, they will send a copy of it to the jail and send a copy of it to your attorney. Do you understand, sir?

THE DEFENDANT: Yes, I do, Your Honor.

THE COURT: All right. Thank you very much, folks. That concludes the hearing.

(The proceeding concluded at 2:41 p.m.)

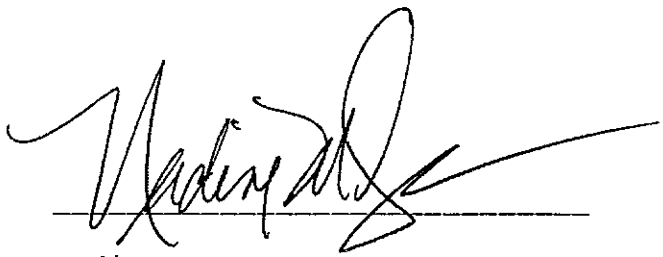
CERTIFICATE OF REPORTER

State of South Carolina)
)
County of Lexington)

I, Nadine M. Capps, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court Of General Sessions for York County, South Carolina, on the 4th day of April, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 10, 2021



Nadine M. Capps, CVR
Court Reporter

South Carolina
STATE LAW ENFORCEMENT DIVISION
An Accredited Law Enforcement Agency

SLED CATCH
Citizens Access to Criminal Histories

Results

ARREST RECORD
S.C. Law Enforcement Division
WWW

The record is based on a search using **Last Name, First Initial, Gender, and Date of Birth Only**. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

Name **JACOB COOK**
DOB **1997** [redacted]
Gender **Male**
Maiden Name
SSN
Transaction **421250505P**
Date of Check **April 02, 2021 at 12:50**

```
INTERNET RAP SHEET REQUEST
ORI-SCLED0000  SID-SC02399656  FBI-*********  PUR-E
ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY.       ********        CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01  DATE-04/02/2021  TIME-12:51:30
REQ ORI-SCLED0000  S C LAW ENF DIV
SID-SC02399656 FBI-
NAME-COOK, JACOB MICHAEL            SEX-M RACE-B
HEIGHT-505 WEIGHT-165 EYES-HAZ HAIR-BLK SKIN-    BORN-SC
FPC-                              HENRY-
PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
PALM PRINTS AVAILABLE AUTHORIZED USE ONLY
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A           DATE OF LAST UPDATE--02/11/2021
-------------------------------------------------------------------
ADDITIONAL IDENTIFIERS          BIRTH
NAME                            DATES  MARKS      SOC SEC   MISC NUM
                                [redacted]1997
-------------------------------------------------------------------
CONTRIBUTOR/SUBJECT           DOA/RCVD CHARGE/DISPOSITION/ETC
-------------------------------------------------
COOK, JACOB MICHAEL             06/12/2020
SC0400000 RICHLAND CNTY SO
CASE-2002030914
ATN-40D200084357
WARR-2020A4010202098
CIT-16-3-600(E)(2)-MISDEMEANOR
                                        ARREST CHARGE -ASSAULT AND
                                           BATTERY 3RD DEGREE
                                           OFFENSE DATE-06/12/2020
                                           PHOTOGRAPH AVAILABLE
                                           PALM PRINTS AVAILABLE

WARR-2020A4010202099
```

CIT-16-23-410-FELONY
ARREST CHARGE -POINTING AND
PRESENTING FIREARMS AT A
PERSON
OFFENSE DATE-06/12/2020

COOK, JACOB MICHAEL 02/11/2021
SC0400100 COLUMBIA PD
CASE-1703452
ATN-40D200090185
WARR-2021A4021600438
CIT-16-3-29-FELONY
ARREST CHARGE -ATTEMPTED
MURDER
OFFENSE DATE-02/11/2021
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE
WARR-2021A4021600439
CIT-16-23-490-FELONY
ARREST CHARGE -POSS OF A
WEAPON DURING VIOLENT
CRIME
OFFENSE DATE-02/11/2021

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC02399656
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT
USE OF THIS RECORD IS ALLOWED.

** S C CJIS END OF RECORD **

Return Another Check

SLED Headquarters
4400 Broad River Road
Columbia, SC 29210
Phone: 803.737.9000

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STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	)	
STATE OF SOUTH CAROLINA,	)	
	)	
-vs-	)	ORDER ON MOTION
	)	TO WITHDRAW PLEA
CRAIG CORY COOPER,	)	
	)	
Defendant.	)	

2021 APR 16 AM 11:12

Case Numbers:
2017A3221100535 – Burglary, 1st Degree
2017A3221100537 – Criminal Sexual Conduct, 1st Degree
2017A3221100538 – Kidnapping
2017A3221100539 – Armed Robbery
2017A3221100540 – Possession of Firearm During Violent Crime
2017A3221100541 – Conspiracy

Heard: April 2, 2021via video conference
State's Attorney: Heather Weiss, Deputy Attorney General
Defense Attorney: Colin Spangler
Court Reporter: Nadine Capps

WRK #1

The defendant moves to be allowed to withdraw his guilty pleas. Defense counsel and the defendant consented to conducting this hearing by video conference. The motion is denied.

Mr. Cooper pleaded guilty on November 19, 2020, pursuant to a plea bargain for a sentence range of ten to nineteen years, contingent upon the defendant's cooperation with the prosecution of his co-defendant. Sentencing was deferred and has not yet been conducted because of delays occasioned by the COVID-19 emergency. At the time of the pleas, the trial of the co-defendant was scheduled to begin on December 7, 2020, but it was subsequently postponed because the Supreme Court issued an order suspending all

jury trials. Mr. Cooper has remained in jail continuously since his arrest on August 1, 2017. The trial of the co-defendant is currently set for the week of April 19, 2021.

This case involves allegations that the defendant and his co-defendant, while armed with a deadly weapon, burglarized, robbed, kidnapped, and raped the female victim at her home which she shared with her husband. It is asserted that the home was damaged and money was taken. The defense indicated that the investigative reports state that the husband had been at the home previously that night, but that he left to go to a Waffle House restaurant around 1:00 a.m. and was not present during the incident.

Two grounds are asserted as the basis for the request to withdraw.

First, it is argued that the defendant's plea was not entered freely, knowingly, and voluntarily because he was under the pressure of a time constraint. Prior to November 5, 2020, when private counsel was retained, Mr. Cooper had been represented by the Public Defender's office. The Attorney General's office became involved in this case in 2019, over a year after the arrest, presumably due to a conflict arising in the Solicitor's office. According to the State, it was defendant's prior counsel who initiated discussions about pleading guilty in exchange for a plea bargain. The Deputy Attorney General stated that prior defense counsel sent an email early in the process indicating that the defendant wanted to cooperate in the prosecution. It is asserted that this was reiterated in May of 2020. Former defense counsel told the Deputy Attorney General in October of 2020 that the defendant admitted his guilt and wanted to cooperate.

A plea bargain was proposed, and a decision on the plea offer had to be made because the trial was set to begin in early December. At a status conference held on November 10, 2020, the defendant was given ten additional days in which to accept or

reject the plea bargain. So, defense counsel maintains that he had only a couple of weeks to prepare and discuss matters with his client.

The second ground is that defense counsel just learned that the background information provided by the State concerning the criminal history of the victim's husband, who might be a witness at trial, was incorrect. Since the husband was a resident of the home, he is a victim of the burglary and, presumably, the armed robbery charges.

Defense counsel states that he was provided discovery materials from the State on November 12 and 13, 2020, which did not include any criminal history on the victim or her husband. The court's understanding is that there was no written criminal history provided to the defense, other than a driving record. However, defense counsel was told that neither the female victim nor her husband had a criminal record.

Defense counsel recently learned that SLED reports show that the husband was arrested on June 12, 2020, which was before the plea, and that the husband was arrested on separate charges of attempted murder and possession of a firearm or knife during a violent crime on February 11, 2021, which was after the plea. None of the charges have resulted in convictions at this point.

The arrest in June of 2020 is argued to be for felony offenses. The public index for Richland County shows that the offenses charged are for assault and battery in the third degree (which is a thirty-day misdemeanor) and for pointing and presenting a firearm (which is a five-year felony).

When defense counsel inquired about the information to the contrary in the recently-obtained SLED report, the Deputy Attorney General confirmed in an email that the reports that she had did not show a criminal record. To the best of this court's

recollection, the records that the Deputy Attorney General had obtained and upon which she based her representations of no prior criminal record are not part of this file. The court understands that a willful or intentional failure to provide discovery by the State is not required in order to show a due process violation. A mistake is sufficient.

No information was provided to the court concerning the underlying facts of the husband's pending cases or how they might relate to this case. A written memorandum was submitted by the defense in support of this motion, and it is the defense's position that this information is relevant. However, there is no explanation as to how the lack of a criminal record for the husband in any way influenced this defendant to decide to plead guilty to heinous crimes.

There is no evidence that the husband was present at the scene during the attack, and the court has been presented no evidence of third-party guilt. Aside from the argument that these arrests involve allegations of serious crimes, no link has been shown between those incidents and the factual scenario here. As for the information that the husband was arrested for an unrelated incident months after the plea, the court sees no basis whatsoever for that being a reason to allow withdrawal of a plea that was entered months before, especially without any evidence that the husband was a perpetrator of these crime.

The court is unaware if the State intends to call the victim's husband as a witness at trial. Defense counsel stated that it is suspicious that the husband left the home to go to Waffle House around 1:00 a.m. Defense counsel asserts in his well-written brief that the lack of information about the husband's arrest deprived the defendant of inquiring as to an alternate theory. He asserts that his client was denied due process by the discovery

violation and that the defendant's plea was not entered freely, knowingly, voluntarily, and intelligently. He said that his client would not have entered the pleas, had he known that the husband had the pending charges. He cites cases in his memorandum in support of his argument.

It is the court's understanding that a discovery violation is material if there is a reasonable probability that, but for the State's failure to disclose the husband's pending charges, the defendant would not have entered a guilty plea. Respectfully, the court finds that there is not a reasonable probability that this defendant would have insisted on trial had he known that the husband had the charges that were pending before or after this defendant's guilty plea. The court assumes that the arrest for attempted murder and possession of a firearm or knife during that incident is for something that occurred after the date of this defendant's plea. The State cannot be expected to disclose information about an event that had not yet occurred.

WPA #5

It is pure speculation as to whether the husband going to the restaurant was a suspicious event. If he were to testify, there is no explanation as to how an arrest for an unrelated magistrate's-level offense and for pointing a firearm, both being without a conviction, could be used to impeach him. As for any alternative theory, surely this defendant would know whether or not he himself burglarized, raped, kidnapped, and robbed the female victim. There appears to be ample evidence of actual guilt and the State's ability to prove it.

There being no evidence provided to the court that the husband was involved in attacking his wife on the night in question or removing any items from the home, the only possible impact that this information would seem to have is some type of assertion that

the husband was in trouble with the law, had some extra motivation to make up a false story, and has violent propensities. However, the court's understanding is that EMS and police were on the scene before the husband arrived back at the home. It is doubtful that any of the suspected alternative theories along this vein could be made relevant or admissible in the prosecution of the defendant. There is no evidence of a link between the husband and these defendants. If the possible alternate theory is that they were co-conspirators, there is no explanation as to how that absolves this defendant of responsibility and why he would not know it from the beginning.

As for the time crunch, this event occurred in 2017. Mr. Cooper has had the benefit of counsel for years. The information supplied to the court is that prior defense counsel repeatedly told the prosecutors that his client admitted his guilt and wanted to assist in the prosecution in order to secure a plea bargain. When the trial was set after reopening courts from the initial COVID-19 shutdown, no one knew that the spread of the virus would bring another wave that required shutting down jury trials again. Mr. Cooper was given ten days after the status conference to accept or reject the offer. It is apparent that he knew about the offer for a longer period. There is nothing inappropriate about the fact that the defendant was required to make a decision so that the State could prepare its trial strategy.

WPA #6

Defense counsel argues that he was put in a position of not being able to advise his client about the fact that the husband had pending charges. Again, the court does not see how that makes any material difference in whether the defendant chose to plead guilty or not.

As to both grounds, during the plea colloquy with this court, the defendant stated under oath that he admits his guilt, and he expressed full satisfaction with his attorney. As for any pressure associated with the timeframe, he stated that he was not forced, threatened, or coerced in any manner, and he indicated that he was pleading guilty of his own free will. Moreover, since he was expected to testify at the upcoming trial, he provided an elocution under oath admitting to the crime as part of the plea bargain. The plea colloquy covered a variety of issues in which the defendant stated that he is actually guilty, and he acknowledged that he was giving up the presumption of innocence and the requirement that the State prove him guilty beyond a reasonable doubt.

#7 The court finds that there has been an insufficient showing that there was a material violation by the State concerning Rule 5, SCRCrimP, or *Brady* that caused the defendant to plead guilty. There also was nothing about the time constraints that warrants withdrawal of the guilty pleas. His motion to withdraw his pleas of guilty is denied.

AND IT IS SO ORDERED.

April 14, 2021

William P. Keesley
Circuit Judge

STATE OF SOUTH CAROLINA
COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON

STATE	)	
	)	
	)	TRANSCRIPT OF RECORD
V.	)	2017-GS-32-03577
	)	2017-GS-32-03579
CRAIG CORY COOPER	)	2017-GS-32-03580
	)	2017-GS-32-03582
DEFENDANT.	)	2017-GS-32-03583
		2017-GS-32-03584

APRIL 19, 2021
LEXINGTON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE CRAIG BROWN, JUDGE; AND A JURY.

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

HEATHER WEISS, ASSISTANT ATTORNEY GENERAL
MEGAN RAYMER, ASSISTANT ATTORNEY GENERAL
ATTORNEYS FOR THE STATE

COLIN SPANGLER, ESQUIRE
ATTORNEY FOR THE DEFENDANT

BETHANIE K. CREPPON
CIRCUIT COURT REPORTER

I N D E X

WITNESS	PAGE
CHRISTOPHER P. COOPER	56
CRAIG COOPER	136
DIRECT EXAMINATION	136
BY MS. WEISS	
JODY LEE PUTNEY	146
DIRECT EXAMINATION	146
BY MS. WEISS	
CROSS-EXAMINATION	150
BY MR. WILLIAMS	
CHRISTOPHER MORRIS	161
DIRECT EXAMINATION	161
BY MS. WEISS	
CROSS-EXAMINATION	191
BY MR. WILLIAMS	
CHRISTOPHER COOPER	196
DIRECT EXAMINATION	196
BY MR. WILLIAMS	
CROSS-EXAMINATION	202
BY MS. WEISS	
REDIRECT EXAMINATION	231
BY MR. WILLIAMS	
BRUCE WADE	231
DIRECT EXAMINATION	232

BY MR. WILLIAMS

CROSS-EXAMINATION 235

BY MS. WEISS

CHRISTOPHER COOPER 267

HARRIET BOOZER 293

DIRECT EXAMINATION 294

BY MS. RAYMER

CHARLOTTE PITTS 297

DIRECT EXAMINATION 297

BY MS. RAYMER

CROSS-EXAMINATION 303

BY MR. WILLIAMS

AMY STEPHENS BLACK 305

DIRECT EXAMINATION 306

BY MS. WEISS

CROSS-EXAMINATION 317

BY MR. WILLIAMS

REDIRECT EXAMINATION 323

BY MS. WEISS

SHELLIE KEISLER 329

DIRECT EXAMINATION 329

BY MS. WEISS

CROSS-EXAMINATION 337

BY MR. WILLIAMS

REDIRECT EXAMINATION 341

BY MS. WEISS

M.C. [redacted] 344

DIRECT EXAMINATION 344

BY MS. WEISS

IN-CAMERA EXAMINATION 380

BY MS. WEISS

CONTINUED DIRECT EXAMINATION 385

BY MS. WEISS

CONTINUED DIRECT EXAMINATION 418

BY MS. WEISS

CROSS-EXAMINATION 420

BY MR. WILLIAMS

REDIRECT EXAMINATION 451

BY MS. WEISS

EARLE COOPER 459

PROFFER EXAMINATION 459

BY MR. WILLIAMS

PROFFER EXAMINATION 468

BY MS. WEISS

JEANIE KELLY 499

DIRECT EXAMINATION 500

BY MS. RAYMER

PATRICK BARTON 503

DIRECT EXAMINATION 503

BY MS. RAYMER

1	CROSS-EXAMINATION	507
2	BY MR. WILLIAMS	
3	WILLIAM NORRIS	509
4	DIRECT EXAMINATION	510
5	BY MS. WEISS	
6	CROSS-EXAMINATION	515
7	BY MR. WILLIAMS	
8	REDIRECT EXAMINATION	519
9	BY MS. WEISS	
10	KATE FOGLE	539
11	DIRECT EXAMINATION	539
12	BY MS. RAYMER	
13	CRAIG COOPER	554
14	THOMAS B. TODD	555
15	DIRECT EXAMINATION	555
16	BY MS. WEISS	
17	CROSS-EXAMINATION	563
18	BY MR. WILLIAMS	
19	REDIRECT EXAMINATION	577
20	BY MS. WEISS	
21	JODY PUTNEY	578
22	DIRECT EXAMINATION	578
23	BY MS. RAYMER	
24	CROSS-EXAMINATION	584
25	BY MR. WILLIAMS	

REDIRECT EXAMINATION 592
BY MS. RAYMER
CHRIS MORRIS 594
DIRECT EXAMINATION 594
BY MS. WEISS
CONTINUED DIRECT EXAMINATION 683
BY MS. WEISS
CROSS-EXAMINATION 686
BY MR. WILLIAMS
REDIRECT EXAMINATION 716
BY MS. WEISS
RECROSS-EXAMINATION 719
BY MR. WILLIAMS
JAN OTTERBACHER 724
DIRECT EXAMINATION 724
BY MS. RAYMER
CROSS-EXAMINATION 734
BY MR. WILLIAMS
REDIRECT EXAMINATION 744
BY MS. RAYMER
BRUCE WADE 745
DIRECT EXAMINATION 745
BY MS. WEISS
CROSS-EXAMINATION 761
BY MR. WILLIAMS

1	BRIGITTE DEGUZMAN, RN	773
2	VOIR DIRE EXAMINATION	777
3	BY MR. WILLIAMS	
4	DIRECT EXAMINATION	779
5	BY MS. RAYMER	
6	CROSS-EXAMINATION	793
7	BY MR. WILLIAMS	
8	JACKIE DAVIS	803
9	DIRECT EXAMINATION	804
10	BY MS. RAYMER	
11	CROSS-EXAMINATION	809
12	BY MR. WILLIAMS	
13	PAGE MCCRAW	812
14	DIRECT EXAMINATION	812
15	BY MS. WEISS	
16	CROSS-EXAMINATION	827
17	BY MR. WILLIAMS	
18	REDIRECT EXAMINATION	831
19	BY MS. WEISS	
20	RECROSS-EXAMINATION	831
21	BY MR. WILLIAMS	
22	DORIS YARBOROUGH	836
23	DIRECT EXAMINATION	837
24	BY MS. RAYMER	
25	CROSS-EXAMINATION	844

BY MR. WILLIAMS

THOMAS EDWARD DARNELL 851

DIRECT EXAMINATION 851

BY MS. RAYMER

CROSS-EXAMINATION 857

BY MR. WILLIAMS

VERONA HERRERA 861

DIRECT EXAMINATION 862

BY MS. WEISS

CROSS-EXAMINATION 891

BY MR. WILLIAMS

JENNIFER CLAYTON 901

VOIR DIRE EXAMINATION 901

BY MS. WEISS

CROSS-EXAMINATION 974

BY MR. WILLIAMS

REDIRECT EXAMINATION 1000

BY MS. WEISS

Certificate of Reporter 1142

Opening Statement by Ms. Raymer.....281
Opening Statement by Mr. Williams.....286
Closing Statement by Ms. Weiss.....1054
Closing Statement by Mr. Williams.....1072
Rebuttal Closing Statement by Ms. Weiss.....1091
Jury Charge.....1026
Verdict.....1098
Sentencing.....1118

E X H I B I T S

NO.	DESCRIPTION	ID.	EVD.
STATE'S			
1	Defendant's Driver's license		642
2	Miranda Rights form		642
3	Defendant's Statement		642
4	Police Record		240
5	Physical Evidence		967
6	Physical Evidence		961
7	Physical Evidence		956
8	Physical Evidence		932
9	Physical Evidence		935
10	Physical Evidence		931
11	Box		879
12	Physical Evidence		954
13	Physical Evidence		890
14	Physical Evidence		949
15	Buddha Statue Photo		365
16	Firearm photo		406
17	Victim's Cell Phone		388
18	Awesome bottle		388
19	Photo		388
20	Photo		388
21	Photo		388
22	Photo		388

1	23	Photo	388
2	24	Photo	388
3	25	Photo	388
4	26	Photo	388
5	27	Photo	388
6	28	Photo	388
7	29	Photo	388
8	30	Photo	388
9	31	Photo	388
10	32	Photo	388
11	33	Photo	388
12	34	Photo	388
13	35	Photo	388
14	36	Photo	388
15	37	Photo	388
16	38	Photo	388
17	39	Photo	388
18	40	Photo	388
19	41	Photo	388
20	42	Photo	388
21	43	Photo	388
22	44	Photo	388
23	45	Gun Box	388
24	46	Photo	388
25	47	Photo	

48	Photo		388
49	Sexual Assualt Kit		337
50	Disc		386
51	Photo Lineup		404
52	Gun Lineup		402
53	Victim's Statement	455	
54	Disc - 911 Call		
55	Disc - EMS Video		505
56	Disc - House		512
57	Photo		672
58	Photo		672
59	Photo		672
60	Photo		672
61	Photo		672
62	Photo		672
63	Photo		672
64	Photo		672
65	Photo		672
66	Photo		672
67	Photo		672
68	Photo		672
69	Photo		672
70	Photo		672
71	Photo		672
72	Photo		672

73	Photo			672
74	Photo			672
75	Photo			672
76	Photo			672
77	Photo			672
78	Photo			672
79	Photo			672
80	Disc - Crime Scene			606
81	Permit to Search			677
82	Latent Print Cards		630	
83	S&W Magazine			684
84	Firearm			854
85	Defendant's Keys			685
86	Grey Sweatshirt			685
87	Buddha Statue Pieces			685
88	Photo			684
89	Photo			789
90	Photo			789
91	Paper Towel			874
92	Awesome Bottle			879
93	Paper Towel			935
94	Awesome Bottle			935

DEFENDANT'S

1	Police Department Photo	158
2	Bond Company Letter	253

COURT'S

1	Alternate Juror Selection	264
2	Jury Foreperson Selection	270

P R O C E E D I N G S

* * *

(The following proceedings were held April 19, 2021.)

THE COURT: All right. Ladies and gentlemen, as I told you when I came in, once rollcall was finished, I'd take you down the homestretch, so to speak, and that's what I'm going to do.

If at any point in time you cannot hear me in the back, raise your hand, and that will give me a cue to raise my voice. I don't usually speak this loud, so it's an intentional act on my part.

Before I begin my questioning to you. That I failed to do so when I first down here seated in front of me Ms. Bethanie Creppon. This is a court of record, ladies and gentlemen. Everything that's said in here is taken down for purposes of producing the transcript at a later time if need be.

To my immediate left is Ross scar borrow he's a lawyer. He's my law clerk. I till you he is my lawyer he's here to aid and assist me in carrying out my responsibilities as a Judge. So that's who you'll see me seated up here this week. These up here thin Burgundy jackets these are the bailiffs. You'll see them in and around the courtroom. As you

serve had this week, they're here ladies and gentlemen to aid an and assist you as you serve as jurors this week so if you have any questions, concerns please direct me to those bailiffs and reach out to me and we'll address whatever issues there may be.

Now what I'm going to do ladies and gentlemen I'm getting ready to ask you a series of questions okay. The questions that I'm going to ask you are required by State, required by law that I ask these questions of you. Now these questions that I'm going to ask of you ladies and gentlemen are not meant to embarrass anyone but again state law requires that I ask these questions. If during the qualification process, if I ask a question and you do not wish to stand in the presence of your fellow jurors, please make a mental note of that question and I'll give you an opportunity to come forward and speak to me at side bar as well as attorneys that are here for cases for trial this week. If there's a question that I ask you and don't wish to stand I'll give you an opportunity to do so at the conclusion.

All right first question. Any member of the jury panel who is not a citizen of the United

States.

Is any member of the jury panel not a resident and citizen of Lexington County please stand. Is any member of the jury panel unable to read write speak or understand the English language, if so plea stand. Does any member of the jury panel have less than a 6th grade edge cushion or its equivalent please stand. To render efficient jury service. For example, does any member of the jury panel have any medical condition that would prevent you from serving on a jury this week. Please understand that we typically run court about an hour and a half to two hours between breaks. If this particular situation applies to you, please stand.

Yes, sir. Your name?

PROSPECTIVE JUROR: 57. I have doctor appointments tomorrow Monday, Wednesday, and Friday at 3:00.

THE COURT: Madam Clerk, if you'll approach please.

All right. Sir, I'm going to excuse you from service this week.

All right. In the back, your name and number?

PROSPECTIVE JUROR: 110.

THE COURT: Yes, sir.

PROSPECTIVE JUROR: I have several reasons number one is I'm a convicted felon that was sentenced mere than three years.

THE CLERK: You're Mr. Eric Keisler?

THE COURT: I'm going to go ahead and excuse you sir, 110.

Next question: Has any member of the jury panel in a state or federal court of record of a crime punishable by imprisonment more than a year your civil rights have not been pardoned by amnesty. Means you could have received an a sentence of more than one year regardless of what sentence you actually may have receive. If this particular applies to you please stand.

Is any member of the jury panel a clerk or deputy clerk of court, constable, sheriff or other commissioned law enforcement officer. Probate Judge county missioner. Magistrate or other county officer or employed within the walls of any courthouse? If so please stand.

All right. Is any member of the jury panel served as a member of the Lexington County Grand Jury during the past several years? If so please stand. All right. Ladies and gentlemen we now move to what's called jury exemptions. State law

provides for several exemptions to jury service. An exemption does not mean you're not qualified to serve it simply means you have the right to choose not to serve. The first exemption involves those of you 65 years of age or older. If you're 65 years of age or older you may be exempt from jury service this week. The Court would certainly encourage you to serve if you so desire. But if you wish to any exempted you may be exempted. Is there anyone 65 years of age or older and wishes to be released from jury service please stand.

All right. Another exemption involves prior jury service. No one is required to serve as a juror more than once every three calendar years. If two calendar years you may be exempt from jury service this week if you choose to be exempted. Please note that this exemption does not apply if your jury service was in magistrate court federal or city court. If you wish to be exempted, please stand.

All right. Individuals who have served as grand jurors in the last a five calendar years may also be exempted. If last calendar years and who wishes to be exempted, please stand.

All right. The next exemption deals with those

of you who have small children. Please listen very carefully to this exemption it has several parts and all of which must apply for you to be exempted on this basis. You may be exempt from jury service if you have a small child or children under the age of seven, you have legal custody of your children. You have the principal care custody and control of your child or children and you are unable to make arrange for the adequate care for your child or children while performing jury duty. If all of these apply to you, you may be exempt on this basis. If this applies to you and you wish to be exempted please stand at this time.

All right. The next exemption deals with those of you who may be attending school or work in capacity with a school. If this applies to you and you wish to be exempted the Court at a time which will not conflict with your school responsibilities. Is there any member of the jury panel who is a full-time student teacher school crossing guard bus driver or services in any other school related function this week as a result of that school involvement. If so please stand.

Yes, sir your name and number please.

PROSPECTIVE JUROR: 69.

THE COURT: Mr. Gardner, yes, sir. You're a full-time student?

PROSPECTIVE JUROR: I'm a teacher at DJJ, at the Virtual School academy.

THE COURT: When will you be first finished for the year?

PROSPECTIVE JUROR: Hopefully, the beginning of May.

THE COURT: Can we transfer him to a term in June maybe?

THE CLERK: Yes, sir.

Is your address still the same?

PROSPECTIVE JUROR: Yes, ma'am.

THE COURT: Thank you for being here this morning. You're free to go. Have a nice day. All right. Is there are any member of the jury panel who is employed at the department of corrections at a penitentiary. If so and you wish to be exempted, please stand.

Is there any member of the jury panel who performs services for a business commercial so essentially to the operation of the enterprise that if you were required to perform jury duty the enterprise would have to close or stop functioning, if so and you wish to be exempted please stand.

All right. Is the any member of the jury panel primary care taker of a severely disabled person who is unable to care for himself or herself and cannot be left unattended. If so please stand.

All right. Finally is there any member of the jury panel who is the primary care taker of a person age 65 or over, if so and you wish to be exempted please stand.

Can the lawyers approach for a minute please. I'm sorry.

(Sidebar conference.)

THE COURT: Ladies and gentlemen that concludes the statutory list for. No exemption this week would constitute a hardship on you for a particular reason. Please understand that I cannot permanently excuse a qualified jury service. But under extreme and compelling circumstances I may transfer you to another term of court particularly those of you that have not been transferred before. Please understand ladies and gentlemen that general inconvenience, general inconvenience is not a sufficient reason to transfer you to another term of court to justify a transfer, to another term of court service this week must constitute an extreme hardship to you. If this particular situation applies to you please stand.

Yes, sir your name and number.

PROSPECTIVE JUROR: Juror 128. I'm thin boat business and this is our extremely busy time of year. If you don't mind I'd like to be transferred to the off season fall or winter.

THE COURT: Madam Clerk, you want to transfer him to the fall.

THE CLERK: Transfer him to October.

THE COURT: All right. Sir I'll transfer you you're free to go have a nice day thank you.

Yes, sir, your name and number please.

PROSPECTIVE JUROR: Chris James my son has a scan MUS on Friday.

THE COURT: How about I give you protection for Friday so you can ensure that you're there for that?

PROSPECTIVE JUROR: Okay.

THE COURT: Thank you, sir.

All right. Ladies and gentlemen, as I told you -- when I told you when we first started that if I ask a question of you during the qualification process that you did not wish to stand in the presence of you fellow jurors I told you I'd give you an opportunity to come up and speak with me. This is that time. Is there any member of the jury panel who wishes to come forward to speak with me

along with the attorneys who may be involves in casus this week, now is the time for you to come forward.

Tell me your name and number, please, ma'am.

PROSPECTIVE JUROR: Emily Dorroh 56.

THE COURT: All right. Come forward, please.

PROSPECTIVE JUROR: Emily Dorroh, 56.

THE COURT: Yes, ma'am.

PROSPECTIVE JUROR: I have family in law enforcement and I don't know if that kind of interacts with this stuff.

THE COURT: I'm qualified you have the purposes of this case, that will be one of the questions that I'll ask you.

PROSPECTIVE JUROR: Okay. Thank you.

THE COURT: Has the State had an opportunity to review defendant's requested voir dire.

MS. WEISS: Yes, sir Your Honor we have.

THE COURT: Any objections.

MS. WEISS: No, sir Your Honor. I think they're very similar to the voir dire we requested. So --

MR. WILLIAMS: No objection to hers, Your Honor.

THE COURT: Okay. Thank you.

All right. Madam Assistant Attorney General, do you want to call the case?

MS. WEISS: Yes, sir, Your Honor. The State calls the case of The State versus Christopher Cooper; Indictment Nos. 2017-GS32-03587; 2017-GS-32-03588; 2017-GS-32-03589; 2017-GS-32-03590; 2017-GS-32-03591; and 2017-GS-32-03592.

THE COURT: Madam Clerk --

THE CLERK: Yes, sir, Your Honor. I'm getting them for you.

THE COURT: I thought so.

Ms. Weiss, just for clarification, you're calling 3587, 3588 --

MS. WEISS: Yes, sir.

THE COURT: -- 3589, 3590, 3591, and 3592?

MS. WEISS: Yes, sir.

THE COURT: All right. Ladies and gentlemen, the State has called the case of The State of South Carolina versus Mr. Christopher P. Cooper. Mr. Cooper is charged under several indictments here: Under 3587, with the offense of burglary in the first degree. This indictment reads that

Christopher P. Cooper did in Lexington County, South Carolina, on or about July 28th, 2017, along with co-defendant -- is that right, Madam Assistant Attorney General?

Can y'all approach a minute, please?

(Sidebar conference.)

THE COURT: All right. Ladies and gentlemen, as I was beginning to read -- as I said, Mr. Christopher P. Cooper is charged, by indictment, with burglary in the first degree.

Let me start over here. That Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28th, 2017, along with co-defendant Corey Cooper, did knowingly and willingly enter a dwelling; to wit: [redacted] F Avenue, West Columbia, South Carolina, being the dwelling of M.C. [redacted], without consent and with the intent to commit a crime therein, and when and in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, used or threatened the use of a dangerous instrument or displayed what was or appeared to be a pistol, revolver, or other firearm, or cause physical injury to a person who is not a participant in the crime, and/or in the entering or

remaining occurred in the nighttime in violation of Section 16-11-311 of the Code of Laws of South Carolina.

Now, ladies and gentlemen, you heard me mention a co-defendant in this matter. For various legal reasons, the State, whether it's the local Solicitor's Office or the Attorney General's Office, can choose, for various legal reasons, to call the trial of one individual or both individuals in this case as they so desire.

In this situation or in this case, the State, for various legal reasons, has chosen to call only the case of The State versus Christopher P. Cooper at this time, and that's who's going to be on trial this week.

Any exception or objection to anything I've said to the jury concerning that issue, Ms. Weiss?

MS. WEISS: No, Your Honor, not from the State.

THE COURT: Mr. Williams?

MR. WILLIAMS: None from the defendant, Your Honor.

THE COURT: All right. Now, the next charge, ladies and gentlemen, under Indictment 3592 is a charge of criminal conspiracy. That indictment reads that Christopher P. Cooper did, in Lexington,

South Carolina, on or about July 28th, 2017, knowingly and wilfully unite, combine, conspire, confederate, agree, and have tacit understanding with Craig Corey Cooper for the purpose of accomplishing a criminal or unlawful object and/or an object neither criminal nor unlawful means; to wit: Burglary, armed robbery, kidnapping, and/or criminal sexual conduct first degree, in violation of the common law and punishable under Section 16-17-410 of the South Carolina Code of Laws.

Under Indictment 3591, that is an indictment that reads as follows: For possession of a firearm during the commission of a violent crime, that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017, knowingly and wilfully possessed a firearm during the commission of a violent crime or attempt to commit a violent crime; to wit: Burglary, armed robbery, criminal sexual conduct in the first degree, and/or kidnapping, such weapon described as a pistol, in violation of Section 16-23-490 of the Code of Laws of South Carolina.

The next indictment, under Indictment No. 3590, is a charge of criminal sexual conduct first degree. It alleges that Christopher P. Cooper did, in

Lexington County, South Carolina, on or about July 28, 2017, willfully and unlawfully commit a sexual battery in the first degree by engaging in sexual battery upon the victim, M.C. under any one or more of the following circumstances: The actor used aggravated force to accomplish the sexual battery and/or the victim submitted to the sexual battery under circumstances of forcible confinement, kidnapping, robbery, extortion, burglary, or any other similar offense or act in violation of Section 16-3-652.

The next charge, under Indictment 3589, is an indictment for kidnapping. It alleges that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017, along with co-defendant, Craig Corey Cooper, knowingly, willfully, and unlawfully seized, confined, inveigled, decoyed, kidnapped, abduct or carried away one, by any means whatsoever, without authority of law, and without her consent; to wit: Prevented M.C. from leaving her home, in violation of 16-3-910 of the Code of Laws of South Carolina.

And, finally, under Indictment No. 3588, which is an indictment for armed robbery, that indictment reads that Christopher P. Cooper did, in Lexington

County, South Carolina, on or about July 28, 2017, along with co-defendant, Craig Corey Cooper, knowingly and willfully, while armed with a deadly weapon; to wit, a pistol, did feloniously take from the person or presence of M.C. [redacted] by means of force, threats, or intimidation, goods or monies, being described as follows: Cash money with intent to deprive the owner of the use of such property, in violation of 16-11-330(a) of the South Carolina Code of Laws.

Now, ladies and gentlemen, I have to read to you several indictments in this case. Let me emphasize to you that these indictments are not, are not evidence in this case. They are simply the charging documents which brings this case into this court. The defendant, Mr. Christopher P. Cooper, has pled not guilty to these charges; therefore, the State of South Carolina bears the burden of proving his guilt beyond a reasonable doubt.

Now, before we proceed any further, there are several questions that I must ask of you. Is there any member of the jury panel that has ever been related by blood, connected by marriage, had a close personal, business, or social relationship with Mr. Christopher P. Cooper, Mr. Craig Corey Cooper, or

M.C. If so, please stand.

(No response.)

All right. The following, ladies and gentlemen, is a list of potential witnesses. This list is quite lengthy. And I say that to say or reemphasize what I just said: Potential witnesses. It doesn't mean that all these witnesses are going to be called; they're potential witnesses. Okay? So what I'm going to do is I'm going to break it down; I'm going to call out a number of them, then I'm going to ask you a question, and then I'll go ahead and call out the next grouping, so to speak, and ask you the same questions. So, please, listen very carefully to this list of potential witnesses.

M.C., Jacob Cook, Jeanie Kelly, Albert Brisbon, Sean Riley, Craig Cooper, Earle Cooper, Heather Lybrand Clamp, Investigator M. Hamp Taylor, Willie Bradley, Christopher Jimmerson, Investigator Chris Morris with the West Columbia Police Department.

Is there any member of the jury panel that has ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

Yes, ma'am. Your name and number, please?

MS. WEISS: 93, Lisa Henry.

THE CLERK: I'm sorry. Did you say number 39, ma'am?

PROSPECTIVE JUROR: I'm sorry; 93.

THE COURT: 93, Ms. Henry?

PROSPECTIVE JUROR: Yes.

THE COURT: And who off of that list?

PROSPECTIVE JUROR: Heather Clamp.

THE COURT: And how do you know Ms. Clamp?

PROSPECTIVE JUROR: We're not close. But she was my victim's advocate in a case.

THE COURT: All right. If you were selected as a member of the jury in this case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: Yes, Your Honor.

THE COURT: Thank you, ma'am. You may be seated.

Yes, sir. Your name and number, please?

PROSPECTIVE JUROR: 74 Scott, Gleasure.

I used to work with Sean Riley. I don't know if it's the same one. But...

THE COURT: All right.

Do you have any additional information?

MS. WEISS: No, Your Honor. I don't think it's

the same one.

THE COURT: All right. Well, let me ask you this: You said you used to work with a Sean Riley.

PROSPECTIVE JUROR: Yeah.

THE COURT: How long ago was that?

PROSPECTIVE JUROR: It's been about five years.

THE COURT: If this is, in fact, the same person, which I'm not sure it is, if it is though and if you were selected as a juror in this case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you, sir. You may be seated.

All right. The next group includes Officer Calvin Brown with the West Columbia Police Department; Officer J. Auld, West Columbia Police Department; Officer Joseph Stirewalt, West Columbia Police Department; Sergeant Brian McDowell, West Columbia Police Department.

Investigator Tommy Todd, West Columbia Police Department; Investigator Joe Putney, West Columbia Police Department; Investigator Turner -- do you have a first name?

MS. WEISS: Your Honor, I apologize. Stacey Turner.

THE COURT: Investigator Stacey Turner, West Columbia Police Department; Page McCraw, West Columbia Police Department; Investigator Thomas Griffin, West Columbia Police Department; Captain Bruce Wade, West Columbia Police Department.

Kristen Grant Moore, formerly with the West Columbia Police Department, currently works with SLED; Will Norris, formerly with the West Columbia Police Department, but currently with Lexington Police Department.

Is there any member of the jury panel that has ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

Yes, ma'am. Juror No. 93, Ms. Henry?

PROSPECTIVE JUROR: Detective Todd was part of that case as well.

THE COURT: How long ago was that?

PROSPECTIVE JUROR: That was two years.

THE COURT: Two years or thereabouts?

PROSPECTIVE JUROR: Thereabouts.

THE COURT: Okay. Once again, if you were selected to be a juror in this case, could you be fair and impartial to both the State and the

Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you, ma'am. You may be seated.

All right. Next: Jennifer Clayton with SLED; Katie Corley with SLED; Verona Herrera with SLED; Thomas Darnell with SLED; Doris Yarborough with SLED; Amy Stephens Black with SLED; Lieutenant Robin Taylor with SLED; Lisa Chapman with SLED; Donna Money with SLED; Charlotte Pitts with SLED; and Jackie Davis with SLED.

Is there any member of the jury panel that's ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

All right. The next group: Master Deputy Jonathan Abbott, Richland County Sheriff's Department; Investigator Glenn Oxendine, Richland County Sheriff's Department; Investigator Kevin Loftis, Richland County Sheriff's Department; Investigator Marsden Roe, Richland County Sheriff's Department; Sergeant Holdorf; Deputy Chief J. Stan Smith, Richland County Sheriff's Department; John Otterbacher, retired West Columbia Police

Department; Deputy Kyle Ostrander, Richland County Sheriff's Department; EMT Patrick Dayton Barton, Lexington County EMS; Detective Harriet Boozer, Lexington Medical Center; Deborah Simpson, Sexual Trauma Services Of the Midlands; Kate M. Fogle, Social Worker with the Lexington Medical Center.

Is there any member of the jury pane who has ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

All right. The next group: Brigitte DeGuzman, forensic nurse examiner, Prisma Health and Lexington Medical Center; Shellie Keisler, forensic nurse examiner, Prisma Health; Julie D. James, a registered nurse at Lexington Medical Center; Dr. David Luallen, Lexington Medical Center; Rachel Nance, West Columbia Police Department Dispatch; Officer Hamrick -- do you have a first name for that officer?

MS. WEISS: Chuck, Your Honor.

THE COURT: Officer Chuck Hamrick, West Columbia Police Department; Michael Phipps, Lexington County Sheriff's Department; James Hickman, Lexington County Sheriff's Department;

Willie Bradley, Esquire; Nadia James; and Patrick Ward.

What agency is he with?

MR. WILLIAMS: Your Honor, I believe he's with SLED.

THE COURT: Okay.

Patrick Ward with SLED.

Is there any member of the jury panel that's ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

(No response.)

All right. At this time, I ask that the attorneys introduce themselves; the State, followed by defense counsel please.

MS. WEISS: Good morning, ladies and gentlemen. My name is Heather Weiss, and I'm an assistant attorney general at the South Carolina Attorney General's Offense for Attorney General Alan Wilson.

MS. RAYMER: Good morning. Megan Raymer with the South Carolina Attorney General's Office, Assistant Attorney General.

MR. WILLIAMS: I'm Theo Williams. I work at the firm across the street, Williams, Stitely &

Brink. And I'm going to be presumptuous and introduce my daughter, if she'll stand up. She's a law partner at the firm, Ms. Anna Williams, and she's also assisting me today.

I'm sorry. You want defendants also, Your Honor?

THE COURT: You can. Yes, sir.

MR. WILLIAMS: This is Chris Cooper.

THE COURT: Thank you, Mr. Williams.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: All right. Has any member of the jury panel ever been related by blood, connected by marriage, had a close personal, business, or social relationship, or ever been represented by any of the attorneys involved in this case? If so, please stand.

Any member of the jury panel or their immediate family ever been the victim of a violent crime? If so, please stand.

(No response.)

Any member of the jury panel or their immediate family accused or convicted of a crime of violence? If so, please stand.

(No response.)

All right. Has any member of the jury panel or

their immediate family ever been convicted of or accused of a burglary, robbery, or sexual assault? If so, please stand.

(No response.)

Has any member of the jury panel or their immediate family ever been employed with West Columbia Police Department --

Let me just ask it this way: Has any member of the jury panel or their immediate family ever been employed in law enforcement? If so, please stand.

Yes, ma'am? Your name and number, please?

PROSPECTIVE JUROR: 53, Stephanie Derock.

THE COURT: Ma'am, will you please pull your mask down so that I can hear you? 53?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: And was it you or immediate family?

PROSPECTIVE JUROR: Immediate family.

THE COURT: What agency, if you recall?

PROSPECTIVE JUROR: I believe it was Lexington County. He works for Springdale.

THE COURT: All right. The fact that you have a relative employed in law enforcement, if you were selected as a juror in this case, would you be fair and impartial for both the State and the Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated.

Ladies and gentlemen, let me say this: When you-all speak to me, you certainly can pull your mask down while you speak to me, so I can understand you and, more importantly, so my court reporter can understand you.

And it's a little difficult for me to hear up here. I have this air vent right over here to my right that's blowing, and it affects my ability to hear you-all. So, certainly, please speak a little louder than you might normally do so, so I can hear you and, like I said, more importantly, my court reporter can.

Your name and number, please, sir?

PROSPECTIVE JUROR: 46, John Cox.

THE COURT: Yes, sir. Was it you or immediate family?

PROSPECTIVE JUROR: Immediate family. My father is an FBI agent.

THE COURT: The fact that your father is in law enforcement or FBI, if you were selected as a juror in this case, could you be able to be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Sir?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: All right. Thank you. You may be seated.

Yes, ma'am. Your name and number, please?

PROSPECTIVE JUROR: Emily Dorroh, 56.

My father is a State transport police officer.

THE COURT: All right. The fact that your father is in law enforcement, if you were selected as a juror in this case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: No, sir.

THE COURT: All right. I'm going to set you aside for the trial of this case. Please be seated.

Yes, sir? Your name and number, please?

PROSPECTIVE JUROR: Jason Frye, 67.

THE COURT: All right. Was it you or immediate family?

PROSPECTIVE JUROR: Immediate family.

THE COURT: And what agency.

PROSPECTIVE JUROR: It regards the first question you asked about sexual assault.

THE CLERK: A violent crime, Your Honor.

THE COURT: Immediate family was a victim of such?

PROSPECTIVE JUROR: Yes, sir, Your Honor.

THE COURT: All right. If you were selected a juror in this case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: No, Your Honor.

THE COURT: All right. Thank you, sir. Tell me your number again.

PROSPECTIVE JUROR: 67.

THE COURT: All right. I'm going to set him aside for this trial as well.

Thank you. You may be seated.

All right. Juror No. 56, Ms. Dorroh, and Juror No. 67, Mr. Frye, thank you-all for being here this morning. You're free to go.

(Prospective jurors exit the courtroom.)

THE COURT: All right. I kind of sort of asked this question a little bit ago, but I'm going to be a little bit more specific: Has any member of the jury panel or their immediate family or close personal friend ever been represented -- I asked you about Mr. Williams; but the law firm of Williams -- is it Stitely?

MR. WILLIAMS: It is, Your Honor.

THE COURT: -- Williams, Stitely & Brink law firm? If so, please stand.

(No response.)

Has any member of the jury panel or their immediate family ever been prosecuted by or involved in any manner with the South Carolina Attorney General's Office? If so, please stand.

(No response.)

Any member of the jury panel related by blood, connected by marriage, or have a close personal, business, or social relationship with any of the solicitors in the Eleventh Judicial Circuit Solicitor's Office? If so, please stand.

(No response.)

All right. Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case? If so, please stand.

(No response.)

All right. Is any member of the jury panel aware of any bias or prejudice toward either the State or the Defense in this case? If so, please stand.

(No response.)

Is there any member of the jury panel who is a member of or contributor to any group which has as its primary concern the promotion of law enforcement of victim's rights? These groups might include, but certainly are not limited to, MADD, SADD, or CAV,

Citizens Against Violent Crime? If so, please stand.

(No response.)

All right. Does any member of the jury panel know of any reason, any reason whatsoever, why he or she should not serve as a juror in this case, with particular emphasis being placed on your ability to be fair and impartial to both the State and the Defendant? If so, please stand.

(No response.)

All right. Does the State have any additional voir dire?

MS. WEISS: Nothing from the State, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: Nothing from the Defendant, Your Honor.

THE COURT: Can the lawyers approach, please, along with Deputy Clerk, please, ma'am.

(Sidebar conference.)

THE COURT: All right. Ladies and gentlemen, what we're getting ready to do here is I'm getting ready to excuse you-all, and I'll ask that you be back at 2:30. Okay?

Now let me explain a few things to you real quick: In light of the pandemic, what we just did,

before the pandemic, we would have a complete jury panel where we would be just about finished with a complete jury panel in qualifying. Okay? But, because of the pandemic and the necessity and need for social distancing, we have another panel such as yourselves coming in at 1:00, which I will have to do the very same thing with that panel at 1:00 that I just did with you-all. Okay?

So what we're going to do, as a panel coming in at 1:00, I will qualify that panel just like I did you-all. Then the entirety of those who have been qualified will be here at 2:30, and that's when we will pick a jury. Okay? That's when we'll pick a jury, at 2:30, in this case.

Now, we're doing and the court system is doing0 everything they can to ensure that there's proper social distancing. Before the pandemic, you didn't have all these screens up here or these -- this Plexiglass separating everyone. We didn't have that sort of thing. When you-all exit the courtroom, after I excuse you here in a few minutes, there will be individuals, I'm sure, that will be coming in here and sanitizing where you-all have been sitting so that there's no concern, hopefully, for any cross-contamination, so to speak. But it's just a

matter of precaution.

We're going to do everything we can within our powers up here to ensure that you-all are safe as you serve this week. So that's why we're have to do, in two panels today, as far as the qualification is concerned.

I kind of am glad that it's at least two. In Florence, we've been doing three panels; panel at 9:00, 11:00, and 2:00, and then pick a jury thereafter. And so at least you-all are doing -- at least I only have to sat this twice today instead of three times. So I'm kind of excited about that. But what we're going to do is I'm going to excuse you until 2:30.

Now, before I excuse you, let me give you a couple of instructions: I've told you very little about this case. What I've told you, as I read the indictments to you, which are simply, as I said, the charging documents which bring this case into this Court. They're not evidence in this case. They're not evidence.

The defendant has pled not guilty. As I told you before, the State has the burden of proving the defendant's guilt beyond a reasonable doubt. Having said that, I'm instructing you-all, ladies and

gentlemen, not, not to discuss this case with anyone. You are not to discuss it with anyone, nor is anyone to discuss this case with you. If anyone tries to talk about this case with you, you need to please let the Clerk's Office know immediately upon your return.

Having instructed you not to talk to anyone and told you that no one is to talk to you about it, in addition, you are not -- you are not to do any independent investigation about this case on the Internet, Facebook, Twitter, YouTube, or whatever. You are not to do any independent investigation into this case.

If you're selected as a juror in this case, you are to decide this case based solely, based solely, upon the evidence and testimony that's presented during the course of this trial and nowhere else. Okay?

Now, having said that as well, let me say this: When you-all return, I saw one of you out there -- and I'll give you further instructions on this if you're, in fact, selected on a jury -- on this jury: But I want you to be comfortable as you serve up here this week. Some of you might think it's hot in here; some of you might think it's cold in here.

But I wast you to be comfortable as you serve.

If you're cold natured, please, please bring a jacket. If I have anything to do with the thermostat, it's going to be cold in here. I sit up here a little bit elevated. And, you know, they say heat rises. I'm a little elevated sitting up here. In addition to sitting a little elevated, I have an undershirt on, a shirt, a tie, and this robe is part of my uniform. And I'm hot-natured. So I just -- it's probably going to be kind of cool in here. So make sure, if you're cold in here right now, make sure you bring a jacket back so that you're comfortable in here.

Is there anything further from the State at this time before I release this panel?

MS. WEISS: No, sir, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: Nothing from the Defendant, Your Honor.

THE COURT: There seems to be that I'm forgetting something, but I can't seem to think of it right now. As soon as you-all walk out of here, I'll remember it. My trusted law clerk says he can't think of anything either. So between the State, Defense, and my law clerk, hopefully we got

it all right.

And I say that to say, you know, we just resumed jury trials here very recently, so we're still kind of trying to knock some of the rust off, so to speak. So I would appreciate your patience as we go throughout this process. Okay? Having concluded that, I'm going to excuse you at this time. Again, don't discuss this case at all with anyone; don't do any independent investigation at all until you're instructed to do so if, in fact, you're selected to serve on this jury.

You-all are free to go. I look forward to seeing you back at 1:00 -- excuse me, 2:30. 2:30. Everybody clear on that? 2:30. See you-all at 2:30. Thank you.

(The jury panel exits the courtroom.)

THE BAILIFF: Your Honor, this juror has a question.

THE COURT: Name and number, please?

PROSPECTIVE JUROR: Sherri Cassella, 33.

THE COURT: Come on up, please, ma'am.

PROSPECTIVE JUROR: Okay.

(Ms. Cassella comes forward.)

THE COURT: Yes, ma'am?

PROSPECTIVE JUROR: I'm just curious of the

times. I have a child I pick up every day at BC -- she's 15 -- 4:00. So I didn't know. There's nothing on the paperwork that says what time --

THE COURT: Well, that's something I would have discussed if you were, in fact, selected on the jury.

PROSPECTIVE JUROR: Okay. It scared me that we have to come back at 2:30 and I have to be there at 4:00. So I --

THE COURT: Do you have anybody else who can pick her up, maybe?

PROSPECTIVE JUROR: I -- we alternate every week with her dad. This is my week. So, no, he's out of town this week. You can guarantee me. That's fine; I don't mind being here.

THE COURT: Is that going to be every day this week?

PROSPECTIVE JUROR: Yes, every day this week.

THE COURT: We'll probably be going to beyond 4:00 every day this week.

PROSPECTIVE JUROR: I mean, I will --

THE COURT: I'll transfer you to another term.

PROSPECTIVE JUROR: Okay.

THE COURT: To the summer?

PROSPECTIVE JUROR: Yes. That would be

perfect, yes, because she won't be in school. Sorry. I would have mentioned that. I didn't know.

THE COURT: That's okay. And, like I said, that's something I typically wait until the panel is selected. Maybe I ought to ask that. I'm glad you brought it up.

PROSPECTIVE JUROR: Right.

THE COURT: I mean, we typically could break anywhere from 5:00 to 6:00 at night.

PROSPECTIVE JUROR: Okay.

THE COURT: It just depends on where our witnesses are and all the testimony, et cetera. On occasions, we do break earlier that 4:00, but not often.

PROSPECTIVE JUROR: Okay.

THE COURT: I'll transfer you.

THE CLERK: Transfer to July?

PROSPECTIVE JUROR: That's perfect.

THE CLERK: Is your address still the same, ma'am?

PROSPECTIVE JUROR: Yes, ma'am.

THE CLERK: Okay. You'll get another summons.

PROSPECTIVE JUROR: Okay. Thank you.

THE COURT: Have a good day.

PROSPECTIVE JUROR: You, too.

THE COURT: The next panel is coming in at 1:00. Anything y'all want to do between now and then?

MS. WEISS: No, sir, Your Honor.

THE COURT: You sure?

MS. WEISS: I think we're good.

THE COURT: I got the two motions you sent yesterday sometime.

MS. WEISS: Well, one was the list of motions we had talked -- and the other is the rape shield motion. And then --

THE COURT: Do you have hard copies of those?

MS. WEISS: I do. I just was anticipating -- I was thinking the two panels were this morning, and that was after lunch, and so I left that in our office across the hall.

THE COURT: Okay.

MR. WILLIAMS: Judge, we basically had two major motions. Obviously, you read -- I guess you got a copy of one dealing with the alleged statement and confession that my client made, so we got to have a hearing on that. And we do have an agreement on one, and that is sequestration of the witnesses. I've got extra copies, if you don't have that one.

THE COURT: Please. I don't know that I've

seen that.

MS. WEISS: It's only a one-page motion, Your Honor.

MR. WILLIAMS: No. It's actually more than one page.

THE COURT: Ms. Weiss, if you want to go grab whatever hard copies you have.

MS. WEISS: Sure. Yes, Your Honor.

MR. WILLIAMS: Judge, I have only one here with me. We can print a copy, I guess. It's been filed and sent to the Clerk's Office. It was served on --

THE COURT: I have not seen this, Mr. Williams.

MR. WILLIAMS: Well, there's one in the file; it should be. It was filed April 13th.

THE COURT: Mr. Williams, I didn't get an e-mail from you on that.

MR. WILLIAMS: We e-mailed it, Judge, to the Court. I'm sorry, Your Honor. We sent a copy to Heather and we sent a copy to the Clerk of Court's Office.

THE COURT: Let me ask y'all this real quick while you-all are still here: Have each of you seen the other side's motion?

MR. WILLIAMS: I just saw hers. She and I talked yesterday afternoon.

THE COURT: Okay. Why don't y'all get together? Y'all may can agree on some of it.

MR. WILLIAMS: We can. We've already agreed on the sequestration of witnesses.

THE COURT: That's the easiest one.

MR. WILLIAMS: But, probably, we're not going to agree on the keeping the statements out, Judge.

MS. WEISS: Yeah. The two major ones are the bribery allegation and the Denno that we're probably going to do motions for that; we'll have to at least talk about in court and get a ruling on it.

THE COURT: If I have kind of an odd facial expression, I'm trying to interpret what you-all are saying through those masks.

MS. WEISS: Sorry, Your Honor. It's my first trial since COVID, so --

THE COURT: That's okay.

MS. WEISS: But, no. We looked through it and I think we're going to -- we'll put them on the record. But I think we're going to be pretty quick on the others. It's just the number 4, the alleged bribery scheme. It's just an argument to suppress just any mention of it. We have different views on how that whole thing happened. But then, overall, I think it's irrelevant and confusing and just let's

just suppress it so we don't get into that. But we can talk about that later.

Then the Denno hearing on the statements. And then I'll need to bring Craig Cooper up and call him to the stand and just have him say what he's going to do. He pled guilty. Part of the plea agreement was that he had a sentence range that applied, if he cooperated with his testimony that he gave that day in court, and that he testify.

And he has indicated, prior to today, that he no longer wants to go along with the plea agreement. But, just to be clear, I don't want to call him just for the purpose of him saying he's not going to go along with it. So I wanted to put him up, make sure he's aware of the plea agreement, that he loses the plea agreement, just to make sure all that's on the record, and then let him tell the Court what he's going to do so that I don't risk later him saying, well, I would have done it if you would have called me or whatever. So --

THE COURT: Was he -- who is his lawyer?

MS. WEISS: His lawyer is Colin Spangler. He's aware of this.

THE COURT: And he's going to be here?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: Okay. Here's a copy of what Mr. Williams filed --

MR. WILLIAMS: And I've got more copies coming, Judge.

THE COURT: Okay.

MR. WILLIAMS: And, in all honesty, Judge, it's kind of simple, but it's got more stuff in it. It looks like I spent longer doing it.

THE COURT: Okay.

MS. WEISS: And, Your Honor, I think, at this point, the case has been called and the bond is up. So we'd ask that Mr. Cooper be taken into custody at this time.

MR. WILLIAMS: And, Judge, I have already talked to the bonding company, and they are providing us a letter stating they will remain on the bond. And, Your Honor, it's my understanding that normally the decision of whether or not they're left out or not out normally depends on after the jury is sworn. And we haven't even finished completing the jury -- well, the second part of the jury hasn't even come in yet.

So we would move that the Court make that call this afternoon, after the second part of the jury has met.

THE COURT: Okay.

MR. WILLIAMS: He does have a monitor on his leg, too, Judge.

THE COURT: Okay. All right. Well, I'm going to allow him to remain out right now.

MS. WEISS: Okay.

THE COURT: Mr. Cooper, would you stand, please, sir? Raise your right hand. I'm going to swear you in real quick.

CHRISTOPHER P. COOPER

being first duly sworn, testified as follows:

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: Okay. You can put your hand down, sir. Pull your mask down while you're talking to me. I'm going to allow you to remain out on bond right now. Okay?

THE DEFENDANT: Yes, sir.

THE COURT: I want you to understand though, your case has been called; I've already qualified the first panel for selecting your jury. However, I want you to understand, if you fail to appear, if you fail to return, that will not halt the going forward of your case. You understand that?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: You can, under the law, be tried in

your absence. You understand that?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: In fact, if you fail to reappear, what will happen is the Court will issue a bench warrant for your arrest. And, at some point in time, you'll be picked up. If you've been convicted, you'll -- I will fill out sentence sheets; they'll be sealed; and you'll be returned to the Court and those sentences will be unsealed and imposed on you. You understand that?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: For purposes of right now though, I want to make it abundantly clear, if you fail to appear, that will not hold up the process or progress of you case going forward. You understand that?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: All right. Do you have any questions you want to ask me?

THE DEFENDANT: No, sir, Your Honor.

THE COURT: Okay. Thank you. You may be seated.

All right. Anything else at this time?

MS. WEISS: No, sir, Your Honor.

THE COURT: All right. If you-all would go

ahead and, to the extent that you hadn't already, talk about what is going to be before me after we pick a jury this afternoon so we can run through, you know, what y'all agree upon and what you -- and move right into what we need to deal with.

MS. WEISS: Yes, sir, Your Honor. And just so I understand, the next panel comes in at 1:00.

THE COURT: Yes.

MS. WEISS: At 2:30, this panel comes back with the next panel. And they all come up here or is it just a --

THE CLERK: They're all going to be in here.

MS. WEISS: Okay. So it's going --

THE CLERK: I think it's 60 that can sit out there.

MS. WEISS: I just didn't know if it was going to be, like, just the selection panel or if it's going to be everybody. But it's going to be everybody --

THE CLERK: Yes, ma'am.

MS. WEISS: -- and then you'll have -- do you do strike sheets or no?

THE CLERK: Not in general sessions; we don't provide strike sheets.

MS. WEISS: Not a problem. I just wanted to

make sure I understood what was going to be happening.

THE CLERK: Yes, ma'am. The only ones that get strikes sheets is the Judge, his clerk, the court reporter, and me.

MS. WEISS: Perfect. Not a problem. Thank you so much.

THE COURT: Ten and five on the strikes?

MR. WILLIAMS: Yes, sir.

MS. WEISS: Yes, sir.

THE COURT: One or two alternates? Two alternates?

MS. WEISS: Yes, please, Your Honor.

MR. WILLIAMS: Yes, sir.

THE COURT: One and two on each alternate.

THE CLERK: All right, sir.

THE COURT: All right. We'll see you back at 1:00.

MR. WILLIAMS: Thank you, Your Honor.

MS. WEISS: Thank you, Your Honor.

(Trial in recess 11:12 AM - 1:17 PM.)

THE COURT: Good afternoon, ladies and gentlemen. I hope you-all are doing well today. My name is Craig Brown. I am from Florence. I had the privilege of driving up here this morning. You-all,

ladies and gentlemen, have been summoned for a one-week -- and I emphasize a one-week, not a multi-week term -- for jury service in what is called General Sessions or, better known as, criminal court in this state.

What we're going to do here -- before we go any further, let me introduce you to a couple people. To my immediate right down here is Mrs. Bethanie Creppon. She's my Court Reporter. This is a court of record. What is said in here is taken down and -- for the purpose of producing a transcript at a later time, if need be. So, as we go through this qualification process, please speak loud and clear to make sure she hears you. In fact, when you do stand and then speak, it's okay if you remove your mask while you speak and then put it back up after you speak. Okay? I want to make sure the record is clear and so that everyone can hear you up here.

To my left is Ross Scarborough. He has graduated from law school, taken and passed the Bar. He is my law clerk. I tell people he is my lawyer. He is here to aid and assist me in the carrying out of my job responsibilities as a circuit court judge.

This young lady here in this burgundy jacket is one of the bailiffs here. You'll see them around

here and one behind me. They're the bailiffs here in court, and they're here to aid and assist you as you serve as jurors during this one-week term. If there are any issues that come up, please notify them and, if need be, they'll reach out to me, and we'll address accordingly.

Now, before we begin this qualification process, let me emphasize and say again how much I appreciate you-all being here. Our judicial system cannot function without people such as yourselves. This is only the second jury term of court that I have held since they reinitiated jury trials. They were started back up last month, but when they started back up in Florence, they didn't have any jury terms scheduled at the time. So we're trying to get things going again, so to speak, in jury trials.

And, having said that, I can't emphasize to you the importance of your service. As you can imagine, jury trials were shut down for approximately a year, due to the pandemic. And, as you can further imagine, the dockets in civil court, which is Common Pleas court in this state, and criminal court, which is General Sessions court, is backed up pretty significantly.

So as you serve here this week, I understand, ladies and gentlemen, that you have lives outside of this courtroom. And I will do everything within my power to make sure that your time is as efficiently used as possible; however, knowing that we can't function without you. Okay?

Now, having said that, we're going to qualify you to serve here this week. And the qualification process is a multi-step process, the first of which is rollcall. It will be conducted by the Clerk of Court's Office. Once rollcall is completed, I will have a litany of questions that I have to ask of you that is required by state law. But we'll get through this as quickly as possible.

At this time, therefore, I'll turn it over to the Clerk's Office, Madam Clerk, for rollcall.

THE CLERK: Please stand and raise your right hand.

(Jury panel sworn.)

THE CLERK: Rollcall is complete, Your Honor.

THE COURT: Thank you.

All right. Ladies and gentlemen, you all are now qualified to serve as jurors during this one-week term of jury service. And what we're going to do now, is we're going to move straight into

qualifying you as jurors to serve on this first case that's up for trial this week. Therefore, I'm going to recognize Ms. Weiss with the Attorney General's Office to call this case, please, ma'am.

MS. WEISS: Thank you, Your Honor. The State calls the case of The State of South Carolina versus Christopher P. Cooper;
Indictment Nos. 2017-GS-32-03587 through 2017-GS-32-03592.

THE COURT: All right. Ladies and gentlemen, the State of South Carolina has called the case of State of South Carolina versus Mr. Christopher P. Cooper. Mr. Cooper is charged, by several indictments, with several different charges. And please listen very carefully as I read the charges in these indictments.

The indictment under -3587 is an indictment for burglary in the first degree. It alleges that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017, along with co-defendant Craig Corey Cooper did knowingly and willfully enter a dwelling; to wit: [redacted] F Avenue, West Columbia, South Carolina, being the dwelling of M.C. [redacted], without consent and with the intent to commit a crime therein and, when

in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime was armed with a deadly weapon, used or threatened the use of a dangerous instrument, or displayed what was or appeared to be a pistol, revolver, or other firearm, or caused physical injury to a person who was not a participant in the crime, and/or the entering or remaining occurred in the nighttime, in violation of Section 16-11-311 of the Code of Laws of South Carolina.

Now, ladies and gentlemen, you heard me mention a codefendant's name in this case, Craig Corey Cooper. I will tell you that Christopher P. Cooper is the only individual that's on trial this week. For various legal reasons, the State can choose to try one or both defendants at the same time. But the State, in this particular case, has only chosen to try Mr. Christopher P. Cooper at this time.

Any exception or objection to what I have conveyed to the jury concerning the co-defendant, Madam Solicitor -- or Madam Assistant Attorney General?

MS. WEISS: Yes, Your Honor.

THE COURT: Any objection?

MS. WEISS: No objection.

THE COURT: Defense counsel?

MR. WILLIAMS: No objection, Your Honor.

THE COURT: All right.

Now, under Indictment -3588, Mr. Christopher Cooper is charged with armed robbery. That indictment reads that Christopher P. Cooper did, in Lexington County, on or about July 28, 2017, along with co-defendant Craig Corey Cooper, knowingly and willfully, while armed with a deadly weapon, to wit, a pistol, did feloniously take from the person or presence of M.C. by means of force, threats, or intimidation, goods or monies being described as follows: Cash money, with intent to deprive the owner of use of such property, in violation of Section 16-11-330(a) of the South Carolina Code of Laws.

Indictment -3589 charges the defendant with kidnapping. And that indictment reads that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017 along with co-defendant Craig Corey Cooper, knowingly, willfully, and unlawfully seized, confined, inveigled, decoyed, kidnapped, abduct, or carried away one, by any means whatsoever, without authority of law, and without her consent; to wit: Prevented

M.C. from leaving her home, in violation of Section 16-3-910 of the Code of Laws of South Carolina.

Indictment -3590 alleges a charge for criminal sexual conduct first degree. It alleges that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017, willfully and unlawfully commit a sexual battery in the first degree by engaging in sexual battery upon the victim, M.C., under any one or more of the following circumstances: The actor used aggravated force to accomplish the sexual battery, and/or the victim submitted to the sexual battery under circumstances of force or confinement, kidnapping, robbery, extortion, burglary, or any other similar offense or act, in violation of Section 16-3-652 of the Code of Laws of South Carolina.

Indictment -3591 is an indictment for possession of a firearm during a violent crime. That indictment reads that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017, knowingly and willfully possessed a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit, burglary, armed robbery, criminal sexual

conduct in the first degree, and/or kidnapping, such weapon described as a pistol, in violation of Section 16-23-490 of the Code of Laws of South Carolina.

And, finally, under Indictment -3592, the defendant is charged with criminal conspiracy. It alleges that Christopher P. Cooper did, in Lexington County, South Carolina, on or about July 28, 2017, knowingly and willfully unite, combine, conspire, confederate, agree, and have a tacit understanding with Craig Corey Cooper for the purpose of accomplishing a criminal or unlawful object and/or an object neither criminal nor unlawful, but by criminal or unlawful means; to wit, burglary, armed robbery, kidnapping, and/or criminal sexual conduct first degree in violation of the common law under 16-17-410 of the South Carolina Code of Laws.

Now, ladies and gentlemen, each of these indictments that I just read to you are not evidence in this case; they are simply the charging documents which bring this case to this Court. Now, to these charges, Mr. Christopher P. Cooper, the defendant, has pled not guilty; therefore, the State of South Carolina bears the burden of proving his guilt to you, the jury, beyond a reasonable doubt.

Now there are certain questions that I must ask of you, ladies and gentlemen, to qualify you to serve on this particular jury:

Is there any member of the jury panel that has ever been related by blood, connected by marriage, had a close personal, business, or social relationship with Mr. Christopher P. Cooper, Craig Corey Cooper, or M.C. [redacted] If so, please stand.

(No response.)

All right. The following, ladies and gentlemen, is a potential list of witnesses in this case. Let me emphasize that they're potential witnesses. It does not mean that all of them are going to be called; they are simply a list of potential witnesses. And this list is quite lengthy, okay, so I'm going to break it down into several different groups and, after each group, ask you a series of questions as it relates to that particular group. Please listen very carefully. Some of these names may be repetitive in the outset.

Potential witnesses include M.C. [redacted]; Jacob Cook; Jeanie Kelly; Albert Brisbon; Shawn Riley; Craig Cooper; Earle Cooper; Heather Lybrand Clamp with the 11th Circuit Solicitor's Office; Investigator M. Hamp Taylor, Lexington County

Sheriff's Department; Willie Bradley; Christopher Jimmerson; and Investigator Chris Morris with the West Columbia Police Department.

Is there any member of the jury panel that's ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

(No response.)

The next group: Officer Calvin Brown, West Columbia Police Department; Officer Jay Auld, West Columbia Police Department; Officer Joseph Stirewalt, West Columbia Police Department; Sergeant Brian McDowell, West Columbia Police Department; Investigator Tommy Todd, West Columbia Police Department; Investigator Joe Putney, West Columbia Police Department; Investigator Stacey Turner, West Columbia Police Department; Page McCraw, West Columbia Police Department; Detective Thomas Griffin, West Columbia Police Department; Captain Bruce Wade, West Columbia Police Department; Kristen Grant Moore, formerly with West Columbia Police Department, currently with SLED, which is South Carolina Law Enforcement Division; Will Norris, formerly West Columbia Police Department, but

currently with Lexington Police Department.

Is there any member of the jury panel that's ever been related by blood, connected by marriage, had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

(No response.)

All right. The next group: Jennifer Clayton with SLED; Katie Corley with SLED; Andrea Simmons, SLED; Verona Herrera, SLED; Thomas Darnell, SLED; Doris Yarborough, SLED; Amy Stephens Black SLED; Lieutenant Robin Taylor, SLED; Lesa Chapman, SLED; Donna Money, SLED; Charlotte Pitts, SLED; and Jackie Davis, SLED.

Is there any member of the jury panel that's ever been related by blood, connected by marriage, or had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

Name and number, please, sir?

PROSPECTIVE JUROR: Ted Lassiter, 122.

THE COURT: Yes, sir.

PROSPECTIVE JUROR: I am a contractor for SLED. I run the Computer Crimes Department. I don't know any of the SLED agents, per se, but I am employed

there.

THE COURT: Mr. Lee?

THE CLERK: Lassiter.

THE COURT: I'm sorry. 122. You're a contractor with them?

PROSPECTIVE JUROR: Yes, sir. For about the last eight years, I've been in charge of the computer crimes.

THE COURT: But you do not know any of those officers I named?

PROSPECTIVE JUROR: No, sir.

THE COURT: All right. If you were selected as a juror in this particular case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated.

All right. The next grouping: Master Deputy Jonathan Abbott, Richland County Sheriff's Department; Investigator Glenn Oxendine, Richland County Sheriff's Department; Investigator Kevin Loftis, Richland County Sheriff's Department; Investigator Marsden Roe, Richland County Sheriff's Department; Sergeant Travis Holdorf, Richland County Sheriff's Department; Deputy Chief J. Stan Smith, Richland County Sheriff's Department; Jay -- excuse

me, Jan Otterbacher, retired West Columbia Police Department; Deputy Kyle Ostrander, Richland County Sheriff's Department; Patrick David Barton, Lexington County EMS; Dr. Harriet Boozer, Lexington Medical Center; Deborah Simpson, Sexual Trauma Services of the Midlands; Kate M. Fogle, Social Worker with Lexington Medical Center.

Is there any member of the jury panel that's ever been related by blood, connected by marriage, or had a personal, business, or social relationship with any of those potential witnesses? If so, please stand.

(No response.)

All right. The next group: Brigette DeGuzman, Forensic Nurse Examiner, Prisma Health and Lexington Medical Center; Shellie Keisler, Forensic Nurse Examiner, Prisma Health; Julie D. James, Registered Nurse, Lexington Medical Center; Dr. David Luallen Lexington Medical Center; Rachel Nance, dispatch with West Columbia Police Department; Officer Chuck Hamrick, West Columbia Police Department; Michael Phipps, Lexington Sheriff's Department; James Hickman, Lexington County Sheriff's Department; Nadia James and Patrick Ward with SLED.

Is there any member of the jury panel that's

ever been related by blood, connected by marriage, or had a close personal, business, or social relationship with any of those potential witnesses? If so, please stand.

Name and number, please?

PROSPECTIVE JUROR: 158, Josh Nuelken.

THE COURT: Yes, sir?

PROSPECTIVE JUROR: I was a co-worker of Brigette DeGuzman for a number of years at Prisma Health.

THE COURT: You are or were?

PROSPECTIVE JUROR: Were.

THE COURT: How long ago was that, sir?

PROSPECTIVE JUROR: Mid-2000s.

THE COURT: Okay. If you were selected -- the fact that you previously worked with her, if you were selected as a juror in this case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you, sir. You may be seated.

All right. At this time, if the attorneys would introduce themselves; the State, followed by defense counsel, please.

MS. WEISS: Good afternoon. My name is Heather

Weiss. I'm an Assistant Attorney General at the South Carolina Attorney General's Office working for Alan Wilson.

MS. RAYMER: Good afternoon. Assistant Attorney General Megan Raymer.

MR. WILLIAMS: I'm Theo Williams. I practice law across the street at the firm of Williams, Stitely, & Brink.

MS. WILLIAMS: Good afternoon. Anna Williams. I also practice at Williams, Stitely, & Brink.

THE COURT: Is there any member of the jury panel that's ever been related by blood, connected by marriage, or had a close personal, business, or social relationship, or ever been represented by any of the attorneys involved in this case? If so, please stand.

(No response.)

Has any member of the jury panel or their immediate family ever been the victim of a crime of violence? If so, please stand.

(No response.)

Has member of the jury panel or their immediate family member ever been accused or convicted of a crime of violence? If so, please stand.

PROSPECTIVE JUROR: 186.

THE COURT: Yes, sir.

PROSPECTIVE JUROR: My son is a felon. He was convicted of robbery and burglary.

THE COURT: Okay. All right. The fact that you stood in response to that question, if you were selected as a juror in this case, could you be fair and impartial to both the State and the Defense?

PROSPECTIVE JUROR: Yes, sir.

THE COURT: Thank you. You may be seated.

Has any member of the jury panel or their immediate family ever been a victim of or accused of burglary, robbery, or sexual assault? If so, please stand.

(No response.)

Has any member of the jury panel or their immediate family ever been the victim of or accused of sexual assault? If so, please stand.

(No response.)

Is any member of the jury panel or their immediate family currently or previously employed with any law enforcement agency? If so, please stand.

(No response.)

Has any member of the jury panel or their immediate family previously been represented by or

currently represented by any of the attorneys at Williams, Stitely, & Brink law firm? If so, please stand.

(No response.)

Any member of the jury panel or their immediate family been ever been prosecuted by or involved in any manner with the South Carolina Attorney General's Office? If so, please stand.

(No response.)

Is there any member of the jury panel who is related by blood, connected by marriage, or had a close personal, business, or social relationship with any of the prosecutors or solicitors in the 11th Judicial Circuit? If so, please stand.

(No response.)

Has any member of the jury panel formed or expressed an opinion about any issue or matter involved in this case? If so, please stand.

(No response.)

Is any member of the jury panel aware of any bias or prejudice towards either the State or the Defendant in this case? If so, please stand.

(No response.)

Is there any member of the jury panel who is a member of or contributor to any group which has as

its primary concern the promotion of law enforcement or victim's rights? These groups might include, but certainly are not limited to, MADD, SADD, or CAV, Citizens Against Violent Crime? If so, please stand.

(No response.)

Does any member of the jury panel know of any reason, any reason whatsoever, why he or she should not serve as a juror in this case, with particular emphasis being placed upon your ability to be fair and impartial to both the State and the Defendant? If so, please stand.

(No response.)

All right. Does the State have any additional voir dire?

MS. WEISS: No, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: None for the Defendant, Your Honor.

THE COURT: All right. Can the lawyers approach, please, and Madam Clerk.

(Sidebar conference.)

THE COURT: All right. Ladies and gentlemen, what I'm getting ready to do is I'm going to give you a break of about 20 minutes or so. At 2:30, the

first panel, as well as you-all, are going to come back in here, and we're going to select a jury for the trial of this case.

I want to just give you a few instructions before I give you a break: You know very little about this case, other than what I've told you and reading these indictments to you. As I said before, the indictments are not evidence in this case.

When I give you a break here, do not discuss this case at all with anyone right now. Okay? Don't discuss the case at all with anyone right now. Furthermore, do not do any independent investigation on your own. And that will be if you get selected on this jury, those two instructions will be throughout, until the case is given to the jury to decide.

Do not discuss the case with anyone; nobody should come up to you and talk to you about the case; do not do any independent investigation about this case. You're to decide this case based solely, solely, upon the evidence and testimony that's presented in this courtroom and nowhere else. Okay?

So what I'm going to do is I'm going to give y'all a break. I'll ask that you be back in here at 2:30, and then we'll move forward promptly at that

time in selecting the jury for the trial of this case. Okay? Thank you.

(Jury pool excused.)

Juror No. 209, would you come forward please, sir?

(Juror No. 209 comes forward.)

(Off-the-record discussion.)

THE COURT: Juror 209 didn't object to being excused.

(Pause in the proceedings 2:09 PM - 2:37 PM.)

THE COURT: Anything from the State before we commence the selection of the jury?

MS. WEISS: Nothing from the State, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: Nothing from the Defendant, Your Honor.

THE COURT: All right. Madam Clerk, ready when you are. Five and ten on the strike with two alternates; one and two on the alternates each.

THE CLERK: Yes, sir.

Okay. As I call your name and number, please come forward. You'll come through the gate, stand up here at this podium, and remain there until I give you further instructions.

Number 132, Ted Lassiter.

(Mr. Lassiter comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror from the trial of this case.
THE CLERK: Return to your seat, please, sir.
Number 8, Wayne Bannan.
(Mr. Bannan comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
Number 185, Christopher Senn.
(Mr. Senn comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
Number 58, Randell Dreyer.
(Mr. Dreyer comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, sir.

Number 60, Carl Epps.

(Mr. Epps comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please excuse the juror from the trial of this case.

THE CLERK: Return to your seat, please, sir.

41, Carlos Collins.

(Mr. Collins comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please excuse this juror.

THE CLERK: Return to your seat, please, sir.

Number 96, Michael Huber.

(Mr. Huber comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please excuse the juror.

THE CLERK: Return to your seat, please, sir.

Number 182, Meredith Scott.

(Ms. Scott comes forward.)

THE COURT: What say you for the State?

MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror from the trial of this case.
THE CLERK: Return to your seat, please, ma'am.
48, Carrie Dalton.
(Ms. Dalton comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
Number 4, Michael Artlip.
(Mr. Artlip comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
74, Scott Gleasure.
(Mr. Gleasure comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror from the

trial of this case.

THE CLERK: Return to your seat, please, sir.

Number 85, Tina Gullo.

(Ms. Gullo comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, ma'am.

151, Kelly Mixson.

(Ms. Mixson comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please excuse the juror from the trial of the case.

THE CLERK: Return to your seat, please, ma'am.

208, Waylon Trakas.

(Mr. Trakas comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, sir.

149, Richard Metts.

(Mr. Metts comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror.
THE CLERK: Return to your seat, please, sir.
65, Brittany Franceschina.
(Ms. Franceschina comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
134, Devon Lybrand.
(Mr. Lybrand comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please excuse the juror.
THE CLERK: Return to your seat, please, sir.
216, Amber Wells.
(Ms. Wells comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.

168, Jason Reeves.

(Mr. Reeves comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please excuse this juror from the trial of this case.

THE CLERK: Return to your seat, please, sir.

139, Shawn Martin.

(Mr. Martin comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please seat the juror.

THE CLERK: Have a seat in the jury box, sir.

125, Sheila Leaphart.

(Ms. Leaphart comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, ma'am.

103, Angela Johnson.

(Ms. Johnson comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror from the trial of this case.
THE CLERK: Return to your seat, please, ma'am.
100, Paige Jackson.
(Ms. Jackson comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, ma'am.
107, Matthew Jones.
(Mr. Jones comes forward.)
MS. WEISS: Please excuse the juror.
THE CLERK: Return to your seat, please, sir.
39, Tyrell Coleman.
(Mr. Coleman comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
Proceed with alternates, Your Honor?
THE COURT: Yes, ma'am.

THE CLERK: 215, Kayla Watkins.
(Ms. Watkins comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror from the trial of this case.
THE CLERK: Return to your seat, please, ma'am.
46, John Cox.
(Mr. Cox comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please excuse the juror from the trial of this case.
THE CLERK: Return to your seat, please, sir.
197, James Spencer.
(Mr. Spencer comes forward.)
THE CLERK: What say you for the State?
MS. WEISS: Please present the juror.
THE CLERK: What say you for the Defense?
MR. WILLIAMS: Please swear the juror.
THE CLERK: Have a seat in the jury box, sir.
That's Alternate 1, Your Honor.
Number 70, Kendra Garrett.

(Ms. Garrett comes forward.)

THE CLERK: What say you for the State?

MS. WEISS: Please present the juror.

THE CLERK: What say you for the Defense?

MR. WILLIAMS: Please swear the juror.

THE CLERK: Have a seat in the jury box, ma'am. That's Alternate 2, Your Honor.

THE COURT: Any matters of law we need to take up in regards to the jury selection from the State?

MS. WEISS: Not from the State, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: None by the Defendant, Your Honor.

THE COURT: All right. Can the lawyers approach a minute, please?

(Sidebar conference.)

THE COURT: Ladies and gentlemen, those of you seated in the jury box, you-all have been selected as fair and impartial jurors to serve in this case. I'm going to release you-all, but I want to go over a few quick things with you-all before I do so. Okay?

During your service as jurors, I want you to understand that you will not be allowed to have your cell phone in the jury room; you will not be able to

access any kind of electronic devices, whether it be a phone, smart watch, or anything such as that. You'll be asked to give that to the bailiff before entering in the jury room or during trial.

If an emergency occurs -- Madam Clerk, do they already have a phone number that they can give to their family if they need to reach out?

THE CLERK: Yes, sir, on their paperwork from us.

THE COURT: Okay. On your paperwork, the Clerk's Office tells me that you-all -- there should be a phone number on there. You can give that to any family or whomever you think might need to get in touch with you if an emergency occurs. You'll be -- they'll be able to get in touch with quicker that way than they would by trying to reach you on your cell phone, okay, because you're not going to be able to have a cell phone back in the jury room.

Now, during your service this week, before you broke today and came back at 2:30, I told you-all not to talk with anyone about the case and, furthermore, that no one was supposed to talk to you about the case. During your service this week on this jury, I would further tell you that you're not to have any contact with any of the parties that may

be involved in this case.

My advice -- I mean, I read out a litany of names that are potential witnesses in the case. And you-all did not -- if I recall correctly, none of you-all that are on this list knew of any of them. Okay? The best advice I can give you is to stay to yourself or with your fellow jurors during your service this week. Innocent conversations could be misconstrued and, therefore, the best thing to do is either stay to yourself or with your fellow jurors as you're up here this week, serving as jurors. Okay?

As you serve this week, please, ladies and gentlemen, be prompt. If you-all, as a jury, been asked to be back here at a certain time and one of you is not here, we can't proceed. Okay? And if we haven't heard from you, I'm going to have to send one of Lexington County's sheriff's deputies looking for you. Okay? So if something comes up, car trouble, whatever it may be, make sure that you reach out to the Clerk's Office up here and let somebody know what's going on so we're aware of it. Okay? Otherwise, if you're asked to be here and you're not here, we're going to send somebody looking for you. Okay?

As you serve this week, you know, we typically start at 9:30 in the mornings. It may be different some days, but typically 9:00 or 9:30; it just depends on where we may be in a trial and what other matters that we may be dealing with on other cases, so to speak. But we typically start at 9:00 or 9:30 in the morning; we'll go for about an hour and a half, take a midmorning break, go for about an hour and a half, and take a lunch break.

There's no set time of 12:00 or 12:30 or 1:00 that we go to lunch. That largely depends on where we're at with the witnesses. Okay? If the State tells me or one of the lawyers tells me that the next witness is going to be lengthy, and it might be 11:30 or a quarter to 12:00 or something, I'm going to let you go right then to lunch and bring you back earlier. Okay? It just depends on where we are.

But we'll typically break somewhere between 12:00 and 1:00. That's typical operation. Break between 12:00 and 1:00 for lunch. I will typically give you about an hour and 15, hour and a half for lunch so you're not having to rush tremendously out to get something and get back here. We'll resume 2:00 and 2:30 or somewhere between 2:00 and 2:30. And, like the morning, we'll go for about an hour

and a half and break and then go for about an hour and a half.

We typically break somewhere between 5:00 and 6:00. I don't sit up here and as soon as that clock back there strikes 5:00 say we're stopping for the day. Okay? If there's a witness on the stand, it would be my intention to try to finish that witness for the day. Okay? Under very, very, and let me emphasize, very, if you didn't hear that, under very rare circumstances would you be here beyond 6:00. Okay?

Having said that, if at, say, 4:30 the lawyers say, Judge, this next weekend may be lengthy, we may break at 4:30 for the day. It all just depends on where we are with witnesses and how the trial is progressing. Okay?

And I know I'm giving you a lot of generalities, but I'm trying to, as much as I can, give you as much information that you can prepare as we go through, through this week. I think I told some of you before we broke in the first panel, I want you to be comfortable as you serve up here this week.

If you're cold-natured, please bring a jacket because, like I said earlier, I like it cool in the

courtroom because I've got three layers of clothes on up here, and I'm hot-natured. So -- and, if I can help it, it's going to be cool in the courtroom. But I want you-all to be comfortable. And if you need to bring a jacket, please do so. Okay?

Now, you all-have noticed, ladies and gentlemen, there are a lot of things in place to try to keep everyone as protected as possible in light of the pandemic. It's been several years since I've been to Lexington to hold court. But last time I was in Lexington, none of this Plexiglass was up; none of these barriers were up during that period of time because this pandemic was not something we needed to worry about.

In the past, I've told jurors that when you come in and out of the courtroom, that you could sit wherever you wanted to in the jury box. I will instruct you-all, ladies and gentlemen, that when -- going forward, since things have changed, once you pick your seat in here, that's going to be your seat. Okay? I don't want any potential for any cross-contamination, so to speak, or any concerns that you-all may have.

Also, when you-all return tomorrow morning -- and I'm getting ready to release you until tomorrow

morning because we have some matters that we need to deal with outside of your presence. When you-all return tomorrow morning, I want you-all to select a foreperson. Okay? I will tell you that your foreperson cannot be Mr. Spencer or Ms. Garrett. They've been selected as alternates in this case. It doesn't lessen your value any, in any regards, and in your importance to this jury, but I will tell you that Mr. Spencer nor Ms. Garrett can be your foreperson. Okay?

When you-all -- make sure, please, madam bailiff, that there's some paper and pen in the jury room for them. When you-all select a foreperson tomorrow morning, write that down on a piece of paper for me, give it to my bailiff, and she'll give it to me when you-all come back in the courtroom.

The foreperson will sit in this seat where this gentleman in the white-and-blue-striped shirt is closest to me. Is that where your foreperson normally sits?

THE BAILIFF: Yes, sir.

THE COURT: Okay. That will be the foreperson's seat, and that will be that person's assigned seat throughout the trial of this case. And the remainder of you, once you select your seat

in the morning once you-all leave here today, I'm assuming that they're going to disinfect and everything before tomorrow morning.

Once you-all come back in the morning, come into this courtroom, and then pick your seat in the jury box, make sure that's your seat throughout. Okay? And, likewise, when you go to the jury room, make sure you sit in the same seat in there as well. Okay?

They've told me that you-all are going to be downstairs on the third floor. There's a couple rooms connected down there to allow or enable you-all to maintain the necessity and required social distancing down there as well. Okay?

But, don't forget, when you come back in the morning -- and make sure everyone is back in the morning before you select a foreperson. And go ahead and reduce that to writing, give it to my bailiff, and she'll give it to me -- or he, whoever is down there with them will, in turn, give that to me when you-all come back in. Okay?

Anything from the State before I release this jury for the balance of the day?

MS. WEISS: No, sir, Your Honor, nothing from the State.

THE COURT: Defense counsel?

MR. WILLIAMS: Nothing from the Defendant, Your Honor.

THE COURT: All right. You-all are free to go. This young lady is going to take you where you need to go and show you where you need to go. If you-all will be back at 9:30 in the morning, we'll start as promptly at that time as we can. Okay? Thank you. You-all have a nice evening.

(The jury exits the courtroom at 3:04 PM.)

THE COURT: All right. Ladies and gentlemen, those of you who are seated out in the audience, what I'm getting ready to do is I'm going to release you. When I release you, you're done for the week. I've been advised that this trial is going to take the better part of the week. And you-all could probably imagine that from the number of potential witnesses that I called out earlier today in qualifying you-all.

I want to thank you-all, ladies and gentlemen, for being here today. I can't stress to you the importance of your service as jurors. I know that jury service never ever comes at a convenient time. But it's not something that we want to do away with in this country I can promise you that.

I told a gentleman earlier a story. When I was practicing law in Florence, I was the only lawyer in my office. And sometimes I tell this story at the outset of jury selection, and I didn't do so this morning. But I was the only lawyer practicing law in my office; I was the only person bringing in any income. And I had three people working for me.

And I was summoned for jury duty in city court in Florence. And I said to myself, well, surely, surely the Judge will let me out of jury duty since I'm the only person in my office working and I'm the only person bringing in money.

So I go over to the courthouse Monday morning. The judge looks at me and says, Mr. Brown, I'm sorry; you're going to serve. So then my next thought was, well, surely none of these lawyers will put me on a jury because I practiced law against all these lawyers. And, to my surprise, was I not put on one jury that week, I was put on five juries that week. Okay?

And so, having said that, all five of those cases, in some way, shape, or form ended up being resolved throughout the week. But, in any event, what it meant was I was at my office probably at 6:00 or before in the morning, doing work until I

needed to be at the courthouse for jury service, and I was over at the courthouse for jury service until I was released and I was back at my office until whatever time of that night that I needed to be there to finish whatever work I needed to do.

That was not fun and that was not convenient for me, I can promise you, and certainly not convenient for me and my wife because, at the time, we had three small children. But it was something that I had to do and it was something that was a sacrifice that I had to make. And I know that you-all made some sacrifices in some way, shape, or form today.

But I can't stress to you and convey to you how much I appreciate you being here. I tell juries this quite often: That you wouldn't want me or any other judge walking in the courtroom on a Monday morning and looking at the local sheriff's department saying, go find the first 12 -- or, in this case, with two alternates, 14 people on the street that you can find, bring them up here, and let's try this case, nor would you want me or a panel of judges sitting up here making these decisions.

You would want people exactly like yourselves

that are seated out in the gallery here serving on a jury if you were on this side of the bar, so to speak, making a decision about your case. You wouldn't want just any and everybody coming in off the street and doing it.

Our jury system in this country is really the only, the only remaining service that we have in this country. There's not a situation where your grandparents, or great grandparents, for that matter, that were drafted into the military that had to go serve for a couple years or maybe even longer. We don't have that in this country anymore. Jury service is the only remaining service that you have in this country.

And it's a sacrifice, it's a sacrifice, worth making to ensure that your jury service remains intact. In jury service, you can only be chosen or called to come up here once every three years. Some people go a lifetime and never get called. But, up here, you can only be called once every three years.

But I hope that if you're summoned for jury duty in the future, whether it be in civil court or criminal court, whether it be in city court or magistrate's court, that you will remember how important your service is, not only to this

community, but to this state and to this country. Thank you-all again for being here. I hope you-all have a wonderful week and I hope to see you again soon. Y'all have a nice day. You're free to go.

(Remaining jury panel excused.)

THE COURT: Do y'all wish to stand down for a few minutes before we start or do you want to just go right into whatever we need to do?

MS. WEISS: May we have a brief, like, five minutes to make sure we have everything?

THE COURT: Yes, ma'am.

MS. WEISS: Thank you, Your Honor.

THE COURT: All right.

(Brief recess.)

THE COURT: Is the State ready to proceed?

MS. WEISS: State is ready, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: Defense is ready, Your Honor.

THE COURT: All right. The State handed me up some motions this morning, numbers 1 through 5, as well as a stipulation and a motion in limine complaint with the rape shield law statute. Are there any other defense motions?

MR. WILLIAMS: Defendant only has the --

THE COURT: Jackson v. Denno.

MR. WILLIAMS: Jackson v. Denno. And the sequestration, we agreed to. There's an issue -- the Attorney General has an issue, which we see that as being something that --

THE COURT: Huh?

MR. WILLIAMS: There is an issue, Judge. It's very unique. I will go ahead and tell you that right now, Judge. It's a motion that deals with -- there were some things which transpired in this case dealing with some allegations of extortion --

THE COURT: Yes, sir.

MR. WILLIAMS: -- which led to the Attorney General's Office taking this case versus the Solicitor's Office. She's got a motion in limine about that. Obviously, I'm going to try to get into that. So, at some point in time, it will have to be discussed.

THE COURT: Okay.

THE CLERK: But I don't know if she wants to lead with that.

THE COURT: Well, let's do them in the order on her list.

MR. WILLIAMS: Yes, sir.

THE COURT: All right.

Ms. Weiss?

MS. WEISS: Thank you, Your Honor. Our first pretrial motion is the motion to suppress any mention of arrest in Jacob Cook in 2020 and in 2021. Jacob Cook is the husband of M.C. [redacted]. M.C. [redacted], his wife, was the one at home when the incident we're about to try this case about occurred, but -- and Jacob was not there.

It got brought up in another hearing about the fact that he has two arrests, one from the summer of 2020 and one from, I believe it was, February of 2021 that have nothing to do with the 2017 incident, and neither are convictions. And, Your Honor, I just wanted to put this out there before anything started that we'd move to suppress any mention of arrest under the theory that everyone is innocent until proven guilty and that it's not relative to this case.

And I believe I spoke to Mr. Williams about this, and he said, well, but if the door is open. I was like, well, if the door is opened, that's a whole different thing; that goes for his client as well and anybody else. If the door is opened, that's different. But I'm talking about direct mentioning of arrests where there are no convictions.

MR. WILLIAMS: Obviously, Your Honor, I've been doing this a minute. I didn't intend on bringing up the fact that somebody has been arrested.

The comment I made was it may come in if there's some -- if somebody opens the door about the violent nature or something like that as far as --

THE COURT: What were the arrests for, Ms. Weiss?

MS. WEISS: I believe last summer was assault and battery third and a pointing and presenting, and then in February was an attempted murder and possession of a weapon during a violent crime or one of the possession-of-weapon charges.

But I agree with Mr. Williams; opening the door is a different --

THE COURT: A&B third and what else?

MS. WEISS: Pointing and presenting. And, Your Honor, I just bring that up because it was brought up in another hearing, not with Mr. Williams.

THE COURT: Okay. Well, I mean, I tend to agree with both of you that unless the door is open, it's not relevant here in this case. And I don't know if he's one of your witnesses or -- certainly, if he gets on the stand and opens that door by virtue of making some comment that he's never been

arrested or never been a violent person or something along those lines, then I think he probably would kick the door wide slam open at that point. But unless that door is open, then neither one of you are permitted to go into that. Okay?

MS. WEISS: Thank you, Your Honor.

Your Honor, the second motion is one that Mr. Williams has agreed to; motion to suppress any mention of gonorrhea or chlamydia from medical records. It was in the forensic exam and we just -- but Mr. Williams agrees with us that that's not relevant; it doesn't tie to anything.

THE COURT: Is that right, Mr. Williams?

MR. WILLIAMS: That's absolutely correct, Your Honor.

THE COURT: So that one's agreed upon.

MS. WEISS: The third motion that the State has is to limit the mention of where the victim, M.C. [redacted], worked on the day of the offense.

Your Honor, it's not -- she worked at a spa and at Platinum West. I think mostly because we don't want it to become something where it becomes about the places and some sort of issue having to do with the places and trying to impugn her character by where she was working.

So the first motion would be to just not -- you know, she was working, but not to mention where she was working. And if the Court feels that the place she was working is important, then no further exploration of the activities that could occur at each of the locations, just because it's not relevant to what occurred and the incident.

THE COURT: Where was she working again?

MS. WEISS: She was working at Platinum Plus [sic] and at a spa. Platinum West is a gentleman's club, Your Honor.

MR. WILLIAMS: Your Honor, I have absolutely no intent to describe what happens at Platinum West. But I think the Defendant's got a right to t least ask where she works.

And it is meaningful in one matter, Your Honor, and that goes to the -- to that deal about the extortion and -- the allegations are that the brother of the defendant met her at some point in time after this event at that location.

But we don't intend on talking about what type of dance is done there, what type of drinks are done there, how anyone is dressed. Other than the fact that she works at -- and she could have been handing out Coca-Colas or something. It's not important for

anything other than she was working there. So I don't intend on going into anything about what happened at Platinum West. I've never been there, so I couldn't.

THE COURT: Ms. Weiss, anything else? I mean, I'm obviously not from Lexington, so I have no idea, without you all sharing with me, what Platinum Plus or Platinum West was --

MS. WEISS: It's a gentleman's club, Your Honor. It's -- that's what it is. My submission is that it's not relevant. I understand what Mr. Williams is talking about. That's next motion we'll be talking about.

THE COURT: Let me ask you this, Mr. Williams: What's really the difference between testimony coming in that she worked at Platinum Plus -- is it West or Plus?

MS. WEISS: West.

THE COURT: Platinum West. Excuse me.

-- and that maybe that's where your client's brother met her versus she was employed and his -- your client's brother met her at her place of employment.

MR. WILLIAMS: Well, once he testifies as to what transpired, it may be important as to --

THE COURT: Depending on what --

MR. WILLIAMS: As to what occurred.

THE COURT: Depending on what my ruling is on that?

MR. WILLIAMS: Yes, sir.

THE COURT: Let's see my what ruling is going to be on that. And -- because if I rule that that's not admissible, then I clearly don't think it's relevant as to the Platinum West versus her place of employment when she was employed.

MR. WILLIAMS: The only way that would be important, Your Honor, where she worked aside from that is in regards to time. There's a timeline that talks about when she left work and what time she got home. That, obviously, would be important as to where she was working. But none -- none other than for the location and where she was working, not from what transpired there.

THE COURT: What do you mean as far as the timeline --

MR. WILLIAMS: Well, the allegations in the case are that she came home at a particular time and it was late at night, as I remember, and then her husband left and went to the Waffle House. So timing: Where she was before, when she came home;

her husband was there; he got up, he got dressed, he left and went to the Waffle House, and then she proceeded to go, that would be the only importance. If she'd gone somewheres else before or something like that, just to describe the events of the day, Your Honor.

MS. WEISS: And the timeline, she was at work, actually at the spa, I believe, that day, then went to dinner and --

MR. WILLIAMS: Then she'd say she was at the spa, if that's what she says.

MS. WEISS: And then came home. So I don't think there's a timeline issue with where she was working. I think she can just say she was working.

THE COURT: All right. Well, I'm going to kind of hold off on that right now.

MS. WEISS: Yes, sir.

The next motion that Mr. Williams keeps bringing up is the motion to suppress any allegation of bribery.

As you can tell from the way Mr. Williams and I keep mentioning this case, there are two very different versions of what happened regarding the alleged bribery, attempted bribery, of the victim in the case. And the brother of the defendant is the

one that's involved. And there are a few facts, I think, that we can agree on and --

MR. WILLIAMS: Your Honor, as opposed to just arguing this, I would move that the brother who was the participant be allowed to testify and Your Honor make his decision based on the testimony as opposed to the characterization by the attorney general of what it's about.

MS. WEISS: Your Honor, I would like to explain what the motion is and what the concern is before any testimony is taken --

THE COURT: Well --

MS. WEISS: -- because, honestly, opening the door to testimony on this could take us a couple days.

THE COURT: I'm going to let her, as you put it, Mr. Williams, give me her characterization, and then I'm going to let you give me your characterization. How about that?

MR. WILLIAMS: Yes, sir.

THE COURT: Then we'll go from there.

MS. WEISS: Thank you, Your Honor.

So after the charges were made, the next year, 2018, the victim was at work when the defendant's brother came to her place of business. And she --

he asked if she was -- based on her story, asked if she was M.C. . She said she was. They recognized immediately where they knew each other -- or, not immediately. But they recognized where they knew each other from. And that's -- and the story changes at this point as to how the conversation went.

Going forward from there -- and the victim is here and she can testify or we can play all the recordings of all of the interviews. There's a lot of different ways.

But, basically, she says he offered her money. She -- she got very upset, called her husband, tried to get him thrown out of the club, the bouncer wouldn't do it. She sent an e-mail to the Solicitor's Office saying he approached me, he offered me money, I'm scared, I need help.

So she goes to his place of business -- that's not disputed -- to try to talk to him in what she feels like is a more public place where he works in the daytime and leaves him her number. They talk at that point. And she's like, what were you doing at my place of business? He says, I'm the good brother; I just want to help you; I'm sorry for what happened to you; it wasn't right; I know you've lost

a lot; I want to help you.

And I think -- I think that -- and then it diverges from there. They continue talking about whether or not he's going to give her money. That conversation moves forward. But, basically, we have the investigator that investigated it and wrote the report on it.

But, basically, it moves forward where she believes he wants to help her. She sends an e-mail back to the Solicitor's Office saying, I was wrong; I'm not scared anymore; I think he really does genuinely want to help me; he's not the one who committed the crime; I'm sorry I wasted your time or whatever to the Solicitor's Office. We have that e-mail.

She sent that because she, I think, believed that she genuinely thought he just wanted to help her; that he was like, I'll keep -- you know, I'll make sure that he doesn't bother you; what happened to you wasn't not right, that type of thing.

And, as they kept meeting and then they're asking about money and he was giving money, not giving money, you know, she's talking to the Solicitor's Office; he's talking to his attorney and, at some point, his attorney talks to Lexington

County who talks to Richland County who to talks to the brother who talks back to -- I mean, this goes around and around where he starts to say, you know, they're trying to bribe me and -- so that she'll drop the charges, change the story, or whatever.

There was never anything on the victim's side that says she was ever going to change her story, she was ever going to say to drop charges. She sent the e-mail; she talked to multiple people; that remains consistent that she was going forward; she thought he was trying to help her.

He, based on what he says, through his attorney and directly, and he talked to another attorney as well, eventually started to think that this was some sort of bribery thing to drop charges. Eventually the conversations cease because both sides have gone to law enforcement; one being extorted, one being bribed. It's that kind of thing.

So Investigator Taylor from Lexington County eventually gets the case, investigates it. He reviews the recording that the victim had of the initial conversation at Reunited Auto Sales where the other brother worked. And, you know, it definitely says some different things than what the brother said in the recorded interview with his

attorney there to law enforcement.

There are just two different versions. And my whole point for this motion is just that. This is a whole separate case. Earl Cooper is not Chris Cooper; Earl Cooper is an older brother. This was, as law enforcement ultimately -- the conclusion of any conclusion they came to was that this was two different people just honestly believing two different things.

I don't necessarily agree with that; Mr. Williams may not necessarily agree with that. That's what they came to and that's kind of -- this muddies the water. Under 403, even if it were relevant, which I submit it's irrelevant, because Earl Cooper is not Chris Cooper. We don't have any reason to believe he's an agent for Chris Cooper. And so whether -- you know, his going and saying I want to help you, you know, that doesn't -- it scared her that that was the brother. But, beyond that, there's a recording of him saying I want to help you; you know, I want to give you money.

So what it's going to do is we're going to end up with a trial on this bribery/extortion that takes up chunks of this trial that have absolutely nothing to do with what happened the night that our victim

had her home broke into, was robbed, and was sexually assaulted. Those things happened one evening. She was not involved in the law enforcement court system or anything. She had gotten information about, you know, the attorney that had been hired and what he was capable of doing. She was going through a lot, and then guy offers her -- to try to help her. She lost her home because of this and was living with her dad. There was a lot going on.

But, Your Honor, I just don't think any of that is relevant to the case at the bar. We're trying an armed robbery, burg first, CSC, possession of weapon, criminal conspiracy, and kidnapping. All of this does nothing but take the eye off the ball of what actually happened that night. Whether or not Chris Cooper is guilty or not guilty, we can all characterize happened in 2018. But, I submit to you, Your Honor, that even if you found it's relevant, it is going -- it'll be confusing to the jury, it will confuse the issues, and it is not necessary for the telling of the case, and that there is not -- other than like Mr. Williams said, him putting Earl Cooper on the stand and getting a version, we can go through all the versions; it

doesn't further this case at all. There is nothing that ever says that M.C. was ever going to change her story. She maintains the same story to this day that she had back in 2017, and so whether this was a bribery or extortion, obviously, at the end of the day, it's not relevant. If you find it relevant, it's confusing and just takes the eye off of what we are -- what our mission is here this week.

THE COURT: Mr. Williams?

MR. WILLIAMS: In its simplest terms, Your Honor, I don't even think it comes up, except by way of impeaching her testimony under 404; meaning -- meaning, I don't think it's ever part of the case, unless she takes the stand and if a question is asked of her if she attempted to get money from the brother and she says no.

That's -- and the reason why it's important, if you look at 404(b), it says: It may be admissible to show motive, identity, the existence of a common scheme or plan, and the absence of a mistake, or an accident, or intent.

So it is only in regards to that it wouldn't be admissible. The stories are different, obviously, Your Honor. As we would -- the short version, as we

would say it, is that Earl Cooper saw her at Platinum West; neither one of them knew who they were, and Earl left her a tip and then, all of the sudden, she disappears. He was surprised by a -- when he got to work, where he works at the car lot on his shift, and there was a note that says: This is my number, M.C. .

So she and her sister came to his place of work and left a note for him to call her. There was discussions throughout this whole thing about money. And he -- obviously, he didn't know what to do, so it was reported to the solicitor of the Eleventh Judicial Circuit who had to -- her name was Kate Usry -- who had to find some way to investigate this and do something about this. So she originally contacted the West Columbia Police Department. And supposedly, I think it's Stacey Turner -- whoever Stacey Turner is, if it's an investigator or if it -- but, anyway, that particular person was in contact with Mr. Cooper, with Earl Cooper. And he was, you know, sending messages like how much -- should I give them money; should I not give them money, whatever.

I think Kate Usry would tell you -- well, I don't know if she will tell you. But she was

obviously in too deep because she was prosecuting a case where the victim could be seen -- whether she was or wasn't -- as attempting to get money from him. So it was send to the Attorney General's Office.

It was then sent to Hamp Taylor. Greg Shockley who is second command Lexington County Sheriff's Department; signed it to Hamp; Hamp investigated it. You've got -- the whole deal is, was she trying to pay him or was he just trying to be nice to her? Talking about Earl Cooper.

Judge, it's a question of fact for the jury in regards to her character only. The big reason why this is important, Your Honor, is that, obviously, in State vs. Finley, which is a 1989 case, an old case, dealing with extortion. It was a sex case, believe it or not, like a sexual rape case. And they found that they could talk about what had occurred by this -- the guy was going to testify that he had had sex with her or something like -- which is terrible; it was in violation of the rape shield statute.

But they allowed the case to come in because it felt like it was establishing motive, bias, and prejudice on the part of the prosecuting witnesses.

The only reason why it's important to me that is --

THE COURT: What's the cite on that case, Mr. Williams? I'm sorry.

THE CLERK: I have a copy of it. I'll get it for you, Your Honor.

THE COURT: Thank you.

MR. WILLIAMS: There is -- the other thing that the prosecutor was talking about, there is indeed a text message which was provided to us from the Solicitor's Office from M.C. who had sent an urgent e-mail to Heather Clamp who is the victim's witness person in the 11th Judicial Circuit. And she was basically saying everything is fine; I don't worry about Earl; he's great.

The story behind this is that she supposedly told Earl that she had done this much, so that was good faith to showed that she was willing to help out. She -- it was provided to us from the Solicitor's Office.

And the only reason why any of this is important, Your Honor, is the most recent case is a February 3rd, 2021 case, Vanover vs. The State of South Carolina. It involves one poor lawyer from Lexington County who was being PCRed. I'm sure you've read it, Your Honor; it's a split verdict,

Your Honor, two for me and one against me, where the question was whether or not someone needed to bring forth the fact that -- a victim had alleged something which was subsequently proven to be untrue and used to impeach her testimony in regards to her allegations against her father or something. You can read the case, Judge. It's a split verdict. And there was a -- I think it was Justice Lockemy who decided that that lawyer should have done a little bit more. So that lawyer is doing a little bit more this time, because it should be addressed.

THE COURT: Should be what?

MR. WILLIAMS: Should be addressed so that they can't use that again.

THE COURT: All right. Anything else, Mr. Williams?

MR. WILLIAMS: No, sir.

THE COURT: Ms. Weiss, anything in response?

MS. WEISS: Yes, Your Honor. First of all, I get that it's being addressed. And we intended to address it, and I think Mr. Williams -- we're all addressing it right now. I don't believe that it's appropriate to address it in front of the jury in this case.

The -- what the defense counsel said is, did

she attempt to get money? Has -- and whether that goes to motive, scheme, or plan is not what we're talking about here. There's nothing illegal about somebody who has been offered money because they're a victim of a crime; in recognition, they're the victim of crime, a horrible crime, and somebody offers money to help -- which there's a recording of that -- that they even have a conversation. That occurred after the crime; it was totally unrelated.

His timeline of the events, it was sent to the AG and then to Hamp Taylor, that is not what happened, Your Honor. This whole -- all this going to -- from the West Columbia was because -- so, originally, the Solicitor's Office got this, got the report, from M.C. that she was terrified.

The investigator at the Solicitor's Office called the Lexington County Sheriff's Department and spoke to Investigator Creech trying to get him to investigate it. So this was not a call West Columbia, see if they'll do it.

My understanding is, there's some statements by other people that either Theo Williams or Earl Cooper or somebody may have tried to talk to the victim advocate at the West Columbia Police

Department, but -- and that she may have talked to her supervisor but then that -- and then -- and then Theo Williams called Greg Shockley at the sheriff's department, frustrated that the West Columbia Police Department wasn't doing anything, and then Greg Shockley called Stan Smith, and Stan Smith gave it back -- talked to Earl Cooper and then gave it back to Greg Shockley who gave it back to Hamp Taylor who investigated it.

It was after all of this, and the Solicitor's Office had both of these things going on, and then Theo Williams said to the Solicitor's Office that he believed that there was an e-mail other than those that had been provided, which we have no reason to believe there is; there's never been any information of another e-mail. But then he said -- and he said he was going to call everyone involved in the Solicitor's Office as a witness in the trial. At that point, it was sent to the Attorney General's Office because they weren't sure if they would end up being witnesses in the trial.

As you saw, Heather Clamp was on our witness list because of this issue right here. So, you know, I guess, at the end of the day, at least somebody might -- you know, might end up. But, I

submit, this is not -- the extortion case that was handed up to you is totally distinguishable from this case. This is not -- there is not -- there is no evidence of extortion in this case. There's evidence that they were discussing whether he was going to give her money. He thought one thing; she may have thought another, because he clearly said something different. But, at the end of the day, you know, this has been addressed. But trying to muddy the waters with all of this, going forward with the trial, is going to do just that and muddy the waters.

There's no evidence to say that Earl Cooper was being extorted. And, if there was, there'd be a charge and a separate case for that. But the evidence is that each of these people thought different things; the best evidence that law enforcement came up which, clearly, Mr. Williams and I don't agree with.

But -- and, as you can see, my understanding of what happened might in some way be advantageous to the victim in the case. I think it still takes the eye off the ball. I don't want to get into what we think about this case, because that really doesn't matter. What matters is what's important for the

jury to know. And there's nothing to impeach the credibility. And to ask M.C. did she attempt to get money has no basis for anything.

Whether she attempted to get money after it was offered to her by Earl Cooper is nothing to do with this case, other than maybe Earl Cooper thought his brother did something that wasn't good, I don't know, or maybe something -- you know, I know Mr. Williams has a different version. But even asking that question is not relevant to this trial.

And there's nothing inappropriate about her attempting to get money after he offered her money. It's just -- it may not be the way Mr. Williams would do things or other people, but it's just -- there's nothing illegal about it. I think we've addressed it. But it is irrelevant to this case and definitely confusing.

MR. WILLIAMS: Your Honor, obviously, since I'm the only one that was around when this case was going, Heather was not dealing with this case, I would remember exactly what transpired in regards to what I said or didn't say.

But I think any time you try to get money from the family of the alleged defendant, there's something wrong with that, particularly if it's --

if -- if it has the appearance of wrongdoing, if nothing else, Your Honor. Why would she go there? It just doesn't make sense. Why would she go there? Why would she even talk about money with the defendant's family?

THE COURT: Your position is that she went there because money was already offered.

MR. WILLIAMS: Therein lies the issue, I guess, Judge.

THE COURT: Well, and then --

MR. WILLIAMS: The chicken or the egg.

THE COURT: Well, and -- and I'm thinking beyond that. And y'all have mentioned some recordings. And I don't -- did [redacted] make the recordings or was it somebody was wired and --

MR. WILLIAMS: She and her sister both had separate cell phones and went there.

THE COURT: And made the recordings?

MR. WILLIAMS: Yes.

MS. WEISS: That --

MR. WILLIAMS: And I don't know why you need separate cell phones to record stuff, but that's what they did.

THE COURT: What were you going to say, Ms. Weiss?

MS. WEISS: Your Honor, there is a recording that was made. So when she went to the car dealership, there was a recording made at that time. And then there are recordings of what Earl Cooper told Stan Smith happened; there's a recording of what Earl Cooper told Hamp Taylor happened. And, you know, he didn't know there was a recording from the car dealership at that time, so those stories do not mesh.

It could just be people's recollection being different, but they don't mesh, which only adds more confusion to this case. And we start trying to figure out what version of that and whatever Earl Cooper -- what version of Earl Cooper's statement of facts happened is not relevant to what's going on here.

MR. WILLIAMS: And Willie Bradley, who is listed as the witness, is the attorney Willie Bradley --

THE COURT: Okay.

MR. WILLIAMS: -- who was seated in the car with Earl Cooper when the phone call was made talking about money.

THE COURT: All right. Was there ever an offer from M.C. to change her story or drop the

charges?

MS. WEISS: No.

THE COURT: Would you agree with that, Mr. Williams?

MR. WILLIAMS: I would agree that that statement you just made was correct. There was an offer to help, but there was no --

THE COURT: An offer from your client's brother to help?

MR. WILLIAMS: No. I think -- and I'm -- as you know, Your Honor -- well, maybe you don't know. I'm a pretty straight guy. I think there was talk of money. And I think that the impression, clear impression, from my client, was that if he -- from my client's brother, I should say, that if he paid her like $25,000 and these charges were going to go away, he was going to help in some way.

The e-mail deal comes in because that was presented as evidence that she was trying to help. I don't know why the e-mail comes in except for that reason. It's like some song and dance going on between these two parties, Your Honor. Clearly, one party didn't trust the other party; there's no question about that. But it just looks --

THE COURT: How long after the alleged incident

was -- did all of this take place?

MS. WEISS: Approximately a year, Your Honor.

MR. WILLIAMS: Maybe there's some way that it can be restricted in some way.

THE COURT: Well, I see these issues as a double-edged sword for your client.

MR. WILLIAMS: I see that too. I see that if the jury could believe that M.C. -- that he was trying to pay her to keep her testifying, then it could be an indication of his guilt.

MS. WEISS: Your Honor, it's not about his guilt. He's not the defendant in this case. That's the issue the State has with all of it.

MR. WILLIAMS: Well, it's problematic.

MS. WEISS: And, Your Honor, you know, I think money just is trying to impugn the character, which is exactly what he's trying to do, on something that doesn't -- it just doesn't work the way he's trying to make this work.

She never said she was going to change her story. And when she said, well, here, I want you to go tell Theo Williams -- you know, let's go do this with Theo Williams, she was like, oh, wait a minute; I thought you were trying to help; if this isn't just a trying to help me, then forget it. And they

stopped talking, Your Honor, at the point that I think everybody sort of said we're not saying the same thing, they walked -- everybody walked away.

MR. WILLIAMS: I love my name getting involved. That was not -- that was not involved. The reason Kate Usry was even contacted is because I represent my client.

THE COURT: Well, I can see -- I mean, I see both sides of it. I mean, I see -- you know, if I were to allow it and M.C. got on the stand and she was asked, you know, was she trying to get money and the answer is no, then, I mean, where does that rabbit trail end, so to speak? You understand what I'm saying?

MR. WILLIAMS: I do, Your Honor.

THE COURT: Which totally diverts away from what the issues are in this case.

MR. WILLIAMS: I do. I hate that I understand what you're saying, but I do understand what you're saying.

THE COURT: You know, if I allow that question to be asked, then are you limited solely to what her response is? If she says no -- because I think, under the rules, you can't prove it by extrinsic evidence, I think you'd be stuck with the answer.

Because, I mean, it's not a --

MR. WILLIAMS: Unless I ask her: Did you offer to assist to help him in regards to his charges upon the payment of $25,000 --

THE COURT: Correct.

MR. WILLIAMS: -- and she denies that, then Earl Cooper would be a witness to say --

THE COURT: And then you go chasing that rabbit hole trying to disprove her character on that issue.

MR. WILLIAMS: That's true. That's true.

THE COURT: And that's a concern that I have, too.

And the other reason I asked about how long after this occurred, that doesn't change the alleged facts from July 17th or 28th of 2017. That doesn't change the facts as alleged to have occurred in July of 2017 or anything thereafter in what law enforcement investigated and what they -- what their conclusions were.

I mean, that doesn't change any of those facts. And so, I mean, I certainly see what the State's arguing here, and I certainly see what you're arguing and why you may -- may or may not want it out there. As I said before, I mean, I can see it as a double-edged sword for your client that,

obviously, his brother must have thought he was guilty or he wouldn't have been offering her money trying to help with -- $25,000, I mean --

MR. WILLIAMS: If he was the one who approached.

THE COURT: Well, then you get into, again, chasing a rabbit hole.

MR. WILLIAMS: I know. I know.

THE COURT: And the rabbit is who approached who. And here you've got an alleged extortion as well as an alleged bribery, which are uncharged defenses, which the rules require that uncharged offenses have to be proven by clear and convincing evidence to be admissible. So, I mean, it just -- and I think I answered my question in part there, that it's not clear and convincing. And, in essence, what you're trying to do is bring out -- well, I don't know if it goes to uncharged offenses. But charges without convictions certainly have to be proven by clear and convincing evidence, because then when you default back to 404(b), which, you know, you handed me this case up on, the Finely case and the Vanover case.

So what I'll do is I'm going to take a look at these two cases you handed up. I mean, I can tell

you that I'm leaning in not allowing it. But, certainly and fully -- I've known you a long time, Mr. Williams. You've been in front of me before and I have utmost respect for you and I've known Ms. Weiss and have the utmost respect for her as well, but certainly understand and respect where you're coming from on this. And --

MR. WILLIAMS: And, obviously, I think both of us will abide by your ruling, Your Honor, whatever it is.

THE COURT: Well, and I know you will. And I'm not concerned about that at all. But, by the same token, and I say this quite often too: If I do and I tell you I'm leaning towards not allowing it, but I'm going to look at it a little more closely, and if I decide not to allow it, then I'm going to let you proffer whatever you need to proffer for your client to protect his interest if I'm wrong on that.

I want the record clear. So if I am wrong, I want it straightened out, you know, if he gets convicted and I decided not to allow it. So I -- and I think the rules certainly -- you know, you have to proffer that testimony to protect your client's interest in that situation, I'll certainly allow you, at the appropriate time, to do that.

Okay?

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: Next matter.

MS. WEISS: Thank you, Your Honor.

Your Honor, we have two more issues. One -- before we get to the Denno hearing. But one would be the -- we need to bring in Craig Cooper -- his attorney, Colin Spangler, is here -- and call him to the stand for the purposes of making sure he understands what choice he's making.

Your Honor -- sorry. To be a little more clear: So Craig Cooper is the co-defendant in this case, Your Honor. Back in November of 2020, he pled guilty to burglary second, armed robbery, criminal conspiracy -- criminal conspiracy, kidnapping, CSC first, and possession of a weapon during a violent crime.

Your Honor, he was offered -- both defendants were given the same offer. He was offered a range 10 to 19 years, if he agreed to testify truthfully in accordance with what he told law enforcement and, after, under oath, in front of the Court, which he did during the plea, say that -- which statement was true, which one happened first, clarifying those issues on the record, under oath, in front of Judge

Keesley.

And part of that was to be able to meet with him to prepare so we could provide Mr. Williams with any information that may be different from anything we had already in discovery.

And, Your Honor, that happened. We were supposed to go to trial, I think it was, December 7th. And that's the week that courts shut down. Mr. Williams was also ill, but it just so happened to also be the week that courts shut down, so we wouldn't have been able to try it regardless.

So in January, Craig Cooper requested a bond hearing. We had a bond hearing; it was denied. Then in March of 2021, a motion to withdraw plea was filed by Colin Spangler on behalf of his client, Craig Cooper. That hearing was held in front of Judge Keesley. And, Your Honor, Judge Keesley ruled and issued an order last week saying that he was not going to allow Craig Cooper to withdraw his plea.

At that time, we set up to meet with Craig Cooper, as we had originally planned, and it was indicated that he had nothing to say. So, Your Honor, just to be clear -- well, first of all, I'd ask that we clear the courtroom, if we could, of anybody other than the defense counsel, the -- this

is a family situation. And I just want to make sure that Mr. Spangler, Mr. Williams, and their clients are the only family members -- I would ask, Your Honor, that there be only the family members in here at the time that these questions are asked of Mr. Cooper.

And I also just want to make it clear, because, obviously, I don't want to get into a position where, at sometime later, it's brought up that Mr. Cooper would have testified had I only called him. Because this is part of plea agreement that he agreed to, he faces consequences of the decision that he makes at this point and I just want to make sure that the information is clear and that he makes his decision on the record so that we know exactly how we're moving forward.

THE COURT: Okay. All right. Let's do that. You want to clear the courtroom? We'll do that and let you figure out who we need to --

MS. WEISS: It's just -- we just have the victim and law enforcement. But if Mr. Williams --

MR. WILLIAMS: If Mr. Williams what?

MS. WEISS: He asked if we wanted to clear anybody on our side. I said I --

MR. WILLIAMS: Well, I mean, I know it doesn't

look overbearing over there. I assume we're wanting the witness to testify without being under duress or something.

MS. WEISS: That's -- I mean, sure.

MR. WILLIAMS: How about the attorney general and the investigating officer and the victim?

MR. SPANGLER: And, Judge, as the attorney for Craig Cooper.

MS. WEISS: Exactly.

MR. SPANGLER: We would ask that it just the attorneys in the room and a party representative, so --

MS. WEISS: Your Honor, Page McCraw is the evidence custodian, so she's sitting next to her evidence.

THE COURT: Okay.

MS. WEISS: Which was going to be another issue on the sequestration we were going to bring up because she can't leave her evidence, so -- unless you want her to take it all out --

THE COURT: I'm going to let her stay in here with the evidence. Okay?

MS. WEISS: Yes, sir.

And we have the victim, victim advocate, and we have our law clerk and paralegal.

MR. SPANGLER: No issue with that, Judge.
MS. WEISS: Okay.
THE COURT: All right. Y'all want to bring him out?
Mr. Cooper, if you'd come over here and be sworn, please, sir. How are you doing today, sir?
MR. CRAIG COOPER: I'm doing well. How are you?
THE COURT: I'm doing okay.
THE CLERK: You wish him to take the witness stand, Your Honor?
THE COURT: Yes, ma'am.
MS. WEISS: State calls Craig Cooper.

CRAIG COOPER

being first duly sworn, testified as follows:
THE WITNESS: Yes, I do.
THE CLERK: Thank you, sir. Have a seat right up there.
THE COURT: Come sit right up here, Mr. Cooper. Okay?
THE CLERK: Once you're seated, state your full name, and spell your last, please.
THE WITNESS: Craig Cooper, C-O-O-P-E-R.
THE COURT: Ms. Weiss?

DIRECT EXAMINATION

BY MS. WEISS:

Q. Mr. Cooper, what is your relationship to Christopher Cooper?

A. He's my first cousin.

Q. And back in November of 2020, do you recall entering a guilty plea?

A. Yes.

Q. Okay. And you entered that guilty plea as a result of a plea agreement between the State and you, with your counsel?

A. Correct.

Q. And part of that plea agreement was a set sentencing range, a reduction of one charge to lower the sentencing range, and then a sentencing range of 10 to 19 years?

A. Yes.

Q. And the agreement was that, in order for you to get that range, that you would cooperate with the State and testify, if needed, truthfully as to the statements that you gave law enforcement and in accordance with the statements that you gave under oath that day during the guilty plea?

A. Correct.

Q. Okay.

THE COURT: I need you to speak up, please.

THE WITNESS: Correct. But, at that time, you know -- the bottom line: I'm innocent of it. I have nothing to say else about any of that. I'm not agreeing to anything. At that time, only thing I was doing is what y'all wanted me to say. So I totally am innocent of it. And I -- you know, that's all that was -- what y'all wanted me to say at that time is what I was saying.

BY MS. WEISS:

Q. Okay. So --

A. I disagree with any of it right now. I'm innocent.

Q. So is that the testimony you intend --

A. Yes.

Q. -- to give in the trial?

A. Absolutely.

Q. Okay.

MS. WEISS: So we'll be calling him during the trial, and he can give his testimony at that time.

THE COURT: Do what?

MS. WEISS: I said we can call him during the trial, and he can give his testimony at that time.

THE COURT: You can -- you are going to call him?

MS. WEISS: Yes, Your Honor. That is the

intention as of right now. Yes, Your Honor.

THE COURT: Let the record reflect, certainly, that his attorney, Mr. Spangler, is in here while he's on the stand and while he's testifying here today.

Mr. Williams, you got any questions?

MR. WILLIAMS: I'm not sure I have standing, Judge.

THE COURT: I don't know that you do either, but I was just giving you the opportunity --

MR. WILLIAMS: But thank you, Your Honor.

THE COURT: All right. Anything else?

MS. WEISS: Your Honor, to be clear.

BY MS. WEISS:

Q. Mr. Cooper, are you under duress or threats of harm to -- to change --

A. No, ma'am.

Q. -- your testimony or anything else?

A. No, ma'am.

Q. Have you been told what to say by anybody else?

A. No, ma'am.

Q. And you're testifying of your own free will?

A. Yes, I am.

THE COURT: And it's my understanding -- and let me just make this clear for the record -- that

Mr. Cooper has already pled guilty. Correct?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: The motion was filed to withdraw that plea, correct?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: And that motion to withdraw the plea was denied by Judge Keesley --

MS. WEISS: Yes, sir, Your Honor.

THE COURT: -- within the last week?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: Okay. Which takes off the table completely of the sentencing range of 10 to 19?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: All right. And so, at this juncture, the sentencing will be wide open, depending upon what Judge Keesley or the sentencing Judge imposes?

MS. WEISS: Yes, Your Honor. And Judge Keesley did not retain jurisdiction. He said he wanted to make it as easy as possible for the case to move forward, so he did not retain jurisdiction for sentencing so we could do it in concordance with the trial or --

THE COURT: So was the burglary second degree violent or nonviolent that he plead guilty to?

MS. WEISS: Violent, Your Honor.

THE COURT: So zero to 15 on that; armed robbery, 10 to 30?

MS. WEISS: Yes, sir.

THE COURT: Conspiracy, zero to five -- criminal conspiracy, zero to five?

MR. SPANGLER: It is, Judge.

MS. WEISS: Sorry. I don't have that file in front me at this --

THE COURT: Kidnapping is up to 30?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: CSC first, 25 --

MS. WEISS: Yes, sir, Your Honor.

THE COURT: -- or life? Is that right? Or under 25 on this charge?

MR. SPANGLER: Judge, the CDR code we have on the sentencing sheet has it as zero to 30.

THE COURT: Zero to 30 on the CSC?

MR. SPANGLER: First degree.

MS. WEISS: CSC first.

THE COURT: And then possession of a weapon is zero to five, right?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: So, the max, he's looking at up to a hundred years in a penitentiary?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: All right. And the ten years are certainly on the -- and a hundred years if the convictions were to run consecutive, obviously.

And if they were to run concurrent, the minimum would be ten years -- anywhere from 10 to 30, if they were to run concurrent?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: Well, I just want to make it clear on the record, and I'm sure his lawyer has explained that to him, but I wanted him to hear it from me in my evaluation of what he's looking at, pursuant to the position that he certainly has every right to take at this juncture. I understand that.

And, you know, I'm not trying to step on your shoes, Mr. Spangler. I just wanted him to hear it from the Court.

MR. SPANGLER: Yes, sir. And I appreciate it, Judge.

THE COURT: But he's looking at up to a hundred years in a penitentiary 100 if they were run consecutively, and a minimum of 10, up to 30, if they were to run concurrent.

Anything further, Ms. Weiss?

And more than one of these charges are violent

and most serious, which means they're day-for-day, too, no-parole offenses.

MS. WEISS: Yes, sir, Your Honor.

THE COURT: So do you understand all of that, Mr. Cooper?

THE WITNESS: Yes, I do, Your Honor.

THE COURT: All right. Anything you want to say?

THE WITNESS: No, sir.

THE COURT: All right. Thank you. You can step down. Thank you, Mr. Cooper.

Anything?

MS. WEISS: No, sir, Your Honor.

THE COURT: Okay. All right. So 3 and 5 is dealt with on your pretrial motions; 3 and 4 are matters that are somewhat -- I'm going to look at a little bit more in depth on those.

MS. WEISS: Yes, sir, Your Honor. And then we have the rape shield motion. And that is Mr. Raymer's. I'll let her address that.

THE COURT: Mr. Williams, you agree with that motion or --

MR. WILLIAMS: I don't understand what they think that I would violate a Rape Shield motion on.

MS. RAYMER: Just so we would receive notice if

there was anything he did intend to use. I believe that this is settled.

MR. WILLIAMS: Yes, sir.

THE COURT: I think the statute is pretty clear on that.

MR. WILLIAMS: Yes, it is.

THE COURT: And, you know, obviously, I don't know any facts about this case, other than what y'all have told me at this juncture; and that being the reading of the indictments, as well as what you-all have argued with me in here.

And, certainly, the statute requires notice of any intention --

MR. WILLIAMS: Yes, sir.

THE COURT: -- prior to a defense being put up with regards to any intentions the Defense may have may concerning any of those issues specified in the Rape Shield Statute.

MR. WILLIAMS: I don't intend on doing anything with respect to that.

MS. RAYMER: Thank you, Your Honor.

THE COURT: But, again, kind of going back to the -- I guess, the State's motion on the arrest issues, I mean, that door can be thrown open, too. So just instruct your witnesses accordingly. All

right?

All right. It looks like the last matter we need to address is the Jackson vs. Denno hearing. Is that right?

MS. WEISS: Yes, sir, Your Honor.

If I may, just on the sequestration, did we say we're in agreement for Page McCraw to stay here with her evidence during the trial? Are we okay with that, as far as sequestration?

MR. WILLIAMS: Yes, Your Honor.

MS. WEISS: Okay. I just wanted to make sure we addressed that.

And if we can have about -- I don't know. My five minutes was a little long last time. I'm not going anywhere. I just want to get a couple things marked just to make things easier as we get going with Denno --

THE COURT: Go ahead. That's fine.

MS. WEISS: It may take a couple minutes to do that. Thank you, Your Honor.

MR. WILLIAMS: Your Honor, I'm going to gather the rest of my witnesses and get them back in --

MS. WEISS: Certainly.

MR. WILLIAMS: -- if that's all right with the Court.

THE COURT: All right. We'll stand at ease for a few minutes.

MS. WEISS: The State is ready, Your Honor.

THE COURT: Okay. Go ahead.

MS. WEISS: Thank you, Your Honor. The State calls Investigator Joe Putney to the stand.

JODY LEE PUTNEY

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat, please, sir. Once you're seated, you can remove your mask. I need you to state your full name, spelling your last on the record, please.

THE WITNESS: Jody Lee Putney, P-U-T-N-E-Y.

DIRECT EXAMINATION

BY MS. WEISS:

Q. Mr. Putney, what is your position at the West Columbia Police Department?

A. I'm a narcotics detective.

Q. And was that your position back in August of 2017?

A. It was not.

Q. What was your position then?

A. Criminal detective --

Q. Okay.

A. -- investigator.
Q. Okay. So were you working on the afternoon of August 1st, 2017?
A. I believe so. Yes.
Q. Do you recall being involved in the -- being involved in the interviews on the Cooper case that afternoon?
A. I do.
Q. Okay. And was there a point that afternoon where you were instructed to go and pick up somebody in particular or to go find somebody in particular?
A. There were several times.
Q. Okay. After the interview of Craig Cooper --
A. Okay.
Q. Whish you were there for that, correct?
A. Correct.
Q. Based on information that you received from Craig Cooper, did you then -- were you then instructed to go locate someone else?
A. Yes.
Q. Who was that? Chris --
A. Was it Christopher --
Q. Christopher Cooper?
A. Correct. At Reunited Auto Sales. We went to pick him up from there -- or went to speak to him

there.
Q. Okay. Would you tell us about how that happened.
A. We found out where he lived -- or where he was working. And we went up there to see if he was working and see if he'd come back to the police department for an interview.
Q. Okay. And did you find him when you got there?
A. We did.
Q. And did you talk with him?
A. We did.
Q. And what happened next?
A. We asked him if he would come down to the police department for an interview, talk to us about some things that happened. And --
Q. What did he say?
A. He said yeah. He didn't have a problem. He hopped in the car with us and we went back to the police department.
Q. Okay. And what happened when you arrived back at the police department?
A. Myself and Investigator Morris put him in an interview room and gave Miranda.
Q. Okay. And who was the lead investigator on this case?

A. Investigator Morris.
Q. Just to be clear, I'm going to show you State's Exhibit 2 for identification. Do you recognize this document?
A. I do.
Q. Okay. And is that your signature at the bottom of the document?
A. It is.
Q. Okay. What is this document?
A. This is a Miranda rights warning.
Q. Okay. And what does your signature at the bottom of that document signify?
A. That I witnessed Investigator Morris read Miranda to Mr. Cooper, he acknowledged it, and I was a witness.
Q. Did you threaten Mr. Cooper in any way?
A. No.
Q. Did you handcuff and drag him back to West Columbia?
A. No.
Q. Was he given Miranda rights just after you got back to headquarters?
A. Yes, ma'am.
Q. Did he ask for any help or did he ask to go to the bathroom or anything else that you recall?

A. Not that I recall, no.
Q. Was he denied those requests -- any requests?
A. We don't deny anybody requests like that.
Q. Okay. Thank you.
MS. WEISS: I have no further questions for this witness at this time.
MR. WILLIAMS: May it please the Court?
THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:
Q. It's Investigator Putney?
A. Yes, sir.
Q. You look a little different since the last time I saw you.
A. Yeah. COVID.
Q. I hear you. I hear you.
So you remember on August 1st of 2017 that you were interviewing Craig Cooper who had given y'all a statement at that point in time. Do you remember what time of the day it was that he gave you the statement?
A. It seemed like early -- early morning, late morning timeframe.
Q. All right. And after receiving that statement, were you directed to go pick up Chris Cooper or did

you decide on your own to go pick him up?
A. I would have spoke to my supervisor before I went and made a decision like that.
Q. And who was your supervisor?
A. Captain Wade.
Q. All right. But when you talked to Captain Wade -- you've already indicated that the officer in charge of this case is Morris, right?
A. Correct.
Q. So Morris didn't ask you to go with him -- or did you go with him to go pick up Chris Cooper?
A. No.
Q. All right. So you spoke to Captain Wade and you asked Captain Wade if you could go pick up Chris Cooper because he was a potential defendant in the case involving -- that we're talking about, the --
A. I'm not quite sure how the while conversation went down as far as why we needed to go and try to pick him up and talk to him.
Q. All right. Somebody told you you needed to pick him up?
A. I can't attest to that either.
Q. Well, why did you think you were going to pick him up?
A. Well, if I'm going to pick somebody up, I'd

imagine that he's part of the case and he needs to be interviewed.
Q. And because you're picking him up, did you think he was a defendant or he was going to be charged with something?
A. Well, I assumed he might have been a co-defendant and he needed to be interviewed.
Q. Right. So there's no question in your mind that the reason you were going to pick him up was that he was a co-defendant in a case, you had just spoken to a cousin who had already implicated he was involved in this assault and burglary and all that. So you were going to pick him up, get his statement, and arrest him, or whichever order you wanted to do it, right? You were going to do that?
A. Well, we needed to interview him. We can't just arrest people without probable cause.
Q. Well, you already had your probable cause, didn't you?
A. To interview him. To --
Q. Yeah. You didn't have your probable cause to arrest him at that time, based on what the co-defendant had told you?
A. I don't recall. No.
Q. You don't. But you were present during what

Craig Cooper had testified to?
A. I was, yeah.
Q. And, in his statement, he indicated that Chris Cooper was present when all this was going on, right?
A. Right.
Q. So did you drive by yourself to pick Chris Cooper up?
A. I did not.
Q. Who went with you?
A. Investigator Todd.
Q. All right. Now, what type of vehicle were you in?
A. I'd imagine it was a Crown Vic. But --
Q. Is that the car you drove back then?
A. Yes, sir.
Q. All right. And were both of y'all in plain clothes?
A. Probably dressed the way I am now --
Q. Okay.
A. -- suit and tie.
Q. So where did you go?
A. Reunited Auto Sales.
Q. Where is that located?
A. On Broad River Road. So I don't know an

address.
Q. Well, it's Richland County, right?
A. Yes.
Q. So the two of y'all went over to Richland County to pick him up from the place that he was working. And is that the car dealership that his brother owns?
A. I'm not sure who owned the dealership. I just know that he worked there. I'm not --
Q. Tell me how you went up to the car dealership. What did you say when you went up there when you said -- did you say I'm looking for Chris Cooper or did you have a picture of him? How did you know you got Chris Cooper versus Theo Williams or something like that?
A. I don't -- I don't honestly recall. I know we went up there. We would have asked to speak with Christopher Cooper, maybe checked identification, and say, hey, you got some -- we need to speak with you about incidents that occurred down at the West Columbia Police Department, you mind riding with us? And he willingly rode with us back to the police department.
Q. All right. You really don't have any independent recall of doing all of this, do you?

A. No. I have -- I have -- I don't have specifics. I know we went there, asked him --
Q. I gotcha.
A. -- do you want to come with us?
Q. So did you put him in the back seat?
A. I don't recall -- no. We always put people in the front seat and the other investigator would be in the back seat. So he would have rode in the front seat.
Q. That way, if he got out of hand, the guy in the back seat could handle him, right?
A. No. It's just somebody -- if we don't know who they are, it's better to have somebody --
Q. In the front seat --
A. -- in the front and back.
Q. Was he cuffed?
A. No, sir.
Q. So when he's riding down, did -- you didn't tell him what he was going to be interviewed about?
A. No, sir.
Q. You just said, I want to interview you about some stuff that happened over in West Columbia?
A. Pretty much.
Q. And you picked him up from Richland County and brought him over there?

A. Correct.
Q. You didn't have a Richland County detective with you or anything like that?
A. No, sir.
Q. Okay. And when you put him in the car and then you drive him over to the West Columbia Police Department -- now, this is the West Columbia Police Department on 12th Street, correct?
A. Yes, sir.
Q. It's the new one?
A. If you say.
Q. Well, you remember the old one, don't you?
A. I do not.
Q. Oh. I thought you -- sorry.
MR. WILLIAMS: If you only knew how old the old one was, Judge.
BY MR. WILLIAMS:
Q. So it's the -- it's the pretty one that's real big. It's right there where the 12th Street is, the fancy one?
A. It's on the corner of 12th and --
Q. So did you, driving into the -- you drove into the parking lot. And two of y'all got him out and walked him in the --
A. Correct.

Q. To the front door, right?
A. Probably the side door.
Q. Side door. On -- the side door on the right-hand side as you were facing the West Columbia Police Department?
A. On the left side.
Q. Gotcha.
All right. So when you take him in there, you take him into an interview room, don't you?
A. Yes, sir.
Q. Neither of you had uniforms and had body mics on or anything like that, right?
A. No, sir.
Q. So you take him in to interview room and you take him into a room that's got a camera in it, don't you?
A. I believe there was cameras in there at that time.
Q. All right. Let me show you a picture.
MR. WILLIAMS: May I approach the witness, Your Honor?
THE COURT: Yes, sir.
BY MR. WILLIAMS:
Q. Let me ask you if that picture looks like your interview room with a camera there. Right?

A. It looks like it. Yes.

MR. WILLIAMS: Your Honor, I'd move to introduce this as Defendant's Exhibit No. 1.

THE COURT: All right. Any objection?

MS. WEISS: No objection.

(Defendant's Exhibit No. 1 admitted into evidence.)

MR. WILLIAMS:

Q. So all this time that you're riding over, there's absolutely no communication with either you or Investigator Todd with Chris Cooper?

A. There might have been communication.

Q. Well, do you remember Chris Cooper asking if he could have an attorney there or have somebody ride along with him or something like that? You don't remember anything like that?

A. No.

Q. Did you have a recorder that would cover any type of conversation that was going on in the car on your drive over?

A. I did not.

Q. Okay. So when you get him in there, who is in the investigative room?

A. I'm not sure. There might not have been nobody in there when we first sat him down in there.

Q. Okay. Who sat in there when you -- when you did -- were you a witness on the interrogation of Mr. Cooper?
A. I can't recall. I know I was a witness to the Miranda.
Q. Well, how do you know you were the witness to Miranda?
A. Because my signature is on the Miranda sheet.
Q. Do you remember Miranda being read to him?
A. I do.
Q. You don't?
A. I do.
Q. All right. So who was in the room when that was going on?
A. Investigator Morris.
Q. All right. So whatever happened to investigator Todd? He wasn't there?
A. No, he was not.
Q. So when you get there, Morris comes into the room, Todd leaves, and you remain in the room; is that correct?
A. Correct.
Q. And the first thing that Morris does is give him his Miranda warnings?
A. Correct.

Q. Did he tell him why he was there?
A. I don't -- I don't think so. At that time, no.
Q. So he says, come on over, and, he says, sign these Miranda warnings?
A. Well, after he's read them to him first.
Q. Right.
A. Correct.
Q. And he just signed them and didn't know what he was over there for?
A. Well, he'd be explained what he was over there for after he was advised of his rights.
Q. All right. At no point in time when you were in there -- you weren't in there with Morris, right, with -- did -- were you in there the entire time span in which he gave his statement?
A. I don't believe so.
Q. So you're not a witness to the statement that he gave? You don't know what he said; you were just in there for the Miranda reading of the warrant?
A. Correct.
Q. So who was in there when he supposedly made some sort of statement in regards to what his violations of the law were?
A. I can't recall.
Q. How long was he in there?

A. I can't recall that either.
Q. Did you have any other contact with him?
A. No, sir.
MR. WILLIAMS: That's all I have, Your Honor.
MS. WEISS: Thank you. I have no further questions for this witness, Your Honor.
THE COURT: Sir, you may step down. Thank you.
THE WITNESS: Thank you.
MS. WEISS: State calls Investigator Chris Morris.

CHRISTOPHER MORRIS

being first duly sworn, testified as follows:
THE WITNESS: I do.
THE CLERK: Have a seat, please, sir. You can remove your mask, once you're seated. State your full name and spell your last.
THE WITNESS: Christopher Morris, M-O-R-R-I-S.

DIRECT EXAMINATION

BY MS. WEISS:
Q. Investigator Morris, where are you currently employed?
A. At the West Columbia Police Department.
Q. How long have you been there?
A. A little over nine years.
Q. What is your role there?

A. I'm a criminal investigator.
Q. And what does that mean?
A. I investigate major crimes.
Q. And in West Columbia, if you're the investigator for a major crime, what does that mean? What does that entail?
A. Your more serious offenses such as homicides, robberies, kidnappings, sexual assaults.
Q. What do you have to do on those cases?
A. Interview witnesses, victims, possibly process crime scenes, just anything to do with the investigation role of developing a case, to further the case.
Q. Okay. Was that your role back in August -- late July/early August of 2017?
A. It was.
Q. And how did you get initially involved in the case that is now the State versus Christopher Cooper?
A. I was the on-call investigator that night, and I was called to the crime scene after the victim had called.
Q. Okay. So you had this from the very beginning?
A. Absolutely. Yes, ma'am.
Q. At some point, were you able to develop a

suspect? Did you know, from the beginning, who your suspects might be?

A. From the very beginning, when I first arrived on scene, I had no idea. The suspects were developed over a few days' period.

Q. Okay. And how did you identify the first suspect that you interviewed?

A. The first suspect being Mr. Craig Cooper, we developed him by evidence I collected from the crime scene that was sent to the State Law Enforcement Division labs, and they provided a DNA CODIS hit on Mr. Craig Cooper.

Q. And after interviewing the victim and processing the scene, how many suspects were you looking for?

A. At that time -- well, we were looking for two suspects because the victim had indicated there were two people involved.

Q. And did you have the opportunity on August 1st of 2017 to interview Craig Cooper?

A. I did.

Q. And based on that interview, did he identify a second suspect in the case?

A. He did.

Q. And who did he identify?

A. His cousin Christopher Cooper.
Q. And did you know who Christopher Cooper was?
A. I had no idea who he was.
Q. So what was the next step that you took in your investigation once he gave you that name?
A. Once he gave us that name, I confirmed the identity of Christopher Cooper through a lineup. And, from there, we probably would have had a discussion with other investigators to go forward to talk to Mr. Christopher Cooper to further the case.
Q. Okay. And is it pretty typical for you to ask somebody to come back to talk to you at headquarters?
A. Absolutely.
Q. What's the purpose of that?
A. Just to further the case. We might have more questions to check the reliability of what information we already have and to corroborate with anything else.
Q. Okay. So why didn't you go and pick up Christopher Cooper? Why would you send somebody else?
A. Could have been tied up with something else; there was a search warrant going on at the time; getting paperwork; checking backgrounds; things like

that --
Q. So when --
A. -- just --
Q. Sorry.
A. Sorry. Just doing other things at the time.
Q. So when you're working a major case is it sort of all-hands-on-deck?
A. Yes. We've got a small department, and all the investigators work together on bigger cases.
Q. So investigators Putney and Todd, they were there; they were part of that team?
A. Correct.
Q. And, at this point, were you trying to get Christopher Cooper back to West Columbia so you could arrest him?
A. No.
Q. So what was the reason for asking Putney and Todd to go talk to Christopher Cooper?
A. To further the investigation; to ask him questions that were brought up to us regarding the incident. Like I said, he was named by his cousin as being involved. We wanted to verify that and talk to him more to find out what was going on.
Q. And to be clear, at this point, you had a CODIS hit for Craig Cooper?

A. Correct.
Q. You had the victim's statement, but not -- but she didn't know either of the people, so you didn't have names for her. And then you had Craig Cooper identifying Christopher Cooper in a lineup and giving you his name, saying it's his cousin?
A. Yes.
Q. Okay. And so the next step was to try to talk to him?
A. Correct.
Q. When he was brought back to the West Columbia Police Department, do you remember when he was brought in?
A. I do remember. He was brought in and sat in the interview room unattended for a few minutes while I gathered paperwork.
Q. Okay. And, 2017, did you record suspect interviews?
A. No, we did not.
Q. Do you record them today?
A. No, we do not.
Q. And why is that?
A. Per our policy and the way we were trained -- or I was trained, and the investigators at the department, we don't record interviews. They're

handwritten, unless the person giving the statement cannot read or write, then we can use alternative methods of video and audio recording.

Q. Okay. And I'll show you what's been entered as Defendant's Exhibit 1. Do you recognize this photo?

A. Yes.

Q. And what is that?

A. That is our interview room.

Q. And was that the same interview room in 2017?

A. Yes.

THE COURT: Defendant's 1? Did you refer to it as Defendant's 1 or State's 1?

MS. WEISS: Defendant's 1.

THE COURT: Okay. I'm sorry. I misunderstood you. I'm sorry. Go ahead.

BY MS. WEISS:

Q. And, in that picture, there is a camera right next to what appears to be a one-way mirror or whatever those are. Was that camera there in 2017?

A. Yes.

Q. Okay. And does that camera record anything?

A. No.

Q. What is that camera there for?

A. That camera is there for a live feed to my supervisor's office and to a TV in the detective

office to view interviews.
Q. Okay. And has that ever been recorded in your time at West Columbia Police Department?
A. No.
Q. So on August 1st of 2017, what was your -- you said the -- the person that you had brought in, Mr. Cooper, was put in the interview room by himself. And who went in there to talk to him first?
A. Myself and investigator Putney.
Q. Okay. And what is your process when you go in to talk to somebody in an interview?
A. First thing I usually ask --
Q. But before you go in there.
A. Oh. Before I go in there?
Q. Uh-huh.
A. I disarm myself of all my weapons. My gun, my knife -- I usually carry a pocket knife -- I put those in a safe that's located outside the office; lock it, and enter the interview room.
Q. And is that just something that you do or is that the policy for all officers at the West Columbia Police Department?
A. That is the policy for all the officers.
Q. So you and Investigator Putney went into the

room after both of you had completely disarmed?
A. Correct.
Q. And I'm going to show you what's been marked as State's Exhibits 1, 2, and 3. Can you identify what these are?
A. Yes. A copy of Mr. Christopher Cooper's driver's license, which he would have had to voluntarily give me to --
THE COURT: What number is that?
MS. WEISS: State's Exhibit 1, Your Honor.
THE COURT: Sorry. Go ahead.
A. At that point, I would --
Q. Before we talk about these, I just want to identify these three and then we'll go through each one.
A. Okay. Driver's license, Miranda form, and a voluntary statement form.
Q. And State's Exhibit 3 is the statement form?
A. Yes.
Q. I'm trying to keep them separate so we don't get confused about which document we're talking about.
So, referring to State's Exhibit 1, will you please tell the Court about why and how you obtained that.

A. We obtained this to positively identify who we're speaking with and who we're talking to and that we have the correct information on the person that we're speaking with. We make a photocopy of it, and then we also have them review the copy and sign and date it to verify who they are.
Q. Okay. And when during the interview is that done?
A. That's the very first thing when we come in.
Q. And you put it in your file?
A. Yes.
Q. Just like that?
A. Yes.
MS. WEISS: Your Honor, at this time, we'd ask to admit State's Exhibit 1 into evidence.
THE COURT: Any objection?
MR. WILLIAMS: No objection, Your Honor.
THE COURT: Admitted.
(State's Exhibit No. 1 admitted into evidence.)
BY MS. WEISS:
Q. What do you do next?
A. After that, I present a Miranda form. I have them fill out the top portion of that with all their information.
Q. And the Miranda form you're referring to, is

that State's Exhibit 2?
A. It is. And, from there, I have them fill out the top portion, which are the name, address, phone number, date of birth, social security number, what grade they finished in school, and I ask them if they can or cannot read and please circle which applies and initial it.
Q. Okay. And what time of day was this form filled out?
A. It appears it was filled out at 4:54. And that would be p.m.
Q. So right before 5:00?
A. Correct.
Q. On August -- what was the date?
A. August 1st.
Q. The case number, who fills that out?
A. I filled that out.
Q. Okay. Who fills out the date and the time?
A. Normally, the person we're interviewing.
Q. Okay. And what's the significance of that time?
A. It is close to time to get off work or for the other investigators to leave.
Q. But that's the time you begin the interview --
A. Correct.

Q. -- officially?

Okay. Do you recall talking with Christopher Cooper in the interview room when you began this?

A. I do.

Q. Was anyone else present when you were going over the Miranda rights?

A. Investigator Putney.

Q. How -- what was Mr. Cooper's appearance?

A. Very clean-cut. I think he had just gotten off work. I think he had a polo on -- I can't remember -- I think a bright blue, possibly.

Q. Did he appear to be under the influence of anything?

A. No.

Q. Did you notice any physical or mental disabilities or concerns as you were talking to him?

A. None.

Q. Did he seem to understand what you were saying?

A. Yes.

Q. Did you tell him at this point why you were reading him his Miranda rights, what you were going to be talking to him about?

A. At that point, I may have told him his name came up in an investigation; I simply want to ask you some questions about what's going on.

Q. Okay. And did the Miranda rights, the interview, did it all take place in the interview room from the photo?
A. Yes.
Q. Do you remember approximately how long the interview lasted?
A. I don't think it was longer than a couple hours. It was probably less than two hours.
Q. And is there something that happened approximately two hours later that helped you remember that?
A. Yes. I had to -- after speaking with them, I had to go do a search warrant, and I've got that time documented.
Q. Okay. Were there any breaks taken during the course of the interview?
A. No.
Q. Was he allowed access to a bathroom?
A. If he needed one, yes.
Q. Did he request to use one, as far as you remember?
A. No.
Q. If he had requested --
A. I would have walked down the hall with him.
Q. Did he request to make any phone calls?

A. No.
Q. What if he had wanted to, if he had asked to?
A. He would have been free to do so.
Q. Was he threatened in any way prior to the Miranda warnings?
A. No.
Q. Was he promised anything to waive his Miranda rights and talk to you?
A. No.
Q. And at the time of the interview, was he under arrest?
A. No.
Q. All right. I'll go back to the Miranda rights form. You said you've been an investigator for nine years -- you've been in law enforcement for nine years?
A. Correct.
Q. How long have you been an investigator?
A. Seven -- roughly seven years.
Q. Okay. And at what point in your training do they go over how to administer the Miranda rights?
A. Multiple times in the police academy, and when I came to the division, I was field trained on how to give the Miranda and when to give the Miranda.
Q. And, at some point, once you became an

investigator, or maybe even before, did you come up with sort of your pattern of how you did it and the order that you did things?

A. Yes.

Q. So, if you would, go through that. Did you do this statement the same way that you had become -- that you had started doing with each of your Miranda statements?

A. Yeah. Early on when I came an investigator, I developed a pattern, and that pattern continued.

Q. Would you please walk us through how you go through the Miranda rights.

A. Like I said before, have them fill out date, time, name, all their information; indicate if they can or cannot read. He put on here that he can and he initialed. At that point, I don't allow them to go any further. I said let me -- I said, I've got to read over these.

So, at that point, I read it verbatim from the form, the constitution requirement that you've been informed of your rights. Number 1 is you have the right to remain silent; number 2, anything you say can and will be used in court as evidence against you.

Do I need to go through all of them?

Q. Please.
A. Then 3, you are entitled to talk to a lawyer now and have him or her present now or at any time during questioning. If you cannot afford a lawyer, one will be appointed for you without cost. And at number 5, I ask them if they understand those rights. On this form, he initialed 1 through 5. I asked him if he understood his rights. He indicated yes by circling yes and initialing.

Number 6, continuing on, if you decide to answer any questions now without a lawyer present, you still have the right to stop answering questions at any time, and you also have the right to stop answering questions at any time to speak to a lawyer. Mr. Cooper initialed number 6 as well. And on the line of signature of suspect, he signs it. I just asked him to sign it that I went over these. He indicated he did.

Then I moved on to the waiver of Miranda: I'm willing to make a statement and answer questions. I understand and know what I'm doing; no promises or threats have been made to me; no pressure or coercion of any kind has been used against me. And usually I go just a little further and say this just means I'm not going to threaten you, throw a

phonebook at you, beat you like in the movies, or anything like that; I just simply want to ask just asking questions.

Q. And then what?

A. At that point, he understood he knew his rights and he waived his rights, signed and dated it. And I witnessed it and so did Investigator Putney.

Q. And Investigator Putney was sitting there as you went through all of this?

A. Correct.

Q. What did you do next --

A. At that point --

MS. WEISS: Your Honor -- I'm sorry -- I'd like to admit State's Exhibit 2 into evidence.

THE COURT: Any objection?

MR. WILLIAMS: Without objection, Your Honor.

THE COURT: So admitted.

BY MS. WEISS:

Q. Sorry. Go ahead, Investigator.

A. At that point, I let him know why we were wanting to talk to him. According to my notes, it looks like I started the interview off by asking him when the last time was that he was in West Columbia, trying to establish a timeline, and asked him if he knew who Craig Cooper was. He indicated that was

his first cousin.

He had made -- I think, as we were talking about West Columbia, asking him, I made a note in my handwritten notes about Cleo entered -- Chris's friend, who was a stripper, he indicated that; that he then indicated on Thursday, he was at home by himself, still establishing that timeline and his whereabouts during the time of the incident. He indicated he was not in West Columbia on Thursday or Friday.

So, at that point, then it looks like the interview shifted where he started indicating it was a mutual decision, indicating him and Craig Cooper were involved in this incident.

Q. So how does he know what incident that you're talking about at this point?

A. I believe, at that point, Investigator Putney had heft the room. He -- it was close to 5:00 already. He had to go home because my supervisor would have told him that he had to leave as far as to keep overtime and everything of the budget down.

At that point, I believe, Captain Wade entered the interview with me. And I think we indicated we've already talked to your cousin; he told us what happened. And, at that point, he began -- he pretty

much hung his head and said it was a mutual decision and started going into details of what occurred during the incident.

Q. And this was a verbal interview that you did initially?

A. Correct.

Q. Okay. Was -- did the defendant voluntarily talk to you?

A. Yes.

Q. And was he free to go during questioning?

A. At that -- once he --

Q. Prior to saying --

A. Correct.

Q. -- it was a mutual decision for the two of them to go over there, was he free to go?

A. Yes.

Q. So he was already a suspect, just in the sense of he had been mentioned by his cousin?

A. Correct.

Q. And then at that point --

MR. WILLIAMS: Your Honor, if I could hear the witness testify instead of the prosecutor on this.

THE COURT: All right. Rephrase your question, please.

BY MS. WEISS:

Q. Was Mr. Cooper considered a suspect when you started talking to him or a person of interest?
A. Definitely a person of interest. We wanted to corroborate some more facts.
Q. Okay. And did he willingly respond to your questions as you're asking them?
A. Yes.
Q. And I know you just testified, but was he advised of the nature of this investigation?
A. Yes.
Q. Did the defendant, at any point, ask to stop talking?
A. No.
Q. Okay. At any point, did he ask to speak to an attorney?
A. No.
Q. Based on what you observed about Christopher Cooper, was he giving the statement freely and voluntarily?
A. Absolutely.
Q. Okay. And if you would, just continue at this point. So --
A. So once he hung his head and began saying it was a mutual decision, from there, he began telling -- he told me that a friend basically put him on to

this person, which is M.C. , the victim's husband, indicating they thought he had a lot of money and that he was possibly a drug dealer.

And then he got into the details of actually arriving to the residence and what occurred. He started off by saying Craig had kicked in the back door, which matched what I had located on the crime scene. They -- he indicated they were looking for cash inside. They -- he indicated there was a young lady upstairs, referring to the victim, M.C. ; said Craig opened the door to the bedroom, and she screamed.

They were directed that there was money in some ceramic statues downstairs in the living room. Looks like they were -- he began saying that they couldn't find what they were looking for, and Craig said we got to get something out of this, and he indicated he received oral and anal sex from the victim.

He also indicated a very specific thing that happened; was that the victim indicated she couldn't have vaginal sex and --

Q. And why was that?

A. That's because their -- she had a yeast infection at the time. She had indicated to me

previously, the night I responded, that she actually showed them that she had a yeast infection. And he continued on and said that that's when they proceeded to have anal intercourse and oral intercourse with the victim.

He also indicated, looking at the notes, that I must have asked him who, basically, put him on to the residence, and indicated Albert Brisbane, who is a friend of his, and Albert was currently in Alvin S. Glenn. Continued on: Albert told him Jacob Cook, the victim's husband, is a drug trafficker, and that he drives a blue Chrysler 200; looks like he indicated to me the gun that was used in this incident was at his house at [redacted] Windridge Road; he indicated he spent the money he had -- they had taken from the residence. And he indicated they got a total of 1,700 -- approximately 1,700, and he got about $860 for helping with the incident.

Q. Okay. And are you referring to something to help you remember this information?

A. Yeah. My handwritten notes.

Q. And did you take those notes contemporaneously with the interview?

A. I did.

Q. After you finished with the interview, what do

you do next?
A. After the interview -- or the oral interview, I asked if he would be willing to give a statement. And he agreed and he provided me a written statement.
Q. Okay. And I've shown you State's Exhibit 3.
A. Yes.
Q. Is that the statement form that you're referring to?
A. Yes.
Q. Okay. So how do you go about taking the written statement?
A. Pretty much the same process as the Miranda form. I ask them to fill out the top portion of the voluntary statement form, and basically ask them, what you just explained to me, I want you to put down in your own words.
Q. Okay. And then what do you do?
A. From there, I give them time to write out their statement.
Q. Do you stay in there while they're writing or do you leave? What is your process?
A. With his, I stayed in the room. Sometimes I may go directly across the hall and watch on the video as they're filling it out. But, on that one,

I remember staying in the room.
Q. Okay. In looking at this, can you tell us, whose handwriting is whose on here?
A. The -- I don't have the statement in front of me.
Q. Oh. Showing you State's Exhibit 3, is this the voluntary statement form you're referring to?
A. Yes.
Q. Now, looking at the statement, can you please tell us whose handwriting is whose?
A. The top portion where it says I, Christopher Cooper, he would have filled that out; [redacted] Windridge Road, he would have filled that out; his phone number, he filled out, [redacted]; he filled out his date of birth, [redacted]/86, and his social security number.
And then underneath that, where it says I volunteer to freely answer your questions and make the following statements is where he began writing a paragraph of approximately six lines.
Q. Okay. And, if you would, just read what he road wrote.
A. We went over to the residence, saw no one was there because the guy's car was gone; we got in through the back door, searched for the money; got

upstairs; when Craig opened the bedroom door, the girl that was there screamed; I continued to search, found nothing; the girl opened the safe, told us where the $1,700, comma, then we left after only finding this amount. Upon leaving, we had anal and oral sex with the dealer's girl.

Q. Okay. And whose handwriting is on the next line?

A. The next line is my handwriting. It starts off: Investigator C Morris, in the question-and-answer format; I put Q after my name with a hyphen: Where is the residence located?

I would have wrote his name, C. Cooper, and the letter A for answer, hyphen. He, in his handwriting that he wrote, is off of Knox Abbott Drive. Continue on?

Q. Keep going. That would be good.

A. Same thing. I write out: What does the residence look like, question mark; write C. Cooper, A, and, in his handwriting, he puts duplex. Again, I ask: Who had the firearm? He responded: I brought the firearm that Craig had.

Continue on to page 2 of 2, I ask: Who is Craig? He answers: Craig Cooper is my cousin. Next question: Who showed you this residence? He

answers: A friend showed us a month ago.

I asked him: What type of gun did you give Craig? He responded: 9mm handgun, black and silver. I asked him: What time of day did this occur? He responded: Nighttime. I asked him: How much money did you get from this? He responded: $840. I asked him: Where was the money stored? He responded: Two piggybanks and then put in parenthesis or -- yeah, parenthesis, black. I asked him: What happened to her phone? He said: We placed it in the trash out back.

I asked: Did you ejaculate and where? He responded: In her mouth. Final question was: Why didn't you have vaginal intercourse? He responded: She had an infection.

Q. And did you tell him what to write for any of these answers?

A. No.

Q. Did you instruct him what to write as he was writing the answers?

A. No.

Q. So what do you do next?

A. After that, I believe I presented a Permission to Search form and asked him read -- would read over the permission to search to collect a buccal swab

from him for DNA for comparison.
Q. Did he consent to that?
A. He did.
Q. What did he do next?
A. From that point --
Q. I'm going to go back to the statement. Once you finish the question-and-answer part of that, what do you do next with the statement forms?
A. Oh, I'm sorry. I have him sign that he was the person giving the statement. And he indicated that he was by signing his signature for person giving the statement on page 1. And, on page 2 of 2, he also dated both of those. And I signed as a witness.
Q. Okay. Do you go over the statement with him or do you just sign it once it's done?
A. We -- yeah. I'll read over it, as well as have him read over it. And, after that, he -- we move forward to the buccal swab. But, yeah, I read over his statement with him. And then, from there, I moved to have him sign it and to get the buccal swab.
Q. Okay. There's a second witness signature block.
A. Yes.

Q. And that's blank on my copy. Is that blank on yours?
A. Yes.
Q. Okay. And you said earlier that Captain Wade was in and out of the interview with Christopher Cooper.
A. Yes.
Q. Was he there when the statement was written?
A. No.
Q. Okay. Where was he?
A. He -- Captain Wade would have probably gone home because Christopher Cooper had already confessed at that point and there was no -- and Captain Wade probably would have witnessed him starting to write -- writing the statement and left at that point.
Q. Okay. So was there anybody there to sign the witness signature block?
A. No.
Q. At any point, did Christopher Cooper ask to stop answering questions?
A. No.
Q. At any point, did he ask to talk to an attorney, call his mom, call his brother, anything?
A. No.

Q. And he was aware that he could have had an attorney present?
A. Yes.
Q. And he waived that before you started asking him any questions?
A. When I went over his Miranda rights, he indicated he would talk to me after being advised of his rights, and he indicated that on the Miranda form.
MS. WEISS: At this time, I'd move to have this written statement moved into evidence.
THE COURT: Any objection?
MR. WILLIAMS: Not placing it in evidence, Your Honor. We don't have any issues with that. In terms of this hearing, we would object to the use until I get a chance to cross-examine him.
THE COURT: All right. I'm going to allow it over objection -- the objection at this point. I'm going to allow it into evidence as far as this hearing.
MR. WILLIAMS: All right, sir.
BY MS. WEISS:
Q. Just to be clear, back on the Miranda form, did he indicate his highest level of education?
A. Yes, he did.

Q. And did you ask about that and clarify that?
A. Yes. Just like standard procedure, every time I go over it, I ask: What is the last grade you finished in school? If you have anything further than a 12th grade education, I ask to indicate that by saying 12, 13, 14, however many years to it.
Q. And you asked him if he could or could not read, correct?
A. Yes.
Q. And what did he put on there?
A. He indicated that he could read.
Q. Okay. And when you were talking to him about the gun and where the gun was located, did he tell you where the gun was located?
A. He indicated that the gun was at his house.
Q. And did you know where in his house to look?
A. I didn't document it in there, but I believe I found it in the closet. I'm not sure if he told me. I think he told me it was in a shoebox in his closet.
Q. But you don't have that written down?
A. I don't have it written down.
MS. WEISS: Thank you. I don't have any further questions at this time, Your Honor.
MR. WILLIAMS: May it please the Court?

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Investigator, would you object to sharing your notes with me or could we have a copy of it? Because we didn't get it in discovery.

A. You should -- I handed everything I had over --

Q. So you don't mind if we have a copy of these?

MS. WEISS: Your Honor?

THE COURT: Ma'am?

MS. WEISS: If I may, we provided these in discovery.

THE COURT: Okay.

MR. WILLIAMS: If I could have -- if she can make a copy of that later on. I don't need it for the purposes of this.

BY MR. WILLIAMS:

Q. I just want to make that I understand what you're saying. And that is that, essentially -- I'm going to shorten it down. For purposes of Chris Cooper's statement, you were the only person who witnessed the Chris Cooper statement? He was in there for two hours; you were the only person who witnessed his statement. Is that correct?

A. I'm the only one that signed and witnessed the actual statement, yes.

Q. Okay. And you said normally you go by routine, meaning that you don't have a standard pattern of what you do, correct?
A. Yes, sir.
Q. So when you did VICTIM'S statement, you had two witnesses on that, didn't you?
A. I'm not sure that I took VICTIM'S statement. I did verbally on the scene.
Q. Let me ask you to look to see if you had two on VICTIM'S statement.
A. Yes.
Q. All right. So you had two on VICTIM'S statement. Now, what about Craig Cooper's statement? Did you have two witnesses on that?
A. I did.
Q. And even when you interviewed the individual who was in jail that you talked to about how they may or may not have known about robbing it, you had two witnesses on that, too, right?
A. Correct.
Q. So the only time you didn't have two witnesses was on the one statement where he was the only person in the room, except you say that the captain came periodically in and out; is that correct?
A. Correct. It was after business hours.

Q. Now, the camera, which you have talked about, the camera which goes directly to your -- is that your captain's room that he can view what's going on?
A. Yes, sir.
Q. So you say that the camera was working and that someone was able to see what was testified to, but it was just not recording?
A. I'm not sure if any -- I'm not sure of who would have been viewing the video.
Q. But you've testified that it just doesn't record, but somebody in the other room would be able to see -- would be seeing it on a TV or a monitor of some kind?
A. Correct. They could view it. Absolutely.
Q. So you certainly have the ability of having a witness who could observe everything that's going on when you're asking him questions and you could record it if you wanted to?
A. I don't have the capability to record it.
Q. Did you have -- do you have anybody who can testify that they observed everything that went on when you were interviewing him?
A. I'm not sure who would have been viewing the camera. But I assume Captain Wade would have been

viewing the camera.
Q. Now, at what point in time did you arrest him?
A. Later on, after the -- after he provided a buccal swab.
Q. So he was free to go at any point in time until he gave you a buccal swab?
A. At that point, I didn't have a warrant.
Q. So he -- so you didn't go through the formalities of placing him under arrest? You didn't say you're under arrest?
A. I did after the interview.
Q. So did you send Putney out there to pick him up in Richland County?
A. I wouldn't have sent him. I'm not his supervisor.
Q. Did you know that Chris Cooper didn't have a vehicle at that location, so the only way he was going to West Columbia is if he was being escorted by West Columbia Police Department?
A. I had no idea.
Q. So when you bring him in, did -- is it your testimony that neither you nor anyone that you know of heard him talk about the fact that he wanted to have his attorney present?
A. He never asked to have an attorney present.

Q. And did -- at some point in time, did the captain come in there and slam a copy of the statement of Craig Cooper down there and tell him that Craig Cooper was going to get a better deal than he was going to get?

A. I have no idea.

Q. Would you have been present the entire time period?

A. Yes.

Q. You already had a written copy of Craig Cooper's statement, didn't you?

A. I did.

Q. Did you show it to Chris Cooper?

A. No.

MR. WILLIAMS: That's all the questions I have for him, Your Honor.

THE COURT: Any redirect?

MS. WEISS: Not for this witness, Your Honor.

THE COURT: All right. Sir, you may step down. Thank you.

MS. WEISS: Beg the Court's indulgence just a moment.

THE COURT: Yes, ma'am.

THE CLERK: Do I need to make a copy of this, Your Honor?

THE COURT: Please, ma'am.

MS. WEISS: Your Honor, that completes the presentation from the State.

THE COURT: All right.

Mr. Williams.

MR. WILLIAMS: Your Honor, we'd call Chris Cooper to testify.

THE COURT: Sir, if you would, come around to be sworn, please.

CHRISTOPHER COOPER

being first duly sworn, testified as follows:

THE DEFENDANT: Yes, ma'am.

THE CLERK: Have a seat, please, sir. Once you're seated, you can pull your mask down. State your full name, spelling your last.

THE DEFENDANT: Full name is Christopher Cooper, C-O-O-P-E-R.

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Chris, you graduate from high school?

A. Yes, sir.

Q. And do you remember the events of August the 1st of 2017?

A. Yes, sir.

Q. What happened on that date?

A. Around 3:30 --

THE COURT: Speak up, okay, please, sir.

THE DEFENDANT: Yes, sir.

Between 3:30 and 4:00, I was approached at my place of business. They asked if my name was Chris Cooper.

MR. WILLIAMS:

Q. Who approached you and asked you?

A. The two investigators.

Q. Okay.

A. I told them yes. He said come with me. Yes, sir. Okay. I follow them out to the car. When we get to the car, you know, I ask them, why am I being taken from work? He started kind of talking small talk --

Q. Who was?

A. The smaller gentleman, Mr. -- with the long hair.

Q. Putney.

A. Yeah. I told him, sir, with all due respect, you know, why am I being taken down to the police department? He said, we'll talk about it down there. So, immediately, when he said that, I told him I don't have anything to say; I want a lawyer present with me. He backed off; he got quiet, the

guy in the back seat.

After that, it was silent. We got to the police department. I went into the interrogation room. The second gentleman that was riding behind me, we went into the interrogation room. He starts questioning me even further. I told him, sir, I need a lawyer here with me. He kept trying to pull me a little bit. Then he went out after I didn't give him what he wanted. He went out.

The third -- the third one, I guess that was his supervisor, he came in, guns blazing, yelling --

Q. Let me slow you down here. You said second gentleman. Do you recall this gentleman here?

A. Yes.

Q. Is he what you're referring to as the second gentleman?

A. Yes.

Q. All right. And the first gentleman you're referring to is the gentleman with the long hair?

A. Yes. He's the one that -- he -- he-- he's the only one who backed off in the car.

Q. Okay. All right. So this gentleman didn't come over with you from Richland County, did he, or did he meet you there?

A. No. I believe it was him and the other

gentleman that was in the car.

Q. Okay. So go ahead. What happens in regards to this gentleman?

A. He's questioning me. I told him I need a lawyer present. That was the second time hearing me say that. He kind of eased up and was threatening me. He was, oh, well, had it been me, you know, I'd have killed you, you know, this, that, and the third. I'm getting --

Q. Said what?

A. Had it been me, I'd have killed you.

I don't have a clue what you're talking about, sir, but I need a lawyer present. It's a totally different world for me. I was just taken from work into an interrogation room. Super nervous. He left. I was still holding to it, my word of needing a lawyer present. He went. And I guess that's his supervisor that he went and got. Supervisor came in there with a totally different tone --

Q. Describe the supervisor.

A. He was baldheaded, light skin, kind of big with glasses.

Q. So when you say light skin, you're referring to a light skin black person?

A. Yes.

Q. Okay. And that's his supervisor?
A. I assume so, because he had to go and get him after I told him I wanted a lawyer.
Q. Okay.
A. He comes in. He's yelling, oh, this that and the third; your cousin, he don't care about you; he don't care about you; look at this; look at this; look; whose name is this on this statement --
THE COURT: Slow down. Okay?
THE DEFENDANT: Yes, sir.
THE COURT: So my court reporter can get everything.
THE DEFENDANT: Yes, sir. Yes, sir.
So he's promising me all these years and that I'm going to get 35 years. I said, sir -- even with him, I said, sir, I need someone -- a lawyer present with me. And I made that, you know, clear to everybody. Just kept going and kept going and kept going.
After seeing that it wasn't going to change anything with me asking for a lawyer, if it's a fight-or-flight situation, I'm taking the first flight out of there. So I'm just, okay, you know what, we'll rectify this later; just get me out here. I'm super nervous; I'm sweating in there. I

had to be escorted to the restroom because I lost my bowels. It was just a horrific situation that I was encountered in.

Q. So are you saying that you had to be escorted to the restroom in the midst of all this or at the end of you signing the --

A. At the end of me signing it.

Q. All right. And who escorted you?

A. It was -- I don't remember who escorted me. But I believe it was Mr. Morris.

Q. All right. And so did you think you were getting ready to leave if you wrote the statement or what?

A. That that would be my only way out.

Q. And what happened? When did he tell you you were under arrest?

A. He told me that I was under arrest after they told me -- after the restroom and everything, after they took me in the back and -- it was in -- and this wasn't an interrogation room. This was like a booking. It had two cells back there also. That's when I got actually read my rights.

Q. Was it before or after you had the buccal swab?

A. After.

Q. Okay.

MR. WILLIAMS: That's all the questions I have, Your Honor.

THE COURT: Cross-examination?

MS. WEISS: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. WEISS:

Q. Mr. Cooper, I'm going to show you what's already been entered into evidence as State's Exhibit 1. Do you recognize this license?

A. Yes.

Q. Whose license is that?

A. It's mine.

Q. Okay. Whose signature is that under your license?

A. Mine.

Q. And what's the date on there?

A. 8/1/2017.

Q. And you put the date on there as well?

A. Yes.

Q. And did you give law enforcement your license?

A. Yes.

Q. At what point did you give them your license and do this?

A. That was after the whole interrogation.

Q. After everything?

A. Yes.
Q. I'm going to show you State's Exhibit 2. Do you recognize this form?
A. Yes.
Q. Very top, it says: I, Christopher Cooper. Who is that?
A. That's me.
Q. Okay. And then it has your -- has an address of [redacted] Morning Echo Drive. Whose address is that?
A. My address.
Q. And whose handwriting is that in?
A. My handwriting.
Q. Okay. And has a phone number. Whose phone number is that?
A. That was my phone number.
Q. Okay. If you could speak into the microphone so that --
A. I said that was my phone number.
Q. Okay. Thank you.
Date of birth, [redacted]/86. Whose birthday is that?
A. That's my birthday.
Q. And is it true that you finished the 12th grade in school?

A. Yes.
Q. Where did you go to high school?
A. Spring Valley High.
Q. What year did you graduate?
A. 2004.
Q. And did you go to any school after that?
A. Yes.
Q. Where did you go?
A. I went to Coastal Carolina.
Q. For how long were you at Coastal Carolina?
A. A year.
Q. A year. So did you -- you actually did another year after 12th grade?
A. Uh-huh.
Q. So --
THE COURT: Is that a yes?
THE DEFENDANT: Yes, sir.
Q. So you can read and write, and that's what you circled here?
A. Yes, ma'am.
Q. And C.C., those are your initials?
A. Yes.
MS. WEISS: Your Honor, if I may, I think it may just be easier to -- may I have a second just to pull down the --

THE COURT: Yes, ma'am.

BY MS. WEISS:

Q. I'll ask you to bring your attention to the screen. We went through here: Christopher Cooper, Morning Echo Drive, your phone, date of birth, number social security, and you finished the 12th grade which, in fact, you finished your freshman year of college at Coastal Carolina and you graduated from Spring Valley High School, and can read. And those were your initials and that is your handwriting. So are you able to read this line right here?

A. Yes.

Q. What does it say?

A. You have the right to remain silent.

Q. Are those your initials next to it?

A. Yes.

Q. Do you understand what that means?

A. Yes.

Q. After that, what -- the next one says?

A. Anything you can say -- anything you say can and will be used in court as evidence against you.

Q. Okay. And those are your initials there?

A. Yes.

Q. What about number 3?

THE COURT: Did he respond?
THE DEFENDANT: Yes, sir.
Q. What about number 3.
A. You are entitles [sic] to talk to a lawyer now and to have him or her present now or at any time during questioning.
Q. And those are your initials next to it?
A. Yes.
Q. Okay. And number 4: If you cannot afford a lawyer, one will be appointed. And do you understand these rights?
And what did you circle there?
A. Yes.
Q. And what was the last one?
A. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering questions at any time until you talk to a lawyer.
Q. And those are your initials there?
A. Yes.
Q. And that is your signature there?
A. Yes, ma'am.
Q. Okay. And so you did go ahead and sign that?
A. Yes.

Q. Okay. And below that, if you could, read this part for us.
A. I'm willing to make a statement and answer questions. I understand and know what I am doing. No promises nor threats have been made to me, and no pressure or coercion of any kind have been used against me.
Q. Okay. And you read that. And is that your signature right there?
A. Yes.
Q. And you put the date right there?
A. Yes.
Q. And you're not contesting that you signed that?
A. I did sign it.
Q. And you understood what you were signing?
A. Yes.
Q. Do you recognize this form?
A. Yes, ma'am.
Q. And whose handwriting is this?
A. That's mine at the top.
THE COURT: What exhibit is that?
MS. WEISS: I'm sorry. This is State's Exhibit 3.
THE COURT: Okay. Thanks. I'm sorry.
BY MS. WEISS:

Q. Now, on this, you put that you live where?
A. [redacted] Windridge Road.
Q. You put on this form that you live where?
A. [redacted] Morning Echo Drive.
Q. Okay. Where did you live?
A. [redacted] Windridge Road.
Q. Why did you put Morning Echo on here?
A. That's my permanent address.
Q. Whose address is that?
A. My mother's.
Q. But on here you put [redacted] Windridge?
A. Correct.
Q. And that's the same phone number, your phone number?
A. Yes.
Q. Date of birth, you social security number?
A. Yes, ma'am.
Q. And then it says -- why don't you go ahead and read it? What is the next line?
A. I volunteer to freely answer questions and make the following statement.
Q. Okay. And whose handwriting is that?
A. It's my handwriting.
Q. And what did you write?
A. What the investigator was explaining to me.

Q. You wrote down -- so you graduated high school, went to a year of college, and this is your handwriting?
A. Yes.
Q. Okay. And you're saying that you wrote what the officer -- the investigator told you to. Which investigator was telling you what the write?
A. Norris.
Q. Norris?
A. Yes.
Q. Okay. Who -- how do you know Norris?
A. After seeing him in here and hearing his name again.
Q. Can you identify who you're calling Norris?
A. Yes.
Q. Okay. Please identify him.
A. He's right behind you with the red tie on.
Q. So that's Investigator Morris.
A. Morris, yes.
MS. WEISS: Okay. Sorry, Your Honor. There's actually an Investigator Norris. I was just clarifying.
BY MS. WEISS:
Q. So you wrote this and then Investigator Morris wrote this?

A. Yes.
Q. And he said: Where is the residence located? And you wrote: Off of Knox Abbott Drive. Right?
A. Yes.
Q. And he wrote: What did it look like?
Duplex.
He said: Who had the firearm?
THE COURT: Can you move that up?
MS. WEISS: Yes. I apologize.
BY MS. WEISS:
Q. Who had the firearm? And what was your answer?
A. I brought the firearm that Craig had.
Q. Okay. So you -- you're saying that the officer -- the investigator told you to write that?
A. Yes. He was basically telling me the events that were going on. By that time, I was just trying to get out of there.
Q. Do you know where the firearm was located?
A. Yes.
Q. Where?
A. At my home.
Q. Which home?
A. [redacted] Windridge.
Q. [redacted] Windridge Road. And who did you live at [redacted] Windridge with?

A. Alone.
Q. Alone. That's where the firearm was located?
A. Yes.
Q. But you're telling us that this investigator told you that?
A. He told me the events that happened. Yes.
Q. And then you told him, I brought the firearm that Craig had and it's at my house?
A. Yes.
Q. He asked: Who is Craig? So, just to clarify, you answered that Craig Cooper was your cousin -- is your cousin?
A. Yes.
Q. And then he asked you what type of gun it was. Right?
A. Right.
Q. And you wrote the answer to that?
A. Right.
Q. You told him it was a nine-millimeter handgun, black and silver?
A. Yes.
Q. And that gun was located at your house, and you told him that.

He asked you how much money you got from this. And you put the answer?

A. Yes.
Q. What was that answer?
A. 840.
Q. Okay. Next question: Where was the money stored? What was your answer to that?
A. Two piggybanks, black.
Q. What does black mean?
A. That's a color.
Q. Color of what?
A. The piggybanks.
Q. And that's in your handwriting?
A. Yes.
Q. So you're telling this Court that the investigator told you to write two piggybanks, black, even though the piggybanks were actually Buddha statues?
A. I mean, I obviously didn't know what the objects were. I just made up something.
Q. Or you put down what you remembered, not what the investigator told you.
A. Just to speed things along to get me out of there, yeah.
Q. Did you ejaculate and where? What was your answer to that?
A. In her mouth.

Q. Okay. And why didn't you have vaginal intercourse?
A. She had an infection.
Q. So you're saying that the investigator told you to put in there that you ejaculated in her mouth -- that you did ejaculate and that you ejaculated in her mouth?
A. He told me the stream of events that happened.
Q. Stream of events that happened. Can you be more specific?
A. As I was getting questioned in the interrogation room, he was kind of telling me, and I'm just, oh, okay, sir, yeah, oh, after I'm seeing that I can't get a lawyer.
Q. You're seeing that you can't get a lawyer?
A. Yes.
Q. But you signed all this?
A. But I requested it.
Q. But you signed all this?
A. I requested it.
Q. You understood what you were signing?
A. After I wasn't allowed to get a lawyer.
Q. You didn't put on here I want a lawyer. And you didn't say I'm not signing it. You didn't write I'm not signing it or I want a lawyer. That's

nowhere on here, correct?
A. But it was stated --
(Brief interruption.)
Q. Is it written anywhere on here that you didn't -- that you wanted a lawyer?
A. It's not written anywhere on there because it was -- I said it verbally before anything was asked.
Q. And you know how to read and write?
A. Yes.
Q. Okay. And so, right here, where it said: If you decide to answer without a lawyer present, you'll still have the right to stop answering at any time, you didn't any markings, I want a lawyer, or refuse to sign, right? You signed it?
A. Yes.
Q. Right here: I am willing to make a statement and answer questions. I understand and know what I'm doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. You signed that as well?
A. Yes.
Q. You didn't cross it out; you didn't refuse to sign. You signed it?
A. Yes.
Q. And you're saying that you wanted a lawyer from

the moment West Columbia started talking to you. Those two people showed up at your dealership, and you wanted a lawyer?

A. In the car, yes, ma'am.

Q. Okay. And did they threaten you?

A. Indirectly.

Q. Indirectly. How did they indirectly threaten you?

A. As I stated before, you know, they were automatically aggressive in the interrogation room telling me what they would have done to me, this, that, and, you know.

Q. I'm going back to Reunited Auto Sales.

A. Right.

Q. You said they were automatically aggressive. I'm not talking about the interrogation room. Tell me about what happened at Reunited Auto Sales.

A. When he -- when both them walked into the dealership, said, are you Chris Cooper, I said yes. They said, come with me. I proceeded to follow them, you know, to the car.

I asked them what was I being, you know, taken for. He said, we'll talk about it down at the -- in the police department. I told them -- at that point, that's when I said I need a lawyer present

with me. Nobody just get picked up from work for no reason. I need a -- I want a lawyer.
Q. So you said I'm not going with y'all, have a nice day?
A. No. I got in the car with them.
Q. Wait. Got in the car with them?
A. Yes.
Q. Two guys come to you. You want a lawyer, you're not going with them, but you got in the car with them. Why would you do that?
A. Just to comply.
Q. To comply with two aggressive guys at your family's dealership with your -- where your friends and family are around, and you just get in the car because they're implicitly aggressive?
A. No. I said when they approached me at the vehicle -- I mean, at the dealership, there was no aggression. But once we got into the car, after I requested a lawyer, that's when the tone changed.
Q. Okay. So let me just make sure I understand. So when they came in the dealership, they asked if you were Chris Cooper, would you come with them; you said sure, you got in the car, and that's when you asked for a lawyer?
A. Yes. Once he didn't tell me what was going on.

Q. Okay. And you said that you just didn't understand what was happening, and that's why you were asking for a lawyer.
A. Right.
Q. Okay. So you got to the police department and they took you to the interrogation room. And it's your statement that you said that again?
A. Yes, ma'am.
Q. Is it also your statement that you wouldn't have just sat down and written this unless you were being forced to?
A. Right.
Q. Well, you've been arrested before?
A. No, I haven't.
MS. WEISS: Mark this as State's Exhibit 4, please.
(State's Exhibit No. 4 marked for identification.)
BY MS. WEISS:
Q. In fact, you were arrested for trafficking cocaine and possession of a weapon during a violent crime in 2016 by the Richland County Sheriff's Department. Correct?
A. Yes.
Q. So what you just said was untrue?

A. I've never been taken -- picked up from my job and taken to an interrogation room.
Q. That wasn't the question.
A. I haven't.
Q. Okay. I'll show you what's been marked as State's Exhibit 4. Do you recognize this document?
A. Yes.
Q. Okay. At the top, whose name is that?
A. That is my name.
Q. And the place, what is that?
A. 5623 Two Notch Road.
Q. Do you happen to know where that is?
A. Yes.
Q. Where is that?
A. That is our old dealership.
Q. Is that your dealership or is that the sheriff's department?
A. Yes, the sheriff's department.
Q. So that is the Richland County Sheriff's Department, correct?
A. Yes.
Q. Okay. And the officer was B. Maxwell, the date was August 29th, 2016, the time, 2200. You would agree that that's what's written on here, correct?
A. Yes.

Q. What's at the top of this form?
A. Interrogation Advice of Rights.
Q. Advice of Rights. And just below that, what is right here that's underlined?
A. Your rights.
Q. Okay. What is the first one?
A. Before we ask you any questions, you must understand your rights.
Q. Okay. What's the second one?
A. You have the right to remain silent.
Q. What's the third one?
A. Anything you say can be used against you in court.
Q. What's the next one?
A. You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during any questioning.
Q. What's the next one?
A. If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
Q. And what's the last one?
A. If you decide to answer questions now without a lawyer present, you still have the right to stop answering any time. You also have the right to stop

answering at any time until you talk to a lawyer.
Q. And whose signature is that?
A. That is mine.
Q. Okay. Below that, what does it say?
A. 5623 Two Notch Road, Columbia --
Q. No. Right here. Right below your first signature.
A. Waiver of rights.
Q. Okay. And if you'll read this.
A. I have read this statement of my rights and understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me, and no promises or coercion of any kind has been used against me.
Q. And who signed right there?
A. I did.
Q. Okay. This was August 2016, almost one year before you were at the West Columbia Police Department, correct?
A. Correct.
Q. And you waived your rights there, correct?
A. Correct.
Q. I'll show you page 2 of State's Exhibit 4. Now, this is a little different; this is typed. I'm

assuming you didn't type this.
A. No, I didn't.
Q. Okay. At the top, it says: Statement of Christopher Cooper. Same date of birth, the [redacted] Windridge Road, address, made at Columbia, South Carolina, this 29th day of August, 2016, at 2200 hours. Do you know what time that is?
A. Yes.
Q. What time is that?
A. 10.
Q. Okay. 10:00 p.m., right?
A. Yes.
Q. In the presence of Investigator Maxwell. And at the top, it says again that you have the right to remain silent; anything you say could be used against you; you can have a lawyer with you; if you want to stop, you can have one appointed for you; if you want to stop, then they'll stop until you talk to a lawyer.

However, you went ahead and made the following statement. You said you understood your rights; you were stopped by law enforcement at 10136 Two Notch. Were you the driver and lone occupant of the 2012 red --

MR. WILLIAMS: Your Honor, objection to -- I

have no objection to the quizzing about the Miranda. But the facts alleged in the statement have no -- have nothing to do with the charge or anything else that we're trying today.

THE COURT: I understand. It's cross-examination. I'm going to allow it. Objection so noted.

BY MS. WEISS:

Q. Were you the driver and lone occupant of the 2012 red Chevrolet Impala? What was your answer?

A. Yes.

Q. Who owns the vehicle you were in tonight? What was your answer?

A. Reunited Auto Sales.

Q. And where is Reunited Auto Sales located?

A. On Broad River Road.

Q. How much money did you have on your persons tonight? What was your answer?

A. 700.

Q. Question: Was there cocaine inside the vehicle? What was your answer?

A. Yes.

Q. What was the rest of your answer?

A. Under an ounce.

Q. Question: Where was it located? What was your

answer?
A. Got scared when I saw the blue lights, so I threw the cocaine down on the passenger's side of the car.
Q. Question: Were you at the Red Lobster at 10136 Two Notch Road to meet someone? Answer?
A. No. I felt like I was being followed, so I quickly pulled in there.
Q. Question: Were you going to meet someone in that same shopping center? What was your answer?
A. Yes. I was to meet him at the Kroger.
Q. Question: What were your intentions when meeting with that person? What was your answer?
A. I was going to sell him an ounce of cocaine.
Q. Question: Do you reside at [redacted] Windridge Road in Columbia? What was your answer?
A. Yes, since 2011.
Q. Question: Does anyone live there with you? What was your answer?
A. No. I do have a female friend living there temporarily while she gets back on her feet.
Q. Question: Was there any more narcotics at your home? What was your answer?
A. Yes. There was another half ounce of cocaine and a small amount of weed.

Q. Question: Were those items found in your bedroom? What was the answer?
A. Yes.
Q. Question: Did the narcotics belong to you? What was your answer?
A. Yes.
Q. Question: There were two handguns found in your bedroom. Did those weapons belong to you? What was the answer?
A. Yes.
Q. Question: Who did you meet at CVS at Sparkleberry Road and Clemson Road? What was your answer?
A. Michael.
Q. Michael who?
A. Baker.
Q. What did you meet with Michael Baker for was the question. What was your answer?
THE COURT: Can you slide it up more, please?
MS. WEISS: Oh, I'm sorry.
THE COURT: It's okay.
BY MS. WEISS:
Q. What did you meet with Michael Baker for was the question.
A. He was fronting me an ounce of cocaine. I was

to pay him later that night. I owed him 1,200 for the ounce. I owed him another 600 for the half ounce.

Q. Continue.

A. He fronted me last week.

Q. Question: What was Michael Baker driving? What was your answer?

A. A darker green newer Suzuki Grand Vitara.

Q. Okay. Keep going.

A. It has a fifth wheel on the back.

Q. Okay. Says on the bottom: I have made the foregoing statement freely and voluntarily without fear, threat, promise or a reward or hope of reward of any kind. Who signed that?

A. I did.

Q. Question: How often have you bought from Michael Baker? What did you answer?

A. Twice, last week and tonight.

Q. Continue, please.

A. I used to deal with him a lot several years ago, from 2010 to 2013. I got about an ounce of weed from him during this timeframe. I probably got close to 100 ounces of cocaine from him.

Q. Okay. And they asked you to identify Michael Baker. And what was your answer?

I showed you a photo of a subject. Was that Michael Baker? What was you answer?
A. Yes.
Q. Is this statement true? What was your answer?
A. Yes.
Q. Is there anything else you would like to add?
A. No.
Q. And then there's space here. You didn't write anything there?
A. No.
Q. And whose signature is that?
A. I did.
Q. So you were taken by law enforcement to the Richland County Sheriff's Department one year before the case we're here about today. You were given a Miranda Advice of Rights that you signed and waived your rights. And then you were asked questions that you answered and signed. Are you going to tell this Court -- are you saying to this Court that you answered these questions truthfully?
A. Yes.
Q. So was somebody telling you what to answer on these questions?
A. No.
Q. Okay. So you went there. You were given

Advice of Rights; you were asked questions; and you admitted to a crime. You gave them extra information; you told them -- took them to your house, gave them the guns and more drugs, and told them who your dealer was and how much you were getting from him. You did all of that voluntarily, correct?

A. Yes.

Q. One year before. And so you had no idea of what was going on or what to do when it was West Columbia that was coming to talk to you?

A. I knew what to do. I just wasn't given that option after I asked for a lawyer.

Q. You signed the Advice of Rights?

A. After I asked for a lawyer.

Q. And you handwrote your answers on those questions?

A. Yes, ma'am, after I asked for a lawyer.

Q. And you signed that form saying it was freely and voluntarily given?

A. Yes.

Q. Did you have a phone on you?

A. No.

Q. No? You didn't have your cell phone?

A. No, ma'am.

Q. Not when you were at the car dealership?
A. No, ma'am.
Q. Why not?
A. It was broken.
Q. You gave a phone number on the form.
A. Yes. But I didn't have the cell phone.
Q. Okay. And did you tell anybody at the dealership, hey, somebody call my lawyer?
A. No.
Q. You had a lawyer?
A. Not at that time.
Q. You didn't have a lawyer?
A. No, ma'am.
Q. Well, you'd been charged for a year at that point with drug trafficking.
A. In Richland County, yes.
Q. Okay. So you knew you had a right to a lawyer for that?
A. Right.
Q. I mean, lawyers -- you know that lawyers are licensed in the state, right?
A. Uh-huh.
Q. Okay.
THE COURT: Is that a yes?
THE DEFENDANT: Yes.

THE COURT: Okay.
THE DEFENDANT: Yes, sir.
BY MS. WEISS:
Q. Okay. But, yet, you didn't ask anybody to call a lawyer. And you signed everything; didn't make any notations. And -- and the information you gave was true because the gun was found at your house, correct?
A. There was a gun at my house.
Q. The gun that you described was found at your house?
A. There was a gun at my house.
Q. You described the black and silver gun, correct?
A. I described -- I gave a description of a gun. Yes.
Q. And the DNA that was eventually found matched what you put in this statement, correct?
A. I'm not understanding. You said the DNA?
Q. Yes. The DNA that is in discovery that your attorney has gone over with you matched what you put in the statement?
A. Yes.
Q. And you agree that law enforcement did have those results at the time?

A. I'm drawing a blank on the -- I'm not totally understanding the question.
Q. You know what? I think --
MS. WEISS: Beg the Court's indulgence. But I think we're good.
BY MS. WEISS:
Q. So just to be clear, when I asked if you'd been arrested, you said no, right?
A. Yes.
Q. But you had been, one year before?
A. Yes.
Q. So you lied about that, right?
A. I didn't lie. I was -- I didn't understand, like, totally what you were asking. I didn't know if you were meaning conviction-wise or just picked up.
Q. Okay. I'm sorry. I asked you have you ever been arrested -- were you arrested before this. And you said no. Arrested? No. Okay?
So -- but you want us to believe now that this whole thing that you're telling us now happened and that you asked for an attorney and that you're telling the truth now about something that you didn't indicate on these forms or anywhere else?
A. Yes, ma'am.

Q. Even though it's exactly how you answered the questions one year earlier on a different crime?

A. Yes.

Q. Thank you.

MS. WEISS: No further questions, Your Honor.

MR. WILLIAMS: One question for redirect.

REDIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Do you have any idea what she's talking about with DNA?

A. No. No, sir.

MR. WILLIAMS: I have one quick witness, Your Honor. It's Captain Wade, the gentleman back there, I think, with the blue suit and the blue tie.

THE COURT: You have any redirect?

MS. WEISS: No, Your Honor.

THE COURT: Sir, you may step down. Thank you.

(Brief pause in the proceedings.)

BRUCE WADE

being first duly sworn, testified as follows:

THE WITNESS: Yes.

MR. WILLIAMS: Have a seat, please, sir. Once you're seated, you may remove your mask. State your name, spelling your last, please.

THE WITNESS: My name is Bruce Wade, W-A-D-E.

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Are you Captain Wade?

A. I am.

Q. All right. And would you be the supervisor of, I guess, Morris?

A. Yes, sir.

Q. And were you present when Chris Cooper gave his statement?

A. I was.

Q. And were you viewing that from a camera?

A. No. I was present for the interview.

Q. I'm sorry. I didn't hear that.

A. I was present for his interview.

Q. Were you viewing any of his questioning from a camera from your office?

A. Not that I recall. I remember being present for the interview.

Q. Did you view any of his questioning from your office?

A. Not that I recall.

Q. All right. Are you capable of viewing --

A. I am. Yes, sir.

Q. So in your office, do you have a TV that allows you to record the interview and what is going on in

that office?
A. No, sir.
Q. Is it a TV or just a monitor?
A. TV.
Q. Okay. So you didn't sign anywheres on here that you witnessed his statement, did you?
A. That's correct.
Q. Did you, at any point in time, come in there and present a statement from Craig, who would have been, I guess, his first cousin, and say that he's already given us a statement, so why don't you give us a statement, or anything along those lines?
A. No, sir.
Q. What was your participation in that?
A. I remember going to the interview room. I remember at first he was telling us that he hadn't been there. And, eventually, I said, look, you may as well stop playing. We got Craig's DNA and Craig just came back here and told us what happened; you need to come on and be honest with us and tell us what happened. And, at that point, that's when he -- his head hung down, and he started telling us what happened.
Q. So he initially denied doing anything until you confronted him with Craig's confession, right?

A. That's correct.
Q. And did you have that written confession in your hand?
A. Not that I recall. That's not my normal practice. I don't think I did.
Q. And did you talk in hard terms about the amount of time he was going to get if he didn't go ahead and confess?
A. No, sir. I don't bring up how much time someone's going to get because I can't tell you what -- how much time he's going to get.
Q. Is that all you said to him?
A. I'm not sure.
Q. Did he ask for an attorney in your presence?
A. No, not at all.
Q. But there's no question that you were the one that brought up the fact that Craig had already given a statement, so he needed to go ahead and give a statement too?
A. I'm pretty sure I did.
Q. All right.
MR. WILLIAMS: That's all the questions I have, Your Honor.
THE COURT: Any cross?
MS. WEISS: Briefly, Your Honor.

CROSS-EXAMINATION

BY MS. WEISS:

Q. Captain Wade, you are the supervisor for Investigator Morris, right?

A. That's correct.

Q. And at 5:00, is it your call as to whether or not investigators who have worked a full day need to cut and go home?

A. That's correct.

Q. Okay. And what is your practice as to that?

A. It's always a nightshift investigator there Monday through Friday. And if the nightshift investigator comes in, normally I'll send everybody on dayshift home.

Q. Okay. And that's even if they're sitting in an interview, an ongoing interview?

A. This particular interview had just started. And I decided I would go into this interview just to get another investigator off the clock.

Q. Okay. So -- and that other investigator would be Putney?

A. Yes.

Q. And you sent him home?

A. Yes.

Q. And you remember that?

A. Yes.
Q. Okay. And you're in your office, watching, I guess, when you realize that, or do you remember where you were?
A. I don't recall where I was. But it's just my normal practice. 5:00, y'all got to go home, because we have a budget that I can't go over.
Q. Okay. And you said the interview had just started. So is it your practice to make sure that there's more than one investigator in there for an interview --
A. That's correct.
Q. -- with a suspect?
A. Yes.
Q. Okay. So who was in there?
A. Me and Investigator Morris.
Q. Okay. Now I'm going to show you what's been entered as State's Exhibit 3. Do you recognize this form?
A. I do.
Q. Okay. So there are two witness blanks at the bottom. One is signed by Investigator Morris; the other is blank. You said that you were in there. Would that not have typically been your signature that should have gone there?

A. Yes, ma'am, if I would have witnessed the statement. I witnessed the confession; I did not witness him do this statement. Once he started doing the statement, I feel like Investigator Morris is competent of taking a written statement, so I -- I don't get paid at all after 5:00. I'm just there. I don't get any comp time.

So my thing is, this guy just confessed, Investigator Morris is competent of getting a handwritten statement, so there's no need for me to stay.

Q. So you went home?

A. Yes.

Q. And so that's why your signature is not on that statement --

A. That's correct.

Q. -- because you didn't witness him writing the statement?

A. That's correct.

Q. Did you threaten Christopher Cooper?

A. No.

Q. Did you threaten that he was going to get extra time if he didn't confess right then?

A. No, ma'am.

Q. Did you beat on the desk?

A. No, ma'am.
Q. Did you hear him say he wanted an attorney?
A. No, ma'am.
Q. And you have that live video feed, so you could have watched him from the time he came into headquarters?
A. Yes, ma'am.
Q. And, at any time, did you ever hear him say he wanted an attorney?
A. No, ma'am.
Q. If you had heard that, what would you have done?
A. I would have immediately made them stop and the interview would have ceased at that point.
Q. Is it unusual for a defendant to say -- or a suspect, I'm sorry, to say I'd like an attorney before I answer questions?
A. Quite a few of them tell me that. And I just stop the questioning.
Q. So you have some that you just stop questioning?
A. Yes, ma'am.
Q. And others sign their Miranda, waive their rights, and give statements?
A. That's correct.

Q. And -- but you're very clear on your process for each one?
A. Yes, ma'am.
Q. And there's no question in your mind that Chris Cooper never asked for an attorney?
A. No. He never asked for an attorney.
Q. Did Chris Cooper ever say he wanted to stop talking?
A. No, ma'am.
Q. And did Chris give his statement or did Chris Morris tell him what happened?
A. No, ma'am. Mr. Cooper was clear and he gave us a statement voluntarily. Investigator Morris didn't tell him what to write down. I was present when -- because my thing is, the next day, when I came in, I looked at this statement, and it was pretty much the exact same thing that he told in my presence.
Q. He told, meaning Christopher Cooper?
A. Yeah -- excuse me? Yeah --
Q. Christopher --
A. -- Christopher Cooper.
Q. -- Cooper told that and then wrote it down?
A. Correct.
Q. So Christopher Morris did not tell Christopher Cooper and then tell him to write it down?

A. No, ma'am.
Q. So you stayed long enough to watch that?
A. Yes, ma'am.
MS. WEISS: Beg the Court's indulgence a moment.
Your Honor, I have nothing further. Thank you.
THE COURT: Redirect?
MR. WILLIAMS: I have nothing on redirect.
THE COURT: Captain, you may step down. Thank you.
THE WITNESS: Thank you.
THE COURT: Anything further, Mr. Williams?
MR. WILLIAMS: No, Your Honor.
THE COURT: Anything by way of argument?
MS. WEISS: Your Honor, we'd just submit that this statement was given with a knowing waiver of rights. And we would ask that you admit the statement into evidence.
Also, for purposes of this hearing, I'd like to enter State's Exhibit 4 into evidence.
THE COURT: Just for purposes of this hearing?
MS. WEISS: Yes, Your Honor.
(State's Exhibit No. 4 admitted into evidence.)
THE COURT: Anything, Mr. Williams?
MR. WILLIAMS: No, Your Honor. Clearly, it's a

question of whether or not you believe what my client said or whether or not you believe what these other people have indicated.

THE COURT: Well, I think it boils down to the totality of the circumstances.

MR. WILLIAMS: Yes, sir.

THE COURT: And, taking into consideration the totality of the circumstances, there's been testimony -- conflicting testimony. And what I mean by that is, law enforcement said one thing; obviously, your client said something totally different.

Law enforcement testified that there were no threats of violence; that the statement was not obtained by any direct or implied promises; not any slight promises or threats, for that matter; no indication that there was any improper influences, from the testimony of law enforcement; no withholding of food, water, drink, restroom, et cetera.

The location, obviously, was at the West Columbia Police Department. The length of the interrogation or questioning of the defendant, it was testified to, was approximately two hours long or thereabouts. The defendant's age -- I do not

remember exactly how old he was at the time, but age does not give me any concern. Certainly, the defendant graduated from high school; testified that he had went to Coastal Carolina for at least a year.

There was no testimony concerning the facts and circumstances of why he left such. There was no testimony from the defendant or otherwise that the defendant had any kind of mental or physical condition that would have raised any concerns about his ability to know and understand what was going on.

The conduct and characteristics of the defendant, you might could say that the defendant denoted himself in this courtroom in a very professional and mannerly method. There's nothing that -- as far as -- that would rise or give me any concern about his conduct or characteristics of a defendant in his ability to know and understand what he was doing.

The law enforcement testified that the defendant was advised of his rights prior to questioning and, I believe, that was State's Exhibit No. -- was it 3 or 2?

MS. WEISS: 2.

THE COURT: Excuse me. The Waiver of Rights

form was State's Exhibit No. 2, which was testified by law enforcement that they thoroughly went through this Waiver of Rights form. And, on cross-examination, the defendant acknowledged that law enforcement went over the Waiver of Rights with him; that he understood it; placed his initials by each statement within that Waiver of Rights concerning his right to an attorney, as well as his knowledge that he could stop the interview at any time.

And the defendant, concerning his ability to read, the defendant, on the Waiver of Rights form, indicated he could read. And he certainly exhibited that here in court today in reading from the teleprompter or video, however y'all -- whatever y'all call that piece of equipment that you put up on that screen.

The defendant was able to read from the witness stand. The teleprompter is probably about, I don't know, 15 yards maybe -- maybe 15 to 20, 15 to 17 yards, but was able to clearly read the entire forms. I say forms because multiple forms were put up there for him to read. He had absolutely no problem reading those forms in court, and he exhibited his ability to read and understand what

was going on.

The manner in which the confession was obtained, while there's conflicting testimony concerning that, law enforcement indicated that no -- again, no threats, coercion, et cetera, were exhibited or expressed towards the client for purposes of obtaining a statement. Again, there was some conflicting testimony with regards to that; whether or not the defendant was in custody at the time of the confession, you know, kind of a walking a fine line there. I don't think the defendant was initially in custody at the time. It was testified to by law enforcement and even further testified to by the defendant.

Testimony from law enforcement was that he wasn't actually -- wouldn't have been in custody until he actually confessed to this incident. But the defendant, according to law enforcement, had already given him his rights. While the defendant indicated that he asked for an attorney, there was nothing on any of the forms indicating that he didn't -- one, didn't understand those rights, nor was there anything on the forms ever indicating that the defendant, in writing or otherwise, expressed an intent or desire for an attorney.

And what is -- I think it boils down to a credibility issue, which, I think, under the law, goes to weight, not the admissibility. Furthermore, when the defendant was asked about his arrest and asked the question, it was -- in the Court's opinion, it was abundantly clear when the State asked the defendant if he had ever been arrested, I specifically typed the language and the exact question that was asked by the State whether or not he had been arrested, the defendant denied ever being arrested, which was clearly not the case, wherein the State put up evidence on cross-examination concerning the defendant's arrest approximately one year prior to the charged crime for which he is on trial for now.

Based upon all of that and what I've said, I think I've covered everything on the record. But, based upon the totality of the circumstances, I find that the defendant's statement was freely, voluntarily, knowingly, and intelligently made, and it is a statement that will be presented to the jury, provided that the State lays a proper foundation for such during the course of the trial.

Anything further? Did I leave anything else out, Mr. Williams?

MR. WILLIAMS: Not on that, Your Honor.
MS. WEISS: Nothing from the State, Your Honor.
THE COURT: All right. We got any other motions? We got --
MR. WILLIAMS: No motions, Your Honor, I don't think. I think we've covered all the motions.
THE COURT: All right.
MS. WEISS: Nothing from the State, Your Honor.
MR. WILLIAMS: The only motion we have, Your Honor, is I have a statement from the bonding company that says that they will stay on his bond.
THE COURT: Well --
MS. WEISS: Your Honor, if I may be heard as to that?
THE COURT: Yes, ma'am.
MS. WEISS: Thank you.
As you just heard, Mr. Cooper is currently out on three bonds. This is the first of his cases to actually go to trial. He -- of his -- I think he had a DUI many years ago. But he had the trafficking cocaine, two counts; possession of weapon during a violent crime, two counts, from August of 2016; then in July of 2017, he was arrested -- oh, and for the trafficking cocaine, Your Honor, his mother is his bondsman.

For these charges, that you're very aware of at this point, he was given a bond at that time. Interestingly, the trafficking cocaine and possession of a weapon was not appearing on his rap sheet. That is now fixed. But it was not appearing on his rap sheet until approximately three weeks ago. We actually came across that -- Ms. Raymer came across that accidently.

And so, in 2017, he was arrested for these charges, which would have been a subsequent arrest to a violent crime, other than, it's the State's position, that Lexington was probably not aware that he had a prior arrest for a violent crime because it wasn't on his rap sheet.

At that time, he was put on bond, put on house arrest at his mother's arrest [sic] that he indicated was his permanent residence on Morning Echo and put on GPS monitoring. And, as you've heard a lot today, the case went on for a little while -- well, first he was in jail for a little while. Then, when he got bond, he was put on GPS monitoring. But it was not my case.

So I got the case in the fall of 2019. We tried -- we had it set for trial in early 2020 -- well, early being right about the time of COVID is

when we were talking about trying to case. And so, of course, no trials were heard. And we tried to get it back on the docket in August when things were trying to open back up, and it didn't get on then.

And then, just after that, the defendant was arrested for domestic violence second degree and assault and battery third of a 12-year-old and malicious injury to personal property for damaging a cell phone.

Your Honor, at that time I wasn't aware of it when it first happened because that was also in Richland County. But it came to my attention that he had been arrested. And when we looked at that and looked at the body-worn camera from that arrest, what was important at that time was that he was on the lease and living with this woman in a residence that was not Morning Echo. So he was blatantly violating house arrest.

And, Your Honor, we brought that up to the Court. Of course, this was right after courts had been shut down in December. But, once we were able to do a motion to revoke bond, I did bring it up to the Court, in all candor, and Judge McCaslin, at that point, did not revoke his bond, although, you know, it was clear that he was not living at Morning

Echo, which was the house arrest location.

Nobody from the bonding company had notified the Solicitor's Office, my office, anything; whoever was supposed to be monitoring GPS wasn't notifying anybody that he was totally living somewhere else, much less violating house arrest.

So then Judge McCaslin put him on a different electronic monitor because she was concerned that it was the monitoring company who just wasn't monitoring properly and letting anybody know. So she switched him to a different electronic monitor and chose not to revoke his bond at that time.

Your Honor, after that time, after that hearing where we specifically discuss that he was on house arrest and that we knew about his arrest for the DV and that he had bond conditions to have no contact with the victim, it -- so he was not on GPS for the DV because he was on GPS for this. For the DV, his mother is also the bondsman on that case.

Your Honor, after that hearing, from December through March -- from December 2020 through March of 2021, the defendant continued to go back to the apartments where he had been on the lease. He got off the lease where the victim lived in the apartments.

The victim, in all honesty, is not very cooperative with my office. But I'm not very surprised by that. I've seen the body-worn cameras. So he was violating -- after we had a hearing and we pointed it out, he continued to violate. And, Your Honor, the bonding form, I was concerned I wasn't going to be able to prove a motion to revoke bond in Richland County because I thought it was going to be a no-contact; I knew the victim wasn't cooperating.

I got a newer version of the bond form that I didn't have before because it wasn't originally my case. And the bond form says that he can't go within 1,000 yards of the residence where the incident took place, which I have right here somewhere. Where the incident took place, he can't go within a thousand yards.

So then I went back and looked at the GPS monitoring and had the location and where a thousand yards was, and, Your Honor, it was clear, from GPS monitoring that he was all in the apartment complex. I just couldn't prove that he was having contact with the victim. But he was clearly -- and I have the GPS monitoring. It's not -- and I can show it to the defense. It's not the clearest.

But it was clearly -- I did a map of where the

incident location was and where 1,000 yards was on either direction, just to see, and he was clearly violating that bond all the way through March. I brought that up to his current GPS monitoring company, which, I understand, it's not a violation of their bond; problem is, it's a violation of his mother's bond, and she's the bondsman.

So, Your Honor, over the past several years, he's been arrested for three different charges; he's got three different bonds. This case is the first one to go to trial. The trafficking cocaine is still pending. It's another violent crime. We've got the domestic violence where he's blatantly violating a court order after we had a hearing to revoke bond where a judge didn't revoke bond.

Your Honor, at this point, it's the State's position that the bond is supposed to be up. And I would ask that the Court take the defendant into custody. I believe -- while he has an ankle monitor on, I'm not confident that that would guarantee that he would come back to court or that -- I believe that he's a flight risk with means. And I believe, with his charges, he is a danger, because this is the first time he's actually been put to a trial. Obviously, there are more that could be coming.

But, Your Honor, I just -- I think this is an exceptional situation, where it's not just the bonding company says they'll stay on it, where we have three different bonds. I believe that he is a flight risk, a danger to the community. And, I believe, it would be appropriate at this time for him to be taken -- remanded into custody.

THE COURT: Anything else, Mr. Williams?

MR. WILLIAMS: Your Honor, clearly, other circuit court judges have looked at this and found that it wasn't a violation of his bond. And I think that the bonding company -- it's A1 Bonding. There is a monitor on him. He showed up today. The best evidence is that he showed up today. And the jury has not been sworn yet.

THE COURT: Well, this is what I'm going to do: When I allowed you to remain out over lunch, at the time, one, I didn't know what the defendant's prior record was; two, I did not know any of the facts and circumstances of this case, which have been -- and, again, it's not evidence of guilt, but it's certainly something I'm taking into consideration, but did not know earlier what any of the facts and circumstances of this case were; didn't know any of the facts and circumstances concerning -- or that

revolved around the alleged bribery and/or extortion.

And, more telling to me, which is concerning to me, is the defendant, under oath here, misrepresenting the fact that he had never been arrested before. So, with the utmost due respect to you, Mr. Williams, I'm going to ask and order that he be taken into custody at this time. Okay?

MR. WILLIAMS: All right, sir. Your Honor, I would --

THE COURT: And the fact that the defendant is facing up to a hundred years in jail.

MR. WILLIAMS: I would like to have the letter that's signed by the bonding company placed into evidence.

(Defendant's Exhibit No. 2 marked for identification.)

(Brief pause in the proceedings.)

MS. WEISS: And, Your Honor, could we have an order that he be kept completely separate from the co-defendant, Craig Cooper?

THE COURT: Yes, or that he be separately housed from the co-defendant in this case.

MS. WEISS: And can we include that he not be allowed to have any contact incidental at all while

they're both housed there.

THE COURT: Yes.

All right. I've instructed the jury to be here at 9:30 tomorrow morning. And I would ask that the lawyers and the defendant be back here at 9:00 so I can address this underlying issue on the place of work and/or the bribery and/or extortion issues. Okay?

MS. WEISS: Thank you, Your Honor.

MR. WILLIAMS: Thank you, Your Honor.

(The following proceedings were held April 20, 2021.)

THE COURT: Let me go ahead and go on the record a moment on these. This screen right here directly blocks my view of you, Ms. Weiss, to some extent -- there we go.

All right. When we broke yesterday, there were a couple of matters that I told you-all I would take a look at. The motion to suppress any mention of an alleged bribery scheme where Earl Cooper attempted to bribe the victim to change her allegation about his brother Christopher Cooper, let me ask you this, Ms. Weiss. And I may have written it down somewhere: When was the alleged contact between the defendant's brother and [redacted] ?

MS. WEISS: July 2018.

THE COURT: Okay. So a year after the incident occurred?

MS. WEISS: Yes, sir, Your Honor.

THE COURT: Okay. And I heard reference yesterday that M.C. recorded some conversation.

MS. WEISS: Yes, sir, Your Honor.

THE COURT: Or interaction with the defendant's brother.

MS. WEISS: Yes, sir, Your Honor.

THE COURT: But the defendant's brother did not do so?

MS. WEISS: No, sir.

THE COURT: All right. Yesterday, defense counsel handed up two cases; one being a 1989 case, State vs. Finley, 300 S.C. 196, as well as Vanover v. State, which is a 2021 case, Pending No. 5799. That Vanover case is a Court of Appeals case.

The Court has reviewed both of those cases. And, at first glance, in looking at the Finley case, it did raise some issues. My initial thoughts were maybe this information does come in. However, in further looking at the Finley case, I think these two cases are certainly distinguishable in many

respects.

In the Finley case, there was a tape-recorded conversation that the appellant's girlfriend recorded a conversation of the complainant making a phone call and offering to drop the charges for $1,000 and asserting that she needed $20 that night.

The Finley case doesn't lay out any kind of timeline; however, the Court would glean that such request by or alleged request by the complainant was in close proximity in time to when the alleged incident occurred involving Mr. Finley. The appellant -- from the facts of the Finley case, the appellant in that case, Mr. Finley, denied any wrongdoing, denied any wrongdoing at all in the case.

In the case before me, the defendant confessed -- albeit it was contested, certainly, in yesterday's hearing, the defendant confessed in a handwritten statement as to the allegations and charges against him. There is no conversation that's been recorded of the victim in the case before me wherein M.C. has requested any amount of money to drop the charges.

Furthermore, in the case before me, the defendant's brother allegedly made initial contact

with M.C. approximately a year after the defendant was charged with the crimes which brings him before this Court for trial this week.

Furthermore, it was conveyed to the Court yesterday that immediately, immediately after the defendant's brother reached out to M.C., M.C. in turn reached out to the Solicitor's Office or law enforcement, indicating she'd been contacted by the defendant's brother.

So I think it's important, one, that the defendant has confessed in this case, which I've ruled is admissible; two, that the defendant's brother reach out to M.C. approximately a year after the incident; three, that there's no recorded conversation, as it was in Finley, of M.C. attempting to extort any money; four, M.C. apparently immediately reached out to the Solicitor's Office or law enforcement upon such contact by the defendant's brother.

All of those facts, I believe, differentiate case -- differentiate the Finley case from the case that's currently before this Court. The Court also looked at this Vanover case.

In the Vanover case, which was, again, a 2021 case, I think the factual scenario in the Vanover

case is completely contrary to what we have before me here this week. The Vanover case, the petitioner in that case was convicted of first-degree criminal sexual conduct with a minor; that minor being, I believe it was, his stepdaughter. And, in that case, the stepdaughter had allegedly made some false allegations of sexual misconduct of a teacher sometime before the allegations against Mr. Vanover were made.

And, in the Vanover case, the child evidently -- or the victim in that case evidently recanted her story about the teacher. And the issue was whether or not the prior allegation of the teacher should have been brought out and further examined during the course of the trial.

The Court of Appeals, in a split decision wherein Judge Hewitt and Judge Geathers concur, they go through than analysis of Rule 608, Rule 404(b). You know, and because the facts are so different than what we have here, those facts revolve around a prior incident that was looked into or failed -- I mean, a prior allegation of the victim. That is not what we have in this case that's in front of me here this week.

But I did hit on some of this yesterday as we

were talking through this and during these motions, and I believe I certainly conveyed to defense counsel that even if the Court were to allow it, then the defendant and the defense counsel would be stuck with whatever answer was given. And the Court, in Vanover case, touches on that.

It goes on to say that Rule 608(b) explicitly bars extrinsic evidence related to specific instances of the witness' conduct. And then it goes into talking about Rule 404(b). And in 404(b), it talks about prior conduct, prior bad acts, not subsequent bad acts.

So I think this case is factually contrary to what we have here. And the Court in the Vanover case also goes on to say that this matter -- because the trial Court has discretion to exclude evidence if admitting the evidence would lead to a trial within a trial, that it might confuse the issues and mislead the jury. And I think that could very well result in this case that's before me now if such was allowed.

And, therefore, pursuant to the Court's review of Finley and Vanover, the Court is not going to allow defense counsel to go down that road, so to speak. But I will certainly allow you,

Mr. Williams, to proffer some testimony at the appropriate time, if you deem it's necessary to protect your client's interests.

MR. WILLIAMS: Judge -- Your Honor, when you say proffer, I think the proffer is significantly smaller than it has to be. It's not as -- it will not require as much time as necessary to put forth further position decision. Because I'm understanding what the Court's saying in reference to this, whether it be my way or in reference to what the State is saying.

It would just be -- essentially, I could do that with one defendant -- I mean, one witness, in terms of proffering, because, you know, your proffer could be as long as almost, you know, a trial, if need be. But I think I can do that proffer with just one witness testifying to that.

Because, obviously, one of the findings of the Court was who reached out to who. That witness would speak to that. And the other thing is the recording. That witness can speak to whether or not there were text messages and things like that.

But I don't think that changes the Court's view on what would happen, based on the time span that --

THE COURT: I mean, it's not in close proximity

at all.

MR. WILLIAMS: Yes, sir.

THE COURT: And, in prior cases or other cases, and even in the Vanover case, I think it talked about the timeframe within which the prior false allegation was made.

MR. WILLIAMS: And it wouldn't change that at all.

THE COURT: Right. So, I mean, is it still approximately a year after the alleged incident in this case?

MR. WILLIAMS: Yes, sir. Yes, sir.

THE COURT: So -- all right.

Now, I guess that kind of -- my ruling on that kind of bleeds into a -- and I kind of went into a reverse chronological order of the State's motions here -- about this issue pertaining to where M.C. worked. And, from what I understood Mr. Williams to say yesterday was that if I allow testimony concerning the alleged extortion or bribery, that you felt like it was important that he -- that they met at her place of employment. Is that not an issue now?

MR. WILLIAMS: It is not an issue because that was the context in which these parties met.

THE COURT: Okay.

MR. WILLIAMS: Regardless of where she works doesn't have any significance in terms of the trial itself.

THE COURT: Okay. And that goes to kind of what my thinking was. Because of my ruling on the alleged extortion and/or bribery, I don't think it's relevant where she worked, period. Is it relevant that she was employed? I don't know; y'all have to make that decision.

But, as far as bringing out where she was working, if it's not a material issue in the case, so to speak, under the definition of relevancy, you know, it seems to the Court that the only reason that that may be brought out is to, in some way, shape, or form, not intentionally, but it could impugn her character, so to speak. So I'm going to rule, unless y'all can show me otherwise that's not relevant at this point. Okay?

All right. Anything else from the State at this point?

MS. WEISS: No, sir, Your Honor, not from the State.

THE COURT: Defense counsel?

MR. WILLIAMS: No, Your Honor.

THE COURT: All right. Before we started this morning, the -- Ms. Frick advised me that we had a juror that reached out this morning and had a sick child all night long and was having to take that child to a doctor.

Madam Clerk, could you tell me again which juror that was?

THE CLERK: That is Juror No. 48, Kerry Dalton. She was seated number three in the jury panel.

THE COURT: All right. So what we need to do now is -- pursuant to statute, you need to write the names of the two alternates, James Spencer and Kendra Garrett on a piece of paper.

THE CLERK: Okay.

THE COURT: Pursuant to statute -- they're not seated in order, they're drawn -- put their names on a piece of paper, I guess put it in a cup and draw it out, and see which one is seated on the jury.

THE CLERK: Yes, Your Honor. I'll let your law clerk do it.

THE COURT: Any objection from the State or defense counsel?

MS. WEISS: No, Your Honor.

MR. WILLIAMS: No, Your Honor.

THE COURT: All right. Mr. James Spencer has

been drawn. He was actually the first alternate that was seated anyway.

Could you do this for me, Madam Clerk?

THE CLERK: Yes, sir.

THE COURT: What I'd like for you to do it tape this to an eight-and-a-half-by-eleven piece of paper mark that as a Court's Exhibit, please.

THE CLERK: Yes, sir.

THE COURT: And, also, could I have the indictments when you get a chance, please?

THE CLERK: Yes, sir.

(Court's Exhibit No. 1 marked for identification.)

THE COURT: All right. Anything before I bring the jury out, from the State?

MS. WEISS: Yes, sir, Your Honor. Just briefly --

THE COURT: Well, I think they said you need about five minutes.

MS. WEISS: Yes, sir.

THE COURT: I just remembered that. You need about five minutes?

MS. WEISS: I do. But if I could just put something on the record.

THE COURT: Okay.

MS. WEISS: Oh, as far as timing, I know -- I don't know when -- when we talked about the proffer, I don't know when you were planning to do that. But I was going to ask if we could do it at lunch or after. We just have three witnesses we have promised we would get out this morning because they have conflicts.

THE COURT: Okay.

MS. WEISS: They're quick witnesses. I just didn't know if that was okay for timing purposes.

THE COURT: I'm sorry?

MS. WEISS: If that would be okay for timing purposes that we don't do the proffer before we get started.

THE COURT: That's fine.

MR. WILLIAMS: Whatever the Court tells me, Your Honor.

MS. WEISS: Okay.

THE COURT: Okay.

MS. WEISS: Thank you, Your Honor.

And, Your Honor, before the jury comes out, if we just want to be clear about what the plea offer -- the prior plea offer that was in place, just so we have that on the record.

THE COURT: Okay.

MS. WEISS: That Mr. Cooper was offered the same plea offer that you heard -- we talked about with Craig Cooper yesterday. He was offered a plea to burglary second violent, CSC first, kidnapping, possession of a weapon during a violent crime, conspiracy, and armed robbery for a negotiated range of 10 to 19 years. The burg second would bring down that 15 mandatory to 10, and then a range of 10 to 19 years.

THE COURT: All right.

MR. WILLIAMS: I'm misunderstanding. Is she saying that's still on the table? Because that's not what I understood.

MS. WEISS: I said that was his plea offer. If he's -- I don't know that that's still not -- not necessarily still on the table. But if he wants to plead, we can certainly discuss that.

THE COURT: And I'm not going to get into what y'all's plea negotiations may be --

MR. WILLIAMS: It doesn't matter, Your Honor. He's not interested.

THE COURT: -- or may not be.

Mr. Cooper, would you stand for a minute, please. Madam Clerk, would you place him under oath, please.

THE CLERK: Yes, sir, Your Honor.

Raise your right hand, please, sir.

CHRISTOPHER COOPER

being first duly sworn, testified as follows:

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. I need -- you can put your hand down, Mr. Cooper. I need you to speak up.

And let me say this too: I did turn 52 this year and it may just be me getting old where I can't hear as well and maybe I need to get my hearing checked. This vent right here is blowing continuously, which affects my ability to hear you-all.

I don't usually speak this loud. So, please, I would just ask that you-all make an effort to speak a little bit louder. And, I promise, at some point in the very near future, I'm going to go get my hearing checked, too, to make sure that's not an issue.

All right. Mr. Cooper, I just wanted you to -- you were sitting in here just now when the State put on the record what had been offered to you, a plea to burglary second degree violent, along with armed robbery, criminal conspiracy, kidnapping, criminal sexual conduct first degree, and possession of a

weapon, if I recall correctly. The only reduction was the burglary first, which subjects you to up to life in prison if you're convicted on that. It brings it down to burglary second degree violent, which is zero to 15 years.

The State had made that offer for a negotiated range of 10 to 19 years. And they want and I want to make clear that you understand what the offer was. Do you understand that?

THE DEFENDANT: I understand.

THE COURT: All right.

Is your microphone on out there, Mr. Williams?

MR. WILLIAMS: It doesn't seem like it's working. Yours is working real good, Your Honor.

THE COURT: It's working now.

You understand that the offer was 10 -- the negotiated range of 10 to 19?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: And you've had an opportunity to talk with your lawyer about that?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: And you understand that -- I'm assuming that once this trial begins -- or it may already be off the table, I don't know.

But once the trial begins, that offer is no

longer out there.

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: And you understand if you're convicted of these charges, I could give you life in prison?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: All right. And you still want to go forward with your trial here today?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: All right. Very well. Thank you, sir. You may be seated.

All right. We'll stand down for about five minutes.

MS. WEISS: Thank you, Your Honor.

(Brief recess.)

THE COURT: All right. Anything from the State before we bring the jury up?

MS. WEISS: No, sir, Your Honor -- well, Your Honor, we did -- we put another offer out to the defendant. It was a cap of 30 or a negotiated 25, concurrent, to also wrap up his other charges in Richland County. And the Defense declined.

MR. WILLIAMS: We're ready for trial, Your Honor.

THE COURT: All right. Bring the jury in,

please, sir.

(The jury enters the courtroom at 10:05 AM.)

THE COURT: Good morning, ladies and gentlemen. I hope you-all are doing well. I appreciate your patience. I apologize that you had to sit back there for a little while. You'll notice that one of the jurors that was initially selected to serve is no longer here due to some personal issues and an emergency that came up. And that's why we select alternates. That's why we select alternates. So, Mr. Spencer, you're now seated on this jury. Okay? You're now seated on this jury.

I've been advised that Juror No. 65, Ms. Brittany -- please pronounce your last name for me.

JUROR NO. 65: Franceschina.

THE COURT: Ms. Brittany Franceschina is our foreperson. So did you-all write that down?

THE FOREPERSON: I gave it to --

THE CLERK: Yes, sir. I have it.

THE COURT: All right. It went around me.

Madam Court Reporter, would you mark this as a Court's Exhibit, please.

(Court's Exhibit No. 2 marked for identification.)

THE COURT: All right. Madam Clerk, would you swear the jury, please.

THE CLERK: Yes, sir.

Please stand and raise your right hand.

(Jury sworn.)

THE CLERK: Be seated, please. Was there anyone not able to take the oath?

They're under oath, Your Honor.

THE COURT: Ladies and gentlemen, we're about to try the case of the State of South Carolina versus Mr. Christopher P. Cooper.

Before we begin the trial, I'll tell you this will probably be different from what you might expect. Many people do not have the chance to attend actual court sessions, as you're doing now, and may think, from watching telephone, movies, or reading books that trials are full of high drama, intense action, and riveting circumstances.

And, while all of these things may be true at times, this trial is not for entertainment. It is a fundamental part of our democracy, in effort to make sure that justice is done between the parties before the Court. In making sure that justice is done between the parties, the process is often slow, deliberate, and repetitive, the opposite of what you

may have seen in television, in movies, or read in books.

This courtroom is a place of honor, dedicated to the protection and preservation of citizens' rights through what many have called the greatest justice system every created. The attorneys appearing before you are advocates for the parties that they represent. But, first and foremost, they' are offers of the Court, sworn to uphold the integrity and fairness of our judicial system. You should expect them to be professional, competent, and ethical in the representation of their clients' interests.

Now, what I'll now say to you, ladies and gentlemen, is to intended to serve as an introduction to the trial of this case. These remarks are not a charge on the law in this case. I will instruct you on the law applicable to this case at the end of the trial, before you retire to consider your verdict. This is merely an explanation of the procedure that we will follow in the trial of the case, and that you may better understand what may be happening.

Now, the defendant in this case, ladies and gentlemen, is charged by multiple indictments filed

in this court with the crimes of burglary first degree, armed robbery, kidnapping, criminal sexual conduct first degree, possession of a firearm during a violent crime, and criminal conspiracy, the elements of which will be explained to you later.

The indictments, ladies and gentlemen, are simply the charge by which or the charges by which this case is brought into this court. And it is not, in any sense, evidence of any of the allegations that they contain.

The defendant has pled not guilty to these indictments; therefore, the State of South Carolina bears the burden of proving each of the elements of the indictments beyond a reasonable doubt. And it will be your duty, ladies and gentlemen, to decide whether the State has met that burden.

Your purpose, as jurors, is to find and determine the facts. You are the sole judges of the facts. If, at any time, I make any comment regarding the facts, you must disregard it. You are to determine the facts from the testimony that you hear and the other evidence introduced in court.

It is up to you to determine the inferences which you feel may properly be drawn from the evidence. It is especially important that you

perform your duty of determining the facts diligently and conscientiously because, ordinarily, there is no way to correct an erroneous determination of the facts by a jury.

Now, on the other hand and with equal emphasis, the same law that makes you the judge of the facts makes me the judge of the law. The law, as given by the Court, is the only law that you may consider. You must accept and follow it, even though you may disagree with it. I cannot tell, you ladies and gentlemen, what the facts are, and you cannot disagree with me about what the law is or should be.

Your job is to take the law as I give it to you and apply it to the facts as you find them from the testimony of the witnesses and any other evidence that is introduced. After doing that, you will render your verdict under the solemn oath that you just took as jurors.

Now, until I tell you to begin your deliberations, you must not, you must not discuss this case with anyone, including your fellow jurors, friends, family members, and anyone involved in this case. The attorneys and parties in the case have been advised that they are not to talk to you at all outside of this courtroom. So if you see someone

involved in this case outside of this courtroom and they don't speak to you, they're not being unfriendly; they're simply following this Court's instructions.

Now, during your deliberations, ladies and gentlemen, you may only discuss the case in the jury room with your fellow jurors, because they have seen and heard the same evidence that you have. You must not discuss the case with anyone other than your fellow jurors until you have returned a verdict and the case is over.

I remind you that you must decide this case based solely on the evidence presented here in this courtroom. This means that during the trial, you must not conduct any independent research about this case, the facts of this case, the evidence presented in the case, or the people or organizations involved in any way in the case. Please do not try to find out information from any source outside of this courtroom.

In other words, you must not look at dictionaries or other reference materials, search the internet, websites or blogs, or use any other electronic tools to get any information about this case to help you decide the case; you may not use

computers, telephones, cell phones, smart phones, smart watches, tablets, the Internet, or other tools of technology with communication capabilities at any time in the courtroom or during your deliberations.

Now, during your breaks for meals or overnight, if necessary, you may use those devices; however, you must not use those devices to communicate with anyone about the case until the case is over.

This means you must not use phone calls, e-mails, text messages, instant messages, Twitter, or any blog, chat room or website, including Facebook, Google+, MySpace, Link, YouTube, or any other social media websites to send or receive information about this case.

This includes information about a party, a witness, an attorney, or a court officer; news accounts about the case; research on topics raised; any topics you may think would be helpful in deciding the case; or any testimony provided by any witness.

During the trial, do not read, listen to, or watch any news reports about the case, if there are any. This includes anything that may be in the newspapers or on the Internet, radio, or television. You must not consider anything that you may have

read or heard about the case outside the courtroom, whether before or during the trial.

Information on television, radio, the Internet or from other sources might be wrong or incomplete. In our judicial system, it is important that you are not influenced by anything or anyone outside of this courtroom. If you become aware of another juror's violation of these instructions, please inform the Court immediately.

It is important, ladies and gentlemen, that you keep an open mind and not decide any issues in this case until all of the evidence has been presented, the parties have made their closing arguments, and I have instructed you on the law applicable to this case.

It is your solemn responsibility to determine whether the State has proven the defendant guilty beyond a reasonable doubt. And your verdict must be based solely on the evidence as it is presented to you in this trial and on the law as I instruct you during and at the close of the trial.

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

prosecutor thinks the issues are in the case.

The attorney for the defendant may also make an opening statement, although he is not required to do so. What the attorneys tell you during their opening statements, ladies and gentlemen, is not evidence in this case. It is only their contention as to what the issues are. The evidence in this case will be presented to you by the testimony of sworn witnesses from the witness stand and/or by exhibits that may be introduced into evidence during the trial.

Now, ladies and gentlemen, from time to time during the trial, you may hear one of the attorneys say something like, Your Honor, I believe that we have a question of law or a matter of law to discuss with you or they may request permission to approach the bench, or, sometimes, I, myself, might find it necessary to excuse you from the courtroom for a short while so the attorneys and I can discuss a matter of law.

The reason for this is because you, you are the judges of the facts in this case and, sometimes, when I am discussing matters of law with the attorneys, it may be necessary for me to make some comment as to the facts in connection with ruling

whether or not a particular law applies.

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

Now, in determining what the facts are in this case, you, ladies and gentlemen, must decide whether or not the testimony of the witnesses is believable. It will be my responsibility to rule, as a matter of law, as to whether certain testimony is admissible or not. But, once the testimony is admitted, whether or not you believe it is solely for you to determine.

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

You have the right to consider anything that is in the record that will help you evaluate the testimony of the witnesses. That means that it is your duty to pay close attention to these witnesses,

to observe the witnesses, to listen to the witnesses, and to pay close attention to the attorneys and to the Court.

Please, don't let your thoughts wander, but give strict attention to the testimony in this case, so that at the end of all of the testimony, after the arguments of counsel and the charge on the law by the Court, you will then be in a position to determine what the facts are and to apply the law to those facts and, thus, render a verdict.

Now, you-all, ladies and gentlemen, have selected a foreperson, and that foreperson will preside over deliberations in the jury room. It will be the foreperson's added responsibility to be the jury spokesperson here in court. It will also your responsibility, madam forelady, to write the verdict at the time that you-all reach a verdict. But I will give you further instructions to you concerning that at the conclusion of the case.

Now, in order to preserve everyone's rights, I will give the parties an opportunity to object to anything that I've said. Any exception or objection to anything I've said to the jury by the State?

MS. WEISS: Not by the State, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: None by the Defendant, Your Honor.

THE COURT: All right. Ladies and gentlemen, we will now begin the trial of this case. The State is recognized for opening statement.

MS. RAYMER: Thank you, Your Honor. May it please the Court?

THE COURT: Yes, ma'am.

MS. RAYMER: July 27th, 2017, began as a normal day for [redacted] M.C. . She went to work; she went to dinner with some friends; and she returned home to the house that she shared with her husband, Jacob. He was already asleep. She woke him up and she told him about her day. And he decided that he was going to grab some food at the Waffle House that his sister and friends worked at, as he often did, drinking coffee and catching up. M.C. even picked out his outfit that day.

As Jacob left, she said goodbye she and laid down on her pillow, curled up next to her little Shih Tzu, Talon, and she laid down to sleep. But, instead of dreams, she awoke to a nightmare.

In the early morning hours of July 28th, after she had fallen asleep, her dog began to bark. Thinking Jacob must be home, she looked out the

window. But she didn't see Jacob's car. Then she saw lights come in under her bedroom door. Bang. The defendant kicked down her bedroom door, and entered another man behind him.

These men would later be identified, the two that entered her bedroom that night, as cousins: Craig Cooper and the defendant, Christopher Cooper. Put your head down; get on the bed, they began to yell at M.C. They kept demanding, where is the money? Where does he keep the money? Confused, she insisted, what are you talking about? What money? Then she looked up and she saw it. She saw the gun pointed at her.

She then told them that Jacob and her had been saving for a vacation and the money was in the two golden Buddha statues downstairs. But these men, they felt that the money they got out of those statues wasn't enough, and they made the decision to take more from her.

They dragged her by her hair down the stairs, guiding her, continuing to threaten her life, armed. And then they took turns anally and orally raping her. They had already taken her phone, and they told her if she came outside in the next ten minutes after they finished that they would shoot her.

Yes, this is everyone's worst nightmare. But, for M.C. wasn't a nightmare that she would wake up from; this was reality. And it's time, time that this defendant takes responsibility for his actions.

What you will hear today is not an episode of Law & Order. It will sound like an episode, but it's not. There's no script. It's not a perfect investigation. There's no video of the crime. But this is real life, not fiction. Not everything that I just told you, that's not the full story of what happened that night. But you're going to hear from M.C. herself, because this is her story. This is her nightmare.

You're also going to hear from the officers who responded and from several other witnesses, including medical professionals. And just like this is not an episode of TV, this is real life, these witnesses have real lives outside of this trial and, to accommodate their long-standing vacation plans, we might present these witnesses in an order that is not logical.

But, through these witnesses, you will learn that the defendant terrified, threatened, and violated M.C. . And that's not that all. The

defendant confessed to this nightmare that he created. And, because of that, he is charged with several crimes. He's charged are burglary in the first degree for entering the dwelling, the house of [redacted], without her consent and with the intent to commit a crime inside.

Now, we only need one of these. But he was armed with a deadly weapon, caused physical injury to [redacted], and entered and remained in the nighttime. He's also charged with armed robbery. And the defendant committed this because they were armed with a handgun during the commission of the robbery when they robbed [redacted].

He's also charged with kidnapping for confining her in her own home. Now, this isn't what you see or think about when you think of kidnapping, actually physically taking a child or someone and taking them away. Legally, the simple act of confining someone while a robbery takes place constitutes the crime of kidnapping, regardless of whether it was merely incidental to completing the armed robbery.

He's also charged with criminal sexual conduct in the first degree by committing sexual battery on the victim by either using aggravated force to

commit the sexual battery or, if the victim submits to sexual battery by the defendant under circumstances where the victim is also a victim of forcible confinement, kidnapping, robbery, burglary, housebreaking, or any other similar offense.

Now, sexual battery can mean several things, including sexual intercourse, fellatio, which just means oral sex, or anal intercourse. He's also charged with possession of a firearm during the commission of a violent crime. So if a person is in possession of a firearm while what is defined as a violent crime is committed, he's guilty of this offense. Armed robbery, kidnapping, criminal sexual conduct first degree, burglary first, all of that are crimes.

The defendant is charged with criminal conspiracy. Criminal conspiracy is a charge from the combination of two or more people for the purpose of committing an unlawful act. The conspiracy itself constitutes this offense. When Craig coop and Christopher Cooper joined together and made the decision to commit these offenses, they committed criminal conspiracy.

Now, the burden to prove these charges is on us; it falls on the State. And the State has to

prove these charges beyond a reasonable doubt. And a reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate. Proof beyond a reasonable doubt does not mean that you have to be left with absolute certainty. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

Because of this defendant's actions, at the end of the trial, we will ask you to return a verdict that justice demands. We will ask you to hold this defendant accountable for his actions; hold him responsible for committing and causing this nightmare, and find this defendant guilty. Thank you.

THE COURT: Mr. Williams.

MR. WILLIAMS: May it please the Court?

THE COURT: Yes, sir.

MR. WILLIAMS: Madam forelady, ladies and gentlemen of the jury, I'm Theo Williams. I know I met you earlier. Seated at my table is our client, Chris Cooper, who is the gentleman who is seated in the middle, and my daughter, Anna Williams, who is also an attorney at my office.

Opening arguments. Opening arguments are really just an introductory time period; it's

something in which we kind of get to know each other. You're supposed to be learning about what the case is going to be about so that you can be on the lookout to see what exactly is going to transpire, what you're going to have to pay attention to.

One of the things that the Judge told you earlier, he emphasized how important it is that we're having a trial right now. That's at the very beginning. I don't know if you realize how many cases are actually tried in the Lexington County Courthouse, but there are a lot tried. And when you have the court closed down for an extended period of time, there's an extended period of time in which people just aren't having their rights determined; they're not having those issues determined.

And it's amazing that we have the 12 or 13 of you here who are willing to participate in this trial. You obviously know how important it is. You could have made up some excuse and said, well, I don't know; I've got something to do today or I'm sick; I don't feel like coming. But it's the one thing that's kept this country together through everything, and that is the belief that there is a judicial system and that there is a belief in a jury

system. Because you can't make decisions on people's lives based on machines and computers and things of that nature. We're not there yet. That's one thing that separates us from a lot of countries.

So, as a person thing, I'd like to thank you for being here. It's the one thing I've done all my life. I've been practicing law 45 years, and it's the one thing which I feel is worthwhile to do, because you're dealing with something that's very important for everyone.

Now, as you sit back here and you make determinations, I will tell you that, obviously, you don't make decisions based on emotion; you don't make decisions based on what you think might have happened; you make decisions on your logic and what you determine to be the truth.

What you feel like may have happened should be based on what reasons you have behind that. Meaning, as we sit and we hear this trial, you'll have a number of witnesses that will testify to certain things. And it's up to you to make a determination in regards to exactly what they're testifying to; whether or not they know what they're testifying to; whether or not you have some basis for what they're saying, and if you believe what

they're saying has some basis.

Very often, a case is tried and people are assumed to be speaking what you think they're saying. But if you analyze what they're saying, they really don't have a basis for what they're saying. This is one of those kind of cases, if you will.

Essentially, what happened on this night in 2017 was a young lady was at home and two males came into her house and they assaulted her and they took money and then they left. That's her allegation. She'll have to prove that, or at least law enforcement will have to prove it. It's your determination as to whether or not my client, Chris Cooper, was a party to that; whether or not he was there.

I don't represent this Craig Cooper. I don't have any association with him, don't even know him. But you make a determination in regards to the person who is here today being charged. By doing that, what you'll do is you will look at the evidence that's being presented.

You'll learn that the young lady who was assaulted only recognized that there were two black males who came into her house. That's as far as it

went. One was large and one was slim. That was what was reported; that was what the determination was.

West Columbia comes to the scene. And when they come to the scene, they'll bring a number of people. They'll come out there with dogs; they'll come out there and they'll check for DNA; they'll check for fingerprints; they'll check for DNA; they'll check for -- they'll take pictures of all of the items in the house. And then, from those pictures, because the house would be in disarray, they'll make a determination in regards to what they should make tests of.

Now, you know that, obviously, today's society is not like it was 40 years ago. I mean, you couldn't have tested anything. You can find fingerprints; you can find DNA; you can do all kinds of things. And those will be the types of things that you will be looking at.

So you'll have to look at those expert or persons and see if they tested everything they should have tested. Did they do a good test on what they tested? Are the test results correct? And does it all convince you beyond a reasonable doubt of the guilt of the person who is charged? Because

if it doesn't do that, if there's a question in your minds in regards to what should have been done, what was done, and what wasn't done correctly and whether or not it wholly and solely pointed to my client as being the person who did these things, then it's your job as a juror to find him not guilty.

You see, I represent my client just as the prosecutor represents the State of South Carolina. We all have our different roles that we have to do. So when you listen to these things, just kind of sit back. Don't let emotion get involved in it. Just say, well, what would I expect to see? What would I expect to find, based on what was going on, what tests were being done.

You'll learn what West Columbia did when this happened was, they first took the samples, the prints, and things of that nature, they took the DNA, and then took these items and they had it all tested, the fingerprints, everything. And you'll also learn that they had the dogs and they traced the route of these two people who were in the house. They found two different types of shoe prints and they took pictures of those.

You'll be able to see those pictures; you'll be able to analyze whether or not those prints are

consistent with the two -- at least two individuals and, number one, more importantly, whether or not those prints are consistent with my client. Because, you see, if those prints are not consistent with my client, that's an indication that he wasn't the one who was there.

You'll also learn they went and they found some sort of prints from a moped and they took a picture of that. Then you'll find -- you just -- I only ask that you listen to what these individuals with the police department did and what items they found and how those items led them in a particular direction and whether or not that direction solely and consistently pointed towards my client. Because if it points to somebody else other than my client, clearly it can't be my client.

So there will be a lot of analyzing. And one of things I like to remember as I get older is that regardless of how good machines are, you know, it takes the person who makes the machine to make a good machine. It takes the person to operate the machine to do it correctly. And in cooking terms, if you have bad ingredients in a cake, it doesn't taste the same. So we all have the basic logical tools that we need to use to make that

determination.

I only ask that you pay attention, that you make a decision based on what you're learned over your lifetime, and that it is an honest decision. That's all anyone can expect from anybody who sits on jury duty.

I thank you for your attention. And I will not stand up and object to a lot of things, hopefully. But if I do, it's obviously not an affront to you; it's because I'm doing my job. Thank you very much.

THE COURT: Thank you, Mr. Williams.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: State may call its first witness, please.

MS. RAYMER: The State would call Dr. Harriet Boozer.

HARRIET BOOZER

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Please have a seat up there, ma'am. Once you're seated, you can remove your mask. I need you to state your full name and spell your last, please.

THE WITNESS: My name is Harriet Lynn Boozer, B-O-O-Z-E-R.

DIRECT EXAMINATION

BY MS. RAYMER:

Q. Thank you, Dr. Boozer. Where are you currently employed?

A. At Lexington Medical Center in the emergency department.

Q. And where were you employed on July 28th, 2017?

A. Also at Lexington Medical Center in the emergency department.

Q. I know this was a long time ago, but do you remember what occurred on the early morning hours of July 28, 2017?

A. I do not remember the case. I have reviewed the record. But I did not have any specific recall of the events.

Q. When you reviewed the record, did you treat a patient that night?

A. Yes.

Q. How was that patient brought in?

A. The patient, when I became involved, had already been triaged, which is where they come through the front and get the initial information about what was the complaint.

Once we know it's a sexual assault, I do a screening exam on the patient, and then I contact

our medical social worker who then gets the forensic nurse examiner, the police department, and also sexual trauma services involved.

Q. And do you recall the name of that patient?

A. It was M.C. .

Q. And when you reviewed your notes, did you remember what her demeanor or anything was from that night when she was brought in?

A. When I reviewed my note, it said that she was tearful.

Q. And you said the complaints that M.C. had were regarding --

A. A sexual assault.

Q. And it was you that made the determination to contact the social worker due to the sexual assault?

A. Yes.

Q. And you said you also contacted another person?

A. I contacted the social worker. Then the social worker goes through the process of making sure that the police department has been notified; that the forensic nurse examiner or sexual assault nurse examiner and the sexual trauma services, which is a support for the victim, are all notified. That is done through my social worker.

Q. And did the notes on the file reflect that a

sexual assault exam was done?
A. Yes.
Q. But you were not the one doing the exam?
A. No. It's documented that the exam was done by the forensic nurse examiner.
Q. Do you by chance recall the name of the forensic nurse examiner that did the exam that day?
A. I do not.
Q. Okay.
MS. RAYMER: Nothing further from the State. Thank you. Please answer any questions the Defense has.
MR. WILLIAMS: No questions, Your Honor.
MS. RAYMER: Your Honor, we'd ask to excuse this witness.
THE COURT: Is she under subpoena?
MS. RAYMER: She is.
THE COURT: Any objection?
MR. WILLIAMS: No objection, Your Honor.
THE COURT: Doctor, you're excused from your subpoena. You have no further responsibility here. You're free to go. Have a nice day.
MS. RAYMER: The State would next call Charlotte Pitts to the stand.
THE COURT: Ladies and gentlemen on the jury,

as this witness is coming in, if, during the testimony of any witness, you cannot hear, raise your right hand so I'm aware of it so I can instruct the witness to speak up. I told you-all yesterday, this vent up here is continuously blowing which affects -- may affect your ability -- it affects my ability to hear and it may affect your ability to hear. So if at any point in time you-all are having difficulty hearing, raise your right hand and that will cue me to instruct the witness to speak up. Okay?

CHARLOTTE PITTS

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat, please, ma'am. Once you're seated, you can remove your mask. State your full name and spell your last, please.

THE WITNESS: My name is Charlotte Pitts, P-I-T-T-S.

DIRECT EXAMINATION

BY MS. RAYMER:

Q. Thank you, Ms. Pitts. Where are you currently employed?

A. I currently work for Allegiance Industries.

Q. And where were you employed in July and August

of 2017?
A. SLED.
Q. And what does that stand for?
A. That's the South Carolina Law Enforcement Division.
Q. What was your title when you were employed with SLED?
A. I was a forensic technician.
Q. And what did that entail?
A. So I worked in the evidence control lab, which entailed receiving packages for criminal evidence. I would input it into our system, give it a barcode number, and then place it in our evidence room until it can be transferred for testing.
Q. And I know this was quite a long time ago. Do you recall what you did on this case specifically or were you given a chance to review what you did?
A. By memory, I do not remember. If you have a chain of custody, I could look at it.
MS. RAYMER: May I approach the witness, Your Honor?
THE COURT: Yes, ma'am.
MS. RAYMER: Your Honor, may I approach the witness again?
THE COURT: Yes, ma'am.

MS. RAYMER: Your Honor, I'm approaching with three pieces of evidence that have not been entered.
BY MS. RAYMER:
Q. Charlotte, if you could look at those three pieces of evidence that I just handed up to you. Do you notice your writing or anything on any of those?
A. No.
MS. RAYMER: May I approach the witness, Your Honor?
THE COURT: Yes.
MS. RAYMER: Madam Court Reporter, can I please get these marked as State's Exhibits?
(State's Exhibit Nos. 5, 6, 7 marked for identification.)
THE COURT: During the trial, to the attorneys, if you-all need to get up and move around or you need to see or whatever, don't ask me; feel free to move. Okay? You don't have to ask.
MS. RAYMER: Your Honor, if I may please approach with what is marked as State's Exhibits 5, 6, and 7. Thank you.
BY MS. RAYMER:
Q. Ms. Pitts, can you tell me what you did regarding this case?
A. So, according to the chain, it looks like I

first came in contact with Item No. 3, which is described as a paper towel from the kitchen table possibly containing suspect's semen or -- and victim's saliva.

I received that from Verona Herrera. And after I received it, I placed it on a -- like storage bin, Bin 15-C.

Q. And can I direct your attention to item 7.

A. Okay.

Q. And what did you do regarding this?

A. For item 7, which is described as a heat-sealed pouch containing a buccal swab from Christopher Cooper's mouth. I received it off of a DNA intake shelf and I transferred it to the custody of Jennifer Clayton.

Q. And what did you do regarding item 8?

A. Item 8 is a sealed gun box containing a weapon described as a black and gray Smith & Wesson. With that, attached to the handle, I think, I handled the sub-item for item 8.

Q. And can you describe that for me?

A. Sure. Item 8.1 was a heat-sealed pouch that contains swabs from the trigger, grip, and groove areas of item 8. And I received that from Thomas Darnell and placed it on a DNA intake shelf.

Q. May I please direct your attention to item 9 now.
A. Sure. So item 9 was a heat-sealed pouch containing a buccal swab from the right cheek of Craig Cooper. And I received that off of a DNA intake shelf, put it in my custody, and then transferred it to Jennifer Clayton.
Q. And what did you do with item 10?
A. Item 10 was a heat-sealed pouch with a buccal swab from the left cheek of Craig Cooper. And I also received that from a DNA intake shelf and turned it over to Jennifer Clayton.
Q. And can you please now identify what is contained in State's Exhibits 5, 6, and 7 in front of you, if you're able.
A. Sure. So the only way I can identify it is off the barcode, and it's on Item No. 7. So that would be -- this is the heat-sealed pouch that contains the buccal swab from Christopher Cooper.
Q. And is that how you would expect that to appear?
A. This packaging?
Q. Yes.
A. Absolutely.
Q. Next item, please?

A. So the next item, I can identify it from the barcode as Container D.

THE COURT: What exhibit is that?

THE WITNESS: 6.

THE COURT: 6?

THE WITNESS: Yeah.

THE COURT: Thank you.

THE WITNESS: And this is a heat-sealed pouch containing a buccal swab from the right cheek of Craig Cooper.

BY MS. RAYMER:

Q. Can you tell me what the State's Exhibits number that is remaining?

A. Yeah. So this is identified by Container C, which is a heat-sealed pouch that contains a swab from the trigger, grip, and groove areas of the slide of Item No. 8.

Q. What State's Exhibit is that marked as?

A. 7.

Q. Thank you so, much Ms. Pitts. If you would please answer any questions that the Defense has for you.

THE COURT: What was that last exhibit, ma'am?

THE WITNESS: 7.

MR. WILLIAMS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Ms. Pitts, you said you were working where now?

A. I work for Allegiance Industries.

Q. What is that?

A. We contract out security services, janitorial services, and electrical services.

Q. All right. When did you leave SLED?

A. December of 2019.

Q. All right. Did you have any particular education or requirements that gave you this specialty of working, I guess, with the DNA lab -- or you were in the evidence lab, right?

A. Correct. I worked in the intake area of the intake department. No particular education, but I do have a bachelor's and master's in criminal justice and criminology from the University of South Carolina.

Q. But no science background?

A. No.

Q. So the sheet which you identified, that sheet is some running log that exists down at SLED for items that come into SLED's testing?

A. Correct. This is on the chain of custody which

tracks the movement of a piece of evidence throughout our entire lab.

Q. And when you initially looked at those three exhibits, which would have been 5, 6, and 7, you said there was nothing on those items in itself that would indicate that you had written on it or done anything to commemorate your touching of those items; is that correct?

A. My handwriting is not on these packages.

Q. And the only way that you would know what those packages were was by referring to the log that you currently have in your possession from SLED which has the bar number which SLED matches up to the particular document; is that correct?

A. Correct.

Q. And in terms of how those items were obtained, you have no knowledge about how those were obtained in terms of the taking of the samples about who took them, when they took them, how they were stored, or where they left after that; is that correct?

A. I'm sorry. After they left where?

Q. Wherever they came from. The only thing you know is that these heat-sealed items were, at some point in time, in your hand and you put it in a location, correct?

A. Correct.
Q. And you don't know what happened to them after that because you were just receiving those items?
A. After I transferred them to the analyst that was testing them, that's the last thing I know.
Q. So you don't know how they were gathered, how they were tested, how they were kept, and did no testing on them?
A. No testing, correct.
Q. Thank you so much.
MR. WILLIAMS: That's all I have, Your Honor.
THE COURT: Any redirect?
MS. RAYMER: Nothing from the State. We'd ask that this witness be excused from her subpoena.
THE COURT: Any objection to her being excused?
MR. WILLIAMS: No objection, Your Honor.
THE COURT: You may step down. You are excused. You have no further responsibility here. Have a nice day.
THE WITNESS: Thank you.
MS. WEISS: The State calls Amy Stephens Black.

AMY STEPHENS BLACK

being first duly sworn, testified as follows:
THE WITNESS: I do.
THE CLERK: Have a seat, please, ma'am. Once

you're seated, you can remove your mask. I need you to state your full name and spell your last, please.

THE WITNESS: Amy Stephens Black, B-L-A-C-K.

DIRECT EXAMINATION

BY MS. WEISS:

Q. Good morning, Ms. Black. How are you?

A. Good. How are you?

Q. Good. Ms. Black, where do you currently work?

A. I work with the Second Circuit Judicial Public Defender's Office of Aiken, Barnwell, and Bamberg Counties.

Q. How long have you been employed there?

A. Almost four months.

Q. Okay. Prior to that -- okay. I'm going to go back to 2017. Where were you employed in 2017?

A. The South Carolina Law Enforcement Division.

Q. And how long were you employed with -- we'll just call it SLED. How long were you employed with SLED?

A. Almost 12 years.

Q. When did you start working with SLED?

A. In 2006.

Q. So you left in --

A. 2018.
Q. Okay. When you were employed there, what was your position?
A. I was a forensic technician in the evidence control department.
Q. Can you please describe for this jury what an evidence -- what an evidence tech -- a forensic tech in the evidence control department is and what you did?
A. Basically, we log in, transfer, and package evidence for forensic analysis.
Q. And what kind of -- did you have to have any special training or degrees in order to be able to do this?
A. You didn't have to have any no college degree, just a high school diploma. However, I do have a college degree, but you also just did training with a senior technician whenever you start.
Q. And most of this evidence was brought in, in 2017. Can you tell us what the process was when someone would bring in evidence 2017 in?
A. If they came in and sat with one of the technicians, the technician would package the evidence appropriately, enter the case information into the computer system, which would then generate

a lab number as well as an item number, and then transfer that evidence to the evidence room.
Q. Was the evidence room in the same area with you, like, in your area, or was it on another floor or somewhere else?
A. It was in the same area as my office.
Q. And what happened if something got moved from an evidence room?
A. Any time the evidence was moved, whether it was being brought in or transferred to an analyst or transferred back to the agency, an electronic record was documented. Every item has a barcode on it, and it would be scanned every single time that it transferred.
Q. And when you scan those items, as you're transferring them in or out or putting them somewhere, what information goes into the system once you scan that code?
A. It's the location of where the evidence is going or either the name of the person that the evidence was being transferred to.
Q. And does it also include who it's being transferred by?
A. Yes, it does.
Q. Is that something entered electronically or do

you enter it as you scan it?
A. It's entered electronically by using the barcode.
Q. And that's a barcode that you would have on your ID?
A. Yes. Correct.
Q. Okay. So you have to scan the ID of the ID and scan your own personal ID so that it matches them up and creates a document?
A. Yes.
Q. And what is that document?
A. It's a chain of custody.
Q. And was there another way you could drop off evidence in 2017?
A. There was. There was an evidence locker system. The submitting officer could sign into the forensics laboratory and go to the locker system and place the evidence into the locker system. And then my department, we would retrieve it from the locker system and then enter it into the computer.
Q. Okay. And the -- how often would you go and empty the evidence lockers?
A. It just depends on how many staff we had. At least several times a day.
Q. And those were supposed to be packaged a

certain way to be left in the evidence locker?
A. That's correct.
Q. And you'd check that just to make sure once you got it out?
A. That's correct.
Q. When you say entered it into the computer, what happens once you enter that into the computer?
A. After you enter the information into the computer system, a SLED lab number is generated, as well as an item number for the items that you're entering in. And then that barcode with that lab number is generated and printed and it will be placed on all of the corresponding pieces of evidence.
Q. Okay. What's the importance of that?
A. It's an identification number. And, that way, the evidence can be tracked throughout it's movement at SLED.
Q. Do you -- have you had a chance to look at the chain of custody for the case that you're testifying for today?
A. No.
Q. Do you have any independent recollection from 2017 of evidence that came in from this case?
A. No.

Q. Would it help to refresh your memory if I were to show you a chain of custody?
A. Yes.
Q. Do you recognize that form?
A. I do.
Q. What is that?
A. This is the SLED chain of custody for SLED Lab No. L17-11532.
Q. And that SLED lab number you just read out is assigned to one piece of evidence of a case?
A. The SLED lab number is assigned to the case itself, and then each item is designated an individual item number.
(State's Exhibit Nos. 8, 9, 10, and 11 marked for identification.)
Q. So, for ease of summary, as you look through that chain of custody, can you tell us, just going down the numbers, which items you were involved in for the intake or collection?
A. Yes. I handled SLED Item No. 1, which is a buccal swab from the victim M.C. [redacted] mouth. I received it from Jan Otterbacher with the West Columbia Police Department on July 28th, 2017, at 1542 and I transferred it directly to the Verona Herrera, a forensic technician.

Q. Okay. I'm going to show you what's been marked as State's Exhibit 10. Can you identify that packaging?
A. Yes. This is the item that I just testified to, SLED Lab No. L17-11532, Item No. 1, which was the buccal swab from victim M.C. mouth.
Q. And you say you transferred it -- well, I'm sorry. Go ahead.
A. I received it from John Otterbacher with the West Columbia Police Department. And once I entered the case information and generated the barcode, I transferred it directly to Verona Herrera, a forensic technician in the serology department.
Q. Okay. And so since that's Evidence Piece No. 1, does that mean that you opened this case?
A. That's correct.
Q. Okay. So you put all those numbers in?
A. Yes.
Q. Okay. So tell me about number 2.
A. SLED Item No. 2 is described as a buccal swab from Jacob Cook's mouth --
Q. Let me stop you there. This is what has been marked as State's Exhibit 8. So you can -- can you identify that?

A. Yes. The label that's affixed to the outside of the package corresponds with L17-11532, Item No. 2, buccal swab from Jacob Cook's mouth.
Q. And what did you do with that?
A. I received this item from Jan Otterbacher with the West Columbia Police Department on July 28, 2017 at 3:42 and transferred it directly to Verona Herrera at the same time who was a forensic technician in the serology department.
Q. Okay. What's the next one?
A. The next one is actually a container, which is Item No. 3, which is a paper towel from the kitchen table possibly containing suspect's semen and victim's saliva.
Q. Okay. I'm going to show you what's been marked as State's Exhibit 11. Are you able to tell anything from that box?
A. Yes. It has the label on the outside of it that says L17-11532, Container A, which contains the items I just described, as well as Item No. 4, which was a bottle of Awesome cleaner from kitchen floor the suspects used to clean themselves.
So that box contains those two items. And I received it from Jan Otterbacher from the West Columbia Police Department on July 28, 2017, at

3:42, and transferred it directly to Verona Herrera.
Q. Okay. And would you have put it in that box?
A. I may have put it in the box or it may have come in the box.
Q. Okay. But you definitely had it in the box at some point?
A. Yes. According -- there's the initials on the -- here. But it was sealed by me because it was done in person. So I would have placed the evidence tape on there and then had somebody in the office initial and date.
Q. And who placed those stickers on the box?
A. The yellow sticker was placed my myself; the white stickers were placed by the police department.
Q. Okay. And what did you do next?
A. After I logged those in, I transferred them to Verona Herrera.
(State's Exhibit Nos. 12 and 13 marked for identification.)
Q. I'm showing you State's Exhibits 12 and 13.
A. All right. This item, which is State's Exhibit 13, is SLED Item No. 6, which is described as a black and brown striped skirt in a bag labeled M.C. .
I received this item from the DNA intake shelf

on August 8th of 2017 at 12:28 and transferred it to the custody of Verona Herrera.

Q. Okay. And there is a smaller piece there. Can you tell what that's related to?

A. This is item 6.1, which is a cutting from the interior right seam area of the skirt. And I had no involvement with this item.

THE COURT: Item 6.1 is exhibit what?

MS. WEISS: Exhibit 12.

BY MS. WEISS:

Q. All right. After item 6, were there any other items that you were involved in through the intake? And you can just tell us the item numbers.

A. Yes. I handled also Item No. 5, which was the CSC kit described as -- labeled M.C. [redacted] I retrieved that evidence off of the DNA intake shelf on August 8th, 2017, at 12:28, and transferred it to Verona Herrera.

(State's Exhibit No. 14 marked for identification.)

Q. Okay. I'm showing you State's Exhibit 14.

A. Yes. This is SLED Lab No. L17-11532, item 5, which the CSC kit from M.C. [redacted].

Q. And that's the item you were just describing?

A. That's correct.

Q. And you said you took it from where?
A. I took it off a DNA intake shelf and transferred it to Verona Herrera.
Q. Okay. After that, is there anything else?
A. I believe only one more item that I handled after analysis was done, which is SLED Item No. 8, a black and gray Smith & Wesson firearm.
Q. Okay. And what did you do with that?
A. I received it from forensic technician Lisa Chapman of the latent prints department on August 18th, 2017 at 2:11. I transferred it to a storage shelf. And then on August 22nd at 2017, I retrieved it from that storage shelf and returned it to the agency.
Q. Okay. Is there anything else that you did with any of the evidence in this case?
A. No.
Q. And, just to be clear, your position was as a forensic technician. So did you analyze or process any of this evidence?
A. No, I did not.
Q. Anything else I haven't asked you about your involvement in this case?
A. No, ma'am.
Q. Thank you.

MS. WEISS: I have no further questions, Your Honor. Please answer any questions Mr. Williams may have for you.

MR. WILLIAMS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. You're Ms. Black?

A. Yes, sir.

Q. And you work for public defenders down there in Aiken now; is that right?

A. I work at Barnwell and Bamberg County; that's correct.

Q. I gotcha. So one thing I was curious about when you were talking about the box and you were examining it, and you said that you would have placed the evidence on the box. Is that what you said?

A. That's correct.

Q. And so what is in this box?

A. Item No. 3, which is the paper towel, and Item No. 4, which is a bottle of cleaner.

Q. How do you know that's what's in this box?

A. Because of the yellow label that's attached to the outside of it.

Q. May I hand this to you and you tell me how you know that?
A. The label -- the yellow label right here has the SLED lab number and the container, and that's what corresponds with the chain of custody.
Q. So who assigned that yellow lab -- yellow label -- it says West Columbia Police Department. So would that have been a label that somebody from West Columbia would have affixed on this box?
A. No. That's the SLED label. The lab number is generated by the computer system, and it will have the lab number, the container, and then the agency that was submitting the evidence.
Q. So who placed this sticker on this box?
A. I did.
Q. All right. So there was an individual that actually handed you this box; is that correct?
A. That's correct.
Q. And who handed it to you?
A. Jan Otterbacher with the West Columbia Police Department.
Q. And at the time that she handed it to you, it was open?
A. No, sir. It would have been sealed.
Q. But you placed the seal on it?

A. We placed the SLED evidence tape on it, as per policy.
Q. What other seal did it have on it?
A. You can see on the bottom, I placed the bottom seal on there.
Q. Okay. That's yellow?
A. Yes.
Q. And there's a red seal that says SLED on it on the top?
A. I did not place the SLED evidence tape on it; I would have placed the yellow evidence tape that's up underneath that.
Q. So who placed the red evidence tape on it?
A. I can't answer that. I did not do that.
Q. Was it on there when you got the box?
A. I do not recall.
Q. Is it significant in any way? Why would there be a red tape on the box and then --
A. It's not significant. It's just showing the box is sealed and the initials and dates of the person that sealed it.
Q. But you don't have any idea -- is that an indication that it was opened and someone resealed if?
A. It could have been. I didn't place the red

tape on there.
Q. But someone could have been in the box, done something to it, and resealed it?
A. For analysis purposes, yes, that's correct.
Q. And would they have put their initials on there?
A. Yes, sir.
Q. Would they have put the date that they did it on there?
A. They should have. I didn't place that tape on there and I didn't initial and date it.
Q. Do you know -- can you look at this and tell me if it's been opened and someone put their initials on?
A. Sir, all I did was put the yellow tape on there. The -- whoever opened it would have to testify to the fact that they opened it.
Q. But you --
A. I did not open it.
Q. But you don't know who it was or what happened to it?
A. No, sir. Once it left my hands, I placed it sealed in the evidence room.
Q. So you didn't hand it to an individual?
A. Oh, I'm sorry. I did. Yes, I did hand it

directly to Verona Herrera and it was sealed.
Q. In the box that it is in now?
A. Yes.
Q. Okay. You use characterizations of some of the items that were -- like you said, that there was a paper towel used by the assailants to clean themselves off or something like that. You used that characterization on that.
You don't know what the item was or what it was used for, do you? That characterization was given by somebody else; is that correct?
A. That's correct. That was on the submission paperwork from the police department.
Q. So that's something that the police officer called -- this is what it is; this is what it was used for. Nobody as SLED made an analysis and made the decision that that's really what it was or what it was used for?
A. I did not.
Q. All right. And that was already done on a piece of paper that came from SLED; is that correct?
A. That was done on a piece of paper that came from the police department.
Q. Okay. The you initially said that the first items you received -- because you opened it up; you

gave it its first number, correct?
A. Yes, sir. I did not give it the lab number. The computer system gave it the lab number. But I was the first person to handle certain items.
Q. Were you the first person to generate the number that has been consistent or would consistently be used in the SLED labs for those items?
A. The computer system would generated it. But that is the number that was generated for this case.
Q. Right. So no one else has generated any other numbers to deal with that before or after. Those numbers for this particular case are the numbers that the computer assigned to it once you started it; is that correct?
A. Correct.
Q. And that's totally a random thing, isn't it?
A. That's correct.
Q. Whatever the next number is, is what it's going to be?
A. Yes.
Q. And, essentially, it's an inhouse way of keeping up with what case these items refer to?
A. It's an identification number.
Q. So you said item 3 was what -- which is paper

towels was what was Exhibit 11; is that correct?
A. I'm not sure what exhibit number it is. But item 3 was the paper towels in the kitchen. Yes, sir, Exhibit 11.
Q. And, again, you have no idea where the paper towel was or where it came from?
A. That's correct.
Q. You have no idea what the paper towel looks like, do you?
A. No, I do not.
Q. Was the paper towel on a roll or was it in separate pieces?
A. I didn't physically see the item. We work on a said-to-contain basis, so whatever is listed on the submission paperwork from the police department is how it's entered into the system.
Q. So you really didn't look inside to see what was in the box?
A. No.
MR. WILLIAMS: That's all the questions I have, Your Honor.
THE COURT: Any redirect?
MS. WEISS: Very briefly.

REDIRECT EXAMINATION

BY MS. WEISS:

Q. Ms. Black, does somebody eventually look inside that box and verify that what's written on the outside is what's inside?
A. They do, either a technician in one of the departments or the analyst themselves.
Q. Thank you. I have no further questions.
MR. WILLIAMS: Nothing further, Your Honor.
THE COURT: All right. You may step down.
MS. WEISS: Your Honor, may this witness be released from her subpoena?
THE COURT: Any objection?
MR. WILLIAMS: No objection, Your Honor.
THE COURT: Ma'am, you're released from your subpoena. You have no further responsibility here. Have a nice day.
MS. RAYMER: Your Honor, may we approach?
THE COURT: Yes.
(Sidebar conference.)
THE COURT: All right. Ladies and gentlemen, what we're going to do right now, I'm going to let you go for an early lunch break and I'll ask that you be back at 1:00.
My instructions remain the same: Do not discuss this case at all with anyone. No one is to discuss the case with you. Do not do any

independent investigation. As I told you from my opening remarks and from when I qualified you yesterday, you're to decide this case based solely, solely on the evidence and testimony presented in this courtroom. You-all have a nice lunch break, and I'll see you back at 1:00. Okay?

(The jury exits the courtroom at 11:26 AM.)

THE COURT: All right. Anything from the State before we break?

MS. WEISS: Nothing from the State, Your Honor.

MR. WILLIAMS: Nothing from the Defendant, Your Honor.

THE COURT: All right. Hold on just a second.

What does this afternoon look like? You said one really short witness and then M.C. was going to testify.

MS. WEISS: Yes, sir, Your Honor. And we have three other witnesses that could take us -- just really going to kind of depend on how things go with M.C. and how long that takes. I'm just not sure between direct and cross. Is there a time that we need to be finished by?

THE COURT: No. But I should have told you this yesterday: In light of us having to take a little bit longer in selecting the jury, the cases

that may take all week I kind of like to be top heavy at least Tuesday and Wednesday to make sure we're not pushing Thursday, late into Friday evening trying to wrap things up. And that's something I should have conveyed yesterday. But we'll do whatever y'all intend to put up.

MR. WILLIAMS: Your Honor, we still have the item, if you want to place that matter on the record on what Earl said or --

THE COURT: We may do that at the end of the day today, seeing where we are when they finish with their witnesses, if that's okay.

MR. WILLIAMS: It's fine with me, Judge, if they were looking for something to fill it up with.

MS. WEISS: We have time.

MR. WILLIAMS: But I do want to tell the Court that I'm going to Disney World on Sunday. So as long as we are done before Sunday, that's all I care.

MS. WEISS: Your Honor, can we just break and come back on Sunday or we could meet at Disney World and do it there?

THE COURT: We'll see. We'll kind of play that by ear. How about that?

MS. WEISS: Your Honor, we intend -- our

witnesses should be done Thursday, based on how we've gauged how things really happened.

THE COURT: And, also, I mean, I know Mr. Williams has appeared in front of me and then you have --

MS. WEISS: Yes, sir.

THE COURT: Did you try something in front of me a long time ago?

MR. WILLIAMS: I probably did, Judge. I think I probably did. I don't remember it though.

THE COURT: Well, I want y'all to understand, I mean, you know, as I sit up here as a Judge, I dont want y'all to worry about me. Y'all try your case. If I need to step in, I'll certainly step in. But I know it's stressful trying cases. And the last thing y'all need to worry about is me up here. Okay?

So y'all do what y'all -- if you feel like you need to move around, y'all move around, just, you know, kind of do it discreetly. But you don't need to ask permission to get up and move if you want to get up and move to see something.

I know it's kind of a formality to ask permission to approach a witness. If you feel like you need to do that -- I mean, it's probably more

habit because different judges expect different things and whatnot. But I'm not going -- if you don't ask, I'm not going to say anything, unless there's an objection or something and I may say something.

But I want y'all to try your case how you want to try it. The last thing you need to do is worry about me. I've been in your shoes; I know it can be stressful. All righty?

MS. WEISS: Thank you, Your Honor.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: You-all have a nice lunch and I'll see you back at 1:00.

(Luncheon recess 11:31 AM - 1:00 PM.)

MS. WEISS: Your Honor, I need to get some pictures marked by the court reporter, but I just realized I left them in the other room.

(State's Exhibit Nos. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 44, 45, 46, 47, 48, and 49 marked for identification.)

THE COURT: All right.

Anything from the State before I bring the jury up?

MS. WEISS: No, sir, Your Honor.

THE COURT: Anything from defense counsel?

MR. WILLIAMS: No, Your Honor.

THE COURT: Bailiff, please bring the jury up.

(The jury enters the courtroom at 1:13 PM.)

THE COURT: All right. Madam forelady, ladies and gentlemen of the jury, I hope you had a nice lunch and are ready to proceed this afternoon.

At this time, I'm going to recognize the State to call its next witness, please.

MS. WEISS: Thank you, Your Honor. May it please the Court?

The State calls Shellie Keisler.

SHELLIE KEISLER

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat, ma'am. Once you're seated, you can remove your mask. I need you to state your full name, spelling your last, please.

THE WITNESS: Shellie Keisler, K-E-I-S-L-E-R.

DIRECT EXAMINATION

BY MS. WEISS:

Q. Good afternoon, Ms. Keisler. Where are you employed?

A. I'm a forensic nurse employed by Prisma Health, which previously was Palmetto Health Richland, with

the regional forensic program.
Q. It was originally -- it was previously Palmetto Richland Health. Can you just tell the jury a little bit about what it means to be a regional forensic -- be part of the regional program.
A. So a lot of people think of SANEs as a sexual assault nurse examiner --
Q. Can you get a little closer to the mic? I'm having a little trouble hearing you.
A. Oh, I'm sorry.
THE COURT REPORTER: And, if you could, please slow down a little bit.
THE WITNESS: Yes, ma'am. I'm sorry. I do talk fast.
BY MS. WEISS:
Q. All right. Can you say that again?
A. I'm a SANE nurse. I'm a sexual assault nurse examiner, commonly called a forensic nurse. And we see victims -- we see patients that have been victims of sexual assault and domestic violence.
Q. Okay. What does it mean to be part of a regional team?
A. Regional means that we're mobile. We cover five hospitals in the Midlands.
Q. In 2017, was that the same?

A. Yes. It was the same; we covered all hospitals in this area.
Q. Okay. So it wouldn't be unusual, while you're working, to get called to Lexington Medical Center, even though you're based out of Prisma?
A. No.
Q. I'm going to show you what's been marked as State's Exhibit 49. Do you recognize this? It's front and back.
A. Yes.
Q. Okay. You can hold onto it. What is that?
A. So this is a sexual assault evidence collection kit that was collected.
Q. And I know this is a photocopy. What is this a photocopy actually of? What's the physical item?
A. It's a physical assault evidence collection kit.
Q. What would it look like if you were holding it in person?
A. It's a box -- a white box with a front and back. It that has the patient name and identification factors on it.
Q. What's the importance of this kit?
A. This kit is actually collected. And the evidence that's collected in it is part of our chain

of custody.
Q. Okay. And each time you go to do -- since you are a sexual assault nurse examiner, each time you go -- you're not the nurse examiner on this case, correct?
A. No.
Q. Each time you go, you get a different kit, a brand new kit?
A. Yes.
Q. So a brand new box back in 2017?
A. Yes, sealed.
Q. Okay. And, just to be clear, currently, it's in an envelope?
A. Yes.
Q. Like the one I'm holding?
A. Yes.
Q. But, back then, it was a box?
A. Correct.
Q. Were you working on August 1st of 2017?
A. Yes.
Q. Okay. And if you look at the back of this kit, what was on the back of the kit?
A. So this is the chain of custody that we adhere to once the evidence has been collected.
Q. Okay. And what is your training as far as how

you do the chain of custody?
A. So chain of custody is very important. From time evidence is collected, it is kept -- it is kept with the person that has collected the evidence until they turn it over to law enforcement.
Q. Based on this chain of custody, who originally collected this evidence?
A. Brigette DeGuzman.
Q. Is that somebody you know?
A. Yes. She's one of our forensic nurses on our team.
Q. And do you know what date and time she finished collecting that kit?
A. So she collected July 28th, 2017.
Q. Okay. And the time that's on the right, what did that time indicate?
A. That is the time that she put the kit into our secure evidence refrigerator.
Q. Can you please tell us about that secure evidence refrigerator.
A. So our office is at Prisma Health, which was currently Palmetto Health. And we have an evidence room, which is a locked room within our office, and it houses our refrigerator where we keep all of our evidence.

Q. And when you say the room is locked, is the refrigerator locked as well?
A. Yes.
Q. Okay. What type of locks are on those?
A. It has a combination lock.
Q. The refrigerator or the room?
A. The refrigerator.
Q. Okay. So who has a key to the room?
A. Only the forensic nurses.
Q. And who has the combination to the lock on the refrigerator?
A. Only the forensic nurses.
Q. And, at that time, you were also a forensic nurse?
A. Yes.
Q. So tell me what occurred -- what's the next line say?
MR. WILLIAMS: Your Honor, objection to leading. She's just publishing a document if she asks what the next line says.
THE COURT: I'll allow it. Go ahead.
BY MS. WEISS:
Q. Okay. What does the next line say?
A. 7/28/17. And it's from Brigette DeGuzman to FNE which means forensic nurse evidence secure

refrigerator.
Q. What time was that?
A. 9:20.
Q. Okay. What's on the next line?
A. 8/1/17. And I marked out two because I'm actually collecting it from the refrigerator, from Palmetto Health Richland refrigerator, slash, Shellie Keisler, RN, SANE, AP --
Q. Okay.
A. -- and then my signature.
Q. Okay. And then what's on the far right?
A. The time that I handed it over to law enforcement, 10:55.
Q. And what triggers you signing that?
A. Every Tuesday, we release evidence to law enforcement.
Q. Is there a special time that they're supposed to be there?
A. Typically, it depends on law enforcement because we deal with so many jurisdictions. But, typically, it's from 11:00 to 2:00.
Q. And you put that time when you gave the box to law enforcement that was there to pick it up?
A. Yes.
Q. And do you have them sign that in front of you?

A. Yes.
Q. So the next line, you actually saw who signed that?
A. Yes.
Q. Before you released it?
A. Yes.
Q. And it was sealed?
A. Sealed.
Q. Did you open it for any reason?
A. No.
MS. WEISS: Thank you, Your Honor. Well, actually, I have one more question.
BY MS. WEISS:
Q. If you turn it over to the other side, do you know what case -- who -- what the victim's name was in this case?
A. Say that again.
Q. Do you know the victim's name in this case, based on this?
A. Based on what's written here?
Q. Yes.
A. Yes.
Q. What is her name?
A. M.C. [redacted].
Q. Okay. Thank you.

MS. WEISS: No further questions, Your Honor. At this time, I'd move to have Exhibit 49 entered into evidence.

MR. WILLIAMS: And, obviously, Your Honor, I would object. I don't think there's been a proper and sufficient foundation laid for the submission of that document.

THE COURT: Can I see the document?

Over objection, I'm going to allow it into evidence, State's Exhibit 49.

(State's Exhibit No. 49 admitted into evidence.)

MS. WEISS: I have no further questions. Please answer any questions by the Defense.

MR. WILLIAMS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. It's Keisler? Ms. Keisler?

A. Yes.

Q. Ms. Keisler, just to rehash your testimony a little bit, you're a forensic nurse, correct?

A. Yes.

Q. And on the events that you're testifying to, you're testifying to events that occurred on July

28th of 2017; is that correct?
A. Yes.
Q. And you were present at Prisma, but you came to the Lexington hospital on that particular date; is that correct?
A. So on 7/28, actually Brigette was the forensic nurse that collected the sexual assault kit. I was the nurse that turned it over to law enforcement.
Q. So --
A. On the 1st.
Q. So your only contact with this particular document was on August the 1st of 2017, correct?
A. Yes.
Q. And that is your first contact with it?
A. Yes.
Q. So before the date of August the 1st of 2017, you had no contact, no knowledge of it, until you showed up on August the 1st and received it?
A. It was kept in our evidence refrigerator.
Q. All right. But you didn't know that until you got there on August 1st of 2017, right?
A. Didn't know what?
Q. That it was there, because it's secured in a refrigerator in a secured room, and you hadn't received it. So the only way you would have known

about would have been that you had gone into the room where the refrigerator was, opened it up, and received that item on August the 1st of 2017?

A. Yes.

Q. Now, do you have independent recall of this particular item that you received on that date of August the 1st of 2017?

A. Do to I remember specifically doing this? I don't because it was 2017. But that is my signature.

Q. But because of that, you remember being there and doing something on that date. And because you entered some document, you've written something down, clearly -- it's clearly an indication that you turned that over to law enforcement on another date, correct?

A. Yes.

Q. And what was that date?

A. August 1st, 2017.

Q. So you came in on the same day that you got it and turned it over to law enforcement?

A. Yes.

Q. So what was your extended period dealing with that particular item? How long were you with that item?

A. I turned it over to law enforcement at 10:55 a.m.
Q. When did you receive it?
A. I would have gotten it out of the refrigerator probably 10:54. We don't get --
Q. You can go on. I -- if I'm shaking my head, just keep talking. It's probably just a nervous habit. Just go head.
A. Okay. Once law enforcement gets there, we retrieve it from the locked refrigerator and then directly turn it over to them.
Q. So, essentially, the key to you is law enforcement shows up; you say, well, let me go check the refrigerator and see what's there; you go in the refrigerator and get whatever is in there, and then you bring it out?
A. Not whatever is in there --
Q. Whatever they're looking for?
A. Specifically -- yes.
Q. And they know what they're looking for?
A. Yes.
Q. And that is your extent of your contact with that?
A. Yes.
Q. That's all the questions I have, Your Honor.

THE COURT: Any redirect?

MS. WEISS: Very briefly.

REDIRECT EXAMINATION

BY MS. WEISS:

Q. Ms. Keisler, you said that you work in five different hospitals.

A. Yes.

Q. Regardless of which hospital you go to, where do you store the sexual assault kit prior to law enforcement picking it up?

A. The kit stays with the forensic nurse that collects that evidence at all times until it's put into the refrigerator.

Q. And you work out of Prisma Health?

A. Yes.

Q. So if you went, like I said in the beginning, to Lexington to do an exam, what would -- where would you store that kit?

A. So once we leave -- once our -- if it --

Q. Where were yours?

A. Our -- what we do is --

MR. WILLIAMS: Your Honor, objection to her testimony as to what we do in regards to what forensic nurses do. Only in regards to what -- we would ask that her testimony be restricted to what

she does in this particular situation and not -- as opposed to what somebody else does.

THE COURT: I think that's what she was testifying to.

MR. WILLIAMS: Well, okay. If that is, that's fine, Your Honor.

THE WITNESS: If I were to have a case at Lexington, once I finish with that case, I would maintain chain of custody and I would take it to Palmetto Health -- Prisma Health Richland evidence refrigerator.

MS. WEISS: Thank you.

No further questions, Your Honor.

THE COURT: Any recross?

MR. WILLIAMS: No, Your Honor.

THE COURT: Ma'am, you may step down. Thank you.

MS. WEISS: Your Honor, may this witness be excused from her subpoena?

THE COURT: Any objection?

MR. WILLIAMS: No objection, Your Honor.

THE COURT: Without objection, ma'am, you're excused from your subpoena. You have no further responsibilities in this matter. Have a nice day.

Can the lawyers approach a minute, please.

(Sidebar conference.)

THE COURT: Ladies and gentlemen of the jury, the lawyers are checking on something that I asked them to check on. What I'm going to ask you-all to do is step to your jury room for just a few minutes. I'll get you back in here as quickly as I can. Do not discuss the case at all. Okay? Do not discuss the case. I'll get you back in here as quickly as I can. Okay?

(The jury exits the courtroom at 1:30 PM.)

MS. WEISS: I took that as my cue to walk in. She's on her way. She's trying to find parking. There's a bunch of parking, because I just looked out there. But she's here.

THE COURT: Okay. We'll stand at ease for a few minutes. Y'all just let me know when you're ready to go, please.

MS. WEISS: Yes, sir, Your Honor.

(Brief pause in the proceedings.)

THE COURT: Is the State ready to proceed?

MS. WEISS: The State is ready, Your Honor.

THE COURT: Is the Defense ready to proceed?

MR. WILLIAMS: Defense is ready, Your Honor.

THE COURT: Will you see if the jury is ready to come back up, please, and go ahead and bring them

up.

(The jury enters the courtroom at 1:40 PM.)

THE COURT: All right. All the jurors are present.

Is the State ready to proceed?

MS. WEISS: Yes, Your Honor.

THE COURT: Call your next witness, please.

MS. WEISS: Thank you, Your Honor. May it please the Court? The State calls M.C.

M.C.

being first duly sworn, testified as follows:

THE WITNESS: I do.

THE CLERK: Have a seat up there, ma'am. Once you're seated, you can remove your mask. State your full name, spelling your last. Speak up loud and clear, please.

THE WITNESS: M.C.

DIRECT EXAMINATION

BY MS. WEISS:

Q. Good afternoon, M.C. How are you?

A. I'm nervous.

Q. Okay. We're going to need to --

A. Can you hear me? Is that better?

Q. Let's move it just up a little bit.

A. Better now?

Q. Yes.
A. Okay.
Q. So let's just answer that again. I said how are you this afternoon?
A. I'm nervous.
Q. Okay. May I call you M.C.?
A. (Nonverbal response.)
Q. How old are you?
A. 24.
Q. Where did you grow up?
A. Swansea, South Carolina.
Q. Where did you go to high school?
A. Swansea High School.
Q. Are you married?
A. I am.
Q. Who are you married to?
A. Jacob Cook.
Q. How long have you been married?
A. Almost seven years -- well, we've been together for seven years. So almost six years.
Q. What year did you get married?
A. 2015.
Q. How old were you when you got married?
A. 19.
Q. How old was Jacob?

A. 18.
Q. Where did you get married?
A. At the Jasmine House and Gardens in Lexington.
Q. How long had you been dating before you got married?
A. One year.
Q. When you first got married in 2015, where did the two of you live?
A. With my dad.
Q. Why was that?
A. Because we were saving for a house.
Q. When were you able to get that first home together?
A. We got it at the beginning of 2017.
Q. What was the address of that home?
A. [redacted] F Avenue, I think. I know it's F Avenue.
Q. Was that in West Columbia?
A. Yes.
Q. And in Lexington County?
A. Yes, ma'am.
Q. Is that in South Carolina?
A. Yes, ma'am.
Q. How long did it take you to save up for that first place?
A. It took a while because I wanted to buy all the

furniture and everything first.
Q. Other than you and your husband, who lived in that house?
A. That's it.
Q. Do you have a furry child?
A. I have a dog, yeah.
Q. Did he move with you into that house?
A. Yes, he did.
Q. What's his name?
A. Talon.
Q. What type of dog is he?
A. He's a Shih Tzu.
Q. And is he your dog or is he Jacob's dog?
A. He's my dog.
Q. Let me go back to early 2017, when you first moved into the house. If you could, talk to this jury about that home that you set up in early 2017 and just walk them through to give them an idea of what the duplex was like, what it looked like on the inside.
A. Okay. So I -- it was a brick townhouse. And when you first walk in the front door, I had a black leather sectional that was wraparound, and it came with a black leather ottoman. There was a big-screen TV, and it set on a glass table.

We had pictures up on the wall that we got from, like, the zoo and a few other places where they take pictures of you. After that, there's stairs that lead upstairs, and then the kitchen. We got a table from Walmart and all of our, you know, kitchen stuff. We had just went food shopping, so there was a lot of, like, food in our little pantry area that we built. And after that was the laundry room. And there wasn't much in the laundry room except a washer and dryer and a hamper with clothes. And upstairs to the left --

Q. I'm going to slow you down just a minute. So you said there's a laundry room?

A. Yeah.

Q. If you went through the laundry room, where did you go?

A. If you go through the laundry room, there's a door leading outside.

Q. And --

A. And that's the back door.

Q. And was there another door as well?

A. Yeah. There's a -- in the kitchen, there's a slide door that also leads out to the back door.

Q. Did y'all ever use that door?

A. No.

Q. I'm sorry. I didn't mean to slow you down.
A. You go upstairs and, to the left, is my room. And we have a California king bed and black dressers. And when you first walk in, there was a hamper there, too, for our dirty clothes, and his-and-her closet and a TV and a mini-fridge. In every room, there was a mini-fridge.
Q. Why was there a mini-fridge in every room?
A. Because whenever I'm sitting, I don't want to walk far to get to the kitchen. So there's a mini-fridge in every room.
Q. What was in the fridges usually?
A. Different types of sodas and water, stuff like that. And if you go across the hallway, there is a guest room. We called it the white room. It was like white everything. All the -- the bed, mostly the sheets, but they're like white and gray; the dressers, the vanity, everything was white.

And in front of that room is my bathroom, which was the only bathroom that was upstairs, and it was the one with the shower and the tub in it. And that's it. That's the whole house.
Q. You said that was your bathroom. Did Jacob have a bathroom?
A. His bathroom was downstairs. It was kind of --

if you've seen Harry Potter and how they have the little room underneath the stairs, his bathroom was like that. Underneath the stairs, there was a bathroom there.

Q. And, in general, would you describe you and Jacob as more neat or kind of -- or more messy?

A. We're neat. But we do eat a lot, so we eat different places and we might sit a bowl. But, like, if you're looking on the floor or something like that, you won't see anything.

Q. When you started, you said it was a brick townhouse?

A. Yes.

Q. Are you sure about that?

A. It was -- it was bricks on the outside, right, of the townhouse? It was.

Q. Okay. I'm just going to show you State's Exhibit 46. Do you recognize that?

A. Yes.

Q. So --

A. Oh, that's the bricks I was talking about.

Q. What's on the top?

A. I guess regular like -- I don't know what's it called. It's just regular looking house stuff. But it's like half brick on the bottom and then regular

house on the --

Q. I apologize. That's what I remembered. But I see on the picture you were right.

And your first home, did you used to have -- was it a social home? Did you have a lot of people to your house?

A. No. Total, the whole time we were there, there were maybe two or three people that ever came to our house. We're antisocial.

Q. Okay.

A. We were.

Q. And what was your daily routine like?

A. I would go to work and come home and go to sleep usually, and we would watch a movie or something or -- and then I would go to sleep or I would come home from work and watch -- what is it -- America's got talent or X Factor or one of those shows.

And then he would go and hang out with his friends or sit at the Waffle House because he liked to drink their coffee and talk to his sister and his friend.

Q. And talk to his sister. Where kid his sister work?

A. His sister worked at the Waffle House.

Q. And his friend?
A. He was the cook.
Q. And how old was Jacob in 2017?
A. He would have been just turning 20.
Q. And how old were you in 2017?
A. I had just turned 21.
Q. When is your birthday?
A. June [redacted].
Q. All right. I want to take you back to July 27th of 2017. Do you remember the date that I'm talking about?
A. Yes, ma'am.
Q. And this has been several years?
A. Yes, ma'am.
Q. I'm going to ask you some questions. And just answer with what you remember from that day. I'm going to tell you this was a Thursday, July 27th. Do you remember about what time you got off work?
A. It was nighttime, so probably, I don't know, 8:00 or 9:00.
Q. And what did you do when you got off work?
A. Me and some friends went to go eat at Miyabi's.
Q. Do you remember about how long you were there?
A. They were closing soon, so we weren't there too long. We just kind of got there, sat down for a

little bit, ate, and then left.
Q. Did you go straight home?
A. Yeah. They dropped me at home.
Q. Do you remember approximately what time that was?
A. Maybe around 10:30, 11:00, somewhere in there.
Q. When you got home, which door did you go in?
A. The front door.
Q. What did you do when you got home?
A. I went upstairs and woke Jacob up to tell him that I was home and helped him pick out his clothes because he was going to, like, sit with his sister and drink coffee and get his food and stuff like that. And I went to bed.
Q. You said you woke him up?
A. Yes.
Q. This is like 10:30, 11:00?
A. Yeah.
Q. But he was already asleep?
A. Yes.
Q. Where was he sleeping?
A. In our room.
Q. Did you already know his plans for that evening?
A. No. He told me. But I don't really care about

stuff like that. It's not really important.
Q. You said you helped him pick out his clothes?
A. Yes.
Q. Is that a normal thing for y'all to do?
A. Yeah. We like to shop and stuff like that together, so --
Q. Do you remember what you picked out for him that night?
A. I don't remember.
Q. So approximately how long would you say it was from the time you got home and woke up Jacob and to the time he left to go to Waffle House?
A. Maybe an hour or so.
Q. Did you tell him to go to Waffle House?
A. No.
Q. Did you ask him to go to Waffle House?
A. No.
Q. Whose decision was it to go to Waffle House?
A. His.
Q. Is that unusual for him?
A. No.
Q. How long does he typically stay?
A. I guess until he's done talking. I don't know.
Q. And what do you do when he leaves and goes to Waffle House?

A. Like I said, I usually watch TV. But, that day, I went to sleep because I was tired.
Q. Okay. Talk to me about your routine before you go to sleep.
A. I usually take a shower -- I meant, take a bath or shower. I don't remember what I took that day. It just depends on how I'm feeling. And I just go lay down. I don't really wear sleep clothes, so I just went to sleep, pretty much. I turned the TV on for a split second and then I was like, yeah, I'm too tired, so I just turned it off.
Q. And who's in the room with you when you go to sleep?
A. Me and Talon.
Q. And do you do anything else before you go to sleep?
A. Normally, I guess, I'd go around and check all the doors and make sure they're locked and lock my bedroom door also. If Jacob comes home, he can knock to get in.
Q. And why do you do that?
A. Because I'm all by myself.
Q. And do you do anything else to try to stay safe?
A. I just lock the doors. We have -- that day,

before he left, he was basically telling me like, oh, well, there's a shotgun right here in the closet -- his closet. There was a shotgun in there. But it was right next to the door, so --

Q. Do you know how to use it?

A. I know how, but I wouldn't say I'm an expert on a shotgun.

Q. But you had a gun in the room, the door was locked?

A. Yeah. So he was like, oh, you're good. Nothing, you know --

Q. Then he left?

A. Yeah.

Q. What kind of car does he drive?

A. We had a blue 2000-something Chrysler 200.

Q. Would he have taken that car?

A. Yes. That was our only car.

Q. At that point, you went to sleep?

A. Yes.

Q. Do you recall something waking you up from your sleep?

A. Talon was barking a lot.

Q. Was that unusual?

A. That's very unusual. He's not a barking dog.

Q. Do you remember what you did when you started

hearing him bark?

A. When he first started barking, I looked out the window to see if Jacob's car was back, because maybe he had came home and was rattling and that's what made Talon, like, antsy. And I didn't see a car, but I -- like, it took a minute, because I just woke up, so I had to like adjust my eyes and everything like that. So --

Q. When you looked out -- you said you looked out your window?

A. Yeah.

Q. When you looked out there, would you describe it as being really dark?

A. There was -- there was a light pole that was not directly outside the window, but, like, off to the side. So it wasn't that dark. You could see.

Q. And did you see anything out that window?

A. No.

Q. Okay. And what was happening next? Is Talon still barking?

A. He was still barking, so I turned around to look at the door. And I seen lights underneath the door.

Q. Okay. And the lights were still off in your room?

A. Yes.
Q. What happened next?
A. I heard a one, two, three, and the door went flying and someone came in the room.
Q. What did you see when the door opened?
A. Two men came in the room. And I got down. And I saw a silver and black gun; I noticed that when they first came in the door. And they had flashlights, I'm assuming, on their phone, because it didn't look like a circle flashlight.
Q. So when they first came through, did -- can you -- could you tell a difference, just first looking at them, between the two men?
A. One was a little taller than the other; one was a little fatter than the other.
Q. And did you recognize either of these men?
A. No.
Q. Could you clearly see their faces when they came in?
A. I couldn't when they first came in, but after a while, I saw one of them.
Q. So you couldn't see faces, but you didn't -- there was nothing that you recognized about either of them?
A. Huh-uh.

Q. You know, the fatter guy and the taller guy?
A. Yeah.
Q. Did they say anything -- either of them say anything when they came in?
A. When they first came in, I was on the floor. And they were just asking, like, where the money was and drugs. They were looking for money and drugs.
Q. And what was going through your mind at this point?
A. I personally thought that they were going to kill me eventually because -- I don't know. I never been in a situation where my room door gets kicked in and there's men with guns putting a gun to my head. So I thought I was definitely going to die.
Q. So you're saying very calmly that they were asking for money or drugs?
A. No. They weren't calm.
Q. What did it sound like when they were talking to you?
A. It was more like, where's the money type of thing with the gun to my head. So...
Q. What did they tell you to do next?
A. They had me -- they told me get on the bed. And while I was on the bed, I was -- and the fatter one, the thicker one, he went to look out the window

to see, like, I guess, if somebody was outside. And when he looked out the window, I was like this on the bed. [Demonstrating].

Q. Uh-huh.

A. And I was looking at him from like this. [Demonstrating].

Q. How far is the window from your bed?

A. The window is right next to my bed.

Q. And what were you -- were you able to see anything?

A. He had on a sheer face covering, so I could see his face. I noticed first his eyebrows were really, like, bushy and thick. And he had the -- like, little mole markings on his face. And had a circle face. So I could see his face clearly from where I was on the bed.

Q. What happened next while you were looking at him?

A. They were looking through the room, throwing everything everywhere, dumping out baskets, going through our closets, knocking everything over.

Q. When you were on the bed and the fatter one is standing at the window, was there anything that you noticed about the thinner one?

A. I noticed that he had on a -- like a -- maybe

it wasn't a hoodie, but like a sweatshirt or something that he had over his face. And he was basically, like, holding it up. And he was smaller.

And their voices, one sounded older and one sounded younger; one had a little more rasp to it than the other.

Q. And did the thinner one say anything?

A. He said, Cuz, she looking at you.

Q. Did the fatter one react to that?

A. Yeah. He told me to put my head down.

Q. What happened next?

A. Next, while they were going through things, they found a -- like, a brown dildo in my closet. And threw it at me and told me to entertain myself.

Q. I'm showing you what's been marked as State's Exhibit 21. Do you recognize this picture?

A. Yes.

Q. What is that a picture of?

A. That's the dildo.

MS. WEISS: Your Honor, at this time, I'd move State's Exhibit 21 into evidence.

THE COURT: Any objection?

MR. WILLIAMS: No objection, Your Honor.

THE COURT: Without objection, so admitted.

(State's Exhibit No. 21 admitted into

evidence.)
BY MS. WEISS:
Q. Where is that located in the picture?
A. Next to the bed.
Q. Is that where you kept it?
A. No. It was in the closet.
Q. You said they were going through your closets.
A. Yeah.
Q. So were these like really deep closets or shallow?
A. They were kind of square, you know, kind of walk-in. It wasn't a huge closet, but they weren't super small either.
Q. And what types of things did you have in your closet?
A. I had a safe, some dog pads, some shoes. I didn't really hang up clothes though. I just put all my clothes in drawers. So --
Q. And was there something specific that was in your closet that they were interested in?
A. The safe. They asked me to open the safe.
Q. And what did you do?
A. I went to my -- they -- where they basically took me to, and my purse where the keys were to the safe.

Q. Did you open the safe?
A. Yes.
Q. What was in the safe?
A. Nothing. Just important papers that we would use if we wanted to go on vacation or anything like that.
Q. As they were going through, were they saying anything else about what they were looking for?
A. No. They just kept repeating money and drugs or whatever, basically saying that that's what they were there for.
Q. Did you have any money in your purse when you went over to it?
A. I had like 100-something dollars in my purse. And they said they didn't want my money; they wanted his money.
Q. Did they call him by name?
A. No. They said that nigga. They referred to him as that nigga.
Q. And what were you telling them?
A. I was explaining to them that, at the time, he did not work. I was the only person working at that time, so he didn't have any money; that whatever they were looking for, he didn't have. And they kept insisting.

Q. You said that they -- one of them -- who got the dildo out of your closet?
A. Yeah.
Q. Which one?
A. The fatter one.
Q. The fatter one. And what did he do with that?
A. He threw it at me and said entertain myself.
Q. Was it just sort of like a joke? An option?
A. No. He put the flashlight on me and basically watched.
Q. What did he say?
A. He just said -- he was like, entertain yourself. He threw it at me and he stood there and watched with the camera a little bit and then went back to going through the room.
Q. What happened next?
A. There were -- while they were looking through the room, the skinnier guy was lifting up the bed while I was on it, like lifting it to look underneath and between the mattress and the box springs.

And, I guess, after a while, he got frustrated. And he basically was like, if you don't come up with something, I'm going to -- like, I'm going to kill you. So I told him, after a long time of saying,

like, I don't know where anything is, basically, that we had money downstairs in two Buddha statues. They're gold Buddha statues.

Q. I'll show you what's been marked as State's Exhibit 15. Do you recognize this picture?

A. Yes.

Q. And what is that a picture of?

A. Gold Buddha statue.

Q. And is that the same type of Buddha statue that you have?

A. Yes.

Q. And where did you buy it?

A. Walmart.

Q. You said it was a piggybank. How would money --

MS. WEISS: Your Honor, at this time, I'd like to move Exhibit 15 --

MR. WILLIAMS: No objection.

THE COURT: Without objection, State's Exhibit 15 is in evidence.

(State's Exhibit No. 15 admitted into evidence.)

BY MS. WEISS:

Q. How would you put money into this piggybank?

A. In the back of it, there was a slit to put the

money in.
Q. And about how big were they?
A. They're about this big. [Demonstrating].
Q. How long had you had the Buddha statues?
A. We had just bought them maybe a few weeks prior because we were saving for a vacation. And I would just come home sometimes from work and put money into them.
Q. So you told them, okay, I've got money in the Buddha statues?
A. Yeah.
Q. And what happened next?
A. The fatter guy, he said, get some head or something while I go downstairs to get them. And the skinnier guy then came over to me and forced his penis into my mouth and made me give him head while the other guy went to look for the Buddha statues.
Q. You said made you give him head. How does he make you do that?
A. He was basically like ram -- like ramming it to the back of my throat and holding it there with his hand and -- so I couldn't breathe. Like -- it was like I was struggling to breathe. But he was like, if you don't tell us where the money is, I'm going to keep doing this over and over and over.

Q. What did you think at that point?
A. I just couldn't breathe.
Q. What happened next?
A. The guy came back with the Buddha statues and he, like, crushed them next to my head on the bed.
Q. So the other guy came back with the Buddha statues. You had two of them?
A. Yeah.
Q. And what did he crush them with?
A. He crushed them with the gun.
Q. Where did he crush them?
A. On the bed, right next to me.
Q. What did he do next?
A. He took all the money and put it in his pocket. And he said that there was more and I told him there wasn't any more. And he basically was saying, like, well, you lied about that, so there should -- you know, maybe you're lying about there being more money. And then --
Q. Why did they think there was money in your house?
A. Because they said that they saw a picture of that nigga, referring to my husband, they saw a picture of him on Snapchat with money. But he didn't have a Snapchat at that time. So --

Q. Do you know if he ever took a picture with money?
A. Probably.
Q. At some point?
A. Yeah.
Q. Okay. So they kept saying you lied about that, you might be lying about something else. So what did they do next?
A. They took me downstairs. The fatter guy was in the front, me in the middle, and then the taller, skinnier guy was in the back pulling my hair.
Q. As he was holding your hair -- how do you sleep with your hair?
A. That day, it was just kind of in, like, a ponytail situation. And he kind of was just holding it like this. [Demonstrating].
Q. Okay. And was he following you or were you going where -- how did you know where to go?
A. One was in front; the other one was behind me. So the front one kind of led where we were going. And he basically made sure that I was going that way.
Q. And how did he make sure of that?
A. By holding my head. And when we were upstairs, the chunkier asked him if he had the gun. So I

assumed that he had his gun, so I wasn't going to deviate from the path he was going.

Q. And, I'm sorry. You just pointed, but the court reporter can't get that.

A. Oh, I'm sorry. Behind me.

Q. The guy behind you?

A. Yeah.

Q. So the fatter guy asked the guy behind you if he had the gun?

A. Yeah.

Q. And what happened next?

A. We went into the kitchen area, and they continued looking through, like, cabinets, refrigerator, stuff like that. I could see -- it looked like to me they had been in the house for a while because the sectional couch was -- they lifted half of it and put it up against the door. And then the other half was, you know, where it was usually. And they directed me to the kitchen where they went through stuff.

Q. Where did they direct you to?

A. The kitchen table. Then they had me put my head down while they went through stuff and basically was like, there has to be more money in here somewhere.

Q. Showing you what's been marked State's Exhibit 35, is this the table you're referring to?
A. Yes.
Q. Can you identify this photo?
A. That's the kitchen area and those are the stairs that they went down.
MS. WEISS: Your Honor, at this time, I'd introduce State's Exhibit 35 into evidence.
MR. WILLIAMS: Without objection, Your Honor.
THE COURT: Without objection, so admitted.
(State's Exhibit No. 35 admitted into evidence.)
BY MS. WEISS:
Q. So you said they took you downstairs and they made you lay your head down on the table?
A. Yeah.
Q. Was this basically how the table was when you laid your head down?
A. Yeah. Yeah. They cleared it off.
Q. And which direction were you laying on the table?
A. On the side where there's nothing there. They had me across the corner.
Q. What were you thinking at this point?
A. Well, I sleep naked and I'm a girl, so I

figured they were going to rape me at that point.
Q. Why is that?
A. Because I'm a girl and I'm naked. And, right now, they have all the power.
Q. At any point, did you stand up away from the table or was there somebody standing there with you? How --
A. While they were going through the kitchen, one was standing kind of next to me but not really, I guess, and the other one was doing most of the searching.
Q. Did you feel like you could get up and run out the door?
A. No.
Q. Why not?
A. They had a gun.
Q. Was there anything in front of the front door?
A. In front of the front door was the chair.
Q. And what happened next?
A. The skinnier guy said, she said there's no more money, like, so we should just go. And the other guy basically was like, no, we're not done yet, and told him to get behind me and rape me, basically.
Q. I know you just said basically. If you could, tell the jury, what did he specifically tell him?

A. He told him to basically get behind me and he would get in front and they would have sex with me.
Q. Okay. And what did you say?
A. I told him -- I said that I had a yeast infection. And the skinnier guy used his camera or -- not camera, but his flashlight, and went down and looked. And he said, I don't see anything.
Q. What did you do?
A. I took my fingers and I put them up there and I pulled them out because I had just put Monistat. And so you could see it, and I was like, you see; I do; I'm not lying.
Q. Why did you do that? What were you thinking then?
A. I figured they would think I was nasty. I mean, with female things, men think girls are nasty. They think periods and stuff are nasty. So I assumed that they'd think I was nasty and not want to do it.
Q. And did they say anything at that point?
A. He said to just go anal with it.
Q. Did you say anything?
A. I said no. And I was trying to, like, wiggle, but he just forced it anyway.
Q. What happened next?

A. The slim guy was behind me doing that. And the thicker guy got in front and made me give him head at the same time. And they switched places over and over until they came in my mouth.

Q. Did either of them say anything during that time?

A. The thicker guy said that -- he said, oh, she is good at this. He was like, oh, you were right; she is good at this. So I'm assuming that the skinnier guy told him at some point that, oh, she's good at giving head or something like that. He said, oh, she is good at this. And he also said, this feels like a porn, doesn't it; two guys break into your house and have sex with you; it's just like a porno.

Q. When the skinnier guy forced anal, what was your -- do you remember your physical reaction to that?

A. It felt like knives. Like, it was very painful.

Q. And do you recall if you were reacting to that?

A. I was like -- like whimpering, kind of, like whimpering. And they told me to shut up.

Q. At what point did this stop?

A. Once they both came in my mouth, it stopped.

And they cleaned themselves off with the Awesome that I had on the counter and the paper towels.
Q. I'm going to show you State's Exhibit 18. Do you recognize this photo?
A. Yes.
Q. What is that a picture of?
A. There's the stove, the cabinet, the trash can, and the Awesome bottle on the floor.
Q. Okay.
MS. WEISS: Your Honor, at this time, I'd move to admit State's Exhibit 18.
MR. WILLIAMS: No objection, Your Honor.
THE COURT: Without objection, State's Exhibit 18 is admitted.
(State's Exhibit No. 18 admitted into evidence.)
BY MS. WEISS:
Q. Is that the bottle you're referring to?
A. Yes.
Q. What is that?
A. Awesome.
Q. And what is it?
A. It's a cleaner that we used whenever the dog would mess on the floor instead of his pads. We would clean it up with that.

Q. And where was that usually kept?
A. On the kitchen counter.
Q. How did it get on the kitchen floor?
A. They used it to clean themselves up. And, I guess, they just left it there.
Q. So they used the cleaner and what else?
A. And paper towels.
Q. So they were cleaning themselves up. Did they do anything -- give you anything to clean yourself?
A. He came to give me --
Q. You said he.
A. The chunkier one came to give me a napkin and told me to spit into the napkin. But he told me to swallow it before that, so I had already swallowed it.
Q. Did you spit anything into the napkin?
A. No. I had spit into my hand. And then -- because I was trying to save it for maybe evidence or something after the fact. So I spit it into my hand and when he came around I thought he was coming to check, like, make me sit up and, you know, check, so I put it back and swallowed it.
Q. When you say napkin, is that separate from the paper towels?
A. No. It's paper towels.

Q. Paper towels.

After they cleaned themselves off with the paper towels, did they say or do anything?

A. The fat one said, we're not going to kill you; I'm going to take your phone, basically because they took my phone upstairs. So he basically said that he was going to throw the phone somewhere outside and not to come outside after they leave for a few minutes and -- or they were going to shoot me.

Q. And then what happened?

A. So they left. And I heard them, I guess, throw the phone back. You could hear it hit something. And I waited there for a while. I thought about going to get my phone. But I had, like, a panic attack, so I just grabbed some clothes off the floor from the laundry, and I went out -- I moved the chair from in front of the front door, went out the front door, and tried to go to my neighbor's house that was connected to mine.

Q. And then what happened?

A. He didn't answer the door. So I went across the street to another neighbor's house and rang his doorbell and tried to get him to let me in also.

Q. Did they let you in?

A. No. He actually called the cops on me.

Q. What happened after he called the cops?
A. He told me he was going to call the police. I said, let me in anyway, and I kept ringing the doorbell. I hid behind the rocking chair. And when the cop came, I ran out to the cop car.
Q. Do you remember what clothes you had?
A. I had on a brown and black striped skirt and my husband's gray jacket.
Q. And do you remember -- have you had an opportunity to look at the video of when the officer first got there?
A. Huh?
Q. The video of when you first met up with the officer.
A. I don't think so. Did I?
Q. The first officer that arrived on scene, where did he go?
A. He came to me in the neighbor's parking lot -- well, his driveway.
Q. Okay. And what happened then?
A. I asked him -- I told him that I needed to get my phone and I told him they said they threw it in the back and that I needed to get it to call my husband. But he told me that I couldn't go back over there because he didn't know if they were still

there.

And I was telling him that I knew that they left, so, like, I need to get my phone to call my husband. And he wouldn't let me.

MR. WILLIAMS: Your Honor, we have a matter of law to take up outside of the presence of the jury.

THE COURT: Would y'all approach, please?

(Sidebar conference.)

THE COURT: Ladies and gentlemen, I have to ask you to step to your jury room for a minute. Don't discuss the case. I'll have you back out here as quickly as I can. Okay?

(The jury exits the courtroom at 2:29 PM.)

THE COURT: All right. Ms. Weiss -- well, state your objection on the record.

MR. WILLIAMS: Your Honor, my objection was there wasn't a proper foundation to publish the video in front of the jury. The witness had already indicated that she didn't recall looking at the video. Ms. Weiss was indicating that she was going to show her a few frames of it to see if she recognized it.

I object to that because it's -- obviously, it's either leading or coaching a witness or what have you. It's an improper way to allow the

evidence to be published in front of the jury.

THE COURT: Would you agree with me that she certainly could show it to her now outside of the presence of the jury to see if she recognizes it? What's the difference in, you know, the statement for example, her handing up a statement that maybe she wrote since she doesn't remember it or recognize it, handing it to the witness on the stand and her saying, yes, I remember that statement now.

MR. WILLIAMS: Because she can't -- unless she's going to view the entire video and she's going to say, after viewing the entire video, that this is an accurate representation of what occurred and what -- I mean, there's still got to be some sort of foundation other than saying that's me on the video. It's still not a reflection as to the authenticity of the video.

THE COURT: And I don't disagree with you on that.

How long is the video?

MS. WEISS: The entire video is 20 minutes.

THE COURT: Well, after she sees the first portion of it --

MR. WILLIAMS: I would assume she's -- I would assume she's only going to testify that the first 20

minutes of this video appears to be authentic and appears to be what transpired on that particular night.

MS. WEISS: That is correct.

THE COURT: All right. I'm going to let her play it right now.

MR. WILLIAMS: Okay.

(Video played.)

IN-CAMERA EXAMINATION

BY MS. WEISS:

Q. M.C., does this video look familiar?

A. It looks like the video you showed me a couple weeks ago maybe.

Q. Okay. And what was that a video of?

A. The officer, whenever he got to me, from his cam.

Q. Okay. And was that an accurate depiction of you the night of July 28th, 2017?

A. Yes.

Q. In the early morning.

And how would you describe how you were feeling at that moment?

A. I was crying and trying to talk through my cries very much.

MS. WEISS: Your Honor, at this point, I would

move -- obviously need to do it again in front of the jury. But I'd move to enter State's Exhibit 50, as to this video, into evidence.

MR. WILLIAMS: I still say she hasn't affirmatively stated the proper foundation for that video.

THE COURT: Anything in response?

MS. WEISS: Your Honor, she's indicated that she now does remember the video. She remembers the video of her that night. She was upset. I know this isn't a hearsay objection, but this is excited utterance, the State would maintain, from that night. It accurately depicts the way that she looked. It actually accurately depicts the night. And it's her.

So I would say that this is important for the jury to understand what happened -- her emotional state that night, as well as to see the best pictures we have of what she was wearing at the time and her communication at the time, considering this was several years ago. And she's here, subject to cross-examination, if there's any questions.

MR. WILLIAMS: I have nothing further to say on the issue, Your Honor.

THE COURT: Well, I think the State, at this

point, from the very first frame, I mean, it's not played any further, that the witness has testified that she recalls seeing it a couple weeks ago. It's a fair and accurate depiction of how she was on the night of the incident.

MR. WILLIAMS: I don't even see her on the first frame, Your Honor.

THE COURT: Well, I mean, she recognizes the video from the first frame. You're right; she's not on there right now. And you were certainly right, Mr. Williams, to object to putting anything up there on the video screen in front of the jury without something further.

And, having said you were right about that, I mean, Ms. Weiss proposed at sidebar here about putting it on a laptop and letting her see it, which very well could have taken place as well. But, as a matter of caution, I sent the jury out just, again, as a matter of precaution at that point. And that's why I did that. Okay? But I'll note your objection for the record.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: All right. Since the jury is out, do you want to take a short break? Let's take a break.

M.C. I'm going to let you step down for a minute while we take a break. But you're not allowed to discuss your testimony with anyone. Okay? You understand? I see you shaking your head yes, but I need a verbal response. Okay?

THE WITNESS: Yes, Judge.

THE COURT: Now, when we come back in, I'll call you back up here and you'll be seated in that chair just like you were when the jury left. Okay?

THE WITNESS: Yes, Judge.

THE COURT: Do not discuss your testimony. You can step down.

All right. We'll stand down just a few minutes.

(Brief recess.)

THE COURT: All right. M.C., you want to come back up, please, ma'am?

All right. Anything from the State before I bring the jury back?

MS. WEISS: No, Your Honor.

THE COURT: I think you need to take that down, because it's not entered into evidence yet.

MS. WEISS: Okay. I was a little nervous about how to do that. I'll figure that out.

THE COURT: All right.

Mr. Williams, anything before I bring the jury back?

MR. WILLIAMS: No, Your Honor.

THE COURT: All right. Bring the jury in, please.

Let me remind the witnesses, when you-all are on the witness stand -- and please advise your witnesses who are sequestered right now -- make sure you speak into that microphone. I have a hard time hearing sometimes. That vent up there over your head, over my court reporter down there -- she probably has a hard hearing me at times because I'm somewhat soft spoken, unless I intentionally raise my voice. So just make sure everyone can hear. Okay?

MS. WEISS: M.C., any time you slide to the left or right of that microphone, it goes very, very soft. So as long as you're talking into it, it's perfectly clear. I think the court reporter would agree, it's just if you turn your head at all, it goes off.

THE BAILIFF: Are you ready, Judge?

THE COURT: Yes, ma'am.

(The jury enters the courtroom at 2:51 PM.)

THE COURT: All right. We have all the jurors

back. I took it upon myself to let you take a lengthier break than you needed since it was between 2:30 and 3:00. I know you took a short break earlier. But I appreciate your patience. We have all the jurors back in here and we're ready to proceed at this time.

Ms. Weiss, you may continue.

MS. WEISS: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION

BY MS. WEISS:

Q. M.C., are you familiar with the video marked State's Exhibit 50 from the night of the incident?

A. Yes, ma'am.

Q. And what is that a video of?

A. It's a video of the first officer who showed up. It's his vest cam.

Q. What does the video show?

A. It's when I was, like, distraught and trying to explain to him where -- like, what happened and that I needed to get my cell phone.

Q. And does that video accurately depict you when that first officer arrived on --

A. Yes, ma'am.

Q. -- early morning of July 28, 2017?

A. Yes, ma'am.

Q. Okay.

MS. WEISS: Your Honor, at this time, I'd like to admit State's Exhibit 50 into evidence.

MR. WILLIAMS: Subject to all prior motions, Your Honor.

THE COURT: The Court's ruling remains the same. Over defendant's objection. Objection is so noted for the record.

(State's Exhibit No. 50 admitted into evidence.)

(State's Exhibit No. 50 played for his Honor and the jury.)

MS. WEISS: Sorry, Your Honor. I'm trying to get it louder.

BY MS. WEISS:

Q. M.C., where the pointer is right here, what is that?

A. That's where I was staying, my house.

(Brief pause in the proceedings.)

THE CLERK: Their IT is coming up from the third floor with it. He'll be here in just a second, Your Honor.

THE COURT: Thank you.

Can the lawyers approach a minute, please?

(Sidebar conference.)

(Video played for his Honor and the jury.)

BY MS. WEISS:

Q. M.C., at that point, where did you go from standing outside?

A. I sat in the cop car for little bit. And then an ambulance came, and they put me in the back of the ambulance.

Q. Did you have a chance to go back into your apartment before you went to the hospital?

A. No.

Q. I'm going to show you what's been marked as State's Exhibits 17 through 48, except for 21 that's already been entered into evidence.

Do you recognize those photos?

A. Yes, ma'am.

Q. Speak in the microphone.

A. Yes, ma'am.

Q. What do you recognize them as?

A. The inside of the house and the trash can.

Q. Do those photos accurately depict the way that your house looked --

A. No.

Q. -- after --

A. Well, yes.

Q. -- after the two men left your house and after

you left your house that night?
A. Yes, ma'am.
Q. Do those photos reflect what your house looked like when you got home from work that night?
A. No, ma'am.
MS. WEISS: Your Honor, I'd move State's Exhibits 17 through 48 into evidence.
MR. WILLIAMS: Without objection, Your Honor.
THE COURT: Without objection, so admitted.
(State's Exhibit Nos. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 into evidence.)
BY MS. WEISS:
Q. What kind of phone did you have?
A. A Galaxy.
Q. Did it have a case on it?
A. Yeah, a pink, sparkly case.
Q. I'll show you State's Exhibit 17. Do you recognize anything in that trash can?
A. My cell phone.
Q. That's your cell phone?
And what type of trash can is that?
A. It's the city trash can that they come by and empty.

Q. What is that a picture of?
A. The townhouse.
Q. Okay. How many residences are in that duplex?
THE COURT: What exhibit is that?
MS. WEISS: I'm sorry. Exhibit 48.
THE COURT: Thank you.
A. On one side, there's an older black gentleman, and then, in mine, just me and Jacob.
Q. And from this direction, is yours the one on the right or the left?
A. On the right.
Q. Okay. So the mailbox that I'm pointing to here, that's --
A. That's the neighbor's mailbox.
Q. Okay. And then yours would have been the next one down?
A. Yes.
Q. State's Exhibit 47, what is that a photo of?
A. My mailbox and our car.
Q. Okay. All right. So what was your address?
A. [redacted] F Avenue.
Q. And you said that was your car. How would you describe the car?
A. It was pretty new and blue. And it had rims on it.

Q. And that was the car Jacob was driving that night?
A. Yes, ma'am.
Q. So when he came back -- when did you see Jacob again?
A. He pulled up outside and came straight to the ambulance where I was.
Q. Okay. And so he came in the ambulance with you?
A. Yeah.
Q. And -- so he pulled right into his spot?
A. No. I think they let him move his car there --
Q. Okay.
A. -- because there was a lot of cop cars.
Q. But that is his parking spot that's in there?
A. Yeah.
Q. State's Exhibit 46, what is that a photo of?
A. My front door and the car.
Q. In this photo, things are fairly well lit. Would you say that that accurately depicts the way it was at the time?
A. Yes, ma'am.
Q. State's Exhibit 45, what is that a photo of?
A. The back door, the sliding door, and the trash can.

Q. And is that your back porch?
A. Yes, ma'am.
Q. And what's that window up there?
A. The window to the white room.
Q. Okay. State's Exhibit 44, what is that a picture of?
A. The A/C and the back door.
Q. State's Exhibit 43, what is that a photo of?
A. The back door again.
Q. State's Exhibit 42 -- actually, I'm going to show you State's Exhibit 41 first. What is that a photo of?
A. The door hinge for the back door.
Q. Is that the way the door hinge was when you got home that night?
A. No, ma'am.
Q. And how do you know that?
A. Because I went to lock the door. And our landlord was very particular about how she liked things, so everything was always nice.
Q. Was this the way that you found it when you came back to your apartment?
A. Yes, ma'am.
Q. State's Exhibit 42, what is that a photo of?
A. When you enter the back door, that's a picture

of the laundry room.
Q. And is there anything that sticks out to you as unusual about the laundry room when you're looking at it now?
A. There's stuff everywhere.
Q. Okay. Were there things typically laying on the ground there?
A. We had a basket that we put our clothes in, so, no.
Q. What is this right here?
A. That's a kitchen closet.
Q. What's coming out of there?
A. A lot of other stuff that's normally put up in my closet.
Q. State's Exhibit 40, what is this?
A. The laundry room.
Q. Okay. And is the anything unusual about this picture?
A. All the stuff being all over the floor and the door being open to the dryer.
Q. Was it typical for you or Jacob to leave the door open to the dryer?
A. No.
Q. State's Exhibit 39, what is this is a photo of?
A. Cabinets above the washer and dryer.

Q. What's unusual about these?
A. They're open.
Q. Would you typically make sure and close them?
A. Yes, ma'am.
Q. State's Exhibit 38, where is this?
A. The laundry room.
Q. Okay. What's unusual about this photo?
A. Whatever that is, is open and torn apart.
Q. That's not something -- you would go in that room fairly regularly?
A. Yeah.
Q. Is that a way that you've ever seen it?
A. No.
Q. State's Exhibit 37, what is this?
A. The kitchen. And Talon.
Q. What's unusual about the kitchen?
A. All the cabinets are open and the bottom of the stove, and then trash, to top it off.
Q. We talked about this earlier. What is that?
A. The Awesome bottle.
Q. Where is that normally kept?
A. Normally on the right side of the stove.
Q. So right there? [Indicating].
A. Yes, ma'am.
Q. Any chance Jacob went through and opened these

cabinets before he left?
A. No.
Q. And even after he left, you walked back through the house to lock everything?
A. Yes, ma'am.
Q. State's Exhibit 36, what's unusual about this photo?
A. The chairs are all pulled out and everywhere. The top to the trash can is, is open. And everything was open.
Q. State's Exhibit 34, just another angle of what we've look at. Do you notice anything that we haven't talked about in this photo?
A. Nothing, besides there's a nap- -- a paper towel on the table. And the box that's open is where we were returning DIRECTV equipment, and that's open and thrown out, too.
Q. Okay. How was that?
A. It was closed.
Q. Because you were sending it back?
A. Yes.
Q. State's Exhibit 33, what is this a photo of?
A. The living room.
Q. And what's unusual about this?
A. The chair is put, you know, on its back. It

was pushed up against the door, but I moved it over.
Q. Okay. State's Exhibit 32, what's unusual about this photo.
A. The mini fridge is open; the top is taken off of the ottoman; and the chair cushions are on the floor.
Q. Okay. And what are these right here?
A. Those are black pug statues.
Q. State's Exhibit 31, where does this door lead?
A. That's Jacob's bathroom door.
Q. That's the room we talked about as being the room under the stairs?
A. Yes, ma'am.
Q. State's Exhibit 30, what is this a photo of?
A. The inside of his bathroom.
Q. And is there anything unusual about this?
A. The vent to the air is bent on the floor like somebody had to pry it off, and the top is off of the toilet.
Q. And is the there any reason that you or Jacob would have done this?
A. No.
Q. State's Exhibit 29, what is that?
A. I'm assuming that's where the air thing was --
Q. So --

A. -- that was taken off.
Q. Back on State's Exhibit 30, you said the vent thing was bent like someone had pried it off.
A. Yes.
Q. Where was it normally located?
A. Above the toilet.
Q. State's Exhibit 28, what are these? Just your stairs?
A. Yes, ma'am.
Q. State's Exhibit 27, what's at the top -- is this at the top of the stairs?
A. Yes, ma'am.
Q. And what's unusual about this photo?
A. The bathroom bottom cabinet is open.
Q. Okay. And that's your bathroom. Would you have left that open?
A. No, ma'am.
Q. Are you sure about that?
A. Yes.
Q. State's Exhibit 26, what is this a photo of?
A. The white room.
Q. Okay. What's unusual about this photo?
A. The dresser is knocked over and the bed is up off of where it's supposed to be.
Q. And looks like someone had been there with

those drinks. Would anybody use that bed?
A. Jacob watches his TV in there when I don't want to watch his shows.
Q. Okay. Is there any chance that Jacob left the room looking like that?
A. No.
Q. State's Exhibit 25, what is this a photo of?
A. The bed and dresser opened and moved to the side.
Q. Okay. State's Exhibit 24, what is that a photo of?
A. The entrance to our bedroom.
Q. And is that how -- did you have to step over those things to get into your bedroom?
A. No. They're usually in that blue basket that's laying on the floor right there.
Q. Did you dump those out?
A. No.
Q. Exhibit 23, what is that a photo of?
A. The bedroom. The dressers are open; the dog's cage is moved over; the box for his -- what was it? It's not a RipStik. It's a -- the Hoverboard is moved; the bed is lifted; and the broken glass from the Buddha statues; and the dildo over there in the corner.

Q. The broken glass, how about that?
A. Yes.
Q. State's Exhibit 22, what is that a photo of?
A. That's both of our closets; mine is on the left and his is on the right. And all of his stuff is kind of out on the floor, and mine also.
Q. State's Exhibit 20?
A. That's the safe.
Q. What's behind the safe?
A. My pink rifle.
Q. And --
A. And bunch of dog stuff and shoes.
Q. And that's where the safe was left?
A. Yes.
Q. After you opened it?
A. Yes, ma'am.
Q. And State's Exhibit 19, what is that a photo of?
A. My bedroom door, the lock part is missing. And Talon.
Q. And is that how your bedroom door was when you got home that night from work?
A. No, ma'am.
Q. How do you know that?
A. Because I locked it. And there's no lock now

in that picture.
Q. State's Exhibit 18, this is back down in the kitchen. We talked about that. What is that?
A. The Awesome bottle.
Q. And the drawer open and all of that. Did you or Jacob do that?
A. No, ma'am.
Q. Did you walk through here before you went to sleep?
A. Yes, ma'am.
Q. So once you got in the ambulance, where did they take you?
A. Lexington Medical Center.
Q. What happened -- who went with you into Lexington Medical Center?
A. Jacob did.
Q. Did anyone else walk in with you?
A. I think his dad was there also, but I'm not sure if he came in with us or where he came in at.
Q. What happened while you were at the hospital?
A. When I first got there, they had me in a hallway originally. And then they moved me to a room, and they did a rape kit.
Q. What does the rape kit involve?
A. They lift your legs up, and they swab inside

your vagina and swab around your butt hole. And they swabbed around this boob and inside my mouth and my hands and different parts of my body. And they had me retell the story a few times to them.

Q. Were you discharged from the hospital or able to let -- able to go home at some point later that morning?

A. I was able to go home the next morning. And I went by work to tell them basically what happened and that I wouldn't be back for a while. And I went to Jacob's dad's house.

Q. Okay. And what did you do after you went to Jacob's dad's house?

A. I went into the -- into the room and sat there for a while. And then we went to the police station.

Q. Why did you go to the police station?

A. They told me to come make a statement.

Q. When you went to the police station, who did you speak with?

A. Two investigators, I think.

Q. Okay. And you -- did you speak with them about what had happened?

A. Yes.

Q. And what did you do next?

A. I wrote my statement. And they asked me a few questions, and then they asked Jacob a few questions, and then they let me go home.

Q. You said that you saw the gun that night when the two men came into the room. What do you remember about that gun?

A. I remember that the top was silver and the bottom was black.

Q. Did the officers give you a lineup to try to pick out what the gun might have looked like?

A. (Nonverbal response).

THE COURT: Is that a yes?

THE WITNESS: Yes.

BY MS. WEISS:

Q. I'm going to show you State's Exhibit 52. Do you recognize this?

A. Yes, ma'am.

Q. What was that?

A. The lineup of the guns that they showed me.

Q. Okay.

MS. WEISS: Your Honor, at this time, I'd like to enter State's Exhibit 52 into evidence.

MR. WILLIAMS: I have no objection to that, Your Honor.

THE COURT: Without objection, so admitted.

(State's Exhibit No. 52 admitted into evidence.)

BY MS. WEISS:

Q. And when you looked at this example, were you -- how were you able to pick out one of these guns from the other?

A. We spend a lot of stuff at armories and gun stores. So I could tell that it was square and the top was -- it was square instead of the circular shape like the guns. And the top was silver and the bottom was black like a pistol.

Q. Okay. And what is that?

A. My initials.

Q. And whose handwriting is that in?

A. Mine.

Q. Did you write your initials and the date?

A. Yes, ma'am.

Q. What's at the bottom?

A. My signature and the date.

Q. Once you left the police station that day, where did you go from there?

A. We went back to the house and cleaned everything up and sold all of our stuff because we had to move, and we went to my dad's.

Q. Okay. And, at some point, did you go back to

the police station?

A. Yes.

Q. And when was that?

A. A few days later they called me to do a photo lineup.

Q. I'll show you what's been marked as State's Exhibit 51. Do you recognize this?

A. Yes, ma'am.

Q. What is this?

A. The photo lineup that they showed me.

Q. Okay. And were you able to pick anybody out of the photo lineup?

A. Yes, ma'am.

Q. The person that you were able to pick out, was it the fatter guy or the thinner guy?

A. The fatter guy.

Q. Your Honor, at this time, I'd like to move State's Exhibit 51 into evidence.

MR. WILLIAMS: Your Honor, I think I do have an objection to that coming in at this time, unless they have someone who can tell how that lineup was prepared, whether or not it was suggestive in any way, and all those other matters.

THE COURT: Let me see it.

Y'all approach a minute.

(Sidebar conference.)

THE COURT: All right. Over Defendant's objection, I'm going to admit State's Exhibit 51.

(State's Exhibit No. 51 admitted into evidence.)

BY MS. WEISS:

Q. When you went to the police station for the second time, you said they said they wanted to show you a photo lineup. Did they give you this form?

A. Yes, ma'am.

Q. And are these the instructions that they gave to you?

A. Yes, ma'am.

Q. And did they make it clear that you -- just to look at them and you may or may not be able to identify anybody?

A. They said, we have someone that we like for this, but we just want you to look at the pictures and let me know if you see anybody that you recognize.

Q. And what time of day was that?

A. According to the paper, it was 4:49.

Q. Are these the pictures you were shown?

A. Yes, ma'am.

Q. Were you able to pick somebody out?

A. Yes, ma'am.
Q. Which one was that?
A. The one that I circled. He had -- that was him.
Q. Okay. And are those your initials?
A. Yes, ma'am.
Q. And you put them there?
A. Yes, ma'am.
Q. And this side, photograph 3 -- this corresponds with photograph 3. And whose signature is at the bottom?
A. Mine.
Q. And did you date it as well?
A. Yes, ma'am.
Q. Was there any question in your mind about which photo was the right photo?
A. No, ma'am.
Q. I'm going to show you what's been marked as State's Exhibit 16. Do you recognize that picture?
A. Yes, ma'am.
Q. What is that a picture of?
A. The gun.
MS. WEISS: Your Honor, at this time, I'd like to admit State's Exhibit 16 into evidence.
MR. WILLIAMS: Could we have a sidebar, Your

Honor?

(Sidebar conference.)

MR. WILLIAMS: Thank you, Your Honor.

BY MS. WEISS:

Q. M.C., just to be clear, does this look like the same gun that you described and picked out of the photo lineup?

A. Yes, ma'am.

MS. WEISS: Your Honor, at this time I'd like to enter State's Exhibit 16 into evidence.

MR. WILLIAMS: No objection to the picture, Your Honor.

THE COURT: Without objection, so admitted.

(State's Exhibit No. 16 admitted into evidence.)

BY MS. WEISS:

Q. M.C., did you know either of the men that came into your home that night?

A. No, ma'am.

Q. Did you recognize the voices of either of the men that came into your home that night?

A. Yes, ma'am, I did.

Q. No. Did you when they came into your house?

A. Oh, when they came in? No, ma'am.

Q. Were you able to distinguish between their two

voices?
A. Yes.
Q. Was there -- were you able to pick out anybody else by face that -- the second person, the skinnier guy that night?
A. No, I wasn't.
Q. Or were you able to see his face that night?
A. No.
Q. What did you remember about the second person?
A. I remember the way his voice sounded, what his frame looked like, and that's about it -- and what he had on.
Q. Okay. What did he have on?
A. He had on white shoes and a dark-colored jacket that had a hood to it.
Q. Was there some point when you heard that voice again?
A. Not too long later, at bond court.
MR. WILLIAMS: Your Honor, I have a matter of law to take up with the Court outside of the presence of the jury.
THE COURT: Ladies and gentlemen of the jury, I'm going to have to ask you to step back to your jury room. Don't discuss the case. We'll have you back out here as soon as possible.

(The jury exits the courtroom at 3:53 PM.)

MR. WILLIAMS: The objection goes to the identification of my client as being in bond court and saying that her voice -- that she recognized the voice from that day, because there was no type of test, no type of procedure that was done to see whether it sounded like this person versus another person. She put his character at issue by saying he's been arrested. We know he's been arrested. But --

THE COURT: And in part of my charge, I tell the jury that the fact that he's been arrested, charged, and indicted is not evidence in the case -- not evidence of guilt in the case. So, I mean, I'm not sure where --

MR. WILLIAMS: Well, if she had testified that -- she can't today probably say that it's his voice. It may sound like his voice.

THE COURT: Well, under Rule 901, Rule 901, which goes to authentication, she may be able to authenticate it, based upon her hearing his voice there in court. I think under 901 -- 901, subsection 5 --

MR. WILLIAMS: All right, sir.

THE COURT: Excuse me, 901(b)(5) talks about

voice identification: Identification of a voice, whether heard first-hand or through mechanical or electronic transmission or recording by opinion based upon hearing the voice at any time under circumstances connecting it with the alleged speaker.

MR. WILLIAMS: Yes, sir. You're correct on what you're reading.

THE COURT: And I think she can -- she testified that she can differentiate between the two voices while they were in her house; that she could not pick out a photo lineup of your client --

MR. WILLIAMS: Right.

THE COURT: -- and the next question that went along was, did he have an opportunity to further hear what she believed to be the voice of the other person that was there in bond court. I understand your concern there, but that's -- reality of it is, which I will charge the jury, you know, the fact that he was arrested, charged, and indicted is not evidence of guilt in this case.

I mean, I think she can certainly authenticate it in that fashion, pursuant to Rule 901(b)(5).

MR. WILLIAMS: All right, sir.

THE COURT: Would you disagree with me? And,

listen, I may be wrong. But that's the way I'm reading the rule right there.

MR. WILLIAMS: I think that's exactly what that rule says, Judge.

MS. WEISS: Your Honor, before the jury comes I said in, so that we don't end up with another objection, just to proffer, the next question --

THE COURT: Okay.

MS. WEISS: -- would be: Can you identify anybody in this courtroom that that voice belonged to? And --

MR. WILLIAMS: Well, I don't think there's a foundation for that question --

THE COURT: Well --

MR. WILLIAMS: -- because all she said was that she heard. She hasn't -- she hasn't testified that she's heard him speak in the courtroom.

THE COURT: Well, she can testify to that, if she, in fact, heard it in the courtroom. And if she heard it in the courtroom, can you identify the person that that voice came from? And then she can identify your client.

MR. WILLIAMS: That would be accurate, Your Honor, if she says that.

THE COURT: Yes, sir.

MS. WEISS: Thank you, Your Honor.

THE COURT: All right. Do y'all need to take a break?

MR. WILLIAMS: I'm good, Judge.

MS. WEISS: Your Honor, if you would like to take a break --

THE COURT: Well, my court reporter may need a break, so we're going to stand down for a minute.

M.C. again, I'm going to let you stand down. The instructions remain the same: Do not discuss your testimony at all. Okay? When we come back, we'll get you back up here and bring the jury back up, and we'll continue. Okay?

THE WITNESS: Yes, Judge.

THE COURT: All right. Thank you.

We'll stand down just a minute.

(Brief recess.)

THE COURT: M.C., you can come back up here please, ma'am.

Anything from the State before we bring the jury back in?

MS. WEISS: No, sir, Your Honor.

THE COURT: Well, let me say this. Let me -- was it Exhibit 51 --

MS. WEISS: Yes, Your Honor.

THE COURT: -- that the defendant objected to, which was the photo lineup --

MS. WEISS: Yes, Your Honor.

THE COURT: State's Exhibit No. 51 was a photo lineup identified by M.C. when she was on the stand. Defense counsel objected to the introduction of this particular exhibit, specifically stating, if I recall correctly, that there was no foundation or any testimony as to how it was put together, whether or not the photo lineup was suggestive in any manner. Did I leave anything out?

MR. WILLIAMS: No, sir. I think you're correct. And I think Your Honor -- Your Honor, I guess, would put on the record why you --

THE COURT: Well, and what I did at that time and the time of the objection, called the attorneys at sidebar and specifically told Mr. Williams that I wasn't -- didn't think he had standing to object to it because it didn't relate to his client.

And, therefore in my looking at the photo lineup, regardless, obviously, there's bee no testimony as to how it was put together, et cetera; it's a photo lineup that included the co-defendant in this matter, Craig Corey Cooper, who is not on trial here.

And -- but regardless of how it was put together, the Court has looked at it, and looked at it before, I allowed it to come into evidence over objection and did not believe that it was, in any way, unduly suggestive.

It shows what appear to be six light-skin African-American males, same or similar, each of which had little to absolutely no hair on their head, and all the same or similar type of facial hair: Goatee look around the mouth, which is a picture in and of itself as self-descriptive, so to speak.

But, again, I didn't think that, at this juncture, Mr. Williams didn't have standing to object on those particular grounds and, therefore, I admitted it into evidence over defense counsel's objection.

Having said that, anything you wish to add?

MR. WILLIAMS: Yes, Your Honor. As I articulated at the sidebar, I articulated that there was a Supreme Court case, I believe, or the case dealing with rental -- persons who had a rental vehicle --

THE COURT: Yeah.

MR. WILLIAMS: -- where, for a long time,

people indicated that they didn't have standing to contest a search of those items that were found in the car. And now there's at least one Supreme Court case that they do have the right to object to that, and I think the theory is the same.

And if the item used to go into evidence has to do with authenticity of the photograph, then, Your Honor, I would suggest that the witness is not the proper person to say that the lineup was properly put together. And, obviously, we can't say it was properly put together, because there's been no testimony as to how it's been put together.

THE COURT: Well -- and she certainly is not in a position, nor did she testify that it was properly put together, so to speak.

And I think this is certainly a different scenario from the Supreme Court case or cases you've referenced with regards to a car rental wherein, in the past, those individuals didn't have standing to object to a search. And this Court, being me, I can certainly see the difference in that versus this.

In the rental car scenario, those individuals have dominion and control over the automobile. Although it was not rented in their name, they still had dominion and control over the car. And I think

that's some of what -- the reasoning in the Supreme Court's finding that individuals that actually didn't rent the car could still object to it because they did have dominion and control over the automobile in those scenarios.

And I may be off base on that. But I think that would differentiate the rental car analogy versus what we're dealing with here today. And she testified that while -- what she deemed the fatter individual was by the window; that she was able to see his face; that she was able to see his face clearly during the episode or during the incident that has brings us into this court here today.

And, based upon that testimony of her being able to see him during the incident that brings us into court here today, her his ability to see him, see him clearly, and recognize him and pick him out of this photo lineup, while it's not your client, it's the co-defendant in this matter, the co-defendant's not on trial, and, therefore, I think there is an issue of standing to object to it at this stage. But your objection is so noted for the record.

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: All right. Does the State wish to

add anything?

MS. WEISS: No, sir, Your Honor.

THE COURT: All right. Madam Court Reporter, I'm going to give you State's Exhibit No. 51 back.

All right. Anything else before I bring the jury back from the State?

MS. WEISS: No, sir, Your Honor.

THE COURT: Defense counsel?

MR. WILLIAMS: Judge, I would like to supplement that argument by saying that there was a statement that was published stating that the law enforcement officer who showed it to her indicated that they liked somebody for the picture and it was suggestive that the person she would pick would be on those six -- six people on the lineup. That's all, Your Honor. That the person who did this was on that sheet of paper.

THE COURT: I didn't glean that from what was said. What I gleaned from what she said was that they had somebody they liked, but whether that was an inference, I don't know. But I didn't glean that from the testimony. But I can see where such could be gleaned.

MR. WILLIAMS: Yes, sir. Thank you, Your Honor.

THE COURT: Also, as you-all -- Ms. Williams was coming in the back door and you were following her, the State was talking to me about scheduling; said that after M.C. was done, they had two additional witnesses today, possibly, that would take approximately 45 minutes. I simply told her we'd see where we were; wasn't sure how long your cross-examination may take. Okay?

MR. WILLIAMS: Thank you, Your Honor.

THE COURT: All right. Bring me the jury, please.

Let me say this, too, with regards to the voice identification: Pursuant to State v. Plyler, 275 S.C. 291, voice identification is competent direct evidence to establish identity. Furthermore, pursuant to State v. Smith, 307 S.C. 376, no special qualifications are required to testify regarding matching the voice of the perpetrator to the defendant.

The only foundation that needs to be laid is that the witness recognizes the voice of the defendant, and has a basis to compare his voice with that of the perpetrator, which further goes to the Court's prior ruling. I just wanted to put that on the record too.

MR. WILLIAMS: Yes, sir.

(The jury enters the courtroom at 4:14 PM.)

THE COURT: All right. We have all the jurors present. Ms. Weiss, you may continue.

MS. WEISS: Thank you, Your Honor.

CONTINUED DIRECT EXAMINATION

BY MS. WEISS:

Q. All right. M.C., I'm going to take you back just one question. Were you able to see the face of the skinny guy the night that you were attacked?

A. No, ma'am.

Q. Were you able to hear the voice of the skinnier guy the night you were attacked?

A. Yes, ma'am.

Q. Was that voice distinct from the fatter guy?

A. Yes, ma'am.

Q. The person you picked out in that photo lineup was which one?

A. The fatter guy.

Q. Was there ever a time later when you were able to hear the voice of the second person?

A. Yes, ma'am.

Q. And when was that?

A. At bond court.

Q. And were you able to see the person that voice

was coming from?
A. Yes, ma'am.
Q. And can you identify that person today?
A. He has on a purpleish shirt.
MS. WEISS: Will the Court please reflect that the victim is identifying the defendant, Christopher Cooper.
THE COURT: So noted for the record.
BY MS. WEISS:
Q. Is there any question in your mind that that is the voice of the skinny guy?
A. No, ma'am.
Q. And that that skinny guy is the second guy that was in your house that night?
A. Yes, ma'am.
Q. It's been a long time since 2017. Are you still certain of these facts you've told the jury today?
A. Yes, ma'am.
Q. Did you invite those two men into your home?
A. No, ma'am.
Q. What did you think was going to happen that night?
A. I thought once everything was said and done, they were probably going to kill me and that Jacob

would have just come home to a dead wife in the kitchen.

Q. Thank you. Please answer any questions the Defense may have.

MR. WILLIAMS: May it please the Court?

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. M.C., the voice identification that you just stated that you made, when did you hear my client in bond court?

A. We were in bond court and the Judge asked him if he had any remarks. And he said that he can't run his business when he's on lockdown for 23 hours a day.

Q. M.C., when did you hear my client make any statement in bond court?

A. When -- I'm not sure what -- which bond court it was. I just remember him saying that. We've had a lot of bond courts.

Q. Do you remember what year it was?

A. I'm not sure.

Q. Do you remember who the judge was?

A. No.

Q. Do you remember what courthouse it was?

A. It was Lexington County Courthouse; not this one, but the one -- wait. No. It was either this one or it was the one where he was arrested, because he was still in his jumpsuit.

Q. So --

A. So he was still in jail at this point.

Q. So you can't remember when it happened when you heard this, which courtroom it was in, what year it was in, who the judge was. And do you recall if I was present?

A. You weren't present. So it must have been his last lawyer.

Q. So do you remember who the lawyer was that was present?

A. It was a black guy. I'm not sure what his name was. But he was black. He had a black lawyer at first.

Q. Do you know who that lawyer was?

A. No.

Q. All right. Now let's talk a minute about -- I think, at the very beginning of your testimony, you started off that you were in Swansea and you grew up in Swansea and you married Jacob, what, 2015, and that you and Jacob were working, saving your money, and that you moved into a house at [redacted] -- what was

the address?
A. [redacted] F Avenue.
Q. [redacted] F Avenue?
A. Yes.
Q. Now, that is -- that's a duplex?
A. It's a townhouse.
Q. And you rent there, right?
A. Yes.
Q. And you moved in there when?
A. At the beginning of 2017.
Q. All right. And during this time span, I guess, immediately up until the time in which somebody came into your house, you indicated that Jacob was not working; is that correct?
A. No.
Q. How long had Jacob not worked?
A. I'm not sure, maybe a couple months.
Q. So did he work in 2016?
A. Yes.
Q. Where did he work in 2016?
A. He worked with his uncle, Ed Stikes. It's a welding company.
Q. But in 2017, he didn't work?
A. No.
Q. And in answer to one of the questions dealing

with whether or not he could have had a -- some sort of picture taken of him with a bunch of money around him, you said he might have. Is that correct?

A. Uh-huh. Yes, sir.

Q. And where would he have gotten that money from?

A. It was my money.

Q. It was your money?

A. Yes.

Q. So you recall having stacks of money; is that correct?

A. I recall having a lot of cash. Yes.

Q. And why would you have so much cash?

A. Because I worked.

Q. Okay. And even though he wasn't working, you would have stacks of cash?

A. Yes.

Q. Do you recall when he did this, when he went on this deal with stacks of cash?

A. No. Jacob likes to take pictures, so it could have been at any point.

Q. Okay. Is that his car?

A. That's both of our car. He had the license. I had just got my license and I don't drive that often.

Q. So you had other people that would drive you to

work and other people who would drive you back home from work?
A. He started driving me to work. But then, after a while, I started taking Ubers.
Q. So you would take an Uber to work and then have friends take you home; is that right?
A. No. I'd take an Uber home also.
Q. Well, on this particular night, which would have been -- what was the night that all this occurred?
A. It was the 28th, early, early in the morning.
Q. Okay. So what time would you have gone to work on the -- would it have been the 27th when you had gone to work?
A. I would have gone to work sometime in the afternoon.
Q. So that would have been on the 27th that you had gone to work?
A. Yes.
Q. And what time would you have gone to work?
A. Sometime in the afternoon.
Q. What time would that have been? Did you not have a regular --
A. It depends. No I did not have a regular schedule. I came in kind of whenever.

Q. Okay. Was Jacob at the house when you went to your work?
A. Yes.
Q. And so he was asleep when you left?
A. No. He was awake when I left.
Q. All right. Is it normal for him to go to bed like that while you're out working and wake up and go to the Waffle House?
A. If he's tired, he goes to bed.
Q. Well, he wasn't working, correct?
A. He cleans the house; he tends to the dog; he does all the laundry and all of the dishes and everything like that. So he keeps the house up.
Q. So he's a house husband?
A. At that time, yes, he was.
Q. All right. So on that particular night, when you came in, you woke him up?
A. Yes, I did.
Q. And told him how your day was. And he told you, well, I want to go out to the Waffle House. Is that what he said?
A. He said, I'm going to go to the Waffle House. And I said okay.
Q. So he didn't ask. He just said --
A. We don't have to ask. We don't have that type

of relationship where you have to ask permission to do things.

Q. How long were y'all married?

A. We were married for six years now.

Q. So you went to sleep. And I think you said that all the doors were locked up. The house didn't look like it did all in these pictures, right?

A. Correct.

Q. And we looked at a video of you and the police officer, and you were describing what had happened.

A. Uh-huh.

Q. You gave a report to all the police officers about what happened. You subsequently came in on the 28th, which would have been the very next day, and gave a written report, what, six pages long, something like that. Have you -- you've seen this. You know what I'm referring to, right?

A. Yes.

Q. So you gave a written report detailing everything that happened; isn't that correct?

A. I have written a report detailing what I could remember that happened. Yes.

Q. And this is after you'd had a chance to calm down take your time and write everything. Clearly, when you were giving these statements that you were

giving with the police officer where it was videotaped and all that, it was kind of spontaneous. I mean, you were just telling everything that had just happened, right?

A. Yeah.

Q. So isn't it true that, in all these statements, the only descriptions that you made of the individuals that you saw was one big guy, one skinny guy, and they both were black?

A. I also described their skin tones; I also described how their voices sounded and how their other body parts were, specifically their penises. I described that also in my statement.

Q. Well, you said --

A. And I also said who was older and who was younger.

Q. So who was older, the skinny guy --

A. And I said one was older and one was younger.

Q. Who was older? The skinny guy or the big guy?

A. The big guy.

Q. And you told -- you told everybody that -- with all the statements you made, you said the big guy was the older guy.

A. Yes, I did.

Q. And who did you say was the tallest?

A. I don't remember making that depiction. I said that one was taller and one was shorter. I said the -- the more chubbier guy was shorter than the other. So I guess the older one would be the shorter one too.
Q. So you did make that distinction.
A. Yes.
Q. So, according to what you just said, is that the older guy is the chubbier guy?
A. Uh-huh.
Q. And he's the shorter guy; is that correct?
A. Yes.
Q. Then you picked out an ID or identification and marked it as number 3 on this lineup sheet as being the -- is that the older guy?
A. Yes.
THE COURT: And that's State's Exhibit what?
MR. WILLIAMS: I'm sorry. State's Exhibit No. 1.
THE COURT: 51, isn't it?
MR. WILLIAMS: I'm sorry. State's Exhibit 51, Your Honor.
THE WITNESS: Yes.
BY MR. WILLIAMS:
Q. So that's the older guy?

A. Yes.
Q. It's the fatter guy?
A. Yes.
Q. And he is the shorter or the taller guy?
A. To me, from where I was, he looked like he was a tad bit shorter than the other guy.
Q. So he's shorter than the other guy?
A. To me, from where I was.
Q. Well, I mean, that's all we can do is talk about one tall or short. But he would definitely be the shorter one.
A. Yes.
Q. Do you recall telling law enforcement how tall you thought the people were?
A. I don't remember exactly what I said.
Q. You don't?
Do you know if they asked you how tall anybody was?
A. I think they asked me, give us around about of how tall they were.
Q. What did you say?
A. I don't remember what I said, but I remember them asking me. Yes.
Q. Did you say he was about five-five, the bigger, older guy?

A. Like I said, I don't remember.
Q. Let me ask you to refer to -- tell me if you recognize this as --
MR. WILLIAMS: May I approach the witness, Your Honor?
THE COURT: Yes, sir.
THE WITNESS: Yes, I do.
BY MR. WILLIAMS:
Q. And what is that?
A. My statement.
Q. All right. And after looking at the bottom paragraph of that statement, do you recall what you told law enforcement?
A. The bottom paragraph?
Q. Well, that's -- I was just keeping you from reading the whole page.
A. This down here?
Q. Yes. Do you recall what you said about the older guy?
A. I said the bigger guy was wearing all black with white shoes and some type of see-through mask. I could see his eyes. He standed -- he sounded older, 25-plus. He was African-American, and he was about five-five or higher. He had a stomach.
Q. So you said he was five-five.

A. Or higher.
Q. He's 25.
A. I said 25-plus. So he could be 25 or older.
Q. Let me ask you, looking at this picture, how old do you think this guy is in that picture?
A. He's in -- he looks like he's -- he's older.
Q. Well, how old do you think he is?
A. From what I know now, he's in his 50s.
Q. Well, I mean, that's how -- that's how old he looks in that picture, isn't it?
A. Yes.
Q. So having picked out a picture of somebody who's at least 50 years old, why would you tell law enforcement that he's 25 or older? Why wouldn't you say he's over 30 or 40 or over 50?
A. I said he sounded older. So old to me --
THE COURT: Hold on. Can't have both of you talking at the same time.
THE WITNESS: Sorry.
THE COURT: Please restate your question, Mr. Williams, please.
BY MR. WILLIAMS:
Q. So why did you choose the figure 25 if clearly -- if this is the person you're picking out, he's over 50. And you just said -- you just said he

looks over 50. But you got a chance to look at him clearly, right?
A. I said that he sounded 25 or older, which means -- I was only 21, and 25 is older than me. And anything plus 25, he sounded. He sounded older than me, sounded older than who he was with.
Q. So how old did you think the skinny guy was?
A. I thought he was younger than the chunkier guy.
Q. So you think he's, like, 45?
A. At the time, no. I just said younger.
Q. Did you ever give a description other than that he was skinnier of the other guy?
A. I gave a description of his voice and what he was wearing. And I gave -- I told them that he sounded younger than the other and what his body type -- type was also.
Q. Well, and in direct examination, you indicated to the prosecutor that the younger guy had on a sweatshirt.
A. Yes, a sweatshirt, one of the ones that you zip up. Either way, it goes over his head.
Q. Did you say that on direct examination, that he had a sweatshirt, or did you say that he had a hoodie on direct examination?
A. I said that he had on a hoodie or a sweatshirt

that went over his head and had a hood on it.
Q. What -- tell me about the clothing that these two individuals had on. You said one had on black clothing and one had on gray clothing?
A. No. I said one had on black clothing and one had on a hoodie that was pulled over his head. But it was a dark color. He was using it to cover his face. And I said that one had on white shoes. And I couldn't remember the color of the other guy's shoes.
THE COURT: Go ahead, Mr. Williams.
MR. WILLIAMS: Thank you, Your Honor.
BY MR. WILLIAMS:
Q. The -- the older -- the older guy that came into your house, what did he have on?
A. He had on a sheer mask. It kind of looked like a stocking. He had on --
Q. So it wasn't a dark black color?
A. What?
Q. It wasn't a dark cloth mask? It was a sheer mask, something you could see through?
A. Yeah. I said it was sheer.
Q. Okay. What color -- but sheer. But what color was that?
A. It was like a stocking, like a sheer stocking.

Q. So, like, maybe brown?
A. I don't remember ever specifying a color.
Q. So you don't recall telling anyone that the older guy had on some sort of black mask?
A. I don't remember.
Q. All right. What type of pants did he have on?
A. I didn't -- I don't remember that part either.
Q. What type of shoes did you say he had on?
A. I remember saying that they were white shoes. Like, one of them had on white shoes.
Q. Well -- okay. Which one had on the white shoes? Was it the older guy or the younger guy?
A. At that point, I was on the floor. So I could see white shoes.
Q. Okay.
A. But I wasn't able to look up and see their faces and who it was attached to. So I just told them I saw white shoes.
Q. Did you see more than one pair of white shoes?
A. No.
Q. And you assumed that it was coming from the big guy, the 25-plus-year-old guy?
A. Yes.
Q. Now, what about the other guy? You said the other guy had on some sort of a sweatshirt with a

hood on it?
A. Yes.
Q. And it was gray, correct?
A. I don't remember the color. I just remember saying that it had a hood on it and it was a sweatshirt.
Q. So it could have been any color.
A. I don't remember the color.
Q. And what kind of pants did that guy have on?
A. Again, I don't remember.
Q. So what we've determined so far is the skinny guy was younger, he had on some kind of hoodie. We don't know what color it was; we don't know what color his pants were; and we're not sure -- and we don't know what his shoes were like. Is all that accurate?
A. Yes. But it was dark in my room. So I could see his face because he went to a lighted mirror. The rest of the room is dark, so you can't really see what's happening in the rest of the room that well.
Q. So the skinny guy, you could see his face?
A. No. I said the other guy. I could see his face.
Q. The other guy?

A. Because he was at the window, and there was light coming in the window.
Q. Well -- well, we've already established, using logic here, that the chubby older guy who's over 25 is this individual, right?
A. Yes.
Q. That's certainly not my client, is it?
A. No.
Q. So, having said that, what we have shown is that at least the person that was with him was skinny. Correct?
A. Yes.
Q. With this guy?
A. Yes.
Q. A little bit younger?
A. Yes.
Q. And he appeared to be taller?
A. Yes.
Q. And we don't know what kind of pants he had on; we don't know what kind of shoes he had on. Correct?
A. Right.
Q. And you can't say that you could visualize that person's face as being my client, right, because you didn't see it?