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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Honorable J. Derham Cole, Circuit Court Judge

ADONIS WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001688

APPENDIX

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PCR EXHIBIT NO. 4 (CD)

State of South Carolina

Court of General Sessions

County of Richland

2009-GS-40-02697

2009-GS-40-02698

2009-GS-40-02701

The State of South Carolina :

:

-VS-

:

TRANSCRIPT OF RECORD

:

Adonis Kalanski Williams :

September 6 - 9, 2011

Columbia, South Carolina

B E F O R E:

The Honorable James R. Barber, III, Judge, and
jury.

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Meghan Walker, Esquire
Attorneys for the State

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Attorney for the Defendant

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Circuit Court Reporter

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E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
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S-2	photograph		179
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S-5	photograph		179
S-6	photograph		179
S-7	photograph		179
S-8	photograph		179
S-9	photograph		179
S-10	photograph		179
S-11	photograph		179
S-12	photograph		180
S-13	photograph		180
S-14	photograph		180
S-15	photograph		180
S-16	photograph		180
S-17	photograph		180
S-18	photograph		180
S-19	photograph		180

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
S-20	photograph		180
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S-24	photograph		226
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E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
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S-42	photograph		517
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<u>No.</u>	<u>Description</u>	<u>ID.</u>	<u>EV.</u>
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1 **The Court:** All right. What have we got here? What are
2 the charges? Kidnapping? Armed robbery? Walkaway, did you
3 get your man all fixed up?

4 **Mr. Schnee:** Yes, sir, I believe so.

5 **The Court:** Are we ready to go?

6 **Mr. Schnee:** If I could have a few minutes to go through
7 the jury list.

8 **The Court:** You saw all 280 jurors this morning. You
9 don't need any time.

10 **Mr. Schnee:** Well, I'd like to see what we're actually
11 working with.

12 **The Court:** You got no more time than I do, so... Where
13 is your client?

14 **Mr. Schnee:** He's downstairs.

15 **The Court:** Why won't they bring him up here? Walkaway,
16 do you have any voir dire? Do you have any witness list? Do
17 you have any -- anything you want to tell me or...

18 **Mr. Schnee:** Yes, Your Honor. Voir dire.

19 **The Court:** Sir?

20 **Mr. Schnee:** Voir dire, Your Honor.

21 **The Court:** What is that?

22 **Mr. Schnee:** Requested voir dire for the jury.

23 **The Court:** What is voir dire?

24 **Mr. Schnee:** A different mispronunciation of Latin.

25 **The Court:** I'm not asking number two. What is this?

1 **Mr. Schnee:** A witness list and pretrial motions.

2 **The Court:** Adonis Williams. I thought we'd done all
3 these things. Didn't we do all this pretrial stuff last
4 time?

5 **Mr. Schnee:** We did most of it, Your Honor.

6 **The Court:** Why do we need to do it again? Do we have
7 my rulings?

8 **Mr. Schnee:** There are a couple of new things on there,
9 and there are a few that need to be renewed.

10 **The Court:** What is that? Is that what we call a third
11 bite at the apple?

12 **Mr. Schnee:** No, sir. Based on new information, I need
13 to renew some of them.

14 **The Court:** All right. Well, apparently we're not going
15 to get this jury before lunch. Well, we'll get the jury and
16 then we'll do pretrials before that -- after that. How about
17 that?

18 **Mr. Schnee:** That's fine with me, Your Honor.

19 **The Court:** That way we can send all the other jurors to
20 Nova Scotia. Excuse me. Sir, you're not going to be able to
21 sit there. We're bringing a jury panel up, and they're going
22 to be occupying this whole...

23 **The Clerk:** Are you ready for them?

24 **The Court:** I'm waiting on a client first. Do we have
25 somebody that can tell the -- can you call down? Do you have

1 any way to call and tell Joe or somebody to bring Mr.
2 Williams up here?

3 (The deputy complies.)

4 **The Court:** What is this? Relaxing with...

5 **Mr. Schnee:** Trying to cool off a little, Judge, before
6 the jury comes up.

7 **The Court:** Well, I don't think we're going to be able
8 to do that.

9 (Pause in proceedings.)

10 **The Court:** What did they say?

11 **Deputy:** He's on the way, Your Honor.

12 (Pause in proceedings.)

13 **The Court:** Is anybody going to be sitting over here?
14 Do we have any more deputies in here? Just the two of you?

15 **Deputy:** Just two.

16 **The Court:** Your mind will be on Canada or something,
17 won't it? All right. Are we ready to go? Where is -- Ms.
18 Campbell, are you ready to go?

19 **Ms. Campbell:** Yes, Your Honor. As far as voir dire --
20 where is it? We just ask that you make -- the ones you
21 choose to do, that you make them reciprocal. In other words,
22 prisoners' rights groups, things of that nature.

23 **The Court:** All right. Are we ready to go? All right.
24 Mr. Schnee, are you ready to go?

25 **Mr. Schnee:** Yes, Your Honor.

1 **The Court:** All right. Now, we have -- we've got a
2 bunch of motions. Anything we need to address before we
3 bring the jury up and select the jury?

4 **Mr. Schnee:** No, sir.

5 **Ms. Campbell:** No, sir.

6 **The Court:** All right. Let's bring the jury up. We can
7 deal with some of these motions while they're coming. How
8 about the Rule 5 and Brady motions? Have we done everything
9 we're supposed to do?

10 **Mr. Schnee:** No, sir. I'm going to need to put some
11 testimony up to proffer.

12 **Ms. Campbell:** On what issue?

13 **Mr. Schnee:** Don Roberts and...

14 (Whereupon, the jury panel was brought into the
15 courtroom at 12:22 p.m.)

16 **The Court:** Ladies and gentlemen, good afternoon to you.
17 I'm Judge Barber. I'm a circuit judge here in Richland
18 County, and we are about to select a jury in a case entitled
19 the State of South Carolina versus Adonis Williams. And Mr.
20 Williams is -- this is criminal court, general sessions
21 court, and Mr. Williams has been charged with three separate
22 offenses by indictments that were issued by the grand jury of
23 Richland County.

24 Now, these indictments, ladies and gentlemen, are notice
25 documents. They are not evidence, not to be considered by

1 you for any purposes other than they put the defendant on
2 notice of the particular charge. They inform him of the
3 charges that the State has brought against him.

4 The charges that Mr. -- that the State has brought are
5 armed robbery. Mr. Williams has -- the indictment alleges
6 that Mr. Williams did in Richland County on or about
7 March 22, 2009, commit an armed robbery by feloniously taking
8 from the presence or -- from the person or presence of Linda
9 Wofford by means of force or intimidation goods or monies of
10 Linda Wofford's and such goods or monies being described as
11 U.S. currency. They were -- the taking was done so with the
12 intent to deprive the owner permanently of such property.

13 The defendant was armed with a pistol, rifle, a dirk, a
14 slingshot, metal knuckles, razor, or other deadly weapon
15 while alleging either by actions or words that he was armed
16 while using a representation of a deadly weapon or any object
17 which a person present during the commission of the robbery
18 reasonably believed to be a deadly weapon.

19 Mr. Williams has also been indicted for the offense of
20 kidnapping. The indictment alleges that Mr. Williams did in
21 Richland County on or about March 22, 2009, unlawfully seize,
22 confine, inveigle, decoy, kidnap, abduct and/or carry away
23 the victim, Linda Wofford, by means of whatever -- by any
24 means whatever without authority of law.

25 And Mr. Williams has been indicted for the offense of

1 burglary in that Mr. Williams did in Richland County on or
2 about March 22, 2009, unlawfully enter the dwelling of Linda
3 Carol Wofford at [REDACTED] Tama, T-A-M-A, Road without consent and
4 with the intent to commit a crime therein and that the
5 defendant while effecting entry or while in the dwelling or
6 while in immediate flight therefrom, the defendant was armed
7 with a deadly weapon and/or displays what appears to be a
8 knife, a pistol, a revolver, a shotgun, a machine gun or
9 other firearm and/or he used or threatened the use of a
10 dangerous weapon.

11 Ladies and gentlemen, to these charges the defendant has
12 entered a plea of not guilty which now places upon the State
13 the burden of proving this defendant guilty of each of these
14 offenses and proving him guilty beyond a reasonable doubt.
15 In every instance when a defendant comes into the courtroom,
16 he or she comes in presumed to be innocent, and that
17 presumption of innocence remains with the defendant
18 throughout the course of the trial and only would change if a
19 jury, after hearing all the evidence, has determined that the
20 defendant is, in fact, guilty.

21 Before we begin the selection of the jury, ladies and
22 gentlemen, I have certain individuals I want to introduce you
23 to and I have some questions I want to ask you. First, I'd
24 like to introduce you to Mr. Adonis Williams who is the
25 defendant. Mr. Williams, if you could turn and face the

1 jury. This is Mr. Williams. And I would inquire at this
2 time, ladies and gentlemen: Is there any member of this jury
3 panel or any member of the jury panel's immediate family who
4 is related by blood or connected by marriage or either now or
5 in the past has had a close personal relationship with Mr.
6 Williams or either now or in the past has had an employment
7 or a business relationship with Mr. Williams? If so, please
8 stand. All right. Thank you. You may be seated.

9 Ladies and gentlemen, when cases come to court,
10 generally both on the civil and the criminal side, all
11 parties are represented by attorneys, and that is, in fact,
12 the situation here today. The State is represented by the
13 solicitor's office of the Fifth Judicial Circuit. The
14 solicitor for this circuit is Solicitor Johnson. He's the
15 chief prosecuting officer for the circuit.

16 The solicitors that will be trying this case are Ms.
17 Kathryn Luck Campbell, and this is Ms. Campbell standing
18 right now. Ms. Dolly Garfield - this is Mrs. Garfield. And
19 Ms. Meghan Walker. This is Ms. Walker.

20 I would inquire at this time, ladies and gentlemen: Is
21 there any member of this jury panel or any member of the jury
22 panel's immediate family who is related by blood or connected
23 by marriage or either now or in the past has had a close
24 personal relationship with any of these young ladies or
25 either now or in the past or with any other employee of the

1 solicitor's office of the Fifth Judicial Circuit or either
2 now or in the past has had an employment or a business
3 relationship with these attorneys or with the solicitor's
4 office of the Fifth Circuit? If so, please stand.

5 Ladies and gentlemen, representing the defendant in this
6 matter is Mr. Mark Schnee, and this is Mr. Schnee who is
7 standing right now. Mr. Schnee is a defense lawyer here in
8 Richland County. He practices throughout South Carolina, a
9 member of the South Carolina Bar. And I would inquire at
10 this time: Is there any member of this jury panel or any
11 member of the jury panel's immediate family who is related by
12 blood or connected by marriage or either now or in the past
13 has had a close personal relationship with Mr. Schnee or
14 either now or in the past has had an employment or a business
15 relationship with Mr. Schnee or been represented by Mr.
16 Schnee? If so, please stand. All right. Thank you.

17 I'm going to read you the names of some potential
18 witnesses who may testify in this trial, ladies and
19 gentlemen, and if any of these witnesses are here, I would
20 ask them to stand so that the jury could see who you are.
21 Now, this case is probably going to take several days, so I
22 don't anticipate all the witnesses will be here today. But
23 if any of them are, please stand.

24 Linda Carol Wofford. This is Ms. Wofford, ladies and
25 gentlemen. Selima Hughes. Dawn Shea. Mike Stobbe. Charles

1 Blankenbecklor. Isaac Tucker. Benjamin Lasher of the
2 Richland County Sheriff's Department. Kristen Polis of the
3 Richland County Sheriff's Department. Kevin Isenhoward of
4 the Richland County Sheriff's Department. Gilbert Gallegos
5 of the Richland County Sheriff's Department. Nancy Skraba --
6 is that how you pronounce it?

7 **Ms. Campbell:** Skraba.

8 **The Court:** Skraba with the State Law Enforcement
9 Division. Gray Amick of the Richland County Sheriff's
10 Department. Harold Bouknight of the Richland County
11 Sheriff's Department. Stan Richards of the Richland County
12 Sheriff's Department. Ladies and gentlemen, these witnesses
13 are here back. Mr. Richards, raise your right hand. And the
14 other one is Mr. Bouknight.

15 Matthew Ellis of the Richland County Sheriff's
16 Department. Andrew Caldwell of the Richland County Sheriff's
17 Department. Bobby Cohen of the Richland County Sheriff's
18 Department. Donald Robinson of the Richland County Sheriff's
19 Department. George Polin of the Richland County Sheriff's
20 Department. William Cedarstaff of the Richland County
21 Sheriff's Department.

22 Christine Barrackman of the Richland County Sheriff's
23 Department. Curtis Burnett of the Richland County Sheriff's
24 Department. Tena Goff of the Richland County Sheriff's
25 Department. Alex Underwood with the State Law Enforcement

1 Division. Donald Johnson of the State Law Enforcement
2 Division. Selima Hughes with Bank of America. Did I already
3 read her name once? Yeah, we got her on there twice.
4 Patricia Thomas, Bamberg County Clerk of Court. James B.
5 Hiers, Bamberg County Clerk of Court also known as Petie
6 Hiers.

7 Ladies and gentlemen, I would inquire at this time: Is
8 there any member of this jury panel or any member of the jury
9 panel's immediate family who is related by blood or connected
10 by marriage or either now or in the past has had a close
11 personal relationship with any of these individuals whose
12 names I just read to you or either now or in the past has had
13 an employment or a business relationship with any of those
14 individuals? If so, please stand.

15 All right. Ladies and gentlemen, has any member of this
16 jury panel or any member of the jury panel's immediate family
17 been employed in the past by any local, state, or federal law
18 enforcement agency including, but not limited to, the City of
19 Columbia Police Department, Richland County Sheriff's
20 Department, State Law Enforcement Division, the Federal
21 Bureau of Investigation? If so, please stand. Yes, sir,
22 your name.

23 **Juror Kasprzyk:** Stephen Kasprzyk.

24 **The Court:** All right. Do you know your juror number?

25 **Juror Kasprzyk:** 159.

1 **The Court:** And you have been employed by who?

2 **Juror Kasprzyk:** I have not, but my father is a retired
3 Richland County sheriff's deputy and my brother is a former
4 military policeman.

5 **The Court:** The fact that you have two members of your
6 family who have been in law enforcement, would that prevent
7 you from listening to the evidence in this case and based
8 upon such evidence rendering a fair and impartial verdict?

9 **Juror Kasprzyk:** No, sir.

10 **The Court:** All right. Thank you. Yes, ma'am, your
11 name?

12 **Juror Parker:** Adele Parker. My husband was a policeman
13 for the City of Florence many years ago.

14 **The Court:** The fact that your husband was formerly
15 employed in law enforcement, would that prevent you from
16 listening to the evidence in this case and based upon such
17 evidence rendering a fair and impartial verdict?

18 **Juror Parker:** No, sir.

19 **The Court:** All right. Thank you, ma'am. Yes, sir,
20 your name?

21 **Juror Hopkins:** Bruce Hopkins. I have a relative that's
22 an F.B.I. agent.

23 **The Court:** The fact that you have a family member
24 that's in law enforcement, would that prevent you from
25 listening to the evidence in this case and based upon such

1 evidence rendering a fair and impartial verdict?

2 **Juror Hopkins:** No.

3 **The Court:** All right. Thank you, sir. Ladies and
4 gentlemen, has any member of this jury panel ever testified
5 for either the State or for a defendant in a criminal
6 prosecution in the circuit court or the U.S. District Court?
7 I'm not worried about the magistrate's court or city court.
8 If so, please stand. Yes, ma'am, your name.

9 **Juror Jarvis:** Debbie Jarvis, 143.

10 **The Court:** Ms. Jarvis, you have testified in a...

11 **Juror Jarvis:** I'm sorry -- I misunderstood you. I was a
12 juror. I'm sorry.

13 **The Court:** Oh, no. Okay. Thank you, ma'am. Is there
14 any member of this jury panel or any member who is a
15 contributor to any group which has as its primary concern the
16 promotion of law enforcement's or victims' rights? That
17 would include CAVE, CADRE, MADD, SADD, Sistercare or a
18 neighborhood watch program. If so, please stand. You wanted
19 me to include who in this?

20 **Ms. Campbell:** Any prisoners' rights group or anything
21 of that nature.

22 **The Court:** Or any prisoners' rights groups. All right.
23 Ladies and gentlemen, at the end of this case I'm going to
24 charge you or instruct you as to the law as it applies to
25 this case. It is your obligation to accept the law as I give

1 it to you and apply it to the facts that you, the jury,
2 determine to be in this case. Is there any member of this
3 jury panel who believes you will not be able to comply with
4 my instructions and apply the law as I give it to you to the
5 facts of this case? If you cannot follow my instructions,
6 please stand at this time.

7 Has any member of this jury panel formed or expressed an
8 opinion as to the guilt or the innocence of the defendant,
9 Mr. Williams? If so, please stand. Any member of this jury
10 panel who is conscious of any interest, any bias, or any
11 prejudice for or against the State or the defendant? If so,
12 please stand. Can each member of this jury panel give the
13 State and the defendant a fair and impartial trial? If you
14 believe you cannot be fair and impartial, please stand at
15 this time.

16 Is there anything in the nature of the allegations in
17 this case which you believe would cause you as a member of
18 the jury any problem with sitting as an impartial juror? If
19 so, please stand. All right. Any further inquiry from the
20 State?

21 **Ms. Campbell:** Your Honor, may we approach?

22 **The Court:** You may.

23 (Whereupon, a bench conference was held.)

24 **The Court:** Ladies and gentlemen, has any member of this
25 jury panel or any member of the jury panel's immediate family

1 been a victim of a violent crime? If so, please stand. All
2 right. Ma'am, I'm going to get you to come down here and
3 meet me in front of the court reporter and...

4 (Whereupon, Juror Barnes approaches the bench. The
5 following colloquy takes place in the presence of the juror,
6 the Court, and the attorneys.)

7 **The Court:** Yes, ma'am?

8 **Juror Barnes:** My name is Alice Barnes, 301.

9 **The Court:** Tell me your name again.

10 **Juror Barnes:** Alice Barnes.

11 **The Court:** All right. Ms. Barnes, what's your
12 situation?

13 **Juror Barnes:** Well, two things. Once I was arm-robbed.
14 I was held at gunpoint by someone trying to rob a restaurant,
15 and I couldn't get the safe open quite fast enough. That was
16 the end of that. My son, actually my stepson, is serving
17 time now for armed robbery. I convinced him to turn himself
18 in.

19 **The Court:** The fact that you have these experiences,
20 would that prevent you from listening to the evidence in this
21 case and based upon such evidence rendering a fair and
22 impartial trial?

23 **Juror Barnes:** I don't know that I could see his side of
24 it because if it comes out to be...

25 **The Court:** You think you would have difficulty being

1 fair and impartial?

2 **Juror Barnes:** (Nodded head up and down.)

3 **The Court:** All right. I will excuse you from this
4 jury. What's your number?

5 **Juror Barnes:** 301.

6 **The Court:** I'm going to let you have a seat all the way
7 in the back back there. I'm excusing this juror. Mr.
8 Crumpton, put her back there, please. Juror 301.

9 (The bench conference concluded.)

10 **The Court:** All right. Any further inquiry from the
11 State?

12 **Ms. Campbell:** No, sir.

13 **The Court:** Anything from the defendant?

14 **Mr. Schnee:** No, Your Honor.

15 **The Court:** All right. Madam Clerk?

16 **The Clerk:** Yes, sir. Ladies and gentlemen of the jury
17 panel, as I call your number if you would please come to the
18 microphone at the center of the courtroom, bringing any
19 personal belongings with you and state your number and your
20 occupation, please. Number 211.

21 **The Court:** Come down here, please, sir. Five and ten.

22 **The Clerk:** State your number and your occupation.

23 **Juror 211:** Number 211. My name is Martin Okorie. I'm
24 a civil engineer for C.D.O.T.

25 **The Clerk:** What says the State?

1 **Juror 211:** Yeah, State.

2 **The Clerk:** Oh, no.

3 **Ms. Campbell:** Please present the juror.

4 **The Clerk:** What says the defense?

5 **Mr. Schnee:** Please seat the juror.

6 **The Clerk:** Please have a seat in the jury box. Number
7 308.

8 **Juror 308:** Number 308, self-employed.

9 **The Court:** If you'll turn around and face these
10 lawyers.

11 **Juror:** 308, self-employed sales rep.

12 **The Clerk:** What says the State?

13 **Ms. Campbell:** Please present the juror.

14 **The Clerk:** What says the defense?

15 **Mr. Schnee:** Please seat the juror.

16 **The Clerk:** Please have a seat in the jury box. Number
17 64.

18 **Juror 64:** Paul Czeresko. I'm a design engineer.

19 **The Clerk:** What says the State?

20 **Ms. Campbell:** Please present the juror.

21 **The Clerk:** What says the defense?

22 **Mr. Schnee:** Please seat the juror.

23 **The Clerk:** Please have a seat in the jury box.

24 **The Clerk:** Number 52.

25 **Juror 52:** Number 52. I'm a retired school teacher.

1 **The Clerk:** What says the State?

2 **Ms. Campbell:** Please excuse the juror.

3 **The Clerk:** Please have a seat in the back of the
4 courtroom. Number 245.

5 **Juror 245:** I'm Logan Ross and I'm surgical coordinator
6 for an orthopaedic surgeon.

7 **The Clerk:** What says the State?

8 **Ms. Campbell:** Please present the juror.

9 **The Clerk:** What says the defense?

10 **Mr. Schnee:** Please seat the juror.

11 **The Clerk:** Please have a seat in the jury box. Number
12 138.

13 **Juror 138:** Number 138. Management assistant for
14 Enterprise.

15 **The Clerk:** What says the State?

16 **Ms. Campbell:** Please present the juror.

17 **The Clerk:** What says the defense?

18 **Mr. Schnee:** Please seat the juror.

19 **The Clerk:** Please have a seat in the jury box. Number
20 204. John Neal, 204.

21 **The Court:** You can't hide behind that number, Mr. Neal.

22 **Juror 204:** John Neal, 204. I'm a retired consultant.

23 **The Clerk:** What says the State?

24 **Ms. Campbell:** Please present the juror.

25 **The Clerk:** What says the defense?

1 **Mr. Schnee:** Please excuse the juror.

2 **The Clerk:** Please have a seat in the back of the
3 courtroom. Number 168.

4 **Juror 168:** 168, claims processor for Blue Cross.

5 **The Clerk:** What says the State?

6 **Ms. Campbell:** Please present the juror.

7 **The Clerk:** What says the defense?

8 **Mr. Schnee:** Please seat the juror.

9 **The Clerk:** Please have a seat in the jury box. Number
10 95.

11 **Juror 95:** Number 95, part-time server at Beef 'O'
12 Brady's.

13 **The Clerk:** What says the State?

14 **Ms. Campbell:** Please present the juror.

15 **The Clerk:** What says the defense?

16 **Mr. Schnee:** Please seat the juror.

17 **The Clerk:** Please have a seat in the jury box. Number
18 133.

19 **Juror 133:** Number 133, unemployed.

20 **The Clerk:** What says the State?

21 **Ms. Campbell:** Please excuse the juror.

22 **The Clerk:** Please have a seat in the back of the
23 courtroom. Number 263.

24 **Juror 263:** I'm Juror 263, Jeannette Stroy. I'm a
25 former economic development agency employee.

1 **The Clerk:** What says the State?

2 **Ms. Campbell:** Please present the juror.

3 **The Clerk:** What says the defense?

4 **Mr. Schnee:** Please seat the juror.

5 **The Clerk:** Please have a seat in the jury box. Number
6 106.

7 **Juror 106:** My name is Kevin Glenn. I'm a self-employed
8 remodeling contractor.

9 **The Clerk:** What says the State?

10 **Ms. Campbell:** Please present the juror.

11 **The Clerk:** What says the defense?

12 **Mr. Schnee:** Please seat the juror.

13 **The Clerk:** Please have a seat in the jury box. Number
14 218.

15 **Juror 218:** Number 218, Adele Parker. I'm an
16 accountant.

17 **The Clerk:** What says the State?

18 **Ms. Campbell:** Please present the juror.

19 **The Clerk:** What says the defense?

20 **Mr. Schnee:** Please excuse the juror.

21 **The Clerk:** Please have a seat in the back of the
22 courtroom. Number 7.

23 **Juror 7:** Office administrator of Central Midlands
24 Council of Governments.

25 **The Clerk:** What says the State?

1 **Ms. Campbell:** Please present the juror.

2 **The Clerk:** What says the defense?

3 **Mr. Schnee:** Please seat the juror.

4 **The Clerk:** Please have a seat in the jury box. Number
5 303.

6 **Juror 303:** 303. I'm a nurse.

7 **The Clerk:** What says the State?

8 **Ms. Campbell:** Please present the juror.

9 **The Clerk:** What says the defense?

10 **Mr. Schnee:** Please excuse the juror.

11 **The Clerk:** Please have a seat in the back of the
12 courtroom. Number 277.

13 **Juror 277:** Number 277. I'm an attorney.

14 **The Clerk:** What says the State?

15 **Ms. Campbell:** Please excuse the juror.

16 **The Clerk:** Please have a seat in the back of the
17 courtroom. Number 12.

18 **Juror 12:** I'm Juror Number 12. My name is Lionel
19 Arnold. I'm a State employee.

20 **The Clerk:** What says the State?

21 **Ms. Campbell:** Please present the juror.

22 **The Clerk:** What says the defense?

23 **Mr. Schnee:** Please excuse the juror.

24 **The Clerk:** Please have a seat in the back of the
25 courtroom. Number 169.

1 **Juror 169:** Number 169. I'm a collection officer at
2 Blue Cross Blue Shield.

3 **The Clerk:** What says the State?

4 **Ms. Campbell:** Please present the juror.

5 **The Clerk:** What says the defense?

6 **Mr. Schnee:** Please seat the juror.

7 **The Clerk:** Please have a seat in the jury box. Number
8 191.

9 **Juror 191:** I am a chief information officer and
10 bi-vocational pastor.

11 **The Clerk:** What says the State?

12 **Ms. Campbell:** Please excuse the juror.

13 **The Clerk:** Please have a seat in the back of the
14 courtroom. Strike count is four for the State, four for the
15 defense. Number 290.

16 **Juror 290:** Number 290. I'm an admissions rep.

17 **The Clerk:** What says the State?

18 **Ms. Campbell:** Please present the juror.

19 **The Clerk:** What says the defense?

20 **Mr. Schnee:** Please seat the juror.

21 **The Clerk:** Please have a seat in the jury box.

22 **The Court:** We're going to pick two alternates. We will
23 -- two and one on each and we'll get the two alternates.

24 **The Clerk:** Number 81.

25 **Juror 81:** Number 81. I'm a registered nurse.

1 **The Clerk:** What says the State?

2 **Ms. Campbell:** Please present the juror.

3 **The Clerk:** What says the defense?

4 **Mr. Schnee:** Please excuse the juror.

5 **The Clerk:** Please have a seat in the back of the
6 courtroom. Number 261.

7 **Juror 261:** Number 261. I'm an electrician at U.S.C.

8 **The Clerk:** What says the State?

9 **Ms. Campbell:** Please present the juror.

10 **The Clerk:** What says the defense?

11 **Mr. Schnee:** Please seat the juror.

12 **The Clerk:** Please have a seat in the jury box. Number
13 215.

14 **Juror 215:** Number 215, Altonea Palmer. Retired
15 teacher.

16 **The Clerk:** What says the State?

17 **Ms. Campbell:** Please present the juror.

18 **The Clerk:** What says the defense?

19 **Mr. Schnee:** Please excuse the juror.

20 **The Clerk:** Please have a seat in the back of the
21 courtroom. Number 243.

22 **Juror 243:** 243, Katherine Robinson. Home economic
23 development consultant.

24 **The Clerk:** What says the State?

25 **Ms. Campbell:** Please present the juror.

1 **The Clerk:** What says the defense?

2 **Mr. Schnee:** Please seat the juror.

3 **The Clerk:** Please have a seat in the jury box.

4 **The Court:** All right. Anything from the State with
5 respect to the composition of the jury?

6 **Ms. Campbell:** Beg the Court's indulgence. Nothing from
7 the State, Your Honor.

8 **The Court:** Anything from the defendant?

9 **Mr. Schnee:** No, Your Honor.

10 (Whereupon, the jury was impaneled at 12:57 p.m. The
11 jurors not impaneled were excused from the courtroom.)

12 **The Court:** All right. Ladies and gentlemen of the
13 jury, I'm going to turn you loose for lunch in just about two
14 minutes, and I'm not going to swear you 'til we come back.
15 But before I do, I want to take a few minutes to make a
16 couple of comments to you.

17 The first thing: This case is very, very important to
18 both the State and the defendant, and we want to make sure
19 that we do everything we can to see that both sides get a
20 fair and impartial trial. One of the ways I'm going to ask
21 you to help me do that, ladies and gentlemen, is to not
22 discuss this case with each other or with anyone else at any
23 time until you have been given instructions that you can
24 begin deliberation of the case.

25 So any time you retire and go back to the jury room and

1 you're back there with each other, do not discuss this case
2 with each other. In a moment you're going to break for
3 lunch. I anticipate this case is going to last several days.

4 You'll be going home tonight. You'll be running into
5 people that are not on the jury. They might ask you about
6 what you're doing. I'm going to ask that you not discuss the
7 case with anybody that you come in contact with, and here is
8 the reason I ask you to do that: If you're back in the jury
9 room and start talking about the case and both sides have not
10 had a complete opportunity to offer everything they want to
11 offer in front of you, you may begin to formulate some
12 opinion about the case, and that's not fair to either the
13 State or the defendant.

14 If you go to lunch and see a friend and talk about the
15 case or you go home and talk to a family member or a friend
16 or a neighbor and you tell them what's going on, I promise
17 you, even though they're not here, they're going to have some
18 opinion about the case. They might give you that opinion and
19 it might influence you in some way. So I'm going to ask that
20 you not discuss the case until I give you instructions to --
21 that you can begin your deliberations. I promise you at the
22 end of the case, when your jury service is over, you can talk
23 about this case with anybody you want to talk to about it and
24 you can talk as much as you want to talk about the case.

25 The other thing I'm going to ask you to do is not make

1 any independent inquiry into anything that comes before you.
2 Don't get on the Internet. Don't Google anything. Don't go
3 by any place that might be mentioned in the course of the
4 evidence in the case. Don't do anything.

5 You are supposed to decide this case based upon the
6 evidence that's presented to you here in this courtroom, on
7 nothing else. So please do not talk to anybody. Don't make
8 any independent inquiry or investigation about the case.
9 Don't do anything about it. I doubt if this case is going to
10 be on the news, but if for some reason something came out in
11 the newspaper or on T.V., don't read about it. Don't listen
12 to whatever it may be on T.V. So keep that in mind
13 throughout the course of the trial. I will attempt to remind
14 you every time you leave this courtroom that you're not to
15 discuss this case with each other or with anyone else.

16 Now, ladies and gentlemen, before we begin I have some
17 pretrial matters that I have to take up with the attorneys.
18 I'm going to ask that you be back here at 2:15.
19 Unfortunately, when you come back, it may be that I need
20 to -- that I'm in the process of doing some of the pretrial
21 matters in the case and I may have to ask you to be a little
22 patient with me and wait a little bit. We'll try and move
23 through whatever we have to get done before -- as quickly as
24 we can and then start the trial and go as quickly as we can
25 without doing anything to jeopardize either the plaintiff --

1 I mean the State or the defendant's right to put up whatever
2 they wish to offer in this case.

3 When we come back and you get sworn, I'll take a few
4 minutes to tell you a little bit about the process of this
5 trial in case you have not served on a jury before or it's
6 been some time since you have served on a jury. I want you
7 to keep a couple of things in mind and I mentioned them
8 earlier. There are two basic principles of law.

9 In every instance this defendant has come into this
10 courtroom presumed to be innocent, and you need to keep that
11 in mind. This innocence -- this presumption of innocence
12 will remain with this juror -- I mean this defendant
13 throughout the course of the trial and would only change if
14 you, after hearing the evidence, have determined that the
15 defendant is, in fact, guilty.

16 The other thing you need to remember, ladies and
17 gentlemen: The burden of proving this defendant guilty falls
18 upon the State of South Carolina. They have to prove this
19 defendant guilty of each and every charge by -- beyond a
20 reasonable doubt. There is no burden on the defendant. The
21 defendant doesn't have to do anything in this case, and we
22 don't know whether the defendant will even put up a case
23 because there's no burden on the defendant to prove himself
24 anything. The burden falls on the State, and the State has
25 to prove this defendant guilty beyond a reasonable doubt.

1 That's a burden that the State readily accepts in most
2 instances. So we will go forward when you come back after
3 lunch, and we'll ultimately bring this case to a conclusion.

4 All right. Let me introduce you to some folks that
5 you're going to have some contact with and that's -- the most
6 important people in terms of your contact are going to be the
7 bailiffs, and the bailiffs that will be working this case at
8 least here today in the back back here is Mr. Addison and
9 seated right in front of you is Mr. Broome and somewhere back
10 there was Mr. Crumpton. I don't know what happened to Mr.
11 Crumpton. Anyway, they'll assist you.

12 They're going to -- in just a minute they'll take you to
13 the jury room, show you where that is, tell you how to get
14 from the jury room, outside the courthouse, how to get back
15 here after lunch and come into the jury room. I'm going to
16 ask you to please be prompt at all times. You're never
17 early. You're either on time or you're late. So make sure
18 that you are here when we ask you to be here. We want to
19 move this case as quickly as we possibly can, and if we're
20 having to wait on jurors or lawyers or litigants or anybody
21 else, it delays everybody. It takes up your time, and we
22 want to make sure we don't do that. So please be on time
23 when I ask you to be here at a certain time and we'll --
24 we'll try and start as quickly as we can.

25 Ladies and gentlemen, the young lady seated to my left,

1 the court reporter, is Ms. Daphne Helms, and she's going to
2 be making a record of everything that's said in this
3 courtroom. The lady seated in front of me is Ms. Pat
4 Falcone, and she's the clerk and she's going to be working
5 for -- with me at least part of the day and maybe longer.
6 Mrs. Pendergrass also maybe in and out of the courtroom.

7 I have a couple of law clerks. One is Mrs. Brown who is
8 -- I can't see her, but if you'll wave your hand or
9 something, Emily, and this is Richard Marsh and they're my
10 court reporters. They help me in a -- I mean my law clerks.
11 They help me in a number of ways in this case, and you may
12 see them moving in and out of the courtroom doing something
13 that I ask them to help me on in this case or even other
14 cases that we have to deal with.

15 So y'all have a nice lunch. Please don't discuss the
16 case while you're there. Be back here by about 2:15, and
17 we'll see you at that time. Mr. Addison, Mr. Broome, if
18 you'll take the jury out.

19 (Whereupon, the jury was excused from open court to go
20 to lunch at 1:04 p.m.)

21 **The Court:** All right. Is there anything that we can
22 resolve real quickly here today on any of these motions?

23 **Mr. Schnee:** I'm not...

24 **The Court:** Huh?

25 **Mr. Schnee:** Probably not, Your Honor. Probably need

1 testimony for most of them that we have to actually deal
2 with.

3 **The Court:** So are we going to be tied up all afternoon
4 on pretrial motions?

5 **Mr. Schnee:** I think about half an hour of testimony at
6 most, Your Honor.

7 **The Court:** Total?

8 **Mr. Schnee:** Possibly even less.

9 **The Court:** For 12 motions it's going to be a half --
10 we're going to be through all this in a half-hour?

11 **Mr. Schnee:** In terms of the ones we actually have.
12 Most of these were dealt with in---

13 **The Court:** All right. Well, which ones have been dealt
14 with that we don't have to deal with?

15 **Mr. Schnee:** Number 7. Number 8. That's been dealt
16 with. And I know numbers 9 through 12 we had talked about
17 last time. I just want to go over---

18 **The Court:** Well, we have dealt with every motion last
19 time because we started the trial.

20 **Mr. Schnee:** Number 1 was dealt with by consent.

21 **The Court:** Is that the same?

22 **Ms. Campbell:** As far as sequestration? We didn't
23 consent.

24 **Mr. Schnee:** I thought all your lay witnesses were...

25 **Ms. Campbell:** I'll be glad to sequester lay witnesses

1 except this -- it's gone to trial before, and the purpose of
2 sequestration is for them to -- I mean, the testimony, you
3 have it. I'll sequester lay witnesses, Your Honor.

4 **The Court:** All right. Rule 5 and motion -- you said
5 we've got to have testimony on that?

6 **Mr. Schnee:** Yes, sir.

7 **The Court:** Motion to reveal confidential informant?

8 **Mr. Schnee:** Yes, sir. That's a new motion based on
9 what I received immediately prior to our last trial, going
10 through it.

11 **The Court:** Do y'all have some objection to that?

12 **Ms. Campbell:** I don't know what confidential informant
13 he's talking about in this trial.

14 **Mr. Schnee:** In the report that Robinson wrote the night
15 before June 26th, there's mention of a confidential informant
16 along with several tips that were received based on that
17 section of the investigation a long time ago.

18 **Ms. Campbell:** I'll have to look at that. I mean, that
19 has nothing to do with this trial.

20 **Mr. Schnee:** That depends on what it is.

21 **The Court:** Motion to exclude any evidence obtained from
22 cell phone pursuant to Crawford. What evidence?

23 **Mr. Schnee:** Your Honor, there are a number of text
24 messages from what they claim to be my client's cell phone.
25 I'm moving to exclude all those and also additionally based

1 on an unlawful search of the phone.

2 **The Court:** Do y'all have text messages?

3 **Ms. Campbell:** There are text messages, Your Honor.

4 **The Court:** Do you intend to try and introduce them?

5 **Ms. Campbell:** I'll look at that over lunch as well.

6 **The Court:** All right. Biggers hearing?

7 **Mr. Schnee:** Yes, Your Honor. There is some partial
8 identification that they attempted to make the last trial
9 with a photograph of my client downstairs to identify a
10 certain mark on the side of his face.

11 **The Court:** Motions in opposition to admission of
12 evidence under 403 and 404(b) and Lyle. What...

13 **Ms. Campbell:** We don't have any Lyle evidence unless he
14 opens the door.

15 **Mr. Schnee:** Your Honor, the testimony during the first
16 trial was elicited that my client was -- had recently gotten
17 out of prison, had committed other robberies, and a lot of
18 that was testified to during the first trial.

19 **Ms. Campbell:** I believe the evidence that was brought
20 in before was during the course, dealing with the victim, the
21 defendant said the reason he was doing it is because he had
22 just gotten out of jail ten months earlier. This was before
23 Judge Newman, too, who ruled that it would be an identifying
24 factor. We were limited to that part of the statement that
25 -- in which he said he just got out of prison ten months

1 before and we were allowed to then bring in just the fact
2 that he had, in fact, gotten out of prison ten months before
3 as an identifying factor in this case. That was ruled upon I
4 thought by you already, Your Honor, and as well as Judge
5 Newman allowed it in the last trial.

6 **The Court:** I don't remember it.

7 **Ms. Campbell:** We were limited to--

8 **The Court:** Is that what it was?

9 **Mr. Schnee:** Yes, Your Honor, and I disagree that it's
10 an identifying factor, particularly since there are hundreds
11 and hundreds of people released every single month from
12 prison, and the fact is it's clearly---

13 **The Court:** So what do we need to do? Do we need to --
14 do y'all intend to offer some evidence that this---

15 **Ms. Campbell:** Just limited to the fact---

16 **The Court:** That he made a statement to the defendant
17 that he -- I mean the victim that he'd just gotten out of
18 prison?

19 **Ms. Campbell:** Yes.

20 **The Court:** And you intend to oppose that.

21 **Ms. Campbell:** In the manner we were limited to in the
22 last trial, Your Honor, would be what we would propose.

23 **Mr. Schnee:** Yes, Your Honor. I object. It's clearly
24 highly prejudicial with very little probative value.

25 **The Court:** All right. Well, I'm going to admit it on

1 the same basis as last time. Is there anything else?

2 **Ms. Campbell:** Your Honor, as far as any prior record,
3 unless he takes the stand -- of course, we can settle his
4 record just prior to him doing that. The only other prior
5 record we would be going into in our case in chief are the
6 elements of burglary first which is just that we're limited
7 to two of the prior burglaries.

8 **The Court:** Does he have two prior burglaries? Is that
9 -- is that why it's a burglary first?

10 **Ms. Campbell:** Yes, sir. Well, that's one of the
11 reasons; yes, sir. He has two prior burglaries, and I think
12 pursuant to case law we're allowed and limited to just going
13 into the two, and we have subpoenaed the Bamberg Clerk of
14 Court for that purpose.

15 **The Court:** All right.

16 **Ms. Campbell:** But we would not be going into any of his
17 other prior record nor any of his other prior arrests that
18 were all surrounding this. We know we can't go into those.

19 **The Court:** Unless he testifies.

20 **Ms. Campbell:** Unless he testifies and we'll settle that
21 record---

22 **The Court:** Does anybody else have prior records?

23 **Ms. Campbell:** The only other person who has a prior
24 record I believe who would be a potential witness is
25 Blankenbecklor and/or Isaac Tucker.

1 **The Court:** Have you seen their record?

2 **Mr. Schnee:** I believe so, and I don't anticipate them
3 testifying anyway.

4 **The Court:** All right. So that's not a problem. What
5 is -- there's a mention of CODIS and AFIS.

6 **Mr. Schnee:** Yes, Your Honor. Without full chain of
7 custody, I object to my client's name being linked to CODIS
8 in any fashion.

9 **The Court:** I'm not understanding---

10 **Ms. Campbell:** I don't understand where he's going with
11 this.

12 **Mr. Schnee:** Well, Your Honor, it's my expectation based
13 on not only the first trial, but experience, that Ms.
14 Campbell or Ms. Walker in her opening statement is going to
15 mention that there was a CODIS D.N.A. hit to my client later
16 as part of their investigation. I know during the first
17 trial they testified about that in terms of the aspects of
18 the investigation, and without actual proof of CODIS that it
19 was taken from my client or anything else, I object to that
20 being mentioned specifically.

21 **Ms. Campbell:** The only purpose we would be going into
22 anything -- and specifically in the first trial we did not
23 name it as the offender database. We just named it as a
24 database in which people can be matched. That's the whole
25 way he was developed as a suspect in this case. It just

1 simply doesn't make any sense without it. The last time we
2 did limit it to -- we didn't say that they were known
3 offenders, that they were criminals, only in the database.
4 It was just that it was a known database where it was sent
5 off to them and then it came back as a match and was later
6 confirmed by D.N.A. But that's how he was developed as a
7 suspect.

8 We would -- we would agree we cannot mention that it's
9 an offender database or use the word criminal or anything
10 like that. We would be -- we would agree to limit it in the
11 way we did before, and I can hand that testimony up if you
12 want to see it, Judge.

13 **Mr. Schnee:** Your Honor, without a full chain of custody
14 I object to that getting to the jury. I understand that's
15 their investigation. That doesn't mean it's admissible.

16 **The Court:** All right. Well, we'll permit it. All
17 right. Exclusion of prior criminal record. Well, they've
18 already said that they're not doing that other than his
19 burglaries.

20 **Mr. Schnee:** Yes, sir.

21 **The Court:** Exclude any mention of a manhunt or any
22 actions by the defendant regarding resisting arrest. What...

23 **Ms. Campbell:** In the last trial, Your Honor, he was
24 also charged with resisting arrest, one count, and one count
25 he was acquitted of. He was convicted on one. Basically

1 there's a manhunt set up to find him once he's developed as a
2 suspect. He goes into hiding. They find him at a co-
3 defendant's house hiding in the back bedroom, and then they
4 have to go in and -- well, in the course of making the arrest
5 on this defendant he did resist.

6 Our position would be, Your Honor, that it was
7 contemporaneous with this actual thing and this is how they
8 caught him and it should be as an evidence of flight. I can
9 hand up those cases. He was trying to hide from the police,
10 and they were just merely trying to find him. If he wants me
11 to limit it to the fact that he broke the one officer's nose,
12 I'll be glad to go into just that he resisted and was taken
13 into custody.

14 **The Court:** Well, why do you need to go into resisting
15 if he's---

16 **Ms. Campbell:** Your Honor, I think with the case law --
17 and I'll hand that up at this point. Where is my box?
18 Evidence of flight and/or resisting, this is---

19 **The Court:** Well, I mean, you can say that he was
20 hiding, that he fled, if that's what he did, but I mean, the
21 resisting is not an issue anymore; right?

22 **Ms. Campbell:** Well, Your Honor, we think it goes to the
23 full presentation of the case, and just because those matters
24 were resolved at the last trial, he still was resisting and
25 fled from them and then they had to take him into custody.

1 **The Court:** Well, I understand he fled and I'm going to
2 let you go into that. I don't think you need to go into the
3 fact that there was resisting arrest when he's been convicted
4 of that, and that really is one of the -- it's one of his
5 criminal offenses.

6 **Ms. Campbell:** Yes, sir, and our position would be we
7 shouldn't just be hampered just because it wasn't all tried
8 in the same case properly and just because those were
9 resolved. His actions show---

10 **The Court:** Anything you want to say?

11 **Ms. Campbell:** ---evidence of guilt.

12 **Mr. Schnee:** Yes, Judge. If they're going to go into
13 those aspects of it, the resisting arrest, I need to be able
14 to go into the fact that he was acquitted by a jury of the
15 assault while resisting.

16 **Ms. Campbell:** And I just put on the record we wouldn't
17 go into the assault while resisting, just the part leading up
18 to that. I wouldn't go into the fact that he punched and
19 broke the officer's nose.

20 **The Court:** All right.

21 **Ms. Campbell:** I believe that's what your objection is.

22 **The Court:** Well, I'm going to exclude that.

23 **Ms. Campbell:** Just that part and that he was just taken
24 into custody?

25 **The Court:** That he was resisting. You can talk about

1 everything up to the point and taken into custody. You don't
2 need to say he hit somebody or---

3 **Ms. Campbell:** Okay.

4 **The Court:** ---any of that stuff.

5 **Ms. Campbell:** Just that we can go into the hiding part
6 and all that part, just not the hitting.

7 **The Court:** (Nodded head up and down.).

8 **Ms. Campbell:** I got it, Your Honor.

9 **The Court:** What else? I don't -- isn't there something
10 in here about a gang? Did I see something in here about a
11 gang?

12 **Mr. Schnee:** Yes, sir. That's being excluded by consent
13 from the solicitor, along with the guns that were found
14 during some of their searches.

15 **The Court:** All right. Well, let's get back here at
16 2:15 and get ready to go with what we've got to go with. All
17 right?

18 **Mr. Schnee:** Yes, sir.

19 **Ms. Campbell:** Thank you, Your Honor.

20 **The Court:** Y'all have a good lunch.

21 (Whereupon, a lunch break was taken.)

22 **The Court:** Thank you. Y'all be seated if you would.
23 Okay. There have been some complications relating to the
24 pretrial matters that were brought to my attention by Mr.
25 Schnee, and we've had a little conference in my office with

1 the solicitors and Mr. Schnee. And I think the consensus was
2 amongst all of the individuals that we need to turn the jury
3 loose and we'll deal with all of these issues that have been
4 raised in this little conference we had. Bring the jury in
5 and be fresh and ready to go in the morning. Is that
6 correct, Mr. Schnee?

7 **Mr. Schnee:** Yes, Your Honor. That's correct.

8 **The Court:** All right. Anything from the State with
9 respect to doing what we've talked about?

10 **Ms. Campbell:** No, sir.

11 **The Court:** All right. Mr. Broome, let's bring the jury
12 in.

13 (Whereupon, the jury was brought into open court at
14 2:32 p.m.)

15 **The Court:** All right. Ladies and gentlemen, I told you
16 before we broke for lunch that there were some pretrial
17 matters that I needed to take up with these attorneys, and we
18 have been dealing with them for a little bit since 2:15 when
19 we all got back here. It appears that these issues are going
20 to take considerably longer than we had originally
21 anticipated.

22 So rather than keep you here for another couple of hours
23 and then begin the trial late this afternoon and really not
24 get much done this afternoon, I'm going to turn you loose for
25 the day and ask that you be back here tomorrow, and we will

1 start at 9:30 and have resolved all these and just go forward
2 at that time. This will give -- this will give us some time
3 to deal with what we need to deal with without the pressure
4 of y'all being there, not that it's bad, but I know y'all are
5 not interested in just sitting around waiting on us to do
6 what we've got to do, so...

7 I still remind you: Please do not discuss this. I know
8 you have very limited knowledge about the case, having only
9 heard what I've read you from the indictments, and as I told
10 you, those indictments are not evidence. They're just
11 documents that put the defendant on notice of these
12 particular charges. So that's all you know about this case,
13 and so don't discuss it with anybody when you leave here this
14 afternoon and are gone until tomorrow and don't do any --
15 make any inquiries or do any investigation about it.

16 I'm going to be ask you to be back here tomorrow morning
17 so that we can start at 9:30. I've got a little hearing at 9
18 that probably won't last but 15 minutes or so. If all of you
19 are here a little bit early, we can start a little bit early
20 if I finish that hearing.

21 So y'all have a nice afternoon, nice evening. Don't
22 talk about the case with anybody, and we will see you
23 tomorrow morning to start up at 9:30. Y'all are free to go
24 at this time. Thank you.

25 (Whereupon, the jury was excused from open court for the

1 day at 2:35 p.m.)

2 **The Court:** All right. We need to decide how -- do we
3 want to proceed with the issues that -- I know Ms. Campbell
4 wants to be able to look at the search warrant and see what
5 issues that Mr. Schnee has raised so that she can respond to
6 those, and I think I've already -- one of the issues that Mr.
7 Schnee raised was about the quality of the investigation and
8 reporting of the investigation and I've already ruled to some
9 extent about that. So I think Mr. Schnee knows what he can
10 and can't do in that regard. I don't know that we need to
11 take that issue up any further. Do you, Mr. Schnee?

12 **Mr. Schnee:** No, sir.

13 **The Court:** We're just not going to mention any prior
14 trial by either the State or the... What?

15 **Ms. Campbell:** Yes, sir. The way -- I don't know. When
16 referencing to prior testimony, we've always just said that
17 it was from a prior hearing. That's usually been universally
18 acceptable if they have to reference it at all.

19 **Mr. Schnee:** That's understood, Your Honor.

20 **The Court:** But we're not going into either the mistrial
21 or the -- or the -- well, they're both mistrials. The jury
22 did not reach a verdict in all of the issues. All right.
23 Now, we've dealt with sequestration. I don't know where we
24 are on the Brady and the Rule 5. You said you wanted to put
25 up testimony.

1 **Mr. Schnee:** Yes, sir, but I -- if you can give -- give
2 Ms. Campbell and I five minutes, I can show her the problems
3 with the search warrant, exactly what I'm talking about, so
4 we're all on the same page.

5 **The Court:** Why don't you do this? Y'all take -- how
6 much time do y'all -- whatever you need, when you finish,
7 come see me---

8 **Ms. Campbell:** Yes, sir.

9 **The Court:** ---and we'll -- we'll come back in here, if
10 it's 5 minutes or 15 or 30, whatever it is.

11 **Mr. Schnee:** Yes, sir.

12 **The Court:** We want to finish all this today, so...

13 **Ms. Campbell:** And, Your Honor, I'm just going to check
14 with him, too, to make sure whoever he needs to testify this
15 afternoon -- and I'm going to let everybody else go. Okay?

16 **The Court:** All right.

17 (Pause in proceedings.)

18 **Ms. Campbell:** May we approach, Your Honor?

19 **The Court:** Sure.

20 (Whereupon, a bench conference was held.)

21 **The Court:** All right. Tell me where we are, if you
22 don't mind.

23 **Ms. Campbell:** Your Honor, I'm sorry. We're trying to
24 do research. I think we're -- do you want to take up the
25 search warrant issue?

1 **The Court:** Whatever y'all want to do.

2 **Ms. Campbell:** Do you want to? That's good with us.

3 **The Court:** All right.

4 **Ms. Campbell:** If I may approach, Your Honor. I would
5 hand up just a summary and a case---

6 **The Court:** Well, I need to know -- you said that this
7 warrant was defective for what reason?

8 **Mr. Schnee:** Two reasons, Your Honor. First, the judge
9 who issued the warrant was the Lykesland magistrate. The
10 jail is located within Hopkins and, therefore, due to---

11 **The Court:** Tell me what they did. They got a search
12 warrant?

13 **Mr. Schnee:** For my client's D.N.A., for D.N.A. swabs.

14 **The Court:** So they went to the magistrate in Hopkins.

15 **Mr. Schnee:** No, they went to Lexington.

16 **The Court:** All right.

17 **Mr. Schnee:** To get a search warrant for my client who
18 is in jail.

19 **The Court:** Who is the Lykesland magistrate? Is that
20 Judge Davis?

21 **Mr. Schnee:** Yes.

22 **The Court:** Michael Davis?

23 **Mr. Schnee:** Yes.

24 **The Court:** All right. So Judge Davis signed the
25 warrant.

1 **Mr. Schnee:** Correct.

2 **The Court:** And you say the jail is in Hopkins.

3 **Mr. Schnee:** Yes, sir.

4 **The Court:** All right. So you say it's defective for
5 that reason.

6 **Mr. Schnee:** Yes, Your Honor.

7 **The Court:** Do y'all want to respond to that?

8 **Ms. Campbell:** Yes, Your Honor. Under Code Section
9 17-13-140 which basically talks about a magistrate's -- the
10 powers of the magistrates, that coupled with Section 22-3-520
11 which does limit a magistrate's jurisdiction to the county in
12 which he is in... However, Your Honor, in State versus --
13 State -- McLeod versus Crowe, Your Honor, it goes further and
14 talks about the powers of magistrates. They are well within
15 -- it was well within his capabilities in signing it as long
16 as he was in Richland County, and both the Alvin S. Glenn
17 Detention Center and this crime were in Richland County.

18 **Mr. Schnee:** Which case? Do you have a copy of that?

19 **Ms. Campbell:** Yes. It's 249 Southeast Second 772.

20 **Mr. Schnee:** 772?

21 **Ms. Campbell:** Uh-huh. And the Code Sections are
22 17-13-140 and 22-3-520.

23 **Mr. Schnee:** Do you have a copy of that case?

24 **Ms. Campbell:** I only have one and I handed one up to
25 the judge, but I'll get one for you. Basically in Sections

1 1, Article -- Sections 1 and 23 of Article 5---

2 **The Court:** Wait a minute. Let...

3 **Ms. Campbell:** ---require the jurisdiction of
4 magistrates must be uniform throughout the state. Such
5 uniformity can only be accomplished through legislation which
6 grants all magistrates uniform county-wide jurisdiction and
7 pursuant to that in an Attorney General opinion dated
8 November 18th of 1978 constitutionally possess county wide
9 territorial jurisdictions in both criminal and civil cases.

10 **The Court:** Do you want to respond to that?

11 **Mr. Schnee:** Yes, sir. I would like to see that case
12 before I respond to that specific case. However, I would
13 point Your Honor not only to 17-13-140, but I would also
14 point Your Honor to 22-3-530 which deals with trials in
15 magistrate's court and they can only be tried in the district
16 where the offense is committed which is the only -- I don't
17 know what that case is. I have never seen that one.

18 Based on that and 22-1-10, the way that they describe
19 the separation of counties and territorial districts, my
20 argument is that a magistrate in one section of Richland
21 County does not have jurisdiction for the whole county, and
22 that's based on the statutory law. The last I checked -- I
23 mean, I don't have a case in front of me that says---

24 **The Court:** Well, I haven't read this case, but I'll be
25 happy to let you look at it. I know the -- I mean, they have

1 a -- they have a central magistrate court where they try
2 cases -- county-wide cases.

3 **Mr. Schnee:** Judge, the central magistrate's court on
4 Huger Street only tries cases within this territorial
5 jurisdiction.

6 **The Court:** County of Richland.

7 **Mr. Schnee:** Not for the entire county though. They
8 only try cases for -- it's C.D.V. court.

9 **Ms. Campbell:** Uh-huh. County-wide.

10 **Mr. Schnee:** Judge, I don't know. My client---

11 **The Court:** I thought central magistrate's court tried
12 all cases county-wide.

13 **Ms. Campbell:** I was under the impression they did, Your
14 Honor, and I know that they handle all the C.D.V. cases there
15 and I know those are county-wide. And if they didn't have
16 jurisdiction, of course, they would not be able to do that.

17 **Mr. Schnee:** Judge, I have to go to different
18 magistrates to try cases all the time.

19 **Ms. Campbell:** It's as far as where the trials occur and
20 it should be where the crime occurred as far as the trials
21 that go on, but that's a specific provision as to the trials.
22 As far as their jurisdiction, if you'll read the case, you'll
23 see it's different. They are, however, Your Honor, limited
24 to the county where---

25 **The Court:** Oh, I understand it's a county... What's

1 that cite?

2 **Ms. Campbell:** The cite is 249 Southeast Second 772.

3 **The Court:** You got that written down?

4 **Ms. Campbell:** I can hand it up at this time, Your
5 Honor.

6 **The Court:** Well, I can get -- I can get my law clerk to
7 go---

8 **Ms. Campbell:** Are you sure?

9 **The Court:** ---pull that case. Let him do it. Can you
10 do that? All right. What's the other issue with respect to
11 the magistrate? Is that the sole issue about whether the
12 magistrate had the authority to sign the search warrant?

13 **Mr. Schnee:** No, sir. There's another issue with the
14 warrant itself. The language in it does not comply with the
15 requirements of Schmerber and pursuant to -- where did I put
16 that? It's Gantt v. State. It's 354 South Carolina 183.
17 It's a 2003 Supreme Court case. It says that in order for
18 the search warrant for D.N.A. or any other bodily fluids or
19 anything else to be valid, it has to comply with Schmerber,
20 that the statute authorizing a search warrant cannot
21 circumvent the constitutional requirements.

22 **The Court:** Well, I haven't seen the warrant. I don't
23 know anything about it. What do you say about that, Madam
24 Solicitor?

25 **Ms. Campbell:** Your Honor, in the search warrant I don't

1 think we would argue that probable cause is overwhelmingly
2 established, so the only prong that he's trying to say is
3 that the manner in which it would be collected would be safe.
4 Your Honor, a buccal swab, which is what was being sought to
5 be collected, is in and of itself inherently non-invasive.
6 All it is is a swab that's done on the inside of the mouth.
7 It's referenced in the actual search warrant itself. There
8 was no intrusion as to such -- that it used to be when we had
9 to get blood and everything, in which all the cases he's
10 referring to, in re Snyder and all that progeny refers to,
11 the fact that it refers to it being a buccal swab would
12 inherently alert the magistrate that it was a safe and
13 reliable way that it would have been collected because
14 there's only one way to collect a buccal swab.

15 **The Court:** Well, tell me what the -- I don't know what
16 language y'all are relying on that says that...

17 **Ms. Campbell:** Your Honor, in description of property it
18 says, "D.N.A. evidence collected from defendant's body. The
19 search is for a buccal swab."

20 **The Court:** All right. And what is it -- what is the
21 case that mister...

22 **Ms. Campbell:** He's referring in re Gantt -- I mean the
23 Gantt case, Your Honor. There's another -- they all go back
24 to the prongs that are outlined in Snyder -- in re Snyder.
25 Those are outlined in State versus Baccas and State versus

1 Sanders, Your Honor. In those cases, like in Baccas, they
2 allowed the blood to come in even though they said it didn't
3 meet probable cause. I don't think he's arguing that
4 probable cause is not met by this. I think the only prong --
5 because there are three prongs in Snyder. Beg the Court's
6 indulgence. That probable cause to believe the suspect has
7 committed a crime -- a clear indication that relevant
8 material evidence will be found and the method used to secure
9 the evidence is safe and reliable.

10 Our position is we've met all three of those prongs.
11 They also talk about in the State versus Baccas case that you
12 look at the totality of the circumstances as far as the
13 search warrant or any court order is---

14 **The Court:** So you're saying because the language in the
15 search warrant doesn't specifically say that it's safe and
16 reliable...

17 **Mr. Schnee:** Actually, that's only part of it, Judge.
18 The language in the warrant -- it says, "This search is for a
19 buccal swab but not limited to a buccal swab if refused by
20 the defendant," which actually my client tried to do it
21 first. And under Gantt v. State, refusal to follow an
22 invalid search warrant is a proper thing to do. It's the
23 same as a warrantless search, and without the language saying
24 that it is safe -- because you can't just assume that it is,
25 because the warrant is actually to get D.N.A. any way that

1 the police want to. It does not comply with Schmerber and is
2 an invalid search warrant on its face.

3 **The Court:** A buccal swab -- do you agree that that's a
4 safe way to do it?

5 **Mr. Schnee:** I agree that is the safest way in modern
6 medicine, but that's not what the search warrant says.

7 **The Court:** So you're saying it's a safe way to do it.

8 **Mr. Schnee:** I will agree it is a safe way.

9 **The Court:** All right. So what is it that -- and your
10 client you say had the right to refuse but ultimately
11 acquiesced; right?

12 **Mr. Schnee:** Under sort of a threat that we're going to
13 get it anyway and then a phone call to, I believe, his mother
14 who said just give it to them.

15 **The Court:** Well, I mean---

16 **Mr. Schnee:** But---

17 **The Court:** ---he consented.

18 **Mr. Schnee:** He didn't consent. He simply didn't fight.
19 He did initially refuse though.

20 **The Court:** I don't know what you mean he didn't
21 consent. His mother said do it and he said I -- they said
22 they're going to get it anyway, so he consented.

23 **Mr. Schnee:** Sort of. I hesitate to use that word
24 simply because it's -- there is a requirement for a search
25 warrant. I think the warrant fails, and I think he's still

1 entitled to argue that.

2 **The Court:** All right. Anything further?

3 **Ms. Campbell:** No, Your Honor. The testimony from the
4 prior trial on this issue was that first he declined to do
5 it, called his mother, allowed the opportunity to talk to his
6 mother. She convinced him to comply and he did that. We
7 used the buccal swabs.

8 **The Court:** And y'all feel comfortable that it's
9 sufficient rather than a Schmerber hearing and doing it
10 again?

11 **Ms. Campbell:** Yes, sir. We feel comfortable but...

12 **The Court:** I understand.

13 **Ms. Campbell:** Yes, sir, because the language is in the
14 search warrant itself that they were searching for a buccal
15 swab. The defense has just stipulated that that is a safe
16 and reliable manner to do it, the very definition of how it
17 would be done in collecting a buccal swab, and that's what
18 happened in this case. Taken under the totality of the
19 circumstances, the fact that he does not dispute that there
20 was probable cause and that the evidence sought to be found
21 would be relevant to this case...

22 **The Court:** All right. Anything further?

23 **Mr. Schnee:** Judge, I would simply say -- reiterate that
24 the warrant does not authorize only that swab.

25 **The Court:** Well, I understand that.

1 **Mr. Schnee:** And I disagree that the warrant is valid
2 without the proper language.

3 **The Court:** Well, I understand that you disagree. You
4 know, you may have -- if they couldn't have gotten it through
5 a buccal swab, you may have a -- you may have a point, but
6 you acknowledge that the buccal swab is a safe way to do it,
7 that the prong that's missing you have told me is that it has
8 to be done in a safe way.

9 **Mr. Schnee:** Your Honor, in order for the warrant to be
10 authorized in the first place, it must have the language that
11 it will be done in only a safe way which it does not and
12 clearly allows the police under this warrant to not do a
13 swab. They can -- they can pull out hairs. They can -- they
14 can grab blood. They can do a lot of things.

15 **The Court:** But they didn't do that.

16 **Mr. Schnee:** Which wasn't my client's initial choice.

17 **The Court:** I understand that. Yes, ma'am.

18 **Ms. Campbell:** And if they had gone beyond that and
19 started tearing his hair out or cutting his arms up, he would
20 have an argument, Your Honor, but the only way they intended
21 and the only way they did collect the sample in this case was
22 in the very same manner which they just stipulated to.

23 **The Court:** All right. Anything further?

24 **Ms. Campbell:** Your Honor, just as a catch-all, too, is
25 State versus Herring which talks about the exclusionary rule.

1 If the police act in a good-faith reliance and do not present
2 a truth to the magistrate, the magistrate found sufficient
3 probable cause, and in that case they said South Carolina
4 recognizes the good-faith exception to the exclusionary rule,
5 for the purpose of the exclusionary rule is to deter police
6 misconduct and, therefore, they did not suppress in that case
7 either.

8 **Mr. Schnee:** And, Judge, pursuant to State v. Covert
9 which is a 2009 Supreme Court case, the issue in that was an
10 unsigned warrant which the Supreme Court deemed as an invalid
11 warrant, the same as any type of invalid warrant, and
12 specifically held that the good-faith exception does not
13 apply to an invalid warrant.

14 **Ms. Campbell:** That was an unsigned warrant.

15 **The Court:** All right.

16 **Ms. Campbell:** Your understanding, this one was
17 unsigned.

18 **Mr. Schnee:** Yes, and they subsequently determined it
19 therefore invalid.

20 **The Court:** All right. Anything further?

21 **Ms. Campbell:** No, sir.

22 **The Court:** All right. Let me look at that -- my law
23 clerk is pulling it up. What else we got?

24 **Mr. Schnee:** I can give Your Honor this one back.

25 **The Court:** Give that to Ms...

1 **Ms. Campbell:** He can keep it.

2 **Mr. Schnee:** Thank you.

3 **The Court:** All right. What else we got?

4 **Mr. Schnee:** Judge, we think the only thing we have left
5 at this point -- we have the Brady material.

6 **The Court:** All right. Well, what do we need to do in
7 the Brady motions? You said you wanted testimony.

8 **Mr. Schnee:** Yes, sir.

9 **The Court:** All right.

10 **Mr. Schnee:** Do we want to do -- do you want to rule on
11 the issue to determine if we're doing a Schmerber and
12 potentially delay the trial or do you want to continue with
13 the rest of this?

14 **The Court:** I want to go forward with it. I'm not in a
15 position to rule right now, but I will before the day is
16 over.

17 **Mr. Schnee:** Okay. In that case, I would like to start
18 with Investigator Robinson.

19 Donald Robinson, after being duly sworn, testified
20 as follows in camera:

21 **The Clerk:** Please have a seat. State your full name
22 for the record.

23 **The Court:** What is it -- what is it y'all have Mr.
24 Hiers up here for?

25 **Ms. Campbell:** Your Honor, he brought the certified

1 convictions with him. He's going to testify this afternoon.
2 We didn't catch him before he left. I think Mr. Schnee has
3 agreed that the certified convictions themselves will be
4 admissible, so I can get those from Mr. Hiers at this point
5 and let him go.

6 **The Court:** Mr. Schnee, is that agreeable with you that
7 we can get what you need from Mr. Hiers? Do you need to talk
8 to Mr. Hiers?

9 **Mr. Schnee:** Judge, as long as they're certified
10 convictions, I don't have any objection to them simply being
11 admitted. I don't know that I could object.

12 **The Court:** All right. Mr. Hiers, are they certified---

13 **Mr. Hiers:** Yes, sir.

14 **The Court:** ---convictions?

15 **Mr. Hiers:** Yes, sir.

16 **The Court:** Mr. Schnee, how long do you anticipate this
17 -- your examining this witness?

18 **Mr. Schnee:** Ten minutes maybe.

19 **The Court:** All right. Well, I need to -- all right.
20 Are y'all finished with Mr. Hiers?

21 **Ms. Campbell:** Your Honor, I do have the three certified
22 convictions before he leaves, if Mr. Schnee would just look
23 at them to make sure he doesn't have issues.

24 **The Court:** Mr. Schnee, do you want to look at them?

25 **Ms. Campbell:** We'll only be using two of them.

1 (Mr. Schnee looks at documents.)

2 **Ms. Campbell:** He agrees that the three convictions are
3 good, Your Honor, and I believe that's all we have.

4 **The Court:** Mr. Hiers?

5 **Mr. Hiers:** Yes, sir.

6 **The Court:** Ms. Brown right here is going to take you
7 around through the clerk's office.

8 **Mr. Hiers:** Thank you, sir. Good to see you, Judge.

9 **The Court:** Thank you. And we're going to -- I hate to
10 do this, but we're going to take about five minutes.

11 **Ms. Campbell:** Yes, sir.

12 **The Court:** I got some of this information back that I
13 can take a look at it. Y'all don't go anywhere.

14 (Whereupon, a short break was taken.)

15 **The Court:** All right. Thank y'all. Okay. Now we need
16 Walkaway. Where did he go?

17 **Deputy:** Do you want me to get him, Your Honor?

18 **The Court:** Sir?

19 **Deputy:** Do you want me to get him?

20 **The Court:** Where is he?

21 **Deputy:** He walked out.

22 **The Court:** Well, that's why they call him Walkaway
23 Schnee.

24 (Pause in proceedings.)

25 **The Court:** Are we ready to go? Are you ready to go

1 here, Mr. Schnee?

2 **Mr. Schnee:** Ready, Your Honor.

3 **The Court:** All right. What we got? You got this
4 officer.

5 **Mr. Schnee:** All right. May it please the Court?

6 **The Court:** Yes, sir.

7 Direct Examination

8 By Mr. Schnee:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. Just very briefly put your name and occupation on the
12 record.

13 A. My name is Donald Robinson. I'm an investigator for the
14 Richland County Sheriff's Department. At the time this was
15 happening, I was a sergeant in the Major Crimes Unit.
16 Currently I'm still the same rank but just in a different
17 division.

18 Q. Okay. You're the lead investigator on this case?

19 A. That's correct.

20 Q. Okay. Your job is to direct people what to do, who to
21 investigate, where to go.

22 A. For the most part, yes.

23 Q. Okay. During the first trial back in I guess March of
24 2010---

25 A. Okay.

1 Q. ---you were asked a lot of questions about the mode and
2 method of your investigation. Do you remember that cross-
3 exam?

4 A. I remember a bunch of questions.

5 Q. Okay. Start -- a lot of them went through questions
6 about your training and how you testify and how you prepare
7 for testimony. Do you remember any of that?

8 A. What questions you're specifically talking about, I
9 don't know.

10 Q. Okay. Well, specifically Mr. Gibson asked you if you
11 take notes during the course of your investigation.

12 A. Yes.

13 Q. Okay. And you did take notes.

14 A. Yes.

15 Q. In this case.

16 A. Yes.

17 Q. Handwritten notes.

18 A. Handwritten notes? What we do is -- well, you might
19 take notes while you're doing your work. Then you come back
20 and you transcribe them into a follow-up report.

21 Q. Okay. But while you're in the field and you're talking
22 with people, you write down things like names, phone numbers,
23 addresses?

24 A. Sure.

25 Q. Okay. What do you do with those notes?

1 A. They get into transcribed into the follow-up report like
2 I just explained.

3 Q. Okay. What do you do with the physical copy of that?

4 A. I usually destroy them once I've transcribed them into
5 my follow-up. I don't...

6 Q. So that's what you've done in this case.

7 A. Well, I'm not sure I know what notes you're talking
8 about. I mean, you have a legal pad. You might write
9 something down in your hand or you might write something down
10 on a notepad like a phone number and you go back to the
11 office and you fill out your report and you write it all
12 down.

13 Q. Okay. Well, in this case do you remember what you did?
14 Do you carry a pad with you regularly?

15 A. I carry a legal pad.

16 Q. Okay. And you write on that?

17 A. Sure.

18 Q. When you're talking to people.

19 A. Unless I'm taking -- if I'm taking a statement, then I
20 will take a formal statement pad with me or not a pad but a
21 formal statement -- sheets and fill out the handwritten
22 statement forms or bring them back to the office and we do
23 everything in the office.

24 Q. Okay. But in general you have a pad that you write
25 things down on.

1 A. For every single thing in the world, yeah, there's a pad
2 somewhere for everything.

3 Q. Okay. And in this case you did that. You wrote things
4 down on a pad.

5 A. I wrote down on a legal pad, came back to the office and
6 transcribed it. That's what I do.

7 Q. And you destroyed them.

8 A. Whatever I've already written it down -- I write it down
9 to a more organized fashion and then move on.

10 Q. Okay. After you organize them and retype them, you
11 destroy the handwritten notes.

12 A. Yeah.

13 Q. Okay. Is that department policy?

14 A. Is that department policy?

15 Q. Yes, sir. Is that department policy?

16 A. I don't know of any -- if there's any policy that tells
17 me I have to keep old notes if I keep the same information on
18 one pad to the formal report.

19 Q. Okay. Let me ask you this. If I may approach the
20 witness?

21 **The Court:** Yes, sir.

22 By Mr. Schnee:

23 Q. Do you remember this document?

24 A. This was from the vandalism; yes, I do.

25 Q. Okay. And that report was dated June 26th of 2011?

1 A. That's correct.

2 Q. That's when you typed that.

3 A. Yes.

4 Q. Okay. Do you have the notes for that?

5 A. No, I don't have anything extra. No.

6 Q. Okay. At what point did you destroy the notes that
7 accompanied that?

8 A. I'm not sure I wrote any notes to begin with. This was
9 a -- what this situation is, this report that he's referring
10 to, this is a separate investigation that we had worked on
11 the vandalism. So it was a misdemeanor case that involved
12 Charles Blankenbecklor. When I identified him and when I
13 made -- was in a position where I could charge him for that
14 vandalism, I brought him to my office, did an interview with
15 him in my office. He confessed to me verbally. I made the
16 arrest on his person, put him in jail.

17 I handled a separate case file in this. It was not
18 attached to this case at all. That was just a misdemeanor
19 case, and generally most misdemeanor cases -- very seldom do
20 I do many of those but... I closed the case right there upon
21 the arrest.

22 Q. Okay. You typed this report June 26th of 2011.

23 A. Yes.

24 Q. Did you type this whole thing from memory or did you---

25 A. This right here? No, I typed this one completely from

1 memory, yeah, and the reason -- and if you notice on this
2 report here -- I mean, it's fairly vague. You know, it's
3 fairly easy to remember. All this right here is pretty easy,
4 and the only thing that was recent -- and the reason why it
5 was updated at the last moment like that was because I had
6 just learned of this information about this Boochee
7 (phonetic) guy. I hadn't had that information forever. I
8 mean, I knew there was a nickname named Boochee and I tried
9 to put it on the street to find out who Boochee was, never --
10 nobody would give us the information that we needed.

11 I learned of it just right before then because -- and
12 the only reason was because that Boochee -- this Boochee guy,
13 Mr. Tucker, was recently arrested right before that for
14 copper theft, and it just so happened that the guy that works
15 copper cases became a new person in my office and he was
16 arrested on that side of town which is the Leesburg area
17 which is the area that I generally work, and we were just
18 chatting about this arrest because it was new to him. It was
19 brand-new. He had just started in that division. All that
20 was brand-new.

21 So then I found out and I was like, "Who is Boochee?"
22 And then he told me that he thought Boochee was Mr. Tucker.
23 So I talked to Sergeant Lindler which is that guy with the --
24 the guy that made the arrest on that case. I learned
25 (verbatim) out that that was the same guy.

1 Q. You had Boochee the whole time since you first
2 interviewed---

3 A. I mean, a Boochee, yes.

4 Q. That was the first time you met with Charles---

5 A. Yes.

6 Q. ---who had the nickname Boochee.

7 A. Yes.

8 Q. Okay. Now, at the very top of this form or this report,
9 you're discussing that you believed it was connected to the
10 burglary/robbery involving Adonis Williams.

11 A. At first.

12 Q. Okay.

13 A. Yeah.

14 Q. And after his arrest, meaning Adonis, he denied
15 knowledge of the vandalism; right?

16 A. That one I sent after his arrest, that's after Charles
17 Blankenbecklor's arrest.

18 Q. Then it says, "After his arrest" comma "Adonis---

19 A. I'm sorry. Yeah, in that part, yeah. There were two
20 sections of it. Okay. Yeah. As far as I know---

21 Q. You talked with Adonis about those -- the vandalism.

22 A. Yeah. When we first tried to interview him, he didn't
23 talk, but he says he had no idea what I was talking about.

24 Q. Okay. Now, you said you placed -- in the third
25 paragraph you said you placed this video in the news?

1 A. Yes.

2 Q. Okay. And you received several leads of several
3 vehicles?

4 A. We probably received some Crimestoppers tips, not leads
5 myself that I developed. They all came on Crimestoppers
6 tips.

7 Q. Okay. But you followed up on them.

8 A. Yes.

9 Q. Okay.

10 A. Tried to, the ones we could find. I mean, we get a call
11 that one car is parked in the parking lot at the Wal-Mart on
12 Garners Ferry, so we tried to follow up and get there. The
13 car is gone---

14 Q. Okay.

15 A. ---so that's---

16 Q. All right. Well---

17 A. You know, something---

18 Q. ---can you---

19 **Court Reporter:** Whoa, whoa, whoa. Y'all are talking at
20 the same time.

21 **Mr. Schnee:** I'm sorry.

22 **Court Reporter:** Kind of overlapping. If y'all could
23 wait 'til he's -- wait until you get through with your answer
24 before you start the next question, please.

25 **Mr. Schnee:** Yes, ma'am.

1 By Mr. Schnee:

2 Q. Okay. Could I have a list of all the places you went
3 and all the people you talked to?

4 A. I know the one -- there was one call at Garners Ferry
5 Road at the Wal-Mart. That car didn't turn out.

6 Q. Okay. Who called?

7 A. I have no earthly idea.

8 Q. Well, how did you know that there was a call from there?

9 A. Because it came in over the dispatch line. When people
10 call in tips and stuff, sometimes they tell you who they are
11 and sometimes they don't.

12 Q. Okay. Do you know if the---

13 A. The call---

14 **Court Reporter:** I'm sorry. What was the question?

15 By Mr. Schnee:

16 Q. Did this person tell you who they were?

17 A. No.

18 Q. What were the details of the tip?

19 A. What happens -- this is what you have to understand is
20 that when people call into dispatch, they don't call to us.
21 So dispatch is a buffer between the citizens and us, and
22 they'll ask the person who calls in, "Would you like to give
23 us your name and information and maybe the officer can meet
24 with you?" And they say, "No, I don't want to be involved."
25 Immediately dispatch types it up and types it up as a

1 concerned citizen and then moves on.

2 Q. So the dispatch types up what that call information is?

3 A. Well, I don't know if they -- they type it up on their
4 screen to dispatch an officer to it. I don't think they type
5 up a report, but they type it on a screen or whatever. They
6 dispatch -- I don't work their side. I can't tell you
7 exactly how their procedure is.

8 Q. So after someone calls, someone at dispatch types in the
9 information and then it goes out to someone in the police
10 department to investigate it or follow up.

11 A. Well, that was dispatched to a deputy to respond.

12 Q. Okay. So the one at Wal-Mart Garners Ferry, did anyone
13 respond?

14 A. There was a deputy that responded, but the car -- that
15 car they could not find in the parking lot.

16 Q. Okay. Who was the deputy that responded?

17 A. I couldn't tell you that. That's several years ago. I
18 couldn't tell you the answer to that one. I just know that
19 the call -- I heard the call go out and they go there and the
20 car wasn't there. They moved on to something else.

21 Q. Okay. What's one of the next tips you got?

22 A. There was a Crimestoppers tip that came in that there
23 was a car riding around the Tama Road area, and that came in
24 on Crimestoppers, and you have to understand: Crimestoppers
25 does not identify who called it in neither. So, I mean, that

1 tip said there was a guy riding around in a car like that
2 that went by the nickname of Casper.

3 Q. By the nickname of what?

4 A. Casper. And that's the only other tip -- that's the
5 only other really tip that I know of.

6 Q. That was a Crimestoppers tip, someone named Casper
7 riding around Tama Road.

8 A. Yeah, fitting the description of that car.

9 Q. Do you know who Casper is?

10 A. Casper I believe is going to be Charles Blankenbecklor.

11 Q. That's Charles Blankenbecklor?

12 A. I guess. I've heard that's what his nickname is on the
13 street, but I don't have any confirmation of that. I don't
14 have a clue.

15 Q. How have you heard that on the street? Other officers?

16 A. I mean just -- I mean, you know -- I mean, you're asking
17 me now when we interview and talk to hundreds and hundreds
18 and thousands of people every year. Like I couldn't tell
19 you. I mean, I've got a whole list of nicknames I have
20 probably five or six pages long.

21 Q. So you write that down.

22 A. Over all the years I used to write all the nicknames
23 down. Hey, you try to remember them after awhile.

24 Q. Okay. You then received a tip from someone you say is a
25 confidential informant?

1 A. There was an information source.

2 Q. Okay. What was the information given?

3 A. That Charles Blankenbecklor was driving around in that
4 car and the car could be found at his mother's house. It's
5 in the report that you have that you just provided me.

6 Q. You know who this confidential source is.

7 A. I do.

8 Q. Okay. Why is it a confidential source?

9 A. Because I think if that information and identity of that
10 source were to become public, then that would jeopardize the
11 safety of that source.

12 Q. Is that source still an active informant?

13 A. Not on my behalf, no.

14 Q. On anyone's that you know of?

15 A. I have no earthly idea.

16 Q. Why would you think their safety would be in danger?

17 A. Well, as I -- in the past I worked narcotics cases many
18 times over the years and I've learned that if an informant
19 were to come forward and provide you information that they
20 feel it's a confidential situation and if you were to put
21 their name out to be known, that you run the risk of the
22 defendant or whoever that they're providing information
23 against -- would harm them or would come back to them. So
24 you have to be careful of -- to protect your information
25 source to keep them out of harm's way.

1 Q. Okay. Well, Charles Blankenbecklor has already pled
2 guilty; right?

3 A. He has pled guilty to the vandalism.

4 Q. To the magistrate vandalism offense.

5 A. That is correct.

6 Q. Okay. So Charles isn't going to go after him; right?

7 A. I couldn't tell you. I don't know what his---

8 **Ms. Campbell:** Objection, Your Honor. The relevance of
9 this -- I mean, I think he's explained himself.

10 **Mr. Schnee:** Judge, it deals with whether the C.I. is
11 actually a confidential informant or---

12 **The Court:** What does that have to do -- if somebody
13 gave some information about a third party on an unrelated
14 crime, what does it have to do with your client?

15 **Mr. Schnee:** Well, it's not an unrelated crime, Judge,
16 is my position, and it's been the defense's position that
17 these are very much related the entire time, particularly
18 when you---

19 **The Court:** Well, he's not charged with -- I don't know
20 what the -- what did you say they were -- you were
21 investigating those other folks for?

22 **The Witness:** Mr. Blankenbecklor was being investigated
23 for vandalism.

24 **The Court:** All right. What does that have to do with
25 armed robbery, burglary, or kidnapping?

1 **Mr. Schnee:** The vandalism was of the victim's car
2 within ten minutes of her getting to the gas station when she
3 made the 9-1-1 call to report the crime.

4 **The Court:** Was your client involved in that, I mean in
5 terms -- in terms of being charged with that?

6 **Mr. Schnee:** No, sir.

7 **The Court:** Well, then what does it have to do with...

8 **Mr. Schnee:** Because they accused him of that very early
9 on, said the person on the video matched his description.
10 That was part of their initial investigation, and it goes
11 very much into -- particularly now that I have just learned
12 this Crimestoppers tip saying Casper is Charles
13 Blankenbecklor.

14 **The Court:** I don't know what that has to do with...

15 **Mr. Schnee:** That has quite a bit to do with a letter we
16 received before the last trial.

17 **The Court:** I don't know what letter you're talking
18 about.

19 **Mr. Schnee:** There was a letter written to the victim
20 from someone claiming to be Casper, the ghost. Judge, at
21 this point -- first I'd like to get a copy of that
22 Crimestoppers tip and any subsequent follow-up on that, and I
23 would also move at this point to reveal the C.I. in terms of
24 what information exactly was provided and who it is, if
25 there's any investigation that needs to be done on my part

1 for that -- to prepare for trial and cross-examination.

2 **The Court:** What -- do y'all have any access to a
3 Crimestopper tip?

4 **Ms. Campbell:** I'm not aware of any Crimestopper tip,
5 Your Honor. We don't have a copy of it. I don't know
6 anything about that. In addition, he's got the information
7 that was provided and he knows he's not entitled to the
8 identity of a confidential informant, especially on, as
9 you've already pointed out, Judge, on a matter that his
10 client is not even charged with. My understanding is the
11 defense is making it into whatever they want to, but I
12 mean---

13 **The Court:** Well, he says he wants a copy of the
14 Crimestoppers tip. Who has that information?

15 **Mr. Schnee:** The sheriff's department should have a copy
16 that they had originally, and additionally, under the
17 Crimestoppers statute, I am entitled to everything that they
18 have. It is subject to Brady and Rule 5. It's not subject
19 to FOIA, but for Brady and Rule 5 purposes I am entitled to
20 it.

21 **The Court:** Do you know whether the sheriff's department
22 has copy of a Crimestoppers tip?

23 **The Witness:** They're usually printed out and separated
24 and posted. It could be around there. I don't see -- I
25 haven't had it and I haven't -- I mean, it was a separate

1 case totally 100 percent, and so it was discarded when the
2 case was closed at that time which was a year or so ago.

3 **The Court:** Well, how do we find out if there's a copy
4 of the Crimestoppers tip? Who is in charge of Crimestopper
5 tips at the sheriff's department?

6 **The Witness:** Chris Cowan.

7 **Ms. Campbell:** I believe it's Chris Cowan.

8 **The Witness:** Chris Cowan was at that time. I imagine
9 he probably still is.

10 **Ms. Campbell:** Chris Cowan---

11 **The Witness:** Chris Cowan.

12 **Ms. Campbell:** I can call him.

13 **The Court:** Call him and see if they have a copy of the
14 Crimestoppers tip.

15 **Ms. Campbell:** Is there---

16 **The Court:** What else do you want?

17 **Ms. Campbell:** ---a date or something that references
18 it?

19 **Mr. Schnee:** Is there a date for the tip that you
20 remember?

21 **The Witness:** It was right around that time frame, so
22 you'd have to check a range.

23 **Ms. Campbell:** I'll check.

24 **The Court:** All right. What else have we got?

25 **Mr. Schnee:** Those are all the questions I have for this

1 witness.

2 **The Court:** All right. I'm not ordering that they turn
3 over the name of the confidential informant. I don't think
4 you're entitled to that.

5 **Mr. Schnee:** All right.

6 **The Court:** Anything else you need?

7 **Mr. Schnee:** Not from this witness, no, Judge.

8 **The Court:** So we're finished with this witness on the
9 Brady and the Rule 5.

10 **Mr. Schnee:** Yes, sir.

11 **The Court:** All right. Thank you, Investigator.

12 **The Witness:** Thank you, Your Honor.

13 **The Court:** All right. What about -- have we dealt with
14 the cell phone pursuant to Crawford?

15 **Mr. Schnee:** No, sir, we have not.

16 **The Court:** What do we have to do here?

17 **Mr. Schnee:** Well, Judge, there are a number of text
18 messages that the State intends to introduce that are alleged
19 to either be sent or received from my client on his personal
20 cell phone that they obtained without a search warrant and
21 then took pictures of the messages without a search warrant.
22 So I would move to suppress all of this.

23 **The Court:** All right. Wait a minute. There are text
24 messages that were sent from his phone and received from his
25 phone.

1 **Mr. Schnee:** Yes, that's what the...

2 **The Court:** You want both of those.

3 **Mr. Schnee:** They got -- they took his physical phone,
4 opened it, and then took photographs of various text
5 messages.

6 **The Court:** All right. All right.

7 **Mr. Schnee:** And that's what I want suppressed.

8 **The Court:** And when -- from what period of time?

9 **Mr. Schnee:** There was only a couple of days. It was
10 during the period of time -- at least part of the time that
11 my client was being looked for but not found.

12 **The Court:** All right. Madam Solicitor, what y'all say?
13 How many text messages---

14 **Ms. Campbell:** Your Honor, I can hand up a copy of what
15 he's talking about. Beg the Court's indulgence. May I
16 approach, Your Honor?

17 **The Court:** All right. So there's two messages and a
18 picture, a photograph.

19 **Ms. Campbell:** Yes, sir.

20 **The Court:** All right. Now, what's the issue here?
21 This is the cell phone that belonged to the defendant?

22 **Mr. Schnee:** Yes, Your Honor.

23 **Ms. Campbell:** Ultimately, yes, sir. Your Honor, we
24 believe there was a search warrant done on a Dawn Shea's
25 house who is a person who the defendant sometimes would stay

1 with I guess is the best way to put it. The defendant wasn't
2 there at the time they took the phone. They then did look at
3 the phone---

4 **The Court:** The phone was at the residence of whoever
5 they had the search warrant...

6 **Ms. Campbell:** Dawn Shea's house.

7 **The Court:** All right.

8 **Ms. Campbell:** The defendant wasn't there. They took
9 the phone. At that point they were trying to get some
10 identifying information from the phone, and at that point
11 they looked at the phone and noticed these messages where he
12 talks about being on the run.

13 **The Court:** All right. So you're saying that they --
14 because it's testimonial and not cross-examinable that you're
15 not -- they're not entitled to it.

16 **Mr. Schnee:** Well, first, my argument would be that the
17 search warrant does not cover opening up his cell phone and
18 looking through all the information. In that particular case
19 it says they were looking for papers, credit cards, items
20 that belonged to various people, some of the victims of the
21 case, a revolver, ammunition, any paperwork or anything that
22 shows ownership of a revolver. They were looking for a blue
23 bandana, stocking caps, a jacket, and then a catch-all: Any
24 other potential relevant evidence.

25 When they seize that phone, they don't have any

1 potential evidence at the time. In the search of that, they
2 never got a warrant to actually search the phone itself.

3 **The Court:** Yes, ma'am.

4 **Ms. Campbell:** At that point, Your Honor, I believe it's
5 abandoned property. I don't know what standing he would even
6 have to object to the search warrant. Furthermore, the
7 search warrant did specify certain things they were searching
8 for.

9 In addition to that, in the end there is a catch-all
10 saying: Any evidence that may be relevant to this
11 investigation. The police then got it. Once the evidence is
12 in their hands pursuant to State versus Sanders, I believe
13 that they can do with it what they want as long as they have
14 obtained it legally.

15 In this case there are three different ways when they
16 obtained it legally. First, the defendant doesn't have any
17 standing to contest any evidence from a third party's house.
18 Number two, even if he did have standing, he's abandoned that
19 evidence at that point and, number three, there was a lawful
20 search warrant in which the police did comply and make sure
21 his constitutional rights were observed.

22 Once they have the phone, they can do with the phone
23 what they want, Your Honor, according to the law. In State
24 versus Sanders, specifically like in that case which is
25 analogous, they talk about what they obtained lawfully. Then

1 they can use it to compare the---

2 **The Court:** This was not your client's residence?

3 **Mr. Schnee:** No, it's a place that my client had stayed
4 on and off. First of all, under State v. McKnight he does
5 have the lawful authority to challenge a search warrant if
6 any property is going to be used against him.

7 Second, it's not abandoned property. I mean, you go to
8 someone's house and if you leave something and come back a
9 couple of days later, that's not necessarily abandoned. If
10 it is abandoned, at that point they can't prove that my
11 client's the one that was sending those text messages at the
12 time. Therefore, they become not relevant at trial. I would
13 argue that without anyone on the other side it's impossible
14 to say who those messages were even going to.

15 **The Court:** Well, what is the purpose of these messages?
16 I mean, what are y'all attempting to show? Flight?

17 **Ms. Campbell:** Yes, sir.

18 **The Court:** Don't y'all already have flight?

19 **Ms. Campbell:** No, sir. We never have enough.

20 **The Court:** Well, sometimes you have too much, and
21 that's generally what gets solicitors in trouble because they
22 have too much and they don't need everything that they put
23 in.

24 **Ms. Campbell:** I understand, Judge, and we did limit it
25 to two out of those three pictures in the last trial; it was

1 limited to that. Not the one with the picture of him on it
2 which might be prejudicial. It was limited to the other two.

3 **The Court:** Say that again.

4 **Ms. Campbell:** The one that's marked I think 68 I.D.
5 only.

6 **The Court:** All right.

7 **Ms. Campbell:** That one was not allowed. The other two
8 were allowed over objection.

9 **The Court:** All right. Well, you know, obviously any
10 time there's a -- a defendant's involved in a case, he has a
11 right to make whatever objections or motions he wants to make
12 with respect to any of the evidence or anything else where he
13 thinks that his rights are being violated, but, you know,
14 this is not his residence. If he leaves something at
15 somebody else's place and in the course of a lawful search by
16 the police, the police come up with this, I believe it
17 constitutes abandoned property and he doesn't -- and once
18 they take it, they have the right to do with it as they deem
19 appropriate. So I will deny your motion. What else?

20 **Mr. Schnee:** Is that deny my motion for all issues or
21 just the search warrant issue for the phone?

22 **The Court:** Just for the phone.

23 **Mr. Schnee:** No. I mean, what about my issue of -- in
24 terms of Crawford and hearsay?

25 **The Court:** You haven't argued anything about that yet.

1 **Mr. Schnee:** Okay. Well, then I will argue that at this
2 point, Your Honor.

3 **The Court:** That's good.

4 **Mr. Schnee:** This Court has ruled it is abandoned
5 property. First of all, there is a problem the State is
6 going to have proving that my client sent or received those
7 messages if it's abandoned.

8 Second, if someone else is sending messages, that is
9 clearly an issue of Crawford and/or hearsay depending on if
10 it is, in fact, testimonial or non-testimonial. And, third,
11 I would argue that some of the language in there -- they're
12 going to attempt to use that as some sort of identification
13 in terms of how he says black power. Part of the testimony
14 that the victim in this case brought up was that the suspect
15 made statements to the effect that all white people are bad
16 and it's all their fault and things of that nature. And I
17 would object to that under Rule 403.

18 **The Court:** What y'all want to say about that?

19 **Ms. Campbell:** Your Honor, as far as in the last trial,
20 he knows we did not go into those statements for fear that it
21 would be too prejudicial. We don't intend to go into that
22 all white people are bad.

23 The victim did not testify to that last time, and she
24 will not be testifying to that to this time. We'll make sure
25 we stuck (verbatim) with the same parameters we were limited

1 to. Like he said earlier, that was coupled in with the --
2 he'd gotten -- he had just gotten out of prison ten months
3 ago. We were -- we're going to limit it to that same
4 verbiage again in this trial.

5 **The Court:** How do you explain your ability to get this
6 into evidence in terms of the language that's there?

7 **Ms. Campbell:** The language about flight?

8 **The Court:** You know, that it's not hearsay. How do you
9 know it's...

10 **Ms. Campbell:** I believe there's case law, Your Honor,
11 if you give me a second to go pull it -- is -- that talks
12 about electronic communications not necessarily being
13 hearsay. If you'd let me just go look at the issue, Your
14 Honor, I'll be glad to address that.

15 **The Court:** All right. We'll give you that opportunity.

16 **Ms. Campbell:** Thank you.

17 **The Court:** Before this comes up. You don't need it
18 before the trial, do you? I mean, if she's going to get me
19 this stuff tonight...

20 **Mr. Schnee:** That should not be a problem, Judge.

21 **The Court:** You're not going to address this in your
22 opening, are you?

23 **Ms. Campbell:** No.

24 **Mr. Schnee:** That is not a problem.

25 **The Court:** What else we got?

1 **Mr. Schnee:** We still have a Biggers issue---

2 **The Court:** All right.

3 **Mr. Schnee:** ---with a photograph.

4 **The Court:** Let's get it.

5 **Ms. Campbell:** Your Honor, the identification of -- the
6 victim was not able to make a positive identification in this
7 case. However, she was able to give a very detailed
8 description of the defendant on the date in question. One of
9 the identifying factors she was able to see: He had a mask
10 on up to his nose, Your Honor, and he had a skull cap or a
11 hoodie pulled down. So she was limited into seeing this area
12 of his face.

13 She talked specifically about how his eyes appeared, and
14 specifically on the left side of his face she noticed what
15 she deemed as a pockmark. In this case it did become
16 significant -- Your Honor, I'll hand up a copy of the
17 photograph that I keep getting mixed up with everything else
18 that we took just prior to the last trial which shows the
19 physical characteristic which corroborates the victim's
20 identification as much as she was able to.

21 And I just approach, Your Honor, with State's Exhibit
22 Number 42 that shows the pockmark as she described it for the
23 police prior to the defendant being arrested.

24 **The Court:** All right. What is the -- what is the
25 Biggers issue that...

1 **Ms. Campbell:** I don't know of one.

2 **Mr. Schnee:** Well, Judge, the way it was apparently used
3 in the first trial is that they had Ms. Wofford testify to
4 the facts surrounding -- they showed her this picture which
5 is my client downstairs in holding and says, "Is this
6 consistent with what you saw?" That's an identifica -- that
7 is a form of identification of my client, and it's showing
8 her one photograph after she has seen my client time and time
9 and time again in court.

10 I believe it is a tainted identification and an improper
11 one. It is unduly suggestive saying, "Is this photograph of
12 this spot on the eye of Adonis Williams consistent with what
13 you saw?"

14 **The Court:** Biggers is the reliability of the
15 identification, being able to make an identification, and it
16 goes into how long you were exposed to that person, your
17 ability to see that person, all that stuff. That -- what
18 you're saying is really an issue of -- for cross-examination,
19 isn't it? It goes to the weight of it.

20 **Mr. Schnee:** Your Honor, I still think that it's a form
21 of an identification which has been---

22 **The Court:** Clearly it's a form of identification, but
23 it's -- I don't know how it's a Biggers issue. You know, I
24 assume at some point in time she made a statement as to
25 identifying whoever was there; right?

1 **Mr. Schnee:** In terms of the description Ms. Campbell
2 discussed, yes.

3 **The Court:** Somebody came. They were a -- 5'10", 170
4 pounds. They had on a blue shirt, khaki pants, running
5 shoes. They had on a mask. Their eyes were open. They had
6 dark eyes. They had whatever identifying marks that could be
7 seen through the open eyes of the mask. Did she make some
8 statement as to that effect?

9 **Ms. Campbell:** Yes, sir.

10 **Mr. Schnee:** Yes, Your Honor.

11 **The Court:** All right. And then---

12 **Ms. Campbell:** I can hand up the robbery questionnaire,
13 Your Honor, which has the specifics. What we're referring to
14 is where it says chicken pox scar---

15 **The Court:** We don't need -- I don't need to see that.

16 **Ms. Campbell:** Okay.

17 **The Court:** So then tell me what happened at the trial.

18 **Mr. Schnee:** Apparently the morning of the first trial
19 or maybe the day before during pretrial, my client was
20 downstairs in holding. The State went down and took a
21 photograph of the side of his face, and then during the trial
22 they showed that to the victim, asked her if this was the
23 same spot that she saw, and they admitted that into evidence.
24 That's an identification of my client is what I'm arguing.

25 **The Court:** Well, what's the difference between asking

1 your client to step up in front of her and say, "Are those
2 the marks on his face here?" Which I think they clearly would
3 have the right to say, wouldn't they?

4 **Mr. Schnee:** I would think that would be somewhat unduly
5 suggestive since she has never identified my client.

6 **The Court:** Right. Well, I mean, an in-court
7 identification, there's nothing wrong with that.

8 **Mr. Schnee:** And that I might agree with, but a physical
9 photograph is somewhat -- is something completely different
10 because at that point if she's---

11 **The Court:** Why wouldn't the identification be of the
12 defendant himself?

13 **Ms. Campbell:** Your Honor, the only reason we did this
14 was so that it was something the jury could take back and see
15 with them as far as the identifying mark. We did not make
16 the defendant come up in front of the jury because there were
17 some issues as to security in the last trial, and we chose
18 and basically everybody agreed to using the photograph in
19 lieu of that procedure. However, you're exactly on point.
20 We have the right to do that and could have done that. We
21 just chose to do it this way.

22 **The Court:** Well, I think you're going to have to do it
23 this time.

24 **Ms. Campbell:** We'll be glad to do that, Your Honor. In
25 addition, however, Your Honor, what he's saying the victim

1 said is not correct. The photograph was put in through
2 another officer; it was not put in through Ms. Wofford. So
3 she never identified the picture anyway. She just did the
4 description, and the picture was put in later. Was this---

5 **The Court:** Well, how did the picture get in?

6 **Ms. Campbell:** Through the officer who observed the mark
7 himself. This is what's shown on the side of his face. The
8 only reason the picture would come in is because it's a very
9 significant identifying part of this case. Because she's
10 limited in what she can see, the pockmark, excuse me, on the
11 left side of the face is very important. And then that was
12 just corroborating how she described it to the police prior
13 to this defendant ever being, you know, taken into custody.

14 **The Court:** Well, I understand.

15 **Ms. Campbell:** So the photograph was admitted through
16 the officer.

17 **The Court:** Well, I think if the photograph is already
18 in evidence, she can identify the photograph.

19 **Ms. Campbell:** Okay.

20 **The Court:** Now, whether they can get the photograph in
21 evidence is a whole different issue. I don't know how
22 they're going to do that. You'll have to make whatever
23 objection you want to make at that time, but if it's already
24 in evidence, then why wouldn't she as a -- have a right to
25 look at that photograph or look at him?

1 **Mr. Schnee:** If it is in evidence, she would, but I plan
2 on objecting to it coming in.

3 **The Court:** Well, we'll have to deal with that at the
4 time then. I can't -- when you make that objection, if y'all
5 try that, make that objection and y'all either step up here
6 and tell me this is the time we need to address this issue or
7 tell me what you want to tell me about it.

8 **Ms. Campbell:** Okay.

9 **The Court:** All right?

10 **Mr. Schnee:** Judge, the only other thing we have is the
11 remainder for Brady/Rule 5 for -- in terms of D.N.A., and
12 also I know we---

13 **The Court:** Say that again. The only remaining issue is
14 what?

15 **Mr. Schnee:** There's D.N.A. that I need Mr. Amick to
16 testify about, and then there was something else from
17 Sergeant Robinson: Anything that was called into dispatch.
18 I don't know if they can get copies of that. I don't know if
19 they save those or if they don't, but those were the tips
20 that he referred to. There's the Crimestoppers tip that
21 comes through the Crimestoppers line and then the separate
22 dispatch.

23 **The Court:** Well, I don't know. Over what period of
24 time? That's the problem. Over what period of time do you
25 want crime...

1 **Mr. Schnee:** I don't know what period of time they
2 received the tips.

3 **The Court:** Well, they probably don't either. They may
4 not be able to identify which -- which telephone calls are
5 tips.

6 **Ms. Campbell:** And, Your Honor, I was just getting
7 information about the Crimestoppers tips. Typically when
8 Crimestoppers -- when they make these motions to try to get
9 information, we get their lawyer here. Usually it's either
10 Steve Benjamin or Seth Rose. We're attempting to contact
11 them right now.

12 As far as trying to find this Crimestoppers tip that
13 they're referring to without a Crimestoppers tip number, it's
14 pretty much impossible is the information I've been given.
15 However, I will be glad to get those people up here to
16 explain it to Mr. Schnee and to Your Honor if you want me to.

17 **The Court:** You can explain anything you want to me. I
18 don't know what Mr. Schnee's position is.

19 **Mr. Schnee:** Well, that's fine with me. My position is
20 that someone had a physical copy of the Crimestoppers tip at
21 some point. Some police officer obviously went out and did
22 something with it, so it should exist. It's obviously in a
23 different case file, but it might be in some archives, but it
24 should be there somewhere.

25 **The Court:** Well, Mr. Schnee, you know, these things

1 have to be reasonably accessible to them. They can't be
2 expected to search every file that was in the Richland County
3 Sheriff's Department since 2008 whenever this alleged
4 incident occurred.

5 **Mr. Schnee:** Well, Judge, there's a very short amount of
6 time frame of window of when this crime was reported and when
7 they got the tips and met up with bank -- we're only talking
8 two months, two and a half months.

9 **The Court:** We don't know what file it's in. We don't
10 know who made the report. Let's---

11 **Mr. Schnee:** Sergeant---

12 **The Court:** We'll see if they -- y'all are going to look
13 and see what you can find out; right?

14 **Ms. Campbell:** Yes, Your Honor. It's my understanding
15 that all the Crimestoppers tips are stored at a server in
16 Canada, that there are over 700 on an average month that are
17 taken in every month. That's the problem is without a tip
18 number or something else... We will make sure that we search
19 our file and Mr. Blankenbecklor's file again to make sure
20 it's not in there, but we don't -- it's my information we
21 don't have them.

22 **The Court:** If you don't have it, then you're going to
23 have to let them know you don't have it. You can't do any
24 more than what you can do.

25 **Mr. Schnee:** Judge, this creates a problem for me in the

1 sense that that Crimestoppers tip includes very important
2 information in my defense.

3 **The Court:** Mr. Schnee, if it doesn't exist, what is it
4 that we're supposed to do?

5 **Mr. Schnee:** Well, it does exist. The matter is
6 availability. It clearly---

7 **The Court:** They just said they don't have it is what he
8 just -- Ms. Campbell said they don't have it.

9 **Mr. Schnee:** Ms. Campbell doesn't have it. Law
10 enforcement did have it, and Crimestoppers still does have
11 it.

12 **The Court:** Well, they don't have control over
13 Crimestoppers.

14 **Mr. Schnee:** Judge, my position is Crimestoppers is
15 created by statute. It's still a government agency.

16 **The Court:** Well...

17 **Mr. Schnee:** Subject to subpoena and Your Honor's court
18 orders.

19 **The Court:** Well, I don't know what to tell you. We'll
20 see what they say. What else we got?

21 **Mr. Schnee:** Just the D.N.A. issue, Judge.

22 **The Court:** What is the D.N.A. issue?

23 **Mr. Schnee:** In terms of what tests were done over the
24 past couple of months.

25 **The Court:** All right. So what do we need to do now?

1 **Mr. Schnee:** It's incomplete information.

2 **The Court:** Have you got somebody that's going to
3 testify as to...

4 **Mr. Schnee:** Gray Amick, Your Honor.

5 **The Court:** Who?

6 **Mr. Schnee:** Gray Amick.

7 **The Court:** Where is Mr. Amick? Are you Mr. Amick?

8 **Mr. Amick:** Yes, sir.

9 **The Court:** Come on down here, Mr. Amick.

10 Gray Amick, after being duly sworn, testified as
11 follows in camera:

12 **The Clerk:** Please have a seat. State your full name
13 for the record.

14 **The Witness:** My name is Gray Amick.

15 Direct Examination

16 By Mr. Schnee:

17 Q. Good afternoon.

18 A. Hi.

19 Q. Over the past couple of months you were asked to run
20 subsequent D.N.A. tests on a number of swabs?

21 A. Yes.

22 Q. Okay. Do you have your report and bench notes with you?

23 A. I do.

24 Q. Those swabs would be two, three, four, six, seven, and
25 eight?

1 A. Correct.

2 Q. Okay. Now, you've also supplied profiles for a few
3 other people involved in the investigation or---

4 A. I think---

5 Q. I think you were asked to look up and compare to...

6 A. Correct.

7 Q. One of those would be Charles Blankenbecklor.

8 A. Yes.

9 Q. Okay. And you looked at his profile?

10 A. Yes.

11 Q. Okay. If I may approach for one second. Is this a copy
12 of it?

13 A. Yeah, it appears to be a photocopy of it.

14 Q. Okay. This is the most complete copy that you have, the
15 most complete profile?

16 A. Of that individual, yes.

17 Q. Okay. If you could, is it -- it has two different page
18 numbers. One is Page 78. Is that in front of you, your
19 packet?

20 A. Yes. I have an older copy, but I saw it in my
21 photocopy.

22 Q. Okay. Now, this was run April 26th of 2010? Is that
23 correct?

24 A. No. That was when it was printed. It was run around
25 the 15th of April, I believe, 2010.

1 Q. Of 2010.

2 A. Yes.

3 Q. Okay. If you could, look at the third loci on there in
4 the top row. It's D7S820?

5 A. Yes.

6 Q. Okay. Could you tell me what alleles he has?

7 A. He doesn't have any alleles showing up at that locus.

8 Q. Okay. Same with the next one after that?

9 A. Correct.

10 Q. Okay.

11 A. No alleles at that locus.

12 Q. Okay. Clearly, as being a human being, he should have
13 alleles there?

14 A. Yes. This is a profile that was from another case, and
15 it didn't have enough D.N.A. for those alleles at that locus
16 to show up.

17 Q. Okay. Did you personally do this test?

18 A. Yes, I did.

19 Q. Okay. How many swabs did you receive?

20 A. I don't have that case file from -- the last four digits
21 of that case number is 8544. I don't have that case file, so
22 I don't know.

23 Q. Okay. Are you aware that these were swabs taken by a
24 consent-to-search form?

25 A. I don't know that either.

1 Q. Okay. You're familiar with that process though.

2 A. Yes.

3 Q. Normally they would take two swabs? Is that your
4 experience?

5 A. Depends. It's usually one or two.

6 Q. Okay. That's a swab directly in a person's mouth.

7 A. That's correct.

8 Q. Okay. Normally you would expect to find D.N.A. there.

9 A. Usually there's plenty of D.N.A. there, yes.

10 Q. Okay. And this was done, as you said, in April of 2010.

11 A. That's correct.

12 Q. Okay. Did you inform the investigator that you didn't
13 have enough D.N.A.?

14 A. No.

15 Q. But you knew you didn't have enough D.N.A.

16 A. Enough D.N.A. for what? I mean this -- this -- there's
17 enough information or enough of a profile here to make
18 inclusions and exclusions, and I'm not familiar with what he
19 was collected for, what kind of case he was collected for,
20 but I can look at this profile and tell you there's enough
21 D.N.A. there to make inclusions and exclusions on any piece
22 of evidence, and that's why it wasn't rerun or re-requested
23 to collect it again.

24 Q. Okay. Well, let's talk about that for a second. In
25 terms of inclusion and exclusion, you would agree that a

1 single incorrect allele would exclude a person.

2 A. Depends on if you are talking about evidence and the
3 amount of D.N.A. on the profile.

4 Q. Well, let's say you have a full profile and a piece of
5 evidence with a lot of D.N.A. and you run it. There's a
6 single profile in the evidence. One different allele would
7 exclude a person, wouldn't it?

8 A. Not necessarily. Generally we look at the entire
9 profile for exclusions.

10 Q. Okay. But that becomes your interpretation.

11 A. That's correct.

12 Q. Mathematically, if you follow everything that's supposed
13 to happen, a single allele that's different is a big problem
14 for identification.

15 A. It doesn't -- there's enough information from one locus
16 to usually make an exclusion. However, you look at the
17 entire profile to make that inclusion or exclusion.

18 Q. Okay. You're unable to do that with two separate loci
19 for Mr. Blankenbecklor.

20 A. Unable to do what?

21 Q. Make comparisons because you don't have alleles.

22 A. That's correct.

23 Q. Okay. If you could turn to Page 80 of your report or
24 case file. I believe it's an e-mail from you at the top.

25 A. Yes.

1 Q. Okay. And in your e-mail you're sending to Luck
2 Campbell and you're saying that you did not use the MiniFiler
3 on numbers three, four, six, seven or eight?

4 A. That's correct.

5 Q. Okay. Because when you did a quantitation, you came up
6 with zero nanograms per microliter.

7 A. That's correct.

8 Q. Came up as no D.N.A.

9 A. There was no D.N.A. extracted from those items, correct.

10 Q. Okay. What exactly did you do to try to obtain D.N.A.
11 from those swabs?

12 A. Well, I think they were run twice. So this statement is
13 referring to the second time---

14 Q. Yes.

15 A. ---as specified on the report. Because you were talking
16 about the second time, I was requested to go back and run
17 another kit on these items. And when I did that, I didn't
18 get any more D.N.A. from it. So my report read: No D.N.A.
19 extracted from two, three, four, six, seven, eight upon
20 second extraction.

21 Q. Okay. Did you do anything to try to extract D.N.A. the
22 second time?

23 A. Yes.

24 Q. Okay.

25 A. I did the same thing I did the first time: Make a

1 cutting and run it through our normal extraction protocol.

2 Q. Okay. After it came up with no D.N.A., did you make any
3 attempts after that?

4 A. No.

5 Q. Okay. Now, the chemicals that you're using are all made
6 by Applied Biosystems?

7 A. For which part of the process?

8 Q. Well, any part of the D.N.A. process.

9 A. No, there's other companies and other chemicals.

10 Q. Okay. Specifically to get amplifications for D.N.A.
11 though, you're using Applied Biosystems.

12 A. We have another company called Promega that we use as
13 well. Applied Biosystems is one of the companies we use,
14 yes.

15 Q. That's what you used in this case though.

16 A. For which sample?

17 Q. Well, it looks like all the samples that you initially
18 tested.

19 A. If you're asking about all the samples, I can look
20 through that and specify, but we have more than one
21 manufacturer of the kits.

22 Q. Okay. Well, on the printout forms they all say Applied
23 Biosystems Identifiler, Version 1.

24 A. Okay. If they say Identifiler, then that's the kit I
25 used from Applied Biosystems, yes.

1 Q. Okay. And that is the standard one you've used for
2 awhile at this point?

3 A. It is the first one we validated since 2004, so we've
4 used it since then, yes.

5 Q. Okay. Can you identify this document for me?

6 A. It says Ampli-Star (phonetic) Identifiler P.C.R.
7 Amplification Kit Users Manual.

8 Q. Have you ever seen that before?

9 A. I mean, it looks familiar. I don't have their user
10 manual committed to memory, so -- but it looks familiar.

11 Q. Okay. You agree that's the manual that comes directly
12 from Applied Biosystems.

13 A. It's probably one of them, yes.

14 Q. Okay. That's with the same kits that you've been
15 running, the Identifiler?

16 A. It's for the kit that was run here, yes.

17 Q. Okay. If you could, turn to Section B-3.

18 A. All right.

19 Q. All right. Now, this is under a section that they call
20 "Troubleshooting"?

21 A. It is.

22 Q. Now, at the very top the observation says, "Positive
23 signal from the control group but no signal from the D.N.A.
24 test groups."

25 A. Okay.

1 Q. That would be an example of what you had when you
2 attempted to extract D.N.A. the second time on these -- on
3 these swabs. Is that correct?

4 A. No, that's not correct.

5 Q. Did you find D.N.A. or did you not find D.N.A. the
6 second time?

7 A. I did not find D.N.A.

8 Q. Well, did you do a control D.N.A.?

9 A. You're -- this manual is for the amplification kit. We
10 found no D.N.A. during the quantitation step, and at that
11 point we don't amplify. We don't amplify a sample that
12 there's no D.N.A. on. So the samples were not amplified
13 because there was no D.N.A. on them.

14 Q. Right. I understand. This is specifically dealing with
15 "the extraction process though, is it not?

16 A. No, this is the amplification process. I think you got
17 confused.

18 Q. This is only amplification?

19 A. Yeah. The extraction kit is made by Qiagen. This is
20 amplification quantitation. This is specifically
21 amplification.

22 Q. Okay. But there was D.N.A. on the sample to begin with
23 at some point because you got D.N.A. the first time.

24 A. Yes. The first time I did get D.N.A.

25 Q. Okay. And for your extraction protocols, what methods

1 do you use to try to obtain D.N.A. when you come up with a
2 quantitation of zero?

3 A. Say that again.

4 Q. What do you do to attempt to get D.N.A. when you -- when
5 you prepare a sample for extraction and nothing comes out?
6 Do you make any other attempts?

7 A. I don't understand what you're saying. I mean we -- we
8 attempt to extract D.N.A. from a sample.

9 Q. Yes.

10 A. And we quantitate it, and the instrument will tell us if
11 there's D.N.A. there or not. So if there is, we go forward
12 and amplify it and hopefully come up with a profile. If
13 there's no D.N.A., we stop there.

14 Q. Okay. You use part of a sample to do that.

15 A. That's correct.

16 Q. Okay. So there's still some sample left.

17 A. Depends on the sample. We will document what's
18 remaining on the sample.

19 Q. In this case there was ten percent left?

20 A. Which sample are we talking about?

21 Q. The second extraction.

22 A. Of what items?

23 Q. Items two, three, four, six, seven, and eight. And I'll
24 give you mine.

25 A. Items three, four, six, seven, and eight the notation is

1 there's ten percent remaining. Item two, there's five
2 percent remaining.

3 Q. Okay.

4 A. And those are estimates of us looking at the samples to
5 visually see what's on the swab or what's left on the swab.

6 Q. Okay. Did you attempt to make an extraction from those?

7 A. That is my notations when I did the second extraction.

8 Q. I mean, on the remainder. You said there's ten percent
9 all on except one and there's five percent. Did you attempt
10 to extract D.N.A. from that ten and five percent in the
11 samples?

12 A. I'm confused. We did the first extraction, okay, which
13 I -- which there's another notation about what's left there,
14 and then I did a second extraction based on the request and
15 that's what I'm telling you is documented ten percent and
16 then five percent for number two.

17 Q. Right. I understand that. And that means there's still
18 ten percent and five percent left?

19 A. Yes.

20 Q. Did you attempt to extract the D.N.A. from that?

21 A. No. The reason that it's there is to attempt to
22 preserve any evidence for any additional testing, whether it
23 be by the defense or their expert. We attempt to maintain or
24 try to leave some evidence for additional testing.

25 Q. Okay. But you still have ten percent or five percent in

1 one case of the samples.

2 A. That's correct.

3 Q. And you didn't attempt to extract from the remainder of
4 the samples.

5 A. No.

6 Q. All right. I believe the last thing I'd like to discuss
7 with you is sample number two. It's on Page 12.

8 A. Okay.

9 Q. Now, this is a -- this contains profiles of how many
10 people would you say?

11 A. It's a mixture of at least two people.

12 Q. Okay. If you would, take a look on the third line, the
13 very last loci. It's D18S51?

14 A. Okay.

15 Q. How many alleles are there?

16 A. There's one labeled allele.

17 Q. And that would be allele 16.

18 A. Correct.

19 Q. Okay. Now, the peak height of that, now would you
20 interpret that as a full result finding or would you say that
21 that would be a result of degraded D.N.A.?

22 A. I would say that there is dropout at that locus, yes.

23 Q. Okay.

24 A. There appears that there may be another allele there,
25 but the software only labeled one allele at that locus.

1 Q. Okay. And on the line after that, would be also the
2 last locus, that would be the FGA?

3 A. Yeah.

4 Q. There's also only a single allele reported there.

5 A. That's correct.

6 Q. Okay. Now, for a sample of at least two people, that
7 clearly shows there's allele drop-off somewhere.

8 A. That's correct.

9 Q. Due to most likely degraded D.N.A.?

10 A. No, you can't say that it's degraded. If you look at
11 the rest of this profile, actually my interpretation would be
12 that it is not degraded. I would simply call it dropout at
13 those loci.

14 Q. Okay. And do you solve allele dropout?

15 A. How do you solve allele---

16 Q. Yeah. How do you find the rest of the alleles that
17 should be there?

18 A. Well, you may not be able to.

19 Q. Okay. Those two loci in particular, they are part of
20 the MiniFiler kit; right?

21 A. I believe so, yes.

22 Q. And that's a very common method. You attempt to get
23 alleles that have dropped off under normal kits.

24 A. It can be used for that, yes.

25 Q. Okay. And you still have, you said, five percent left

1 of that sampling.

2 A. Yes, but my opinion is I would not use MiniFiler on that
3 sample for several reasons. Okay.

4 Q. Really? Why?

5 A. If you look at the rest of the profile - you don't look
6 at just one locus - there's lots of D.N.A. there. So what
7 you do in these type profiles is you have to put a certain
8 amount of D.N.A. in the amplification for you to get any
9 result. So a lot of times you have to actually dilute the
10 D.N.A. So in this case that was probably done, and any
11 subsequent extractions you would have to do the same thing.
12 So you would end up with the same issues that you have at D18
13 and FGA.

14 So MiniFiler is a lot of times used for profiles that
15 you don't get hardly any D.N.A. from or very, very little
16 D.N.A. and you attempt to pull those loci or that information
17 up from those other loci. It's not commonly -- and I don't
18 recommend it's used for a profile that's a complex mixture
19 like this that there's plenty of D.N.A.

20 Q. There's just not plenty of D.N.A. at those two loci.

21 A. That's correct.

22 Q. Okay. And it is possible that a MiniFiler could bring
23 out the rest of the alleles.

24 A. I would say doubtful because you've got -- if you
25 extract that again, you're going to get one nanogram per

1 microliter of D.N.A. Well, you have to dilute that to put it
2 in your amplification to use this method. Well, when you do
3 that, you're going to dilute those alleles back out again so
4 you'll never see them. Okay?

5 Q. But it is possible that they will show up.

6 A. Well, in my opinion you wouldn't -- you wouldn't get
7 them. It's possible, yeah, but like I said, in my opinion,
8 you wouldn't -- this would not be a good candidate for
9 MiniFiling. I think I expressed that in that e-mail as well.

10 **Mr. Schnee:** Okay. Judge, I have no further questions.

11 **Ms. Campbell:** Just a couple of questions, Your Honor.

12 Cross-Examination

13 By Ms. Campbell:

14 Q. On the item numbers that were two through I believe
15 eight - is that correct - you initially ran tests and got
16 D.N.A.?

17 A. Two -- I think it was two, three, four, six, seven,
18 eight.

19 Q. Thank you. And during that process, the initial testing
20 for D.N.A. as well as your attempt to abide by the Court's
21 ruling and retest it for D.N.A., you used between 90 and
22 95 percent of each of these samples?

23 A. That's correct.

24 Q. And in the second one on all the swabs when you
25 attempted to extract D.N.A. from what was left in the swabs

1 after the first testing, you were unsuccessful.

2 A. That is correct.

3 Q. And your opinion is anyway, especially as to item number
4 two, it is not a candidate for a MiniFiler?

5 A. Correct, but we did attempt the second extraction on
6 that one as well and got no D.N.A.

7 Q. So you can't do any attempt -- MiniFiler or anything
8 else at that point.

9 A. Well, you could -- you could do mitochondrial D.N.A.

10 Q. Mitochondrial?

11 A. Mitochondrial. So -- and that's why we -- that's why we
12 attempt to leave a little bit there to say, okay, here is a
13 sample. If you want to do another test, which we don't
14 perform, it's available for that.

15 Q. But as far as the testing that's available in your
16 laboratory and the testing that was requested in this case,
17 you complied with the Court's order and did everything you
18 could.

19 A. That's correct. I did the kits that I could do.

20 Correct.

21 **Ms. Campbell:** Thank you.

22 Redirect Examination

23 By Mr. Schnee:

24 Q. So mitochondrial D.N.A. could result in a profile?

25 A. Possibility, yes.

1 Q. All right. Who does that around here?

2 A. Nobody that I know of in South Carolina. We usually use
3 commercial labs for that. We send it off for the agencies
4 for a commercial lab.

5 Q. How long does that usually take?

6 A. Depends on how much you want to spend. If you want to
7 rush it, they could probably do it in a month or two and it
8 would cost you \$6,000 a sample, and it's usually around
9 \$3,000 a sample for a non-rush case, but you'd have to talk
10 to those labs to get their turnaround time.

11 **Mr. Schnee:** No further questions.

12 **The Court:** All right. Thank you. You may step down.

13 All right. What -- what was that we were just doing? It was
14 under Rule 5 and Brady?

15 **Mr. Schnee:** Yes, sir.

16 **The Court:** All right. Anything further?

17 **Mr. Schnee:** No, Your Honor.

18 **The Court:** Anything from the State?

19 **Ms. Campbell:** Your Honor, he attempted to do the test
20 and was requested to retest it by the State. He wasn't able
21 to get D.N.A. Therefore, he wasn't able to do any further
22 testing in his laboratory. I'm not quite sure where else
23 he's going with this unless it's a delay tactic.

24 **Mr. Schnee:** I'm not going anywhere with it. I was
25 questioning him exactly what he did and did not do and that's

1 -- I'm finished with that.

2 **The Court:** All right. He's finished.

3 **Ms. Campbell:** Good.

4 **The Court:** All right. So the only thing I have to do
5 is determine what to do about the search warrant; right?

6 **Ms. Campbell:** Yes, sir. And did you want me to get the
7 people here from Crimestoppers to explain why we can't just
8 produce these things?

9 **The Court:** Well, you can. Mr. Schnee -- if that
10 doesn't satisfy him... Who is coming from Crimestoppers?

11 **Ms. Campbell:** We're trying to get in touch with Seth
12 Rose? Seth Rose right now, Your Honor. He represents them.
13 This issue comes up a good bit lately.

14 **The Court:** Well, you want somebody here from
15 Crimestoppers?

16 **Mr. Schnee:** Judge, I think it's probably easier for the
17 sheriff's department to look through their---

18 **The Court:** Well, my understanding is that they're
19 attempting to see if they can find it.

20 **Ms. Campbell:** First, yes, sir.

21 **Mr. Schnee:** Yes. Otherwise, I would want someone from
22 Crimestoppers here.

23 **The Court:** At some point in time make somebody from
24 Crimestoppers bring them over here and we'll let Mr. Walkaway
25 talk to them.

1 **Ms. Campbell:** Okay. All right. Anything else?

2 **The Court:** All right. Anything else?

3 **Mr. Schnee:** Nothing for this afternoon, Judge.

4 **The Court:** All right. Do y'all -- are y'all going to
5 make a motion for a Schmerber hearing subject to what I
6 ultimately may rule?

7 **Ms. Campbell:** Yes, sir.

8 **The Court:** All right. Y'all want to address that now?

9 **Ms. Campbell:** I don't -- if it's necessary, yes, sir.

10 **The Court:** Well, I'm not going to be able to read this
11 stuff until after we finish here this afternoon. I'm going
12 to have to let y'all know in the morning what my situation
13 is.

14 **Ms. Campbell:** Your Honor, in lieu of -- if you were to
15 find---

16 **The Court:** I will tell you this. I do believe the
17 county magistrate has county-wide jurisdiction and that
18 magistrate has the ability to sign the search warrant for
19 anywhere in the county. So that will be my ruling in that
20 portion of the objection to the -- or move to suppress the
21 search warrant until I read these other cases that y'all have
22 put up.

23 **Ms. Campbell:** Yes, sir. In lieu of -- at this point,
24 Your Honor, in order to cure any possible I guess technical
25 violation that may have occurred, in order to show -- there's

1 still the good-faith exception though, Your Honor, even if
2 you were to find a violation---

3 **The Court:** I'm not saying I'm ruling against you. I'm
4 just saying right now I can't say.

5 **Ms. Campbell:** A possible way to cure it, if you find
6 there is any possible error, Your Honor, would be to then
7 have a Schmerber hearing here today which we could put up
8 probable cause in the manner in which it went to be collected
9 like it was, and that would cure any possible violations of
10 his rights under the constitution, Your Honor, and it would
11 be kind of a discovery-type situation so that the sample
12 wouldn't be tainted itself.

13 **The Court:** What y'all got to say?

14 **Mr. Schnee:** Judge, since I don't agree with the
15 argument of good faith being an exception, if they're going
16 to collect another sample pursuant to Schmerber, I will
17 require them to test that.

18 **The Court:** Require them to test what?

19 **Mr. Schnee:** The sample that they attempt to obtain
20 possibly today. Without that, they don't have a chain of
21 custody. They don't -- the problem isn't cured unless that
22 sample is actually tested and used.

23 **The Court:** Well, I mean, that's not a problem, is it?

24 **Ms. Campbell:** Yes, sir. I mean, we couldn't get it
25 tested in two days; no, sir. It would take at least to the

1 end of the week.

2 **The Court:** All right. So where are we? So I assume
3 then you would move for a continuance.

4 **Ms. Campbell:** If you were to suppress the evidence,
5 yes, sir, I think we would then have a right to a Schmerber,
6 and if you were then to say that it would not be sufficient
7 pursuant to Schmerber to put the probable cause pursuant to
8 the three prongs of in re Snyder on the record and that we
9 would have to retest it before it would be admissible, then,
10 yes, sir, we would have to move for a continuance, assuming
11 all that happens.

12 **The Court:** All right.

13 **Ms. Campbell:** Judge, one other matter I'd like to put
14 on the record: There was a witness in this case, Kristen
15 Polis. She processed the crime scene. There was a colloquy
16 last week between Mr. Schnee and I believe Major Smith in
17 which she had made out-of-town plans and is on vacation at
18 this point.

19 He indicated that he would have no problems with her not
20 testifying. We intend to just offer her testimony since, as
21 he pointed out, she was cross-examined rather vigorously, and
22 we would have someone just reading her testimony into the
23 record. And he indicated via e-mail that he didn't have a
24 problem with that.

25 **Mr. Schnee:** My only preference would be to have perhaps

1 her supervisor actually do the testimony as to what she did.
2 I think it's a -- I would like an opportunity to potentially
3 either cross-examine the supervisor or Mr. Bouknight who was
4 also very much involved and is a very experienced
5 investigator for crime scenes. I certainly would like to be
6 able to cross-examine some of those aspects, but I agree Ms.
7 Polis does not have to be here.

8 **Ms. Campbell:** In addition to reading it into the
9 record, we'll have him available and he'll be testifying as
10 her supervisor, so he can cross then.

11 **The Court:** All right. Anything else? Well, let's go
12 ahead and do the Schmerber.

13 **Ms. Campbell:** The final thing, Your Honor, is also
14 there was the print -- the known prints rolled was by Mr.
15 Dibble. We checked with Mr. Schnee during the break and we
16 left his name off the list. He indicates that he doesn't
17 have a problem with stipulating to that, so we don't have to
18 read his name out to the jurors.

19 **The Court:** All right. All right. So under Schmerber
20 you've got to show probable cause; right?

21 **Ms. Campbell:** Uh-huh.

22 **The Court:** Do you want to consent to that, Mr. Schnee?

23 **Mr. Schnee:** Judge, we'll consent to that.

24 **The Court:** So you consent to it by signing a Schmerber
25 order having---

1 **Mr. Schnee:** Provide a D.N.A. swab right now, yes, sir.

2 **The Court:** All right. Y'all get somebody to do that,
3 Madam Solicitor, and we'll see where we go from there.

4 **Ms. Campbell:** So I just need to do a form order for you
5 to sign off on it and then we'll get the swab collected. Is
6 that what you want me to do, Judge?

7 **The Court:** Yeah. I'm ordering it right now.

8 **Ms. Campbell:** Okay. Then---

9 **The Court:** With the consent -- with the consent of the
10 defendant.

11 **Ms. Campbell:** Okay. He's going to get the swab kit
12 right now.

13 **The Court:** All right. Anything else?

14 **Mr. Schnee:** Not that I can think of, Your Honor.

15 **The Court:** All right. That's it 'til 9:30 in the
16 morning?

17 **Mr. Schnee:** Nothing from the defense, Your Honor.

18 **The Court:** All right. Well, let's -- y'all come on
19 back to the office, Madam Solicitor and Mr. Schnee.

20 (Whereupon, the trial concluded for the day at 4:53 p.m.
21 and resumed the following day, September 7, 2011, as
22 follows.)

23 **The Court:** All right. Good morning, y'all. Please be
24 seated if you would. We're waiting on the defendant. As
25 soon as he...

1 (Mr. Williams is brought into the courtroom.)

2 **The Court:** All right. Good morning to you, ladies and
3 gentlemen. As you recall, we had a conference yesterday
4 after court in my office to discuss the situation with the
5 warrant, and since then I have reviewed, along with my law
6 clerks -- we've reviewed the cases that both the State and
7 the defendant have provided me with respect to the question
8 of the three-pronged requirement that the State -- I mean the
9 defendant alleges have to be met in order for a search
10 warrant to be valid with respect to D.N.A.

11 After reviewing the cases, I've already found that
12 the -- I believe the magistrate had county-wide jurisdiction
13 and, therefore, had the ability to issue the warrant. The
14 three-pronged tests are probable cause and that really is not
15 an issue in this -- in this motion to suppress that the
16 defendant has made, not an issue whether probative material
17 or evidence will be found.

18 The issue raised by the defendant is that the method
19 used to secure the D.N.A. is safe and reliable. While the
20 warrant does not specifically say that, it does say that it
21 would be secured through a buccal swab and, in fact, that is
22 the method that was used to secure the D.N.A. It's
23 acknowledged by defense counsel and I think generally known
24 that a buccal swab is a safe method to secure D.N.A.
25 Everybody knew the method that was going to be used in this

1 matter. If it had been secured by some other manner, then
2 there might be another issue involved in the case, but it
3 wasn't and it was secured. I don't know that the defendant
4 is saying that he gave it with consent, but he certainly,
5 after discussions with his mother, agreed to the swab being
6 given.

7 Since then, yesterday afternoon the parties agreed that
8 they didn't need a Schmerber hearing, that the State could
9 get the D.N.A. through a swab and, in fact, a buccal swab was
10 taken yesterday. I don't see how in any way that swab
11 yesterday would have a different result than the swab that
12 was taken at the time the D.N.A. was -- was -- buccal swab
13 was done previously. So I'm going to find if there was a
14 defect in the -- in the -- in the warrant that it clearly
15 would be resolved by the good-faith exception that the
16 Supreme Court has laid out in the State v. Herring case.

17 I think the officers clearly acted in good faith to
18 comply with the requirements that were necessary to secure
19 the swab. And I think that even -- to take it even further
20 that whatever they secured, if it were improper, would be
21 harmless because basically the same information would come
22 out as a result of the analysis as the D.N.A. swab that was
23 taken -- the buccal swab that was taken here in the courtroom
24 on September 6th of 2011, all of which means I'm going to
25 deny your motion and we're going to allow the State to go

1 forward with the analysis or the evidence relating to the
2 D.N.A.

3 Is there any other matters that we need -- oh; we need
4 to take up -- one of the things that Mr. Schnee had raised
5 yesterday was certain information that he believed he was
6 entitled to as a result of a tip from Crimestoppers, that he
7 would be entitled to that under discovery. The State I think
8 has now asked Mr. Seth Rose -- who I understand you represent
9 Crimestoppers?

10 **Mr. Rose:** Yes, Your Honor. I help out pro bono with
11 Crimestoppers.

12 **The Court:** And Mr. Rose is here today as well as y'all
13 have some representative from the sheriff's department who
14 works with Crimestoppers relating to tips?

15 **Ms. Campbell:** Yes, sir.

16 **The Court:** All right. Do you want to offer whatever
17 you want to offer relating to these two gentlemen and that
18 tip or tips or whatever it is and let Mr. -- if Mr. Schnee
19 has any examination he wants to make of these witnesses,
20 we'll allow him to do so and we'll see where we are.

21 **Ms. Campbell:** Okay. The State would call Chris Cowan.

22 Chris Cowan, after being duly sworn, testified as
23 follows in camera:

24 **The Clerk:** Please have a seat. State your full name
25 for the record.

1 **Court Reporter:** And spell your last name, too.

2 **The Witness:** Captain Chris Cowan. Richland County
3 Sheriff's Department. C-O-W-A-N. Also the chairperson for
4 Crimestoppers of the Midlands.

5 Direct Examination

6 By Ms. Campbell:

7 Q. Captain Cowan, at our request yesterday did you run a
8 search query for some information from 2009?

9 A. I did. I contacted the coordinator for Crimestoppers,
10 asked her to run a query based on the information that was
11 provided: Casper and Tama Road. Out of the thousands and
12 thousands of tips that are entered into that database, no
13 information was obtained.

14 Q. And that database, the query that was generated would
15 have included the spring March/April/May months of 2009?

16 A. It was a search of the entire record, entire database.

17 Q. So it would have been more expanded than that.

18 A. Yes, ma'am.

19 Q. And the search query you put in or advised her to put in
20 was the words Casper and Tama Road?

21 A. That's correct.

22 Q. And had it hit on either one of those, it would have
23 generated a response?

24 A. It would have given us at least some indication if there
25 was a tip in the database, but without any more information

1 it's very -- and I'm not a computer -- I'm not an I.T.
2 person, but based on the information that I provided to her
3 and based on what she provided, without a tip number or more
4 specific data and more specific information, it would be very
5 difficult. It doesn't say that there's no -- not ever been a
6 tip that indicates Casper or anything of that nature, but it
7 just -- it doesn't -- it didn't draw anything based on the
8 information that we were provided.

9 Q. And that would have included the time period I'm talking
10 about.

11 A. Yes, ma'am.

12 **Ms. Campbell:** I don't have anything further.

13 **The Court:** Anything?

14 **Mr. Schnee:** May it please the Court?

15 Cross-Examination

16 By Mr. Schnee:

17 Q. You said you requested a search for Casper and Tama
18 Road?

19 A. That's the information that I was provided last night
20 over the phone about 8 or 9:00, and I gave that to her by
21 telephone.

22 Q. Okay. And was the search for both of those in the same
23 tip or was it for either one showing up in a tip?

24 A. I just told her this is the information I have been
25 provided and I asked her to do a query based on that

1 information. I can't answer that.

2 Q. Okay. So you didn't -- so you don't know if she ran --
3 just did a search for Casper for 2009 or at any time.

4 A. She ran it for -- she ran the information I gave her for
5 the entire time period that we have tips stored in that
6 database, and that program has been in existence for -- since
7 1982.

8 Q. Okay.

9 A. So that's thousands and thousands of tips and
10 information.

11 Q. I understand that, but was there a search just for the
12 word Casper by itself?

13 A. She entered the information that I gave her. The
14 computer does the search based on the information you
15 provide: Casper, Tama Road, things of that nature. And it
16 comes up with -- would respond and say there's a hit or
17 there's a response, and I'm not sure exactly the exact
18 wording for it.

19 Q. Okay. I guess my question is: Is it Casper and Tama
20 Road or Casper and/or Tama Road for the search? Because that
21 obviously makes a huge difference.

22 A. I can't answer whether it was and/or. I can tell you
23 that she inputted the information that I provided to do a
24 search, and without more detailed information saying that
25 there is a tip number or there is an exact date or there's an

1 exact month or there's -- without more specific detailed
2 information, it's impossible to -- nearly impossible to pull
3 up that kind of information.

4 Q. Okay. Did you talk to Sergeant Robinson at all
5 yesterday about this?

6 A. No, I did not.

7 Q. Okay. Who called you?

8 A. The solicitor's office.

9 **Mr. Schnee:** Okay. Judge, I have no further questions
10 for him.

11 **The Court:** All right. Thank you. You may -- anything
12 further?

13 **Ms. Campbell:** No, sir.

14 **The Court:** All right. Thank you, Captain. You may
15 step down.

16 **The Witness:** Yes, sir.

17 **The Court:** Anything further?

18 **Ms. Campbell:** Not from the State, Your Honor.

19 **The Court:** Anything?

20 **Mr. Schnee:** No witnesses, Your Honor. However, I
21 would -- I would request that they do a search for May --
22 it's March through May or June of 2009 for simply the word
23 Casper because if they used Casper and Tama Road and there's
24 a misspelling or someone puts R.D. period or R-O-A-D, those
25 differences will prevent a query from finding a result in any

1 database. If it's an and or an or, then you can get anything
2 within that, but if you have the word "and" in there, in
3 normal search parameters for databases, unless they're both
4 present you won't get anything. So if anything is minorly
5 (verbatim) misspelled, that ruins the search. Now, I would
6 request that they search for Casper.

7 **The Court:** Do you know what they did? Who is it that
8 would have done this search?

9 **The Witness:** Sir, the system is housed at the law
10 enforcement division. The actual equipment, the phone
11 system, and everything is monitored by Crimestoppers, the
12 nonprofit organization. They inputted that information into
13 the database which is a very comprehensive database. Beyond
14 that, I mean, unless we had more specific information they --
15 of dates and tip numbers and things of that nature, it's
16 very, very unlikely that something else will come up.

17 **The Court:** All right. I'm going to ask you to go call
18 this lady here, whoever it is, and ask her to run the name
19 Casper alone. If she finds something, let the solicitor
20 know.

21 **The Witness:** Yes, sir.

22 **The Court:** But as it stands now, the information that's
23 been provided by the Court in the -- by the Richland County
24 Sheriff's Department -- they did an inquiry and they can't
25 find anything which may mean, one, a -- no tip was ever given

1 to Crimestoppers or, two, it's just impossible to locate one
2 if it was based upon the information that is known to the law
3 enforcement at this time. But if we find out something
4 different, we'll let you know, Mr. Schnee.

5 **Mr. Schnee:** Judge, if I may, the search should only
6 take a few minutes. I would ask that we wait until that
7 search is complete before starting, particularly because of
8 the Crimestoppers statute, Section 23-50-45, Section B. It
9 says very clearly, "In a criminal proceeding, the State or
10 another prosecuting authority must provide the defendant with
11 any information obtained."

12 **The Court:** Mr. Schnee, I have determined that it may
13 never have existed. If it has never existed, they can't
14 provide it. Would you agree with that?

15 **Mr. Schnee:** Well, Judge, I---

16 **The Court:** Yes or no?

17 **Mr. Schnee:** If it never existed, I would agree.

18 **The Court:** All right. The information that I
19 understand from law enforcement is that the officer who
20 testified yesterday believes it may have come from
21 Crimestoppers. He never received it. That's what he
22 believes. Well, if it can't be located or if it never can
23 exist, regardless of what the statute says, it's not
24 something that can be provided.

25 **Mr. Schnee:** Respectfully, Judge, Sergeant Robinson

1 yesterday testified it was absolutely a Crimestoppers tip.

2 **The Court:** I don't remember that. Sergeant?

3 **Sergeant Robinson:** Yes, sir.

4 **The Court:** You're still under oath. Did you testify
5 that it was absolutely a Crimestoppers...

6 **Sergeant Robinson:** There were different tips that came
7 from different sources. I can't say 100 percent for sure if
8 the tip that I got involving Casper came from Crimestoppers.
9 I mean, this is several years ago. I remember that it's -- I
10 mean, it could be mixed in with a couple. That is the best I
11 can tell you.

12 **The Court:** That's my ruling.

13 **Mr. Schnee:** Yes, sir.

14 **The Court:** Somebody go call right now and see if they
15 can get that information.

16 **Captain Cowan:** I will.

17 **The Court:** Casper, period. You got something else you
18 want them to run through there, Mr. Schnee?

19 **Mr. Schnee:** No. That's sufficient, Your Honor.

20 **The Court:** All right. Are we ready to go? If it
21 exists, they will provide it to you.

22 **Ms. Garfield:** Your Honor, if I could just provide you
23 the additional witnesses. I don't know if you can read my
24 writing.

25 **The Court:** Maldonado. Carwell -- is that it? Rachel

1 Grant. Anthony Branham. Patty Weed.

2 **Ms. Garfield:** Yes, sir, all sheriff's department.

3 **The Court:** All right. We ready to go?

4 **Mr. Schnee:** Could I have a copy of that list of
5 witnesses?

6 **The Court:** When I read the name, you can -- I'll give)
7 you the list. Okay?

8 **Mr. Schnee:** That's fine.

9 **The Court:** The names are Jerry Maldonado, John Carwell,
10 Rachel Grant, Anthony Branham, and Patty Weed. Bring us the
11 jury in.

12 (Whereupon, the jury was brought into open court at
13 9:51 a.m.)

14 **The Court:** All right. Good morning, ladies and
15 gentlemen. Nice to see you this morning. Before we begin, I
16 need to inquire: Did anybody have any conversation about
17 this case since we left? Anybody make any inquiry, do
18 anything that I have asked you not to do or were you
19 approached by anybody about this case since we left?

20 All right. Ladies and gentlemen, you remember yesterday
21 before we selected you, I read to you the names of potential
22 witnesses who may testify in this trial. Well, there are
23 some additional witnesses whose names I need to read to you
24 and see -- make the same inquiry that had not been provided
25 to me yesterday. So I'll inquire at this time: Is there any

1 member of this jury panel or any member of the jury panel's
2 immediate family who is related by blood or connected by
3 marriage or either now or in the past has had a close
4 personal relationship, either now or in the past has had an
5 employment or a business relationship with the following
6 individuals: Jerry Maldonado, John Carwell, Rachel Grant,
7 Anthony Branham, and Patty Weed, all of whom -- all of whom
8 are employed by the Richland County Sheriff's Department? If
9 so, please stand at this time.

10 All right. Any further -- anything further with respect
11 to the inquiry that I have made? From the State?

12 **Ms. Garfield:** No, sir.

13 **The Court:** Anything from the defendant?

14 **Mr. Schnee:** No, Your Honor.

15 **The Court:** Mister...

16 **Mr. Schnee:** Thank you, Your Honor.

17 **The Court:** All right. Ladies and gentlemen, I
18 apologize, but some of the things that we did yesterday
19 required that we get some -- have carried over a little bit
20 this morning and that's why we ran a little bit late this
21 morning. So with that said, I'll ask the forelady -- I mean
22 the clerk if you will swear the jury, please.

23 (Whereupon, the jury was sworn at 9:53 a.m.)

24 **The Court:** All right. Ladies and gentlemen, before I
25 make my comments, the young lady that just swore you was --

1 is Mrs. Pendergrass. She was not here yesterday morning when
2 we selected the jury, but Mrs. Pendergrass I think is going
3 to be working with us the rest of the week, so just for your
4 information...

5 I told you a little bit yesterday about what we want to
6 do in this instance and told you that this defendant has been
7 charged with three offenses. He's been charged with the
8 offense of armed robbery. He's been charged with the offense
9 of kidnapping, and he's been charged with the offense of
10 burglary in the first degree. And he has been indicted and I
11 told you those indictments are just documents that are -- to
12 put him on notice of the respective charges. They're not to
13 be used for any purpose other than that.

14 They're not evidence. They're not to be considered by
15 you, other than a notice document to the defendant, and to
16 these charges the defendant has entered a plea of not guilty
17 which now puts us here because of this dispute that exists
18 between the State and the defendant.

19 This case is very, very important to both the State and
20 the defendant. They spent a good bit of time getting ready
21 for the trial, and now it is their opportunity to come before
22 you, an independent fact-finding body, for you to listen to
23 the evidence and ultimately determine what you believe to be
24 the facts in the case and then apply the law that the Court
25 gives you and ultimately render a verdict in this matter.

1 The way this trial will take place -- the first thing
2 that happens is the lawyers are given an opportunity to get
3 up and make an opening statement to you. The State will go
4 first with the opening statement and will go first throughout
5 the course of the trial because, as I told you yesterday, the
6 State has the burden of proving this defendant guilty of
7 these charges and proving him guilty beyond a reasonable
8 doubt. Because that burden falls upon the State, they get to
9 go first throughout the course of the trial.

10 This opening statement is a chance for the lawyers to
11 get up and introduce themselves and then to tell you a little
12 bit about what they think will come out during the course of
13 the trial, to inform you a little bit about the facts and
14 the -- what they think will be ultimately proven so that
15 you'll have some understanding before the case begins as to
16 what this case is about.

17 After both the defendant and the -- the State and the
18 defendant have made their opening statements, then the State
19 will go forward with its presentation of its evidence. I
20 would imagine that most of its evidence, ladies and
21 gentlemen, will come in by way of testimony from witnesses.
22 Those witnesses will be put under oath. They'll get in this
23 witness box right here and they'll tell you what factual
24 knowledge they have about this case. They've seen something,
25 heard something, smelled something, tasted something, felt

1 something. They have some knowledge based upon one of their
2 senses and they'll tell you what that factual information is.

3 It's conceivable that we could have what we call an
4 expert witness testify in this trial. An expert is somebody
5 who has specialized knowledge, skill, or training in a
6 particular area and can offer opinions in his or her areas of
7 expertise. Normally witnesses tell you what they know.
8 They've seen something, as I've said, but an expert can tell
9 you an opinion in his or her area of expertise. Generally
10 these are people like scientists or doctors, things of that
11 nature, who can assist you in understanding some fact that
12 may be in controversy or some matter that may be in question.

13 Other types of evidence that could come in may be things
14 like documents or photographs. These are evidence -- it's
15 actually introduced. It's given an exhibit number and it
16 will go with you to the jury room when you have your
17 deliberations. Testimony will go with you in your memory, so
18 it's absolutely essential that you pay close attention to
19 what's being said here in this courtroom so that you'll
20 understand what that oral testimony is.

21 If you can't hear something, don't understand what
22 somebody is saying, let me know. Raise your hand in some
23 way, tell me, and I'll make sure that witness or the lawyer
24 or whoever it is speaks up or speaks more clearly because
25 it's essential that you understand what's being said here in

1 the courtroom.

2 A third type of evidence that could come in is what we
3 call a stipulation, and that's where the parties stipulate or
4 agree as to some fact or some matter. If there is a
5 stipulation, the lawyers will tell me and I will tell you and
6 you are to accept that as though it has been proven here in
7 the courtroom.

8 After the State has put up all of its evidence, the
9 defendant has an opportunity to offer any evidence the
10 defense wishes to offer. The defense may not offer any
11 evidence. I don't know because the State has the burden and
12 there is no burden on the defendant. The defendant doesn't
13 have to put up any evidence, and the defendant will make that
14 call in the course of the trial. If the defense offers
15 evidence, I would assume it would be of a similar nature to
16 the State's and that is most of it would be testimony from
17 witnesses here in this courtroom.

18 When both sides have completed the presentation of their
19 evidence, ladies and gentlemen, then the lawyers are given
20 another opportunity to speak with you, and this is what we
21 call a closing argument. The closing argument is different
22 from the opening statement in that the closing argument is a
23 chance for the State and the defendant to sort of review with
24 you the evidence that they believe came in during the course
25 of the trial, to emphasize to you what each side believes you

1 should consider and discuss during your deliberations. It is
2 a chance for those lawyers to attempt to convince or persuade
3 you as to why you should ultimately return a verdict for
4 their respective client.

5 When both sides have completed their closing arguments,
6 then I will charge you or instruct you as to the law. You
7 will then retire to the jury room, begin your deliberations,
8 determine the facts, apply the law and ultimately render your
9 verdict.

10 Now, ladies and gentlemen, your role in this case is
11 that of the fact finders. You're the judge of the fact
12 finders. You're the sole judge of the fact finders. Nobody
13 else will participate in that process but you. My role is a
14 little different from yours; mine is twofold. One, I'm sort
15 of the referee in this matter. As in most structured events,
16 there are rules, and we have rules of evidence and rules of
17 procedure that dictate how a trial should take place, and
18 it's my responsibility to see that those rules are followed.
19 My other responsibility is to charge you or instruct you with
20 the law so that you can apply it to the facts.

21 I want you to pay close attention to what all the
22 lawyers tell you in this case. These lawyers are
23 hard-working, good lawyers and what they say is important,
24 but understand this: What the lawyers tell you during the
25 course of this trial is not evidence and it is not to be

1 considered by you as evidence. These lawyers represent their
2 respective clients. The solicitor represents the State. Mr.
3 Schnee represents Mr. Williams. It's their responsibility to
4 put before you what they think is sufficient for you to
5 ultimately return a verdict for their clients. Pay close
6 attention, but understand that what they tell you is not
7 evidence.

8 Now, I anticipate this case will last several days, and
9 as I told you, we have good lawyers and they'll move the case
10 as quickly as they can, but by the same token they want to
11 have the opportunity to put forth whatever they feel like is
12 necessary in order to do that, so bear with us. We'll --
13 we'll get this thing done and we want to get it done so that
14 both sides have had an opportunity to receive a fair and
15 impartial trial. So I think with that said I'll call on the
16 State. Y'all ready to proceed?

17 **Ms. Walker:** Yes, Your Honor.

18 **The Court:** Ms. Walker, are you going to make the
19 opening?

20 **Ms. Walker:** Yes, Your Honor.

21 **The Court:** All right. If you would please, ma'am.

22 **Ms. Walker:** Thank you. Good morning. Ladies and
23 gentlemen, Linda Carol Wofford was asleep in her own bed in
24 her own home on a quiet and peaceful Sunday morning when she
25 awoke to find a masked man standing in the doorway of her

1 bedroom pointing a gun at her and demanding money. When she
2 told him that she had none, he then forced her from her home
3 and robbed her, and that is what brings all of us here to the
4 Richland County courthouse this week. The defendant, Adonis
5 Williams, has been charged with three crimes: Burglary in
6 the first degree, armed robbery, and kidnapping.

7 Here in the State of South Carolina burglary in the
8 first degree occurs when one person enters the dwelling of
9 another without consent and with the intent to commit a crime
10 therein when that entry is done in the hours of darkness or
11 while effecting exit from or entry to that home while that
12 person is armed with a deadly weapon or threatens the use of
13 a deadly weapon or, as is the case here, when that person has
14 already been convicted of burglary on two prior occasions.

15 A kidnapping is the unlawful confinement, seizure, or
16 abduction of any person by any means whatsoever, and I want
17 you to keep in mind that a kidnapping can take place over a
18 matter of moments or a matter of days. And, finally, an
19 armed robbery is the taking of personal property from another
20 person while armed with a deadly weapon.

21 Briefly you will have an opportunity to hear from Ms.
22 Wofford, and she will get up here and tell you that when she
23 was asleep on that Sunday morning there was a loud noise in
24 her home. When she opened her eyes, there was a masked man
25 standing in the doorway. He had a bandanna covering the

1 lower portion of his face and a stocking cap covering the
2 upper portion of his face.

3 He pointed a revolver at her. He demanded money. She
4 was undoubtedly frightened, told him that she had none. And
5 when she did that, he forced her from her own home at
6 gunpoint. Her home is located on Tama Road right here in
7 Richland County.

8 And as he forced her into her car, he demanded that she
9 drive him to the Bank of America A.T.M. on Garners Ferry Road
10 which is also located here in Richland County. When she got
11 to the A.T.M., he told her to withdraw hundreds of dollars
12 from her checking account which he then stole.

13 Now, this entire time that Ms. Walker is with her captor
14 and he's pointing a gun at her, she had the opportunity to
15 observe him. As I told you earlier, portions of his face
16 were covered, so the only portion that she could see was the
17 area immediately surrounding his eyes, and what she noticed
18 that day was that he had a very noticeable pockmark on the
19 side of his face much like the pockmark on the side of the
20 defendant's face.

21 After he abducted her from her home and robbed her, he
22 then demanded that she drive him to [REDACTED] Patricia Drive where
23 he exited the vehicle. On the way to [REDACTED] Patricia Drive
24 from the Bank of America A.T.M. on Garners Ferry Road, Ms.
25 Wofford was nervous and she began to smoke a cigarette, a

1 Virginia Slim Menthol. She will tell you that her captor
2 requested that he have one, too. She gave him a cigarette
3 right before she dropped him off on Tama Road - I'm sorry -
4 on Patricia Drive.

5 Now, I imagine, ladies and gentlemen, that this captor
6 thought that he was home free at this point in time, but he
7 made two very, very critical mistakes that morning when he
8 was robbing, burglarizing, and kidnapping Ms. Wofford. Ms.
9 Wofford is going to tell you also that when she got back to
10 her home, she attempted to call 9-1-1, to let her family
11 members know that she was okay, and when she did she realized
12 that the phone lines to her home had been cut.

13 You will hear from Harold Bouknight with the Richland
14 County Sheriff's Department and he will tell you that on the
15 junction box, the box that housed Ms. Wofford's cut phone
16 lines, there was a set of fingerprints belonging to the
17 defendant, Adonis Williams. You will hear from investigators
18 who went back to [REDACTED] Patricia Drive where Ms. Wofford was
19 finally freed of her captor and they will tell you that on
20 the ground there they found a discarded Virginia Slim Menthol
21 cigarette, just like the one Ms. Wofford shared with the man
22 who burglarized, kidnapped, and robbed her, and on that
23 cigarette Gray Amick will tell you were two sets of D.N.A.,
24 one belonging to the victim, Ms. Wofford, and the other
25 belonging to the defendant, Adonis Williams.

1 Now, ladies and gentlemen, after law enforcement
2 officers had the fingerprints on the junction box and the
3 D.N.A. on the cigarette, you will hear from members of a
4 fugitive team comprised of S.L.E.D. agents and Richland
5 County Sheriff's Department officers and they will tell you
6 that a massive four-day manhunt ensued in Richland County in
7 which they were searching for the defendant. And after four
8 days of running from and evading law enforcement officers,
9 the defendant was finally found hiding in a closet in a
10 friend's house. He was then arrested and charged with this
11 crime. That's what the evidence will show this week, ladies
12 and gentlemen.

13 Now, I imagine that you will also hear two other names
14 over the course of this week. That's Charles Blankenbecklor
15 and Isaac Tucker because when Ms. Walker left her captor on
16 Patricia Drive, she drove to a Citgo station where she called
17 9-1-1 and waited for authorities to arrive. While she was
18 there, her car was vandalized in a completely separate
19 incident from what happened to her earlier that morning.
20 Charles Blankenbecklor was responsible for that vandalism.
21 He has entered a guilty plea and taken responsibility for his
22 actions that day.

23 I imagine that the defense may try to lay blame for the
24 incidents -- the violent crimes of robbery, kidnapping, and
25 burglary on Mr. Blankenbecklor. Please do not be confused.

1 Make no mistake about it. The actions of armed robbery,
2 burglary, and kidnapping -- all the evidence for those crimes
3 points to one person alone and that is the defendant, Adonis
4 Williams.

5 Ladies and gentlemen, Judge Barber told y'all earlier
6 this morning and yesterday that the burden in this case is
7 beyond a reasonable doubt. It is an undoubtedly high heavy
8 burden, but it is one that the State welcomes with open arms,
9 perhaps in this case more than any other, because these
10 kidnapping, burglary, armed robbery are very serious crimes.
11 There are few crimes that are more frightening and more
12 serious than one like the home invasion committed by the
13 defendant in the early morning hours of March 22nd of 2009.

14 Once we've met that burden, once we've proven the
15 defendant's guilt beyond a reasonable doubt, we're going to
16 come back before you and we're going to ask you for three
17 guilty verdicts: One for burglary in the first degree, one
18 for kidnapping, and one for armed robbery. Thank you.

19 **The Court:** Mr. Schnee?

20 **Mr. Schnee:** May it please the Court?

21 **The Court:** Yes, sir.

22 **Mr. Schnee:** Good morning. A couple of weeks ago I was
23 reading the news, something I do out of habit, going on the
24 Internet and looking at news around the country. There was a
25 guy who was driving, got pulled over for speeding. He had a

1 tape recorder in his car. He's now charged with four counts
2 of wiretapping and a few other things. He's facing 75 years
3 in prison. I thought it was ridiculous. You've got
4 overzealous police officers and an overzealous prosecutor
5 trying to prove a point.

6 This case is worse because what we have here are police
7 officers who withhold information. They withhold information
8 that they've had for a long time and they just pop it up
9 right at the end. They write reports more than -- actually
10 more than two years after this happens with information they
11 have known the whole time. They destroy evidence. They hide
12 more evidence. They refuse to test things.

13 Now, what Ms. Walker told you about Ms. Wofford being
14 robbed, there's no dispute about that; she was robbed. It
15 just wasn't by Adonis Williams. Now, what she forgets to
16 tell you -- she says there's a fingerprint outside her house
17 and there's a cigarette butt a few blocks away. But, you
18 know, they tested the entire house for D.N.A. fingerprints.
19 None for Adonis Williams.

20 They tested the car the assailant was in for 15,
21 20 minutes, whatever it was, touching things, opening doors.
22 They got D.N.A. off of the doors, off the door handle. Not
23 Adonis Williams. No fingerprints from the car.

24 Now, Ms. Walker and the State want you to believe the
25 vandalism of Ms. Wofford's car is completely unrelated.

1 Well, let's see. She gets woken up very early Sunday
2 morning. She's pulled out of her house at gunpoint. She's
3 robbed, taken to a bank. All the money is taken. She goes
4 to a gas station to call police. She doesn't have her cell
5 phone with her. Within ten minutes, her car is the one
6 that's vandalized and they say, oh, no, that's just
7 unrelated.

8 Now, when they first investigated it, they said it was
9 related. When they first investigate it, they got the video,
10 only a small section of video, but they got the video of this
11 vandalism. And what did they do? They watched the video and
12 said, yeah, black male fitting the description and everything
13 else.

14 A long time later they decide, well, we were wrong, so
15 we're going to just push that one aside. That's not part of
16 the same investigation. Those are two investigations.

17 They're doing that to deceive you. They investigated it
18 together because it is together. And as you're going to
19 hear, during this vandalism there was a black male in the car
20 and he fits the exact description that Ms. Wofford gave.
21 Coincidence? I don't think so.

22 Now, I'm going to ask you to set aside your prejudice
23 because I know -- I know you all are prejudiced, not against
24 my client particularly but for the offenses. They're
25 reprehensible. They sound horrible. They're scary. I

1 understand that.

2 What I need you to do for the next few days is listen to
3 the details. Listen to what was done, what wasn't done, what
4 was destroyed, what should have been done. Listen to the
5 details. And when you do all that and you consider
6 everything, at the end of this trial you're going to find
7 that Adonis Williams is not guilty.

8 Now, Ms. Walker told you about their burden of proof of
9 reasonable doubt and how they welcome that burden. Well, I'm
10 very glad they welcome it because they're required to have
11 it. That's called the protection of innocent people. That
12 was started in this country in the 1700's. That's how
13 important it is. It's one of the founding principles of this
14 country is that you cannot convict an innocent man without
15 the State having to truly prove it.

16 Now, they say beyond a reasonable doubt. That's really
17 hard to define. There's no legal definition of it. It's
18 kind of just up there. What is a reasonable doubt? The
19 little guidance we have says a reasonable doubt is a doubt
20 that causes a person to hesitate to act. I'm going to
21 discuss that a lot more in my closing argument, but I just
22 want you to remember that. Not refuse to act. Hesitate.
23 Something just doesn't feel right.

24 That's exactly what you're going to have, and you're
25 going to have more than that. And I'm going to ask you to

1 find him not guilty at the end of this trial. Thank you.

2 **The Court:** All right. Solicitor, ready to call your
3 first witness.

4 **Ms. Campbell:** May it please the Court?

5 **The Court:** Yes, ma'am.

6 **Ms. Campbell:** The State calls Carol Wofford.

7 Linda Carol Wofford, after being duly sworn,
8 testified as follows:

9 **The Clerk:** Please have a seat. State your full name
10 for the record.

11 **The Witness:** My name is Linda Carol Wofford.

12 Direct Examination

13 By Ms. Campbell:

14 Q. And, Ms. Wofford, are you here from the Columbia area?

15 A. I was born here and lived here all my life.

16 Q. And where do you currently reside, ma'am?

17 A. [REDACTED] Tama Road.

18 Q. Tama Road? What part of the county is Tama Road
19 located?

20 A. Lower Richland county.

21 Q. Lower Richland?

22 A. (Witness nodded head up and down.)

23 Q. Are you familiar with the street called Leesburg Road?

24 A. Yes, ma'am.

25 Q. And is Tama near Leesburg Road?

1 A. Yes, ma'am.

2 Q. How long have you been living on Tama Road?

3 A. Since 1988.

4 Q. And do you live there with anyone else?

5 A. No, ma'am.

6 Q. And back in March, specifically March 22nd of 2009, were
7 you living there alone?

8 A. Yes, ma'am.

9 Q. Are you employed?

10 A. Yes, ma'am.

11 Q. Where do you work?

12 A. Palmetto Health.

13 Q. And how long have you been working at Palmetto Health?

14 A. I'm working on my 33rd year.

15 Q. Your 33rd year?

16 A. Yes, ma'am.

17 Q. And what do you currently do there?

18 A. Well, most of that time I was director of medical staff
19 affairs. Due to the restructuring recently for two emerging
20 hospitals, I am now the credentialing information technology
21 administrator.

22 Q. I want to turn your attention back to the evening hours
23 of March the 21st and into the morning hours of March the
24 22nd. Were you home that evening?

25 A. Yes.

1 Q. And that night -- do you have a normal routine?

2 A. Yes.

3 Q. And did you, in fact, go to sleep in your bedroom that
4 night?

5 A. Yes.

6 Q. The next morning on March the 22nd, what time did you
7 initially wake up?

8 A. I woke up at 6 and I went to the ladies room. It being
9 Sunday, I decided I would lay back down for more slumber.

10 Q. Okay. And did you, in fact, go back and get back in
11 your bed and fall asleep again?

12 A. Yes, I did.

13 Q. And tell this jury what caught your attention around
14 7 a.m. that morning?

15 A. I heard a large banging noise, and I woke up and I did
16 not know whether or not I was dreaming. I then heard one
17 other noise. I have cats and I thought maybe it was the
18 cats, but it was too loud and it shook the house and I knew
19 it was not my cats. So I proceeded to rise up out of my bed.

20 Q. And when you were sitting up in your bed, what did you
21 see?

22 A. A masked man with a bandanna. It was dark blue with
23 white on it. He had a toboggan type hat that had a lot of
24 play in the top; it was rather large. He had black pants on.
25 He had a beige coat on. No gloves. The coat had a green

1 diamond, I guess a logo of some type, on the back of the
2 jacket.

3 Q. Okay. Where was he standing when you first saw him
4 there in your bedroom?

5 A. He was standing in the hallway where he opened the door,
6 and he was standing between my bed and the door facing right
7 outside my bedroom.

8 Q. Okay. And when you saw him initially, did you observe
9 anything in his hands?

10 A. He had a revolver.

11 Q. And where was the revolver pointed when you saw it the
12 first time?

13 A. At me.

14 Q. Did he say anything?

15 A. He said, "I'm coming down. I'm coming down bad. I need
16 some money. I need you to take me to a teller."

17 Q. And at this point were you still in your bedroom?

18 A. Yes, ma'am.

19 Q. And what was going through your mind?

20 A. Well, I knew the only relative that I have is my mom and
21 that was not my mom and whoever it was had no business in my
22 home. They were uninvited.

23 Q. And at that point did you proceed to get out of the bed?

24 A. When he said what he said, I asked him, "May I get
25 dressed?" He said, yes, I could. And in the meantime he

1 would rock back and forth where he could see outside where he
2 had broken in the side door of my home.

3 Q. Uh-huh.

4 A. And he could also see and watch me.

5 Q. And at this point he had requested that you take him to
6 an A.T.M. to get money?

7 A. Yes, ma'am. After I got dressed, I went into my hallway
8 where my purse was at my computer station, and he held his
9 head over my shoulder. I mean, he was tall enough to look
10 over my shoulder and saw that I retrieved my billfold, and
11 that was all I did was retrieve my billfold.

12 Q. And at this point are you able to get away?

13 A. No, ma'am. He has a gun.

14 Q. What happened next?

15 A. I went -- well, he went to the side door. Well, I went
16 toward my front door. I have a fireplace. I have hooks on
17 it so that I know where my keys are if I ever need them in an
18 emergency because that has occurred to me before and I was
19 unable to locate them. So they're always kept by my front
20 door on that hook. And he became agitated: What are you
21 doing? Don't you go that way. And I explained to him, "I've
22 got to get my keys." And so I came back the other way.

23 Furniture had been knocked all across my room. I picked
24 up the recliner and tried to move it so that I could go
25 around it through the side door because that part of the room

1 is blocked off with furniture.

2 Q. And explain that to the jury how your room is set up and
3 why. Do you normally use the side door that he came in?

4 A. No, ma'am.

5 Q. And, in fact, is it somewhat blocked on the interior?

6 A. Yes, ma'am.

7 Q. Explain that to the jury how your room is set up.

8 A. My room -- it's an older house. It has transoms. It
9 has three doors in it, an archway, and a fireplace. So I
10 only have one blank wall where I have my entertainment center
11 and my television. The rest of my furniture is backed up to
12 that side door because there's really no other place to have
13 enough room to walk to and from the way the structure of the
14 house is.

15 Q. And when you normally -- normally enter and leave your
16 house, what door do you use?

17 A. I always use the front door.

18 Q. And was that the door you were going towards in order to
19 get your keys that day?

20 A. Yes, ma'am.

21 Q. And what did he tell you or say to you when you were
22 trying to go towards that door?

23 A. Don't go that way, for me to come -- come out this way
24 which was a side door where once I get out, no one -- none of
25 my neighbors would be able to see me. The house next door

1 had been lost in a foreclosure. It was a house on a corner
2 and then there's my house.

3 Q. So had you exited the front door, would people from the
4 street be able to see you better?

5 A. Yes. There was an entire apartment complex across the
6 street and I could have very easily been seen.

7 Q. And he instructed you to exit out the side door.

8 A. Yes, ma'am.

9 Q. Once -- I believe you testified you moved the recliner
10 to get out of the way in order to get around?

11 A. Yes, ma'am.

12 Q. Did you then exit out the side door as he told you to?

13 A. I stopped because there were pieces of wood where the
14 door had been knocked in bodily. I didn't want my cats to go
15 out. They're house cats. I didn't want them to get loose.

16 Also, I did not want to leave my home standing open. I
17 gathered he just wanted me to leave my home open and come
18 with him quickly, and he began to get agitated with me.
19 "What are you doing? What are you doing?" And I said, "I'm
20 trying to close the door," because I was trying to get those
21 pieces of wood out of the doorway so the door would shut.

22 Q. And were you able to shut the door?

23 A. Yes, ma'am.

24 Q. At that point what happened?

25 A. He instructed me to get into my car and drive him to the

1 teller. When -- I have a remote that I try to get in -- you
2 know, it unlocks my car. I did not try with the key because
3 that is not what I do out of habit. It controls, and when it
4 sets the locks, it makes a beeping noise, and he really got
5 agitated. "What are you doing? What are you doing?" I got
6 the impression that he thought I had some other type of car
7 that had maybe like OnStar or something like that.

8 Q. And what type of vehicle did you have?

9 A. I have a Toyota Tacoma pickup truck.

10 Q. Where was the car parked that day at your house?

11 A. My driveway pulls right up to the edge of the house. It
12 can -- I can enter either the side door or the front door,
13 but I don't use the side door.

14 Q. Did you -- were you able to unlock your car and get into
15 it?

16 A. With the remote I unlocked the car and I unlocked his
17 side.

18 Q. Okay. And which side of the car did you get into?

19 A. The driver's side.

20 Q. Once you were outside your house, were you able to
21 escape?

22 A. He has a gun on me.

23 Q. Okay.

24 A. So I didn't want to take a chance in losing my life.

25 Q. Did you get in the car?

1 A. Yes, ma'am.

2 Q. And what part of the car did you get into?

3 A. Driver's seat.

4 Q. What did he do?

5 A. He got in the passenger seat and proceeded to instruct
6 me how to leave my neighborhood. We backed out and went down
7 Caroline Street. We went down Caroline a couple of blocks
8 and I'm assuming it was Patricia Drive where I made my right
9 turn to go on Leesburg Road.

10 We took a left and proceeded to go toward the V.A.
11 Hospital. There is a Krispy Kreme doughnut store where the
12 bank used to be. They have closed that. At that time the
13 bank has a teller -- had a teller area. It was an enclosed
14 glass teller area with a door like you try to get into any
15 building, grocery store, or anything of that type, and I went
16 in there.

17 Q. Okay. Let me back you up just a little bit. You said
18 he was instructing you on where to go?

19 A. Yes.

20 Q. And did he make it clear where he wanted to end up?

21 A. At a teller. He did not say specifically which teller,
22 so -- or A.T.M., excuse me. I went to where I always bank
23 and have always banked since I was a child.

24 Q. Okay. And on the way there did he still have on the
25 mask?

1 A. Yes, ma'am.

2 Q. Did he still have on a hat?

3 A. Yes, ma'am.

4 Q. Were you able to observe anything about the part of his
5 face that you were able to see?

6 A. I would have to look at the right because I was the
7 driver and I would see the passenger on what would be his
8 left side. There was what I call a chicken pox scar where
9 anyone who knows a child that's had chicken pox, all -- just
10 about 99 percent of us have a place where chicken pox are.
11 That's what the scar resembled.

12 Q. And where did you observe that on his face?

13 A. Right around his eye.

14 Q. And---

15 A. His left eye.

16 Q. ---would that have been on the side of the face you
17 could observe, you being the driver and he in the passenger
18 side?

19 A. Yes, ma'am.

20 Q. So that would have been which side of his face?

21 A. His left.

22 Q. His left side? Were you able to observe anything about
23 the eyes themselves?

24 A. Yes, ma'am, because all throughout the incident he was
25 constantly watching and his mannerisms, turning his head

1 back. I could observe veins in his eyes and I'm used to
2 seeing bright red blood veins in individuals' eyes, but his
3 were really dark.

4 Q. Okay. And you weren't able to see the rest of his face.

5 A. No, ma'am, just the little bit of hair around where he
6 had the hat.

7 Q. Okay. You've mentioned that you went to the A.T.M. that
8 you always went to. Where is that located?

9 A. On Garners Ferry Road across from the Veterans Hospital.

10 Q. Okay. Are you familiar with the store called the Big
11 Lots?

12 A. Yes, ma'am.

13 Q. And is it kind of in that parking lot area or expanded
14 parking lot area there?

15 A. It's -- it's Landmark Square.

16 Q. Thank you. Once you got to the A.T.M. that you were
17 familiar with, did you pull into the parking lot?

18 A. Yes. I pulled into a handicapped spot because I was
19 hoping since I didn't have any type of handicap sticker and I
20 was also thinking -- I mean, my thoughts were racing,
21 thinking and hoping there might be a camera there because
22 that is a handicap spot and maybe something could happen to a
23 handicap person, and whoever is observing inside usually
24 would have their sight set on that because of the fact a
25 handicap person might need assistance. So I parked there,

1 hoping there was a camera and hoping that someone would come
2 by and give me a ticket, arrest me or something.

3 Q. Once you pulled into the handicap space, what, if
4 anything, did he tell you?

5 A. He asked me how much money I had and I -- I made up a
6 figure of \$500, and he proceeded to say something to the
7 effect that, "You know that man that I had yesterday---

8 **Mr. Schnee:** Objection, Your Honor.

9 **The Witness:** ---didn't have any money."

10 **The Court:** Hold on. Ma'am, when there's an objection,
11 don't answer the question. Sustained.

12 **Mr. Schnee:** Move to strike.

13 **The Court:** Ladies and gentlemen, you need to disregard
14 that comment.

15 By Ms. Campbell:

16 Q. Did he instruct you to get any money?

17 A. Yes, ma'am.

18 Q. And what specifically about the money did he tell you to
19 do?

20 A. He had asked me how much money I had, so I went in---

21 Q. And where was he?

22 A. He stayed in the truck. He opened the door and he kept
23 looking in the direction of which now I realize there was a
24 police substation there, and he would cut his eyes all in
25 that direction and back at me consistently. He had the door

1 opened, as far as I was concerned, to come do whatever he
2 needed to do to me to get his money or either run.

3 Q. Once you got inside the A.T.M. area, were you able to
4 get out some money?

5 A. I got \$200 and I brought it out and he told me, "You
6 told me you had more money than that." I told him that I did
7 not think the machine would give but so much money, but the
8 way he was agitated and with the gun, I said, "I'll try
9 again."

10 Q. And did you go back in?

11 A. Yes, ma'am.

12 Q. And approximately how far away from you was he while you
13 were in the A.T.M. itself?

14 A. Oh, it's extremely close. He could have shot me from
15 the car.

16 Q. Once you went back in, did you attempt to get more money
17 out of your A.T.M. machine for him?

18 A. I did.

19 Q. And were you able to?

20 A. I could only get \$100.

21 Q. More?

22 A. Uh-huh.

23 Q. Had you already given him the 200?

24 A. Yes, ma'am.

25 Q. Once you got the second hundred - so it's a total of 300

1 - did you go back outside?

2 A. I went back outside and he looked at me as if he were
3 disgusted. I think he had the thought in his mind that he
4 was going to get \$500, but I couldn't. So I don't know how
5 much money I had in my billfold, but I did open it up and I
6 just started throwing all kinds of money that I had, whether
7 it was ones, fives, tens, twenties. I don't really -- I
8 can't tell you how much it was, but I wanted him to get
9 money.

10 Q. And did he take your money?

11 A. Yes, he did.

12 Q. What happened next?

13 A. He told me to get in the car and I got in the car, and
14 next door to the bank is Greenlawn Baptist Church. I came
15 out of Garners Ferry. I came in front of Greenlawn Baptist
16 Church, and I made a right on True Street.

17 **Court Reporter:** What street?

18 **The Witness:** True.

19 By Ms. Campbell:

20 Q. And what happened?

21 A. He made me go through several sets of tunnels under I-77
22 where I was scared that I was going to be maybe killed and
23 put in those tunnels because I know someone else who has had
24 an incident happen in those tunnels going in that direction.

25 Q. And were you driving at this point?

1 A. Yes.

2 Q. Was he still in the passenger seat?

3 A. Yes.

4 Q. Was his face still covered?

5 A. Yes.

6 Q. Did he still have the gun?

7 A. Yes.

8 Q. What did he tell you to do?

9 A. He -- we came out by the funeral home, Greenlawn Funeral
10 Home, and across the street is the cemetery, Greenlawn
11 Cemetery, and he told me to make a left and go back the way
12 we came initially, and I had to make a comment because I
13 thought it was right unusual because I felt like everything
14 was premeditated. I looked at him and I said, "There's no
15 traffic out here today." I don't know why I did that. I
16 just had the impulse to let him know that I knew that.

17 We went back, but we went a couple of blocks past where
18 we had initially left on Patricia initially to go to the
19 bank, and he made me take a right and then we went back down
20 Caroline again or either it was Elm Tree. I cannot tell you,
21 but it was one of the streets -- one of those two blocks
22 where Leesburg Road is, and then he made me make a right and
23 I observed he had a key in his hand and a cigarette butt.

24 Q. Let me back up a little bit. While this was going on as
25 you're driving to the A.T.M. and everything, were you

1 nervous?

2 A. Yes, ma'am.

3 Q. Were you scared?

4 A. Yes, ma'am.

5 Q. And at some point -- and do you smoke cigarettes
6 sometimes?

7 A. Time and again I smoke.

8 Q. And at some point during this ride did you light up a
9 cigarette?

10 A. Yes, I did.

11 Q. Tell the jury about that.

12 A. It was when we were first heading to the A.T.M. I told
13 him I'd like to have a cigarette and I said -- I was trying
14 to light it and I was shaking, and I told him -- I said, "I'm
15 nervous. I would like to have a cigarette." He said, "I'd
16 like to have one, too," so I gave him one.

17 Q. You gave him a cigarette?

18 A. Yes, ma'am.

19 Q. And they were your cigarettes?

20 A. Yes, ma'am.

21 Q. And what brand of cigarettes was that that morning?

22 A. Virginia Slim Menthol.

23 Q. And did you proceed to light the cigarette?

24 A. I was trying to light his cigarette and he took the back
25 of his hand and moved the light where he could light it.

1 When he tasted it, he said, "What kind of cigarette is this?
2 This tastes terrible." And I said, "It's the type of
3 cigarette a woman or a girl would smoke."

4 Q. And did he proceed to smoke the cigarette?

5 A. Yes, ma'am.

6 Q. And at some point did he ever put the cigarette out
7 while you observed it?

8 A. I did not observe him putting out the cigarette, but on
9 the way back in the ride he had put the fire out. I assume
10 he must have pinched it out somewhere maybe at the teller
11 machine for all I know.

12 Q. Okay. While you were inside?

13 A. Yes, ma'am.

14 Q. But you observed the cigarette butt that you had given
15 him still in his hand?

16 A. Yes, ma'am.

17 Q. And as you're making these turns and he's telling you
18 where to go over near your home, does he still have that
19 cigarette butt in his hand?

20 A. Yes, because he pulled a key out and he had the
21 cigarette in his hand and he had a key, and he said he had a
22 car parked for him.

23 Q. And when he -- you mentioned that you turned off of
24 either -- what was it? Elm?

25 A. Either Elm Tree or Caroline.

1 Q. And you pulled on to -- did he instruct you to stop?

2 A. At this particular driveway -- there was a home on
3 Patricia. It's the last home and it's right behind what used
4 to be a minute-saver type of business that is now or was at
5 the time attorney offices.

6 Q. Okay. And at that point did he get out of the vehicle?

7 A. He said, "I want you to stay in here. I'm going around
8 to where my car is, and I want you to stay here until I'm
9 gone." Well, I didn't see a car; it was hidden. But the
10 minute he got around the building where I couldn't see him, I
11 cranked up my car. I went down and took a right on Leesburg,
12 went two blocks to a Citgo station because I did not have a
13 cell phone to call 9-1-1.

14 Q. Okay. When he exited your vehicle, was his face still
15 covered?

16 A. Yes, ma'am.

17 Q. And did he still have the gun?

18 A. Yes, ma'am.

19 Q. And when he exited the vehicle, did he take that
20 cigarette butt with him and didn't leave it in your vehicle?

21 A. He didn't leave it in my vehicle.

22 Q. And while you were in the car with him, you actually saw
23 him take a drag off the cigarette?

24 A. He had to to light it.

25 Q. During the time when you were riding around with him,

1 did he tell you - and I'm going to be specific and limit this
2 - anything specifically about himself as far as why he was
3 robbing you?

4 **Mr. Schnee:** Judge, I'm going to object to that based on
5 the pretrial motion.

6 **The Court:** I don't remember that.

7 **Mr. Schnee:** May we approach for a second?

8 (Whereupon, a bench conference was held.)

9 By Ms. Campbell:

10 Q. Did he tell you something about being down and out
11 because he had just gotten out of prison ten months before
12 that?

13 A. Yes.

14 Q. And that's the information he gave you.

15 A. He gave me; he volunteered that.

16 Q. Once he exited the vehicle with the cigarette butt at
17 that point, you didn't see what he did with the cigarette
18 butt at that point once he got out of the vehicle.

19 A. No, ma'am. He went around the building and I cranked
20 the car up, and by the time I went around, I looked as I
21 passed by, but I didn't see him.

22 Q. Once you got to the Citgo station, did you go inside the
23 Citgo station?

24 A. I did.

25 Q. And where did you leave your truck at that point?

1 A. I left it on the left side as you face the store around
2 where the building actually was. The building -- you have a
3 means of getting all around that building several ways, but I
4 parked on the left side hoping if he drove past he wouldn't
5 see my car in hopes that I would get to 9-1-1 real quick.

6 Q. Once you got inside the Citgo, what happened?

7 A. I informed them what had happened and could I please use
8 their phone, and they graciously let me.

9 Q. And did you then stay there at the Citgo?

10 A. Yes, ma'am. I wanted to go back to my house. I wanted
11 the officers to meet me at my home, but the lady there would
12 not let me go.

13 Q. Why?

14 A. She was fearing for me.

15 Q. And you stayed there at the Citgo?

16 A. Yes, I did.

17 Q. And the lady you're talking about would have been the
18 person working there?

19 A. Yes, ma'am.

20 Q. And did the police respond?

21 A. Rather quickly.

22 Q. And once the police got there, were you able to meet
23 with police officers?

24 A. Yes, ma'am. They had me get in their car.

25 Q. And during the course of meeting with them that morning

1 -- approximately what time of morning is it now? Do you
2 know?

3 A. By that time it was probably getting more to be around
4 close to 8.

5 Q. Okay. In the morning?

6 A. Uh-huh.

7 Q. And once they responded, did you give them the
8 information?

9 A. Yes.

10 Q. And did you actually fill out what's called a robbery
11 questionnaire, giving a description of the defendant?

12 A. Yes, I did.

13 Q. And you did that to the best of your ability?

14 A. I did.

15 Q. Were you upset at this point?

16 A. Yes, ma'am. I thought I was going to going to die.

17 Q. And later that day you met with investigators as well?

18 A. Yes, ma'am.

19 Q. And I believe you filled out a statement for them, too?

20 A. Yes, ma'am.

21 Q. During the course of that day, did the officers ride you
22 around so that you could point out where certain things had
23 occurred?

24 A. They immediately did a drive-around.

25 Q. And did you indicate which A.T.M. you had been taken to

1 or forced to go to?

2 A. Yes, ma'am.

3 Q. And did you show them the route that he had you drive
4 and everything?

5 A. Yes, ma'am.

6 Q. And specifically that day did you show them exactly
7 where he had gotten out of the truck with that cigarette
8 butt?

9 A. Yes.

10 Q. And that was information you provided to them way before
11 Adonis Williams was arrested.

12 A. That was immediately after the phone call that we did
13 the ride-around, and it was, first of all, where he let me
14 off.

15 Q. Okay. And the description you gave of the person that
16 robbed you -- just for the record, you'd never seen that
17 person before that you know of.

18 A. No, ma'am.

19 Q. And you don't know Adonis Williams.

20 A. No, ma'am.

21 Q. Other than from that day.

22 **Mr. Schnee:** Objection.

23 **The Court:** Sustained.

24 By Ms. Campbell:

25 Q. The person that robbed you, did you give them a

1 description?

2 A. The police? Yes, ma'am.

3 Q. To the best of your ability even with the face being
4 blocked?

5 A. Yes, ma'am.

6 Q. And specifically did you talk to them about what you had
7 observed on the left side of his face?

8 A. Yes, ma'am, I did.

9 Q. And that's information you told them before Adonis
10 Williams was ever arrested or found.

11 A. Yes, ma'am.

12 Q. As well as approximate build and height and everything?

13 A. Yes, ma'am.

14 Q. At any point when you were in the car with him or when
15 he was in your home, did you feel like you could leave
16 safely?

17 A. No.

18 Q. And why -- this sounds stupid, but why did you give him
19 the money?

20 A. I would have given him every cent I had to get away.

21 Q. After the police got you to drive them around -- to
22 drive around with them and show them where certain things had
23 taken place, eventually did you get to go back to your house?

24 A. The police took me back to my home, and there was
25 already multitudes of investigators there.

1 Q. Once you got back to your home, were you concerned with
2 notifying a relative of yours?

3 A. I had called my mom while I was in the Citgo and I was
4 really concerned for her because we had just lost my brother
5 and she had cancer and I wanted her to quit worrying - but I
6 know she was worrying - and let her know that I was okay.
7 But my phone wouldn't work.

8 Q. And which phone are we talking about that you were
9 trying to use at your house?

10 A. My landline.

11 Q. Your landline phone? And had it been working prior to
12 the person breaking into your house as far as you knew?

13 A. Yes, ma'am.

14 Q. And while the police were there, did they walk around
15 the house and observe anything?

16 A. They didn't go out back. I went around back and found
17 it because I had tried to call a second time, and I said, "If
18 this doesn't go through, I know what I'm facing," and sure
19 enough, I walked around back -- I had been working in a
20 flower bed and I had a spade so that I could find it, and I
21 had set it up on the box that holds all the telephone
22 equipment. And it was down and I noticed the box was back
23 from the wall just hanging.

24 Q. And you mentioned that you had placed a spade -- had you
25 been doing some yard work that weekend?

1 A. Yes, ma'am.

2 Q. And specifically what day were you doing yard work that
3 you noticed the box? What day was that?

4 A. Saturday. It was all intact the day before.

5 Q. And when you walked around to the back of your house
6 that Sunday morning or afternoon or whenever you returned to
7 your house, you observed it in a different state, that box?

8 A. Yes, ma'am.

9 Q. And what was different about it?

10 A. It was hanging from the wall and the spade was on the
11 ground and wires had been cut.

12 Q. And did you point this out to the police?

13 A. Yes, ma'am.

14 Q. And, in fact, in order to get your phone service back at
15 a later time, did the phone company have to come and---

16 A. Yes, ma'am, they did and I was concerned about computer
17 line and loss of information due to my work computer.

18 **The Court:** Excuse me. Ladies and gentlemen of the
19 jury, I'm going to ask y'all not to take notes on this thing
20 if you would. Sometimes when you take notes, you write
21 things down wrong, and then when you get in the jury room it
22 makes it a little more difficult to convince you that maybe
23 it was written down that -- if y'all will just listen
24 carefully, I think that will be sufficient for you.

25 By Ms. Campbell: THE ATTORNEY:

1 Q. The area of the house that we're talking about, I want
2 to show you State's Exhibits Numbers 21 through 23. Do you
3 recognize those?

4 A. Yes, ma'am. That was my backyard where I was working in
5 my iris bed, and the telephone box is hanging from the wall.
6 A closer shot with the wheelbarrow and the telephone box
7 hanging from the wall...

8 Q. And is that how it appeared after you had been forced
9 from your home and robbed?

10 A. Yes.

11 Q. And that would have been that Sunday.

12 A. Yes.

13 **Ms. Campbell:** Your Honor, at this time we'd offer
14 State's Exhibits 21, 22, and 23.

15 **Mr. Schnee:** No objection.

16 **The Court:** So admitted.

17 (State's Exhibits 21 through 23 were received in
18 evidence.)

19 By Ms. Campbell:

20 Q. I'm going to show you State's Exhibit Number 21.

21 A. Uh-huh.

22 Q. Is that the back of your house, ma'am?

23 A. Yes, ma'am.

24 Q. And in State's Exhibit Number 23, is that a close-up of
25 the box you were referring to?

1 A. Yes, ma'am.

2 Q. And the day before on that Saturday, how did that box
3 appear when you put the spade on top of it?

4 A. Everything was intact. Otherwise, the spade would not
5 have balanced up on the top of the box.

6 Q. I want to show you what's been marked as State's
7 Exhibits Numbers 2 through 11. Do these show the exterior of
8 your house and then finally the side door where the burglar
9 came in?

10 A. Yes. The first one shows my house number, my gate, my
11 truck parked in the driveway where it's normally parked. The
12 next shows the front of my home and the truck parked where I
13 normally park it. The next is -- the side door is open. My
14 truck is where it's normally parked, and this is a view from
15 the front where you could see both the front and side door.

16 The next picture is a picture of the side door. The
17 next one is a closer-up shot of the side door. Another one
18 of the side door. This is showing the side door -- the glass
19 door is open and you're actually seeing the door, and I see
20 where wood around the handle has been pried or knocked in and
21 a closer look here, yes. Another, the same. The same -- all
22 have broken wood around the door.

23 Q. And is that how your house appeared when you returned
24 after you had been robbed that day?

25 A. Yes.

1 **Ms. Campbell:** Your Honor, at this time we'd offer
2 State's Exhibits Number 2 through 11.

3 **Mr. Schnee:** No objection.

4 **The Court:** So admitted without objection.

5 (State's Exhibits 2 through 11 were received in
6 evidence.)

7 By Ms. Campbell:

8 Q. I'm going to show you State's Exhibit Number 5. What
9 does that show?

10 A. A view where you can see the front door - well, I have a
11 rose bush in the way - and the side door.

12 Q. And actually the side door is the door that's not
13 obliterated?

14 A. Right.

15 Q. And the front door in State's Exhibit Number 3?

16 A. Yes.

17 Q. That's how that would appear? And would that be looking
18 from the street or from the yard or from where?

19 A. From the street.

20 Q. This was from the street? I show you what's been marked
21 as State's Exhibit 8 and State's Exhibit Number 11. Is that
22 a closer-up of which door?

23 A. The side door.

24 Q. And is that how it appeared when you returned to your
25 home after the person had broken in?

1 A. Yes, ma'am.

2 Q. And the interior of your house, did the police also
3 photograph that that day?

4 A. Yes, ma'am.

5 Q. And I'm going to show you State's Exhibits 12 through
6 20, and without saying what they are individually, just look
7 through it and say: Does that fairly and accurately
8 represent how your house appeared when you returned with the
9 police that day?

10 A. Yes, ma'am.

11 **Ms. Campbell:** Your Honor, at this time I'd offer
12 State's Exhibits 12 through 20. You've seen them.

13 **Mr. Schnee:** Without objection.

14 **The Court:** So admitted without objection.

15 (State's Exhibits 12 through 20 were received in
16 evidence.)

17 By Ms. Campbell:

18 Q. State's Exhibits number 12 and 13, what do those show,
19 ma'am?

20 A. That shows where my furniture was up against the wall
21 and how far it had been moved from the side door.

22 Q. And prior to him coming in, would the couch have
23 actually been up against the wall?

24 A. Yes, it would have, and I straightened up the chair
25 before we left to go to the teller, but it was thrown across

1 the room.

2 Q. And you mentioned that there are transoms and arches in
3 your house? Is that correct?

4 A. Yes, ma'am.

5 Q. And I show you State's Exhibits Number 14 and 15. What
6 areas does that show?

7 A. This arch leads into the dining room and kitchen, and
8 you can go to the right and go back into the bedroom area and
9 you'll be in the area that's shown in this picture which also
10 comes from the dining area.

11 Q. And---

12 A. It's very open.

13 Q. This door right here, what is that the door to?

14 A. My bedroom.

15 Q. And is that where the person that kidnapped you and
16 robbed you where you saw him for the first time?

17 A. Uh-huh. Yes, ma'am.

18 Q. State's Exhibits Number 17 and 18 are from different
19 angles?

20 A. Yes, ma'am.

21 Q. And what room does that show or the doorway to it?

22 A. My bedroom.

23 Q. State's Exhibits 19 and 20?

24 A. My bedroom.

25 Q. And is that where you were when you first saw him?

1 A. Yes, ma'am.

2 Q. While you were at the gas station, did something happen
3 to your truck while it was parked at the Citgo gas station?

4 A. When the officer and I went on the ride-through, I did
5 not go back there and I had not seen my car. I went directly
6 and got in one of their cars. That's what they had
7 instructed me to do. We went on the ride-through around so
8 that they could see where we had been, and when we pulled
9 back in he took -- as I initially said, you can drive all
10 around that station because there's pavement all around it.
11 He pulled in the back side, and as we came up to the side, he
12 said, "Were your windows broken out also?" And I said, "No."
13 And I looked and they were broken, the driver and passenger
14 windows.

15 Q. When you left the truck, when you got out of it and went
16 into the Citgo to make the 9-1-1 call, the windows were not
17 broken.

18 A. No, ma'am.

19 Q. Did you see who actually broke out your windows?

20 A. No, ma'am.

21 Q. I'm going to show you State's Exhibits 28 through 36.
22 Are those photographs of your truck after you had returned to
23 the Citgo with the police?

24 A. Yes, ma'am.

25 **Ms. Campbell:** Your Honor, at this time we'd offer 28

1 through 36.

2 **Mr. Schnee:** No objection.

3 **The Court:** So admitted.

4 (State's Exhibits 28 through 36 were received in
5 evidence.)

6 By Ms. Campbell:

7 Q. And is State's Exhibit 30 -- does that show how the
8 truck is parked there at the Citgo that day?

9 A. Yes, ma'am.

10 Q. And, again, you didn't actually see who actually
11 vandalized your truck---

12 A. No, ma'am. I was inside the building the whole time or
13 either with the officer.

14 Q. And at first did you assume it could be related to what
15 happened to you?

16 A. Well, I was very shaken and -- and I didn't know who did
17 it, but I thought if it is him, he's really out, you know, to
18 hurt me or send me a message.

19 Q. You gave the police a description of the man and, again,
20 you were only able to see that part of his face; correct?

21 A. That's right.

22 Q. But do you remember filling out this robbery
23 questionnaire with the police?

24 A. Yes, ma'am.

25 Q. What was the description of the man that you gave the

1 police right after this happened?

2 A. That he was black. I wasn't sure if he was six feet
3 tall, but he was taller than I was.

4 Q. Uh-huh.

5 A. He was male, probably 170 pounds because he was slender.
6 The hairstyle, short. I just saw what was around outside the
7 cap.

8 Q. Uh-huh.

9 A. He had no gloves on. He had the mask on; that's
10 described. And the chicken pox scar.

11 Q. Did you mention in here what kind of gun he had?

12 A. It was a revolver.

13 Q. And you described the mask and the hat that he was
14 wearing.

15 A. Yes, I did. It was black; the hat was.

16 Q. Beg the Court's indulgence. While you were in the
17 A.T.M. trying to get the money for him, at first did you have
18 some problems?

19 A. The first time I tried, I could not remember my number
20 and I was shaking so that I could hardly stand, and the card
21 came back. And so I took a moment to try to get my thoughts
22 together again, and I tried it and got it on the second time.
23 And the whole time I was in there I was trying -- I know
24 cameras are in A.T.M.'s, so I kept mouthing, "Somebody help
25 me. Please help me," so that it would be easier for the

1 authorities to spot my section of the transactions that they
2 had on that film.

3 Q. The guy that burglarized your home and robbed you, he
4 never came in where the cameras were.

5 A. He what?

6 Q. He never came in where the cameras were.

7 A. He stayed in the car with the door open where he could
8 run, I assume, or come get me, shoot me, whatever.

9 **Ms. Campbell:** Thank you. Please answer any questions
10 the defense may have.

11 **The Court:** Mr. Schnee? Well, I tell you what. Let's
12 go ahead and take a break. It's been about an hour and
13 25 minutes. Ladies and gentlemen, I'll let you step back to
14 the jury room. Do not discuss the case while you're there.
15 We'll take about 15 minutes or so and give you some
16 refreshments and let you relax for a few minutes, and then
17 we'll bring you back in about 15 minutes.

18 (Whereupon, the jury was excused from open court at
19 11:06 a.m.)

20 **The Court:** All right. Ms. Wofford, you can step down
21 during the break, but don't discuss your testimony while
22 we're on break. Okay?

23 **The Witness:** Thank you.

24 **The Court:** All right. We'll take about a 15-minute
25 break.

1 (Whereupon, a short break was taken.)

2 **The Court:** Thank y'all. All right. Let's bring us the
3 jury in, Mr. Dye.

4 **Mr. Schnee:** Judge, just a brief issue.

5 **The Court:** What is that?

6 **Mr. Schnee:** There's a letter - Ms. Campbell has I
7 believe the original of that - that was sent to the victim.
8 This is something we dealt with before the last trial in
9 front of Your Honor. It was a letter from someone claiming
10 to be -- by Casper the Ghost. It's my intention to use that
11 as evidence during my case. I believe the State has an
12 objection to it.

13 **The Court:** Use it in what way?

14 **Mr. Schnee:** Well, it was a letter written to the victim
15 a number of months ago sort of threatening her, saying, "Ha,
16 ha, you have the wrong person." And as we heard from
17 Sergeant Robinson yesterday, Casper has been identified as
18 Charles Blankenbecklor.

19 **The Court:** Well, how do you intend to use the letter?

20 **Mr. Schnee:** Well, just the fact of the content of it,
21 that the victim had received -- who it was from and then get
22 through the investigator who his knowledge of who that would
23 be is.

24 **The Court:** What y'all say?

25 **Ms. Campbell:** Your Honor, that's third-party guilt way

1 beyond the scope of anything that's not relevant. He can't
2 authenticate the letter. He can't say who it's from. We
3 don't know if his client wrote it or not because he would
4 know who Casper was. It has no relevance in this case; we
5 aren't intending to offer it. We don't -- we cannot
6 authenticate the letter in any way, so it's this random
7 letter that was sent to her at some point. I don't have---

8 **The Court:** Third-party guilt is an issue in this case?

9 **Mr. Schnee:** Yes, Your Honor, and I believe it's a
10 reasonable assumption -- it's a reasonable inference based on
11 what has happened during the course of the investigation.

12 **The Court:** All right. Well, so what's the deal? Y'all
13 are making some motion?

14 **Ms. Campbell:** We're objecting to him trying to cross
15 this witness with a letter she received that she doesn't know
16 where it came from or anything about it.

17 **The Court:** All right. Well, I'll sustain your
18 objection.

19 **Ms. Campbell:** Thank you.

20 **Ms. Garfield:** Your Honor, just to put on the record,
21 Lieutenant Cowan informed me that he's trying to get in touch
22 with the Crimestoppers coordinator. He has learned that
23 she's on vacation in Florida. However, she is reachable, has
24 a computer apparently accessible there. As soon as he can
25 make contact with her, he'll have her search and he'll be

1 forwarding the results.

2 **The Court:** All right. Let's bring the jury back in.

3 (Whereupon, the jury was brought into open court at
4 11:33 a.m.)

5 **The Court:** All right. Mr. Schnee, if you would please,
6 sir.

7 **Mr. Schnee:** May it please the Court?

8 **The Court:** Yes, sir.

9 Cross-Examination

10 By Mr. Schnee:

11 Q. Good morning.

12 A. Good morning.

13 Q. I know this is obviously very difficult for you still,
14 so if you need to stop or need a glass of water or anything,
15 just let me know. Okay?

16 A. Thank you.

17 Q. I'd like to start with you, if I could, when you first
18 got in touch with the police and you met with them at the gas
19 station.

20 A. Okay.

21 Q. You were still -- this was minutes after you'd got to
22 the gas station? Is that correct?

23 A. It's what?

24 Q. It was within a few minutes of you calling the police
25 they showed up?

- 1 A. Yes, sir.
- 2 Q. Okay. Everything was fresh on your mind at the time?
- 3 A. Yes, sir.
- 4 Q. Okay. You were obviously still scared?
- 5 A. Yes, sir.
- 6 Q. And you wanted whoever did this to be caught; right?
- 7 A. Of course.
- 8 Q. Okay. And when you talked with the police, you gave
- 9 them descriptions?
- 10 A. Yes.
- 11 Q. As you did when you called 9-1-1.
- 12 A. Yes.
- 13 Q. Okay. And you tried to be as detailed as possible.
- 14 A. Yes.
- 15 Q. And as accurate as possible.
- 16 A. Yes.
- 17 Q. Because you know if you make mistakes in that, they
- 18 might find the wrong person.
- 19 A. Of course.
- 20 Q. Okay. Now, does -- did you fill out a robbery
- 21 questionnaire or your written statement first, if you recall?
- 22 A. My statement or -- are you talking about the statement
- 23 that the officer took from me?
- 24 Q. Yeah, the statement the officer took and the robbery
- 25 questionnaire. Do you remember which was first?

1 A. Well, as soon as they got there we did the ride-around
2 and everything. The officer completed the report and had me
3 review it.

4 **Mr. Schnee:** Okay. Okay. If I could have this marked
5 as Defense Exhibit Number 1.

6 (Defendant's Exhibit 1 was marked for identification
7 only.)

8 **Mr. Schnee:** Can I approach the witness?

9 **The Court:** You may.

10 By Mr. Schnee:

11 Q. I believe Ms. Campbell already showed this to you?

12 A. Yes.

13 Q. Okay. Now, this is the information that the officer
14 wrote down based on what you told him; right?

15 A. Yes.

16 Q. Okay. You listed the height as 5'10"?

17 A. About that, yes.

18 Q. Okay. Approximately 170 pounds.

19 A. Approximately.

20 Q. Okay. Now, you put facial hair as "unknown"?

21 A. I couldn't see the facial hair.

22 Q. Okay. Because there was a bandanna.

23 A. Right.

24 Q. And there was a bandanna the whole time.

25 A. Yes.

1 Q. Never took it off, never lifted it, nothing.

2 A. Didn't take it off.

3 Q. Okay. You listed the hair color as black?

4 A. There was hair around the cap.

5 Q. Okay. And that was black hair.

6 A. Yes.

7 Q. And what -- you described it as the hairstyle of short?

8 A. What was around the face was short.

9 Q. Okay.

10 A. As far as the rest of his hair, it was under the cap and
11 there was a lot of leeway in that cap. It was rather large.

12 Q. Okay. And the hair length you listed as short.

13 A. Because all I could see was what was around the face.

14 Q. That's fine. I just want to make sure that we have all
15 this right. Now, in your -- in the next line it says,
16 "Unique features." Do you see where that is?

17 A. Yes.

18 Q. Okay. You list dark spot in left eye?

19 A. Those were the veins in his eyes I was referring to.

20 Q. Okay. Well, what the officer wrote down is dark spot.

21 A. Dark veins is what I saw.

22 Q. Okay. So you saw dark veins, but he wrote down dark
23 spot. Is that your testimony?

24 A. That could have been his perception.

25 Q. Okay. In terms of clothing, you listed dark jeans for

1 his pants?

2 A. Dark pants.

3 Q. Okay. And the officer on the questionnaire, he wrote
4 down dark jeans?

5 A. Whether they were jeans or sweat pants, they were black.

6 Q. Okay. And you listed a jacket as a beige Windbreaker.

7 A. Right.

8 Q. Okay. No other description about the jacket.

9 A. It had a green diamond on the back like a logo of some
10 type, and it appeared the way the lining was, because he had
11 no gloves on, you could see green.

12 Q. So it had a green diamond on the back?

13 A. There was a diamond emblem on the back.

14 Q. Okay. Do you know what color?

15 A. Green.

16 Q. Okay. You saw green on the sleeves or on the cuffs. Is
17 that correct?

18 A. The lining was more than likely green.

19 Q. Okay.

20 A. Because there were no cuffs. It was elastic.

21 Q. All right. No gloves?

22 A. No gloves.

23 Q. Not at any time.

24 A. No gloves.

25 Q. And you described the bandanna as dark blue and white

1 with a design on it.

2 A. Yes.

3 **Mr. Schnee:** Okay. Now, I'd like to have this marked as
4 Defense 3.

5 (Defendant's Exhibit 3 was marked for identification
6 only.)

7 **Mr. Schnee:** If I may approach the witness?

8 **The Court:** You may.

9 By Mr. Schnee:

10 Q. Does this document look familiar to you?

11 A. You just want me to identify that this document was---

12 Q. Yes, ma'am.

13 A. ---completed by the officer.

14 Q. Yes, ma'am.

15 A. Okay. Yes.

16 Q. Okay. And the very top -- near the top of the statement
17 under the -- under your name, do you see where that is?

18 A. A. colon Linda Wofford. Is that what you're asking or
19 up in the body of where it begins right here?

20 Q. Yeah. There's your name. I'm talking about the line
21 right below that. Now, the line right below that, it says,
22 "Who makes the following statement under oath, to wit."

23 Right?

24 A. Yes.

25 Q. Okay. Now, you knew that you had to tell the truth to

1 the police obviously.

2 A. Yes, sir.

3 Q. And you wanted to tell the truth; right?

4 A. Yes, sir.

5 Q. Okay. If you could, please turn to Page 5.

6 A. (The witness complies.)

7 Q. Actually, I'm sorry. Go back to Page 4, the very last
8 line.

9 A. (The witness complies.)

10 Q. Now, I'm going to read---

11 A. There are a total of six pages in this document? I
12 don't see them numbered, just to make sure we're on the same
13 page.

14 Q. There should be seven pages, I believe.

15 A. I've got six.

16 Q. Six?

17 A. If you'll turn to the page---

18 Q. I'm sorry.

19 A. They're not numbered, and I've got six there.

20 Q. We don't need that page. Okay. This is the -- it's the
21 fourth page in here.

22 A. Okay.

23 Q. On the very bottom of it, the last couple of words says,
24 "He asked me"?

25 A. Okay. "He asked me."

1 Q. Right? That's what he says? And then it continues to
2 the next page?

3 A. Uh-huh.

4 Q. "To drop him off at the corner of Leesburg and maybe
5 Patricia Drive."

6 A. In the state of mind I was in, I was not sure what
7 street I was on, but it is Patricia Drive is the street I was
8 on.

9 Q. Okay. So at the time you gave this statement -- and
10 it's listed at 3/22/09 at 9:17 in the morning?

11 A. Uh-huh.

12 Q. Right after all this happened?

13 A. Pretty much. Uh-huh.

14 Q. You weren't exactly sure where you dropped the robber
15 off.

16 A. No, I knew where I dropped him off. I just was not sure
17 of the name of the street.

18 Q. Okay. Did you ever go back---

19 A. I mean, the place---

20 Q. I'm sorry.

21 A. ---he had me drop him off had a big red door on the
22 house, so it wouldn't have mattered. I would have been able
23 to identify the home on the street.

24 Q. Okay. That's fine. Did you ever go back to law
25 enforcement and make a correction of this?

1 A. No, sir.

2 Q. All right. Did they ever tell you that you should make
3 corrections if there's a problem?

4 A. Well, I felt that it was routine in his conversation
5 with me as he filled the report out and had me read it.

6 Q. So you read through all this.

7 A. Uh-huh.

8 Q. And you signed it on every page.

9 A. Uh-huh.

10 **The Court:** You need to answer yes or no.

11 **The Witness:** I'm sorry.

12 By Mr. Schnee:

13 Q. All right.

14 A. That was a yes.

15 Q. Okay. Also on Page 5, a couple of lines down it says --
16 this is your statement. It says, "I'm glad I stayed in,"
17 meaning the gas station; right? If you -- I'm sorry.

18 A. These aren't numbered.

19 Q. Second to the last page.

20 A. Thank you.

21 Q. It says, "I'm glad I stayed in because someone smashed
22 out my front and side windows."

23 A. Uh-huh.

24 Q. Now, you're referring to---

25 **The Court:** Yes or no. Ma'am, you can't say uh-huh or

1 huh-uh.

2 **The Witness:** I'm sorry.

3 **The Court:** Because the court reporter may take it down
4 wrong.

5 **The Witness:** I understand. I'm sorry. Could you
6 please state it again?

7 By Mr. Schnee:

8 Q. Okay. The statement you're glad you stayed in, meaning
9 the gas station, because someone smashed out your windows;
10 right?

11 A. Yes.

12 Q. Okay. The next question by the officer is how would you
13 describe him; correct?

14 A. Uh-huh.

15 Q. Your answer is---

16 **The Court:** Is that a yes?

17 **The Witness:** I'm sorry. Yes.

18 By Mr. Schnee:

19 Q. Your answer is, "Medium-complected black male."
20 Correct?

21 A. Yes.

22 Q. "Not real tall, medium build, low haircut." Right?

23 A. Yes, sir.

24 Q. You go on to describe a chicken pox scar near his left
25 eye.

1 A. Yes.

2 Q. Then you say, "Dark navy blue bandanna around his face."

3 A. Yes.

4 Q. "Wearing beige and green jacket."

5 A. Yes.

6 Q. "And dark-colored pants."

7 A. Yes.

8 Q. Is there anywhere in here you describe a diamond on the
9 back of the jacket?

10 A. Well, I can read the statement from the beginning to the
11 end to see, but with all the details and the state of mind I
12 was in, I may not have mentioned to the officer to put that
13 in here.

14 Q. Okay. So you may have forgotten to mention those
15 details to the officer taking this particular statement.

16 A. This particular statement, yes.

17 Q. Okay. Have you given any other written statements?

18 A. I'm not sure how many written statements I've given.

19 Q. Okay. But do you remember doing a second written
20 statement with anyone?

21 A. I can't say that. I'm sorry.

22 Q. I'd like to talk briefly about some of the details just
23 to make sure I have everything right.

24 A. Okay.

25 Q. Now, your description is dark veins in the eyes or in

1 the left eye.

2 A. (Witness nodded head up and down.)

3 Q. Okay. Now, near the end you discuss a cigarette when
4 you were talking with Ms. Campbell. At what point did you
5 smoke a cigarette?

6 A. We -- on the way to the teller when we were on Leesburg
7 Road.

8 Q. Okay. So very shortly after you got into the truck.

9 A. Pretty much.

10 Q. And the robber asked for a cigarette?

11 A. I asked him could I smoke a cigarette; I was nervous.

12 Q. Okay.

13 A. And he said, "I want one, too."

14 Q. Okay. So you took one out of the pack and handed it to
15 him?

16 A. I can't tell you. The state of mind I was in, I
17 couldn't even light my cigarette hardly. I was shaking. I
18 know that he assisted me in lighting his cigarette by taking
19 his arm like this and pulling my hand with the lighter to his
20 mouth.

21 Q. Okay. But you don't remember if you handed him one or
22 if you handed him the pack.

23 A. Well, they came in a box. You could flip it out or you
24 could have taken it out with your hands, and I cannot recall
25 that under the circumstances I was in.

1 Q. Okay. But you're absolutely certain you didn't give him
2 the cigarette that you were smoking.

3 A. No. That was my cigarette.

4 Q. Okay.

5 A. I didn't see the need to share.

6 Q. Understandable. Now, when you parked behind the
7 Citgo---

8 A. Yes.

9 Q. ---you parked behind it so no one would see you; right?

10 A. I parked to the side because I was afraid should
11 someone -- should he come back by, he might see me and I
12 didn't want to cause any harm to the people that were inside
13 but yet I wanted to be safe. So I parked around the side and
14 snuck into the Citgo.

15 Q. Okay. So you were trying to hide your truck at the
16 time.

17 A. Pretty much.

18 Q. Okay. But then someone did vandalize your windows.

19 A. After the police and I came back, the officer said,
20 "Were your windows broken?" And I said, "Not that I'm aware
21 of," because they weren't.

22 Q. Okay. Do you remember when you were at Adonis Williams'
23 bond setting?

24 A. Yes.

25 Q. Shortly after his arrest.

1 A. Yes.

2 Q. Okay. You handed up a statement to the judge. Do you
3 remember that?

4 A. Yes.

5 Q. If I could approach.

6 A. He did not read it aloud.

7 Q. Do you recognize this document?

8 A. I do.

9 Q. Is that the statement you gave to the judge?

10 A. Yes.

11 Q. Okay. It's marked as Defense Number 2---

12 A. Uh-huh.

13 Q. ---for the record. Both of those pages are what's on
14 there.

15 A. Yes, sir.

16 Q. Okay. If I could just very briefly... On the second
17 page you wrote, and correct me if I say anything wrong, "Why
18 does this person feel like they are entitled to cut my phone
19 lines, break into my home, push heavy furniture around, come
20 into my bedroom while I was sleeping with a gun, kidnap me,
21 make me drive to a teller machine, rob me of my hard-earned
22 money and then vandalize my car when I was in a place of
23 business calling for help?" Correct?

24 A. At the time that is what I felt. I didn't really know
25 that that was the person that did it. I was traumatized by

1 the windows being broken in the event it was the same person,
2 but I did not see the person.

3 Q. Okay. But that's what you handed up to the judge.

4 A. Yes.

5 Q. And this was many days later.

6 A. Yes.

7 Q. Okay. Because you felt it was too much of a coincidence
8 for it to be different people.

9 A. I didn't know.

10 Q. Okay. Did you think it was too much of a coincidence?

11 A. I don't know of many people that have to go through what
12 I went through and then a second incident minutes later.

13 Q. So you thought it was just a little too coincidental;
14 right?

15 A. I would think anyone would.

16 **Mr. Schnee:** Okay. Beg the Court's indulgence. Thank
17 you, ma'am. I have no further questions.

18 **The Court:** Anything?

19 **Ms. Campbell:** Just a couple, Your Honor.

20 Redirect Examination

21 By Ms. Campbell:

22 Q. Just so we can be clear: In the robbery questionnaire,
23 he asked you part -- about the unique features. He only
24 asked you to read part of it. In the unique features did you
25 also mention the chicken pox mark---

1 A. Yes.

2 Q. ---near his left eye?

3 A. Yes, ma'am.

4 Q. And what does it specifically say about that, ma'am?

5 A. That it was on the left eye.

6 Q. Okay. And I believe it says, "Chicken pox scar near

7 left eye." Is that correct?

8 A. Yes.

9 Q. And he also asked you in your statement about that

10 you -- these lines about you're glad you stayed in because

11 someone, is what you put, smashed out your front windows;

12 right? Is that what you said?

13 A. Yes.

14 Q. And that's in your statement that day.

15 A. Yes.

16 Q. You were still traumatized.

17 A. Yes.

18 Q. So you didn't know who did it because you didn't see it.

19 A. I didn't see it.

20 Q. And that's what you put in your statement.

21 A. Yes.

22 Q. And then he asked you about the description you gave.

23 Who is the person you then described in that statement for

24 the police so that they would have that description as they

25 pursued the person that had kidnapped you?

1 A. Who is the person I...

2 Q. Who is the person you were describing?

3 A. Oh, whoever had attacked me or...

4 Q. The masked man---

5 A. Yes.

6 Q. ---who invaded your home and forced you to go, robbed
7 you.

8 A. Yes, ma'am.

9 Q. And as far as the Patricia Drive, when you said maybe
10 Patricia Drive, were you uncertain about where he took you or
11 where you dropped him off?

12 A. There were an awful lot of events and thoughts going
13 through my head at that time, and I know that's Patricia
14 Drive now, but then I didn't.

15 Q. But you knew where it was.

16 A. I knew where it was.

17 Q. And were you---

18 A. It was very distinct, behind a lawyer's office, and the
19 door was red on the house.

20 Q. And that day you took the police back there and showed
21 them exactly where you dropped him off.

22 A. We did it in the ride-around.

23 **Ms. Campbell:** Thank you, ma'am. That's all I have,
24 Your Honor.

25 **The Court:** Anything, Mr. Schnee?

1 **Mr. Schnee:** Just very briefly.

2 Recross Examination

3 By Mr. Schnee:

4 Q. Ma'am, in April 2009 -- the bond setting, the statement
5 you handed up---

6 **Ms. Campbell:** Objection, Your Honor. Outside the
7 scope.

8 **The Court:** Well, I don't know what he's going to ask,
9 so...

10 By Mr. Schnee:

11 Q. The statement you handed up to the judge, in your own
12 words you were accusing Adonis Williams of vandalizing your
13 car, weren't you?

14 A. I didn't know who did it. I just know that someone
15 invaded my home, kidnapped me, had a gun to my head. I don't
16 know that that was the person that broke out the windows, but
17 as you stated earlier about the coincidence and the state of
18 mind I was in at the time, it could be and it couldn't be,
19 but if it was, my life was still in danger.

20 Q. Okay. But at the time, right after this happened, you
21 felt it was the same person.

22 A. I don't think I really and truly said it was the same
23 person to the officer.

24 Q. Okay.

25 A. We didn't see it.

1 Q. Okay.

2 A. I was with an officer at the time.

3 Q. Okay. In the statement you gave---

4 A. And that would -- pardon?

5 Q. I'm sorry. In the statement you gave to the judge, you
6 accused the same person that robbed you of vandalizing your
7 car.

8 A. I just said "someone," I believe.

9 Q. Okay. Well, here is the statement. Now, that's one
10 paragraph where you described the robbery and the vandalism.
11 Does it say someone in there as in two separate people?

12 A. It says, "This person."

13 Q. Single person.

14 A. Yes.

15 **Mr. Schnee:** No further questions.

16 **The Court:** All right. Thank you, ma'am. You may step
17 down. Call your next witness.

18 **Ms. Campbell:** May it please the Court? Your Honor, the
19 next witness would be Kristin Polis. She's unavailable, so
20 we have the prior testimony we can publish.

21 **The Court:** All right.

22 **Ms. Campbell:** And Ms. Simpson would be assisting in
23 that.

24 **The Court:** All right. Ladies and gentlemen, apparently
25 one of the witnesses is unavailable because of some -- I'm

1 not sure why, but they have testimony that she has given
2 previously that is going to be read here today. This is Ms.
3 Simpson who is employed in the solicitor's office, and she
4 will be reading the responses to the questions given by the
5 witness. If you'll tell us who the witness is.

6 **Ms. Campbell:** Your Honor, that would be Ms. Kristin
7 Polis. She is with the Crime Scene Unit at the Richland
8 County Sheriff's Department.

9 **The Court:** All right. Ladies and gentlemen, you are to
10 treat this testimony as though this witness were here
11 testifying in person. All right. Proceed.

12 (Whereupon, the following testimony of Kristin Polis was
13 read to the jury.)

14 Direct Examination

15 By Ms. Campbell:

16 Q. Investigator Polis, where are you employed?

17 A. The Richland County Sheriff's Department.

18 Q. What do you do there, ma'am?

19 A. I am a crime scene investigator. I have been with the
20 Crime Scene Unit for about three and a half years now.

21 Q. Could you tell this jury a little bit about your
22 training and your education in crime scene investigation?

23 A. I have a Bachelor's Degree in criminal Justice and a
24 Bachelor's Degree in Psychology from Charleston Southern
25 University. I have a Master's Degree in Social Work from the

1 University of South Carolina. I came to work at the Richland
2 County Sheriff's Department in 2002 and had a variety of
3 positions before I became an investigator in the crime scene
4 division.

5 Once you join or are selected to go to the crime scene
6 division, there is an internal training program that we all
7 have to complete. It is fairly extensive and it involves
8 reading the leading forensic literature, taking written tests
9 and also taking practical tests in every area of processing
10 that we are required to do. We have to complete each area to
11 competency, and the entire program took me 20 months to
12 complete.

13 In addition to that, we also do a variety of external
14 training where we go to conferences and classes in different
15 areas specifically so we get more specific training in
16 different areas. And I probably completed close to 20
17 courses provided by various external agencies, but those
18 include fundamentals of crime scene investigation, crime
19 scene investigation and evidence collection, basic
20 fingerprints, complex latent print examination, blood pattern
21 analysis, advanced blood pattern analysis, and a variety of
22 others.

23 Q. And have you been qualified as an expert before in crime
24 scene investigation?

25 A. Yes, ma'am.

1 Q. Specifically, as far as your training and the ability to
2 process crime scenes, for, say, D.N.A. swabs, lifting prints
3 and things of that nature?

4 A. That's correct.

5 Q. Is that part of that area?

6 A. Yes.

7 Q. And you've been qualified before in court; is that
8 correct?

9 A. Yes.

10 Q. On multiple occasions?

11 A. Yes.

12 **Ms. Campbell:** Your Honor, at this time we'd offer her
13 as an expert in crime scene investigation.

14 **Mr. Schnee:** Without objection.

15 **The Court:** All right. Ladies and gentlemen, I told you
16 previously if scientific, technical or other specialized
17 knowledge will assist you as you the trier of the facts in
18 understanding the matters that may be in controversy or in
19 any fact that may be in issue, then a witness may be
20 qualified as an expert by virtue of his or her knowledge,
21 skill, experience, training or education and, as such, may
22 testify in the form of an opinion. I'm finding this witness
23 to be qualified as an expert in crime scene investigation.
24 You are to give her testimony such weight and credibility as
25 you deem appropriate as you will with all witnesses who

1 testify.

2 **Ms. Campbell:** Thank you, Your Honor.

3 **The Court:** Proceed.

4 By Ms. Campbell:

5 Q. Investigator Polis, I'm going to turn your attention
6 back to the morning hours of March the 22nd of 2009. Did you
7 respond to a Citgo gas station over off of Leesburg Road?

8 A. I did.

9 Q. And what was the exact location you responded to that
10 morning?

11 A. It was 1704 Leesburg Road.

12 Q. And what time actually did you receive the call to
13 respond to that location?

14 A. Around 8:00 that morning.

15 Q. And what time did you actually get there?

16 A. At 8:27.

17 Q. What was the purpose of you going to the Citgo that
18 morning?

19 A. I was contacted and advised and I believe the initial
20 information that I got was regarding a home invasion/
21 kidnapping that you've heard about this morning, and the
22 victim had driven herself to this particular gas station
23 where she called for assistance. While being parked there --
24 and let me back up. We knew that the suspect had been in her
25 vehicle and that is where her vehicle was located. So one of

1 the important things that they wanted me to process was that
2 vehicle, and we did not want to move it from that location
3 until it had been done.

4 Secondary to that was the incident that occurred where
5 the windows were broken out of the vehicle. So there were
6 some additional things that we also had to look at at the gas
7 station.

8 Q. And when you responded that morning, you didn't actually
9 make contact with the victim or did you?

10 A. Yes, I did.

11 Q. What kind of information or brief information are you
12 trying to get from the victim as far as what your job is
13 going to be there processing that truck?

14 A. What is important to me is, you know: What were the
15 items that were touched? Is there anything in that vehicle
16 that did not belong to her that was left behind? What is the
17 condition she usually leaves the car in versus the condition
18 that I find it in when I get there? Those are the things
19 that are important, so I know if I'm looking for fingerprints
20 or D.N.A. what is going to be relevant.

21 She was, when I arrived, in the vehicle with
22 Investigator Gallegos providing him with information and I
23 was -- I got -- you know, I interrupted them and got the
24 information that I needed and started processing the vehicle.

25 Q. What was the condition of the vehicle or where was the

1 vehicle located when you got there? Do you remember?

2 A. It was on -- depending on which way you were looking at
3 the gas station, it would either be the side or the back of
4 the gas station just parked next to the building. It is not
5 in a parking place. It was just parked literally right
6 behind the building.

7 Q. And I'm going to show you what has already been admitted
8 into evidence as State's Exhibit Number 28. Beg the Court's
9 indulgence. State's Exhibit Number 28, does that show the
10 vehicle?

11 A. Yes, ma'am.

12 Q. And is that actually how the vehicle was located next to
13 the building that morning?

14 A. Yes, ma'am.

15 Q. And I show you State's Exhibit Number 30. Is that
16 another shot from that direction?

17 A. Yes, ma'am.

18 Q. And then finally State's Exhibit Number 31?

19 A. Yes.

20 Q. Were these photos you actually took of the vehicle that
21 morning when you arrived?

22 A. Yes, ma'am.

23 Q. What was the condition of the car as far as the
24 vandalism that morning?

25 A. Well, both the driver and passenger windows had been

1 shattered. When you shatter those types of glass, there are
2 little shards of glass everywhere. So there was glass in
3 both the passenger and driver seat and on the ground around
4 the vehicle.

5 Q. And that morning, prior to processing, trying to lift
6 any latent prints or get any D.N.A. swabs or anything of that
7 nature, do you always photograph the crime scene?

8 A. We do.

9 Q. And at this point you had at least the vandalism of the
10 truck as well as had been used during a separate incident; is
11 that correct?

12 A. That's correct.

13 Q. And that would have been the home invasion/armed
14 robbery?

15 A. Correct.

16 Q. And I show you State's Exhibits 32 through 36. Are
17 those photos you took that morning?

18 A. They are.

19 Q. And those have already been admitted into evidence, and
20 I also want to show you State's Exhibit Number 37 and 38.
21 Does that show a different portion of the store?

22 A. These are the front-door side view and then kind of a
23 view out from the area where the gas pumps are from the front
24 door.

25 Q. Does that fairly and accurately depict the front of the

1 store and one actually I believe has the truck in it on its
2 side? Is that correct?

3 A. That's correct.

4 Q. And those were taken by you that morning?

5 A. Yes.

6 **Ms. Campbell:** Your Honor, at this time we'd offer
7 State's Exhibits 37 and 38 into evidence.

8 **Mr. Schnee:** No objection.

9 **The Court:** So admitted.

10 (State's Exhibits 37 and 38 were received in evidence.)

11 By Ms. Campbell:

12 Q. Once you had -- skipping to the next page. Once you had
13 photographed both the exterior and the interior of the car,
14 what were your observations when you saw the car?

15 A. Like I said, there was glass inside and outside. There
16 were several personal items that would have belonged to the
17 victim that she identified as being hers: Some water
18 bottles, an item of clothing that was draped over the back
19 seat. There were just various things in the car that she
20 left there.

21 Q. And were you aware of any items that were purported to
22 be left behind by him?

23 A. No, not in the vehicle.

24 Q. That morning did you then proceed to process what is
25 called processing the vehicle?

1 A. I did.

2 Q. Tell the jury how you did that.

3 A. Well, we use a process -- let me back up and explain to
4 you a little bit about fingerprints and how they are left
5 behind. That will make more sense in terms of explaining the
6 processing to you. The skin that is on our fingers, our
7 hands, and our feet is different from the skin that is going
8 to be on the rest of your body. It is covered with what we
9 call friction ridges, and the purpose of friction ridges are
10 to help you hang on to things. It is the reason why you can
11 hold a glass and it doesn't slide right out of your hand and
12 the reason that you can turn pages in a book. Those ridges
13 help us grip and handle things that we use.

14 So the friction ridges are formed when we are developing
15 in the womb, and they never change during our lifetime.
16 Those friction ridges -- when you hear people refer to
17 fingerprint patterns and what type of fingerprint patterns
18 you have, all they are referring to is the actual arrangement
19 of those friction ridges, the way they look, the appearance
20 of them. That is what a fingerprint pattern is.

21 Now, what you can't see when you look at fingertips is
22 that on all of those friction ridges, the palms included, on
23 all the ridges there are a series of pores. Now, as our
24 bodies function and do all the things that our bodies do,
25 they are constantly exuding sweat and oils and other

1 compounds, constantly coming out of our pores. So as we are
2 touching and handling things on a daily basis, we are leaving
3 those deposits behind of the sweat and oil.

4 So what we do when we process for fingerprints is we
5 take chemicals and fingerprint patterns, other things that
6 are specifically -- they work by adhering to the deposits,
7 the actual type of deposits that we would leave behind. So
8 they would take what is invisible to us which is what is left
9 behind, the residue, and they will make it visible. So when
10 you're touching an item and you are leaving a deposit behind,
11 it is leaving behind a reproduction of your fingerprint
12 pattern. We just can't see it until we put powder on it so
13 that we can actually visualize, and I say powder or chemical
14 or whatever, whatever we are using to process.

15 So when I get into her vehicle and she describes to me
16 where he was in the vehicle, what he may or may not have
17 touched, it is entirely known -- it is not entirely known
18 exactly what was handled. So I process everything that I
19 felt was relevant in the passenger side of the vehicle.

20 She was certain that he was in the passenger side and
21 that those -- you know, that would be the relevant area. He
22 didn't drive the vehicle, according to her statement. He was
23 in the passenger side. So I processed what was appropriate
24 for -- with the fingerprint powder.

25 Now, a lot of surfaces, particularly in a vehicle, are

1 actually textured. The type of surface that you try to get a
2 fingerprint, the surface is very important in terms of
3 leaving behind a fingerprint. The easiest place to get a
4 fingerprint is going to be on a smooth surface like glass or
5 maybe a smooth metal or a smooth plastic. Anything that has
6 texture to it, it becomes a little more difficult. There can
7 be prints left behind when you have a textured surface, but
8 it's much more difficult to develop and it is much more
9 difficult to lift them.

10 If you think about the inside of a vehicle, a lot of
11 those surfaces are textured. The door panel, the dashboard
12 in most vehicles that people drive today, they are textured;
13 they are vinyl. You may have some leather in a car. All of
14 that has texture. When I say texture, it doesn't have to be
15 like a brick. It doesn't have to be that rough of a surface.
16 Even a slight texture can make a difference when it is time
17 to lift a fingerprint.

18 So what we do, even if it is not likely that we'll get a
19 fingerprint, we still try anyway. So I believe I processed
20 that vehicle---

21 Q. Let me stop you before you talk about what you processed
22 for a second while you were on that.

23 A. Okay.

24 Q. You talked about some of the surfaces that are most
25 conducive to leaving a fingerprint are like glass, smooth

1 surfaces?

2 A. Yes.

3 Q. That don't have any kind of ridge detail in them. Is
4 the way that a person touches a surface also going to affect
5 whether or not an actual usable print is left?

6 A. It is. You can touch an item and leave behind a smudge,
7 particularly if there is motion involved. Like if you think
8 of taking a window and you are raising a window to open it,
9 the movement can leave ridge detail behind that we can see,
10 but it may all be smudged because of the motion.

11 So if you think of something that you are grabbing and
12 moving and there's movement involved, that can also leave
13 behind a smudge. You can touch something and not leave a
14 fingerprint behind at all. For a number of reasons, things
15 can be touched and fingerprints not be left behind.

16 Q. So if I walk up here and I do this with my finger right
17 there and I pull it up directly, am I necessarily going to
18 leave a fingerprint that you are later able to lift something
19 with some kind of stuff?

20 A. You may or may not.

21 Q. Does it depend on the person?

22 A. There are differences between us. We all have
23 differences in our skin. If you -- if I decided to
24 fingerprint all of you, most of you would have really good
25 distinct ridges that we could see. The pattern type would be

1 very clear. But possibly in a group this size there would be
2 one or two of you who would have very faint ridge detail, and
3 it is not that there is anything wrong with your skin or that
4 you haven't taken care of your skin. It is just that some
5 people have less detail in their fingerprint than others.
6 The more detail you have, the more likely you're going to
7 actually leave a fingerprint behind.

8 Q. And in addition to that, other factors can weigh in,
9 say, such as a person is sweating a lot.

10 A. Yes.

11 Q. Nervous, things of that nature, whether it will leave
12 it, whether the finger actually moves after they place it on
13 the surface.

14 A. Right.

15 Q. And in addition to that, you can also get a partial
16 print. Is that correct?

17 A. That's correct.

18 Q. And when I talk about a usable print, explain to the
19 jury: What is a usable print?

20 A. We have to have enough information. We have to have a
21 print that is clear. We have to be able to see the details.
22 Very seldom at a crime scene are you going to get a
23 fingerprint that looks like -- if you have seen a ten-print
24 card that has been rolled, you are not going to get ten
25 fingerprints like that at a crime scene, mainly because those

1 are deliberately rolled so that we can get all the detail
2 from the friction ridges. However, you may get part of it.

3 Sometimes a partial fingerprint is enough; sometimes it
4 is not. It just depends on how much information is there and
5 what is available to us.

6 Q. And in places that like have high traffic such as a car
7 handle or something like that, people are in and out a lot,
8 the fact that people consistently may touch the same place
9 over and over, does that also reduce your ability to get a
10 fingerprint?

11 A. It can. You can have one fingerprint on top of another.
12 You can have one fingerprint that rubs off another. If any
13 of you have stainless appliances or have ever seen those and
14 how easy it can be to put a fingerprint on those, you also
15 know how easy it is to wipe them off. It doesn't take
16 anything but a paper towel or a cloth to clean or wipe off
17 the fingerprint. So, yes, anything high-traffic that has
18 used -- been used many times, it can also---

19 Q. Such as the front door to, say, a convenience store?

20 A. Sure.

21 Q. Things of that nature, as well as maybe a car.

22 A. Sure.

23 Q. And just suppose I got into a car today, opened the
24 door, remained in the car for 30 minutes or an hour or so and
25 got back in. If you went back and weren't able to get any

1 fingerprints, does that mean I wasn't in the car?

2 A. No, absolutely not.

3 Q. And is it unusual at all during the course of your
4 investigations for you to process many crimes and not be able
5 to come up with any usable prints?

6 A. No, that's common.

7 Q. And in this case when you got to the Citgo and you
8 processed the car -- you didn't process the inside of the
9 Citgo anywhere, did you?

10 A. No.

11 Q. There was never any allegation about that; right?

12 A. Correct.

13 Q. You processed the interior of the car for fingerprints.
14 What areas did you process?

15 A. The passenger door panel which would be all the controls
16 that would be on the passenger side door handle, the center
17 console, you know, on the chance that maybe a hand has
18 resting (verbatim) on that or has leaned over, the dash area
19 around the glove box, and the exterior of the passenger door.

20 Q. And when you processed those four separate areas, what
21 was the result as far as you being able to get any possible
22 fingerprints for a future use?

23 A. I did not get any usable fingerprints.

24 Q. Not the victim's?

25 A. No.

1 Q. Not the last person before.

2 A. I got none.

3 Q. Is that unusual?

4 A. No. As I said, surfaces in a vehicle, some are great
5 for fingerprints and some are not. Different vehicles have
6 different types of surfaces. It is not unusual not to get
7 any usable prints.

8 Q. After processing those four areas inside the vehicle,
9 did you also at that point process a cigarette disposal
10 container?

11 A. I did. We knew -- well, the top portion of the
12 cigarette disposal container was left behind the car. So we
13 felt that had been the tool that was used to break out the
14 windows. Of course, that was confirmed when the video was
15 available, and I processed that as well.

16 Q. And were you able to get any usable prints from the
17 cigarette container next to the vehicle?

18 A. I did not.

19 Q. After processing those different areas in the car and
20 the cigarette container, did you also swab for possible
21 D.N.A. collection?

22 A. I did.

23 Q. And tell this jury what you're trying to find when
24 you're swabbing for D.N.A.

25 A. D.N.A. is basically left behind in fluids like saliva,

1 semen, blood, and hair can also be a possible source for
2 D.N.A. There's also touch D.N.A. I think that can be
3 explained better by Dr. Amick, but there is also a
4 possibility that when someone touches something that the
5 sweat can be left behind and that we can get a D.N.A. profile
6 from that. So we swab to try to get D.N.A. profiles from any
7 of those sources.

8 Q. And, again, without going into further detail, different
9 conditions affect whether or not, even if, say, I come up
10 here and touch this, whether or not I'm going to leave D.N.A.

11 A. That's correct.

12 Q. Conditions may be similar to what we were talking about
13 with fingerprints?

14 A. Right.

15 Q. So even if I am in the car and actually touch the
16 handle, am I necessarily going to leave D.N.A.?

17 A. No.

18 Q. And in this case, once you collected the swabs, what
19 area did you collect from?

20 A. I swabbed the interior and exterior passenger door
21 handle, the side of the center console and the passenger door
22 latch, window and lock controls, that panel that is on the
23 side of the car that controls the locks and windows.

24 Q. Did you also try to get a D.N.A. swab from the cigarette
25 disposal container?

1 A. I did.

2 Q. And you don't actually do the testing on those.

3 A. I don't. After I collect those, then it is packaged and
4 submitted into evidence, and our D.N.A. section then picks
5 those up and runs those for D.N.A.

6 Q. Let me back up a minute. Had you been able to use the
7 black powder? How is the powder put on there to raise a
8 print on the vehicle?

9 A. A fingerprint brush. You use that to lightly brush over
10 the surface, and then if you have anything that begins to
11 come visible -- become visible, then you further develop it
12 so that it can be lifted.

13 Q. And in this case you never got anything with any kind of
14 detail that was worth lifting.

15 A. Not there, no, ma'am.

16 Q. After processing, you also collected D.N.A. swabs, and
17 those were later submitted into evidence appropriately?

18 A. That's correct.

19 Q. After processing the truck at the Citgo station, did you
20 then proceed that morning to a second location?

21 A. We did. We released the vehicle back to the victim and
22 she drove it. I drove my crime scene unit. I think
23 Investigator Gallegos was with us, and we all went over to
24 the house at the same time. I think Investigator Gallegos
25 testified that there was already a deputy at that location

1 that we met with as well.

2 Q. And approximately what time was it when you arrived
3 there?

4 A. Around 9:52 a.m.

5 Q. Once you got there, what did you do initially?

6 A. Several officers went in and cleared the residence.
7 After that had been completed, I walk through with the victim
8 and I have her point out specifically to me, the same way
9 with the vehicle, what are the relevant items, what has been
10 touched, what has been moved. There was obvious damage to
11 the door, and then, in addition to that, furniture had all
12 been pushed forward. It was obvious that was out of place,
13 but beyond that, looking at her house, I don't know what
14 condition she left it in. So I had her walk through and
15 describe exactly to me if anything appeared different to her.
16 Q. And did she tell you areas where he had been in and may
17 have possibly touched things?

18 A. Yes.

19 Q. And in addition to that, you mentioned the door had
20 obviously been broken in. That is the door, the side door,
21 to the outside?

22 A. That's correct.

23 Q. Once you walked through with the victim, did you then
24 memorialize the condition of the residence by taking some
25 photographs?

1 A. I did.

2 Q. And I'm going to show you what has been marked as
3 exhibit numbers 2 through 23 which are already in evidence.
4 Are those photographs you took that morning?

5 A. They are.

6 Q. And those fairly and accurately reflect the victim's
7 residence side door and the back of the house where the
8 telephone box was?

9 A. They do.

10 Q. And in addition to that, I ask you to look at exhibit
11 numbers 24 through 27. I hand you those. Are those
12 additional photographs you took that morning?

13 A. They are.

14 Q. And do those fairly and accurately depict closer-up
15 views of the telephone box in the back of the house?

16 A. They do.

17 Q. The wires being cut?

18 A. Yes.

19 Q. And I believe those actually show the telephone box
20 after you dusted it with black powder.

21 A. That's correct.

22 **Ms. Campbell:** Your Honor, at this time we would offer
23 those into evidence.

24 **The Court:** So admitted.

25 (State's Exhibits 24 through 27 were received in

1 evidence.)

2 **Ms. Campbell:** Permission to publish, Your Honor?

3 **The Court:** Yes, ma'am. Ladies and gentlemen, I have no
4 problem with y'all passing these pictures. The only thing
5 is: Don't get so involved in the pictures that you miss the
6 testimony because you won't have that. You will have the
7 pictures in the jury room.

8 By Ms. Campbell:

9 Q. I want to show you State's Exhibits 2 through 4. What
10 do those show?

11 A. This is the mailbox in the front of the house. We
12 typically will somehow mark a known location or a numerical
13 address to the house such as a mailbox in front of the house.
14 It gives a house number of [REDACTED]. This is a view of the house
15 pretty much from the road. You can see part of the chain
16 link fence in front of the property, and this is another view
17 just of the side of the house from inside the gate.

18 Q. Okay. And is the truck actually shown in that third
19 photograph?

20 A. It is.

21 Q. And it's over to the left, I believe?

22 A. Yes.

23 **Ms. Campbell:** Your Honor, at this time we ask
24 permission to publish.

25 **The Court:** You may.

1 By Ms. Campbell:

2 Q. Specifically, was your attention turned to the side of
3 the side entrance of the house?

4 A. It was.

5 Q. And I'll show you State's Exhibits 5 through 11, and
6 just tell the jury briefly what 5 through 11 show.

7 A. These are all views of the side door, and it shows the
8 damage that we saw on the door. There is a smudge mark of
9 dirt to the left of the doorknob.

10 Q. Was that significant to you in any way?

11 A. Yes. It would tend to cause you to believe that
12 something with dirt on it, like dirt on a shoe, would have
13 been used to kick possibly the area that the dirt was left
14 behind.

15 Q. And which exhibit numbers actually show that?

16 A. 10 and 11.

17 Q. Let's skip the next three lines.

18 A. Okay.

19 Q. And that area of dirt would be consistent with something
20 dirty having been up against that door?

21 A. Yes.

22 Q. Just as you just described? Your Honor, at this time we
23 ask permission to publish.

24 **The Court:** You may.

25 By Ms. Campbell:

1 Q. You then photographed, I believe, the interior of the
2 house which would be State's Exhibits 12 through 20. Do
3 those show both the living room area as well as the bedroom
4 area and the hall leading up to it?

5 A. They do, and the bedroom.

6 Q. And the bedroom?

7 A. Yes.

8 Q. And finally State's Exhibits 21 through 23, do those
9 show the back of the house?

10 A. They do.

11 Q. Specifically in State's Exhibit Number 23, is that how
12 the telephone box appeared when you went back there that day?

13 A. Yes.

14 Q. And that is in the exact condition it was in prior to
15 you dusting it or doing anything to it; correct?

16 A. That's correct.

17 Q. And I believe it is in the location shown here in
18 State's Exhibit Number 21.

19 A. Correct.

20 **Ms. Campbell:** Your Honor, at this time I would ask
21 permission to publish.

22 **The Court:** You may.

23 **Ms. Campbell:** Thank you.

24 By Ms. Campbell:

25 Q. And finally State's Exhibit Number 24, what does that

1 show?

2 A. That is a close-up view of the inside of the telephone
3 wiring box and the wires cut.

4 Q. And is that significant because the wires are cut?

5 A. Yes.

6 Q. And is that how it was when you got there that day?

7 A. That was correct.

8 Q. And those would have been the telephone wires; is that
9 correct?

10 A. That is my understanding.

11 Q. After you photographed the exterior, prior to doing the
12 dusting, did you then go back and after you dusted with black
13 powder take some additional photographs, 25 through 27?

14 A. I did.

15 Q. And what was the purpose in you taking those that day?

16 A. There are two reasons why you photograph a fingerprint.
17 One is to show the exact location. It is kind of hard in
18 words to describe exactly where something is. If you've got
19 a picture and you see it, you understand exactly where the
20 item was located. The second reason that we photograph
21 prints is in case there's something that goes wrong in the
22 lifting process and there's some damage done to the print.
23 When I developed this or when I developed this and saw it and
24 knew it was the excellent quality that it is, I went ahead
25 and took a photograph of it, and in the photograph there is a

1 scale that is used so that the size would be accurately
2 determined at a later time.

3 Q. And these were photographs you took of the box after you
4 had dusted it for prints.

5 A. Right.

6 Q. 25 to 27.

7 A. Right.

8 Q. Once you had dusted and photographed, did you attempt to
9 lift any of the prints off the box?

10 A. I did. The one that is depicted in the close-up
11 photograph I attempted to lift.

12 Q. And how did you do that?

13 A. You use a special tape which is fingerprint tape and it
14 is placed over the items, smoothed over. You smooth it with
15 your hand until the fingerprint transfers on to that tape.
16 You lift the tape off and place that on a white fingerprint
17 card so that you have the black fingerprint ridges on a white
18 fingerprint card for the contrast.

19 Q. And you mentioned a little while ago in your testimony
20 that you aren't always able to actually lift the fingerprint
21 and that is why you photograph?

22 A. That's correct.

23 Q. What are the factors that contribute to that?

24 A. It is largely based on the item that the fingerprint is
25 on. Texture can play a part in it. In this particular case

1 I believe the paint that was on the box played a part in it,
2 though I can't say for certain. The environmental conditions
3 on an outdoor surface and then change in temperature, all of
4 that can affect the ability to lift one you can see.

5 Q. Does the fact that you photograph that print inhibit it
6 in any way from being used even if you can't lift it?

7 A. No, it is the same image. The photograph is the same
8 image that I saw. It is the same image that is on the box.

9 Q. And even in this case you attempted to lift one of the
10 prints?

11 A. Correct.

12 Q. And were you able to do that?

13 A. I was not.

14 Q. And in order to preserve the evidence so that you could
15 best use it later, did you make a choice as far as whether to
16 attempt to try to lift any other prints?

17 A. I did not. I took the whole box. I didn't want to risk
18 damaging anything else that was on there. There were several
19 areas of friction ridge detail that I was able to develop.
20 What you see in the picture is what was -- what was the best,
21 and when that did not lift well, I took the entire box off
22 the house and collected it as evidence.

23 Q. You mentioned before that in an attempt to lift a print
24 it could actually destroy the results?

25 A. It can. Fingerprint evidence is fragile.

1 Q. But with your attempt to lift it, could that change it
2 to make it look like anyone else's?

3 A. No.

4 Q. It would just destroy the result to kind of smudge the
5 whole thing, but it wouldn't make it look like someone---

6 **Mr. Schnee:** Objection to leading, Your Honor.

7 By Ms. Campbell:

8 Q. Could it make it look like someone else's?

9 A. No, the pattern would not change. There would be -- the
10 ridge detail would not change. It may just be damaged or
11 smeared.

12 Q. I show you what's been marked for I.D. purposes as
13 State's Exhibit Number 59. Is this the actual box you
14 collected that day?

15 A. It is. It is.

16 Q. And is that the same telephone box in the back of the
17 house that is shown in the photographs we just went over?

18 A. That's correct.

19 **Ms. Campbell:** Your Honor, at this time we'd offer
20 State's Exhibit 59 into evidence.

21 **The Court:** So admitted.

22 (State's Exhibit 59 was received in evidence.)

23 By Ms. Campbell:

24 Q. I notice there's some numbers on here as well as some
25 tape that has been applied to the box?

1 A. Yes.

2 Q. And is that to help preserve the print?

3 A. I did not do that.

4 Q. Okay. So this was done by someone else? Ultimately was
5 this box then forwarded to someone else to do an examination
6 or comparison?

7 A. The box was submitted to evidence, and then an
8 examination was done by another investigator.

9 Q. And that would have been Investigator Bouknight?

10 A. That is my understanding.

11 Q. So when you submitted it, you just submitted it as you
12 collected it.

13 A. Exactly.

14 Q. Were you careful not to disturb any of the prints that
15 were on the outside of the box?

16 A. Yes.

17 Q. And, again, you can't change it to make it look like
18 somebody else's.

19 A. No.

20 Q. We skipped over to the box. Did you also process any
21 other areas for fingerprints in and around the house or the
22 door?

23 A. I did. I processed everything that was pointed out to
24 me that could possibly have been touched. That was the back
25 storm door and the actual back door that was entered.

1 Q. And I called it the side door?

2 A. But I'm referring to the side door.

3 Q. Yes.

4 A. The bedroom doorknob on the inside of the house. I was
5 advised that the victim was sleeping in the bedroom with the
6 door closed, so we knew the doorknob had to be touched for
7 the door to be opened, and that doorknob was also processed.

8 Q. So you processed I believe the storm door, the actual
9 wooden door itself, at the point of entry?

10 A. Yes.

11 Q. As well as the bedroom door.

12 A. That is correct.

13 Q. And were you able to get any usable fingerprints for
14 these three areas?

15 A. No.

16 Q. So in processing for fingerprints, at least this house,
17 you were able to get what you collected as ridge detail that
18 may be suitable for comparison that were collected on the
19 box.

20 A. That's correct.

21 Q. And nothing else of any value on the other three areas.

22 A. That's correct.

23 Q. And is that unusual?

24 A. It is not.

25 Q. Did you also swab certain areas for any possible D.N.A.

1 that might be in the house?

2 A. I did.

3 Q. And what areas did you actually swab that day?

4 A. The storm door handle, the doorknob on the side door,
5 and the bedroom doorknob that led into the hallway and that
6 would be---

7 Q. The same areas you weren't able to get the fingerprints?

8 A. Right.

9 Q. And when you collected those swabs, were those collected
10 correctly and ultimately submitted for possible D.N.A.
11 analysis?

12 A. They were.

13 Q. As well as the swabs you collected from the vehicle---

14 A. Yes.

15 Q. ---earlier. And I show you what's been marked as
16 State's Exhibit Number 60. Are those actually the swabs you
17 collected from both the vehicle and the house?

18 A. Yes, that is my packaging.

19 Q. And the manner in which you collected those were done by
20 ASCLD standards?

21 A. Yes.

22 Q. And they weren't commingled or anything of that nature
23 to contaminate them in any way.

24 A. No. Each swab is in its own individual box. There is a
25 number. There is eight swabs inside this envelope. Each one

1 is individually packaged in its own box so that the swabs
2 themselves are not touching each other.

3 Q. To preserve the integrity of each swab?

4 A. Correct.

5 Q. And, finally, did you do any D.N.A. swabs on the actual
6 telephone box?

7 A. No.

8 Q. Why not?

9 A. Had I swabbed that -- in the process of swabbing the
10 tape -- it is a long Q-tip. Basically, it is a long sterile
11 cotton swab. You put distilled water on it and you rub the
12 surface. So had I have swabbed the box, anything that is on
13 there that is visible would be gone.

14 Q. You mentioned that once you collected the telephone box
15 you submitted it into evidence. It was later forwarded to
16 the laboratory for further testing?

17 A. It was.

18 Q. Or did you photograph it before submitting it?

19 A. I photographed it before submitting. I wanted to
20 photograph all the areas of ridge detail that were there.

21 Q. Okay. And I show you State's Exhibits 50 through 56.
22 Are those photographs you actually took of the ridge detail
23 that was apparent on the box prior to submitting it into
24 evidence?

25 A. Yes.

1 Q. Is that 50 through 56?

2 A. Yes.

3 Q. And I believe those photographs were actually taken that
4 afternoon after you returned to the laboratory?

5 A. Yes. They were in our lab. We have some additional
6 lighting in our lab that we can use that is helpful sometimes
7 in photography.

8 **Ms. Campbell:** Your Honor, at this time we'd offer 50
9 through 56.

10 **The Court:** So admitted.

11 (State's Exhibits 50 through 56 were received in
12 evidence.)

13 **Ms. Campbell:** And permission to publish?

14 **The Court:** You may.

15 By Ms. Campbell:

16 Q. The area -- well, there was several different areas on
17 this box that have ridge detail?

18 A. Yes.

19 Q. And then that would have been an examination that was
20 later performed by another investigator from the Richland
21 County Sheriff's Department?

22 A. Correct.

23 Q. And you just memorialized it and then submitted it into
24 evidence.

25 A. That's right.

1 **Ms. Campbell:** Finally at this point, Your Honor, we'd
2 offer -- also offer State's Exhibit 60, the swabs, into
3 evidence.

4 **The Court:** So admitted.

5 (State's Exhibit 60 was received in evidence.)

6 By Ms. Campbell:

7 Q. Other than that, Investigator Polis, did you have any
8 further involvement in this case?

9 A. I did not. After everything was packaged and submitted
10 into evidence and my reports were written, I was finished.

11 Q. And all the evidence you collected and submitted for
12 further testing were handled directly?

13 A. Yes.

14 Q. And during the time period those items were in your
15 custody, no one tampered with them or altered them in any
16 way.

17 A. No. We have secure lockers that they would have gone
18 into at any time prior to me submitting into evidence.

19 **Ms. Campbell:** Your Honor, that was all from the State.
20 We would move to cross-examination.

21 **The Court:** Did you want to read the cross-examination?

22 **Mr. Schnee:** Yes, sir.

23 Cross-Examination

24 By Mr. Schnee:

25 Q. Good afternoon, Investigator Polis.

1 A. Good afternoon.

2 Q. I'll skip down a couple of lines. So you were not
3 responsible for testing; correct?

4 A. Processing for fingerprints was my responsibility, but
5 the collection of swabs, once those are collected, the D.N.A.
6 section does the testing on those; yes, sir.

7 Q. So when you talk about the swabs, the buccal swabs that
8 we talk about, buccal swabs, as most folks pronounce it, for
9 instance, I guess that's State's Exhibit Number 60, that type
10 of thing, you don't test those.

11 A. I don't and I didn't collect buccal swabs in this case.

12 Q. Okay. But you did collect some swabs as it relates to
13 the swabs for D.N.A. around the car and the house; correct?

14 A. Correct.

15 Q. All right. And those things you didn't test, you just
16 collected it and then passed on to the appropriate testers.

17 A. Correct.

18 Q. All right. Now, in your agency at the Richland County
19 Sheriff's Department you have actually -- you have done lots
20 of things in that agency as relates to crime scene
21 investigations; correct?

22 A. Correct.

23 Q. And so collecting is one aspect of it, but you said you
24 have been -- you have testified about fingerprints and all
25 different types of things; correct?

1 A. I have testified about processing for fingerprints,
2 processing crime scenes; yes, sir.

3 Q. And not actually testing or comparing fingerprints to
4 one another.

5 A. I have not testified in that area; yes, sir.

6 Q. All right.

7 A. I have training in that area, but I have not testified
8 in that area.

9 Q. Okay. Have you ever been declared an expert in that
10 area?

11 A. No, sir.

12 Q. Now, let me ask you this and I'll kind of start from the
13 end first. One of the first things you -- well, one of the
14 things that you did once you got to the home, you said that
15 you met with Ms. Wofford and you kind of got an idea of what
16 she said had been touched.

17 A. Correct.

18 Q. Then you were able to try to process the evidence from
19 that point in time; correct?

20 A. That's correct. That's correct.

21 Q. So you said when you got there you saw -- if I may
22 borrow these pictures. One of the first things you did is
23 look at the door of the home?

24 A. Right.

25 Q. And that is what you called the point of entry.

1 A. Correct.

2 Q. Okay. And I think it was referenced -- it was
3 referenced as P.O.E. on your notes?

4 A. That's correct.

5 Q. You said that you saw something dirty/muddy kind of on
6 that door?

7 A. There is an area of dirt, a smudged area of dirt. There
8 is no detail.

9 Q. So were you able to -- you kind of surmised what you
10 thought it could be?

11 A. Correct.

12 Q. But you don't know if it was a footprint or a shoe print
13 or anything along those lines.

14 A. I can't say that for certain; no, sir.

15 Q. Was there enough detail to collect that type of print in
16 order to -- or to collect or to photograph that, whatever
17 that mark was, to determine what it was?

18 A. It was photographed, but there was no detail in it.

19 Q. Now, if there had been sufficient detail, then you could
20 photograph it and then have experts with the sheriff's
21 department and also with S.L.E.D. who can talk about shoe
22 print analysis; correct?

23 A. That's correct.

24 Q. Are you qualified as an expert to do that type of thing?

25 A. No, sir.

1 Q. But just mainly to collect it and you collected it
2 properly so that other people can do what they have to do
3 with it.

4 A. That would be correct.

5 Q. And what is -- but -- sorry. And that is a whole
6 different set of expertise, isn't it, when it comes to
7 identifying shoe prints and things of that nature?

8 A. It is. I mean, I have training in that area and some
9 level of competence, but I haven't done comparisons and
10 testified in that area.

11 Q. I think I'm going to show you what's been marked as
12 State's Exhibit Number 11. I show you that. Where is 11?

13 **Bailiff:** Pass those down, please.

14 **Mr. Schnee:** Thank you.

15 **The Witness:** Yes, sir.

16 By Mr. Schnee:

17 Q. Okay. This is what you're talking about when you talk
18 about the dirt and smudge around that door?

19 A. The area of dirt is right here.

20 Q. Now, in using a scale you're able to measure that and
21 determine maybe even if that even fits the description or at
22 least the width of what the toe or what the heel of a shoe
23 may be. Is that something you can do?

24 A. Basically putting the scale up there would only give you
25 a dimension of the mark.

1 Q. Okay.

2 A. If it had distinguishing detail where we could say for
3 sure this is the toe portion or this is the heel portion,
4 then that would give you some information, but with what we
5 have there, you can't say a toe of a shoe struck that, a heel
6 of a shoe; the shoe was sideways. None of that can be
7 identified.

8 Q. Or a dirty jacket.

9 A. Possibly. It would be fairly -- it would be very dirty
10 to leave that kind of dirt.

11 Q. But really no way of telling.

12 A. I cannot say what did that.

13 Q. But did you go through and -- but you did go through and
14 you did check that doorknob for evidence; correct?

15 A. The point of entry doorknob? Yes, sir.

16 Q. Yes, ma'am. And you did that. Did you do that by way
17 of a swab or by way of dusting?

18 A. Both.

19 Q. Were you able to develop anything from the dusting?

20 A. No, sir.

21 Q. From the swab, you turned that over?

22 A. Correct.

23 Q. So I'll just ask you specifically about the dusting.

24 A. Yes.

25 Q. What else did you dust once you entered that home?

1 A. I also dusted the back storm door. Right there at the
2 point of entry there was a storm door that had to be opened,
3 and then the main wooden door, both those areas were
4 processed and the bedroom doorknob was processed.

5 Q. Okay. And, again, you provided through discovery
6 something called bench notes; correct?

7 A. Correct.

8 Q. What you did essentially is when you went out there and
9 you tested the areas, you wanted to make sure that you wrote
10 everything down so that nothing would be misinterpreted;
11 correct?

12 A. Right.

13 Q. So that you could remember everything that you did and
14 you could use it, if necessary.

15 A. Right.

16 Q. All right. And that is exactly what you were trained to
17 do; correct?

18 A. Right.

19 Q. But you swabbed the back storm door. You swabbed the
20 bedroom doorknob. I'm sorry. Never mind. The back storm
21 door, point of entry, bedroom doorknob, and the telephone box
22 cover; correct?

23 A. Correct.

24 Q. And at least for the back storm door, the point of
25 entry, and the back -- and the bedroom doorknob, you said

1 that you had negative results for those.

2 A. That's correct.

3 Q. And you said -- see narrative as it relates to the
4 actual telephone box cover?

5 A. Correct.

6 Q. And that is one -- sorry. And that is one that you
7 preserved and passed on to I guess Investigator Bouknight.

8 A. I submitted it to evidence. He retrieved it from
9 evidence. There was no hand-to-hand transfer with him, but
10 that is what I collected and submitted to evidence.

11 Q. All right. Now, help me understand -- and I know it is
12 maybe a simple question, but it is -- I just want to make
13 sure I fully understand. What was the necessity to actually
14 confiscate this cover? I'm afraid to touch it because I
15 don't want my detail on there.

16 A. It is dirty.

17 Q. But this cover to the actual -- did you actually send
18 that for testing?

19 A. What we typically try to do -- we have three options
20 when we have fingerprints on an item. The first is to
21 photograph it, which I did. The second is to try to lift it
22 with a -- with fingerprint tape and place it on a fingerprint
23 card. When I tried that, the results were not sufficient for
24 what we were going to need for examination.

25 Q. Okay.

1 A. That is when I decided, rather than trying to lift the
2 other areas and probably coming up with the same results, I
3 took the whole thing.

4 Q. All right. And you took the whole thing with the
5 expectation that the folks doing the testing would use that
6 to test.

7 A. Whatever they deemed appropriate. They had the original
8 photograph that I took before the lift was attempted. They
9 had the actual box, and then there were a second set of
10 photographs that I took that has one area that was attempted
11 to be lifted as well as the others that I had not attempted.

12 Q. Okay. And so when you have the actual box -- I mean,
13 this is the original.

14 A. Yes, sir.

15 Q. So if there is ever a question, you resort to the
16 original so that you can get the best at least opportunity to
17 observe it, look at it, and see if you can get the best
18 information from the original.

19 A. When that is available.

20 Q. All right.

21 A. It is not in all cases.

22 Q. But in this case it was available.

23 A. In this case we have the box.

24 Q. So no need to rely on the picture when you've got a
25 three-dimensional object right there for you to look at.

1 A. Well, the image is the same. You know, the image in my
2 photograph is the same as what was on the box prior to the
3 attempt to lift.

4 Q. Right.

5 A. Now, as I've already testified to, in attempting to
6 lift, that can cause damage to the print.

7 Q. Right.

8 A. So at that point they have available the original
9 photograph that I took before the lift was attempted and the
10 print as it appears on the box now.

11 Q. So you can -- but it is I guess a better practice that
12 you can compare that picture to the actual three-dimensional
13 object that you have, in this case the cover, and then you
14 can make better determinations or better analyses based on
15 what you see in there.

16 A. No. A match is a match, and when the image is
17 consistent within a fingerprint lift, if you have one
18 successfully -- a photograph and an actual object when it is
19 consistent, there is no one that is better than the other.

20 Q. Now, when you look at fingerprints, you are looking for
21 particular points in that fingerprint so that you can start
22 to try to match it?

23 A. You look for pattern types which is kind of a more
24 general category.

25 Q. Right.

1 A. And then within that you start to look for -- they're
2 called minutiae or Galton's detail.

3 Q. Okay. And Galton is the person who discovered it, a
4 French guy who discovered it?

5 A. I don't know if he's a French guy.

6 Q. I think he's a French guy.

7 A. He is one of the founding---

8 Q. Forefathers?

9 A. There you go.

10 Q. Of fingerprint analysis. And when you are looking at
11 those Galton ridges, you are looking for -- how many points
12 do you normally look for?

13 A. We don't have a standard number of points to lift
14 anything. When you are processing and you see something that
15 looks good, you lift it and you take it.

16 Q. Okay. And so you're not familiar with 12 points being
17 the best standard, that type of thing?

18 A. Well, there's no requirement for 12 points to lift.
19 There are requirements for comparison that Investigator
20 Bouknight would probably be more appropriate to testify to,
21 but there are no zero requirements. You can lift a smudge
22 and turn it in. You are not going to get anything from it,
23 but anything you see can be lifted.

24 Q. Right. And once lifted, then the prints you use for
25 comparison -- are you familiar with comparing 12 points?

1 A. You can compare 12 or 13 or 5 or...

2 Q. But the best -- better practice, the more points you
3 have, the better?

4 A. The more points, the better. Absolutely.

5 Q. And between 12 and 20 is usually the best way to
6 determine if it is a spot-on match.

7 A. The determination that a match is made is done by the
8 person making the comparison.

9 Q. Okay.

10 A. Based on the quality of the details that they see,
11 matches can be compared with less points than you are talking
12 about. That has to be done with the expertise of the
13 examiner.

14 Q. Okay. And with the expertise being the number of times
15 they have done it and how good they are at doing it?

16 A. Their training, their education.

17 Q. All right. Now, once you -- now, let me ask you this,
18 because you were clear. You said this tape was not something
19 that you did?

20 A. I did not.

21 Q. Do you know who did that?

22 A. I don't have direct knowledge. I can tell you what I
23 understand.

24 Q. Okay. Just only what you have direct knowledge -- okay.
25 Thank you. Now, we talked about -- you said in your direct

1 testimony in looking with this box as well, you went around
2 to the back of the house and you saw that the phone lines
3 appeared to have been cut. Do you know who cut those?

4 A. I don't.

5 Q. Let me ask you this as well and just relating back to
6 that box. How long had those prints been on that box?

7 A. There's no way to age prints. There is no way to
8 determine how fresh or how old prints are.

9 Q. And you also dusted and found some palm prints on there
10 as well; correct?

11 A. I found other areas of ridge detail.

12 Q. Okay. And, again, you're not -- you don't know what the
13 testing of those things yielded. You just know that you
14 found ridge detail and you gave those over to whomever was
15 going to do the testing.

16 A. I turned everything in to evidence.

17 Q. Okay. But you said there is no way to tell how long a
18 print has been there.

19 A. That's correct.

20 Q. So whether it had been there 10 minutes or 10 weeks,
21 there is no way for you to determine?

22 A. No, sir.

23 Q. Now, was the area underneath the box, that flower bed,
24 dishevelled in any way, shape, or form?

25 A. It was. As I remember, a mulch, kind of a bark-top

1 mulch, I think, and you could tell where it had been stepped
2 into, but again there was no detail where I could photograph
3 a shoe impression, but you could tell where it appeared it
4 had been fresh -- freshly disturbed.

5 Q. Let's turn our attention over to the Citgo station. At
6 the Citgo station you said that it was -- there was obviously
7 the truck that Ms. Wofford drove, and it was necessary to try
8 to process that for information as well.

9 A. Correct.

10 Q. And you dusted for fingerprints on that truck as well?

11 A. Yes, sir.

12 Q. And with the things you found there, were you able to
13 submit those for testing?

14 A. There was -- nothing that I found was usable on the
15 truck in terms of fingerprints.

16 Q. Okay. So no direct evidence of anybody particular in
17 that truck; correct?

18 A. No fingerprints lifted from the truck.

19 Q. Now, you did swabs as well, D.N.A. swabs?

20 A. I did, yes.

21 Q. Okay. All right. And the areas that you swabbed, you
22 turned those over for testing as well; correct?

23 A. That's correct.

24 Q. And, again, you did not make a determination of what was
25 found. You just swabbed and then determined -- and the

1 determination is to be made by whomever is qualified to make
2 that determination?

3 A. Correct.

4 Q. Inside of that vehicle there was a white sweater of some
5 sort?

6 A. Yes, sir.

7 Q. Did you collect that?

8 A. No, sir.

9 Q. Did you at any point in time look to see if there was
10 any foreign -- what I'm going to hand you, what's been marked
11 as State's 35 and 36. Is that sufficient to show you what
12 you remember?

13 A. Yes.

14 Q. Now, did you at any point in time try to take that
15 sweater so that that could be analyzed to see if any hair,
16 anything like that, had been transferred by the person who --
17 or the assailant in this case?

18 A. I did not. I would have visually looked at it. Had I
19 have seen something, I would have collected it.

20 Q. Okay. But there is -- is that capability that you can
21 look and you can compare clothing -- maybe fibers, maybe
22 sometimes hair falls off or skin sheds, things of that
23 nature, there are ways that D.N.A. can be transferred to an
24 article of clothing; correct?

25 A. It is possible.

1 Q. And in this particular case the assailant actually sat
2 in the passenger seat; correct?

3 A. That is correct.

4 Q. And sitting in the passenger seat would put the
5 assailant right on top of that jacket as well; correct?

6 A. Sure.

7 Q. Now, there's also what appears to be a lint brush in the
8 chair. Do you see that?

9 A. You're right.

10 Q. And lint brush meaning the type of brush that is used --
11 has -- it has kind of got some kind of adhesive on the side
12 that you use to get the lint and dust off of stuff off your
13 clothes.

14 A. Right.

15 Q. And that actually can actually get a hold of clothing
16 and particles from clothing as well; correct?

17 A. Correct.

18 Q. Well, that's what's meaningful.

19 A. Correct.

20 Q. Was that ever confiscated to just take a look at it and
21 see if there was anything on it?

22 A. I did not collect that, no.

23 Q. Now, you mentioned as you were lifting or attempting to
24 lift fingerprints -- going back to the house again, I just
25 want to make sure I get all my questions out. You said that

1 you stopped trying to lift it because you felt like you were
2 not able to get a good lift; correct?

3 A. Correct.

4 Q. And essentially you used tape, some type of -- some type
5 of tape. You are just pulling, trying to lift as best you
6 can?

7 A. Yes. What you do is place the tape down on the area
8 where you don't have any detail and then you smooth it over
9 the actual print and then you just use your hand to go over
10 it. That kind of heats the glue and the tape and helps you
11 get that fingerprint from the item on to the tape, and then
12 you slowly peel that back up and affix it in the same way to
13 a fingerprint card.

14 Q. And you determined at that point that you didn't want to
15 continue to do that because you didn't want to smear it.

16 A. I did not want to damage it; that's correct.

17 Q. You didn't want to damage it. All right.

18 A. The lift was not sufficient.

19 Q. Okay.

20 A. Though the print that I could see was.

21 Q. But each time that you did it, you risked damaging it
22 each time you tried?

23 A. That is a possibility. Then there is another
24 possibility that you can do a lift once and clean up some of
25 the extra powder and your second lift may end up being better

1 than your first.

2 Q. But in this -- and you -- you did it -- you do it two
3 times or you did it one time?

4 A. No, I made one attempt.

5 Q. Okay.

6 A. And when I got nothing of detail off the box---

7 Q. So better safe than sorry.

8 A. Exactly. I took it either way.

9 **Mr. Schnee:** No further questions.

10 **The Court:** Anything on redirect? How much redirect is
11 there?

12 **Ms. Campbell:** Two pages.

13 Redirect Examination

14 By Ms. Campbell:

15 Q. Let me ask you about some of the items in the automobile
16 when you processed the actual truck. If you had seen
17 anything that could have been of evidentiary value, would you
18 have collected it?

19 A. That's correct.

20 Q. And there was nothing about the sweater or the lint
21 brush that indicated to you it had anything of evidentiary
22 value such as a hair or something like that.

23 A. I didn't see anything.

24 Q. And in this case do you know whether or not the
25 defendant's clothing was ever recovered?

1 A. I don't have knowledge of that.

2 Q. He also asked you about -- your results were negative as
3 far as the truck as well as the interior doorknob at the
4 point of entry at the house.

5 A. Correct.

6 Q. Is that unusual?

7 A. It is not unusual.

8 Q. And in this case there was no dispute that someone was
9 living there. Would you expect to find their prints there?

10 A. It is always a possibility.

11 Q. But the fact that you didn't find anything with
12 sufficient ridge detail other than the -- where the wires had
13 been cut on the telephone, did that mean that nobody touched
14 those things?

15 **Mr. Schnee:** Objection to leading.

16 **Ms. Campbell:** It was overruled.

17 **The Court:** Go ahead.

18 By Ms. Campbell:

19 Q. You can answer.

20 A. No. No. They certainly could have been touched and you
21 would expect that the back door would be touched many times.

22 Q. And he asked you about your expertise as far as
23 fingerprints. You do have expertise in collecting forensic
24 evidence and you used that in this case.

25 A. Absolutely.

1 Q. And ultimately you did collect the box and photograph it
2 appropriately so that it could be used for comparison.

3 A. That's correct.

4 **The Court:** Anything on recross?

5 **Mr. Schnee:** No, sir.

6 **The Court:** All right. Thank you very much, Ms.
7 Simpson. You may step down.

8 (This concluded the reading of the deposition testimony
9 of Kristin Polis.)

10 **The Court:** Ladies and gentlemen, we're going to go
11 ahead and break for lunch. It's 1:00. I'm going to ask you
12 to be back here at 2:15. Do not discuss the case at all
13 while you're gone. Have a nice lunch, and we'll see you back
14 here in about an hour and 15 minutes.

15 (Whereupon, the jury was excused from open court to go
16 to lunch at 1:02 p.m.)

17 **The Court:** Let me ask you something. Are we moving
18 slowly? Do we need to plan on working late? I don't know
19 how many witnesses you intend to call and how long they are.

20 **Mr. Schnee:** At least my understanding is we're moving
21 at about the same pace of the first trial. I mean, obviously
22 this took a little bit longer because we're reading. I think
23 we should be on pace to finish testimony tomorrow at some
24 point and close Friday morning I would think.

25 **Ms. Campbell:** It's just depends on his cross.

1 **The Court:** All right. Y'all have a good lunch, and
2 we'll see you back here at 2:15.

3 (Whereupon, a lunch break was taken.)

4 **The Court:** All right. Thank y'all. Please be seated
5 if you would. All right. Are we ready to go? Who is the
6 next witness?

7 **Ms. Walker:** Selima Hughes, Your Honor.

8 **The Court:** All right. Let's bring the jury in if we
9 could, Mr. Dye.

10 (Whereupon, the jury was brought into open court at
11 2:19 p.m.)

12 **The Court:** All right. Thank you. Y'all ready to call
13 your next witness?

14 **Ms. Walker:** Yes, Your Honor. They went outside to get
15 her, Selima Hughes.

16 (Pause in proceedings.)

17 **The Court:** I wonder where they had to go to get this
18 witness.

19 **Ms. Walker:** Your Honor, we can go forward before with
20 evidence before Ms. Hughes. We can call Deputy Lasher to the
21 stand.

22 Benjamin Lasher, after being duly sworn, testified
23 as follows:

24 **The Clerk:** Please have a seat. State your full name
25 for the record.

1 **The Witness:** Benjamin Lasher.

2 Direct Examination

3 By Ms. Walker:

4 Q. Deputy Lasher, where are you currently employed?

5 A. The Richland County Sheriff's Department.

6 Q. And what is your job there?

7 A. I'm in the Uniform Patrol Division currently in Region

8 2. At the time of the event I was then in Region 1.

9 Q. As a member of the Uniform Patrol Division, what are
10 your duties?

11 A. Well, we do property protection and answering 9-1-1
12 calls and other various calls of service.

13 Q. You said that back on -- in March of 2009 you were with
14 Region?

15 A. One.

16 Q. And where exactly is Region 1?

17 A. It's in lower Richland County.

18 Q. Would that include Garners Ferry Road?

19 A. Yes, Garners Ferry, Leesburg, and Bluff Road.

20 Q. And March 22nd of 2009 were you on duty?

21 A. Yes, ma'am.

22 Q. What shift were you working?

23 A. Day shift.

24 Q. At that time did you have the opportunity to respond to
25 the Citgo station on Leesburg Road?

1 A. I did.

2 Q. And why did you respond to that Citgo station?

3 A. We had a tone-out call for a burglary home invasion.

4 Q. When you say a tone-out call, can you describe for the
5 jury what that is?

6 A. A tone-out call -- the sheriff's department works on
7 multiple radio channels. Each region has its own radio
8 channel, and on a tone-out a tone comes out over the radio
9 for an important call and it goes across all the channels.
10 So if you are on a different channel of the radio but you're
11 still nearby the call, you can still respond. So in this
12 instance the tone came out, and then the dispatcher put out
13 that there was a home invasion.

14 Q. When you responded to the Citgo station, what did you
15 see?

16 A. I came in contact with Ms. Linda Wofford outside the
17 station.

18 Q. And is Ms. Wofford here in the courtroom today?

19 A. Yes, she is.

20 Q. She testified earlier?

21 A. Yes, ma'am.

22 Q. When you came into contact with her, what was her
23 demeanor like?

24 A. She was very upset, shaking. Obviously something big
25 had happened.

1 Q. And while you were at the Citgo station, what did you
2 learn had happened to Ms. Wofford?

3 A. I had learned that while she was asleep in bed, a man
4 broke into her house, took her at gunpoint and forced her to
5 drive to an A.T.M. where she withdrew money, and then she
6 then dropped him off in the neighborhood and then went to the
7 Citgo to call 9-1-1.

8 Q. What else did you do while at the Citgo station other
9 than talk to Ms. Wofford?

10 A. I obtained all the information. I also drove her to
11 where she had dropped the subject off at.

12 Q. Okay. I'm going to show you this, Deputy. Do you
13 recognize this?

14 A. Yes, ma'am.

15 Q. And what do you recognize that to be?

16 A. That's a part of Lower Richland Boulevard, and the
17 marked thing is over the top of the Citgo station.

18 Q. Will this aid in your testimony here today?

19 A. Yes, ma'am.

20 **Ms. Walker:** Your Honor, at this point we would like to
21 offer State's Exhibit 46 into evidence.

22 **Mr. Schnee:** No objection.

23 **The Court:** So admitted.

24 (State's Exhibit 46 was received in evidence.)

25 By Ms. Walker:

1 Q. And this is again in Region 1?

2 A. Yes, ma'am.

3 Q. After you get to the Citgo station and you talk to Ms.
4 Wofford, what then did y'all do?

5 A. I drove her in my patrol car to [REDACTED] Patricia Drive
6 which is where she indicated that she let the subject out of
7 her car.

8 Q. And what did y'all do at [REDACTED] Patricia Drive?

9 A. I then dropped her back off at the Citgo and then drove
10 back to that area -- back to that location to set up -- to
11 help set up a perimeter for a canine track.

12 Q. And when you and Ms. Wofford were there the first time,
13 did either of you get out of the car?

14 A. No, ma'am.

15 Q. Why is that?

16 A. Didn't want to contaminate the scene so that the dog can
17 have the freshest scent possible.

18 Q. And you then returned Ms. Wofford to the Citgo station.

19 A. Correct.

20 Q. And then you went back to [REDACTED] Patricia Drive.

21 A. Yes.

22 Q. And what did you do when you returned to Patricia Drive?

23 A. I sat there in my patrol car and waited for the canine
24 units to respond.

25 Q. Okay. Let me show you this. Do you recognize this,

1 Deputy Lasher?

2 A. Yes.

3 Q. And what do you recognize that to be?

4 A. That appears to be the [REDACTED] Patricia Drive address.

5 **Ms. Walker:** Your Honor, at this point we'd like to
6 offer State's Exhibit 49 into evidence.

7 **Mr. Schnee:** No objection.

8 **The Court:** So admitted.

9 (State's Exhibit 49 was received in evidence.)

10 By Ms. Walker:

11 Q. And this is where Ms. Wofford told you her abductor
12 dropped her -- or where she dropped her abductor off?

13 A. Correct.

14 Q. And after you returned to Patricia Drive and you're
15 sitting there waiting for canine to arrive---

16 A. Uh-huh. Correct.

17 Q. ---did they eventually arrive?

18 A. They did.

19 Q. And what did you do when they got there?

20 A. I indicated to the canine unit where Ms. Wofford had
21 told me where the subject had ran through, and then they
22 started a canine track.

23 Q. Did you aid in the canine track?

24 A. Just setting up perimeter and keeping that initial spot
25 clear.

1 Q. Okay. After the canine unit was out there, what did you
2 do?

3 A. I continued to sit in my patrol car.

4 Q. Okay. Did you at some point leave [REDACTED] Patricia Drive?

5 A. I did after the canine track was completed and then went
6 back to the Citgo to complete my interview with Ms. Wofford.

7 Q. And who was at the Citgo when you returned that time?

8 A. I believe my corporal, Corporal Broome, was also there
9 with her.

10 Q. And was that the extent of your investigation at the
11 place -- at the Citgo gas station?

12 A. I believe there also I completed a robbery questionnaire
13 with Ms. Wofford.

14 Q. Okay. What is the purpose of a robbery questionnaire?

15 A. It makes sure that we ask the correct questions.

16 Obviously we can get excited and skip over important
17 questions, so it's just a set list of descriptions and
18 questions that we -- the investigators want us to ask so we
19 get a full description of the subject.

20 Q. And do you fill out the writing or does the victim or
21 witness fill out the writing?

22 A. I personally fill out it when I have it filled out.

23 Q. Is it something that's routinely done by line deputies
24 when there's a robbery?

25 A. Yes.

1 Q. Let me show you what's been marked as State's
2 Exhibit 57. Do you recognize that?

3 A. Yes, ma'am. It's the robbery questionnaire.

4 Q. And that's the one that you filled out with Ms. Wofford?

5 A. Yes, ma'am.

6 Q. And it's in the same condition as it was when you filled
7 it out back in March?

8 A. I believe this is a copy of it, but, yes.

9 **Ms. Walker:** Okay. Your Honor, at this time we would
10 like to offer State's Exhibit 57 into evidence.

11 **Mr. Schnee:** No objection.

12 **The Court:** So admitted.

13 (State's Exhibit 57 was received in evidence.)

14 By Ms. Walker:

15 Q. After filling out this robbery questionnaire, what did
16 you do with Ms. Wofford?

17 A. We then went -- we were going to go back to her house so
18 we could process that scene and secure that. We already had
19 a deputy at her house at [REDACTED] Tama Road. When we went to her
20 car -- well, when we came back, I guess, from Patricia Drive,
21 we noticed that her car windows were broken out.

22 Q. Okay. Well, let me go back. [REDACTED] Patricia Drive,
23 that's in Richland County?

24 A. Yes, ma'am.

25 Q. And the house that you returned to, was that in Richland

1 County?

2 A. Yes, ma'am.

3 Q. When you got back to the Citgo station, you noticed that
4 her car windows were -- you said damaged?

5 A. They were broken.

6 Q. Okay. Did Ms. Wofford -- and you relayed that
7 information to Ms. Wofford.

8 A. Correct.

9 Q. And at some point the two of you left that Citgo
10 station. Were you driving Ms. Wofford or was she driving
11 herself?

12 A. I only drove her to Patricia Drive.

13 Q. You only drove---

14 A. At every point after that she drove herself.

15 Q. And y'all returned back to her home which was located
16 where?

17 A. [REDACTED] Tama Road.

18 Q. And once you got back to her house, what did you do?

19 A. We cleared the house to make sure that nobody was inside
20 the house.

21 Q. Did you notice any -- anything out of the ordinary to
22 any part of the house once you were clearing it?

23 A. The side door was obviously forced open and it appeared
24 that a couch had been originally pushed up against that door
25 and it was pushed back, and other furniture was askew and did

1 not appear like it was -- like it was normally in a house.

2 Q. When you say the side door was obviously forced open,
3 can you kind of describe what about that side door led you to
4 believe it was forced open?

5 A. If I recall correctly, the door frame was broken and the
6 door itself was broken in the lock.

7 Q. And what other law enforcement officers were at the
8 house when you arrived?

9 A. I believe Deputy Thompson was sitting on the house the
10 entire time, and when we went back to the house I believe it
11 was myself and Investigator Gallegos and possibly another
12 investigator that cleared the house originally.

13 Q. After you -- after you cleared the house, was Ms.
14 Wofford then allowed to go back into her home?

15 A. I stepped out of the situation at that point. I worked
16 on my report. I did not assist further.

17 Q. Okay. And, Deputy Lasher, do you recognize this, what
18 is marked as State's Exhibit 45?

19 A. It is Ms. -- it's the road, Tama Road. The mark is not
20 at the incident location though.

21 Q. Which one would be the...

22 A. It would be this one down here.

23 Q. Okay.

24 A. The second one from the corner.

25 **Ms. Walker:** Your Honor, at this point in time we'd

1 offer State's Exhibit 45 into evidence.

2 **Mr. Schnee:** No objection.

3 **The Court:** So admitted.

4 (State's Exhibit 45 was received in evidence.)

5 By Ms. Walker:

6 Q. And you said that as opposed to Ms. Wofford's house
7 being this one, it's actually this one.

8 A. Correct.

9 Q. Which is I guess the second one from the corner?

10 A. Yes.

11 Q. When you're filling out your report -- I'm looking at
12 now State's Exhibit 57 which was the robbery questionnaire.
13 There's a place that says "unique features"? Can you read
14 for me what Ms. Wofford described as one of her captor's
15 unique features?

16 A. A dark spot in the left eye. Chicken pox scar near left
17 eye.

18 Q. And after you concluded that part of your investigation
19 at Ms. Wofford's house, what did you do?

20 A. I wrote my report, my actual incident report. I also
21 put out a B.O.L.O. to the local surrounding agencies
22 including Richland County Sheriff's Department, City of
23 Columbia, and the highway patrol with what we had to see if
24 they stopped anybody matching that description.

25 Q. Okay. Now, did that conclude your participation in the

1 investigation of the burglary, kidnapping, and armed robbery?

2 A. Yes, ma'am.

3 Q. And a separate investigation of the vandalism -- did you
4 have any other involvement in that other than simply noticing
5 that Ms. Wofford's car had been vandalized?

6 A. We viewed the video surveillance tape at the Citgo
7 station, and that was handed over to my supervisor directly
8 from the manager.

9 Q. And aside from viewing that video, did you have any
10 other involvement?

11 A. No, ma'am.

12 **Ms. Walker:** Thank you. No further questions at this
13 time, Judge.

14 **The Court:** Anything?

15 **Mr. Schnee:** May it please the Court?

16 Cross-Examination

17 By Mr. Schnee:

18 Q. Good afternoon.

19 A. Good morning.

20 Q. I want to talk a little bit about some of your training.
21 Back in March of 2009 how long had you been a police officer?

22 A. Two years.

23 Q. Okay. You went through the police academy?

24 A. Yes.

25 Q. Okay. They taught you how to fill out reports?

- 1 A. More or less.
- 2 Q. Okay. They taught you the importance of keeping
3 details; right?
- 4 A. Yes.
- 5 Q. Okay. Taking notes, things like that?
- 6 A. Somewhere along the line, yes.
- 7 Q. Okay. And you know through your two years of experience
8 that whatever you write down ends up coming into a courtroom.
- 9 A. Correct.
- 10 Q. And you know that you have to be truthful.
- 11 A. Yes.
- 12 Q. Okay. And I'm sure you tried to do that in this case;
13 right?
- 14 A. Yes.
- 15 Q. And you -- the robbery questionnaire, State's 57, that's
16 your handwriting.
- 17 A. Correct.
- 18 Q. Now, when you filled that out, you're asking Ms. Wofford
19 questions?
- 20 A. Yes.
- 21 Q. Okay. And you write down exactly what she says.
- 22 A. Yes.
- 23 Q. You're not changing anything, are you?
- 24 A. I sometimes paraphrase.
- 25 Q. Okay. Do you ask her about details?

1 A. Yes.

2 Q. Okay. And every single detail you try to write down as
3 thoroughly as you can to make sure you have a full
4 description.

5 A. Correct.

6 Q. Particularly in a case where you responded within 15 or
7 20 minutes of a very violent crime.

8 A. Yes.

9 Q. Now, when exactly did you do this questionnaire?

10 A. I believe it was after the canine track.

11 Q. Okay.

12 A. It was during the time frame of that time.

13 Q. Okay. Was it before or after you cleared the house with
14 Ms. Wofford?

15 A. I believe it was before.

16 Q. Before. Are you sure about that?

17 A. I -- it was sometime at -- you know, in that time frame.

18 Q. Okay. Very shortly after all this happened.

19 A. Yes.

20 Q. Okay. And you later went and filled out your actual
21 incident report.

22 A. Correct.

23 Q. Okay. I'd like to go through the robbery questionnaire
24 if I could. Where it says facial hair, what did you put?

25 A. Unknown.

1 Q. Okay. Because I'm assuming she told you she didn't know
2 if he had facial hair.

3 A. Correct.

4 Q. For hairstyle, it says short.

5 A. Correct.

6 Q. Because that's what she told you.

7 A. Yes.

8 Q. All right. Hair length is short?

9 A. Yes.

10 Q. For the same reason that she told you.

11 A. Correct.

12 Q. Okay. For unique features, it says dark spot in left
13 eye.

14 A. Correct.

15 Q. Did she tell you dark veins or dark spot?

16 A. I'm going to have to say dark spot, considering that's
17 what I wrote down.

18 Q. Okay. And then the chicken pox scar on the left; right?

19 A. Correct.

20 Q. For clothing, dark jeans?

21 A. Yes.

22 Q. Beige Windbreaker?

23 A. Yes.

24 Q. Black shoes?

25 A. Yes.

1 Q. No gloves.

2 A. Correct.

3 Q. Describes a bandanna mask.

4 A. Yes.

5 Q. And then a hat as a black sock hat, big.

6 A. Yes.

7 Q. All right. And you wrote down exactly what she told
8 you.

9 A. Yes.

10 Q. All right. I'd like to talk to you a little bit about
11 the video at the Citgo.

12 A. All right.

13 Q. You watched that video.

14 A. Yes.

15 Q. You took notes about that video.

16 A. Yes.

17 **Mr. Schnee:** I'd like to have this marked as Defense 4.

18 (Defendant's Exhibit 4 was marked for identification
19 only.)

20 By Mr. Schnee:

21 Q. Do you recognize this document or these documents?

22 A. Yes.

23 Q. Those are your handwritten notes.

24 A. Yes.

25 Q. This is for pretty much the entire investigation that

1 you did.

2 A. Yes.

3 Q. Okay. If you could, turn to the second page, I believe.

4 A. Okay.

5 Q. And about halfway down you're describing the actual
6 video; is that correct?

7 A. Yes.

8 Q. In terms of the vandalism.

9 A. Correct.

10 Q. Now, you look at the time -- and you write down times on
11 there. Is that the times that were on the video?

12 A. I believe so, yes.

13 Q. Okay. And that would be 7:35 to 7:36.

14 A. Yes.

15 Q. A.m.

16 A. Yes.

17 Q. And that was before you got there.

18 A. Correct.

19 Q. Okay. You described the person in the video having a
20 white shirt.

21 A. Yes.

22 Q. Blue jeans?

23 A. Yes.

24 Q. And a black male.

25 A. Yes.

1 Q. Because that's what you saw.

2 A. Yes.

3 Q. Okay. And you described the vehicle as a black Mercury
4 Grand Marquis.

5 A. Correct.

6 Q. Okay. Now, on the last page you have a little bit of
7 information about the suspect that she described for the
8 robbery.

9 A. Correct.

10 Q. And those notes are similar to what you have in your
11 investigative report and the robbery questionnaire.

12 A. Yes.

13 Q. Okay. It lists shorter hair, beige jacket, and now you
14 list green trim.

15 A. Yes.

16 Q. Okay. And then it's -- under that it says triangle
17 square? Is that what you put?

18 A. I believe that's what it says, yes.

19 Q. Do you remember what that refers to?

20 A. I don't.

21 Q. Okay.

22 A. I'm guessing that it refers to the jacket, considering
23 it's indented underneath it.

24 **Mr. Schnee:** Okay. Judge, at this time I would move the
25 robbery -- his handwritten notes into evidence.

1 **Ms. Walker:** No objection, Your Honor.

2 **The Court:** So admitted.

3 (Defendant's Exhibit 4 was received in evidence.)

4 By Mr. Schnee:

5 Q. Do you have your incident report with you?

6 A. Yes.

7 Q. Okay. Just very briefly, it's a form with lots and lots
8 of little boxes on it?

9 A. Correct.

10 Q. A space for you to fill in predetermined information.

11 A. Yes.

12 Q. Things like addresses, heights, ages, things like that
13 of all the people involved.

14 A. Correct.

15 Q. And then there's a section for a narrate.

16 A. Yes.

17 Q. And you've got, it looks like, seven or eight
18 paragraphs?

19 A. Yes.

20 Q. Okay. Now, you wrote this the same day that you did
21 your part in the investigation.

22 A. Correct.

23 Q. Okay. And you described in this report the video in the
24 second paragraph.

25 A. Correct.

1 Q. Okay. And what you typed is that the video showed a
2 black-in-color Grand Marquis and a black male.

3 A. Correct.

4 Q. Now, in terms of the B.O.L.O. that you put out, that was
5 based on the information you had obtained so far in your part
6 of the investigation.

7 A. Correct.

8 Q. Including what dispatch had told you.

9 A. I don't know about whether or not what dispatch told me.

10 Q. Okay. Your B.O.L.O., however, was for a vehicle and a
11 suspect.

12 A. Correct.

13 Q. That vehicle being the Grand Marquis from the vandalism.

14 A. Yes.

15 Q. Are you aware of any investigation that's continued into
16 the Citgo incident, the vandalism?

17 A. I know that there was one. I was not involved in it,
18 however.

19 Q. Okay. When you were clearing the house, did you touch
20 anything?

21 A. We did open -- I believe we opened some doors. We did
22 have to probably touch something actually making entry
23 because there was a couch in the way, had to climb over it.

24 Q. All right. And your fingerprints and your D.N.A. are on
25 file with the sheriff's department; right?

1 A. I do believe so.

2 Q. And that's because if you do touch something they can
3 eliminate you as the person who did it.

4 A. Correct.

5 **Mr. Schnee:** Beg the Court's indulgence. No further
6 questions.

7 **The Court:** Anything, Ms. Walker?

8 **Ms. Walker:** Briefly, Your Honor.

9 Redirect Examination

10 By Ms. Walker:

11 Q. Mr. Schnee was referencing your notes. Do you still
12 have those up there?

13 A. Yes.

14 Q. And on this page of your notes you do write down that
15 she said that the assailant had a chicken pox scar? Would be
16 at the very bottom?

17 A. Correct.

18 Q. Dark thing in his left eye.

19 A. Yes.

20 Q. And a silver revolver; right?

21 A. Yes.

22 **Ms. Walker:** No further questions.

23 **The Court:** Anything?

24 **Mr. Schnee:** (Shook head from side to side.)

25 **The Court:** All right. Thank you, Deputy. You may step

1 down. Call your next witness.

2 **Ms. Walker:** Yes, Your Honor. The State calls Selima
3 Hughes. She's sequestered, Judge. She's coming in now.

4 Selima Hughes, after being duly sworn, testified as
5 follows:

6 **The Clerk:** Please have a seat. State your full name
7 for the record.

8 **The Witness:** Selima Hughes.

9 Direct Examination

10 By Ms. Walker:

11 Q. Good afternoon, Ms. Hughes. Where are you currently
12 employed?

13 A. Bank of America.

14 Q. And how long have you been with Bank of America?

15 A. Six years.

16 Q. So you were working there back in March, April of 2009?

17 A. Yes.

18 Q. And what were you doing for bank of America then?

19 A. Video specialist, fraud investigations.

20 Q. I'm sorry?

21 A. Video specialist for fraud investigations.

22 Q. And what does that entail?

23 A. Actually we pull evidence for cases, anything that deals
24 with Bank of America cameras.

25 Q. And were you dealing with a certain region of the

1 country in that time?

2 A. At that time it was North Carolina, South Carolina, and
3 Tennessee.

4 Q. Were you contacted by the Richland County Sheriff's
5 Department back in April of 2009?

6 A. Yes.

7 Q. Regarding an A.T.M. transaction?

8 A. Yes.

9 Q. And what were you requested to do by the sheriff's
10 department?

11 A. To pull the account information for -- I think her name
12 was Linda Woodford (verbatim), I believe?

13 Q. Wofford.

14 A. Wofford. There you go. And there were transactions
15 that happened at a certain time, and I pulled the images from
16 the A.T.M.

17 Q. You said pulled the images. What is that? How do you
18 pull images from an A.T.M. transaction?

19 A. Actually we -- the name on -- the account information
20 will have the name of that actual location it was at which
21 would be the A.T.M. number to that machine. We pull the
22 A.T.M. cameras on our own line, and at that camera, at the
23 A.T.M., it shows the person that's there at the time and date
24 that the account shows.

25 Q. And were you able to get photos like the sheriff's

1 department requested?

2 A. Yes.

3 Q. I show you what's been marked as State's Exhibit 61. Do
4 you recognize these?

5 A. Yes. Uh-huh.

6 Q. And what do you recognize those to be?

7 A. The lady was actually doing transactions.

8 **Mr. Schnee:** No objection.

9 **Ms. Walker:** Your Honor, at this time we'd like to offer
10 State's Exhibit 61 into evidence.

11 **The Court:** So admitted.

12 (State's Exhibit 61 was received in evidence.)

13 By Ms. Walker:

14 Q. And these show the transaction on March 22nd?

15 A. Correct.

16 Q. What other information were you able to obtain about
17 that transaction?

18 A. I actually pulled the transactions of the three that
19 were equaling out a hundred dollars back to back, and there
20 was also an invalid PIN number that was used.

21 Q. So there were three transactions back to back, and an
22 invalid PIN number was used.

23 A. Uh-huh.

24 Q. And when you were able to view those pictures that the
25 jury has now, what, if anything, were you able to learn from

1 viewing those pictures?

2 A. Basically she seemed troubled because when she came in
3 -- usually when somebody is doing a transaction, they'll do
4 the same amount, but she went in constantly back to back.
5 Then she left out and she kind of hesitated.

6 **Ms. Walker:** Okay. No further questions.

7 **The Court:** Anything?

8 **Mr. Schnee:** Very briefly, Your Honor.

9 Cross-Examination

10 By Mr. Schnee:

11 Q. Good afternoon.

12 A. Hey.

13 Q. Are there any other cameras in that Bank of America?

14 A. Inside. Not out.

15 Q. No outside cameras?

16 A. No.

17 Q. Okay. You said there are three transactions for
18 withdrawing money back to back?

19 A. Yes.

20 Q. Straight in a row.

21 A. Yes, from the two minutes delay of the cameras. Our
22 cameras have two minutes delay, but they are back to back
23 transactions.

24 Q. Okay. There's no long pause in between any of them.

25 A. No.

1 **Mr. Schnee:** All right. Thank you.

2 **The Court:** All right. Thank you, ma'am. You may step
3 down.

4 **Ms. Walker:** Your Honor, the State calls Investigator
5 Gallegos.

6 Gilbert Gallegos, after being duly sworn, testified
7 as follows:

8 **The Clerk:** Please have a seat. State your full name
9 for the record.

10 **The Witness:** Gilbert Gallegos.

11 Direct Examination

12 By Ms. Walker:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. Where are you currently employed, sir?

16 A. With the Richland County Sheriff's Department.

17 Q. And how long have you been with the sheriff's
18 department?

19 A. Right around nine years.

20 Q. And I want -- what is your rank at the sheriff's
21 department currently?

22 A. As a senior investigator.

23 Q. And what was it back in March of 2009?

24 A. Investigator.

25 Q. And which -- were you assigned to a particular division?

1 A. At that time I was assigned to the Major Crimes Unit,
2 the Assault Division.

3 Q. Back in March of 2009, did you have the opportunity to
4 respond to the Citgo gas station on Leesburg Road?

5 A. Yes, ma'am.

6 Q. And that's here in Richland County?

7 A. Yes.

8 Q. And what was your purpose for going to that Citgo?

9 A. When we're assigned to the Criminal Investigations
10 Division of the sheriff's department, we'll go on rotation
11 with a sergeant who's acting on call for -- during the week
12 or the weekend. At the time I was covering the day shift
13 portion of the on-call schedule, and I was called by the desk
14 sergeant of a home invasion/kidnapping.

15 Q. And when you responded to that Citgo, who was there?

16 A. I met with Corporal Bruton, one of the regional
17 corporals, and there's also other deputies there on the
18 scene.

19 Q. Was Ms. Wofford there?

20 A. Yes, ma'am.

21 Q. And when you saw her or when you initially spoke to her,
22 what was her demeanor like?

23 A. She seemed -- she was definitely troubled about the
24 incident that had taken place that morning, and with that, I
25 spoke with her inside my vehicle at the time.

1 Q. You took her outside the Citgo and spoke with her in
2 your patrol car?

3 A. In my unmarked vehicle.

4 Q. In your unmarked vehicle.

5 A. Yes, ma'am.

6 Q. And did you take a statement at that point in time?

7 A. Yes, ma'am.

8 Q. And what is the purpose of the statement that you would
9 have taken from Ms. Wofford at that time?

10 A. To get a -- she had already initially did a robbery
11 questionnaire, but I wanted to get a more detailed statement
12 about the actions that had took place at her residence and
13 right after that at the Citgo and there on.

14 Q. And what did you learn during that time frame about what
15 happened to Ms. Wofford that morning?

16 A. She had expressed to me that she was asleep in her
17 residence and heard some type of noise, and she was awakened
18 (verbatim) to a masked man holding a firearm and held her
19 against her will, had her exit the residence in her vehicle,
20 told her to get money out of her A.T.M. account, and
21 eventually would come back to the Leesburg Road area.

22 Q. Was she able to give you a description of the intruder?

23 A. Yes, ma'am.

24 Q. And what was that description?

25 A. If I could look at her statement.

1 Q. I want to hand you Defense Exhibit 3.

2 A. Let's see. The question was, "How do you describe him?"
3 She described him as a medium-complected black male, not real
4 tall, medium-built, low haircut, chicken pox scar on the left
5 of his eye, dark navy blue bandanna around his face, wearing
6 being-and-green jacket, dark-colored pants. He had a lot of
7 clothes because the jacket was zipped up.

8 Q. Thank you, sir. And after you spoke with Ms. Wofford in
9 your patrol car, was that the extent of what you did at the
10 Citgo station?

11 A. At the time I was speaking with Ms. Wofford, I was
12 instructing Corporal Bruton to try to get the video
13 downloaded from the business.

14 Q. And what was the purpose of downloading the video?

15 A. They had advised me, prior to my arrival, that she had
16 parked on the side of the business and her windows were
17 bashed in.

18 Q. And at that point in time did you know if these two
19 incidents were connected?

20 A. No.

21 Q. After you talked to Ms. Wofford and attempted to obtain
22 a copy of the video, what did you do?

23 A. I left with other region units to go back to her
24 residence. We went ahead and cleared her residence. No one
25 was inside, so we checked the residence next door that was

1 vacant.

2 Q. When you were clearing her residence, what, if anything,
3 did you notice about that side door?

4 A. The side door, the -- most residences will have a wood
5 frame. The wood frame was damaged as if somebody had forced
6 their way in. Some of her furniture right there in the
7 living room was -- it seemed moved from what her statement
8 had -- that she had given to us earlier, and we went ahead
9 and cleared the rest of the house.

10 Q. And you said that you also checked the vacant house that
11 was located next door?

12 A. Yes, ma'am.

13 Q. And was there any disturbance of that house that you
14 could tell?

15 A. No, ma'am.

16 Q. Did you speak with any other neighbors or eyewitnesses
17 who would have been out that day?

18 A. I spoke with a neighbor on the opposite side that lives
19 in the residence and also an elderly female that was walking
20 in the area, and the only thing they could provide was that
21 there was a high level of traffic in the area.

22 Q. After doing that, what was your next -- what was the
23 next step of your investigation?

24 A. To confirm getting the video downloaded. By that time
25 Corporal Bruton had thought he had downloaded it on his thumb

1 drive. We attempted to view it; it still wasn't being
2 played. So we had him go back out there again and meet with
3 one of the family members of the actual storeowner, and we
4 were able to secure the video.

5 Q. Did you view the vehicle -- I mean, I'm sorry, the
6 video?

7 A. Yes, ma'am.

8 Q. And you -- at this point in time you still didn't know
9 if these two incidents were connected.

10 A. No.

11 Q. Did you respond at any point in time to [REDACTED] Patricia
12 Drive?

13 A. To?

14 Q. To [REDACTED] Patricia Drive? Did you go to that incident
15 location at any point in time?

16 A. To her residence?

17 Q. No, to where she dropped her -- the abductor off.

18 A. No.

19 Q. Do you have any -- any knowledge of the canine track
20 that was taking place?

21 A. A lot of times when a deputy or a supervisor will
22 contact us, we'll just double-check that things are being
23 followed. One of the things I made sure was that a canine
24 was advised to head out there, and the canine track was
25 unsuccessful.

25 | A. Initially met with Corporal Bruton to see if there was

1 any type of updates.

2 Q. Okay. And then you started speaking with Ms. Wofford.

3 A. Yes, sir.

4 Q. And she was still inside the gas station at this point?

5 A. At this time she was outside.

6 Q. Okay. Was she in someone else's car or was she just
7 standing outside?

8 A. I don't know. I don't recall.

9 Q. Okay. You took her into your car.

10 A. Yes.

11 Q. At that point you did the written statement.

12 A. Yes.

13 Q. And that's the one that you have in front of you?

14 A. Yes, sir.

15 Q. That's what exhibit number on the front?

16 A. Defense Exhibit 3.

17 Q. Okay. And that statement is in your handwriting?

18 A. Yes.

19 Q. And you signed as the witness to that statement.

20 A. Yes.

21 Q. And she signed the statement.

22 A. Yes.

23 Q. Every single page.

24 A. Yes.

25 Q. And when you take a statement from a person, you make

1 sure to inform them that they need to be very detailed.

2 A. Yes.

3 Q. That they need to be thorough.

4 A. Yes.

5 Q. And they need to be honest.

6 A. Yes.

7 Q. And you make sure to explain how important that is.

8 A. Yes.

9 Q. You've been doing this for a long time.

10 A. Yes.

11 Q. You've taken a lot of statements.

12 A. Yes.

13 Q. When you take a statement, do you take any liberties in
14 what you write down?

15 A. No. Whatever they tell me, I'll put down.

16 Q. Okay. And you do it in your handwriting instead of
17 their own. Why?

18 A. A lot of times some peoples' education or handwriting
19 skills aren't the best in what we can decipher, so we
20 normally just do it ourselves, especially if somebody has
21 good penmanship. We'll handle it that way.

22 Q. Okay. You want to make sure that you can read exactly
23 what was put down.

24 A. Yes.

25 **Mr. Schnee:** All right. Judge, at this time I'd move

1 Ms. Wofford's statement into evidence.

2 **The Court:** Ms. Wofford's statement?

3 **Mr. Schnee:** The statement that he completed with her.
4 It's one she's already identified as her statement.

5 **Ms. Walker:** I'd object to that, Your Honor. May we
6 approach?

7 **The Court:** Well, I'm going to sustain the objection.
8 The statement is not admissible.

9 By my Schnee:

10 Q. All right. If you would take a look at the first page.
11 Let me back up. When you're -- when you're taking statements
12 and you finish the statement, do you go over the statement
13 with the person?

14 A. Yes, sir.

15 Q. You read through it with them?

16 A. Yes, sir.

17 Q. Make sure there are no problems.

18 A. Yes.

19 Q. Now, in this particular case on the first page, you
20 actually make a correction or an addition.

21 A. Yes.

22 Q. And you initial next to that.

23 A. Yes.

24 Q. Because she wanted to make sure that she had everything
25 in there.

1 A. Right.

2 Q. Now, Ms. Walker had you read a portion of that statement
3 in terms of the description of the suspect?

4 A. Yes.

5 Q. If you would take a look at that and the preceding few
6 sentences.

7 A. Yes, sir.

8 Q. Okay. Now, your previous question is dealing with
9 information regarding the vandalism; correct? It's at the
10 very end of the statement.

11 A. "Have you heard the voice before? Is there anything
12 else you would like to add?"

13 Q. Okay. Up here. Sorry. Second line of the page.
14 That's describing the vandalism of the car?

15 A. Yeah, it's the initial -- because it's towards the end
16 of -- the initial question is, "What can you tell me about
17 the incident this morning at your residence at [REDACTED] Tama
18 Road?" And towards the end of her answer she answered, "To
19 drop him off at the corner of Leesburg and maybe Patricia. I
20 showed the deputy. I came to this Citgo to call 9-1-1. I
21 waited inside for the police. The lady inside told me not to
22 leave. I was going to park across the street 'til the
23 deputies got to my house. I'm glad I stayed in because
24 someone smashed out my front side windows."

25 Q. Okay. And that's referring to smashing the windows at

1 the Citgo.

2 A. Yes, sir.

3 Q. What's your next question?

4 A. "How do you describe him?"

5 Q. Okay. And then she goes into the same description
6 they've already read.

7 A. Yes, sir.

8 Q. Okay. Now, you watched the video.

9 A. Yes.

10 Q. Okay. And it's -- when you watched it, you saw a black
11 male get out of the car.

12 A. My observations: Black male, yes.

13 Q. Okay. Now, you're also the one that decided to take the
14 video; right?

15 A. Yes.

16 Q. And you decided how much to take.

17 A. Yes.

18 Q. All right. You're aware that there are a lot of
19 different video cameras at that Citgo.

20 A. Yes.

21 Q. You picked one video, one camera.

22 A. I picked the one that captured her vehicle getting
23 vandalized.

24 Q. Okay. Now, how many -- now, how long of a video did you
25 take, if you recall?

1 A. It was a few minutes.

2 Q. Okay. But you didn't take several hours from the time
3 that you arrived until the time you left.

4 A. No.

5 Q. Okay. That was your decision?

6 A. Yes. That's a decision -- the fact that she was
7 abducted from her residence, went to the Citgo shortly
8 thereafter and called 9-1-1.

9 Q. Okay. Now, for the video, now you could have requested
10 three hours of video; right?

11 A. I could have requested three hours, three days.

12 Q. You felt 13 or so minutes was the appropriate amount.

13 A. I felt the amount -- the time she parked her vehicle to
14 the time it was vandalized was sufficient.

15 Q. And that was a very short period of time; right?

16 A. Yes.

17 Q. And on your recollection of the video, that's while she
18 was still inside the Citgo?

19 A. That it is vandalized?

20 Q. Yes.

21 A. I'd have to refer to my notes.

22 Q. Please.

23 A. That is either during the time that she was with the
24 deputies or inside the store.

25 Q. Okay. Fair enough. It was very shortly after she got

1 to the Citgo though.

2 A. Yes.

3 Q. Now, you also wanted to make sure a B.O.L.O. was put
4 out; right?

5 A. Yes.

6 Q. And the B.O.L.O. that was put out was for a black male,
7 short haircut, all that description, and the Grand Marquis.

8 A. Yes.

9 Q. That was also a decision you made?

10 A. Yes.

11 Q. Because at the time you were the lead investigator on
12 the scene.

13 A. Yes.

14 Q. Okay. You said I believe a few minutes ago you talked
15 with some of the citizens in the area of Ms. Wofford's home.

16 A. Yes.

17 Q. A woman by the name of Brittany Randall?

18 A. Yes.

19 Q. Now, she told you she didn't actually see anything, but
20 she described that there was a lot of foot traffic in that
21 area of town.

22 A. Yes.

23 Q. Okay. Mary Brant (phonetic) is another neighbor?

24 A. Yes.

25 Q. Same thing. A lot of foot traffic -- traffic. Didn't

1 actually see anything that day.

2 A. (Witness nodded head up and down.)

3 Q. Did you ever show the video to Ms. Wofford?

4 A. No, sir.

5 Q. Do you know if anyone else did?

6 A. Once I passed the investigation off to Sergeant
7 Robinson, I couldn't answer that.

8 Q. Okay. But you decided not to show it to her and say,
9 hey, is this the same guy?

10 A. Correct.

11 Q. Now, the statement that you took from her, that was
12 after her windows were already smashed.

13 A. Yes.

14 **Mr. Schnee:** All right. Court's indulgence.

15 **The Court:** Anything?

16 **Ms. Walker:** Yes, Your Honor.

17 **Mr. Schnee:** Give me just a moment. If I could approach
18 the witness.

19 By Mr. Schnee:

20 Q. Showing you a transcript of your testimony from a little
21 over a year ago...

22 A. Yes, sir.

23 Q. Page 235. Referring to lines -- this -- Lines 19
24 through 22. Could you please read the answer that you gave
25 or read the question before and the answer.

1 A. (No response.)

2 Q. Out loud, please.

3 A. If I can read it prior. It's the first time seeing it.

4 "Okay. And so that was your assessment. In addition to
5 that, you got the assessment from Ms. Wofford as well?"

6 "Correct." "From the -- she had provided me information as
7 to a black male that committed the incident at her residence
8 and the incident thereafter, and after I viewed the video I
9 believed it was a black male."

10 Q. All right. Thank you. So Ms. Wofford had described to
11 you both of the incidents to her recollection.

12 A. She had described in the written form the black male
13 from her residence.

14 Q. Well, in the transcript it said residence and the
15 incident thereafter which is the Citgo.

16 A. Right, but in her written statement she described it as
17 the one from her residence.

18 Q. And her description comes immediately after you ask her
19 about the vandalism.

20 A. Yes.

21 **Mr. Schnee:** No further questions.

22 **The Court:** Anything?

23 **Ms. Walker:** Yes, Your Honor.
24
25

Redirect Examination

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By Ms. Walker:

Q. I just want to keep everything in context, Investigator Gallegos. She gives a description of an individual in her written statement; correct?

A. Yes.

Q. And at that point in time you're asking her about the person who broke into her home, kidnapped and robbed her. Is that correct?

A. Yes.

Q. You didn't ask her about the identity of the person who vandalized her car because she never saw that person.

A. Right.

Ms. Walker: Nothing further, Judge.

The Court: Anything?

Mr. Schnee: No, sir.

The Court: All right. Thank you, sir. You may step down. Next?

Ms. Campbell: The State would call Sergeant Kevin Isenhoward.

Kevin S. Isenhoward, after being duly sworn, testified as follows:

The Clerk: Please have a seat. State your full name for the record.

The Witness: My name is Kevin Scott Isenhoward.

Direct Examination

By Ms. Campbell:

Q. Sergeant Isenhoward, where are you employed?

A. I work for the Richland County Sheriff's Department.

Q. What do you do there, sir?

A. I'm a sergeant in the Criminal Investigations Division.

Q. How long have you been in law enforcement?

A. For 13 years.

Q. I want to turn your attention back to March of 2009, specifically that Monday, March the 23rd. Did you have some involvement in the investigation which ultimately led to the arrest of Adonis Williams for this home invasion?

A. Yes. At that time I was a supervisor in Major Crimes Unit. When we come in in the mornings, we receive reports of crimes that had occurred either the night prior or the weekend if it's a Monday. We identified this particular offense. It was obviously very alarming to us. Investigator or Sergeant Don Robinson was assigned to investigate that case. He worked with me in the Major Crimes Unit, and I volunteered my assistance to help him with a canvass and revisiting the victim in the case.

Q. And on that Monday morning when you became involved in this case, was there any suspect at that point?

A. Not -- not a named suspect, no.

Q. But did you have a physical description that had been

1 provided by the victim in this case?

2 A. We did.

3 Q. And that morning on Monday the -- March the 23rd, did
4 you then proceed with Sergeant Robinson to the victim's
5 house?

6 A. We did. We went and met Ms. Wofford at her house -- at
7 her home.

8 Q. And her home is located I believe on Tama Drive?

9 A. Tama, yes. It's off of Leesburg---

10 Q. That's here in Richland County?

11 A. It is.

12 Q. And during the course of your investigation, did you
13 also become aware that the actual robbery part of this had
14 taken place at the A.T.M. on Garners Ferry?

15 A. Yes, that it was an ongoing crime that started at her
16 home and continued to an A.T.M. and then a location where
17 she -- the offender fled from the vehicle.

18 Q. And that's all located in Richland County.

19 A. All of it, yes, in the same area just about.

20 Q. Okay. Once you got to the victim's house that morning,
21 did you make contact with her?

22 A. We did.

23 Q. And what kind of information were y'all seeking as far
24 as some more detail or any additional information that might
25 help you?

1 A. My experience, having investigated violent crimes for
2 years, it's not uncommon for a victim who undergoes a lot of
3 stress to provide infor -- they're trying to be helpful.
4 They're providing information to police, but they may leave
5 things out. They've got a lot on their mind. So it's
6 important for us to revisit the victim, especially the
7 detectives working the case, and ask her to go over things
8 again.

9 The victim is human. They make some omissions. They
10 may remember something when they calm down. So every bit of
11 information is important to an investigator trying to
12 identify someone who committed a horrible offense. So we
13 went back there and asked her to go back over everything with
14 us.

15 We also want to be very thorough. There's a lot going
16 on when an incident first happens. When we're able to go
17 back out, whether it's a better lighting or just we have more
18 time to look back over everything, we like to do that and we
19 not only talk with the victim, but we may also go over the
20 crime scene again and look for additional evidence that may
21 have been missed by anyone involved prior to that.

22 Q. Okay. And you were aware on that Monday morning when
23 you got there that the crime scene had already been processed
24 by the Crime Scene Investigative Unit?

25 A. Yes, we were aware.

1 Q. But you went ahead and conducted a search of not only
2 the house and the surrounding areas but also of the vehicle
3 that was there. Is that correct?

4 A. Yes.

5 Q. What vehicle are we talking about?

6 A. We went back through Mrs. Wofford's vehicle, her pickup
7 truck, looking for anything. In my experience there's always
8 -- not always but oftentimes people may leave something in a
9 vehicle. They may obviously leave fingerprints or D.N.A.,
10 cigarettes, you know, drink cups. So we want to look for
11 anything that may have been left in her car that would
12 identify the suspect, and we also, like I said, are talking
13 to the victim.

14 We may ask additional questions that someone else didn't
15 ask about, you know, what the person had on or what he may
16 have left. So we want to go back to the vehicle, and we
17 wanted to go back to the vehicle and go back over it.

18 Q. And as a result of your searching the area as well as
19 your conversations with the victim - you can't say
20 specifically what she said - did a certain type of evidence
21 become or had the potential to become important in this case?

22 A. It did.

23 Q. And what type of evidence was that that you were then
24 concentrating on?

25 A. We learned that a cigarette butt may be important to our

1 investigation.

2 Q. Okay. And are cigarette butts, as far as D.N.A.
3 evidence, often valuable in your experience as an
4 investigator?

5 A. As far as D.N.A. evidence goes, they are probably the
6 single most likely piece of evidence to produce the D.N.A.

7 Q. Other than, say, blood at a crime scene.

8 A. Oh, absolutely.

9 Q. Based on the information - you can't say what she said -
10 but based on the information the victim gave you, in addition
11 to your review of the statements that she'd already given,
12 did you then proceed to another location that day?

13 A. We did.

14 Q. And what location did you go to, sir?

15 A. [REDACTED], I believe, Patricia Drive.

16 Q. Patricia Drive?

17 A. Yes.

18 Q. And how far is that approximately from where the victim
19 actually lived in this case?

20 A. Around the corner, almost literally -- it's a block away
21 maybe.

22 Q. I'm going to show you what's been marked as State's
23 Exhibit Number 49 which is already in evidence. Does that
24 show the corner of Patricia Drive and Leesburg Road?

25 A. Yes, it does.

1 Q. And what type of -- what was the place you were looking
2 for when you went there?

3 A. It was a house, a driveway.

4 Q. And why was it significant in this investigation?

5 A. We learned that that was the location where the offender
6 exited the vehicle. Obviously we're looking for -- we were
7 looking to identify or locate a cigarette butt consistent
8 with that brand smoked by the victim and then subsequently
9 given to the suspect. So we thought that -- Sergeant
10 Robinson in particular was eager to go there and look for a
11 cigarette butt.

12 Q. I'm going to show you what's been marked as State's
13 Exhibits Number 39 and 40. Are these photographs of the area
14 where Ms. Wofford let out her abductor?

15 A. Yes.

16 Q. And were those photographs actually taken by you that
17 day when y'all were conducting the search, looking for any
18 type of evidence, but specifically a cigarette butt in this
19 case?

20 A. Yes, they were.

21 **Ms. Campbell:** Your Honor, at this time we'd offer 39
22 and 40 into evidence.

23 **Mr. Schnee:** No objection.

24 **The Court:** So admitted.

25 **Mr. Schnee:** Same with the other three.

1 **Ms. Campbell:** Then we'd go ahead and offer State's
2 Exhibits 41, 43, and 44.

3 **The Court:** So admitted.

4 **Ms. Campbell:** Thank you, Your Honor.

5 **Court Reporter:** What were those numbers again?

6 **Ms. Campbell:** 41, 43, and 44.

7 (State's Exhibits 39 through 41 and 43 and 44 were
8 received in evidence.)

9 By Ms. Campbell:

10 Q. That day in the course of looking around that area,
11 which I'll get back to in a minute, did you, in fact, locate
12 a cigarette butt that y'all collected?

13 A. We did.

14 Q. I'm going to show you what's been marked as State's
15 Exhibit Number 58. Do you recognize that?

16 A. Yes, ma'am. This is a cigarette butt we collected at
17 [REDACTED] Patricia Drive.

18 Q. And is that the same cigarette butt that has been -- is
19 shown in State's Exhibits 41, 43, and 44?

20 A. Yes, ma'am.

21 **Ms. Campbell:** Your Honor, at this time we'd offer
22 State's Exhibit 58 into evidence.

23 **Mr. Schnee:** No objection.

24 **The Court:** So admitted.

25 (State's Exhibit 58 was received in evidence.)

1 By Ms. Campbell:

2 Q. The cigarette butt in State's Exhibit Number 58, does it
3 have a brand name on it?

4 A. Yes, it does.

5 Q. And what's the brand name on that cigarette butt?

6 A. Virginia Slims.

7 Q. And I'm going to show you State's Exhibits 41, 43, and
8 44. Who took those photographs?

9 A. I did.

10 Q. And does that actually show the cigarette butt, excuse
11 me, on the ground that y'all collected that day?

12 A. Yes, undisturbed. That's how we found it.

13 Q. Was the brand of the cigarette significant in this
14 investigation?

15 A. Yes, for a couple of reasons. Obviously the victim told
16 us that -- the type of cigarette she smoked which is not an
17 extremely popular brand, but more importantly the location
18 where we were at, there were other cigarettes around.
19 However, they were mostly a Pall Mall brand cigarette which
20 wasn't described to us. So that one stood out.

21 Q. Okay. I'm going to show you State's Exhibit Number 39
22 and 40. Does that show the corner of the house that we're
23 talking about and the corner of where you found the cigarette
24 butt?

25 A. Yes.

1 Q. And approximately what area was it where you actually
2 found the cigarette that day?

3 A. I believe it was in the driveway. It was difficult for
4 me to get the photograph, but it was just across the fence
5 post here beside the driveway.

6 Q. Approximately where my finger is pointing?

7 A. Yes.

8 Q. In that area is where you actually found this?

9 A. Yes.

10 Q. In the grassy area right next to it.

11 A. Yes.

12 Q. And that's what's purported in these photographs.

13 A. Yes.

14 Q. Once you collected the cigarette butt, was it then
15 placed and sealed and forwarded into evidence?

16 A. Yes, ma'am.

17 Q. And when you collected that cigarette butt at that
18 point, you didn't know what, if any, significance it would
19 ultimately have in this case.

20 A. No. We just were hopeful and submitted it for testing.

21 Q. Once you had collected the cigarette butt at [REDACTED]
22 Patricia Avenue (verbatim), did you then proceed back to the
23 victim's house?

24 A. We did.

25 Q. And what was the purpose of you going back to the

1 victim's house that very same day?

2 A. Just to go back over everything with her. We also
3 knocked on doors and neighbors and were asking people in the
4 neighborhood whether or not they had seen anything suspicious
5 or concerned...

6 Q. Were you able to get any additional information
7 pertinent to this case from neighbors or anyone else?

8 A. No, ma'am.

9 Q. And when you went back to the victim's house that day,
10 did you also collect what's known as a buccal swab?

11 A. Yes.

12 Q. And explain to this jury why you need to get a known
13 sample from someone in order to do comparisons down the road.

14 A. If we have a crime and we know that our victim handled
15 or was involved who possibly may have left their D.N.A. on
16 the item, we get a standard from the victim so that we can
17 eliminate them when their D.N.A. turns up on an item, we
18 would expect their D.N.A. to be on this particular item. We
19 need to separate that from any other D.N.A. that may have
20 been there. So we went to her home to get a standard, and we
21 took that there and submitted that also as well.

22 Q. I'm going to show you State's Exhibit Number 62. Is
23 that the buccal swab you collected?

24 A. Yes.

25 Q. I keep saying buccal swab. What is that? How is it

1 actually collected or a known standard from someone as it was
2 done in this case?

3 A. We -- a buccal swab is basically a cotton applicator or
4 a Q-tip. It's like a little long stick. You see them in
5 doctors' offices all the time that they take the medical
6 samples with. We use them to take skin cells from the inner
7 mouth. It's between the cheek and gum. We'll rub the swab
8 in between the cheek and gum and then deposit that in a
9 sterile box. That swab takes enough skin cells which can be
10 tested for D.N.A., and a D.N.A. profile can be obtained from
11 that.

12 Q. And y'all obtained a buccal swab from Ms. Wofford that
13 day?

14 A. Yes.

15 Q. State's Exhibit Number 62?

16 A. Yes, ma'am.

17 **Ms. Campbell:** Your Honor, at this time we'd offer it
18 into evidence.

19 **Mr. Schnee:** No objection.

20 **The Court:** So admitted.

21 (State's Exhibit 62 was received in evidence.)

22 By Ms. Campbell:

23 Q. Once you collected the swab from Ms. Wofford, was it
24 then packaged properly to preserve its integrity?

25 A. Yes.

1 Q. And then was it later also forwarded for testing through
2 the evidence room?

3 A. Yes, it was.

4 Q. And during the time period when that was in y'all's
5 possession, you and Sergeant Robinson, did anyone alter or
6 change anything on it?

7 A. No, ma'am.

8 Q. As with the cigarette butt that was collected.

9 A. That's correct.

10 Q. No one tampered with any of it.

11 A. No, we didn't.

12 Q. As far as your involvement in the case, is that the gist
13 of it?

14 A. Yes.

15 **Ms. Campbell:** Thank you. I don't have anything
16 further.

17 **The Court:** Mr. Schnee?

18 **Mr. Schnee:** May it please the Court?

19 Cross-Examination

20 By Mr. Schnee:

21 Q. Good afternoon.

22 A. Hey.

23 Q. Your involvement lasted sounds like about three hours?

24 A. Maybe a little bit longer, but, I mean, it was a
25 morning. A half of a day.

1 Q. Okay. You're not the lead investigator on this case?

2 A. No.

3 Q. Now, you were with Sergeant Robinson.

4 A. Yes, I was.

5 Q. The whole time?

6 A. The whole time? Explain---

7 Q. The whole time that you were involved, you were with
8 him.

9 A. Yes. I mean, we may have separated when we were
10 knocking on doors and stuff. I don't know that I was exactly
11 there with him every door I knocked on, but we were in the
12 same general area.

13 Q. You were working together.

14 A. Yes.

15 Q. Okay. Now, did you take any notes?

16 A. No.

17 Q. Okay. Now, you said you went to Ms. Wofford's house and
18 you talked with her.

19 A. Yes.

20 Q. And it was you and Sergeant Robinson and Ms. Wofford.

21 A. Yes.

22 Q. You were all talking and going over all the details.

23 A. It would be more accurate to describe it as Sergeant
24 Robinson is asking her questions, she's answering, and I'm
25 listening. I didn't really participate. It's hard for two

1 people to talk at one time. So being the case officer, he
2 asked most of the questions, and I tried to listen to her
3 answers and help in any way I could.

4 Q. Okay. At any point did either of you take a second
5 written statement from Ms. Wofford?

6 A. I'm not -- I don't believe there was a second written
7 statement taken. Obviously if things change, we will
8 document them in our investigative reports which aren't
9 handwritten reports. They're typed reports that we do as we
10 go through the investigation. But it's not necessary for us
11 to take multiple statements from someone. We just
12 document...

13 Q. Okay. In this particular case you learned new
14 information the second time that she was interviewed.

15 A. Explain.

16 Q. Well, I believe you just testified that that was the
17 first time you learned anything about a cigarette butt.

18 A. Well, for me that was the first time I learned about any
19 of it, but, yes, we did gain that information.

20 Q. Okay. And that was the day after.

21 A. Yes.

22 Q. Okay.

23 A. The 23rd, I believe.

24 Q. You said you searched the house and you searched the
25 vehicle.

- 1 A. Yes.
- 2 Q. After it's already been processed and everything else by
3 Crime Scene.
- 4 A. Yes.
- 5 Q. Okay. Did you collect anything in the house?
- 6 A. I don't -- I don't remember collecting anything inside
7 the home.
- 8 Q. Did you collect anything from the truck?
- 9 A. We looked at some things, but I don't recall collecting
10 anything from there either.
- 11 Q. Okay. Then you go out to [REDACTED] Patricia Drive?
- 12 A. Yes.
- 13 Q. Okay. And at that point you're looking for a cigarette
14 butt.
- 15 A. We're looking for a Virginia Slims cigarette butt.
- 16 Q. Okay. And this is now 24 to 30 or so hours after the
17 incident.
- 18 A. That sounds -- it could be -- I'm not sure exactly, but
19 that sounds about right.
- 20 Q. A day, maybe a little bit more?
- 21 A. Probably, yes.
- 22 Q. Okay. And after that -- you collect a cigarette butt
23 and then go back to Ms. Wofford's house again.
- 24 A. Yes.
- 25 Q. And then you talk to her more.

1 A. Yes.

2 Q. Okay. No notes about that conversation either.

3 A. It would be in the investigative report.

4 Q. Which is Sergeant Robinson.

5 A. Yes.

6 Q. And you said that you started knocking on doors for
7 neighbors?

8 A. Yes.

9 Q. Do you know who you talked to?

10 A. I talked to, you know, people who live in the area or
11 people who were walking through the area. Typically --
12 sometimes people don't want to give names; sometimes they do.
13 We only include them if something they provide us is
14 pertinent to the investigation.

15 Q. Okay. So you obviously didn't learn anything pertinent.

16 A. No, we did not.

17 **Mr. Schnee:** All right. No further questions.

18 **The Court:** Anything?

19 **Ms. Campbell:** Just one question, maybe two.

20 Redirect Examination

21 By Ms. Campbell:

22 Q. As far as making notes and everything, that would have
23 been up to the lead investigator in this case?

24 A. Yes, ma'am.

25 Q. And that's all documented; right?

1 A. Yes.

2 Q. Per protocol.

3 A. Yes.

4 **Ms. Campbell:** Thank you. I have nothing further.

5 **The Court:** All right. Thank you, Sergeant. You may
6 step down.

7 **The Witness:** Thank you.

8 **Ms. Garfield:** The State calls Sergeant Harold
9 Bouknight.

10 Harold Bouknight, after being duly sworn, testified
11 as follows:

12 **The Clerk:** Please have a seat. State your full name
13 for the record.

14 **The Witness:** Investigator Harold Bouknight.

15 Direct Examination

16 By Ms. Garfield:

17 Q. Investigator Bouknight, where are you employed?

18 A. With the Richland County Sheriff's Department Crime
19 Scene Unit.

20 Q. And how long have you been employed with the sheriff's
21 department?

22 A. Nine years in the sheriff's department and six years in
23 the Crime Scene Unit.

24 Q. Can you please provide the jury with some background
25 information as far as your former duties with the sheriff's

1 department as well as education and training?

2 A. Yes, ma'am. I've been in law enforcement for 15 years
3 almost. I've gone through the police academy, and since
4 joining the Crime Scene Unit I've gone through our in-house
5 training which includes written and proficiency tests and
6 latent fingerprint development, fingerprint comparisons,
7 footwear and tire wear comparisons, bloodstain analysis and
8 crime scene reconstruction, and I've also attended other
9 outside classes which include the basic fingerprint class at
10 the South Carolina Criminal Justice Academy, a 40-hour course
11 in forensic ridgeology, a course in complex latent print
12 techniques and advance palm print techniques.

13 Q. And what's your educational background?

14 A. I have an Associate's Degree in Criminal Justice.

15 Q. And how long have you been with Crime Scene?

16 A. Six years.

17 Q. So you were with Crime Scene back in March of 2009 as
18 well.

19 A. Yes, ma'am.

20 Q. Can you explain to the jury what ridgeology is?

21 A. Ridgeology is a term that David Ashbaugh, formerly of
22 the Royal Canadian Mounted Police, termed that -- it is
23 basically comparing ridges in sequence. And when you do a
24 fingerprint comparison -- if I can explain how fingerprints
25 are left and a comparison is done.

1 Q. Please do so, sir.

2 A. Fingerprints, as you may have heard earlier, are the
3 ridges on your... If you look at your palm and your fingers,
4 you'll see lines on them. Those are your friction ridges.
5 Those are the ridges that leave fingerprints. And
6 fingerprints are like -- if you think of a rubber stamp and
7 when you have ink on that stamp and you lay it down, it
8 leaves that impression. That's the exact same thing that
9 happens with a fingerprint. The oils and water and sweat and
10 other fatty acids that are in that print are left in that
11 same rubber-stamp fashion by the fingerprint.

12 And when we do a comparison, there are three different
13 levels that we look at when comparing a fingerprint. Level
14 one is pattern. It's basically, you know, is the pattern the
15 same? We have, you know, arches, loops, and whirls and then
16 variations among those main patterns. Once you determine
17 that, yes, it's the same pattern, then you go into your level
18 two detail which are Galton details or minutiae.

19 Those all consist of three basic ones which are dots,
20 ending ridges, and bifurcations. And when you start looking
21 at those, this is where the ridgeology - your comparing
22 ridges in sequence - comes into play. If you find a
23 bifurcation in your print and you find one in your known
24 print, you'll look at the ridge next to it and see, okay, if
25 anything occurs, if there's a bifurcation, a dot, or an

1 ending ridge in that ridge, then you look to see if it's in ,
2 your same known print. And by comparing that, you make a
3 comparison of those two prints until the examiner is
4 satisfied that it is either, yes, it is that print or, no, it
5 was not made by that same person.

6 Q. Investigator Bouknight, we've heard a lot of references
7 to the term latent print. Can you explain to the jury what a
8 latent print?

9 A. Latent print? The technical term "latent" means
10 invisible, and many times they are invisible but you can see
11 them whenever you process them with powders or chemicals.
12 And then whenever we use the term latent, it's also used
13 interchangeably with evidence print.

14 Q. And how many latent prints have you compared?

15 A. I would say hundreds in the six years I've been in law
16 enforcement -- in the Crime Scene Unit.

17 Q. Have you ever been qualified as an expert in latent
18 print comparison?

19 A. Yes, ma'am.

20 Q. And approximately how many times?

21 A. Three.

22 **Ms. Garfield:** Okay. And, Your Honor, I'd like to
23 introduce Investigator Bouknight as an expert in latent print
24 comparison.

25 **Mr. Schnee:** No objection.

1 **The Court:** All right. Ladies and gentlemen, I've
2 already told you what an expert is and that they can offer
3 opinions in his or her areas of expertise, and I'm going to
4 find Sergeant Bouknight to be qualified as an expert in
5 latent print identification and, as such, he can offer his
6 opinions. You are to give his testimony such weight and
7 credibility as you deem appropriate.

8 **Ms. Garfield:** Thank you, Your Honor.

9 By Ms. Garfield:

10 Q. Investigator Bouknight, in reference to the case that
11 we're in court for today that led to the arrest of Adonis
12 Williams, what were you asked to do?

13 A. I was asked to examine photographs of a latent print
14 that was developed on a telephone box cover by Investigator
15 Polis.

16 Q. Investigator Polis made the request to you?

17 A. She was the one that developed it. I was -- Sergeant
18 Robinson was the lead investigator. All the requests for
19 comparison came through him.

20 Q. And you were asked to make comparisons off of a
21 telephone box? Is that what you just said?

22 A. Photographs or from the telephone box.

23 Q. And did you observe the telephone box?

24 A. Yes, ma'am, I did.

25 Q. Your Honor -- I mean, Investigator, I'm going to show

1 you what's been marked as State's Exhibit Number 59. Do you
2 recognize this object?

3 A. Yes, ma'am.

4 Q. And can you please explain to the jury what that object
5 is?

6 A. It's the telephone box cover that I examined.

7 Q. And were you able to observe the latent prints processed
8 by Investigator Polis?

9 A. Yes, ma'am.

10 **Ms. Garfield:** And, Your Honor, can he please step down?

11 **The Court:** He may.

12 By Ms. Garfield:

13 Q. Will you please step down and demonstrate to the jury
14 what you observed unique about this telephone box? Do you
15 need gloves? You don't need gloves?

16 A. No. As you can see here -- I'll try and make this
17 visible for you. You can see that there are prints here, and
18 there's tape across here that I applied and this is to
19 protect any latent prints that are on here that have been
20 developed and then they are marked. I wrote the letters and
21 numbers on here, and this is the way we identify our latents
22 that are either on a latent print card or on a piece of
23 evidence.

24 The L. stands for "latent" and 1 after that is the item
25 number. Sometimes we'll have three, four, ten different

1 fingerprint cards, so we label each one L-1 through L-10 if
2 we have ten of them. And then each individual latent on
3 there is identified after that by a .1, .2 or .3, and you can
4 see here it is L-1.1 and L-1.2 and then L-1.3.

5 Q. And can you explain to the jury each of those items
6 you've just pointed out why that is significant to you?

7 A. This L-1 over here is -- this was a good print. The
8 photograph of it was much better than it looks on the box,
9 and then there's another one along the edge here and then
10 this one, there is a little bit -- you can see ridges, but
11 this one -- that's going to be of no value where -- for any
12 type of comparison.

13 Q. When you said this one, just for the record, will you
14 identify which one that was?

15 A. L-1.2.

16 Q. Thank you.

17 A. It has no value.

18 Q. Okay. And that's all?

19 A. And there's L-1.1 was a good print, and then L-1.3 is a
20 partial palm.

21 Q. And which was the one that you ended up observing a
22 photograph of?

23 A. L-1.1.

24 Q. Okay. Just stay there. And the photograph that you
25 observed, Investigator, was from Investigator Polis?

1 A. Yes, ma'am.

2 Q. And I'm going to show you what's been marked as State's
3 Exhibit Number 27. Do you recognize that photograph?

4 A. Yes, ma'am.

5 Q. And can you explain to the jury what that photograph is?

6 A. This is a photograph from the scene where you can see
7 that there's a scale inside here, and then that latent print
8 is right here on the side of the box, and the reason we have
9 scales in there is so we can do one-to-one printouts of those
10 later on.

11 Q. And is that the print you used for comparison in this
12 case?

13 A. Yes, ma'am.

14 Q. And did you at any time have an opportunity to blow up
15 this print?

16 A. Yes, ma'am, I did.

17 Q. I'll show you what's been marked as State's Exhibit
18 Number 63. Are you familiar with this blow-up, Investigator?

19 A. Yes, ma'am. This is a chart that I made.

20 Q. Okay. A chart that you made.

21 A. Yes, ma'am.

22 Q. And indicated on this chart is a known fingerprint.

23 A. Yes, ma'am.

24 Q. Were you able to observe known fingerprints in this
25 case?

1 A. Yes, ma'am.

2 Q. At this time I'll show you what's been marked as State's
3 Exhibit Number 64. Do you recognize this document?

4 A. Yes, ma'am.

5 Q. And---

6 A. It's a fingerprint card bearing the name and
7 fingerprints of Adonis Williams.

8 Q. Those are the fingerprints of Adonis Williams, the
9 defendant in this case?

10 A. Yes, ma'am.

11 Q. And you used this for comparisons?

12 A. Yes, ma'am.

13 **Ms. Garfield:** Your Honor, at this time I'd move State's
14 Exhibit Number 64 into evidence.

15 **Mr. Schnee:** Entered by stipulation, Judge.

16 **Ms. Garfield:** Thank you.

17 **The Court:** All right. So admitted.

18 (State's Exhibit 64 was received in evidence.)

19 By Ms. Garfield:

20 Q. Okay. The known fingerprint is a blow-up of what? If
21 you'll show the jury.

22 A. The known fingerprint is a blow-up of the number three
23 finger of Adonis Williams.

24 Q. And, Investigator Bouknight, at this time if you'll just
25 explain to the jury how you do a latent comparison in this

1 case.

2 A. As I stated before, we begin with the level one. And in
3 this case, excuse me, you can see that the general pattern --
4 it's a looping formation, and here we also have a looping
5 formation. And you say okay -- in your brain you say those
6 patterns are the same. We again are looking for the Galton
7 details or minutiae points, and you can see I have ten marked
8 on here. There are many more than that inside this print.
9 But if you can see here, this bifurcation is marked number
10 two. If I come down, it bifurcates again and then next to it
11 is this bifurcation mark number nine.

12 If I come over here, there's a bifurcation. If I come
13 down, it will bifurcate again, and then right next to it is
14 another bifurcation mark number nine. And as I said before,
15 you can start at any point. If you have a nice core which is
16 this area here or a delta which is this area here, you can
17 begin anywhere or if you just have like in this area where
18 there's a lot of minutiae points, bifurcations and ending
19 ridges -- and once you start, you find your point and
20 comparing the ridges in sequence from the latent fingerprint
21 to the known fingerprint, then you can make a determination
22 that, yes, it is a match or, no, it is not a match. In this
23 instance it was a match.

24 Q. Investigator, you said -- those are obviously ten
25 indicators that this is a match. Can you point out

1 indicators on there that you did not label?

2 A. Yes, ma'am. If you look right here, there's a
3 bifurcation and it's right over here, also not -- and it's
4 not marked. There are approximately 20 in there that I
5 found. If I marked all 20, the chart would get very jumbled.

6 Q. But you believe it's about 20.

7 A. Yes, ma'am.

8 Q. And, Investigator, in your expert opinion, the print
9 lifted from the telephone box is the print matching Adonis
10 Williams?

11 A. The print developed on the telephone box in the
12 photograph is the print of Adonis Williams.

13 Q. And why is it necessary or useful to photograph these
14 prints?

15 A. Because prints can be damaged whenever they're lifted
16 and it's our protocol that if there's a chance that it could
17 be damaged, then we're supposed to photograph it before we do
18 it.

19 Q. Okay. Go ahead and take the stand. Investigator, can
20 you explain to the jury why there can be times that you touch
21 something and a print does not lift?

22 A. Yes, ma'am. As I stated before in -- with the ink stamp
23 analogy, sometimes there can be too much ink on a stamp and
24 it makes a blur or sometimes there can be not enough ink on a
25 stamp and it won't leave an impression or there could be

1 movement or anything like that that could cause smudging or
2 smearing or anything like that and just not leave enough of
3 ridge detail for us to have a useful print.

4 Q. Do environmental factors...

5 A. Yes, ma'am. Latent prints are 98 to 99 percent water.
6 So anything -- you know, they can be wiped off. They're one
7 of the most fragile types of evidence that we deal with on a
8 daily basis.

9 Q. But the print that's on this board, State's Exhibit
10 Number 63, was good enough for you to compare to the known
11 print.

12 A. Yes, ma'am.

13 **Ms. Garfield:** Your Honor, I'd like to introduce State's
14 Exhibit 63 into evidence.

15 **Mr. Schnee:** I thought it already was. No objection.

16 **Ms. Garfield:** Thank you.

17 **The Court:** So admitted.

18 (State's Exhibit 63 was received in evidence.)

19 By Ms. Garfield:

20 Q. Investigator Bouknight, the standards that the Richland
21 County Sheriff's Department use, are those the same as
22 national standards?

23 A. We have our ASCLD standards, and there is no standard
24 minutiae-point count for making a fingerprint comparison. To
25 have, you know, ten or four or twenty, there's no set minimum

1 number before you can say it is a match.

2 Q. And that is nationally---

3 A. Yes, ma'am.

4 Q. ---known?

5 A. In America.

6 Q. And when did you make this match?

7 A. If I may check my notes?

8 Q. Please do so.

9 A. My examination began and was completed on the 25th of
10 March, 2009.

11 Q. And are you aware of the incident date in this case?

12 A. According to the case number, it would be the 22.

13 Q. Investigator Bouknight, do any two people have the same
14 fingerprints?

15 A. No, ma'am. That's what makes them important to us, that
16 they're unique and they're permanent and everybody has them.
17 No two fingerprints have ever been found to be identical, and
18 fingerprints remain unchanged from the time before you're
19 born until after you die and your body decomposes. They will
20 not change, barring any scarring or injury to that finger.

21 Q. Does that hold true for identical twins?

22 A. Yes, ma'am.

23 Q. And you got that telephone box from the evidence room.

24 Is that correct?

25 A. Yes, ma'am.

1 Q. And it was packaged properly?

2 A. Yes, ma'am.

3 Q. You wouldn't have taken it if it had not been packaged
4 properly. Is that correct?

5 A. Correct.

6 **Ms. Garfield:** Thank you. Beg the Court's indulgence.
7 Judge, just in case -- I don't remember. I'd move this
8 State's Exhibit Number 59 into evidence.

9 **The Court:** I think it's already been admitted, hasn't
10 it?

11 **Ms. Garfield:** I was just checking. Has it? Okay.
12 Thank you, sir.

13 **The Court:** All right. Mr. Schnee?

14 **Mr. Schnee:** May it please the Court?

15 **The Court:** Yes, sir.

16 Cross-Examination

17 By Mr. Schnee:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. I just want to start right where you left off. You
21 finished your examination of the box on March 25th?

22 A. I made the match of -- to Adonis Williams on the 25th.

23 Q. Okay. And you have photographs of all the prints that
24 are on the box.

25 A. I do believe -- if I may check my other notes.

1 Q. Sure.

2 A. I've got a lot here. I believe I have photocopies
3 and/or photographs of the prints on there; yes, sir.

4 Q. Okay. And that was all within a couple of days of this
5 incident.

6 A. Yes, sir.

7 Q. Now, you said during your training and experience you
8 deal with lots of different types of forensic evidence?

9 A. Yes, sir.

10 Q. Include touch D.N.A.

11 A. Yes, sir.

12 Q. Did you ever swab any of those other prints for D.N.A.?

13 A. No, sir.

14 Q. You could have done that at any time.

15 A. Yes, sir.

16 Q. Now, I'd like to talk about what constitutes a match
17 just a little bit. There are different types of minutiae.

18 A. Yes, sir.

19 Q. Right? What are the types called?

20 A. The three main types that all others are made up of are
21 the dot, the ending ridge, and the bifurcation.

22 Q. Okay. Now, on this comparison -- I know you say this
23 one is a match in your opinion; right?

24 A. Yes, sir.

25 Q. Okay. Now, hypothetically -- I mean, obviously we don't

1 have all the print here; right?

2 A. Correct.

3 Q. Now, if over here there was a bifurcation but on this
4 there is a dot, that would immediately eliminate a person;
5 right?

6 A. Yes, sir.

7 Q. Okay. How many prints total are on that box that you
8 found?

9 A. Three that were marked.

10 Q. Three that were marked. Did you find any others?

11 A. No, sir.

12 Q. Okay. No other smudges, not anything.

13 A. No, sir.

14 **Mr. Schnee:** Okay. No further questions.

15 **The Court:** Anything?

16 Redirect Examination

17 By Ms. Garfield:

18 Q. Investigator, State's Exhibit Number 63, in this
19 comparison was there any reason for you to think these should
20 be eliminated?

21 A. No, ma'am. They are a match.

22 Q. And the sheriff's department does not have a set
23 procedure for how many indicators there are; right?

24 A. No, ma'am, there's no set number.

25 Q. Do you know if the F.B.I. has any set standard?

1 A. There's no set standard in America.

2 **Ms. Garfield:** Thank you.

3 **The Court:** Anything?

4 **Mr. Schnee:** No, sir.

5 **The Court:** All right. Thank you. You may step down.

6 Ladies and gentlemen, we're going to go ahead and take a
7 break and let you step back to the jury room. Please don't
8 discuss the case with each other while you're back there.
9 We'll take about a 15-minute break and come back and start
10 off again.

11 (Whereupon, the jury was excused from open court at
12 3:45 p.m.)

13 **The Court:** Who is next, Madam Solicitor?

14 **Ms. Campbell:** Sergeant Stan Richards.

15 **The Court:** How many more do you think we can get today?

16 **Ms. Campbell:** I'm hoping we can get through all the
17 D.N.A. We've got about six or eight chain witnesses that are
18 like that and then D.N.A.

19 **The Court:** All right. Good. We'll stand in recess for
20 15 minutes.

21 (Whereupon, a short break was taken.)

22 **The Court:** All right. Who are we waiting on? Mr.
23 Schnee? Where did he go? Oh, there he is.

24 **Mr. Schnee:** I'm sorry.

25 **The Court:** Let's bring the jury in.

1 (Whereupon, the jury was brought into open court at
2 4:10 p.m.)

3 **The Court:** All right. Good. Madam Solicitor, are you
4 ready to call your next witness?

5 **Ms. Campbell:** May it please the Court?

6 **The Court:** Yes, ma'am.

7 **Ms. Campbell:** The State calls Sergeant Stan Richards.

8 Stan Richards, after being duly sworn, testified as
9 follows:

10 **The Clerk:** Please have a seat. State your full name
11 for the record.

12 **The Witness:** Stan Richards.

13 Direct Examination

14 By Ms. Campbell:

15 Q. Sergeant Richards, where are you employed?

16 A. The Richland County Sheriff's Department Crime Scene
17 Unit.

18 Q. And how long have you been with the sheriff's
19 department?

20 A. I started working with the sheriff's department in 1994.
21 I have been with the Crime Scene Unit almost ten years.

22 Q. Prior to joining the sheriff's department, did you have
23 a different career?

24 A. Yes, ma'am, I did. I was 20 plus years in the military.

25 Q. In the military?

1 A. Yes, ma'am.

2 Q. What branch?

3 A. Army.

4 Q. And you retired from the military and became involved in
5 the sheriff's department?

6 A. I did.

7 Q. And for the last ten years you've been a crime scene
8 investigator?

9 A. That's correct.

10 Q. Can you tell this jury a little bit about your education
11 and your training in the field of crime scene investigation?

12 A. Yes. Early on in my life I went to Gainesville College
13 in Gainesville, Georgia, and I was studying history. I
14 joined the military, and while I was in the military I
15 finished my undergraduate studies in Criminal Justice from
16 Saint Leo University. I also studied sociology at Wayland
17 Baptist University in Fairbanks, Alaska, while still in the
18 military, and I also studied quantitative analysis with the
19 United States Army Command General Staff College.

20 While I've been with the sheriff's department, after I
21 came to the Crime Scene Unit, I had the opportunity to go to
22 quite a few classes and courses and be trained in almost all
23 the disciplines that afford us the opportunity to in
24 forensics or crime scene investigation. Some of those are
25 blood pattern analysis, latent print processing, advance

1 crime scene investigations, crime scene photography, advanced
2 palm print comparison, latent verification examination,
3 forensic shooting reconstruction, advance blood pattern
4 analysis and shooting incident documentation and
5 reconstruction, and I won't go on and on, but I am certified
6 as a crime scene investigator. I am certified as a footwear
7 examiner, and I'm also certified as a bloodstain pattern
8 examiner through the International Association For
9 Identification.

10 Q. And have you been qualified before as an expert in crime
11 scene investigation and specifically as to latent and known
12 print comparisons?

13 A. Yes. I've been qualified as an expert 26 times in crime
14 scene investigation and five times in latent print
15 comparisons.

16 Q. And specifically as far as latent print comparisons and
17 known print to latent print, can you describe to the jury
18 kind of how that process works and what your training is in
19 that?

20 A. Yes. I have mentioned most all the other -- the things
21 that I went over training-wise and I'll go over them one more
22 time, as the comparison in latent print is one of the big
23 things. You have to know where they come from and how they
24 get there before you can look at them. Latent print
25 verification, the comparison is complex latent print

1 examination, ridgeology, and all the other things that you've
2 already heard Investigator Bouknight go over. What we use is
3 pretty much what's universally used as a methodology in order
4 to compare latent print from palm prints, and that's
5 something that's called ACE-V. We do that each and every
6 time that we look at latent prints. That is an analysis of
7 the prints, a comparison then of the prints, an evaluation of
8 the prints, and then those prints are verified by a second
9 technically-proficient examiner.

10 **Ms. Campbell:** Your Honor, at this time we'd offer
11 Sergeant Richards as an expert in crime scene investigations
12 specifically as to latent print comparisons.

13 **Mr. Schnee:** No objection.

14 **The Court:** All right. Ladies and gentlemen, again I've
15 explained to you if scientific, technical or other
16 specialized knowledge will assist you in understanding any
17 issues in this case, then a person can be qualified as an
18 expert by virtue of his or her knowledge, skill, training,
19 experience or education. I find the witness to be qualified
20 as an expert in crime scene investigation and latent print
21 comparison and, as such, he can offer opinions in these
22 fields, and you should give his testimony such weight and
23 credibility as you deem appropriate.

24 **Ms. Campbell:** Thank you, Your Honor.

25 **The Court:** Yes, ma'am.

1 By Ms. Campbell:

2 Q. Sergeant, your laboratory --, is there a special
3 accreditation that your laboratory has put itself through to
4 make sure that the quality of your work reaches a certain
5 level?

6 A. Yes. We've been accredited by the ASCLD which is
7 American Association of Crime Lab Directors. We---

8 **Court Reporter:** I'm sorry. Association of?

9 **The Witness:** Association of Crime Lab Directors.

10 By Ms. Campbell:

11 Q. Somebody has pushed this over in the corner. Let me
12 push it over a little bit towards you. That's good. Sorry.

13 A. We went through an extensive program of getting
14 ourselves ready and proficient in all the areas that a crime
15 scene unit needs to be, and those disciplines entail such
16 things as latents and bloodstain pattern, shooting
17 reconstruction, and crime scene investigations. Those things
18 we have -- had to do in order to be proficient under the
19 ASCLD standards. Not only that, but the way we do our
20 reports, the way we do our investigations, the way we do our
21 processing, has to be under our protocol that we had
22 established for ourselves, and we do it the same way every
23 time we go out.

24 Q. And as part of that protocol, you have to have certain
25 training and education in certain areas before you can then

1 come to court and testify to it?

2 A. Right now you have to have the basic training that we
3 provide internally. You have to have the training that we
4 can get you to externally as well as the proficiency testing
5 that we do from external organizations that show each one of
6 us who are qualified in each of the disciplines like latent
7 prints or crime scene investigations. We have to be
8 proficient in those areas.

9 Q. Specifically in this case, you're aware of Investigator
10 Polis who was unavailable for court here today but her
11 testimony was read. Did she actually go and process this
12 crime scene and is she part of your accredited laboratory?

13 A. She is.

14 Q. And so she's gone through the same rigorous training as
15 everyone else in your laboratory; is that correct?

16 A. She has.

17 Q. And have you had an opportunity to review and I believe
18 actually sign off on the work she did at the crime scene?

19 A. Two of the three reports that she rendered for this
20 incident was technically reviewed by me.

21 Q. And is that done with every report, that there's an
22 independent review?

23 A. Yes.

24 Q. And in this case her processing of the scene as far as
25 what she did or didn't do, was it appropriate in this case?

1 A. Yes, it was.

2 Q. And you are aware that during the course of her
3 processing the scene and collecting evidence, she actually
4 collected what's been marked as State's Exhibit Number 59
5 which is this box that's right before you?

6 A. Yes, I'm aware of that.

7 Q. And you're also aware that prior to collecting it she
8 took some photographs of some prints that she was able to
9 dust for; is that correct?

10 A. That's correct.

11 Q. And are either of those items useful as far as for you
12 in the purposes of doing a latent comparison to a known
13 print?

14 A. Either of those items. Which one are you talking about?

15 Q. The photograph of the actual print itself and/or the
16 actual box itself.

17 A. And/or the box. Yes. Absolutely. If you're processing
18 an item - and it's already been covered - and you happen to
19 get a print that's -- that comes up very well where you can
20 see it, it's enhanced to the -- to a portion that you can see
21 very, very good, you try to lift it just like Investigator
22 Polis would have tried to lift it, which she did. However,
23 if you see enough ridge detail in something and you've been
24 looking for a long time to try to find anything in a
25 particular incident like we have here, then you're going to

1 photograph it first. Photography is one of the first things
2 we do.

3 As I said, Investigator Polis went through each of these
4 processing incidents both at the Citgo station and at the
5 home by the book and she pretty much did it. She assessed
6 the situation. She observed everything, walked through both
7 with the car and at the home. Then she documented it.
8 Documentation and photography is part of documentation before
9 the processing begins.

10 So if you bring up a print -- prints are very fragile.
11 Prints go away easily. If you see that there's something
12 there, you photograph it first, and that's what she did.

13 Q. And then part of the protocol is what she did after that
14 which was to collect the actual item itself so that it could
15 be brought back to headquarters.

16 A. She attempted to lift the print one time and one time
17 was enough. If you have the item and you have the capability
18 of getting it back to the lab where we have better conditions
19 to do things with, you bring it back, and that's what she
20 did.

21 Q. And you already touched on something I was getting ready
22 to move to anyway. As far as fingerprint evidence, I think
23 you referred -- you used the term fragile?

24 A. Yes.

25 Q. Why is that, sir? Explain that to the jury.

1 A. I think this has been covered as well, but very briefly,
2 fingerprints are just an impression that is transferred from
3 your fingers to whatever item you might be touching, and it's
4 the sweat that comes out of the pores that are on the ridges
5 of your fingers. Ninety-eight percent of that is water.

6 So, for instance, if you're outside, you have to look at
7 environmental conditions. If it's hot, it can evaporate. If
8 it's too cold, it won't stay there. It might stay there a
9 long time. Things in the outside can go away because of
10 rain, because of snow, heat, whatever the reason might be,
11 and can be wiped off.

12 Now, for instance, a fingerprint inside or outside that
13 someone touches doesn't mean they're going to get a print
14 there. A person may have too much oils and water on their
15 fingers, so it might smudge. It may not be enough on there
16 to leave a visible after-enhancement latent print for you to
17 do anything with.

18 There's just so many things that can happen to a print
19 that is very, very fragile. So when you see something and
20 you enhance it with powder and then you see it, you've got to
21 be very careful with it because it's a good piece of
22 evidence.

23 Q. And in this case in reviewing her report, you were aware
24 that she found no items of evidentiary value for identifiable
25 prints from the interior of the house or from the vehicle.

1 Is that unusual?

2 A. No, not really, especially in a vehicle. You're talking
3 about a vehicle where you're looking for something in a
4 specific area or a zone of the vehicle; let's say one of the
5 front-seat areas. You have to look at the dash which you
6 have to look at texture then. If you look at the end of the
7 panel for the door, you're looking at texture, and that's the
8 same way on a console or something like that. Those places
9 are hard to raise or to enhance a print.

10 Then when you start looking at the door handles on the
11 inside or interior or exterior, when you touch a door handle,
12 whether it be a round one or something that's on your car,
13 you give it one of these. You give it one of these. So all
14 you're doing is smudging whatever you're putting on there, if
15 you're putting anything on there at all. So unless you touch
16 something and come straight up like that, it's very difficult
17 to leave a print.

18 That's what our job is, to try to find those times and
19 those areas and those substrates that will -- a person might
20 leave an impression, and that's our job.

21 Q. And in this case, too, there was also some testimony
22 about a smudge or a smudge of dirt at the point of entry that
23 could or could not have been consistent with a shoe print.
24 Does there have to be some definition there before you could
25 even measure it or do anything with it that might be helpful

1 down the road?

2 A. Absolutely. Dirt is dirt unless it shows us something
3 that we could construe that it was possibly a footprint or
4 something else like that, measurements or the scales that we
5 put on them is only used to document that there was something
6 there. Now, if there was an impression there that give us an
7 indication of a shoe print, then the scale, of course, is
8 going to help us maybe try to measure it. It won't be
9 accurate. There's got to be some detail involved just like
10 it would be in a latent or anything else.

11 Q. And this question has been asked also, but just to
12 clarify: As with DNA, as with fingerprints, you can't say
13 how long that DNA may have been there or how long that
14 fingerprint may have been there.

15 A. No.

16 Q. But both are fairly fragile types of evidence.

17 A. Yes, ma'am.

18 Q. In this case were you also requested and is it protocol,
19 because of your ASCLD standards, to review the fingerprint
20 match that was made in this case from off that box, State's
21 Exhibit 59?

22 A. Yes, I did. I did the verification on several
23 comparisons from the fingerprints lifted from the box.

24 Q. And I want to show you what's been marked as State's
25 Exhibit 63 which is already in evidence and has been

1 testified to. Are you familiar with that chart?

2 A. Yes, I am.

3 Q. And is this one of the fingerprint comparisons you
4 reviewed?

5 A. Yes, it is.

6 Q. And how would you characterize in your review -- you do
7 an independent review?

8 A. Very much so.

9 Q. And how would you characterize that fingerprint match?

10 A. Based on fingerprints that I've done in the past and
11 like everyone else in my office usually, there's been
12 hundreds of them. I would characterize the L-1.1 print on
13 the box as being a pretty good print. Once it has been
14 photographed in the -- with the lighting and be able to see
15 it with the contrast that's there, it's an excellent print.

16 Q. Okay. And I want to show you what's been marked as
17 State's Exhibit Number 64. Is that a print card -- known
18 prints belonging to Adonis Williams?

19 A. It's a ten-print card bearing the name of Adonis
20 Williams; yes, ma'am.

21 Q. And when you independently reviewed the fingerprint from
22 the telephone box that is displayed on State's Exhibit 63
23 with the known prints of Adonis Williams, did you
24 independently make a match?

25 A. Yes, I did.

1 Q. And what's shown on State's Exhibit 63, what were the
2 results when you did it?

3 A. My results indicated that L-1.1 was made by the same
4 source as the right middle finger, finger number three, on
5 K-1 Williams.

6 Q. And that would be Adonis Williams's known print?

7 A. Yes.

8 Q. And that's a match.

9 A. It is.

10 Q. And in your laboratory -- we've heard about the points
11 where they match. Is there a certain number of points that
12 have to be made?

13 A. No.

14 Q. However, in this match with this print from this crime
15 scene, what type of match was this?

16 A. Well, I have to talk about my match because that's the
17 only one I did, my verification. I went to---

18 Q. Your verification.

19 A. I went to ten and I quit. I stopped at ten.

20 Q. And is there any doubt in your mind that that print
21 belongs to anyone but Adonis Williams?

22 A. Not at all.

23 Q. And that's your expert opinion.

24 A. Yes, ma'am.

25 **Ms. Campbell:** Thank you, sir.

1 **The Court:** Mr. Schnee?

2 **Mr. Schnee:** May it please the Court?

3 Cross-Examination

4 By Mr. Schnee:

5 Q. You talked about fingerprints being fragile; right?

6 A. Yes, sir.

7 Q. Weather can have a big impact on that.

8 A. Yes, sir.

9 Q. On that telephone box in front of you, there is more
10 than just one print on there; right?

11 A. Yes, sir.

12 Q. Okay. And you can't date them, so it could be a day
13 old, a week old, a month old.

14 A. That's correct.

15 Q. Okay. Now, when you get prints that are latent prints
16 that are smudges or not clear enough, you'd agree with me
17 your next step to try to create a match would be then to do a
18 swab for DNA.

19 A. On smudges?

20 Q. On smudges for touch DNA.

21 A. It can be done, yes.

22 Q. Okay. And to your knowledge in your review, that's
23 never been done on this box.

24 A. It was not done based on Investigator Polis's report,
25 and I did not do it.

1 **Mr. Schnee:** Okay. That's all I have.

2 **The Court:** Anything?

3 **Ms. Campbell:** No, sir.

4 **The Court:** All right. Thank you. You may step down.

5 All right. Ms. Garfield?

6 **Ms. Garfield:** Thank you, Your Honor. The State calls

7 Tena Goff.

8 Tena Goff, after being duly sworn, testified as

9 follows:

10 **The Clerk:** Please have a seat. State your full name
11 for the record, please.

12 **The Witness:** Tena Goff.

13 Direct Examination

14 By Ms. Garfield:

15 Q. Investigator Goff, where are you employed?

16 A. The Richland County Sheriff's Department.

17 Q. Can you share with the jury some background information
18 about your employment with the sheriff's department?

19 A. I've been with the department for over 18 years now, and
20 for the past 15 I've been assigned to the evidence room.

21 Q. And what are your duties with the evidence room?

22 A. We accept evidence from the officers. We log it in. We
23 store it. We sign it out when it's requested either to the
24 lab or to an investigator or to -- for court. We accept it
25 back in in the store room until it's time to dispose of it or

1 return it back to the owners.

2 Q. Can you explain to the jury how you come into contact or
3 possession of evidence in the different ways?

4 A. There's two different ways that we can get it. The
5 first way is person to person where the investigator brings
6 it to us and physically hands it to us and we accept it in or
7 we have temporary lockers in our evidence log-in area that
8 they can store them. We have a drop box which is like a
9 mailbox. You open it up, drop your evidence in, close it,
10 and you can't get to it. It's all locked and secured. Or we
11 have temporary lockers like gym lockers. You open it up, put
12 your evidence in, turn the handle, push the button, and it's
13 sealed. You cannot get into it unless you're assigned to the
14 evidence room and have a master key.

15 Q. And what are the procedures the sheriff's department
16 employes in accepting evidence as far as packaging?

17 A. In order for evidence to be accepted in and logged into
18 our evidence room, it has to be packaged properly, properly
19 meaning it's in a package that is the same size or a little
20 bit bigger than the item itself. It's properly labeled with
21 one of our evidence labels and then it's sealed, not only
22 with a boxing-type seal tape but also with our colored tape,
23 the red tape that says evidence. Then they have to put their
24 initials and date across the seal on both the top, bottom --
25 it's an envelope, across the seal there.

1 Q. And if this is not packaged properly, what do you do?

2 A. We don't accept it in and we call the officer to come
3 back and fix the evidence before we take it in.

4 Q. And when you sign the evidence out, let's say to a lab,
5 and it's signed back in, do you follow those same packaging
6 procedures?

7 A. Yes, ma'am.

8 Q. Specifically, these were all your same duties back in
9 March of 2009?

10 A. Yes, ma'am.

11 Q. As well as recently as this year?

12 A. Yes, ma'am.

13 Q. And the same packaging procedures were in place at that
14 time?

15 A. Yes.

16 Q. And did you have the opportunity to be involved in the
17 case of State versus Adonis Williams, property number
18 0903193822?

19 A. Yes, ma'am.

20 Q. And can you recall what -- what your role was in
21 receiving or distributing evidence?

22 A. I logged in the first piece of evidence that came in on
23 the case and I accepted it from Investigator Polis from the
24 lab.

25 Q. And specifically did you accept the telephone wire box?

- 1 A. Yes, ma'am.
- 2 Q. A swab from a door handle?
- 3 A. Which item number are you talking about? I'm sorry.
- 4 Q. Give me a moment to check. Item 7?
- 5 A. Yes, I did.
- 6 Q. Item from a -- swab from a doorknob?
- 7 A. Yes.
- 8 Q. A swab from a cigarette disposal container?
- 9 A. Yes.
- 10 Q. A swab from an exterior door handle?
- 11 A. Yes.
- 12 Q. And a swab from a point of entry door.
- 13 A. Yes, ma'am.
- 14 Q. And a bedroom door handle.
- 15 A. Yes, ma'am.
- 16 Q. And at any time did you sign out any of that evidence?
- 17 Oh, I'm sorry. Before you answer that question, can you
- 18 explain to the jury what you collected at any time from
- 19 Sergeant Don Robinson?
- 20 A. Give me one moment.
- 21 Q. Specifically, did you receive two swabs from the
- 22 defendant in this case?
- 23 A. Yes, I accepted Item Number 18 which was two buccal
- 24 swabs from Adonis K. Williams from Sergeant Don Robinson.
- 25 Q. Okay. I'm also going to take you to another property

1 report involving a subject by the name of Charles Alexander
2 Blankenbecklor, property report 0905854425.1. In that case
3 did you receive a buccal swab from that subject by Sergeant
4 Robinson?

5 A. I don't have that report in front of me.

6 Q. Would you like to review the report to refresh your
7 memory?

8 A. Yes, please. (The witness looks at the report.) Yes, I
9 did.

10 Q. And did you at any time sign that swab -- I'm sorry.
11 Strike that. And then going back to the original report I
12 was referencing, did you collect items from Sergeant
13 Robinson, specifically swabs from the defendant?

14 A. Yes, ma'am, I did.

15 Q. And at any time did you give Christine Barrickman a swab
16 from the victim and a cigarette butt?

17 A. On March 24, 2009, I signed them out and gave them to
18 Christine.

19 Q. And who is Christine Barrickman?

20 A. She is one of the DNA technicians in our lab.

21 **Ms. Garfield:** Thank you, Investigator Goff. Please
22 answer any questions the defense may have.

23 **The Court:** Anything?

24 **Mr. Schnee:** May it please the Court very briefly?
25

Cross-Examination

By Mr. Schnee:

Q. Did you personally witness any of the evidence collection?

A. No, sir.

Q. Did you witness any of the tests that were done afterwards?

A. No, sir.

Q. So when you say you receive evidence, what you mean is you receive a sealed container of some sort.

A. Yes, sir.

Q. And that's all you know.

A. That's it.

Mr. Schnee: Thank you.

Redirect Examination

By Ms. Garfield:

Q. And that's with all cases; correct?

A. That is.

The Court: All right. Thank you, ma'am. You may step down.

Ms. Garfield: The State calls William Cedarstaff.

William Cedarstaff, after being duly sworn, testified as follows:

The Clerk: Please have a seat. State your full name for the record.

1 **The Witness:** William Cedarstaff.

2 Direct Examination

3 By Ms. Garfield:

4 Q. Investigator Cedarstaff, where are you employed?

5 A. The Richland County Sheriff's Department.

6 Q. And if you could explain to the jury what your duties
7 are at the sheriff's department.

8 A. I'm an evidence technician. We take and receive
9 evidence in from the officers, investigators, for any case.
10 We log it in and then we maintain it, and if it's asked to go
11 to testing or to court, we sign it out and sign it back.

12 Q. So you are a custodian of the evidence at the sheriff's
13 department. That's what you do.

14 A. Yes, ma'am.

15 Q. And you are -- were also involved in the collection and
16 distribution of some evidence involving the case we're in
17 court with today, State versus Adonis Williams.

18 A. That is correct.

19 Q. And specifically, Investigator Cedarstaff, did you
20 collect from Sergeant Don Robinson a cigarette butt that was
21 collected in this case?

22 A. Yes, I did.

23 Q. And at any time did you give a person by the name of
24 Christine Barrickman any evidence in this case? And I'm
25 specifically referring to several swabs from the incident

1 location as well as swabs from the defendant.

2 A. Yes, I did.

3 Q. And at any time did you give Investigator Harold
4 Bouknight the telephone wire box?

5 A. Yes, ma'am.

6 Q. And those same swabs that you signed out to Christine
7 Barrickman, did you again collect from Dr. Gray Amick with
8 the Richland County Sheriff's Department DNA lab?

9 A. Yes, I did.

10 Q. And, Investigator Cedarstaff, if any of the evidence had
11 been packaged improperly, would you have accepted it?

12 A. No, I would not.

13 **Ms. Garfield:** Thank you. Please answer any questions
14 the defense may have.

15 **The Court:** Anything?

16 Cross-Examination

17 By Mr. Schnee:

18 Q. Sir, I'll just do the same two brief questions. Did you
19 collect any evidence or witness any collection?

20 A. No, I did not.

21 Q. Did you witness any tests of any kind afterwards?

22 A. No, I did not.

23 **Mr. Schnee:** That's all I have.

24 **The Court:** All right. Thank you, sir. You may step
25 down.

1 **Ms. Garfield:** Your Honor, the State calls Christine
2 Barrickman.

3 Christine Barrickman, after being duly sworn,
4 testified as follows:

5 **The Clerk:** Please have a seat. State your full name
6 for the record.

7 **The Witness:** Christine Barrickman.

8 Direct Examination

9 By Ms. Garfield:

10 Q. Ms. Barrickman, where are you employed?

11 A. Richland County Sheriff's Department.

12 Q. And can you share with the jury what your duties are
13 with the sheriff's department?

14 A. I work in the DNA laboratory and I assist the analysts
15 with casework.

16 Q. And does that entail you receiving property from the
17 property room?

18 A. Yes, it does.

19 Q. And did you receive property in the case we're in court
20 with today, State versus Adonis Williams?

21 A. Yes, I did.

22 Q. And, specifically, I'm referring to property report
23 0903193822. Are you familiar with that property report?

24 A. Yes, I am.

25 Q. And did you collect a number of swabs from the incident

1 location from Mr. Cedar -- Investigator Cedarstaff with the
2 evidence room in the course of this case's investigation?

3 A. Yes, I did.

4 Q. And did you also collect from Tena Goff a cigarette butt
5 and a swab from the victim?

6 A. Yes, I did.

7 Q. And I believe you also collected swabs from the
8 defendant also from Investigator Cedarstaff.

9 A. That's correct.

10 Q. And at some point from the evidence room on a separate
11 property report did you receive a swab to another individual
12 by the name of Charles Alexander Blankenbecklor from the
13 evidence room?

14 A. I don't have that property report with me. If I can see
15 that...

16 Q. If I provide this to you, will it refresh your memory?

17 A. Yes, I did.

18 Q. And who did you receive that from in the evidence room?

19 A. Jerry Maldonado.

20 Q. And is there anything -- okay. Another property report
21 I'll refer to by another individual by the name of Isaac
22 Tucker, property report 1101035822. Are you familiar if you
23 received any evidence from that case number?

24 A. I don't have that property report.

25 Q. Would you like to see the property report to refresh

1 your memory?

2 A. Please. (The witness looks at the property report.)

3 Yes, I did.

4 Q. And specifically what did you collect and from whom?

5 A. (No response.)

6 Q. Specifically, did you collect from the evidence room a
7 buccal swab from Mr. Tucker?

8 A. Yes, I did.

9 Q. And did you ever turn that swab over to an individual by
10 the name of Rachel Grant?

11 A. Yes, I did.

12 Q. And who is Rachel Grant?

13 A. She is one of the analysts in our DNA laboratory.

14 Q. And did you also give to Dr. Gray Amick several swabs
15 involving the case we're in court for today?

16 A. Yes, I did.

17 Q. And were those swabs from the incident location?

18 A. Yes.

19 Q. And swabs from the victim?

20 A. Yes.

21 Q. Swabs from the defendant?

22 A. Yes.

23 Q. As well as a cigarette butt?

24 A. Yes.

25 Q. And those were all given -- can you identify who Dr.

1 Gray Amick is?

2 A. He is another analyst in our DNA laboratory and our
3 technical leader.

4 Q. And I believe some of these swabs were also received
5 from Patty Weed. Is that correct?

6 A. Yes. That's correct.

7 Q. And at one time or another, due to further testing of
8 these swabs, you actually collected them from the evidence
9 room at one time from Investigator Cedarstaff. Is that
10 right?

11 A. That's correct.

12 Q. And you collected at another time swabs from the
13 defendant from Investigator Cedarstaff.

14 A. That's correct.

15 Q. And swab from the victim and a cigarette butt from
16 Investigator Tena Goff.

17 A. That's correct.

18 Q. Ms. Barrickman, you don't have anything to do with the
19 collection of the evidence at the crime scene. Is that
20 right?

21 A. That's correct.

22 **Ms. Garfield:** Thank you. Please answer any questions
23 the defense may have.

24 **Mr. Schnee:** May it please the Court?
25

Cross-Examination

By Mr. Schnee:

Q. Do you participate in any way in the analysis of this DNA?

A. I participate in the processing of the evidence, and then it's turned over to the analysts to run the instrumentation and interpret the data.

Q. Okay. What exactly did you do in this case?

A. I picked up the evidence, inventoried it, filled out the paperwork, and cut the swabs. They were put in the tubes and turned over to the analysts.

Q. Is that the extent of your involvement?

A. Yes.

Mr. Schnee: All right. No further questions.

The Court: Anything?

Ms. Garfield: Nothing.

The Court: All right. Thank you, ma'am. You may step down.

Ms. Garfield: The State calls Investigator Jerry Maldonado.

Jerry Maldonado, after being duly sworn, testified as follows:

The Clerk: Please have a seat. State your full name for the record.

The Witness: Jerry Maldonado.

Direct Examination

By Ms. Garfield:

Q. Investigator Maldonado, where are you employed?

A. Richland County Sheriff's Department, Narcotics Unit.

Q. And back in March of 2009 or the year 2009, were you -- what were your duties with the sheriff's department?

A. Supervisor over the evidence room at the time.

Q. And were you also in the evidence room as late as May 2009?

A. I was.

Q. And specifically involving what's relevant to this case, did you collect -- I'm sorry. Did you distribute to Christine Barrickman, who just previously testified, a swab from a subject Charles Alexander Blankenbecklor?

A. I did.

Q. And if it had not been packaged properly, you would not have given it out; is that correct?

A. That's correct.

Q. You didn't have any involvement in the actual collection of that evidence; is that correct?

A. No.

Q. On the scene.

A. No, I didn't.

Ms. Garfield: Please answer any questions Mr. Schnee has.

1 **The Court:** Anything?

2 **Mr. Schnee:** No questions.

3 **The Court:** All right. Thank you, sir.

4 **Ms. Campbell:** Your Honor, may we approach?

5 (Whereupon, a bench conference was held.)

6 **Ms. Garfield:** The State calls Investigator John
7 Carwell.

8 John Carwell, after being duly sworn, testified as
9 follows:

10 **The Clerk:** Please have a seat. State your full name
11 for the record.

12 **The Witness:** John Carwell.

13 Direct Examination

14 By Ms. Garfield:

15 Q. Investigator Carwell, where are you employed?

16 A. Richland County Sheriff's Department.

17 Q. What are your duties with the sheriff's department?

18 A. I'm assigned to the burglary team and criminal domestic
19 -- criminal investigation division.

20 Q. Were those your duties of January of this year?

21 A. Yes.

22 Q. And did you have the occasion to become involved in an
23 investigation with a subject named Isaac Tucker the 4th?

24 A. I did.

25 Q. Specifically, what was the nature of that investigation?

1 A. It was a burglary.

2 Q. And did that have anything to do with the case that we
3 are currently in court with?

4 A. No, it didn't.

5 **Mr. Schnee:** Objection. Speculation on his part.

6 **The Court:** Well, he can testify to what he knows about
7 that case.

8 By Ms. Garfield:

9 Q. Please answer the question.

10 A. Repeat it again.

11 Q. The investigation that you were pursuing on Mr. Tucker,
12 did it have anything to do with the State versus Adonis
13 Williams?

14 A. Not at the time.

15 Q. Were you able to obtain a DNA sample from Mr. Tucker?

16 A. I was.

17 Q. I'm going to specifically show you what's been marked as
18 State's Exhibit Number 72. Can you identify this document?

19 A. Yes.

20 Q. And what is this a document of?

21 A. A consent for DNA.

22 Q. And based on gathering this consent from Mr. Tucker,
23 were you able to obtain a swab, DNA, from Isaac Tucker?

24 A. I was.

25 Q. And at that -- once you did that, did you turn it in to

1 the evidence room?

2 A. I did.

3 **Ms. Garfield:** Your Honor, at this time I'd like to move
4 State's Exhibit Number 72 into evidence.

5 **Mr. Schnee:** No objection.

6 **The Court:** So admitted.

7 (State's Exhibit 72 was received in evidence.)

8 By Ms. Garfield:

9 Q. And you turned that swab in to Mr. Curtis Burnett of the
10 evidence room?

11 A. Yes.

12 Q. Did you have anything to do as far as the investigation
13 of Adonis Williams?

14 A. I did not.

15 **Ms. Garfield:** Thank you. Please answer any questions
16 Mr. Schnee has.

17 Cross-Examination

18 By Mr. Schnee:

19 Q. Did you take a statement from Mr. Tucker?

20 A. Yes.

21 Q. Could I see a copy of that, please?

22 **Ms. Garfield:** Your Honor, I would object to the
23 relevance. He's testified that that investigation had
24 nothing to do with this case.

25 **The Court:** Well, I don't know where he's going with the

1 thing.

2 **Mr. Schnee:** I have never seen it. That's why I would
3 like to look at it.

4 **The Court:** Is this a discovery procedure here today? I
5 don't think so.

6 By Mr. Schnee:

7 Q. Thank you.

8 A. Thank you.

9 Q. Based on the statement you obtained, where does Isaac
10 Tucker live? What street?

11 A. [REDACTED] Leesburg Road.

12 **Mr. Schnee:** Thank you.

13 **The Court:** Anything further?

14 Redirect Examination

15 By Ms. Garfield:

16 Q. Investigator Carwell, what was the nature of the
17 burglary?

18 A. The nature of the burglary was the homeowner, the
19 victim, arrived home and observed two suspects coming out of
20 his residence and was able to identify Mr. Tucker out of a
21 photo line-up.

22 Q. And what was the theft involved?

23 A. A T.V.

24 **Ms. Garfield:** Thank you. Nothing further.

25 **The Court:** Anything?

1 **Mr. Schnee:** (Shook head from side to side.)

2 **The Court:** All right. Thank you. You may step down.

3 **Ms. Garfield:** The State calls Curtis Burnett.

4 Curtis L. Burnett, after being duly sworn,
5 testified as follows:

6 **The Clerk:** Please have a seat. State your full name
7 for the record.

8 **The Witness:** Curtis Lee Burnett.

9 Direct Examination

10 By Ms. Garfield:

11 Q. Investigator Burnett, where are you employed?

12 A. Part-time with the Richland County Sheriff's Department.

13 Q. And where are you employed the other part-time?

14 A. Full-time employment with the Department of Defense, the
15 9-1-1 center at Fort Jackson, as a dispatcher.

16 Q. And---

17 A. I'm also a retired criminal investigator from the United
18 States Army for 20 years.

19 Q. So how many years have you been in law enforcement?

20 A. Since '77.

21 Q. And your duties with the sheriff's department currently
22 are in the evidence room?

23 A. Yes, ma'am. I'm a technician in the evidence room.

24 Q. And do you collect evidence and sign it out?

25 A. Yes.

1 Q. And specifically in your involvement in this case, the
2 case just referenced to State versus Isaac Tucker, did you
3 collect that swab from agent -- I mean Investigator Carwell?

4 A. I don't have that one; I think you have it.

5 Q. Okay.

6 A. You have a copy of it.

7 Q. (Ms. Garfield hands a document to the witness.)

8 A. Yes, number eight from Mr. Carwell on February 1st,
9 2011.

10 Q. Thank you. And you wouldn't have collected it if it
11 wasn't packaged properly; is that right?

12 A. No.

13 Q. And you didn't have anything to do with the
14 investigation of Mr. Tucker.

15 A. No.

16 **Ms. Garfield:** Thank you. Please answer any questions
17 Mr. Schnee has.

18 **Mr. Schnee:** No questions.

19 **The Court:** Thank you, sir. You can step down.

20 **Ms. Garfield:** The State calls Patty Weed.

21 Patricia Weed, after being duly sworn, testified as
22 follows:

23 **The Clerk:** Please have a seat. State your full name
24 for the record.

25 **The Witness:** I'm Deputy Patty Weed.

Direct Examination

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By Ms. Garfield:

Q. Investigator Weed, where are you employed?

A. Richland County Sheriff's Department.

Q. And where are you employed there?

A. The evidence and property room.

Q. And do you collect evidence as well as give it out to other agents or lab technicians?

A. Yes, ma'am.

Q. And specifically in this case did you collect a number of swabs at one time -- I'm sorry, not collect. Did you transfer a number of swabs in this case to include swabs from the incident location to investigator -- I'm sorry, Sergeant Don Robinson?

A. Yes, ma'am.

Q. And at any time did you also give swabs to Christine Barrickman with the DNA lab?

A. I did.

Q. And if those items had not been packaged properly or whatever, would you have transferred them to those individuals?

A. No, ma'am.

Q. And, Investigator Weed, did you have anything to do with the investigation of this actual case?

A. No, ma'am.

1 Q. Just your role in this case is in the property room.

2 A. Yes, ma'am.

3 **Ms. Garfield:** Thank you, Investigator Weed.

4 **The Court:** Anything?

5 **Mr. Schnee:** No questions.

6 **The Court:** All right. Thank you, ma'am.

7 **Ms. Garfield:** The State calls Anthony Branham.

8 Anthony Branham, after being duly sworn, testified
9 as follows:

10 **The Clerk:** Please have a seat. State your full name
11 for the record.

12 **The Witness:** Anthony Branham.

13 Direct Examination

14 By Ms. Garfield:

15 Q. Investigator Branham, where are you employed?

16 A. Richland County Sheriff's Department.

17 Q. And how long have you been with the sheriff's
18 department?

19 A. Since June of 1996.

20 Q. And specifically what are your duties with the sheriff's
21 department currently?

22 A. I am the supervisor over the evidence room. I'm also
23 called the evidence custodian.

24 Q. And you collect evidence?

25 A. Yes, ma'am.

1 Q. As well as transfer it?

2 A. I do.

3 Q. And if any of that evidence is not packaged properly, do
4 you accept it?

5 A. I will not.

6 Q. And will you then in turn -- you won't give it out
7 either.

8 A. That's correct.

9 Q. And specifically in this case, State versus Adonis
10 Williams, did you have the opportunity to collect any
11 evidence in this case?

12 A. I did.

13 Q. And specifically was that from Sergeant Don Robinson?

14 A. I actually took in evidence from Dr. Gray Amick and then
15 gave it over to Sergeant Don Robinson.

16 Q. Okay. I apologize. And would that include several
17 swabs?

18 A. Yes, ma'am.

19 Q. And those would be swabs tested for DNA?

20 A. Yes, ma'am.

21 Q. And those were swabs from the incident location in this
22 case?

23 A. I believe that is correct, yes.

24 Q. Investigator Branham, did you have any direct
25 involvement in the actual investigation of this case?

1 A. No, ma'am. I solely just handled the evidence in the
2 case.

3 **Ms. Garfield:** Thank you. Please answer any questions
4 the defense has.

5 **Mr. Schnee:** No questions.

6 **The Court:** All right. Thank you, sir. You may step
7 down.

8 **Ms. Campbell:** May it please the Court? Your Honor, at
9 this point we would offer State's Exhibits 73 and 74. They
10 are two indictments from Bamberg County relating to this
11 defendant and his prior burglary convictions.

12 **The Court:** All right.

13 **Mr. Schnee:** No objection.

14 **The Court:** All right. So admitted.

15 (State's Exhibits 73 and 74 were received in evidence.)

16 **Ms. Campbell:** Permission to publish, Your Honor?

17 **The Court:** Yes, ma'am.

18 **Ms. Campbell:** State's Exhibit 73 shows that, excuse me,
19 on September 25th, 2000, that the defendant, Adonis Williams,
20 was convicted of burglary in the second degree. State's
21 Exhibit 74 shows that in 2004 the defendant, Adonis Williams,
22 was convicted of burglary in the second degree. Both of
23 those occurred in Bamberg County.

24 **The Court:** All right.

25 **Ms. Campbell:** At this point the State would call Dr.

1 Gray Amick.

2 **Mr. Schnee:** Judge, may we approach very briefly just
3 for scheduling purposes?

4 **Ms. Campbell:** Sure.

5 (Whereupon, a bench conference was held.)

6 **The Court:** All right.

7 Dr. Gray Amick, after being duly sworn, testified
8 as follows:

9 **The Clerk:** Please have a seat. State your full name
10 for the record.

11 **The Witness:** My name is Gray Amick.

12 Direct Examination

13 By Ms. Campbell:

14 Q. Dr. Amick, where are you employed?

15 A. Richland County Sheriff's Department.

16 Q. What do you do there, sir?

17 A. I'm the DNA technical leader or supervisor of the DNA
18 laboratory.

19 Q. Can you say that again?

20 A. Supervise the DNA laboratory.

21 Q. And tell this jury a little bit about your training and
22 your education in the field of DNA comparison.

23 A. I have a B.S. in Biology in 1989 and a Ph.D in
24 biochemistry in 1993 from the University of South Carolina.
25 In 1993 I was hired by the State Law Enforcement Division,

1 commonly known as S.L.E.D., where I worked for 11 years and
2 in 2004 was hired by the Richland County Sheriff's Department
3 to start their DNA laboratory. So in 2004 I began work at
4 the sheriff's department, developing methods, validating
5 methods, authoring protocol. Every year since I've been in
6 forensics I've had continuing education in the fields that
7 I've been involved in.

8 Q. And your laboratory, it is accredited?

9 A. It is.

10 Q. And what kind of accreditation does your laboratory
11 have, specifically the DNA department?

12 A. We are accredited by the American Society of Crime Lab
13 Directors or ASCLD.

14 Q. And are there certain procedures and proficiency testing
15 that's in place to ensure the quality of your results?

16 A. There is.

17 Q. Can you tell the jury briefly about what type of
18 precautions you take to ensure the quality of your result?

19 A. There's several things specifically for DNA. We run
20 many different controls throughout the process for every
21 item, every piece of evidence we run. We participate in
22 proficiency testing twice a year. Each analyst is
23 proficiency tested by an outside vendor.

24 We participate in 100 percent technical review, meaning
25 all of our work is handed off to a second qualified analyst

1 and they technically look at it and agree with us. There's
2 other -- many quality standards such as facility, security,
3 document control that we also have subscribed to.

4 Q. And over the last I guess almost 20 years you've been
5 doing DNA analysis, have you ever been qualified before as an
6 expert in the courts of law?

7 A. I have.

8 Q. And approximately how many times have you been qualified
9 as an expert in DNA comparison in court?

10 A. Approximately 70 or 80 times.

11 **Ms. Campbell:** Your Honor, at this time we'd offer him
12 as an expert in DNA comparison.

13 **Mr. Schnee:** No objection.

14 **The Court:** All right. Ladies and gentlemen, I'm going
15 to find the doctor to be qualified as an expert in DNA
16 comparison and, as such, he can offer his opinions in this
17 field.

18 By Ms. Campbell:

19 Q. Doctor, before I get it in general, when items from a
20 crime scene are submitted for processing in your laboratory,
21 tell the jury generally, you know, how you go about
22 processing it and what kind of known standards you need in
23 order to do a comparison.

24 A. Okay. Basically what happens is evidence is collected,
25 as you've heard, and submitted to the laboratory, and

1 standards from the people involved are also collected and
2 submitted, whether they be suspects or victims or elimination
3 standards. We take the evidence and standards and we run it
4 through a process that involves extraction, quantitation, and
5 then attempt to get a DNA profile. So once we get the DNA
6 profile or the result, we can compare what we've found on the
7 evidence to the standards involved to say whether or not
8 those two match or not.

9 Q. And you mentioned elimination standards. That's a term
10 that's going to come up over and over. In DNA is it both an
11 exculpatory as well as an inculpatory tool to point to the
12 innocence or exonerate someone?

13 A. Right. So when we look at a piece of evidence and we
14 look at standards, we simply determine whether that
15 individual is included or excluded in that piece of evidence.

16 Q. And in order for it to be included, it has to match. Is
17 that correct?

18 A. That's what's termed a match usually, yes.

19 Q. And then once you're able to include a person or match
20 them - and it has to be a match - are you then able to, based
21 on the quality of the DNA present, attach a number that that
22 can be significant?

23 A. Yes.

24 Q. And how is that done, sir?

25 A. That's done by looking at the positions or the locations

1 of the DNA molecules that's been done previously and put into
2 a database. So each of those traits or each of those
3 positions on the DNA molecule has a frequency in the
4 population just like, for example, eye color has a frequency
5 of about one in every four people, so that's a frequency of
6 eye color. So each of these alleles or each of these
7 positions on the DNA has a frequency, and when we get an
8 entire profile we can build an overall frequency for that
9 profile and we attach that to the match as applicable.

10 Q. And the DNA testing you do for forensic purposes in the
11 criminal world, can you tell just looking at somebody's DNA
12 or the results obtained by the tests what somebody's eye
13 color is or necessarily anything like that?

14 A. No. The DNA that we examine with the reagents we use is
15 -- does not code for any physical feature or physiological
16 feature for that matter.

17 Q. But are you able to at least tell the sex of the
18 person's DNA you're examining in most cases?

19 A. Yeah. One of the markers we use is -- does determine
20 the sex. So we can -- just by looking at the profile on
21 paper, we tell whether it's a male or a female. That's all
22 we can tell by looking at that single profile.

23 Q. And, again, your job is to include or exclude someone as
24 a possible suspect in a case. Is that correct?

25 A. That's correct.

1 Q. In this case I believe initially there were certain
2 items that were submitted to your laboratory for testing?

3 A. Yes.

4 Q. And initially in the first things I want to talk about
5 is State's Exhibit Number 62 which is the victim's buccal
6 swab?

7 A. Okay.

8 Q. And State's Exhibit Number 58.

9 A. All right.

10 Q. The cigarette butt specifically, was that item submitted
11 to your department for examination?

12 A. Yes, it was.

13 Q. And are cigarette butts -- explain to this jury why
14 cigarette butts can be significant in identifying people.

15 A. Because -- well, any piece of evidence that you put your
16 mouth on can be very -- a piece of evidence that we can
17 usually pretty easily get a DNA profile from. So a cigarette
18 butt being something that you put your mouth on, you can get
19 a DNA profile from it pretty readily.

20 Q. And I also handed up to you a known standard from Linda
21 Wofford in this case that was originally submitted. In a
22 case involving -- pretty much any case, you always want to
23 get a known standard from the victim as a possible
24 elimination standard?

25 A. Yes, if the -- if the piece of evidence we're talking

1 about has the chance that that person touched it. So any
2 time you're dealing with a piece of evidence that a victim
3 touched or anybody touched, you want to get everybody
4 involved's profile or everybody involved's standard run so
5 you can eliminate them or include or exclude them.

6 Q. And while we're touching (verbatim) about that, you
7 referred to something called touch DNA? Are there different
8 ways that DNA can be left at a crime scene?

9 A. Yes.

10 Q. And traditionally it usually involves body fluids such
11 as blood, maybe saliva, semen, things of that nature in rape
12 cases?

13 A. Right. Those are the three main body fluids we
14 classically identify and analyze: Blood, semen, and saliva.

15 Q. But over the years as it's progressed in DNA testing,
16 are you able now to also test for what's known as touch DNA?

17 A. Yes, we are, because the sensitivity of the test has
18 increased. So we don't necessarily have to see a stain on a
19 piece of -- a piece of evidence. We can simply swab an area
20 that we think has been touched and potentially get a DNA
21 profile from that.

22 Q. And when getting a known standard from someone, you
23 mentioned before cigarette butts because they put their mouth
24 on it. It's actually in the saliva?

25 A. That's correct.

1 Q. And so when you are actually collecting a known standard
2 from a person, is it typical to get it from the inside of the
3 mouth with what's essentially a big Q-tip?

4 A. Yes.

5 Q. And that was done in this case.

6 A. It was.

7 Q. And all the evidence that we're going to be talking
8 about, just for the record, was properly submitted to your
9 laboratory and properly packaged and everything before you
10 did testing.

11 A. Yes.

12 Q. When you initially tested the cigarette butt that I've
13 shown you, tell the jury what kind of testing you've done and
14 what kind of result -- were you able to actually get a DNA
15 profile to be tested?

16 A. From which item?

17 Q. The cigarette butt.

18 A. Yes. The cigarette butt -- we did develop a DNA profile
19 from Item 10 which is the cigarette butt and it was a
20 mixture.

21 Q. And from looking at the mixture, what were you able to
22 determine?

23 A. I was able to determine and concluded that Linda Wofford
24 and Adonis Williams could not be excluded from being
25 contributors to this mixture.

1 Q. Okay. Let me back up for a minute because we had to go
2 out of order because of a witness thing. Are you familiar
3 with Nancy Skraba at the S.L.E.D. laboratory?

4 A. Yes.

5 Q. And in this case when this item was initially run before
6 you confirmed the run, was a DNA profile developed off the
7 cigarette butt?

8 A. Yes.

9 Q. And at that point you didn't know who Adonis Williams
10 was.

11 A. Yes, I did not.

12 Q. So at that point is there a S.L.E.D. lab database that
13 you can then run an unknown sample in and was that done in
14 this case? Don't say anything about the database.

15 A. I do believe that. I'm looking at my second
16 supplemental report, but I believe my original report said it
17 was an unknown male.

18 Q. And at that point it was submitted to S.L.E.D. for
19 comparison to known data -- DNA profiles that are in a
20 database.

21 A. That's correct.

22 Q. And as a result of submitting that, was it then
23 submitted back to your department for further testing?

24 A. Was what submitted back?

25 Q. Was there a letter that was forwarded to your department

1 indicating whether or not a match had been made?

2 A. There was -- we didn't reanalyze the cigarette butt. We
3 analyzed the individuals involved at that point.

4 Q. Okay. And at that point, based on the information
5 developed, were you then submitted State's Exhibit Number 1
6 which was a known sample from Adonis Williams? And I'm sorry
7 I'm being clumsy about this. We're out of order.

8 A. Yeah. This was Item 18, so, yes, it was submitted to me
9 at that point, yes.

10 Q. Okay. And in addition to that, were there also some
11 swabs from the interior of a car and a home, State's Exhibit
12 Number 60, that were submitted? I'm sorry.

13 A. Yes. I have in this Items 2, 3, 4, 5, 6, 7, 8, and 9,
14 all from a car and it looks like the inside of a house, like
15 doorknobs and door handles and stuff like that.

16 Q. And those were the items of evidence from the crime
17 scene that were all initially submitted to you or were
18 submitted to your lab which were the cigarette butts plus the
19 swabs we just referred to.

20 A. Yes.

21 Q. And that was the testing you did in this case as far as
22 from the crime scenes.

23 A. That's correct.

24 Q. I'm going to show you what's been marked as State's
25 Exhibit Number 71. Do you recognize this chart?

1 A. Yes, I do.

2 Q. And does this accurately reflect all the testing you did
3 in this case and the results?

4 A. It appears to.

5 **Mr. Schnee:** No objection to it.

6 (State's Exhibit 71 was received in evidence.)

7 By Ms. Campbell:

8 Q. Dr. Amick, when you run a test on a piece of evidence
9 from a crime scene, is it unusual to have what's called a
10 mixture of more than one person's DNA?

11 A. It's common, especially depending on what type of item
12 you're talking about.

13 Q. And in this case on at least one or two of the items,
14 did you develop DNA profiles that you could attribute to more
15 than one person or what's known as a mixture?

16 A. I did.

17 Q. Does that affect necessarily your ability to be able to
18 compare that and make a match to someone else?

19 A. It may or may not.

20 **Ms. Campbell:** Your Honor, may the witness step down?

21 **The Court:** He may.

22 By Ms. Campbell:

23 Q. If you could come over here so the court reporter can
24 hear you. And at a later date were you also submitted two
25 other known standards from someone named Blankenbecklor and a

1 guy named Tucker?

2 A. I was submitted I think Blankenbecklor under a different
3 case number and...

4 Q. Tucker was submitted to your laboratory as well?

5 A. Right. He was -- he was submitted to another analyst in
6 the same laboratory.

7 Q. So over the last time period you've been testing in this
8 case, you had four known standards which you compared it to.

9 A. Right.

10 Q. And those known standards belonged to Linda Wofford?

11 A. Yes.

12 Q. Adonis Williams?

13 A. Yes.

14 Q. Charles Blankenbecklor?

15 A. Yes.

16 Q. And Isaac Tucker.

17 A. Correct.

18 Q. And then the items that are from here up are the items
19 that were actually submitted for testing from the crime
20 scenes in this case; correct?

21 A. Correct. Those are the items of evidence.

22 Q. The first item that was submitted for your comparison
23 was a swab from the interior passenger door of the Toyota?

24 A. Correct.

25 Q. And under the line that says "DNA extracted," were you

1 able to get DNA? ✓

2 A. Yes.

3 Q. And how did you characterize that DNA that you were able
4 to get from the swab on the passenger door of the vehicle?

5 A. It was a mixture.

6 Q. And in that mixture is it uncommon or is it common for
7 you to be able to tell the difference between what's called a
8 major contributor and a minor contributor?

9 A. Sometimes you can do that.

10 Q. And in this case were you able to distinguish between a
11 major contributor and a minor contributor?

12 A. I believe upon examination, looking at it, you could see
13 that there was a major/minor contributor.

14 Q. And what does that mean when I say that?

15 A. That means when you mix two DNA profiles together, you
16 may have more of one or the other. So the one you have more
17 of is going to be the major contributor, and you can see that
18 actually on the actual physical page, and the one you have
19 less of is going to have a less amount of DNA and you can
20 distinguish that.

21 Q. And this question has been asked a lot, but could you
22 tell how long DNA may have been some place?

23 A. No, you cannot.

24 Q. And as far as whether or not even if somebody gets into,
25 say, an automobile and stays in there for a period of time,

1 are they necessarily going to leave DNA?

2 A. Not necessarily.

3 Q. Is it similar to fingerprints? It just depends?

4 A. It is.

5 Q. When you tested the swab from the interior passenger
6 door of the Toyota, it was a mixture? The major contributor
7 was what sex?

8 A. Female.

9 Q. And there was a very minor contributor?

10 A. There was also a male that was a minor; correct.

11 Q. And in the results of that, who all were you able to
12 eliminate as being contributors to those?

13 A. I eliminated all the people that you mentioned before.
14 Adonis Williams, Linda Wofford, they were both excluded from
15 that mixture, and Blankenbecklor and Tucker were also
16 eliminated from that mixture.

17 Q. The next swab that was submitted was a swab from the
18 exterior passenger door of the Toyota truck. Were you able
19 to get DNA?

20 A. I did get some DNA, yes.

21 Q. And then what was the result?

22 A. That profile was too weak to make an interpretation.

23 Q. What does that mean, sir?

24 A. That means there wasn't enough DNA there to develop a
25 full enough profile to say, okay, this person is included or

1 excluded. There just wasn't enough DNA there.

2 Q. And is that an unusual result?

3 A. No. We get that commonly -- especially with touch DNA.

4 Q. And in this case there was never any indication that any
5 of this had any blood or anything on it.

6 A. That's correct.

7 Q. Okay. Item Number 4, the swab from the passenger door
8 latch on the window, you were able to get a DNA profile?

9 A. I got some DNA; correct.

10 Q. And, again, there wasn't enough there for you to do
11 anything with?

12 A. Too weak to interpret, yes.

13 Q. Number 5, swab from the center console on the passenger
14 side, were you able to get any DNA?

15 A. No, no DNA was extracted from that item.

16 Q. Moving on to the swab of the cigarette disposal
17 container, were you able to get a DNA profile?

18 A. Yes.

19 Q. And, again, it was too weak to interpret?

20 A. Correct.

21 Q. Item Number 7, swab from the exterior storm door handle
22 of the house, a DNA profile?

23 A. Too weak to interpret.

24 Q. The same for Item Number 8, swab from the exterior point
25 of the entry doorknob.

1 A. Too weak to interpret, yes.

2 Q. And, finally, the swab from the bedroom door handle at
3 the house, you were able to get a DNA profile?

4 A. Yes.

5 Q. And were you able to match that to anyone?

6 A. It matched Linda Wofford.

7 Q. And in your opinion -- I notice there's a number under
8 that 1 in 1.0 quintillion?

9 A. Yes.

10 Q. What does that mean?

11 A. That means the frequency of a seeing that profile in the
12 population is 1 in 1 quintillion in the Caucasian population.

13 Q. And in -- how many people are on earth?

14 A. Around six and a half billion, I think the last
15 estimation.

16 Q. And is quintillion bigger or smaller than a billion?

17 A. It's bigger.

18 Q. So in your opinion as an expert in this field, was that
19 a match to Linda Wofford?

20 A. Yes, it was.

21 Q. No one else.

22 A. No one else. Correct.

23 Q. And when DNA matches -- we're talking about it just like
24 with fingerprints. Is DNA unique?

25 A. It is unique to everybody except for identical twins.

1 Q. Except for identical twins.

2 A. Yes.

3 Q. Item number 10, the cigarette butt that we've referred
4 to, you were able to extract DNA?

5 A. Yes.

6 Q. It was a mixture?

7 A. Correct.

8 Q. You also got a CODIS hit off that?

9 A. Yes.

10 Q. And as far as in the mixture, tell this jury what, if
11 anything, you were able to match it to.

12 A. That profile was a mixture, and I could not eliminate
13 Linda Wofford or Adonis Williams as being contributors to
14 that mixture.

15 Q. And when you use "you could not eliminate as being
16 contributors," that's the terminology you use typically in
17 your field?

18 A. That's used for mixtures; correct. So it's basically
19 saying those two people are in that mixture.

20 Q. And as far as the number that's under that, what's the
21 significance of that?

22 A. That number is a frequency or likelihood ratio number of
23 a hypothesis that this -- that this is describing.

24 Hypothesis is that on this swab Linda Wofford and Adonis
25 Williams are on it or Linda Wofford and an unknown person are

1 on it. So the likelihood that it is Linda Wofford and Adonis
2 Williams is 140 times more likely than the opposite
3 hypothesis, that is, it's Linda Wofford and some unknown
4 random person.

5 Q. 140?

6 A. Quintillion.

7 Q. Quintillion. And were you able to eliminate anyone else
8 as being a contributor on that?

9 A. Yes. The individual Blankenbecklor and Tucker were
10 eliminated from that mixture.

11 Q. And, in your opinion, was that Adonis Williams' DNA on
12 that cigarette butt?

13 A. It was his and Linda Wofford's.

14 Q. That's your expert opinion.

15 A. It is.

16 Q. In your laboratory once you come up to -- once a
17 conclusion is made by you, is your report also reviewed
18 independently by another person in your office?

19 A. Yes, it is.

20 Q. Another DNA analyst.

21 A. Yes.

22 Q. And did they concur in your conclusions in this case?

23 A. They did.

24 Q. So they agreed with you.

25 A. Yes.

1 Q. When you talk about touch DNA versus DNA left by, say,
2 saliva as in this case, is it a different kind of DNA testing
3 that's done or is it the same DNA testing and it's just the
4 manner of how it's deposited?

5 A. It's the same. It's the same procedures for extraction,
6 for amplification, for the -- the procedure is the same.
7 It's just -- like you said, it's not from a known source like
8 blood, semen, or saliva.

9 Q. Okay. And in a case such as a cigarette butt, if
10 someone had handled the cigarette first and then someone else
11 smoked it, would you expect or could you expect to find a
12 mixture?

13 A. That's possible.

14 Q. And in this case the mixture you found on Item Number 10
15 was of whose DNA?

16 A. Linda Wofford's and Adonis Williams'.

17 Q. The other two subjects that were submitted for you to do
18 testing to eliminate or include - Blankenbecklor and Tucker -
19 were they eliminated from being on that cigarette butt?

20 A. Yes, they were.

21 **The Court:** All right. Mr. Schnee?

22 **Mr. Schnee:** May it please the Court? May we approach
23 for a second?

24 (Whereupon, a bench conference was held.)

25 **The Court:** Ladies and gentlemen, because of our late

1 start, basically since we didn't get started yesterday, I'm
2 trying to do what we can do to finish this case this week
3 because you probably don't want to come back next week to
4 finish it and I don't want to have to be back here on this
5 case next week if we can. So we're going to try and finish
6 this witness before we break, and I think it may run us about
7 a half an hour longer than we might otherwise be here. But
8 we're going to take about a five-minute break, let you go
9 back to the rest room and relax for five minutes or so.
10 We're going to bring you back out. Hopefully we can get this
11 witness and finish up by 6:00 today and we'll let you go.

12 So please don't discuss the case while you're there, and
13 we'll bring you back in five minutes or so.

14 (Whereupon, the jury was excused from open court at
15 5:24 p.m.)

16 **The Court:** All right. We'll take about five minutes,
17 and we're going to go until we finish, so...

18 **Mr. Schnee:** Yes, sir.

19 **The Court:** All right. Doctor, you can step down if you
20 want.

21 **The Witness:** Thank you.

22 **The Court:** Don't discuss your testimony.

23 (Whereupon, a short break was taken.)

24 **The Court:** All right. Mr. Dye, tell them to bring the
25 jury in. Have we got everybody?

1 (Whereupon, the jury was brought into open court at
2 5:30 p.m.)

3 **The Court:** All right. Thank you. Mr. Schnee, let's
4 proceed, please, sir.

5 **Mr. Schnee:** Thank you, Your Honor. May it please the
6 Court?

7 **The Court:** Yes, sir.

8 Cross-Examination

9 By Mr. Schnee:

10 Q. Good evening. I'd like to talk a little bit about the
11 specifics of DNA testing and collection and various things.
12 Now, with your -- the report that you have that you've
13 created, all the known standards were swabs from inside
14 someone's mouth; right?

15 A. That's correct.

16 Q. Okay. All the others, they are Items 2 through 9 --
17 well, sorry -- actually, yeah, 2 through 9, you would agree
18 those are all touch DNA tests?

19 A. Yes.

20 Q. And Number 10, the cigarette butt that you -- do you
21 have an opinion as to if that's touch DNA saliva or you're
22 not sure?

23 A. I would say it's probably saliva.

24 Q. Okay. Did you actually test to see if it was saliva or
25 is that just---

1 A. No, I did not test to see if it's saliva.

2 Q. Okay.

3 A. I'm assuming it's saliva.

4 Q. Did you ever test or were you ever asked to test
5 anything from a telephone box?

6 A. No. Those items you described were the only ones I
7 tested.

8 Q. Okay. If I could go into this chart for a second. For
9 swab number two, it says the passenger door of the Toyota.

10 A. Yes.

11 Q. You list a major contributor and a minor contributor;
12 right?

13 A. Okay. Yes.

14 Q. For swab number 10, you described it as a mixture. Is
15 that also correct?

16 A. Yes.

17 Q. You don't list a major and minor contributor.

18 A. No.

19 Q. Okay. Why is that?

20 A. If you look at the actual data, number 10 -- I wouldn't
21 say it's equal contribution from the two, but it's -- it's
22 equal enough to where I can't distinguish one is more than
23 the other, so it's what we term an indistinguishable mixture.

24 Q. Okay. And what you're talking about is -- if I could
25 have this marked as Defense Number 5.

1 (Defendant's Exhibit 5 was marked for identification
2 only.)

3 By Mr. Schnee:

4 Q. Are these all the print-outs and bench notes that you
5 take and do during your analysis?

6 A. This appears to be a copy of my case file.

7 Q. Okay. And it's a total of 83 pages.

8 A. That's correct.

9 Q. Okay. And most of it is computer-generated from the
10 software that you use to analyze DNA.

11 A. Yes, a lot of it is.

12 Q. Okay. Particularly what we're talking about for
13 something like Item Number 19, being a cigarette butt, it's a
14 graph with a whole bunch of little peaks on it.

15 A. Which page are you looking at?

16 Q. Page 10. It's Item Number 10.

17 A. What's the question?

18 Q. That's -- the profiles that are developed, you've got 15
19 different sections of DNA; right?

20 A. And plus the sex markers. There's 16 locations, yes.

21 Q. Okay. And for each of those locations, you have
22 something called an allele.

23 A. You may have one or two alleles, or more if it's a
24 mixture, yes.

25 Q. Okay. And the chart that you actually generate, it has

1 a peak height to it; right?

2 A. That's correct.

3 Q. And the higher it is, the stronger it is.

4 A. The higher it is, the more DNA is there. Correct.

5 Q. Okay. And when you're looking for the difference
6 between a major contributor and a minor contributor, you're
7 looking at least in part at different peak heights.

8 A. That's one of the things; correct.

9 Q. Okay. Now, for Item Number 10 on the cigarette butt,
10 your analysis is that it's a mixture of -- as close to equal
11 as you can possibly get of contributors?

12 A. No, I didn't say as close as you can get. I said it
13 wasn't distinguishable. So I couldn't easily distinguish a
14 major and a minor contributor.

15 Q. Okay. Now, in your opinion, dealing with touch DNA and
16 saliva and blood and everything else, is it likely that a
17 single person touched the cigarette butt and the second
18 contributor put it in their mouth to get an indistinguishable
19 level?

20 A. I don't know. I can't -- I can't -- I don't know what I
21 would get from that scenario until I ran it.

22 Q. Okay. But in your experience saliva usually leaves a
23 lot more DNA than, say, touching something.

24 A. It's possible. I would probably agree with that in most
25 cases.

1 Q. Okay. Now, part of what you listed on this chart that
2 you made, you list 1 in 1 quintillion and a few other
3 quantitations; right?

4 A. There's some statistics on it, yes.

5 Q. Okay. And when you're talking -- and that's what you
6 consider frequency of population I believe is the term you
7 used?

8 A. There's two different ones on there. So which one are
9 you talking about?

10 Q. Well, it's a frequency analysis; right?

11 A. The match statistic for Linda Wofford is a frequency.
12 The statistic for the mixture is a likelihood ratio.

13 Q. Okay. Now, do you come up with the math for all that?

14 A. No, that is generated from software.

15 Q. Okay. And the software comes from the same company that
16 gives you the chemicals for the amplification.

17 A. No. The software is from the F.B.I. actually.

18 Q. The software that does that match.

19 A. Yes.

20 Q. Are you aware that the company that created these
21 chemicals has their own population data?

22 A. They have a database; yes, I'm aware of that.

23 Q. Okay. But you don't use that.

24 A. We use the F.B.I.'s database.

25 Q. Okay. How many people are in the F.B.I. database that

1 are used for that population study?

2 A. It's around 200.

3 Q. 200?

4 A. Yes.

5 Q. Is that 200 African American or 200 total?

6 A. I believe it's 200 total.

7 Q. Okay. And that's how you come up with 1 in 1
8 quintillion?

9 A. That database is used, yes.

10 Q. And it's a database of 200 people.

11 A. Correct.

12 Q. Have you ever used a database for that analysis from the
13 company that created your chemicals? Are you familiar with
14 any of that software?

15 A. I'm not familiar with their software. I know they have
16 a database. A lot of other labs have databases, too. And I
17 know a lot of people use the F.B.I. database and we use the
18 F.B.I. database.

19 Q. Okay. Now, for each of the separate points of DNA that
20 you're looking at, each is -- it's called loci, each of the
21 sections.

22 A. The locations are called loci; correct.

23 Q. Okay. Each one of those, they have different population
24 frequencies. Would you agree with that?

25 A. No. Each allele, each locus, has a different frequency.

1 Q. Okay. So it's based on every different allele at each
2 locus.

3 A. Correct.

4 Q. And you don't do any of the math yourself. It's just a
5 software system from the F.B.I.

6 A. That's correct. I mean, what happens is that the
7 databases take a representative sample from population groups
8 and then they're run through population genetics systems to
9 test their robustness, I guess, and that is published in peer
10 reviewed journals and it's tested against lots of different
11 parameters to make sure it's applicable to this type of
12 calculation.

13 Q. Okay.

14 A. So it's not just some random database that says, "Here;
15 use this." It's extensively tested to make sure it can be
16 used for this type of calculation. So that -- that -- that's
17 been published and that's the reason that we use the F.B.I.
18 database.

19 Q. Okay. I'd like to go into the specifics of what your
20 results were. Now, for item number -- let's go starting with
21 Number 3. Do you have that in front of you?

22 A. Yeah. The result or the actual profile?

23 Q. The profile itself.

24 A. Yes.

25 Q. Okay. Now, you listed that as too weak to reliably

1 interpret.

2 A. I did.

3 Q. Okay. Now, that's because it's only a partial profile;
4 right?

5 A. That's correct.

6 Q. Now, that test was performed in March of 2009?

7 A. That's correct.

8 Q. You would consider that to be a weak or degraded sample
9 of DNA?

10 A. I don't -- I can't make an opinion about if it's
11 degraded or not, but I can tell you there's not enough DNA
12 there for me to get a full profile and make an
13 interpretation.

14 Q. Okay. When you ran the test for that, you left over 10
15 percent of the swab?

16 A. I'd have to look at my notes on that. Yes. Item 3,
17 sample remaining was 10 percent.

18 Q. Okay. And after you had run the test, you got the
19 result and you looked at it.

20 A. Yes.

21 Q. Okay. And you noticed obviously there was very little
22 DNA information in this.

23 A. I did.

24 Q. At that point did you do any further tests on that swab
25 to try to get the rest of the DNA?

1 A. I did not.

2 Q. Since then have you attempted after that?

3 A. I have.

4 Q. Based on my request.

5 A. Yes.

6 Q. Something called a MiniFiler?

7 A. What was requested was to extract it again and try a kit
8 that may be more sensitive which -- one of which is
9 MiniFiler, yes.

10 Q. And that was just within the past couple of months.

11 A. Yes.

12 Q. More than two years after the DNA was originally
13 collected.

14 A. Yes.

15 Q. Now, at that point you were unable to get any DNA.

16 A. That's correct. My report says no DNA was extracted
17 from in this case Item 3 upon second extraction. So I went
18 back to the swab, made an additional cutting and did the
19 quantitation and had no DNA there.

20 Q. Okay. Now, there's still some of that swab left; right?

21 A. There is.

22 Q. And, in fact, you could submit that to another lab for
23 something called mitochondrial DNA testing, couldn't you?

24 A. We don't do that. We try to keep from consuming the
25 entire swab or the entire piece of evidence so it's available

1 for additional testing if anybody else wants to test it.

2 Q. Okay. So it could be submitted somewhere else.

3 A. It could be, yes.

4 Q. Okay. And your second extraction, what was the date of
5 that?

6 A. For Item 3?

7 Q. Or for -- it's more items than 3 but for Item 3
8 included.

9 A. Items 3, 4, 6, 7, and 8 were extracted the second time
10 on June 30th of this year, 2011, and Item 2 on September 1st
11 of 2011.

12 Q. Okay. That would be last week.

13 A. Yeah, last week.

14 Q. Okay. And for swab number 2, that was your male and
15 female mixture from the interior of the door.

16 A. Correct. Yes.

17 Q. Okay.

18 A. From the original result.

19 Q. And you would agree with me for swab number two not a --
20 there are not two full profiles there.

21 A. We're looking at the data for two now?

22 Q. Yes, sir, Page 12.

23 A. And what was the question?

24 Q. Would you agree with me that there are not two full
25 profiles on there?

1 A. Yes, I would agree there is some indication at some of
2 the locations of not a full profile.

3 Q. Okay. And that could be useful for an analysis if you
4 had a full profile, couldn't it?

5 A. Say that again.

6 Q. Having a full profile can be useful to have for an
7 analysis.

8 A. Yes, generally it would.

9 Q. Okay.

10 A. It doesn't -- it doesn't preclude me from making the
11 interpretation I made, but I would agree with the statement.

12 Q. It certainly makes it a lot easier for you or anyone
13 else to interpret when you have full profiles.

14 A. It is. However, this profile is only lacking in maybe
15 two loci. So out of 16 loci, you have 14 loci.

16 Q. Okay.

17 A. So it's quite a while a full -- it's quite -- it's not
18 partial like you have one or two loci and you can't make a
19 good interpretation. There's lots of stuff to make
20 interpretation for, but it does lack at a couple of
21 locations.

22 Q. Okay. And each of these loci locations, they're all
23 labeled with, for an example, DAS1179, something like that, a
24 lot of numbers that are associated with a certain fragment of
25 DNA.

1 A. They all have labels, correct.

2 Mr. Schnee: Okay. Judge, at this time I would move to
3 admit his actual data that he recovered into evidence.

4 The Court: Do y'all have any objection?

5 Ms. Campbell: I believe it's not admissible, Your
6 Honor. His testimony is admissible.

7 The Court: I don't know what you're talking about. The
8 actual---

9 Mr. Schnee: The actual results, not his report, the
10 actual results that he obtained, the raw data.

11 The Court: Well, he can testify as to that raw data.
12 That comes out of his report?

13 Mr. Schnee: No, it's not his report. This is the --
14 this is what comes out of the computer system with all the
15 profiles and peaks and all of that.

16 The Court: This is -- this is information he relied on
17 to form his opinion?

18 Mr. Schnee: Yes, sir.

19 The Court: I don't think that's admissible. That's
20 like a book that he might have read to educate himself. Is
21 that what you're saying?

22 Mr. Schnee: No. This is the actual data he interpreted
23 itself.

24 The Court: Do y'all have any objection to that?

25 Ms. Campbell: Your Honor, we just object. The general

1 rules, it's not admissible. His testimony is the best
2 evidence.

3 **The Court:** I don't know what data you're talking about.

4 **Mr. Schnee:** The actual profiles that will expedite this
5 process a lot.

6 **The Court:** How is it going to expedite it?

7 **Mr. Schnee:** Well, Judge, in order for me to go through
8 all this I would have to go through every single item, every
9 single loci and allele, whereas if it's admitted in evidence
10 I won't have to do that.

11 **Ms. Campbell:** Objection to him testifying in front of
12 the jury, Your Honor.

13 **The Court:** Well, we're talking... Do y'all have any
14 objection? Yes or no.

15 **Ms. Campbell:** Yes, sir.

16 **The Court:** All right. Sustained. You're going to have
17 to go through it.

18 By Mr. Schnee:

19 Q. All right. Okay. I'm going to start with -- if you
20 could just pull out Page Number 11 and it's -- actually 9 and
21 11. Those would be the profiles of Linda Wofford and Adonis
22 Williams.

23 A. Okay.

24 Q. All right. And also pull out Page 14 which is the swab
25 number nine. I'm sorry. Not nine. Page 15, swab nine.

1 A. Okay.

2 Q. Now, on the very first loci there, there are two alleles
3 listed. It's 9 and a 14?

4 A. On Item 3?

5 Q. Yes, sir.

6 A. Yes.

7 Q. Okay. Does either Linda Wofford or Adonis Williams have
8 a 9 within their profile at that loci?

9 A. No.

10 Q. Going all the way over to the last one on the first
11 line, the allele number is 10?

12 A. Yes.

13 Q. Do Linda Wofford or Adonis Williams have a 10 in that --
14 in that section?

15 A. No, they do not.

16 Q. Okay. Moving on to swab number four, on the top -- on
17 the top line, last loci, there is a 10 in there, the allele?
18 It's a 10 and 12?

19 A. Item 4?

20 Q. Yes, sir.

21 A. Okay.

22 Q. Of equal strength?

23 A. A 10, 12, yes.

24 Q. Okay. Is there a 10 anywhere in either Adonis Williams
25 or Linda Wofford?

1 A. At that locus, no.

2 Q. Okay. All right. Moving on to Item Number 6, for the
3 second loci the allele is 31.2?

4 A. Yes.

5 Q. Do either Adonis Williams or Linda Wofford have a 32 --
6 31.2? I'm sorry.

7 A. No, they do not.

8 Q. Okay. On the second line, second loci, on Item Number
9 6, the allele is an 8?

10 A. Yes.

11 Q. Do either Linda Wofford or Adonis Williams have an 8 at
12 that loci?

13 A. No, they do not.

14 Q. Going to the end of that line, the last loci is a 17 for
15 Item Number 6?

16 A. Yes.

17 Q. Okay. And do either Linda Wofford or Adonis Williams
18 have a 17 at that loci?

19 A. No, they do not.

20 Q. The next line, the first loci is a 14 and a 14.2 for
21 Item Number 6.

22 A. Okay.

23 Q. Do either Linda Wofford or Adonis Williams have a 14 and
24 a 14.2?

25 A. No.

1 Q. Or a 14.2. Item Number 7, the top line, the last loci
2 there is a 10 and a 12 for the Item Number 7?

3 A. Yep.

4 Q. Okay. Does either Adonis Williams or Linda Wofford have
5 a 10 in there?

6 A. Not at that locus.

7 Q. All right. Item Number 8 on the second line, the first
8 loci is an allele of 15?

9 A. Which locus?

10 Q. The first one on the second line.

11 A. Okay.

12 Q. It's 15?

13 A. Yes.

14 Q. Do either Linda Wofford or Adonis Williams have a 15?

15 A. No.

16 Q. Moving over... I think that is all of them. The last
17 two items I'd like you to look at are the profiles of
18 Blankenbecklor and Tucker.

19 A. Could you give me a page number?

20 Q. 76 and 78.

21 A. All right.

22 Q. If you -- specifically for item -- for the
23 Blankenbecklor profile, you don't have all the alleles on
24 there, do you?

25 A. It is not a complete profile; correct.

1 Q. Okay. Did you ever ask an investigator to get you
2 another swab to get a better profile?

3 A. No, because it was sufficient for that analysis that I
4 was doing.

5 Q. Okay. And that's your opinion of it.

6 A. Yeah.

7 Q. Okay. But it's not a full profile.

8 A. No, it's not a full profile.

9 Q. Okay. And I know this is going to be boring and I'm
10 sorry. If you could, please just read both complete profiles
11 to the jury. I just have to put it on the record.

12 A. Do what?

13 Q. Just read through both of the profiles to the jury.

14 A. Both of which profiles?

15 Q. Blankenbecklor and Tucker. Just read all the alleles
16 with the corresponding loci.

17 A. All right. All right. For Blankenbecklor a D8 is at
18 1016. B21, he's at 31.2. At D3 he's a 1418. At TH01 he's
19 an 89.3. At D13 he's a 12. At D16 he's a 9. At D2 he's a
20 16. Partial. Could be dropout there. At D19 he's a 1314.
21 At DWA he's a 1618. A TPOX he's a 1011. At D18 he's a 15.
22 At D5 he's an 1112, and at FGA he's a 2123.

23 Q. Okay. And Mr. Tucker?

24 A. Do you want me to read Mr. Tucker?

25 Q. Yes, please.

1 A. Mr. Tucker. D3, he's a 1516. At Th01 he's a 69. At
2 D21 he's a 29 and 32.2. At D18 he's a 16. At Penta E he's
3 an 8. At D5 he's an 1113. At D13 he's an 1112. At D7 he's
4 at 811. At D16 he's a 910. And CSF he's an 813. At Penta D
5 he's an 811. At VWA he's an 18, and at D8 he's a 1314. At
6 TPOX he's an 8. At FGA he's a 2023.

7 Q. I appreciate that. I'm sorry again. Just go back
8 briefly. The -- for your population data, the F.B.I.
9 database of 200 people, they publish the results for each
10 allele; right?

11 A. Yes.

12 Q. Standard procedure. It's basic math, multiplication,
13 once you have all the alleles lined up.

14 A. It's a little more than basic math, but you can take the
15 frequencies of each of those and multiply them together - I
16 think is what you're referring to - to get your combined
17 frequency, yes.

18 Q. Right. And then you take the inverse of that and you --
19 because there are .009, the percentages, to get the actual 1
20 in quintillion, you just take the inverse.

21 A. Correct.

22 **Mr. Schnee:** Okay. Judge, that's all I have.

23 **The Court:** All right. Ms. Campbell?

24 **Ms. Campbell:** Brief follow-up.
25

Redirect Examination

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By Ms. Campbell:

Q. He asked you about DNA testing. The DNA testing that's done today, is it extremely sensitive?

A. It is.

Q. So sensitive that -- it didn't used to be that you could actually test for touch DNA; is that correct?

A. That's correct.

Q. And if someone comes up and touches something, depending on the person, how it's left, how it's touched, things of that nature, they may or may not leave DNA there; is that correct?

A. That's correct.

Q. When you run your tests, you can't make more D.N.A. there if it's just simply not there, can you?

A. No. If there's not enough there to get a profile, then we won't get a profile. If there's a little bit there, we may get a partial profile. If there's a lot there, we can get a full profile.

Q. You mentioned that when you did your initial testing in this case I believe that the swabs we've referred to which are items number -- swabs number -- these are the Richland County numbers 2, 3, 4, 5, 6, 7, 8 and 9, that 90 to 95 percent of the swab is actually used in your initial DNA testing?

1 A. Approximately 90 percent.

2 Q. Approximately 90 percent. I'm sorry. Ninety percent?

3 A. Correct.

4 Q. And he also mentioned that you didn't do some additional
5 testing until at his request earlier in the summer and as
6 late as a couple of weeks ago; correct?

7 A. That's correct.

8 Q. And so you were willing to do the testing; is that
9 correct?

10 A. Yes, I was willing to do it.

11 Q. And you attempted to do what he requested.

12 A. I did.

13 Q. And you weren't able to get any results because there
14 simply wasn't enough DNA there to be tested.

15 A. That's correct.

16 Q. Is that unusual?

17 A. To go back and cut a swab and not get a profile, it
18 didn't surprise me. I mean, we -- on touch samples we cut
19 most of the swab in an attempt to get a profile. So to go
20 back and cut what's left and expect to get an abundance of
21 DNA or even something we can get a profile from, it wasn't
22 unexpected.

23 Q. And in this case he also asked you about mitochondrial
24 DNA that can be tested somewhere else in the nation?

25 A. Yes.

1 Q. Not here in South Carolina.

2 A. No. I don't think there's any lab here. There are
3 commercial labs that do that testing.

4 Q. And if that had been requested of you, would you have
5 forwarded that to be tested for any further testing?

6 A. Yes. It's available to whoever would like to do the
7 testing.

8 Q. In your results that he's referred to, your raw data I
9 believe he referred to as computer printouts, those are
10 available and turned over for anyone to review.

11 A. Yes.

12 Q. And it would be available for any expert.

13 A. That's correct.

14 Q. Who disagrees with the findings.

15 A. Agree or disagree. Anybody can look at that, yes.

16 Q. He asked you about some of the ones -- some of the swabs
17 that were too weak to interpret about -- like one allele on
18 one and two on another that may or may not test. With touch
19 DNA as it is and in the state that it is, is it unusual to
20 have - I don't want to say the word stray allele - but an
21 allele from someone that may not be involved?

22 A. It depends on the item you're talking about. If you're
23 talking about doorknobs or things that can be touched by more
24 than one individual, then that's not uncommon at all. So if
25 you could swab that elevator button out there, obviously

1 you're going to get alleles from many different people. Even
2 if you swab your own doorknob, you may get -- or your door
3 handle of your car, you may get more than yourself or, you
4 know, more than -- more than just one person and alleles from
5 people that you can't identify basically.

6 Q. Okay. And that's just simply because it's become so
7 sensitive.

8 A. It's sensitive. It's picking up those alleles that are
9 very weak and you can't -- you can't make an interpretation
10 basically; it's such a weak profile.

11 Q. He mentioned that you didn't do the testing on Item
12 Number 2, the swab from the passenger door, until I believe
13 last week or the first of September? Was a MiniFiler
14 requested on that?

15 A. I did it on two initially. I redid it last week as well
16 and with the same intention of them wanting me to run
17 MiniFiler on it, yes.

18 Q. And were you able to get any more DNA from that?

19 A. No, I was not.

20 Q. And even if you had, would it have changed your results
21 in any way?

22 A. Unlikely. There was DNA originally on that swab and it
23 was a mixture, and so, therefore, if I was to get more DNA
24 from it, it would most likely have been a mixture as well. I
25 mean, it would have been the same result but potentially more

1 -- more signal perhaps.

2 Q. He also asked you about Blackenbecklor (verbatim); I
3 can't say that name for some reason. This was not a full
4 profile. Was there sufficient there from the swab that you
5 received to do a comparison to eliminate or to include or
6 exclude?

7 A. Yes.

8 Q. More than enough.

9 A. Yes.

10 Q. And did anything he asked you affect any of the results
11 as reflected on State's Exhibit Number 71?

12 A. No.

13 Q. And specifically as to number two, you actually
14 eliminated Adonis Williams and Linda Wofford from that; is
15 that correct?

16 A. That's correct.

17 Q. And Blankenbecklor and Tucker? Is that correct?

18 A. Eliminated, yes.

19 Q. So in Item Number 10, in your opinion whose mixture is
20 that on that cigarette butt?

21 A. It's a mixture of Linda Wofford and Adonis Williams.

22 Q. Just because you weren't able to identify from DNA who
23 the abductor was from the swabs from inside the car or inside
24 the house, that doesn't mean she wasn't abducted.

25 A. I don't -- I don't have -- I mean, I -- to me, I just

1 take the swabs and try to identify a profile, develop a
2 profile and say whether or not somebody's included or
3 excluded.

4 Q. And that was done in this case?

5 A. Yes.

6 Q. And the cigarette butt was Adonis Williams and Linda
7 Wofford.

8 A. That's correct.

9 **The Court:** Anything, Mr. Schnee?

10 **Mr. Schnee:** No, sir.

11 **The Court:** All right. Thank you, sir. You may step
12 down. All right. Ladies and gentlemen, that will conclude
13 the testimony for today. I'm going to ask you again: Please
14 don't discuss the case with anybody while you're gone
15 tonight. We start back tomorrow morning at 9:30.

16 Don't do any inquiry or investigation. Don't go see if
17 you can become a DNA expert tonight on the computer. You're
18 supposed to decide this case by the evidence that's presented
19 in front of you here this week. So y'all have a nice
20 evening. We'll see you tomorrow morning at 9:30, and y'all
21 are free to leave at this time.

22 (Whereupon, the jury was excused from open court for the
23 day at 6:04 p.m.)

24 **The Court:** All right. What have we got tomorrow? How
25 many of these 16 or 15 witnesses, 14, you got -- are you

1 going to call?

2 **Ms. Campbell:** About six.

3 **The Court:** And can you tell me who they might be? Mr.
4 Robinson.

5 **Ms. Campbell:** Uh-huh.

6 **The Court:** How about Sergeant Caldwell? I notice he
7 sat here all day. Are y'all planning on calling him or...

8 **Ms. Campbell:** He should go up, Your Honor.

9 **The Court:** Who else?

10 **Ms. Campbell:** Probably Mr. Underwood and probably
11 Skraba. Probably Ellis. Probably Stobbe.

12 **The Court:** Whoa, whoa, whoa. Underwood. Who else?

13 **Ms. Campbell:** Ellis.

14 **The Court:** I got Caldwell, Robinson, Skraba, Underwood,
15 Ellis.

16 **Ms. Campbell:** Possibly Mr. Johnson. Possibly Mr.
17 Cohen.

18 **The Court:** Mr. Johnson. All right. But you anticipate
19 finishing still in the morning by lunch.

20 **Ms. Campbell:** Around lunch, Your Honor.

21 **The Court:** All right.

22 **Ms. Campbell:** Maybe right before or maybe right after
23 but sometime I would hope in that range.

24 **The Court:** And you anticipate -- you're going to call
25 your client. You told me at this point we need to talk to

1 him before you do so. Do you -- anybody -- do you anticipate
2 any other witnesses at this time?

3 **Mr. Schnee:** The only potential is if there's for some
4 reason some law enforcement officer on this list that they
5 choose not to call, but it should just be my client at this
6 point.

7 **The Court:** All right. Well, y'all have a nice evening,
8 and we will see y'all at 9:30 in the morning.

9 **Mr. Schnee:** Thank you, Judge.

10 (Whereupon, the trial concluded for the day at 6:07 p.m.
11 and resumed the following day, September 8, 2011, as
12 follows.)

13 **The Court:** All right. Thank y'all. Please be seated
14 if you would. All right. Sergeant Caldwell is here; I see
15 that. Who else are y'all looking for?

16 **Ms. Campbell:** We've got enough for now.

17 **The Court:** Ma'am?

18 **Ms. Campbell:** May I just instruct Sergeant Caldwell
19 quickly about the ruling you made about not going into the
20 tail end of the fight and apprehending him?

21 **The Court:** Is Sergeant Caldwell the one that got...

22 **Ms. Campbell:** He was involved in it as well as one
23 other officer; yes, sir.

24 **The Court:** Well, did he get hit in the nose?

25 **Ms. Campbell:** No, sir. He didn't have his nose broken.

1 **The Court:** If he did, he needs to get a purple heart.

2 **Ms. Campbell:** Beg the Court's indulgence.

3 (Pause in proceedings.)

4 **The Court:** All right. Let's -- let's bring us the jury
5 in if we could. Anything we need to take up before we bring
6 the jury in?

7 **Ms. Garfield:** Yes, sir, Judge. I had a conversation
8 this morning with Lieutenant Chris Cowan, and he said the
9 results of all the searches -- they did multiple variations
10 of the requested terms, produced no results, and they went
11 back as far back as 2008.

12 **The Court:** All right. I don't know what else to tell
13 you, Mr. Schnee. They can't give you what they can't find
14 and don't exist.

15 **Mr. Schnee:** Yes, sir.

16 **The Court:** You don't mind if I tell them we're late
17 because you were late.

18 **Mr. Schnee:** A little bit, since I was on time.

19 **The Court:** All right. Bring -- bring the jury in.

20 (Whereupon, the jury was brought into open court at
21 9:48 a.m.)

22 **The Court:** All right. Good morning, ladies and
23 gentlemen. Nice to see you this morning. Let me ask you
24 something. Anybody come in on I-26? Three of you? Y'all
25 were on time?

1 **Jurors:** Uh-huh.

2 **The Court:** All right. Well, one reason we're a little
3 late today, it was reported to me that they had terrible
4 traffic coming in and not everybody could be here on time,
5 but I'm glad y'all made it. I'll take that up with those who
6 apparently got into the jam that you didn't.

7 Ladies and gentlemen, let me ask you something. Did
8 anybody have any conversation about the case since we left
9 yesterday or were you approached by anybody about the case
10 yesterday or have y'all done any independent inquiry about
11 the case since we left? All right. Good.

12 As you'll recall when we broke for the evening, the
13 State is in the process of putting up its evidence in its
14 case in chief, and we will proceed in that manner. And I'll
15 call on the solicitor and ask if you would call your next
16 witness, please, ma'am.

17 **Ms. Garfield:** Thank you, Your Honor. May it please the
18 Court? The State will call agent Nancy Skraba.

19 Nancy Skraba, after being duly sworn, testified as
20 follows:

21 **The Clerk:** Please have a seat. State your full name
22 for the record.

23 **Bailiff:** State your full name for the record.

24 **The Witness:** My name is Nancy Skraba.
25

Direct Examination

By Ms. Garfield:

Q. Agent Skraba, please tell the jury where you're employed.

A. I work for the South Carolina Law Enforcement Division. I worked in the serology D.N.A. department for 25 years, the last seven of which were in the CODIS area which is a specialized area in the D.N.A. department. I retired in December of 2009 and then returned last year in October to work on a special federal grant project for the D.N.A. department.

Q. Can you share with the jury some of your background information, education and profession?

A. Yes. I have a Bachelor of Science degree in Medical Technology from the University of South Carolina. I'm board certified by the American Society of Clinical Pathologists. In addition to my D.N.A. training at S.L.E.D., I've also attended several schools, seminars, and workshops in my field of D.N.A. analysis including the F.B.I. D.N.A. typing method school in Quantico, Virginia. I also attended the F.B.I.'s CODIS training school in Quantico.

Q. Have you ever been qualified as an expert in D.N.A. analysis?

A. Yes, I have.

Q. Have you ever been qualified as an expert in CODIS?

1 A. Yes.

2 Q. Approximately how many times for each?

3 A. Thirty times as a D.N.A. analyst and specifically in
4 CODIS one other time.

5 **Ms. Garfield:** Your Honor, at this time I'd like to
6 introduce Agent Skraba as an expert in D.N.A. analysis and
7 CODIS.

8 **Mr. Schnee:** May we approach, Judge?

9 **The Court:** You may.

10 (Whereupon, a bench conference was held.)

11 **The Court:** Ladies and gentlemen, let me let you step
12 back to the jury room for a minute. Don't discuss the case
13 while you're there. Let me find out exactly what we've got.

14 (Whereupon, the jury was excused from open court at
15 9:53 a.m.)

16 **The Court:** All right. Mr. Schnee, tell me what your
17 problem is.

18 **Mr. Schnee:** Judge, my -- my problem with this witness
19 is not her expertise or anything that she did in the
20 investigation, but in terms of testimony before the jury
21 she's -- my understanding, she's going to be discussing that
22 they submitted a profile to CODIS and it came back as a hit
23 to my client. The hit to my client is where I have a
24 problem.

25 They have not established where that swab was taken, who

1 took the swab, that it is, in fact, my client's swab to begin
2 with. They don't have chain of custody for it, and I object
3 to any reference to a CODIS match to my client for an unknown
4 swab.

5 **The Court:** All right. What's the State say?

6 **Ms. Campbell:** Your Honor, in CODIS it is a database of
7 known offenders that is submitted. The very reason we have
8 to retest every time with CODIS is because we don't -- we
9 can't necessarily establish the chain in CODIS. It's
10 submitted through an agency. I can have her testify to how
11 the sample would actually get in there, but I assumed and we
12 assumed that since he didn't want us to mention that it comes
13 from convicted felons or however you want to put it -- we
14 were trying to avoid that. We could get the background from
15 Ms. Skraba as to how it's entered in there and do all that
16 here outside the presence of the jury.

17 **The Court:** Tell me what -- what you're attempting to
18 do. Y'all -- when y'all got the---

19 **Ms. Campbell:** D.N.A. profile from the cigarette butt.
20 In certain cases, if the D.N.A. profile is sufficient, it can
21 then be submitted for analysis through CODIS. CODIS is the
22 convicted offender database something, and it's submitted
23 through a computer system and ultimately it then is run
24 through CODIS literally in the same manner like with AFIS.

25 **The Court:** All right. Well, you got the profile from

1 the cigarette butt.

2 **Ms. Campbell:** The cigarette butt.

3 **The Court:** All right.

4 **Ms. Campbell:** It was then entered into the CODIS system
5 which was then analyzed by Ms. Skraba at S.L.E.D. because
6 she -- I don't know if you were in charge, but you were
7 running the system at that point?

8 **The Witness:** Yes.

9 **Ms. Campbell:** Can I ask her a few questions?

10 **The Court:** Well, I'm trying to find out what it is
11 you're -- where you say the chain is -- is not.

12 **Mr. Schnee:** Judge, what they did is they got a CODIS
13 hit for my client---

14 **The Court:** Wait a minute. They had a -- they had a
15 D.N.A. profile---

16 **Mr. Schnee:** Yes.

17 **The Court:** ---from the cigarette butt.

18 **Mr. Schnee:** Correct. They had two profiles. One was
19 Linda Wofford.

20 **The Court:** Right. But from your client is the one I
21 assume you're concerned about because I don't know what...

22 **Mr. Schnee:** Not from the cigarette butt. I don't have
23 a problem with that one and that's already been testified to
24 and -- but the CODIS was the -- one of the bases for their
25 search warrant to get my client's D.N.A. to begin with.

1 **The Court:** All right. Well, they had this profile from
2 the cigarette butt of D.N.A.

3 **Mr. Schnee:** Yes, sir.

4 **The Court:** They then enter it into a computer.

5 **Mr. Schnee:** Correct.

6 **The Court:** And the computer matched it with your
7 client; right?

8 **Mr. Schnee:** Yes.

9 **The Court:** All right. Where is the chain that you're
10 concerned about?

11 **Mr. Schnee:** The chain is the profile of my client in
12 the CODIS system itself because that came from the department
13 of probation, the department of corrections, someone we don't
14 know, no testimony about how it got there, if it was
15 contaminated, if it was even my client.

16 **The Court:** So you're concerned that -- as to how his
17 name or profile got in CODIS.

18 **Mr. Schnee:** Yes, sir.

19 **The Court:** You want them to offer some testimony as to
20 that.

21 **Mr. Schnee:** Not -- not in the sense that it's an
22 offender database but in the sense of proving that it was, in
23 fact, my client's swab.

24 **The Court:** So you want somebody from the department of
25 corrections to come in here and testify that as an inmate he

1 was -- his D.N.A. was taken and entered into this program.

2 **Mr. Schnee:** Judge, if they know who it is, that would
3 be the only solution at that point for chain of custody, but
4 as far as I know, they don't know who it is.

5 **The Court:** I don't know what you mean: If they know
6 who it is.

7 **Mr. Schnee:** I don't believe the State has any records
8 of exactly who took my client's swab, how it got from person
9 to person and then tested and then submitted it into CODIS.

10 **The Court:** Well, all right. What y'all say?

11 **Ms. Campbell:** Your Honor, once they get the hit, then
12 they go back and confirm it is Adonis Williams. So that in
13 and of itself would authenticate that it's the same profile.
14 In this case this is a tool used by State agencies in order
15 to try to get an unknown sample, such as we have here, to
16 link it up to someone traditionally. The reason they go back
17 and retest is because there is not always a complete chain of
18 evidence. It is a tool to use.

19 **The Court:** All right. So this is---

20 **Ms. Campbell:** I would say his argument goes---

21 **The Court:** This is an identification---

22 **Ms. Campbell:** Tool.

23 **The Court:** ---tool as opposed to... All right.

24 **Ms. Campbell:** Then the testimony, which is already
25 before the Court, is that they then went back and reran the

1 sample itself and confirmed that identification which, of
2 course, we would have to do before putting it before a jury
3 which was done in this case. Typically -- and maybe I
4 misunderstood Mr. Schnee. Typically we don't go into the
5 fact that it's just an offender database. We try to leave
6 that part out so as not to unduly prejudice the defendant
7 which is what I thought we were doing, and that's why we
8 don't mention that, you know, it's just -- it's gotten by
9 probation and parole and all that matter.

10 **The Court:** Okay.

11 **Ms. Campbell:** Thank you.

12 **The Court:** Well, for the purposes that they're
13 intending to use it, that that's how they got your client's
14 name and that it was ultimately confirmed by virtue of his
15 having been given D.N.A. -- I mean, a buccal swab after they
16 got his name, then I'm going to allow it to come in. You
17 can -- you can cross-examine if you want, attempt to show
18 they don't really know if that's who they knew it was,
19 whatever you...

20 **Mr. Schnee:** If Your Honor is going to allow it in, then
21 I would obviously move to exclude any mention that it is an
22 offender database.

23 **The Court:** Well, Mr. -- you're sort of asking for your
24 bread and eating it, too. I mean...

25 **Mr. Schnee:** My first request is to exclude the

1 testimony entirely. If it is coming in, I'm asking it to be
2 limited pursuant to Rule 403.

3 **The Court:** All right. We'll do that. Anything
4 further?

5 **Ms. Garfield:** Just instruct the witness to refer to the
6 CODIS as a database of D.N.A. samples---

7 **The Court:** Don't refer it to as---

8 **Ms. Garfield:** As to how they got it---

9 **The Court:** ---an offender database that's maintained by
10 the department of corrections or whoever -- however they
11 secure it, that there was a database of which his D.N.A. was
12 -- or whatever it is that they have. I don't know. I
13 guess---

14 **The Witness:** Forensic evidence profiles and certain
15 individual---

16 **The Court:** We don't want the jury to know that this is
17 from him previously having been in the department---

18 **The Witness:** So just D.N.A. profiles?

19 **The Court:** Whatever you're going to testify to but we
20 don't want them to know that it came from the department of
21 corrections because he had previously been in prison.

22 **The Witness:** Right, but I can say that it's a -- it's a
23 database.

24 **The Court:** Database.

25 **The Witness:** Of?

1 **The Court:** D.N.A. profiles.

2 **The Witness:** Just D.N.A. profiles?

3 **The Court:** Well, I don't know. Whatever---

4 **The Witness:** It's forensic D.N.A. profile---

5 **The Court:** Whatever it is---

6 **The Witness:** ---evidence.

7 **The Court:** ---just don't tie it to the department of
8 corrections or any previous prison term he did.

9 **The Witness:** Okay.

10 **The Court:** Is that sufficient?

11 **Mr. Schnee:** Yes, Your Honor.

12 **The Court:** All right. Let's bring the jury in. Do you
13 want to voir dire this witness?

14 **Mr. Schnee:** No, sir.

15 **The Court:** Anything about her expertise?

16 **Mr. Schnee:** No, sir. I have no problem with her
17 expertise.

18 **The Court:** What are they... We've got three notes from
19 the jury. They must have all gone back and remembered
20 everything they had... One has to be at the dentist at 4:00,
21 probably won't make it. Well, might. One has to pick up a
22 child before 6:30. One has to be at work at 5:30.

23 So I'm going to tell them we're going to do the best we
24 can, but I can't promise them. If it looks like they're
25 going to be here, we'll give them a telephone. All right.

1 Let's bring the jury in.

2 **Ms. Garfield:** Can I approach the witness just to
3 instruct her on something not to say?

4 **The Court:** Go on.

5 **Ms. Garfield:** Okay.

6 (Ms. Garfield talks off the record with the witness.)

7 **The Court:** Mr. Bowen, let's bring the jury in if we
8 could.

9 (Whereupon, the jury was brought into open court at
10 10:03 a.m.)

11 **The Court:** All right. Ladies and gentlemen, apparently
12 y'all got back in the jury room and remembered what busy
13 schedules you had today. Someone wants to be able to be
14 somewhere at 4. Someone wants to be somewhere at 5:30, and
15 someone needs to be somewhere at 6:30. I can't tell you
16 where we're going to be this afternoon, but I certainly will
17 keep in mind your concerns, but it may be that we don't make
18 the 4:00 dental appointment. It may be that you don't make a
19 5:30 work appointment, and it may be that you don't get your
20 child -- can't pick your child up at 6:30. We'll just have
21 to see. If we can't do it, we'll try and know as soon as we
22 can and give you a telephone so you can make arrangements for
23 somebody to do what you need to do or you can tell them what
24 you can. But I just don't know where we're going to be.

25 If the jury is -- if for some reason we finish this case

1 and the jury has the case, we can't -- you can't stop
2 deliberating while you have to go do these things
3 unfortunately, but I'm aware of your concerns, and if it
4 looks like -- I don't argue and charge after 4:00, so if the
5 case comes to a conclusion at -- I don't know how we're going
6 to do it at 4:00 but... Who's got the dental appointment?

7 **Juror:** I mean, if it's no, no is fine. I'll just call
8 and cancel.

9 **The Court:** All right. Well, let's just see where we
10 get this morning and maybe early on this afternoon and see.
11 All right. Thank y'all. All right. Are you ready to
12 proceed?

13 **Ms. Garfield:** Yes, sir. May it please the Court? Your
14 Honor, at this time I will introduce Agent Skraba as an
15 expert in D.N.A. analysis and CODIS.

16 **The Court:** I'm going to find that the witness is an
17 expert in D.N.A. analysis. I'm not sure why she has to be
18 qualified as an expert in CODIS when it just -- I mean, isn't
19 that just...

20 **Ms. Garfield:** She's an expert in how CODIS works.

21 **The Court:** Well, tell me why specialized knowledge is
22 needed in that regard.

23 **Ms. Garfield:** I couldn't explain how it works, Judge.

24 **The Court:** Pardon me?

25 **Ms. Garfield:** I could not explain how it works. That's

1 why we go to an expert and have them---

2 **The Court:** You're from Chester so... Well, isn't that
3 something that falls within her work?

4 **Ms. Garfield:** It's an additional...

5 **The Court:** All right. Well, I'll find her an expert.
6 I'm just not sure specialized knowledge or skill is needed to
7 explain how that works but -- and she can offer opinions.
8 Why would she have to offer an opinion in that field?

9 **Ms. Garfield:** She's the one that generates the opinion
10 as to the possible suspect.

11 **The Court:** Isn't that D.N.A. analysis?

12 **Ms. Garfield:** Yes, sir.

13 **The Court:** What opinions is she going to offer about
14 CODIS?

15 **Ms. Garfield:** How it works and---

16 **The Court:** She's going to explain how it works.

17 **Ms. Garfield:** Yes, sir.

18 **The Court:** She's not saying, "In my opinion as a D.N.A.
19 analysis expert, CODIS does such and such," is she? I
20 mean...

21 **Ms. Garfield:** I believe she will, Judge.

22 **The Court:** All right. We'll find her an expert and see
23 where that goes. Ladies and gentlemen, give her testimony
24 such weight and credibility as you deem appropriate.

25 **Ms. Garfield:** Thank you, Your Honor.

1 By Ms. Garfield:

2 Q. Agent Skraba, at S.L.E.D. you have a D.N.A. database?

3 A. Yes.

4 Q. And that D.N.A. database is referred to as CODIS at
5 S.L.E.D.?

6 A. Yes.

7 Q. And in that D.N.A. database have you run thousands of
8 D.N.A. profiles?

9 A. Yes.

10 Q. And can you explain, per the judge's limited
11 instruction, the -- how the D.N.A. database is kept?

12 A. CODIS stands for Combined D.N.A. Index System. It's a
13 computer program that was developed by the F.B.I. that
14 contains forensic D.N.A. profiles and D.N.A. profiles from
15 certain individuals. This database is used for investigative
16 purposes by law enforcement agencies throughout the nation.
17 We receive biological specimens from certain individuals. We
18 analyze these specimens, develop a D.N.A. profile from them,
19 and add them to our computer, our CODIS computer.

20 In addition to that, there are forensic evidence
21 profiles that are in the computer. Once a week this computer
22 searches or compares these profiles. If there is a hit or a
23 match between an individual's profile and an evidence stain,
24 then we notify the law enforcement agency involved, telling
25 them that they have a hit on their case.

1 Q. Thank you, Agent Skraba. In this particular case, State
2 versus Adonis Williams, were you ever contacted by the
3 Richland County Sheriff's Department?

4 A. Yes.

5 Q. And what did they provide you?

6 A. They provided the D.N.A. profile from the evidence stain
7 in that case.

8 Q. And the profile that was provided to you, was it proper
9 to be put into the CODIS?

10 A. Yes, it was.

11 Q. And are all profiles proper to be put into CODIS?

12 A. No, not not all profiles are eligible for CODIS. We
13 have certain rules that we go by for the database. For
14 example, if a profile from a hair found at a crime scene
15 would be entered, it would depend on whether or not the
16 person of interest whose hair we believe it to be actually
17 lived in the house. If that person lived in the house, then
18 the hair -- the profile from that hair would not be eligible
19 for CODIS.

20 If an individual broke into a house who was a stranger
21 and left a hair at the scene, then that profile would, in
22 fact, be eligible for CODIS. And we don't put any victim
23 profiles in CODIS either.

24 Q. Can you explain to the jury what you do -- how you
25 actually receive evidence and what you do with it once you

1 receive it?

2 A. We don't receive evidence. We receive biological
3 specimens from individuals. It comes into our laboratory.
4 In addition to the biological specimen, which is either blood
5 or saliva, it comes with a card with identifying information
6 for that individual, that identifying information such as
7 name, Social Security number, race is put into our S.L.E.D.
8 computer. We analyze the profile and enter it into the
9 database, and these profiles are searched once a week.

10 Q. Specifically back in March of 2009, did you receive a
11 piece of evidence from the Richland County Sheriff's
12 Department involving a cigarette butt?

13 A. The profile was entered into CODIS, yes.

14 Q. And that profile was proper, according to your
15 standards?

16 A. Yes, it was.

17 Q. And it was entered into the database?

18 A. Yes, it was.

19 Q. And were you asked to do an analysis on the item?

20 A. It was searched in CODIS.

21 Q. Okay. And can you explain what the results of that
22 search was?

23 A. We had a hit on that piece of evidence to an individual
24 profile. So a letter was sent on March 26th to the Richland
25 County Sheriff's Office telling them that they had a hit on

1 their case.

2 Q. And who was that hit identified as?

3 A. Adonis Williams.

4 Q. And you sent a letter to the Richland County Sheriff's
5 Department?

6 A. Yes, I did.

7 Q. Did you verbally inform them as well?

8 A. I don't remember. Possibly.

9 Q. But you did forward that information concerning the hit
10 to Adonis Williams D.N.A.

11 A. Yes, I did.

12 Q. In some cases is there ever a situation where there may
13 be a hit to other individuals -- I mean multiple individuals?

14 A. An evidence stain that has more than one individual? Is
15 that what you mean? A mixture?

16 Q. Right. Right.

17 A. Yes. We can enter forensic mixtures into the database
18 as long as they meet certain criteria.

19 Q. But in this situation it was your expert opinion, upon a
20 CODIS analysis, that this profile provided to you by the
21 Richland County Sheriff's Department matched Adonis Williams.

22 A. Yes, it did.

23 **Ms. Garfield:** Thank you. Please answer any questions
24 Mr. Schnee may have.

25 **The Court:** Mr. Schnee, anything?

1 **Mr. Schnee:** Court's indulgence. (Pause.) No
2 questions, Your Honor.

3 **The Court:** All right. Thank you, ma'am. You may step
4 down. Yes, ma'am.

5 **Ms. Campbell:** May it please the Court? The State calls
6 Matt Ellis.

7 Matt Ellis, after being duly sworn, testified as
8 follows:

9 **The Clerk:** Please have a seat. State your full name
10 for the record.

11 **The Witness:** Matt Ellis.

12 Direct Examination

13 By Ms. Campbell:

14 Q. Sergeant Ellis, where are you employed?

15 A. Richland County Sheriff's Department.

16 Q. What do you do there, sir?

17 A. I'm supervisor in the Major Crimes Unit of the Criminal
18 Investigative Division.

19 Q. And how long have you been in law enforcement?

20 A. Approximately 14, 15 years.

21 Q. And as a supervisor in the Major Crimes Unit, what do
22 your duties include?

23 A. We assign the cases that come in: Robberies, the
24 shootings, stabbings, kidnappings, the serious -- more
25 serious offenses that come into investigations.

1 Q. I want to turn your attention back to the week of March
2 the 22nd; that was actually a Sunday. Did you become aware
3 of a home invasion and abduction that had taken place on the
4 lower side?

5 A. I did. At the time I was an investigator in the robbery
6 division, and Sergeant Robinson was the supervisor in that
7 division. I was aware that he was assigned several cases in
8 that area involving those incidents.

9 Q. And over the course of the first several days, the 22nd
10 and the 23rd and the 24th, was there any suspect or possible
11 suspect identified during those days?

12 A. No, ma'am.

13 Q. I want to turn your attention to March the 25th. Did
14 you become aware in assisting with this investigation that
15 there had been what's known as a CODIS hit?

16 A. I did. I was made aware that there was a verbal match
17 made.

18 Q. And the next morning did you become aware of any
19 additional evidence that was significant in this case?

20 A. I did. I learned that there had been a fingerprint
21 match on one Adonis Williams in reference to one of the cases
22 that Sergeant Robinson was working on.

23 Q. For the record, the fingerprint match you said was to
24 Adonis Williams?

25 A. Correct.

1 Q. And was that corroborated in the CODIS hit that had come
2 in verbally the day before?

3 A. Correct.

4 Q. That evening -- were you actually working that evening?

5 A. I was headed out to work an extra-duty job in a
6 community in our county, and as I turned on my radio to sign
7 on, I could hear who I knew to be Sergeant Caldwell of our
8 fugitive team and I could tell that they were actively
9 searching for an individual and/or chasing an individual. I
10 also knew that Sergeant Robinson had obtained warrants and
11 had turned them over to the fugitive team.

12 Q. And that evening, it was around 8:00?

13 A. Correct.

14 Q. And did you actually decide that you wanted to assist in
15 the manhunt that was going on?

16 A. I did.

17 Q. And did you -- where did you respond to?

18 A. I responded to the location where they were chasing or
19 trying to locate an individual which was off of I-77 near
20 Garners Ferry Road in the Leesburg Road area.

21 Q. And when you went down into that area to assist that
22 evening, what did you do?

23 A. When I arrived on the scene, there was numerous agencies
24 out. There was officers along the interstate. There were
25 officers along Garners Ferry Road, True Street, and Leesburg

1 Road. This included our agency, the sheriff's department,
2 the Columbia City Police Department, and S.L.E.D. I
3 responded to help set up perimeter.

4 Q. And did you make contact with Sergeant Robinson that
5 evening?

6 A. I did. Later on that evening we contacted him to let
7 him know the status of the fugitive investigation, and he
8 responded out to that location and met up with me in
9 reference to going to the house that the fugitive team had
10 encountered Mr. Williams.

11 Q. And where was that house located?

12 A. [REDACTED], I believe, True Street.

13 Q. And True Street, is that there in the area where y'all
14 were searching that evening?

15 A. That's correct.

16 Q. And are you familiar with the Bank of America A.T.M. on
17 Garners Ferry Road?

18 A. I am. It's very close to True Street.

19 Q. That evening did you and Sergeant Robinson actually make
20 contact with anyone at [REDACTED] True Street?

21 A. We did.

22 Q. And who did you make contact with at that residence?

23 A. Dawn Shea.

24 Q. And were you aware of what relation Dawn Shea had to the
25 the defendant in this case, Adonis Williams?

1 A. We were -- I believe we were told that it was his
2 girlfriend by the fugitive team.

3 Q. When you made contact with Ms. Shea at her -- and that
4 was at her house?

5 A. We later determined that was her residence; correct.

6 Q. Did you ultimately conduct a search there?

7 A. We did.

8 Q. And prior to conducting any search, did you get a search
9 warrant or consent to search or how did that happen?

10 A. We talked to Ms. Shea and asked her would she provide us
11 consent to search her residence and she did. We---

12 **Mr. Schnee:** Judge, at this time I would object to
13 hearsay, anything that Ms. Shea said or did. It's not---

14 **Ms. Campbell:** Not offered for the truth -- I'm sorry.
15 I didn't mean to interrupt.

16 **The Court:** Well, I mean, I don't know what else he's
17 going to testify to.

18 **Ms. Campbell:** I'm going to limit him to not be able to
19 testify to anything she said substantially, just to show
20 where the investigation went and how they got permission to
21 go.

22 **The Court:** All right.

23 **Ms. Campbell:** Thank you, sir.

24 By Ms. Campbell:

25 Q. You can go ahead and finish about how you got the

1 consent to search.

2 A. We read a consent to search form to her, and she signed
3 it freely and voluntarily.

4 Q. Once you had gotten consent to search her home, did
5 y'all actually go inside it and search?

6 A. We did.

7 Q. What type of thing were you looking for that evening?

8 A. Well, we were looking for any evidence from the crimes
9 or incidents that Sergeant Robinson were investigating,
10 possibly property of any victim or anything related to the
11 crime. We also wanted to question Ms. Shea as to locations
12 she might think that Mr. Williams could be located.

13 Q. And was she cooperative with you that evening?

14 A. Very.

15 Q. During the course of that search - and you limit it to
16 this item - were you able to find what's been marked as
17 State's Exhibit Number 65?

18 A. I do remember that.

19 Q. And is this an item y'all took possession of at the
20 search at Ms. Shea's house that night?

21 A. Correct.

22 **Ms. Campbell:** Your Honor, at this time I would offer
23 State's Exhibit 65 into evidence.

24 **Mr. Schnee:** Judge, I would renew my pretrial objection
25 to---

1 **The Court:** All right. Over the objection, so admitted.

2 (State's Exhibit 65 was received in evidence.)

3 By Ms. Campbell:

4 Q. Once you recovered that item, was it turned over to
5 Sergeant Robinson?

6 A. Yes, ma'am.

7 Q. Later that evening into the early morning hours of the
8 27th, did you continue to search for Adonis Williams?

9 A. We did. Sergeant Robinson also had an additional search
10 warrant for [REDACTED] Long Creek Drive, Apartment [REDACTED] which I
11 believe was a sister of Adonis Williams' apartment.

12 Q. Okay. Let me back up for a minute. You mentioned that
13 you had a search warrant for that apartment?

14 A. Correct.

15 Q. And what's the difference between a search warrant and a
16 consent to search? Can you explain that to the jury?

17 A. A consent to search, as I said, is a form that we read
18 to an individual and they sign it saying that they freely and
19 voluntarily give us permission to search their house, their
20 car, or whatever we're looking at trying to search. A search
21 warrant is an affidavit that we present to a magistrate or
22 judge, and if he deems we have probable cause to conduct a
23 search, then he signs it and give us a -- it's a court order
24 to go search.

25 Q. So prior to going to anyone's home, no matter who it is,

1 you need to get a consent to search or a search warrant.

2 A. Correct.

3 Q. And in this case with Ms. Shea's house you got a consent
4 to search from her?

5 A. Yes, ma'am.

6 Q. And it was her house?

7 A. Correct.

8 Q. And that would be proper?

9 A. Correct.

10 Q. And as far as the [REDACTED] -- I think it was Long Creek
11 Drive? Is that correct?

12 A. Yes, ma'am.

13 Q. And what apartment number was that?

14 A. [REDACTED].

15 Q. And whose residence was that?

16 A. I don't have a name. Sergeant Robinson advised me it
17 was a sister, I believe, of Adonis Williams.

18 Q. Prior to making any entry into any search there, y'all
19 did get a lawful search warrant?

20 A. He did have a lawful search warrant.

21 Q. And was that signed by a judge?

22 A. Correct.

23 Q. And that's proper police procedure.

24 A. Yes, ma'am.

25 Q. Around 1:30 a.m. on the early morning hours of the 27th,

1 did you then proceed to the Long Creek Drive---

2 A. We did.

3 Q. ---apartment? What area of town is that in?

4 A. Long Creek Drive runs off of Broad River Road, runs
5 parallel to I-20 just off of the interstate. It's a road
6 that has numerous apartment complexes on it.

7 Q. And once you got over to the Broad River Road area to
8 the Long Creek Drive apartment, did you then execute a search
9 warrant?

10 A. We did.

11 Q. And you conducted a search there?

12 A. Yes, ma'am.

13 Q. And was the defendant there?

14 A. No, ma'am.

15 Q. I'm going to show you what's been marked as State's
16 Exhibit Number 48. Do you recognize that?

17 A. Yes, ma'am.

18 Q. And what does this depict, sir?

19 A. The area of Richland County, Garners Ferry Road, True
20 Street area of Richland County.

21 Q. And this is an aerial of that area?

22 A. Yes, ma'am.

23 **Ms. Campbell:** Your Honor, at this time we'd offer it
24 into evidence.

25 **Mr. Schnee:** No objection.

1 **The Court:** So admitted.

2 (State's Exhibit 48 was received in evidence.)

3 By Ms. Campbell:

4 Q. State's Exhibit Number 47, do you recognize this map?

5 A. Yes, ma'am. It's a street map version of the same area.

6 Q. Same area?

7 A. Pretty much. A little bit bigger span.

8 **Ms. Campbell:** Your Honor, at this time we'd offer

9 State's Exhibit 47 into evidence.

10 **Mr. Schnee:** No objection.

11 **The Court:** So admitted.

12 (State's Exhibit 47 was received in evidence.)

13 **Ms. Campbell:** Your Honor, may the witness step down?

14 **The Court:** Yes, ma'am.

15 By Ms. Campbell:

16 Q. If you'll come over on this side so the court reporter
17 can hear you. I'm showing you what's been marked as State's
18 Exhibit Number 48. Tell the jury what does that show. I
19 think we're blocking...

20 A. This is Garners Ferry Road here. This direction would
21 be in towards town. This direction would be towards Sumter.
22 Here is True Street here. This is the Bank of America
23 location.

24 Q. And the A.T.M. is actually attached to that Bank of
25 America?

1 A. Yes.

2 Q. That the one we're referring to?

3 A. Correct.

4 Q. And I believe it would be right here near the handicap
5 space?

6 A. I believe it is, yes.

7 Q. State's Exhibit Number 47 -- there's been testimony in
8 this case about this general area and where these events took
9 place. Does that show the lower side of the Garners Ferry
10 Road area?

11 A. It does.

12 Q. And, specifically, is the area where the bank is located
13 shown on there?

14 A. It is. It's marked right here with a B. in the...

15 Q. And is True Street shown on that map, too?

16 A. This is right here beside it, yes.

17 Q. And Dawn Shea's house or residence where y'all searched
18 that night, was it on True Street in that area?

19 A. It was.

20 Q. Approximately where?

21 A. Approximately in this area here.

22 Q. And would that be within walking distance of that
23 A.T.M.?

24 A. Yes, very close.

25 Q. The victim's residence is also located on this map?

1 A. Correct.

2 Q. And this general area is signified by another marker on
3 that map. Is that correct?

4 A. Correct, over here.

5 Q. And you also see Patricia Drive on that map?

6 A. This is -- Patricia Drive is right here.

7 Q. Okay. Thank you, sir. Take the stand. After you
8 executed the search warrant in the early morning hours of the
9 27th, did you have any further participation in this matter?

10 A. No, ma'am.

11 Q. And you were never -- you yourself were never able to
12 apprehend Adonis Williams.

13 A. No, ma'am.

14 **Ms. Campbell:** Thank you, sir. I don't have anything
15 else.

16 **The Court:** Mr. Schnee?

17 **Mr. Schnee:** May it please the Court? Very briefly.

18 Cross-Examination

19 By Mr. Schnee:

20 Q. So my understanding of your involvement is you assisted
21 by going to True Street; correct?

22 A. Correct.

23 Q. Talked to Dawn Shea.

24 A. Correct.

25 Q. And then you assisted serving a search warrant.

1 A. Correct.

2 Q. At my client's sister's house.

3 A. Correct.

4 Q. Okay. And that's the extent of your involvement.

5 A. Besides actively looking for him that evening.

6 Q. Okay.

7 A. Beside, you know...

8 Q. Those are the two places you went to look.

9 A. I was all over that whole general area. Those are the
10 two places that actually physically residence-wise I went in.

11 Q. Okay. So you were driving around just looking in
12 general?

13 A. Correct. We were receiving numerous phone calls that
14 came in. There was helicopters up flying around.

15 Q. Okay.

16 A. The media -- we received a lot of phone calls that came
17 in, so we had to respond to numerous locations of possible
18 sightings.

19 Q. Okay. And none of those turned out.

20 A. No, we didn't find him that night.

21 **Mr. Schnee:** All right. No further questions.

22 **The Court:** All right. Thank you. You may step down.

23 **Ms. Garfield:** At this time the State re-calls
24 Investigator Harold Bouknight.

25 **The Court:** Mr. Bouknight, I remind you you're

1 previously under oath from your prior appearance in court.

2 **Mr. Bouknight:** Yes, sir.

3 Harold Bouknight, having been previously sworn and
4 remaining under oath, testified as follows:

5 Direct Examination

6 By Ms. Garfield:

7 Q. Welcome back, Investigator Bouknight.

8 A. Yes, ma'am.

9 Q. Yesterday you testified concerning State's Exhibit
10 Number 59 that you could observe a palm print on this
11 telephone wire box?

12 A. A partial palm print, yes, ma'am.

13 Q. And that partial palm print is readable.

14 A. Yes, ma'am. It's identifiable.

15 Q. And you made comparisons from that palm print to the
16 defendant; correct?

17 A. Yes, ma'am.

18 Q. And was there any type of match?

19 A. No, ma'am.

20 Q. Were you also later, as recently as just a few weeks ago
21 I believe, asked to compare it to a subject by the name of
22 Isaac Tucker?

23 A. On June the 28th I was asked to; yes, ma'am.

24 Q. And were you able to make any match between those?

25 A. No, ma'am.

1 **Ms. Garfield:** Thank you. I have nothing further.

2 **The Court:** Anything?

3 Cross-Examination

4 By Mr. Schnee:

5 Q. Did you compare the palm prints of Mr. Blankenbecklor to
6 that palm print?

7 A. No, sir.

8 **Mr. Schnee:** No further questions.

9 **The Court:** All right. Thank you. You may step down.

10 **The Witness:** Thank you, sir.

11 **Ms. Walker:** Your Honor, the State calls Andrew
12 Caldwell.

13 Andrew Caldwell, after being duly sworn, testified
14 as follows:

15 **The Clerk:** Please have a seat. State your full name
16 for the record.

17 **The Witness:** Andrew Caldwell.

18 Direct Examination

19 By Ms. Walker:

20 Q. Sir, where are you currently employed?

21 A. Richland County Sheriff's Department.

22 Q. And with which unit of the department are you employed?

23 A. I'm the sergeant of the Richland County Sheriff's
24 Department fugitive team.

25 Q. And what are the duties of the fugitive team?

1 A. My team primarily focuses on identifying and locating
2 individuals wanted on dangerous or violent charges.

3 Q. And were you on the fugitive team back in March of 2009?

4 A. Yes, ma'am, I was.

5 Q. Did you have the opportunity to become involved in an
6 investigation in which y'all were searching for Adonis
7 Williams?

8 A. I did.

9 Q. And how did you become involved in that?

10 A. We work very closely with the investigative division of
11 our department, and I had received information that they had
12 obtained arrest warrants on the defendant, Mr. Williams, for
13 kidnapping, armed robbery, and burglary first. And it's
14 really my job to go out and locate Mr. Williams and bring him
15 into custody.

16 Q. And what was the first thing that you did in an attempt
17 to locate Mr. Williams?

18 A. During the course of our investigation, we developed
19 information that led us to believe that Mr. Williams might be
20 located in one of possibly two homes on True Street which is
21 located off Garners Ferry Road. My team, along with the
22 fugitive investigators from the State Law Enforcement
23 Division, responded to those homes in an attempt to locate
24 Mr. Williams.

25 Q. How many people were on your team back in March of 2009?

1 A. Approximately eight, I believe.

2 Q. And when you responded to True Street, what did y'all do
3 when y'all got there?

4 A. We surrounded the first home which was kind of sitting
5 on the catty-corner of the cross street. I believe it was
6 ■ True Street. I was more to the left of the home. Agents
7 Cuttino and Underwood were in front of the house, and Captain
8 Lanier was in the backyard of the home.

9 Q. Once y'all got there and I guess set up a perimeter---

10 A. Yes, ma'am, we did.

11 Q. ---what did y'all do?

12 A. Knocked on the door, identified ourselves. The
13 particular side of the house I was on is -- would be what is
14 a side exit or entrance door to the home. I observed a white
15 female open the blinds and look out. I identified myself as
16 the sheriff's department, told her to go to the door and open
17 the door.

18 Q. And were you dressed the way you are now?

19 A. No, ma'am, I was not.

20 Q. What did you -- what did you have on?

21 A. Typically we wear blue jeans, but this particular night
22 I had what is called a tactical raid vest. It has all my
23 equipment - radio, weapon, that kind of thing - with a large
24 badging that says in bright gold "deputy sheriff" on the
25 front and the back.

1 Q. And did the female open the door?

2 A. No, she did not.

3 Q. Did anyone open the door?

4 A. Yes, ma'am, they did.

5 Q. Who did?

6 A. As she closed the blinds on what I thought was going to
7 be walking to the front door to open it, I came around the
8 front of the house, stepped up on to the porch thinking I was
9 going to greet her and it was the defendant, Mr. Williams,
10 who opened the door.

11 Q. And how did you recognize him to be Adonis Williams at
12 that time?

13 A. Well, we had mug shots or photos or---

14 Q. Hold on.

15 **Mr. Schnee:** Objection, Your Honor.

16 **The Court:** Sustained. Ladies and gentlemen, disregard
17 that comment.

18 By Ms. Walker:

19 Q. You could recognize him from a picture?

20 A. Yes.

21 Q. And you identify yourself as law enforcement.

22 A. I did.

23 Q. What happened?

24 A. It kind of -- it caught me off guard that it was him.

25 Momentarily I just -- I wasn't expecting -- I don't normally

1 find the fugitives I'm looking for opening the front door
2 like that, and it kind of caught me off guard momentarily and
3 I said what's your -- I didn't just want to tackle this guy
4 without being a hundred percent positive. I said, "What's
5 your name?" He says, "Adonis." And I had my gun drawn.

6 At that time I grabbed him by the shoulder of his tee
7 shirt. I said, "You're under arrest," and tried to turn him
8 around to handcuff him.

9 Q. And were you able to handcuff he him?

10 A. No. As soon as I started to holster my weapon and
11 grabbed for my handcuffs, he broke free from me, ripping his
12 shift, jumped off the porch passed Agents Cuttino and
13 Underwood and took off running down True Street away from
14 Garners Ferry Road.

15 Q. And did y'all chase him?

16 A. We did.

17 Q. Were you able to catch him at that point in time?

18 A. Not at that time.

19 Q. And after he had ran away, what did y'all do?

20 A. Notified -- we requested bloodhounds, our canine unit,
21 to try to run a track. We notified -- this particular area
22 is also right along the lines with Columbia City Police
23 Department, and it's one of these areas where you're in and
24 out of the city limits. So we notified the city as well,
25 gave them a description of the defendant - be on the lookout.

1 They had marked units respond.

2 Later on I received assistance from our helicopter air
3 support trying to search that whole general area. The
4 sheriff -- our local media was -- assisted us in getting this
5 information out on the news that night for people in that
6 area to be on the lookout if they heard any strange noises or
7 saw any suspicious activity in their backyards or in their
8 vehicles in the driveway. Those -- as a result of that, we
9 received numerous calls, and we proceeded to check all of
10 those out.

11 Q. So at this point in time what time -- what time of day
12 is it?

13 A. When we originally arrived at the house?

14 Q. Yes, sir.

15 A. It was in the evening, probably sometime around 7-ish.
16 I remember it was dusk, almost dark. The porch lights were
17 on at the house; I remember that.

18 Q. And after you are not able to apprehend him initially,
19 you said you have Columbia Police Department, S.L.E.D.,
20 helicopters and Richland County Sheriff's Department fugitive
21 team...

22 A. Yes, as well as other officers from the Richland County
23 Sheriff's Department.

24 Q. Were you guys able to apprehend him that night?

25 A. Not that night.

1 Q. Did you get any information of another possible location
2 where Mr. -- where Adonis Williams may be?

3 A. We did. Later on the next day -- we stayed with that
4 following these calls all through the night; we never went
5 home. Later on the next day - I believe that should have
6 been on the 27th - we developed information that indicated
7 that the defendant, Mr. Williams, was known to hang out with
8 or have a very good friend known only as Zab, Z-A-B, and the
9 only other really identifiable information about this person
10 was that he was a manager or worked at a Taco Bell.

11 Q. And were you guys able to get an address for Zab?

12 A. We did. We made contact with the management of the Taco
13 Bell there on Garners Ferry Road. It wasn't that specific
14 one, but through that contact we identified an individual by
15 that name and he was an employee of Taco Bell and we
16 retrieved his home address.

17 Q. And what address was that?

18 A. I believe that was [REDACTED] Field Pine Avenue.

19 Q. And did you respond to Field Pine Avenue?

20 A. We did.

21 Q. And who responded to that address?

22 A. Richland County Sheriff's Department fugitive team, the
23 state -- S.L.E.D.'s fugitive team. I believe we had some
24 officers from the uniform division as well.

25 Q. And what did y'all do when y'all got to Field Pine

1 Avenue?

2 A. We surrounded the home, took up a perimeter. I took up
3 a perimeter in the back, and they attempted contact at the
4 front door with Mr. Zab.

5 Q. And did y'all make entry into that home?

6 A. Entry was made, yes.

7 Q. And was the defendant apprehended in that home?

8 A. He was.

9 **Ms. Walker:** Thank you, Judge. No further questions.

10 **The Court:** All right. Anything?

11 **Mr. Schnee:** Just very briefly.

12 Cross-Examination

13 By Mr. Schnee:

14 Q. The first house you went to on True Street, you said you
15 knocked on the door and my client opened it? I believe that
16 was---

17 A. Well, I don't think I knocked on the door, but an
18 officer knocked on the door.

19 Q. Okay.

20 A. Your client opened it.

21 Q. And you said, "You're under arrest."

22 A. No. First I asked him what his name was.

23 Q. Okay. And then you said, "I'm placing you under
24 arrest"?

25 A. I said, "You're under arrest," grabbed him on his

1 shoulder because he was facing me and I tried to turn him.

2 Q. Okay. Did you tell him what you were arresting him for?

3 A. No, I never had the chance. He ran away.

4 **Mr. Schnee:** All right. No further questions.

5 **The Court:** Anything further?

6 **Ms. Walker:** No. No, Judge.

7 **The Court:** All right. Thank you, Sergeant. You can
8 step down.

9 **Ms. Walker:** Your Honor, at this time the State calls
10 Alex Underwood.

11 Alex Underwood, after being duly sworn, testified
12 as follows:

13 **The Clerk:** Please have a seat. State your full name.

14 **The Witness:** Alex Underwood.

15 Direct Examination

16 By Ms. Walker:

17 Q. Good morning.

18 A. Good morning.

19 Q. Sir, in 2009 where were you employed?

20 A. State Law Enforcement Division, S.L.E.D.

21 Q. And what were you doing for S.L.E.D.?

22 A. I was a member of the S.L.E.D. fugitive team.

23 Q. And as a member of the fugitive team, what were your
24 responsibilities and duties?

25 A. We assisted all the state and local and federal agencies

1 in apprehending fugitives that couldn't be caught of the ones
2 that were wanted, and we worked pretty closely with a lot of
3 the guys around the state as far as tracking fugitives that
4 they were after, too.

5 Q. And at any point in time back in March of 2009, did you
6 become involved in a manhunt for an Adonis Williams?

7 A. I did.

8 Q. And how did you become involved in that search?

9 A. The Richland County fugitive team contacted us and said
10 they were after a subject by the name of Adonis Williams for
11 a couple of warrants that they had. I think one of them may
12 have been like a burglary, home invasion, something like
13 that, but they asked us could we assist them and we came down
14 to help them.

15 Q. And what was the first thing you did in assisting them
16 with their search for Adonis Williams?

17 A. We went to -- I call it the Garners Ferry Road area,
18 378. I'm not from Columbia. But went down 378. I think
19 it's True Street. We met at a location close to the area and
20 they gave us some photos of the guy and told us what he was
21 wanted for and that type thing and that they had a possible
22 address they wanted to check.

23 Q. And did you go with them to that address?

24 A. I did.

25 Q. Do you remember that address?

1 A. Not the numerics. I think it was True Street. It was
2 just a little small house in a little neighborhood back off
3 Garners Ferry Road.

4 Q. And when y'all got to True Street, what did you do?

5 A. Myself and Agent Cuttino, we went around to the front of
6 the house. There was sort of a little walkway and there's a
7 front door and then there's a little side door here. We went
8 around to the front and we waited 'til the guys got in the
9 area where they could see the whole house, and at that point
10 we knocked on the door.

11 Q. And did anyone answer the door?

12 A. Not the door that I was at at first. Sergeant Caldwell
13 told us that somebody had peeked out the other door and that
14 he had told them to come to the door where we were at which
15 was the front door and then he came around.

16 Q. Sergeant Caldwell came around?

17 A. Right.

18 Q. And at any point in time did anyone in that home answer
19 the door?

20 A. Yes. Well, Sergeant Caldwell told us there was a white
21 female that looked out the window, and a black male came to
22 the door and opened the door.

23 Q. And were you able to see the man who opened the door?

24 A. Yes.

25 Q. And do you see that man in the courtroom today?

1 A. Yes.

2 Q. Are you pointing at...

3 A. Mr. Williams.

4 Q. When he opened the door, what happened?

5 A. Sergeant Caldwell asked him, you know, who was he and he
6 said Adonis, and he told him -- he said, "You're under
7 arrest." And he stepped up on the porch to arrest him, and
8 as he did, he put his hand on him to turn him around to put
9 the cuffs on him and that's when Mr. Williams jumped off the
10 porch and ran.

11 Q. And when he ran, did y'all chase him?

12 A. Yes, we gave him a foot chase probably a couple of
13 blocks through the neighborhood, through streets and through
14 an apartment complex and down through a little wooded area
15 back in there.

16 Q. And were you able to catch him?

17 A. Not at that time.

18 Q. After he ran away, what did y'all do?

19 A. We called -- well, I think Richland County called their
20 helicopters and bloodhounds. We also notified our
21 helicopters and bloodhounds and got agents out there to try
22 to help us apprehend him.

23 Q. And were y'all able to apprehend him that night?

24 A. Not that night. We searched all night long but were not
25 able to apprehend him that night.

1 Q. Did you return to the search the next day?

2 A. We never left.

3 Q. You never left.

4 A. We stayed there the whole time.

5 Q. So you're there the entire night.

6 A. Yes, ma'am.

7 Q. And at any point in time did y'all have information
8 about another location where the defendant may be?

9 A. Yes. We were getting different information throughout
10 the night, but the next morning we started getting some
11 pretty good concrete information to where he possibly could
12 be, and that's when we started trying to run those leads
13 down.

14 Q. And in running those leads down, did y'all go to the
15 residence of a Zab?

16 A. Yes, and I couldn't tell you the name of the street, but
17 I think it's off -- between Leesburg and down in that area
18 there which is not far from the original location, just
19 across 277 on the other side of it. We got a lead that he
20 may have been at this location with the subject, and we went
21 to that house the next morning.

22 Q. About what time? Do you recall?

23 A. No, ma'am, I don't recall. It was -- it was early
24 morning. I'd say -- it was before 12; I can tell you that.

25 Q. And when you went to Zab's house, did y'all knock on the

1 door or how did y'all initially contact Mr. Williams?

2 A. We did the same thing. We kind of -- we got a little
3 perimeter set up around the house in case the subject was
4 there and did jump and run. Some of the agents went to the
5 door and knocked on the door. A male came out -- black male
6 came out. He talked to them, and we gained access to go in
7 the house and we went in the house searching for Mr.
8 Williams.

9 Q. Did you enter that house?

10 A. I did.

11 Q. And did you eventually make contact with the defendant?

12 A. I did.

13 Q. Where was the defendant when you made contact with him?

14 A. He was in -- as you walk in the front door, some of the
15 agents went to the right which is a bedroom, and I could hear
16 them yelling to a subject to come out and put his hands up or
17 whatever and I could hear the subject yelling back and I
18 entered into the bedroom then, and Mr. Williams was sort of
19 in a closet.

20 Q. He was in a closet?

21 A. Right.

22 Q. And he had not exited the closet at this point.

23 A. No. No.

24 Q. Could you hear anything that the defendant was yelling
25 in response to officers telling him to come out?

1 A. Well, he was pretty loud and irate. He was saying that
2 he wasn't going to jail, that we'd have to kill him and that
3 type of thing.

4 Q. But he was eventually brought out of the closet and
5 arrested.

6 A. Correct.

7 **Ms. Walker:** Nothing further, Judge.

8 **The Court:** Anything?

9 **Mr. Schnee:** No questions.

10 **The Court:** All right. Thank you, sir. You can step
11 down.

12 **The Witness:** Yes, sir.

13 **The Court:** Yes, ma'am.

14 **Ms. Campbell:** The State would call Sergeant Don
15 Robinson.

16 **The Court:** Let's swear him. I think we'll take a break
17 now. You can go ahead and swear him if you want and then...

18 Don Robinson, after being duly sworn, testified as
19 follows:

20 **The Court:** Ladies and gentlemen, his testimony is going
21 to be a little while, so I think we'll take a break now for
22 about 15 minutes and then we'll come back and we won't have
23 to break right after we get the witness on the witness stand.
24 So y'all don't discuss the case while you're back there.
25 We'll bring you back in 15 minutes or so, and y'all step back

1 to the jury room.

2 (Whereupon, the jury was excused from open court at
3 10:47 a.m.)

4 **The Court:** All right. Let's stand in recess for a few
5 minutes.

6 (Whereupon, a short break was taken.)

7 **The Court:** All right. Are they going to get us the
8 defendant? What did you do with your lawyer -- I mean your
9 client there, Mr. Schnee?

10 **Mr. Schnee:** He ran away. The deputies just let him go.

11 **The Court:** How long are you going to be with Mr.
12 Robinson?

13 **Mr. Schnee:** How long am I going to be?

14 **The Court:** You may be longer than they are.

15 **Mr. Schnee:** It is possible. I would guess a half hour
16 to 45 minutes---

17 **Ms. Campbell:** Oh, easy.

18 **Mr. Schnee:** ---depending...

19 **The Court:** Well, Walkaway has been working on --
20 working on brevity at night.

21 **Ms. Campbell:** He's been working on it?

22 **Mr. Schnee:** Indeed.

23 (Pause in proceedings.)

24 **The Court:** All right. Are we ready to go? Let's bring
25 the jury in if we could.

1 (Whereupon, the jury was brought into open court at
2 11:07 a.m.)

3 **The Court:** All right. Thank you. Madam Solicitor?

4 **Ms. Campbell:** May it please the Court?

5 **The Court:** Yes, ma'am.

6 Direct Examination

7 By Ms. Campbell:

8 Q. Sergeant Robinson, where are you employed?

9 A. Richland County Sheriff's Department.

10 Q. What do you do there, sir?

11 A. I am currently the supervisor of the burglary unit at
12 the investigations division of our department at that---

13 Q. Now go to -- I'm sorry. Go ahead.

14 A. At the time when this incident occurred, I was the
15 supervisor in the Major Crimes Unit in the robbery unit. I
16 shared duties with the -- in the robbery unit with Sergeant
17 Isenhoward that was here earlier and testified earlier. I
18 handled the robberies in the Region 1 area which would have
19 been the Lower Richland/Broad River Road area, and he handled
20 the ones in the northeast/Dentsville area. We kind of split
21 duties there.

22 Q. How long have you been in law enforcement, sir?

23 A. I'm in -- should be my 19th year this month.

24 Q. And as a supervisor over the robbery unit of the violent
25 crime unit, what do your duties include?

1 A. Daily it would be to assign the incoming reports of any
2 major crimes to our fellow investigators, but then again we
3 would also take a caseload ourselves. So, in addition to
4 assigning cases, we would take an interest in the actual
5 cases and assign them to ourselves, and that's what I did in
6 this case. When the report came in, I had already been
7 working several cases in the area, and then so when this came
8 in, I took a particular interest in it and I assigned it to
9 myself and -- because I had already spoken with Investigator
10 Gallegos over the weekend about it.

11 Q. Okay. And as common protocol, this occurred I believe
12 on a Sunday morning. Is that correct?

13 A. That is correct.

14 Q. And you were off at that time?

15 A. I was off when it happened; yes, ma'am.

16 Q. But during the course of that Sunday, you received
17 telephone calls and became aware of the situation?

18 A. I did.

19 Q. And as far as someone breaking into anyone's home, armed
20 with a weapon and forcing them to give up money, would that
21 be considered a violent crime?

22 A. It's very violent. It's a high priority for us.

23 Q. That Sunday did you also make contact with the Crime
24 Scene Investigative Unit as well?

25 A. I did. When I -- when I received the first phone call,

1 the first one I had gotten a call from was Investigator
2 Gallegos. He called me to explain all the details of the
3 case, let me know what was going on. I asked him who was
4 processing the scene, and that's when he told me Investigator
5 Polis was processing the scene. So I had him -- I said,
6 "Make sure you have Polis -- whenever she's done, I need to
7 talk to her. I want to see what's going on with the case."
8 So I did, and she called me back and explained to me what she
9 had and she explained to me the potential that she had for a
10 -- of a print from the junction box at the back of the --
11 back of the house. So I knew that that was a priority and
12 that was the first thing I wanted to make sure was addressed
13 and was going first thing Monday -- first thing Monday
14 morning we were in.

15 Q. And when you reported to work Monday morning, did you
16 actually become actively involved in this investigation?

17 A. I did, first thing in the morning.

18 Q. And that morning did you have the lab check some names
19 as possible -- let me back up. On Monday morning when you
20 got there, did y'all have any idea the identity of the person
21 that had perpetrated this crime?

22 A. Monday morning we had no idea.

23 Q. And that morning you were aware of a print, however?

24 A. I knew there was a potential for one there.

25 Q. And---

1 A. I knew they were working on one.

2 Q. What did you have the lab do in order to run any
3 possible suspects in the case?

4 A. Well, the first thing I did is I communicated with
5 Investigator Polis. I communicated with her to make sure the
6 quality was there and made sure she understood this is a
7 priority; this is a rush. Let's get on it. You know, don't
8 delay.

9 While I did that, I had some names of people that I had
10 been looking for for some other incidents. I thought they
11 kind of vaguely might have fit the description. Just to go
12 ahead and get a jump on it just to see, I gave her four
13 names. Try these names. Let's see if you can get a match on
14 them. Sometimes if you wait around for a potential for an
15 AFIS match, it might take a week or a day or so, but you can
16 actually -- if you know a name, you might can get a one-to-
17 one. You might get a one-to-one match within 24 hours or
18 12 hours or even quicker. So I took a shot, threw some names
19 out there that I knew just to see if we could get a hit.

20 Q. And did any of those match the fingerprints that you
21 have?

22 A. They did not.

23 Q. That day did you also go out to the victim's residence?

24 A. I did. The way we started that day is once I assigned
25 the reports, you know, I started developing a strategy. I

1 talked to the lab, got them going, got the names in there,
2 got that started. I invited Sergeant Isenhoward: Can you
3 come with me down there? We need to get some investigators
4 down there. We have a -- we have a problem, and we need to
5 go address it quick.

6 So the first thing -- I think we started about 8:15,
7 8:30, went down there and went back down to the house, and
8 when we got there, the first thing we did is we met with Ms.
9 Wofford at her home. Met with her there. She was in the
10 den. She had the telephone repairman there. He was there
11 working on the back, back there fixing the phone lines.

12 I think she had the alarm company either on the way or
13 they might have been there as well. There was a lot of
14 activity at the house. She was getting repairs done
15 everywhere. Still -- still rattled. We sat down in her den,
16 went back over the whole situation. Took our time. Went
17 through -- started going through the house, looking around.
18 I wanted to get a real good understanding and feel for the
19 crime scene itself.

20 I saw where the point of entry was. Saw where she was
21 when the defendant came into the home, went into her bedroom.
22 She showed me where she was in her bed, where she got out of
23 the bed, where he confronted her, what he asked her to do,
24 where he looked for her purse, tried to go in her purse in
25 the little hallway next to her doorway. And then after going

1 through all those details, we went back outside, spoke to her
2 outside.

3 Q. What's the purpose in you going over the day after the
4 event with the victim? Because she had already given a
5 statement by that point?

6 A. A statement had already been provided to us---

7 Q. And the robbery questionnaire?

8 A. The robbery questionnaire was done as well. Just to go
9 -- it's just to go back over things. A victim is just like
10 anyone else that has any tragic event that happened to them.
11 You know, you're upset; you're distraught. You know,
12 sometimes you can -- you can remember the facts a little bit
13 better after the dust settles. Calm down. You take a deep
14 breath. You relax a little bit. More details will come to
15 you. That's why it's important to talk -- usually we try to
16 do it two or three days later, let the dust settle, but we
17 needed to -- we needed to move. We couldn't wait.

18 So we went back to go back over all the details again.
19 She went back through them with us again. After we checked
20 the house and went through everything on the inside of the
21 home and looked through all that again, she explained to us
22 about the truck and that he had made her go to the truck and
23 leave and go to the bank.

24 So we examined the truck again. Sergeant Isenhoward and
25 I started looking through the truck. There was broken glass

1 still everywhere. I think some of it had been vacuumed and
2 cleaned up a little bit by her. I think her son was helping
3 her clean up.

4 So I started going, looking through the truck just to
5 see -- I mean, we've had crimes before where people have
6 dropped -- defendants have dropped cell phones. They've
7 dropped their I.D. They've dropped their car keys. You just
8 never know what can be dropped.

9 So we went back to go look through it again. I started
10 opening things. And she had her ashtray open and she drives
11 a Toyota Tacoma pickup truck -- opened -- well, the ashtray
12 was already open. I saw her looking through it and I could
13 tell that she smoked or at least someone smoked. I asked her
14 -- I said: Has anyone -- "Did the defendant smoke in your
15 truck?" She said, "Well, yeah." I said, "Do you smoke?"
16 She said, "Yes, I do." And I said, "What about the
17 cigarettes that are in the ashtray? Are those yours?" And
18 she said, "Yeah, those are mine." I said, "Well, do you
19 smoke the same brand?" She said, "Yes, I smoke Virginia
20 Slims."

21 So I collected one of them just to see and make sure I
22 understand -- I knew what Virginia Slims were. And the
23 reason why I brought that up and why I thought that was
24 important is because this was -- at the time D.N.A. was a hot
25 topic. It was new to us; it was new to our road officers.

1 So we were really, really pressing the issue of D.N.A.
2 evidence.

3 Q. Let me stop you there. Is a cigarette butt left at a
4 scene or at a point in the crime -- can it be significant in
5 your investigation?

6 A. Oh, it could be tremendous.

7 Q. And at this point you had determined that the defendant
8 -- from interviewing the victim that the defendant had, in
9 fact, smoked a cigarette while in her presence?

10 A. That's correct.

11 Q. And was she also able to give you information about
12 whether or not he had exited with that cigarette butt?

13 A. She did. She told me that on the way back from the bank
14 that they went to a location that he had directed her: "Take
15 me here and drop me off." And then she -- he tossed it or
16 got rid of the cigarette butt as he departed out of the
17 vehicle.

18 Q. And that day did she actually identify where it was he
19 exited her vehicle after the robbery and the home invasion?

20 A. She did. After we went through her truck and went
21 through all that, what we did is: Okay, how about ride with
22 me and just show me exactly where you went, how this whole
23 thing happened, step by step. We left in my car, went to the
24 bank. Go to the bank. She drove us around, drove us the
25 route and back where they came back down True Street, down

1 behind the Greenlawn and back up Leesburg.

2 I said, "Well, take me to this location," because she
3 didn't know -- she couldn't tell us an address or anything.
4 So I said just -- "You just tell me when to turn and where to
5 go, where to stop, and then I'll just drive 'til you tell
6 me." So we started driving. She said -- just pointed to
7 where we go. She said, "Take a right here on this road,
8 Patricia." So I pulled to Patricia. She said, "That house
9 right there is where he told me to drive." I pulled into the
10 driveway on this side of the house, and that's where he got
11 out and ran.

12 Q. I show you what's been marked as State's Exhibits 39 and
13 40. Do you recognize those photos?

14 A. Yes, I do.

15 Q. And is that the area where she indicated that he had
16 gotten out of the car and exited the vehicle?

17 A. That's correct.

18 Q. Once she identified that area for you, did you then take
19 her back to her home?

20 A. Then what we did is we knew that when he got out of this
21 car he ran behind this house and ran behind this business
22 which we found out this business ended up being an attorney's
23 office, and then that's the last that she knew. So we took
24 her home and then had -- Sergeant Isenhoward said, "I want to
25 go back. Let's go back, hit the trail and see where -- from

1 the part where he got out and see what we could find from
2 that spot and let's go as far as we can and see if we can
3 find anything again," just to go back over all the steps.

4 So we go back to this address at [REDACTED] Patricia Drive.
5 We go there, park our car. As a matter of fact, I parked my
6 car right where she said she parked her truck because I
7 wanted to really get a good feel of exactly the full
8 proximity of everything in the yard. If you see in this
9 house -- let me show you which one; that might be easier.
10 You can see where there are two parking arrangements for --
11 two parking arrangements there in that driveway.

12 There are two driveways there. If you're facing the
13 house, there's a driveway parking area on the left side of
14 the property and a parking area on the right, two little
15 cement pad areas where you could park. She parked to the
16 right pad on that right side and that's where I parked. He
17 had gotten out on the passenger side truck right there and he
18 took off and ran.

19 Q. Right in here in this area?

20 A. That's correct. That will put you at that little spot
21 right there on the right. So we went there, started looking
22 around. I mean, I had an idea of kind of what I was looking
23 for, a couple of things. Like I told you earlier, I'm
24 looking for cell phones, I.D.'s, whatever, anything we could
25 find, and we started looking around, following the trail. I

1 could see a cigarette butt. It was about as white as --
2 bright white as could be, but it was sitting softly on the
3 grass, not leaves but...

4 Q. I show you State's Exhibit Number 41.

5 A. A blade of grass. I'm sorry.

6 Q. Is that the cigarette butt you're referring to?

7 A. That is correct.

8 Q. And I show you State's Exhibit Number 58. Is that the
9 cigarette butt that you collected that's depicted in State's
10 Exhibit Number 41?

11 A. That is. That's the one I collected.

12 Q. And that was right in the area where we just pointed out
13 for the jury---

14 A. That is correct.

15 Q. ---on that photo?

16 A. That is correct.

17 Q. And what brand of cigarette is this?

18 A. That is a Virginia Slim.

19 Q. And was that significant to you as far as this
20 investigation and what the victim -- and the information the
21 victim had been able to provide to you?

22 A. To me I thought it was very relevant and very important
23 because it matched the same name brand -- the cigarettes that
24 were there in the truck and that Ms. Wofford was smoking.
25 And if you see right here in the yard, you can actually see

1 some white specks over here in this yard over here. Those
2 were additional cigarette butts that were in the yard that
3 were all flattened, kind of all had a yellowish tint to them.
4 As you can tell with paper, like cigarette paper or newspaper
5 or something like that, over a day or two, maybe more than a
6 day or two, four or five days, they start tinting yellow.
7 And they were all flattened and smoked, and just every one
8 that we looked through and every one that I saw were all Pall
9 Mall, so...

10 Q. So the only cigarette -- Virginia Slim cigarette that
11 had the appearance you've described that was out there that
12 day is the one you collected?

13 A. That's the only one I could find anywhere in the yard.
14 Here was a Virginia Slim.

15 Q. And when you collected that item, did you package it
16 properly?

17 A. I collected it, dropped it and sealed it immediately
18 right there on the spot. We photographed it. Sergeant
19 Isenhoward had his phone with him. He photographed it. I
20 pulled it in, put it in this bag here, sealed it right away.
21 They come unsealed, so all we have to do is open it, peel
22 this section back, and it automatically glues and seals it
23 right there on the spot. I put it in the trunk of my vehicle
24 at that point and secured it in the trunk.

25 Q. And you've had some training on how to collect evidence

1 so as not to contaminate it?

2 A. That is correct.

3 Q. And you took those precautions in this case.

4 A. I did.

5 Q. Once you had collected the cigarette there at the scene
6 at [REDACTED] Patricia Drive in front of that house, did you then
7 proceed back to the victim's residence?

8 A. After we did that and secured that, I did. I went back.

9 Q. And what was the purpose in going back to the victim's
10 residence again that day?

11 A. Because I wanted to collect a sample, a standard, of
12 what we call an elimination D.N.A. from Ms. Wofford. Now,
13 what -- just to commonly let you know, in case you haven't
14 already learned enough this week, the elimination standard is
15 to eliminate someone from that match.

16 Q. As was testified to---

17 A. As was testified to earlier.

18 Q. I show you State's Exhibit Number 62. Is this the
19 buccal swab that you actually collected from Linda Carol
20 Wofford?

21 A. Yes, ma'am, it is.

22 Q. And that swab was collected by you that day from the
23 victim herself?

24 A. Yes, ma'am.

25 Q. And, again, you used your training and collected it

1 properly so as not to contaminate it.

2 A. Yes, ma'am. I collected it---

3 Q. And it was---

4 A. I collected it from her, immediately put it in this box
5 here, labeled it on this box at the date and time which I
6 collected it, automatically went through the same sealing
7 process and sealed it in this bag as well.

8 Q. And it would have been kept separate from the cigarette
9 butt itself.

10 A. Well, they're all separately sealed. They're sealed
11 immediately and glued in this plastic bag here.

12 Q. And that day did you submit it -- later that day did you
13 submit it properly into evidence?

14 A. When I went back -- when I went back to the office after
15 finishing up as much of the follow-up investigation that we
16 could on the road because our office is on the other side of
17 town, then I went back and dropped it off, all the evidence
18 that night or that afternoon.

19 Q. That day did y'all try to canvass the neighborhood while
20 you were out there as well?

21 A. We did. We---

22 Q. What does that mean when I say canvass the neighborhood?

23 A. You just go -- canvass, what you do is you try to take
24 as much of a 360-degree approach as you can. You just start
25 from one side of the neighbors that might have seen anything

1 and you just go to anybody that is there, and generally you
2 knock on as many doors as possible and hope that you can find
3 someone that saw something, someone that can give you some
4 detail. You may get one little detail from one neighbor and
5 you may get a second detail from another, a third, and then
6 hopefully you can put together pieces of the pie.

7 Q. On that day were you able to get any additional useful
8 information as far as this case went?

9 A. There was very little people home. The way Ms.
10 Wofford's house is - you have to understand, too - is that
11 her home sits directly across from an apartment complex and
12 then there's -- her next-door neighbor -- there's a vacant
13 house next door, and the apartment complex is I guess
14 probably a hundred yards from her door, 150 yards from her
15 door. During the daytime or 10:00 in the morning, a lot of
16 people are at work. There just weren't many people around.

17 Q. Okay. During the course of your briefing in this case,
18 did you become aware that Ms. Wofford's car had been
19 vandalized shortly after the armed robbery, burglary, and
20 kidnapping occurred?

21 A. I did.

22 Q. And at first did you think these two matters could be
23 related?

24 A. Oh, absolutely. I thought there was a good possibility.

25 Q. And did you also during the course of your investigation

1 as the lead investigator come -- end up with the video from
2 the Citgo station showing the vandalism itself?

3 A. I did.

4 Q. And I show you State's Exhibit Number 75. Have you had
5 an opportunity to review this?

6 A. I have.

7 Q. And is that the video that was recovered from the Citgo
8 station showing the vandalism that occurred?

9 A. That is the video.

10 Q. And generally on this, are you able to make out anyone's
11 face or any features or anything of that nature?

12 A. No, not hardly.

13 **Ms. Campbell:** Your Honor, at this time I'd offer
14 State's Exhibit 75 into evidence.

15 **Mr. Schnee:** No objection.

16 **The Court:** So admitted.

17 (State's Exhibit 75 was received in evidence.)

18 **Ms. Campbell:** And we would ask permission to publish it
19 to the jury via -- at this time.

20 **The Court:** And by that you mean you're going to play
21 it?

22 **Ms. Campbell:** Yes, sir.

23 **The Court:** Have you got that set up?

24 **Ms. Campbell:** Yes, sir.

25 **The Court:** All right.

1 **Ms. Campbell:** I'm hopeful.

2 **The Court:** Madam Solicitor, are we going to need to cut
3 the lights out or is this viewable with the lights on?

4 **Ms. Campbell:** It might be helpful to cut some of them.

5 **The Court:** Well...

6 **Ms. Campbell:** I haven't seen it in this courtroom, Your
7 Honor, so I want to see how it looks if you don't mind.

8 **The Court:** I don't mind. I don't mind a bit.

9 **Ms. Campbell:** Thank you.

10 **The Court:** Let me know when -- because we can cut the
11 lights out. The courtroom electrician can cut them off.
12 Wouldn't that be you?

13 **Law Clerk:** It could be, being that it's right there.

14 **The Court:** That would be it?

15 **Law Clerk:** Yes, sir.

16 **Ms. Campbell:** Okay.

17 **The Court:** Are we ready?

18 **Ms. Campbell:** We're having technical difficulties,
19 Judge. I'm sorry.

20 **The Court:** Would that be the equipment or the
21 technician?

22 **Ms. Campbell:** I think we're going to need to turn out
23 some lights, Judge.

24 **The Court:** Well, we can't replace the equipment.

25 **Ms. Campbell:** There it comes. Never mind. I'm sorry,

1 Judge.

2 (Whereupon, State's Exhibit 75 was played for the jury.)

3 **Ms. Campbell:** That's it. That's it, Judge. May I
4 proceed?

5 **The Court:** Yes, ma'am.

6 By Ms. Campbell:

7 Q. Sergeant, was that the extent of the video that was
8 collected that day from the Citgo?

9 A. That is.

10 Q. And to your knowledge, was that the only angle of camera
11 on the exterior or the interior that showed the vandalism
12 that occurred?

13 A. That's the best and only angle that you could see the
14 vandalism on.

15 Q. And as far as what was possibly relevant in this case,
16 that was what was relevant at the time?

17 A. It was.

18 Q. I notice in that video that it is somewhat stilted, the
19 movements, and do you know why that is in videos? You've
20 dealt with a lot of them.

21 A. Video surveillance cameras often do what's called
22 panning. It might have multiple cameras, different angles,
23 and they just don't record every single thing. It bounces as
24 it moves, so you don't get a full constant play of the
25 recording. You may get a little bit here and there. So the

1 angles change a little bit, so it's not a perfect picture,
2 but it will give you somewhat of a picture.

3 Q. And at that point you were moving forward under the
4 assumption it may be connected with this case?

5 A. At that time, you know -- when I first started, I
6 thought it might have been connected, and then we started --
7 wasn't a hundred percent sure, so we started doing a separate
8 investigation on it. We just kind of worked two together.

9 Q. Okay. I'll get back to that.

10 A. Okay.

11 Q. As far as recovering any additional video at a later
12 date, say months and/or a year later, would you have been
13 able to go back and get any other video in this case several
14 months or a year later?

15 A. No.

16 Q. Why not?

17 A. Well, after a period of time it's recorded over.
18 Different -- it depends on what kind of system people have,
19 but most of the time they're recorded over.

20 Q. The day of May the 23rd, we just talked about what you
21 did in this case and what you collected, and that evening I
22 believe you would have submitted those items into evidence to
23 be tested?

24 A. You're referring to---

25 Q. The cigarette butt---

1 A. ---this right here as evidence? Yes. That's correct.

2 Q. And the buccal swab from the victim.

3 A. That's right.

4 Q. On the day of the 24th did you continue investigating
5 the case?

6 A. We kept doing several things. We kept on working.

7 Q. And during the course of that day, were you are able to
8 get any relevant information as to the identity of the person
9 who had broken into her home and robbed her?

10 A. Well, I received information that we had a fingerprint
11 match and I was given the name by the---

12 Q. Let me back up.

13 A. Oh, I'm sorry.

14 Q. On the 24th.

15 A. On the 24th.

16 Q. I'm not to the 25th yet; okay?

17 A. Oh, okay. I'm sorry.

18 Q. On the day of the -- the evening of the 23rd into the
19 morning of the 24th, you continued to work the case; is that
20 correct?

21 A. That's correct.

22 Q. And at that point up until - and I'm getting to the
23 morning of the 25th - you still had no information as to the
24 identity of who perpetrated this crime.

25 A. Oh, at that point, no.

1 Q. Okay. On the morning of the 25th did your department
2 receive a phone call from S.L.E.D.?

3 A. They did.

4 Q. And was there pertinent information as far as the
5 possible identity of the perpetrator in this case?

6 A. It was possibly knew that it was going to -- that this
7 would match Adonis Williams, the defendant.

8 Q. And that's what's called a CODIS hit?

9 A. It's called a CODIS hit. That's correct.

10 Q. Was that information forwarded to you that day?

11 A. It was, yes.

12 Q. And at that point once you had -- with the information
13 from S.L.E.D., were you also getting -- able to get
14 identifying information about Adonis Williams such as a date
15 of birth, things of that nature?

16 A. I do. You get his name, Social Security number, his
17 birth date, so that way I could start doing what's called a
18 background packet until the actual confirmation and
19 everything comes through. You get the name, start finding
20 out who they are, where they're from, try to find out who
21 their family members are, any potential addresses where they
22 may live and anything like that so that when all the
23 information comes through, you're ready to go and start
24 getting warrants ready and going -- trying to get them
25 located, get them under arrest.

1 Q. At this point you were also aware that there was a
2 significant fingerprint that was---

3 A. That's correct.

4 Q. ---identifiable?

5 A. Yes.

6 Q. And did you request that any comparison be made, as
7 you've done earlier for other people, be done on Adonis
8 Williams as far as that fingerprint?

9 A. Yeah. We put his name in there for a match as well.

10 Q. And the fingerprint is -- which fingerprint are we
11 referring to? The ones where...

12 A. It was a fingerprint that was located on the telephone
13 junction box.

14 Q. And that day did you also get information as to whether
15 or not the fingerprint from the place where the wires were
16 cut and the telephone line -- whether or not those matched
17 anyone?

18 A. I was told by the lab that that fingerprint matched
19 Adonis Williams which would be the same Adonis Williams that
20 I had learned from the potential CODIS hit.

21 Q. With that information, did you then obtain an arrest
22 warrant in this case?

23 A. Well, I had another investigator -- I was working in the
24 field that was down at the judge's office, so Investigator
25 Polin -- I explained to him -- gave him all the details of

1 the case while we were still working on this. We kind of had
2 some shared duties. You know, if you try to do it all by
3 yourself, you won't get it all done in time, and time is of
4 the essence in something like this. So we recruited the help
5 of different people. So I gave him the details: I need you
6 to go sign the arrest warrant while we're over here. So he
7 signed the warrant for me.

8 Q. You keep referring to this as "a crime of this nature"
9 and "time is of the essence." Is the very nature of the
10 burglary itself what makes it dangerous?

11 A. Well, I think all facets of it is extremely dangerous.

12 Q. Once the arrest warrant was procured that day, was it
13 put into what's known as N.C.I.C.?

14 A. It was.

15 Q. And did you also request the assistance of additional --
16 the fugitive team and other people in an attempt to locate
17 the defendant?

18 A. I did. What we try to do is -- you know, our sheriff
19 has provided us with what's called a fugitive team or a
20 fugitive task force and what helps -- it helps investigators.
21 Before that was created, we'd have to go out and go serve all
22 the warrants and try to hunt people down ourselves. It took
23 time away from investigating the crime. So the fugitive
24 team, we give them the warrant. You hunt him down while we
25 try to acquire more leads. We try to do other stuff to

1 investigate the case a little bit more.

2 Q. That day, however, had you come up with an old address
3 for the defendant in this case on what's called Caroline
4 Street?

5 A. I found an address on Caroline. I went by there. We
6 went there looking for him while the fugitive team was
7 working on that, but that address was futile.

8 Q. And---

9 A. It was old.

10 Q. ---did you make contact with the person that actually
11 lived at Caroline Street?

12 A. I did. Her name was Andrea Myers, I believe. Is that
13 correct?

14 Q. And was she able to give you any information about when
15 the defendant -- if he had lived there in the recent past?

16 A. She had -- she had lived there for probably close to
17 almost two years and she occasionally maybe had gotten --
18 maybe it wasn't two years.

19 Q. Was it three years? Just refer to your notes.

20 A. My notes don't reflect exactly how many years, but I
21 knew it was a significant time. And Andrea said that
22 occasionally she would get a little bit of old mail with his
23 name on it, but it was -- everything was real old. It was a
24 rental house. It wasn't an actual home, so several people
25 had lived there.

1 Q. And did you also come up with another address for his
2 sister, Adonis Williams' sister?

3 A. I did. I found his address on Long Creek, and that was
4 at the Spanish Villa Apartments. I believe it's [REDACTED]. And so
5 we used that address. We learned that he might have been
6 living there with her. I think her name was Tanesha
7 (phonetic) Williams. I believe that's correct and---

8 Q. And what part of town is that in?

9 A. That is on Broad River Road. It's over there near where
10 Broad River -- Dutch Square Mall. It's what they call Long
11 Creek. There are several apartment complexes in there.

12 Q. And when you went there that day -- I believe this is
13 still on the 25th? Am I right?

14 A. Yes.

15 Q. Were you able to find the defendant there at his
16 sister's house?

17 A. No, he was not there. We went there late that night.

18 Q. I want to turn your attention to the morning of the
19 26th. Was the search continuing for Adonis Williams?

20 A. It was.

21 Q. And had anyone been able to find him up to this point?

22 A. Not at that point.

23 Q. That day did you develop some additional information
24 about an address on True Street where he might be found?

25 A. Well, that evening, late that evening - I think it was

1 around 7 or 8 or so - I was at home taking a break a little
2 bit from this. I received a phone call from Sergeant Ellis.
3 He explained to me that the -- that Adonis had been spotted
4 and there was -- the fugitive team was hunting him. There
5 was a group of people together, other agencies gathering
6 together.

7 So I got dressed, came back out, met with Sergeant
8 Ellis. We went there. We went to -- we met where the
9 Wendy's and the Sherwin Williams there in that parking lot...
10 There was a command center that was set up there in the
11 parking lot. We went there, checked in, see what's going on.
12 Had gotten an update from Sergeant Caldwell. It was
13 explained to me what was going on, so then I went back with
14 Matt, Sergeant Ellis. We went back to the address on True
15 Street.

16 Q. The address where he had been seen?

17 A. That's correct.

18 Q. And whose actual address was that?

19 A. The lady's name was Dawn, Dawn Shea.

20 Q. And what was the relationship between her and Adonis
21 Williams?

22 A. This was a rekindled girlfriend situation. They had
23 recently rekindled their affair shortly before this happened.

24 Q. And when you made contact with her on True Street, was
25 she cooperative?

1 A. She was very cooperative. She was there. She had
2 another roommate that was living in the back room. So we
3 generally spoke to Ms. Shea the entire time.

4 Q. And did she actually sign a consent to search for y'all
5 to search the house?

6 A. She was very cooperative. She explained to us that he
7 was not living there. He had been there. And so I presented
8 her -- as Sergeant Ellis explained earlier, we as law
9 enforcement only have the right to search someone's home
10 under two premises. One is we have a search warrant signed
11 by a judge or the victim allows us to search their home,
12 which would be by the consent. So I presented Dawn Shea with
13 the consent to search form.

14 Q. And you would get the consent to search not necessarily
15 from someone hiding in the home but from the person that
16 actually owns the home or resides there.

17 A. That's correct.

18 Q. And in this case that's what you did?

19 A. That is.

20 Q. And during the search of the interior of the home - you
21 can't mention anything else - but was there a phone recovered
22 which I'm showing you, State's Exhibit Number 65?

23 A. Yes. That's correct.

24 Q. And did that become somewhat significant in this
25 investigation?

1 A. It did.

2 Q. During the course -- after you all had recovered the
3 phone from Ms. Shea's house, did you make any attempt to
4 determine who the phone belonged to?

5 A. I did. I looked at it to see---

6 **Mr. Schnee:** Judge, I'm going to object at this point
7 based on discussions during pretrial.

8 **The Court:** All right. Well, I've ruled on that;
9 correct?

10 **Ms. Campbell:** (Nodded head up and down.)

11 **Mr. Schnee:** I believe you said you would be revisiting
12 that one.

13 **The Court:** All right. Well, she asked if he had made
14 any effort to identify the owner of the phone. Do you object
15 to that question?

16 **Mr. Schnee:** No, but what's going to follow.

17 **The Court:** All right. Well, we'll see what... You can
18 answer the question. Overruled.

19 **Ms. Campbell:** Thank you.

20 **The Witness:** I opened the phone to see who might have
21 been the owner of the phone, and I also asked Ms. Shea whose
22 phone it was and we learned that it was the phone that
23 belonged to Adonis Williams.

24 **Mr. Schnee:** Objection to that, Your Honor.

25 **The Court:** Sustained. If it's based upon something she

1 told him, then I sustain the objection.

2 By Ms. Campbell:

3 Q. Beyond that, did you actually get on the phone yourself
4 at some point?

5 A. Yeah. As a matter of -- right after I looked at the
6 phone, I maintained possession of the phone for awhile.

7 Q. Okay.

8 A. While I was maintaining possession of the phone, while I
9 was still looking for the guy, the phone is ringing. It rang
10 several times. So I picked up the phone and said, "This is
11 the police." They're like, "Is this Adonis?" I said, "No.
12 We can't find him."

13 **Mr. Schnee:** Objection, Your Honor, as to what someone
14 else said on the other end of the phone.

15 **The Court:** All right. Well, you can't testify as to
16 what they said.

17 **The Witness:** Okay.

18 By Ms. Campbell:

19 Q. Don't testify as to what they said, but was it ever
20 Adonis on the other end of the phone?

21 A. No, it was not.

22 Q. And at some point though did someone answer the phone
23 that is associated with Adonis Williams?

24 A. Yes, Adonis's father.

25 **Mr. Schnee:** Objection. Same basis.

1 **The Court:** Sustained.

2 **Mr. Schnee:** Move to strike.

3 **Ms. Campbell:** Your Honor, may we approach?

4 **The Court:** You may.

5 (Whereupon, a bench conference was held.)

6 **Ms. Campbell:** During the course of your investigation,
7 were you able to confirm that this was Adonis Williams'
8 phone? Don't say how.

9 **Mr. Schnee:** Objection.

10 **The Witness:** During the rest of the investigation---

11 **The Court:** Whoa, whoa, whoa. When there's an
12 objection, don't... Well, I don't know how he confirmed if
13 it's -- that would be the follow-up question?

14 **Ms. Campbell:** Uh-huh.

15 **The Court:** Overruled.

16 By Ms. Campbell:

17 Q. Did you confirm it was his phone?

18 A. We confirmed it through by downloading records on the
19 phone.

20 **The Court:** All right.

21 **Ms. Campbell:** Can we proceed, Your Honor?

22 **The Court:** Proceed.

23 **Ms. Campbell:** Thank you.

24 By Ms. Campbell:

25 Q. And once you had confirmed it was his phone, did you

1 then go through and look at certain text messages on the
2 phone?

3 A. I did.

4 Q. And I'm going to show you what's been marked as State's
5 exhibit numbers - I'm sorry; I don't mean to yell in the
6 microphone - 66 and 68. Do you recognize those?

7 A. Yes, I do.

8 Q. And are those photographs you took of the text messages
9 from those phones?

10 A. That's correct.

11 Q. And looking at State's Exhibit Number 66, is the date
12 reflected on there? March the 26th?

13 A. March 26th.

14 **Mr. Schnee:** Objection, Your Honor, as to the content of
15 that.

16 **The Court:** All right.

17 **Ms. Campbell:** Your Honor, at this time we offer them
18 into evidence.

19 **The Court:** Hold on. Ladies and gentlemen, let me let
20 you step back to the jury room. Please don't discuss the
21 case while you're there.

22 (Whereupon, the jury was excused from open court at
23 12:00 p.m.)

24 **The Court:** All right. What is the purpose of
25 introducing these photographs to show the texts?

1 **Ms. Campbell:** The purpose of introducing this is we can
2 show flight as evidence of guilt according to the case law.

3 **The Court:** Well---

4 **Ms. Campbell:** In these he's talking about going into
5 hiding; the police is looking for you. Those are the --
6 that's the extent of it. We are not introducing -- and I
7 misstated the number. State's Exhibit Number 68 is I.D.
8 only. We are only introducing those just to show evidence of
9 flight. And I can hand them up for you to review, Your
10 Honor.

11 **The Court:** What do you want to tell me?

12 **Mr. Schnee:** Well, Judge, respectfully the State has
13 already argued that this phone was abandoned property at
14 someone else's house. They don't have a date of when it was
15 abandoned. They can't prove who sent or received any of
16 those messages. All of that would be hearsay and they can't
17 link it to my client, and based on the content of that I
18 would object under Rule 403 as well.

19 **The Court:** All right. I'm going to admit it on the
20 basis that it's not being offered for the truth of the matter
21 asserted but being offered for the purpose of putting -- that
22 this defendant may have known that the police were looking
23 for him and -- whether that's true or not true, but that he
24 may have had information that the police were looking for him
25 either through a text message to this phone or a message from

1 this phone.

2 Now, you can certainly question them -- I think it would
3 go to the weight of the evidence, and you can cross-examine
4 them about whether they have any information that he had the
5 phone when these were -- messages were either made or
6 received but that will -- that's the purpose of -- I mean,
7 the basis of admission. All right. Bring the jury in.

8 (State's Exhibits 66 and 67 were received in evidence.
9 The jury was brought into open court at 12:02 p.m.)

10 **The Court:** All right. Madam Solicitor?

11 **Ms. Campbell:** Thank you, Your Honor.

12 By Ms. Campbell:

13 Q. Okay. I now show you what's been admitted into
14 evidence, State's Exhibit Number 66.

15 A. Yes, ma'am.

16 Q. Is that a text message that came off the phone?

17 A. It is.

18 Q. And, again, when y'all are searching the house, this is
19 late in the evening of what date?

20 A. The 26th.

21 Q. The 26th? And is there a time -- a date and a time on
22 that text message?

23 A. The date is March 26th and it says 7:20.

24 Q. A.M.?

25 A. But it says a.m. on there, yes.

1 Q. 7:20 a.m.?

2 A. 7:20 a.m.

3 Q. And that was a text message that you found on State's
4 Exhibit Number 65.

5 A. That's correct.

6 Q. And what does it say?

7 A. It says, "The police is looking for you. They came back
8 one of a kind."

9 Q. "The police is looking for you."

10 A. "The police is looking for you."

11 Q. The second one is State's Exhibit Number 67. I
12 misstated the number earlier. It's been admitted into
13 evidence. And is that another one?

14 A. It is another message.

15 Q. And does it indicate down there the date and time of
16 that message?

17 A. 3/26/09 at 8:22 p.m.

18 Q. P.M. And what does that message say?

19 A. "Are you gonna let me get that weed, my N-I-G-G-A?"
20 There's a question mark. And, "I'm about to go into hiding."
21 Then, "Black power." Then the phone call back is a phone
22 number: [REDACTED]-2175.

23 Q. "I'm about to go into hiding"?

24 A. "I'm about to go into hiding."

25 (State's Exhibit 68 was marked for identification only.)

1 By Ms. Campbell:

2 Q. During the search of Ms. Shea's house that evening, did
3 you ever find the jacket that the victim described in this
4 case?

5 A. No, we did not find that.

6 Q. Did you ever in your entire -- in the search -- we'll go
7 through some more searches. Did you recover the gun?

8 A. No, we did not.

9 Q. Is that unusual, especially as time passes?

10 A. No. It's usually -- if it's not -- if you don't recover
11 it within probably a few hours, the likelihood just
12 diminishes more and more that you're going to find evidence
13 throughout the days.

14 Q. That evening did you finish up the search at Dawn Shea's
15 house that evening?

16 A. That evening we completed that.

17 Q. And about what time was that? Do you remember?

18 A. It was working towards the late night hours. We
19 finished there -- it might have been 10:30, 11 or so, and
20 then after we concluded that search the fugitive team was
21 still doing their work. At that point Sergeant Ellis and I
22 then -- I had the search warrant in hand for Ms. Williams'
23 apartment there on Long Creek. So we left from there and
24 went to go execute the search warrant to see if he might be
25 over there at that apartment there in Spanish Villas.

1 Q. And when you actually got over there, it would have been
2 the early morning hours of the 27th?

3 A. That's correct.

4 Q. Around what time?

5 A. It was right around 1:00, I believe somewhere right
6 around there.

7 Q. And during the execution of the search warrant at the
8 sister's house, did you find anything relevant as far as this
9 case is concerned?

10 A. No, we did not.

11 Q. Did you find the defendant?

12 A. No, we did not.

13 Q. Did you and the fugitive team - and we've heard about
14 the different agencies involved - continue to search for the
15 defendant?

16 A. The search continued throughout the entire night all the
17 way into the morning and throughout the next -- the following
18 day.

19 Q. And that evening did you get a call from the fugitive
20 team about the whereabouts of the defendant?

21 A. That afternoon I did. I received a phone call from
22 Sergeant Caldwell and he explained to me that they were out
23 in the Lower Richland area and had taken the defendant into
24 custody.

25 Q. And was that at Mr. Zab's residence at [REDACTED] Field Pine?

1 A. That is correct.

2 Q. That evening did you actually go out to the residence
3 where he was apprehended?

4 A. I did. I went there and we did a search of that house
5 as well.

6 Q. With a search warrant?

7 A. That's correct.

8 Q. Again, a lawful search warrant.

9 A. That's correct.

10 Q. Did you find anything of significance with this case?

11 A. I did not find anything that would be relevant to this.

12 Q. I want to turn your attention to March the 31st. Did
13 you obtain another search warrant in this case to get certain
14 evidence from the defendant himself?

15 A. I did. I had a search warrant, and I had a search
16 warrant that was for the body of the defendant, Adonis
17 Williams. That search warrant was to -- it's called -- the
18 execution is to search his body for what's called a buccal
19 swab which would be the Q-tip swab to collect the saliva.

20 Q. And I want to show you just what's been marked for
21 purposes of I.D. only State's Exhibit 76. Was that the
22 search warrant or a copy thereof that you obtained?

23 (State's Exhibit 76 was marked for identification only.)

24 **The Witness:** Yes, ma'am.

25 By Ms. Campbell: