

RECEIVED

Apr 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHARLES JASON CARMICHAEL,

APPELLANT

APPELLATE CASE NO. 2022-001717

AMENDED RECORD ON APPEAL

YASMEEN EBBINI
Nelson Mullins Riley & Scarborough
1320 Main Street/ 17th Floor
Columbia, SC 29201
(803) 255-9724

ROBERT M. DUDEK
Chief Appellate Defender
South Carolina Commission on Indigent
Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211
(803) 734-1330

ATTORNEYS FOR APPELLANT

ALAN WILSON
Attorney General

W. JOSEPH MAYE
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

BRYON E. GIPSON
Solicitor, Fifth Judicial Circuit
P.O. Box 192
Columbia, SC 29202
(803) 576-1800

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED NOVEMBER 28-DECEMBER 2, 2022	1
COMPETENCY HEARING	2
MOTION PURSUANT TO S.C. Code Ann. 16-3-1550(e).....	6
TESTIMONY	
HANNAH HUCKS	
Direct Examination by Ms. Cavanaugh.....	9
Cross Examination by Mr. O’Neil	16
RACHEL ALSTON	
Direct Examination by Ms. Cavanaugh.....	20
RULING OF THE COURT REGARDING S.C. Code Ann. 16-3-1550(e)	25
TESTIMONY	
ALLISON DAVIS	
Direct Examination by Mr. Hill	26
Cross Examination by Mr. O’Neil	45
Redirect Examination by Mr. Hill	49
HEATHER COLLINS	
Direct Examination by Mr. Hill	51
Cross Examination by Mr. O’Neil	60
JUSTIN BARNETT	
Direct Examination by Ms. Cavanaugh.....	62
R.C.	
Direct Examination by Ms. Cavanaugh.....	82
Cross Examination by Mr. O’Neil	97
TIARA HAIGLER	
Direct Examination by Ms. Cavanaugh.....	98
Cross Examination by Mr. O’Neil	112
Redirect Examination by Ms. Cavanaugh	124

KAREN BOYD	
Direct Examination by Mr. Walton	128
REBEKAH SMITH	
Direct Examination by Mr. Walton	129
Cross Examination by Mr. O’Neil	133
TRACY SANDEL	
Direct Examination by Mr. Hill	134
SCOTT NEEL	
Direct Examination by Ms. Cavanaugh	139
CAREY SHEALEY	
Direct Examination by Mr. Hill	146
MIKO DREHER	
Direct Examination by Ms. Cavanaugh	148
SEAN KILCOYNE	
Direct Examination by Mr. Walton	155
JESSICA EDWARDS	
Direct Examination by Ms. Cavanaugh	162
FRANKLIN RAINSFORD	
Direct Examination by Ms. Cavanaugh	183
KEVIN ISENHOWARD	
Direct Examination by Ms. Cavanaugh	189
PETER HART	
Direct Examination by Ms. Cavanaugh	190
JANE POWELL	
Direct Examination by Mr. Walton	193
Cross Examination by Mr. O’Neil	583
DAVID MCCLURE	
Direct Examination by Ms. Cavanaugh	196
JOHN BARRON	
Direct Examination by Mr. Hill	198
Cross Examination by Mr. O’Neil	200
DEFENSE OBJECTING TO TEXT MESSAGES AS HEARSAY	201

COURT OVERRULING OBJECTION	204
TESTIMONY	
RICKY JOHNSON, JR	
Direct Examination by Ms. Cavanaugh	205
LINDA HOUCK	
Direct Examination by Ms. Cavanaugh	210
JENNIFER NATES	
Direct Examination by Mr. Walton	223
AMY DURSO	
Direct Examination by Mr. Hill	226
KELLY ROSE	
Direct Examination by Ms. Cavanaugh	235
GLENN OXENDINE	
Direct Examination by Ms. Cavanaugh	245
Redirect Examination by Ms. Cavanaugh	255
AMANDA METZ	
Direct Examination by Mr. Walton	256
Cross Examination by Mr. O’Neil	263
STATE RESTS	264
CHARLES CARMICHAEL	
Direct Examination by Mr. O’Neil	265
Cross Examination by Ms. Cavanaugh	277
CLOSING ARGUMENT BY MS. CAVANAUGH	290
VERDICT	292
SENTENCING	294
INDICTMENT AND SENTENCE SHEETS	295
CERTIFICATE OF COUNSEL	309

STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
	)	
County of Richland	)	2021-GS-40-05204
	)	2021-GS-40-05205
		2022-GS-40-04327
		2022-GS-40-04328
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
CHARLES CARMICHAEL,	)	
	)	
DEFENDANT,	)	

November 28 - December 2, 2022
Columbia, South Carolina

BEFORE:

THE HONORABLE CLIFTON NEWMAN, JUDGE; and a jury.

APPEARANCES:

KATHRYN CAVANAUGH, SENIOR ASSISTANT SOLICITOR
GRAYSON HILL, ASSISTANT SOLICITOR
PAUL WALTON, ASSISTANT SOLICITOR
Attorneys for the State

DEON O'NEIL, ESQ.
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

1 THE COURT: All right. Anything else on that issue?

2 MR. O'NEIL: No, Your Honor.

3 THE COURT: I find that the court can conduct this
4 hearing outside the presence of the defendant and it does
5 not violate his Constitutional Rights.

6 So we need the young man to come down.

7 VICTIM ADVOCATE: This is Tiara, his aunt.

8 THE COURT: If you all would come down here for a
9 moment.

10 MS. CAVANAUGH: Come this way.

11 THE CLERK: Just stay right here a second. Right
12 there.

13 THE COURT: Okay. Young man, how are you doing?

14 THE WITNESS: Good.

15 THE COURT: Good. Tell me your name.

16 THE WITNESS: [REDACTED] R.C.

17 THE COURT: How old are you now?

18 THE WITNESS: Seven.

19 THE COURT: Seven. What grade are you in?

20 THE WITNESS: First grade.

21 THE COURT: And what things do you like to do in
22 school, if anything?

23 THE WITNESS: I like to play at recess and I like
24 math and science.

25 THE COURT: Oh, you like math and science. How much

1 is five plus five?

2 THE WITNESS: Ten.

3 THE COURT: Okay. Seven plus seven?

4 THE WITNESS: Fourteen.

5 THE COURT: All right. Ten plus ten?

6 THE WITNESS: Twenty.

7 THE COURT: Ten minus four?

8 (Pause.)

9 THE WITNESS: Six.

10 THE COURT: That's right, minus four is six. Do you
11 have multiplication, as well? Do y'all do like
12 multiplying, like two times four?

13 THE WITNESS: No, sir.

14 THE COURT: You haven't gotten to that. All right.
15 Have you ever been asked to tell a lie before?

16 THE WITNESS: No.

17 THE COURT: Do you know what a lie is?

18 THE WITNESS: Uh-huh.

19 THE COURT: What's a lie.

20 THE WITNESS: It's like -- so it's like I say that
21 I'm 15 years old, but I'm just seven.

22 THE COURT: All right. And how do you know the truth
23 from a lie? What would be an example of the truth?

24 THE WITNESS: So me saying that I'm seven.

25 THE COURT: All right.

1 THE WITNESS: And I'm -- because I am seven.

2 THE COURT: That would be the truth.

3 THE WITNESS: Uh-huh.

4 THE COURT: So when you're talking about things,
5 which one are you supposed to do, the truth or a lie?

6 THE WITNESS: Truth.

7 THE COURT: And why is that important?

8 THE WITNESS: Because you don't want to be a liar.

9 THE COURT: And what happens to people who tell lies?

10 THE WITNESS: They won't believe you.

11 THE COURT: Do what?

12 THE WITNESS: They won't believe you.

13 THE COURT: They won't believe you? They won't
14 believe you if you tell a lie? So if people -- if you're
15 asked any questions here in court, which one do you do?

16 THE WITNESS: The truth.

17 THE COURT: Truth. So who are you living with now?

18 THE WITNESS: My granny.

19 THE COURT: Your granny. Is she here with you today?

20 THE WITNESS: Yes, sir.

21 THE COURT: Oh, that's your granny right there.

22 Okay. What do you want for Christmas this year?

23 THE WITNESS: I want -- a want a four-wheeler.

24 THE COURT: A four-wheeler, okay.

25 THE WITNESS: And I want -- oh, I want a PS5 for

1 Christmas.

2 THE COURT: A what?

3 THE WITNESS: PS5.

4 THE COURT: PS5. I'm not sure I know what that is.
5 What is that?

6 THE WITNESS: It's like a PS5. It's like a
7 PlayStation.

8 THE COURT: Okay. Do you have to plug it in or put a
9 battery in it or what?

10 THE WITNESS: Plug it in.

11 THE COURT: And what did you have for Thanksgiving
12 dinner?

13 THE WITNESS: I ate some macaroni, some meat, some
14 turkey.

15 THE COURT: How about for dessert?

16 THE WITNESS: Some pie.

17 THE COURT: Boy, sounds like you had a good time.
18 Ms. Cavanaugh, do you have anything to say?

19 MS. CAVANAUGH: Your Honor, I think under -- just
20 want to go to the rules. **R.C.** --

21 THE COURT: Which rule is that, by the way?

22 MS. CAVANAUGH: So the competency of a witness, 601,
23 South Carolina Rules of Evidence 601 and then 602 -- hold
24 on one second. 601, every person is competent to be a
25 witness except otherwise provided by the statute or rules,

1 the morning. However, his counselors --

2 Before I get started, my motion is based on South
3 Carolina statute 16-3-1550, section E, where the
4 legislature provides that circuit or family court must
5 treat sensitively witnesses who are very young, elderly,
6 handicapped or special needs by the use of closed or taped
7 sessions when appropriate. The prosecuting agency or
8 defense attorney must notify the court when a victim or
9 deserves special consideration.

10 Obviously, in this case, [REDACTED] R.C. [REDACTED] his date of birth is
11 [REDACTED] 2015, so he just turned seven on Friday.
12 He was -- this occurred March 2021, so he was
13 approximately five-and-a-half when he was in the back of
14 his mom's vehicle hiding when she was shot to death by the
15 defendant. And then his father, who he also lived with,
16 was killed the same day, the same morning.

17 Obviously, this was a very traumatic experience for
18 him --

19 THE COURT: Was Carmichael his father?

20 MS. CAVANAUGH: Rufus Carmichael was his father and
21 they lived in the same house together.

22 As I stated previously, Ms. Alston and his counselors
23 have expressed concern about [REDACTED] R.C. [REDACTED] having to confront the
24 defendant in court again, having to testify in front of
25 him because he did suffer post-traumatic stress from this

1 event.

2 State v. Gray is a South Carolina -- is a Supreme
3 Court case from South Carolina, 342 South Carolina 23 or
4 S.C. 23, decided in 2000. And while I realize that the
5 Supreme Court overturned the trial court, that was
6 specifically because the court failed to set forth case
7 specific reasons in support of its decision to permit the
8 victim to testify via closed circuit TV.

9 So the first holding was that there was sufficient
10 evidence to support a finding that it was necessary for
11 the alleged victim to testify via closed circuit
12 television. However, the trial court did not in its
13 articulation as to why they were allowing the State's
14 motion, they did not articulate case specific reasons. So
15 that was the basis for the reversal.

16 State V. Gray, the reason I cited it in my motion is
17 because it spells out specifically what the trial court is
18 looking for in making its determination. And it does that
19 in citing State v. Morell. But first -- I have the cases.
20 Do you want me to hand them to you?

21 THE COURT: Yes.

22 MS. CAVANAUGH: And the case State v. Carter, it's a
23 2021 Court of Appeals case where the court affirmed the
24 trial court's decision to allow the victim to be separated
25 from the defendant.

1 THE COURT: Okay. I understand the State's position.
2 What's the defense's position?

3 MR. O'NEIL: I would object to it. The facts from
4 this case is different from --

5 THE COURT: All cases are unique.

6 MR. O'NEIL: Yes, Your Honor.

7 THE COURT: We never have -- I don't think in history
8 we've ever had the same facts in two cases.

9 MR. O'NEIL: Yes, Your Honor.

10 THE COURT: Okay.

11 MR. O'NEIL: My argument would be that -- at this
12 moment, I think we actually need testimony as to whether
13 or not -- not that it would be not beneficial for the
14 witness to testify in front of the defendant.

15 Basically, it would be necessary for the witness to
16 testify outside the presence of the defendant in order for
17 that testimony even to be considered. I think that's the
18 issue to break into -- effectually, experts in that case,
19 basically said that the victim of that case could not
20 testify, not that it would be uncomfortable.

21 THE COURT: Okay. I agree with you on that. You can
22 call your first witness.

23 MS. CAVANAUGH: Thank you, Your Honor. The State
24 calls Hannah Hucks.

25 THE COURT: Please come forward, ma'am.

1 THE CLERK: State your name for the record.

2 THE WITNESS: Hannah Kathleen Hucks.

3 THE CLERK: Spell your last name, please.

4 THE WITNESS: H-U-C-K-S.

5 HANNAH HUCKS, after being duly sworn,
6 testified as follows:

7 THE CLERK: Thank you. Be seated.

8 THE BAILIFF: Watch your step.

9 THE COURT: Ma'am, if you'll be sure to speak
10 directly into the mic so I can hear you. Raise the mic
11 and speak directly into it.

12 THE WITNESS: Okay.

13 DIRECT EXAMINATION:

14 BY MS. CAVANAUGH:

15 Q Good afternoon.

16 A Hi.

17 Q Ms. Hucks, what do you do for a profession?

18 A I am a licensed professional counseling associate.
19 I'm a mental health therapist.

20 Q Okay. And do you have a degree in -- what are your
21 degrees in?

22 A So my undergrad is a Bachelor of Science in
23 psychology with a specialization in developmental
24 psychology and in counseling. And my graduate degree is
25 in counseling, a Master of Arts in counseling.

1 Q And when you say developed -- you said your minor is
2 in developmental psychology?

3 A Yes. It's a specialization I have. It's, basically,
4 a minor, but they call it specialization.

5 Q And what does developmental psychology refer to?

6 A That refers to psychology of studying human beings
7 across their life span, starting from birth and ending in
8 death and just the way that different aspects of their
9 life affect they're psychological well-being and just kind
10 of overall holistic picture of how they're doing.

11 Q You said you, also, have a graduate degree?

12 A Yes, my graduate degree is Master of Arts in
13 counseling.

14 Q When did you receive that?

15 A It was May 2021 whenever I graduated with my Masters.

16 Q And what do you -- what do you do as a profession on
17 a day-to-day basis?

18 A I'm a mental health therapist, so I see -- I'm a
19 mental health therapist and I see kids and I diagnose and
20 treat their mental illnesses.

21 Q How long have you been doing that?

22 A I graduated in May 2021. I was hired in June, but I
23 was practicing for a year-and-a-half before that because
24 we practice within our graduate degree. We get actual
25 practical experience, as well. So three semesters before

1 I graduated, I was treating children and adolescents.

2 Q And where were you treating children and adolescents
3 during your graduate program?

4 A William S. Hall Psychiatric Institute.

5 Q Okay. And since -- do you counsel -- do you see
6 [REDACTED] R.C. [REDACTED] in your practice?

7 A I do.

8 Q Besides [REDACTED] R.C. [REDACTED] do you see other children in your
9 practice?

10 A Yes.

11 Q And you counsel them?

12 A Yes.

13 Q Okay. Is your counseling specific to an age group?

14 A I see children and adolescent. I'm a child and
15 adolescent therapist.

16 MS. CAVANAUGH: Your Honor, at this time, I'd ask
17 Hannah Hucks be qualified as an expert.

18 MR. O'NEIL: No objection.

19 THE COURT: She's so qualified.

20 BY MS. CAVANAUGH:

21 Q You contend that you see [REDACTED] R.C. [REDACTED] Did you
22 -- when did you start seeing him?

23 A So I do have to read a disclosure statement before I
24 begin to answer those questions.

25 THE WITNESS: So, Your Honor, paragraph two of South

1 Carolina Code Section 44-22-100 will not allow me to
2 disclose information about a patient or former of the
3 Department of Mental Health, or person for whom commitment
4 has been sought until the court directs that disclosure is
5 necessary for the conduct of the proceedings and that
6 failure to make the disclosure is contrary to the public
7 interest.

8 THE COURT: I think that order has previously been
9 made by Judge Manning, and I reaffirm it today. I'm going
10 to require you to provide the information.

11 BY MS. CAVANAUGH:

12 Q When did you start seeing R.C.

13 A I began seeing him, I believe it was -- I've been
14 seeing him for about a year-and-a-half. I think it was
15 August whenever I started. It was when the school year
16 started last year.

17 Q What's the reason that you began to see him?

18 A For post-traumatic stress disorder.

19 Q Related to what event?

20 A Related to the death of his mother and his father.

21 Q Did you actually make the diagnosis of post-traumatic
22 stress disorder for R.C.

23 A I did.

24 Q And based on what?

25 A Based on the diagnostic criteria from the DSM-V. It

1 is the manual that psychiatrists, psychologists,
2 counselors and social workers use to diagnose mental
3 illnesses and psychological disorders.

4 Q And what symptoms was he displaying that warranted
5 that diagnosis?

6 A Sure. There were very few that he was not
7 experiencing. So he was experiencing a lot of avoidance
8 symptoms, so he was having intrusive memories. He had
9 flashbacks regularly. He has nightmares. He was dealing
10 with a lot of trying to push away memories constantly,
11 which is criteria for PTSD. He was dealing with
12 alterations in cognition and mood, lots of irritability,
13 hyper-arousal, hyper-vigilance that he was going through.
14 Yeah, those were the criteria that he met.

15 Q Okay. What part -- what is meant by trauma therapy?
16 Is that what you engage in with **R.C.**

17 A Yeah. So, trauma therapy is a specific type of
18 therapy where I am treating his post-traumatic stress
19 disorder. So the goal is to decrease the symptoms of the
20 post-traumatic stress disorder.

21 Q And is exposure to the individual who caused the
22 post-traumatic distress disorder part of the trauma
23 therapy or part of what you're trying to decrease exposure
24 from?

25 A Decreasing exposure to what caused it?

1 Q Yes.

2 A So part of therapy is to avoid being exposed to the
3 person who caused the trauma.

4 Q Okay. In this particular case, who caused the
5 trauma?

6 MR. O'NEIL: Objection, Your Honor, speculation.

7 THE COURT: Overruled the objection.

8 As far as if you know based on the information
9 provided to you.

10 THE WITNESS: Sorry, I'm having a hard time hearing
11 you.

12 THE COURT: You can answer based on any information
13 given to you.

14 THE WITNESS: Okay. So your question is who had
15 caused the trauma?

16 BY MS. CAVANAUGH:

17 Q Right. Why was R.C. experiencing the trauma?

18 A So according to R.C. he told me was that his Uncle
19 Jason had killed his mother and his father.

20 Q So part of the trauma therapy is avoiding exposure,
21 you said?

22 A Yes.

23 Q To who? To what?

24 A It would be to Uncle Jason in this case, avoiding
25 that exposure.

1 Q What do you think -- what would be -- what do you
2 believe the consequences of having [REDACTED] R.C. testify in front
3 of the defendant would be?

4 A I believe that there is a very strong possibility
5 that there would be a severe step back in his symptoms if
6 he were to have to testify in front of the defendant.
7 Right now, [REDACTED] R.C. is making really good progress in his
8 therapy, but I do believe if he does have to testify in
9 front of the defendant that he's likely to become very
10 symptomatic again and, most likely, he will start again
11 with the intrusive symptoms, having flashbacks, having the
12 negative arouse, the sadness all the time, feeling like he
13 constantly has to watch his back all the time, just always
14 feeling scared all the time, just always getting pictures
15 of what happened in his head over and over again. I
16 believe that it is very, very likely that that will happen
17 if he has to testify in front of the defendant.

18 Q Do you feel that that would be lessened if he didn't
19 have to see the defendant in the courtroom?

20 A Yes.

21 MS. CAVANAUGH: Thank you. No further questions from
22 the State at this time.

23 THE COURT: By the defense?

24 MR. O'NEIL: Thank you, Your Honor.

25 CROSS-EXAMINATION:

1 BY MR. O'NEIL:

2 Q Is it Dr. Hucks?

3 A Ms. Hucks.

4 Q Ms. Hucks, have you ever talked to **R.C.**

5 specifically about testifying in court?

6 A Yes, in the context of teaching him coping skills.

7 Q What was the substance of those conversations about
8 testifying in court?

9 A The subject matter, I've been -- part of his trauma
10 therapy is to learning coping skills and relaxation
11 techniques whenever he is around a trigger. So I've been
12 teaching him different relaxation skills for the upcoming
13 event just in case.

14 Q So did you ever tell him there's a possibility you're
15 going to have to testify in court?

16 A Did I tell him that, no.

17 Q Was he aware there was a possibility he may need to
18 testify in court?

19 A You'd have to speak with his family. That's -- I
20 wasn't -- I don't know.

21 Q So what I'm asking you specifically, did the subject
22 of testifying in court come up in your meeting?

23 A Yes.

24 Q How did that come up then?

25 A I spoke with Ms. Alston and she let me know it was

1 going to happen. And then after she told me it was going
2 to happen, he and I would sometimes talk about it. Mostly
3 -- a lot of it was part of a check in. I check in on his
4 emotions every week to see how he's doing. So I ask him
5 how he felt about that and asked -- and this has only been
6 the past few weeks this has all kind of come into play,
7 but I would also ask him okay, whenever you have to talk
8 to this person, how are you feeling and that sort of
9 thing.

10 Q When you asked him how he felt about the possibility
11 of testifying in court, what was his response?

12 A He said that he was extremely nervous.

13 Q You said you worked with him, gave him coping skills
14 that can avoid some triggers when he gets nervous?

15 A It helps. It does not make it go away, but it can
16 keep him -- it could lessen it, but it would not prevent
17 it entirely.

18 Q And how long have you been working on these coping
19 skills?

20 A I've been teaching him coping skills since I started
21 seeing him last August.

22 Q Is it your testimony that he would be unable to
23 communicate in a courtroom setting or it would be
24 detrimental for him to have to communicate in a courtroom
25 setting?

1 A I think that both are a possibility. I definitely
2 believe it would be detrimental to him. But if he
3 experiences a flashback in the middle of court, then I
4 would be concerned about his ability to communicate if
5 that happens.

6 Q Do you know how likely it is for that to happen?

7 A I can't speak to that.

8 Q In your counseling with [REDACTED] R.C. have you specifically
9 spoken about Charles Jason Carmichael with him?

10 A Sorry?

11 Q In your conversation with him, have you ever
12 specifically talked about Charles Carmichael with him?

13 A Is that -- that's Uncle Jason? Yeah, I know -- I use
14 his terminology with him, so, Uncle Jason.

15 Q But y'all have spoken specifically about Uncle Jason?

16 A Yes.

17 Q Do you know approximately how many times [REDACTED] R.C. had
18 to talk about this in various settings, either with law
19 enforcement or forensic interviews or in counseling?

20 A I couldn't estimate that. I only know how -- I only
21 know what he and I have spoken about together. I cannot
22 give you a specific number.

23 Q I think your recommendation was that you believed
24 that -- you're asking this court to grant an accommodation
25 for [REDACTED] R.C.

1 A Yes.

2 Q I think your words were that it would reduce the
3 distress that he would feel about communicating these
4 events?

5 A Yes.

6 Q But you said that you don't -- I want to make sure
7 I'm correct on this. You said it is possible that he
8 would be able to communicate what happened even in the
9 presence of his uncle?

10 A I can't say either way for certain. I can't predict
11 the future.

12 Q So you can't say either way whether or not he could
13 or could not communicate what happened in front of his
14 uncle?

15 A I think that there is a possibility that he would
16 experience post-traumatic stress symptoms, but I can't say
17 for certain because no one can say 100 percent. But it is
18 -- based on my clinical knowledge, it is more likely that
19 he would have trouble than not.

20 Q Well, trouble or would it be inability to?

21 A I can't say for certain whether he would be
22 completely unable.

23 MR. O'NEIL: That's all I have, Your Honor.

24 THE COURT: Any redirect?

25 MS. CAVANAUGH: Beg the Court's indulgence.

1 (Pause.)

2 THE COURT: You may step down, ma'am. Any additional
3 witnesses?

4 MS. CAVANAUGH: Yes, Your Honor. The State calls
5 Rachel Alston.

6 THE CLERK: Would you state your full name, please?

7 THE WITNESS: Rachel Alston.

8 THE CLERK: Would you spell your last name, please?

9 THE WITNESS: A-L-S-T-O-N.

10 RACHEL ALSTON, after being duly sworn,
11 testified as follows:

12 THE CLERK: Thank you. Have a seat.

13 THE COURT: Ms. Alston, if you would pull down your
14 mask so we can hear you better and speak directly into
15 that mic.

16 DIRECT EXAMINATION:

17 BY MS. CAVANAUGH:

18 Q Good afternoon, Ms. Alston.

19 A Good afternoon.

20 Q Who is [REDACTED] R.C. [REDACTED] to you?

21 A My grandson.

22 Q How old is he?

23 A He's seven.

24 Q Since the incident, do you have -- is he with you the
25 majority of the time?

1 A The majority of the time.

2 Q And who is Ashli Haigler to you, the victim -- one of
3 the victims in this case?

4 A My daughter.

5 Q Do you have concerns about R.C. testifying in front
6 of the defendant?

7 A Very much so.

8 Q And what are your concerns based on?

9 A Well, my concerns are based on, at the house, he just
10 say he did not ever want to say, as he said, Uncle Jason
11 again. It makes him nervous. One time, he had start
12 pulling -- he stares out and he states that he's seeing
13 what happened to his mom as I tried to break his stare.

14 Q So in other words, it appeared to you he was going
15 back to the incident?

16 A All the time, yes.

17 Q Have you seen that on more than one occasion?

18 A A lot.

19 Q Do you believe that R.C. -- not considering whether
20 the defendant is present or not can articulate what
21 observed that night?

22 A He can articulate what was observed that night
23 precisely, but if he is present, I don't think he would be
24 able to.

25 Q If who is present?

1 A If Jason is present.

2 Q Has **R.C.** himself expressed any concerns about being
3 around the defendant to you?

4 A He says he is scared of him and he never wants to see
5 him again.

6 Q Besides -- have those -- besides the flashbacks that
7 you just described, have you observed any other symptoms
8 like --

9 A Nightmares. He'll wake up screaming and crying or
10 he'll wake up and run in the room. Anything that drops
11 down beside him if it's loud, he nearly jumps out of his
12 skin, any loud noises.

13 Q So, again, based on **R.C.** being under your care for
14 the past year-and-a-half, what is your concern -- what is
15 your concern that could happen if he were forced to
16 testify in front of the defendant while he's sitting
17 there.

18 A That, actually, will just put him completely back in
19 a state that he was in when I got him, total fear, not
20 wanting to go outside, not wanting to be around others
21 because he don't know who is who. He is just scared. He
22 won't go outside and play much now because he don't know
23 who is who, or granny, where is that car coming from? He
24 asks those questions to be seven years old.

25 Q And do you feel like if he didn't have to be in front

1 of the defendant -- what do you think could happen with
2 his testimony if he's in front of the defendant?

3 MR. O'NEIL: Objection, Your Honor, speculation.

4 THE COURT: Overruled.

5 BY MS. CAVANAUGH:

6 Q Potentially, what could happen?

7 A If he's in front of the defendant?

8 Q Uh-huh.

9 A He may stutter a little bit and it may just make him
10 nervous where he can't give the answer that he normally
11 would have given.

12 MS. CAVANAUGH: Okay. Thank you, Ms. Alston.

13 THE COURT: By the defense?

14 MR. O'NEIL: No questions, Your Honor.

15 THE COURT: All right. Thank you, ma'am. Any
16 additional witnesses?

17 MS. CAVANAUGH: Your Honor, we do have his school
18 counselor present outside. He's one of the ones who also
19 expressed --

20 THE COURT: I have reviewed the records of the school
21 counselor -- Cameron Bealer?

22 MS. CAVANAUGH: Yes, Your Honor.

23 THE COURT: Is there anything that -- you agree these
24 are the records or have you seen the records?

25 MR. O'NEIL: I've seen them. I agree they're

1 authentic.

2 THE COURT: I don't see a need to hear her. I have
3 the records.

4 MS. CAVANAUGH: Thank you, Your Honor. I just wanted
5 to share that additional --

6 THE COURT: The school records will be made a part of
7 the court's record under seal.

8 Any objection to that?

9 MR. O'NEIL: No, Your Honor.

10 THE COURT: All right. Any additional witnesses then
11 by the State?

12 MS. CAVANAUGH: I don't -- based on the cases that
13 I've already cited, the child's testimony is not required
14 to make your determination.

15 THE COURT: Who said what now?

16 MS. CAVANAUGH: Based on the cases I've cited, the
17 child's testimony is not required unless the court wants
18 to hear it.

19 THE COURT: Well, that would defeat the entire
20 purpose of everything if the child had to come in and
21 testify.

22 MS. CAVANAUGH: Right. That's why I'm saying if you
23 require his testimony --

24 THE COURT: My question is, do you have additional
25 witnesses?

1 MS. CAVANAUGH: No, Your Honor.

2 THE COURT: Any witnesses?

3 MR. O'NEIL: No witnesses, Your Honor.

4 THE COURT: I find that the child can testify in
5 court while the defendant observes from a courtroom or
6 some other place next door by way of video monitor. Based
7 on what I've heard and reviewed all the records and the
8 testimony, I find that the child will be traumatized by
9 having to face the defendant when the child testifies.

10 That the law provides in the statute and specific
11 16-3-1550(e) provides that the child being a sensitive
12 witness, who is young, vulnerable, would be unduly damaged
13 and must be protected by the court; that the -- as
14 reflected in State v. Carter that the presence of the
15 defendant when the child testified would be more than mere
16 nervousness or excitement and all, but that it would
17 likely cause a significant relapse in the child's
18 condition causing flashbacks, nightmares and other things
19 that would unduly damage the child.

20 I believe that the testimony of the witnesses and the
21 records clearly demonstrate that the child should not be
22 required to testify in the presence of the defendant.

23 MS. CAVANAUGH: Thank you, Your Honor.

24 THE COURT: So what type setup do you have for this
25 to occur?

1 Q So you can take a seat. So when you're going to
2 Malcom and McCaw, the incident location, do you remember
3 in general a couple of the roads that you took to get
4 there?

5 A Yes, sir.

6 Q And what were those roads?

7 A I took Two Notch Road. And the way to get to Malcom
8 and McCaw, as you can see is, there's one straight way to
9 get into that neighborhood. So I would have taken
10 Albritton and take a right, not necessarily positive what
11 that road I would have taken, but to get down to that
12 intersection, dead end area.

13 Q All right. So before you got to Malcom and McCaw,
14 you were on Two Notch Road?

15 A Yes, sir.

16 Q And then you turned off of Two Notch onto Albritton;
17 is that correct?

18 A Yes.

19 Q And then you went to the incident location?

20 A Yes, sir.

21 Q All right. Let's talk a minute about what you saw
22 when you got to the incident location. Very generally,
23 what did you see?

24 A I saw a vehicle and I could see what looked to be a
25 child hanging out from the window.

1 Q All right. And when you saw that child hanging out
2 the window, was it dark outside?

3 A Yes, it was early in the morning, so it -- I mean, it
4 was getting to sunrise, so it was dark, but I could still
5 see very clearly.

6 Q Okay. And there's a child in the vehicle, what did
7 you do?

8 A I immediately went to help that child.

9 Q All right. And when you went over to the child to
10 help him, did you talk to him?

11 A Yes. I asked him what happened.

12 Q And did he tell you what happened?

13 A Yes.

14 Q What did he say happened?

15 MR. O'NEIL: Objection, hearsay.

16 THE COURT: Overruled.

17 BY MR. HILL:

18 Q What did he say happened?

19 A He immediately -- there were two separate statements.
20 He --

21 Q All right. So let's do this. What was the first
22 statement that he told you?

23 A My mommy dead. My mommy is dead, somewhere along
24 those lines.

25 Q All right. And then the second statement that he

1 made, what was that?

2 A Uncle Jason shot my mommy.

3 Q All right. During the time of the body -- or excuse
4 me, during your time at the incident location, were you
5 wearing a body worn camera?

6 A Yes, sir.

7 Q Was that camera working?

8 A Yes, sir.

9 Q So then that camera captured everything we just
10 talked about; is that correct?

11 A Yes, sir.

12 Q Did you save the video from that camera?

13 A Yes, sir.

14 Q All right. Investigator, I'm going to hand up what's
15 been marked as State's 566. Do you recognize State's 566?

16 A Yes.

17 Q What is it?

18 A It's going to be a clip from my body camera.

19 Q All right. Were you able to watch the clip that's on
20 that DVD before you came to court today?

21 A Yes, sir.

22 Q How do you know that that DVD matches the clip that
23 you watched before?

24 A Because I signed the outside of the envelope.

25 Q Would you mind showing the signature.

1 A (Witness complies.)

2 Q So that's your signature at the top?

3 A Yes, AD.

4 Q So having watched that clip, is it a fair and
5 accurate representation of what you saw that day that was
6 captured by your body camera?

7 A Yes, sir.

8 Q All right.

9 MR. HILL: Your Honor, at this time, I'm asking that
10 State's Exhibit 566 be admitted into evidence and
11 permission to publish it to the jury?

12 MR. O'NEIL: Your Honor, objection, hearsay and
13 bolstering.

14 THE COURT: Ladies and gentlemen, we're going to have
15 you go to the jury room. Please do not discuss the case.

16 (Whereupon, the jury left the courtroom at 4:44 p.m.)

17 THE COURT: Ma'am, when you arrived on the scene with
18 the child, what was the demeanor of the child? How was
19 the child?

20 THE WITNESS: He was very frantic. That's really the
21 best way to describe it. I could go into further, but I
22 don't know how much you would like me to go further.

23 THE COURT: I want you to answer my question.

24 THE WITNESS: Yes, sir, so he was clearly frantic,
25 something had happened. Obviously, the statement of Uncle

1 Jason shot my mommy. My mommy is dead. I could sigh a
2 woman in the front of the vehicle who was unconscious.

3 THE COURT: All right. Thank you.

4 THE WITNESS: Yes, sir.

5 THE COURT: Any additional questions?

6 MR. HILL: Judge, I'm sorry, she -- Investigator
7 Davis has already testified to the two statements.

8 THE COURT: Yeah, I've heard the statements. You
9 posed a question to the witness without any apparent
10 interest in wanting to know or establish the basis for an
11 excited utterance by the child.

12 MR. HILL: But she had already testified to those two
13 statements.

14 THE COURT: Yeah, I may exclude the testimony.
15 That's why I sent the jury out.

16 MR. HILL: Okay. Well, then --

17 THE COURT: Because you're seeking to introduce
18 further evidence without establishing a basis for the
19 court to include that it's an excited utterance.

20 MR. HILL: All right. Can I go ahead and proffer
21 some more testimony from Investigator Davis?

22 THE COURT: I've asked her questions. Do you have
23 any questions you want to ask her?

24 MR. HILL: Yes, I do.
25

1 BY MR. HILL:

2 Q Investigator Davis, how old -- excuse me, who was the
3 child?

4 A It was [REDACTED] R.C.

5 Q And how old was [REDACTED] R.C. at the time?

6 A He was five.

7 Q And when you said that he was in the truck, was he
8 the only person in the truck?

9 A No, there was a female in the front seat.

10 Q And who was the female?

11 A It was concluded that that was [REDACTED] R.C. mother.

12 Q And do you know her name?

13 A It's Ashli Haigler.

14 Q And was Ashli Haigler alive or dead?

15 A She was -- she was deceased.

16 Q All right. Did you see any evidence of injury on her
17 person?

18 A Yes, I saw a gunshot wound under her breast. That
19 was the one I saw.

20 Q Did you see any blood?

21 A There was a little bit of blood, yes.

22 Q All right. So it was your understanding that [REDACTED] R.C.
23 who was in the backseat, witnessed his mother being
24 murdered, correct?

25 A Yes.

1 Q Now, when you first got to the scene -- and you might
2 have already just said this, but how was **R.C.** acting?

3 A Very frantic.

4 Q All right. Could you give me a little more detail as
5 to frantic, was he saying anything?

6 A Yes, you could clearly tell something had happened,
7 he just witnessed, you know, potentially something very
8 traumatic. I could tell he was upset just by his tone of
9 voice, his demeanor. I don't know what better word to put
10 as frantic. He was very concerned at what was going on.

11 Q All right. He was able to answer some questions; is
12 that right?

13 A Yes.

14 Q When he was doing that, was he happy and excited and
15 bouncing off the walls?

16 A No, he had a look of concern on his face. I was on
17 the phone at the time when I was talking to him trying to
18 figure out what was going on, and once he made those
19 statements to me, I clearly knew he had just witnessed
20 and/or saw what just happened.

21 Q Okay. Did he stay in the vehicle the whole time?

22 A No, he did not. He stayed in the vehicle briefly as
23 I was talking on the phone with his aunt. And then I
24 proceeded to get him out of the vehicle and place him in
25 my vehicle.

1 Q All right. Do you remember what time you were called
2 to the incident location?

3 A I do not recall off the top of my head.

4 Q Okay. Do you know roughly how much time elapsed
5 between when you were dispatched and when you arrived?

6 A I would -- I hate to estimate without --

7 Q Are we talking hours?

8 A No. Within the time the call was dispatched to me
9 and the time I got there, it couldn't have been more than
10 maybe ten minutes. I was running code to the scene.

11 Q Okay. So what did you do with R.C. once he got out
12 of the vehicle?

13 A I placed him in the back of my vehicle.

14 THE COURT: Thank you. You've exceeded the scope by
15 asking afterwards.

16 Any questions?

17 MR. O'NEIL: No questions at this point.

18 THE COURT: The Court finds based on the frantic
19 nature of the child's demeanor and response from the
20 officer that it qualifies as an excited utterance, and
21 I'll allow the testimony to continue.

22 And what is it you're trying to get into evidence
23 now?

24 MR. HILL: It is her body cam. The audio has been
25 clipped out except for the two statements that she just

1 testified to. I'm going to be asking for questions along
2 the way about the scene --

3 THE COURT: You have an edited body cam?

4 MR. HILL: Yes, Your Honor. That's what this is.
5 This is edited down to roughly two-and-a-half minutes.
6 And the only audio in it is the two statements from
7 **R.C.** which we just talked about, which were, My mother
8 is dead and Uncle Jason killed my mother, along with
9 investigator -- the investigator saying on the front end
10 what happened.

11 THE COURT: And the basis for the objection again?

12 MR. O'NEIL: Your Honor, it was hearsay and
13 bolstering. I think the witness has already testified
14 what the child said. I think at this point, it's
15 bolstering as she put in the evidence of the videotape of
16 the same conversation.

17 THE COURT: All right. I disagree. It's clearly not
18 bolstering and it's not cumulative and it may be offered.
19 I'll allow it into evidence.

20 You can bring the jury back.

21 MR. HILL: Thank you, Your Honor.

22 (Whereupon, the jury entered the courtroom at 4:51
23 p.m.)

24 THE BAILIFF: All jurors are seated, Your Honor.

25 THE COURT: All right. I overrule the objection and

1 admit the item into evidence.

2 MR. HILL: Thank you, Your Honor.

3 (WHEREUPON, State's Exhibit No. 566 was admitted into
4 evidence.)

5 BY MR. HILL:

6 Q All right, Investigator, I'm going to pull up your
7 body cam. All right. Investigator, this is what?

8 A My body cam video.

9 Q You're heading to the scene; is that right?

10 A Yes, sir.

11 Q Is that the truck that you saw?

12 A Yes, sir.

13 Q And you said there was a boy inside?

14 A Yes.

15 Q Now, who was the boy?

16 A [REDACTED] R.C. [REDACTED]

17 Q And how old was [REDACTED] R.C. [REDACTED] at the time?

18 A Five.

19 Q Did you ask [REDACTED] R.C. [REDACTED] anything?

20 A I asked him what happened.

21 Q What did he say happened?

22 A He said, My mommy is dead.

23 Q Who is his mommy?

24 A Ashli Haigler.

25 Q Were you able to find Ashli Haigler?

1 A Yes. When I shined my light, I'm looking at her
2 body.

3 Q All right. You said shined the light. Where were
4 you shining your light into?

5 A Into the front compart of the vehicle. I was looking
6 at the driver's seat.

7 Q So Ashli Haigler was in the front of the truck and
8 R.C. was in the back?

9 A Yes, sir.

10 Q All right. Looks like R.C. just handed you
11 something. What did he hand you?

12 A He had a cell phone in his hand.

13 Q All right. Did you -- without saying what was said,
14 did you speak with somebody on the cell phone?

15 A Yes, I spoke with his aunt. She was referred to as
16 Aunt TT.

17 Q All right. Now, while you're talking to Aunt TT,
18 again, where is R.C.

19 A He is still hanging out the rear window.

20 Q Does he stay in the truck the whole time?

21 A No, he does not.

22 Q When R.C. gets out of the truck, do you talk to him
23 again?

24 A Yes, I asked him again what happened and he -- he
25 states, My Uncle Jason shot my mommy.

1 Q All right. It was a little bit broken, so I don't
2 mean to belabor the point, but would you go ahead and
3 repeat what [R.C.] told you when you asked what happened?

4 A He said, Uncle Jason shot my mommy.

5 Q All right. So you get [R.C.] out of the truck.
6 Where does [R.C.] go?

7 A I put him in the back of my patrol vehicle.

8 Q There's a phone in your hand about one minute 45
9 seconds in, was that the phone you were talking on before
10 to Aunt TT?

11 A Uh-huh, yes.

12 Q All right. Now, what happened to that phone?

13 A I, actually, handed it back to [R.C.] at that point.

14 Q All right. Did you know at the time that you handed
15 it back to [R.C.] whose phone it was?

16 A No, I did not.

17 Q Okay. And then after you give the phone to [R.C.]
18 what do you do?

19 A I put gloves on -- as you'll see, the secondary unit
20 is showing up and I'm going to go assess the female in the
21 front, Ashli.

22 Q All right. Now, that part is not shown on this
23 video, but when you go -- you said assess Ashli Haigler,
24 what did you do exactly?

25 A I was assessing to see if there were any injuries.

1 Q All right. Did you notice any injuries?

2 A Yes, there was what appeared to be a gunshot wound
3 under her breast.

4 Q All right. Did you see any blood?

5 A Yes, there was some blood.

6 Q Do you remember where it was?

7 A It was coming from the wound.

8 Q All right. You said assess, did you do anything to
9 help stop the bleeding?

10 A Yes, I put pressure on the wound until EMS and fire
11 arrived.

12 Q All right. And after EMS and fire arrived, what, if
13 anything, did you do?

14 A I left from the body to go take care of R.C.

15 Q Were there any houses in that area?

16 A Yes, it's a small neighborhood.

17 Q All right. Did you canvas any of those houses?

18 A Yes, I did.

19 Q All right. Without saying what was said, did you
20 speak to some of those people?

21 A Yes, I did.

22 Q Do you remember any addresses that you spoke at?

23 A (No response.)

24 Q If you can't, that's okay.

25 A Yeah, I'm sorry, I can't give the exact numbers. I

1 just know that I spoke with the one on the corner that was
2 right where the truck was on trailer park corner or, I
3 guess, to the left of where the truck would have been
4 parked. And then I spoke to another house that would
5 have -- I can't remember.

6 Q No, it's okay. So you spoke to several of the people
7 at several of the houses around the incident location?

8 A Yes.

9 Q Do you remember if there were any trees at the
10 incident location?

11 A Yes. Specifically, the car was almost in, I guess, a
12 tree, bush-type plant.

13 Q So while you were at the incident location, did you
14 speak to any members of law enforcement that were not with
15 the Richland County Sheriff's Department?

16 A Yes, I did.

17 Q Who did you speak with?

18 A I contacted West Columbia Police Department.

19 Q And why did you contact West Columbia Police
20 Department?

21 A I contacted them due to -- so the vehicle -- the tag
22 on the vehicle, the address was located in West Columbia,
23 so I wanted to contact them in case there may be another
24 crime scene over there.

25 Q Let's take a second to talk about the vehicle. When

1 you got to the scene, how were the doors on the vehicle?
2 Were they opened?

3 A When I got to the scene no, the doors were not
4 opened.

5 Q All right. Later on, did you see the doors to the
6 vehicle had been opened?

7 A Yes.

8 Q I'm passing up what's been previously marked as
9 State's Exhibit 582, 579, 580 and 581. Investigator
10 Davis, would you look at these and tell me if you
11 recognize them?

12 A Yes.

13 Q What are those?

14 A That's going to be the vehicle that the victim was
15 found in, as well as **R.C.**

16 Q All right. And the doors in one of those are opened;
17 is that correct?

18 A Uh-huh, the first picture.

19 Q And how were the others?

20 A They are closed.

21 MR. HILL: Your Honor, at this time, I ask these
22 photos be admitted into evidence?

23 MR. O'NEIL: I'll have to see them.

24 (Pause.)

25 No objection, Your Honor.

1 THE COURT: Admitted without objection.

2 (WHEREUPON, State's Exhibit Nos. 579 - 582 were
3 admitted into evidence.)

4 BY MR. HILL:

5 Q That's 582, 579, 580, 581. All right, Investigator,
6 I'm going to I'm going to let you hold onto this. I'm
7 going to pull up copies on the smart board. I have just a
8 couple of questions about them. All right, Investigator,
9 what am I looking at?

10 A This is going to be the vehicle the victim was found
11 in.

12 Q And this is State's 582; is that correct?

13 A Yes.

14 Q As you noted earlier, the doors on the vehicle right
15 now are opened, but that's not how they were when you got
16 to the scene; is that right?

17 A Correct.

18 Q And earlier, you talked about a bush or a plant. Is
19 that what's on the left side of this photo?

20 A Yes.

21 Q So how close is that bush to that truck?

22 A I believe this second photo shows -- I mean, you
23 could see at the end of my body cam how close it was. I
24 mean, it was hard to open the door.

25 Q So looking at that photo, what make and model is that

1 vehicle?

2 A It's a Toyota Tundra.

3 Q And what's the license plate?

4 A It's Hotel, Hotel, Echo 462.

5 Q And when you say hotel, what letter to you mean?

6 A I apologize. Hotel stands for H and echo stands for
7 E, so HHE.

8 Q 462?

9 A Yes.

10 Q The next photo is State's --

11 A This one?

12 Q Yes, that one. It's State's 579. What is State's
13 579?

14 A That's going to be right before I opened the door --

15 Q All right.

16 A -- to get to the victim.

17 Q So on the right side of the screen with the plant, is
18 that what we saw previously on the left side of the photo?

19 A Yes, sir.

20 Q And this door, which door on the Toyota Tundra is
21 that?

22 A That's going to be the driver's door.

23 Q And it's closed?

24 A Yes.

25 Q How is the window on that when you get to the scene?

1 A It's slightly rolled down.

2 Q All right. The next photo is State's -- yes, the
3 next photo is 580. What am I looking at in 580?

4 A This is going to be another view from my body cam, me
5 speaking to **R.C.** and that's where I'm shining my light
6 looking into the front of the vehicle.

7 Q And, again, Ashli Haigler is in the front of the
8 vehicle deceased?

9 A Yes, sir.

10 Q And I meant to ask this earlier, can you describe how
11 Ashli was positioned in the truck?

12 A So she was slightly slouched over onto the console.

13 Q Okay. And the console, that's in the center between
14 the two seats?

15 A Correct. She -- I don't know how else to describe it
16 other than she was slumped over.

17 Q Since we're at the center console, do you remember
18 what gear the car was in when she first got there?

19 A Not necessarily when I first got there, but we did
20 recognize the vehicle was in reverse.

21 Q All right. And then the final photo is State's 581.
22 What am I looking at in State's 581?

23 A Again, it's going to be me speaking with **R.C.** in
24 the back of the vehicle.

25 Q All right. And then the door on this one is?

1 A Closed.

2 Q And the window is down?

3 A Correct.

4 Q While you were at the scene, did you give [R.C.] a
5 stuffed animal?

6 A I did.

7 Q What did you give him?

8 A I gave him a giraffe out of my vehicle.

9 Q Why did you give him a giraffe?

10 A Because I had a box of stuffed animals in my vehicle
11 in case I came into contact with children, specifically,
12 for these sorts of situations.

13 Q All right. Did you give [R.C.] that stuffed animal
14 before or after he told you that his mother was dead?

15 A It was after.

16 Q Did you give [R.C.] that stuffed animal before or
17 after he told you that Uncle Jason shot his mom?

18 A After.

19 MR. HILL: Beg the Court's indulgence.

20 (Pause.)

21 BY MR. HILL:

22 Q All right. Investigator, that clip actually has some
23 audio in it, doesn't it?

24 A It does.

25 Q And those are the statements from [R.C.] we just

1 talked about, right?

2 A Correct.

3 MR. HILL: I have nothing else for you right now.

4 Please answer any questions the defense may have.

5 THE WITNESS: Yes, sir.

6 THE COURT: Mr. O'Neil.

7 CROSS-EXAMINATION:

8 BY MR. O'NEIL:

9 Q Investigator, just a few questions. You were a
10 deputy at the time of this incident?

11 A Yes, I was.

12 Q And, I guess, one of the jobs of a deputy, you have
13 to write a report?

14 A Yes.

15 Q You wrote a report in this case?

16 A Yes, I did.

17 Q How far away approximately -- are you familiar with
18 77 Koon Road?

19 A Not particularly. I believe it is in region three.

20 Q And this incident is also in region three?

21 A No, that's region two.

22 Q So they're not in the same region when it comes to
23 the sheriff's department?

24 A No, I wouldn't respond to calls in region three. I
25 only respond to calls in region two.

1 Q All right. So they're not close enough to be in the
2 same region?

3 A Correct.

4 Q It's not the same neighbor as Koon Road?

5 A That I'm aware of, no.

6 Q That house is not in the same neighborhood as this
7 cul-de-sac?

8 A Correct.

9 Q This cul-de-sac was pretty much a dark area this time
10 of day?

11 A It was mid-morning. I mean, it's dark. You can see
12 things, but, I mean, it is dark outside. The sky is dark.

13 Q And your body camera actually has -- it's time
14 stamped, so it was around five o'clock that morning,
15 correct?

16 A Correct.

17 Q And you had to -- in fact, you had to shine your
18 light inside of the truck to see what was going on inside
19 of the truck?

20 A I actually did that just so I could see clearly. I
21 would do that at most scenes if I wanted to make sure what
22 I was looking at was a body.

23 Q Yeah, you had to shine your light so you could see
24 clearly?

25 A Correct.

1 Q We have the video, we can see how dark it was out
2 there?

3 A Yes.

4 Q And, in fact, the picture with the lights -- the
5 picture with the truck with the doors opened, that's after
6 you got there?

7 A Yes.

8 Q That would have been farther along in the day?

9 A That's correct.

10 Q That's not how it appeared when you got there?

11 A Correct.

12 Q And the State put into evidence a dash cam which the
13 State claims [REDACTED] R.C. gave you those two statements,
14 correct?

15 A Correct.

16 Q [REDACTED] R.C. also told you that the person who shot his
17 mother was in a blue car, correct?

18 A That was how he was describing it.

19 Q He said that, correct?

20 A Yes.

21 Q Those are the words he used, blue car?

22 A I can't say specifically that's how he said it.

23 Q But you would have --

24 A But along those lines.

25 Q But you wrote down what he said in your report,

1 didn't you?

2 A Correct.

3 Q Because you knew it would be important later on here?

4 A Correct.

5 Q And you knew it would be important to precisely write
6 down what he said?

7 A Correct.

8 Q All right.

9 MR. O'NEIL: Your Honor, may I approach the witness?

10 THE COURT: Yes, sir.

11 BY MR. O'NEIL:

12 Q This is your report, Investigator Davis? That's a
13 portion of it?

14 A Yes.

15 Q All right. And that third paragraph in that report,
16 that last line, you wrote that **R.C.** said Uncle Jason was
17 in a blue car, correct?

18 A I apologize.

19 Q Last sentence?

20 A Correct.

21 Q You wrote that because that's what he told you,
22 correct?

23 A Correct.

24 Q You wouldn't have wrote that any other way?

25 A Correct.

1 Q You're not going to put words in his mouth? You're
2 not going to change what he said?

3 A Correct.

4 Q If he said U-Haul, you would have put U-Haul, right?

5 A Correct.

6 MR. O'NEIL: That's all I have, Your Honor.

7 THE COURT: Any redirect?

8 MR. HILL: Just briefly.

9 REDIRECT EXAMINATION:

10 BY MR. HILL:

11 Q Investigator, When you got there, you testified
12 earlier it was light enough for you to see [R.C.] at a
13 distance; is that right?

14 A Sure.

15 Q And when you were up close to [R.C.] you could still
16 see him?

17 A Uh-huh.

18 Q You could see inside the vehicle?

19 A Correct.

20 Q Again, why did you shine the light in there?

21 A So I can be -- I can see clearly what I'm looking at.

22 Q But could you still see inside the vehicle even
23 without the light?

24 A Yes.

25 Q Let's talk about that statement where it says it is a

1 blue car?

2 A Yes.

3 Q When you were at the scene, was there an ambulance?

4 A There was.

5 Q Do you remember if R.C. noticed that ambulance?

6 A Yes, he did.

7 Q And what R.C. say about that?

8 MR. O'NEIL: Objection, Your Honor, hearsay.

9 THE COURT: The objection is overruled.

10 THE WITNESS: So I don't necessarily remember
11 specifically what he said, but he was pointing at that
12 vehicle when he was trying to describe the car Uncle Jason
13 was in.

14 BY MR. HILL:

15 Q And an ambulance is a big boxy truck?

16 A Correct.

17 Q So when you put blue car, you just meant blue
18 vehicle?

19 A Correct.

20 Q And not a small four-door vehicle?

21 A Correct.

22 MR. HILL: Nothing further. Thank you, Investigator.

23 THE COURT: Anything further?

24 MR. O'NEIL: No, Your Honor.

25 THE COURT: You may step down.

1 Call your next witness.

2 MR. HILL: State calls Heather Collins.

3 THE COURT: Is there any reason the witnesses are not
4 in the courtroom?

5 MR. HILL: It's my understanding Ms. Collins is here.

6 THE CLERK: State your full name, please.

7 THE WITNESS: Heather Collins.

8 HEATHER COLLINS, after being duly
9 sworn, testified as follows:

10 THE CLERK: Have a seat, please.

11 DIRECT EXAMINATION:

12 BY MR. HILL:

13 Q Good afternoon, Ms. Collins. Go ahead and tell us
14 who you are, where you work and what you do there?

15 A My name is Heather Collins, as I said. I'm acting
16 director for Columbia Richland 9-1-1. I am --

17 Q Go ahead.

18 A I am considered the custodian of records. Part of my
19 responsibilities is managing and archiving the audio and
20 digital files that come with our computer system and
21 audio.

22 Q All right. So when a 9-1-1 call comes in, it's not
23 just audio. There's a written report; is that right?

24 A That's correct.

25 Q And you keep those?

1 A Yes.

2 Q I'm going to pass up what's been previously marked as
3 State's 568. Ms. Collins, what is State's 568?

4 A This is a printed copy of what is considered an
5 incident detail report. This is, basically, a printout of
6 a call that was entered into our CAD dispatching system.
7 And it gives all the information of what the person who
8 took the call and the dispatchers that dispatched the call
9 put in there, as well as what units responded.

10 Q All right. Is that a record that you keep in the
11 ordinary course of your business as a 9-1-1 records
12 custodian?

13 A Yes, sir.

14 Q And has that record been altered or changed in any
15 way?

16 A No, sir.

17 MR. HILL: Your Honor, at this time, I'm asking that
18 State's Exhibit 568 be admitted into evidence under the
19 business records and present sense impression exceptions
20 to hearsay?

21 MR. O'NEIL: No objection.

22 THE COURT: It's admitted.

23 (WHEREUPON, State's Exhibit Nos. 568 was admitted
24 into evidence.)
25

1 BY MR. HILL:

2 Q All right. Ms. Collins, I'm going to have you hold
3 on to that. I have a some questions about that report.
4 Look at page one of that report -- that is a six-page
5 report; is that correct?

6 A Yes, sir.

7 Q Looking at page one, what time did the 9-1-1 come in
8 and on what date did it come in?

9 A It was March 13th, 2021, at 5:12 and seconds in the
10 morning.

11 Q All right. And what was the caller -- what was the
12 problem the caller was calling about in general?

13 A They were calling in regards to shots fired.

14 Q And was there an address for the caller?

15 A It says 1601 McCaw Road.

16 Q Is there a cross street?

17 A Yes, it says Malcom Drive and Thorndike Drive.

18 Q Now, do you know who the caller is in this case? Do
19 you have a name?

20 A It says here T-Mobile U.S.A., which means that the
21 call came in 9-1-1, but it's not affiliated with a name.

22 Q All right. Turning to page two, were any law
23 enforcement members dispatched based off of that call?
24 Were there any units assigned noted?

25 A No.

1 Q All right. Now, at the bottom of that page, it says
2 comments. What is a comment?

3 A These would be notations that the call taker or
4 dispatcher may make into the call record pertaining to
5 what the caller may say or later on in the progress of the
6 call, something an officer said.

7 Q All right. So in this case, there's one comment,
8 correct?

9 A Correct.

10 Q What time was that comment made?

11 A The comment was listed at 5:13:20.

12 Q And what is the comment?

13 A It says 20 to 25 minutes ago, two shots heard.

14 Q I'm passing up out what's been previously marked as
15 State's 569. You can go ahead and tell me what that is.

16 A This is also an incident detailed report.

17 Q Is that a record that you keep in the ordinary course
18 of your business as a 9-1-1 records custodian?

19 A Yes, it is.

20 Q Has that record been altered or changed in any way?

21 A No.

22 MR. HILL: Your Honor, at this time, I'm asking that
23 State's 569 be admitted into evidence under the business
24 record and present sense impressions exceptions to
25 hearsay.

1 MR. O'NEIL: No objection, Your Honor.

2 THE COURT: It's admitted.

3 (WHEREUPON, State's Exhibit No. 569 was admitted into
4 evidence.)

5 BY MR. HILL:

6 Q Ms. Collins, if you'll hold onto that. Now, this
7 report, how many pages is this report?

8 A Twenty-two.

9 Q And what is the date and time that 9-1-1 call came
10 in?

11 A March 13th, 2021, and this call came in at 5:12 and
12 12 seconds.

13 Q So that's, what, three seconds before the call in the
14 prior record?

15 A Correct.

16 Q All right. What is the caller saying is the problem
17 this time?

18 A The call is coded as what is called a shooting hit.
19 Somebody may understand that more easily as a gunshot
20 wound, somebody has been struck in a shooting.

21 Q And what is the address for this caller this time?

22 A This came in through a wireless call and
23 consequently, it could not ping on a specific address and
24 ended up giving us a block range of 1831 to 1843 Malcom
25 Drive.

1 Q But that means it came from Malcom Drive?

2 A Correct.

3 Q Is there a cross street for this one like there was
4 the last one?

5 A Yes, there is. And the cross street on this is McCaw
6 Road.

7 Q So we're at Malcom and McCaw?

8 A Correct.

9 Q Now, do you know the name of the caller for this
10 call?

11 A That is -- no, there is no -- it says call remained
12 -- the only indication was male caller, but it does
13 indicate the caller refused.

14 Q All right. Turning to page two, were any law
15 enforcements sent based off of this call?

16 A Yes, we had three Richland County units sent to this
17 location.

18 Q And who was the first person out assigned to this
19 call?

20 A It's going to be Allison Davis.

21 Q And what time did Allison Davis arrive?

22 A She arrived on the scene at 5:23 and 46 seconds.

23 Q All right. Let's go ahead and go to page three.

24 Looking at page three, we have some more comments; is that
25 right?

1 A Right.

2 Q Can you go ahead and tell me what comment one says?

3 A It says, Caller heard two shots at the end of Malcom
4 Drive.

5 Q Comments three and four?

6 A A vehicle is on scene with lights on, unknown if it's
7 related to the 1075-F.

8 Q All right.

9 A Which means shots fired.

10 Q Okay. Comment four?

11 A Unknown if vehicle is occupied. Caller advised that
12 the vehicle has been parked at that location for 30
13 minutes.

14 Q All right. And what time was comment number four
15 made?

16 A 5:13 and 58 seconds.

17 Q So 30 minutes before that is about 4:44 in the
18 morning, right?

19 A Correct.

20 Q All right. Comments five and six?

21 A There was another vehicle on scene, but it had since
22 left the area. And comment six says, Negative on a
23 vehicle description.

24 Q Comment seven?

25 A 1075-F occurred approximately 30 minutes ago.

1 Q And, again, what is a 1075-F?

2 A Shots fired.

3 Q And what time was that comment made?

4 A That comment was made at 5:14:53.

5 Q So about 30 minutes before that means the shots
6 occurred about 4:45 in the morning, right?

7 A Right.

8 Q All right. Comments eight and nine, what are those?

9 A Comment eight says, Caller at 1601 McCaw Street
10 states 20 minutes ago, heard two shots, states that now
11 there's a vehicle sitting there and a little boy keeps
12 getting out, in and out of the vehicle running up and down
13 looking for help. Comment nine says, Whitish truck,
14 states someone has their foot on the brake. States the
15 little boy looks like he's about eight years old, no
16 further information, no comment.

17 Q So comments eight and nine, are they made by the same
18 caller that made comments one to seven?

19 A Negative. I'm sorry, no.

20 Q So comments eight and nine were made by somebody
21 different than the comments that were made before?

22 A Correct.

23 Q All right. So let's go to comment 13. Comment 13,
24 does that contain some information on a vehicle?

25 A Yes.

1 Q Do you know who requested the information on that
2 vehicle?

3 A On this printout --

4 Q Was it law enforcement?

5 A It is.

6 Q Okay.

7 A I have the name of the operator, dispatch operator
8 who physically ran the tag through DMV.

9 Q But law enforcement --

10 A But the request would have come from law enforcement,
11 correct.

12 Q All right. So looking at that, what is the license
13 plate of the vehicle that information is requested on?

14 A It is HHE 462 out of South Carolina.

15 Q And what is the year, make and model of that vehicle?

16 A It's showing a 2008 Toyota Tundra pickup.

17 Q All right. I'm passing up what's already been
18 admitted into evidence as State's 582. What is State's
19 582?

20 A The vehicle.

21 Q All right. Can you tell the make and model of that
22 vehicle?

23 A Yes, I can.

24 Q What is it?

25 A It's a Toyota Tundra displaying the tag HHE 462.

1 Q Would you go ahead and show that to the jury? So the
2 vehicle that is in that photo is the vehicle that law
3 enforcement called about; is that correct?

4 A That is correct.

5 Q Now, does the 9-1-1 CAD report say who owned that
6 Toyota Tundra?

7 A Yes, according to the DMV, it's returning to a Rufus
8 E. Carmichael at 621 Senn Street, West Columbia.

9 MR. HILL: Beg the Court's indulgence.

10 (Pause.)

11 All right. Thank you so much, Ms. Collins. I have
12 nothing else for you.

13 THE COURT: Mr. O'Neil.

14 MR. O'NEIL: Thank you, Your Honor. May it please
15 the Court?

16 CROSS-EXAMINATION:

17 BY MR. O'NEIL:

18 Q So Ms. Collins, just briefly, you've got two 9-1-1
19 calls come in, correct?

20 A Yes, sir.

21 Q Neither one of those callers actually saw the actual
22 shooting?

23 A Not to my knowledge.

24 Q All they said on the 9-1-1 calls is they heard
25 gunshots?

1 A Right.

2 Q And one person saw a vehicle leaving the scene,
3 correct?

4 A Yes, sir.

5 Q But couldn't give a description of that vehicle?

6 A Correct.

7 Q And then one male called -- one of the callers was a
8 male, but wouldn't give their name?

9 A Correct.

10 MR. O'NEIL: That's all I have.

11 THE COURT: Anything further?

12 MR. HILL: Nothing further.

13 THE COURT: Thank you. You may step down.

14 Do we have another short witness?

15 MS. CAVANAUGH: We do, Your Honor.

16 THE COURT: All right.

17 MS. CAVANAUGH: State calls Justin Barnett.

18 THE CLERK: State your name, please.

19 THE WITNESS: Justin Barnett.

20 THE CLERK: Spell your last name, please.

21 THE WITNESS: B-A-R-N-E-T-T.

22 JUSTIN BARNETT, after being duly
23 sworn, testified as follows:

24 THE CLERK: Thank you. Have a seat.

25 DIRECT EXAMINATION:

1 BY MS. CAVANAUGH:

2 Q Good afternoon. Where are you employed?

3 A I'm employed for the Richland County Emergency
4 Medical Services.

5 Q And what is your position there?

6 A I'm paramedic crew chief.

7 Q How long have you been in that position?

8 A Approximately five years.

9 Q And are you currently -- I'm going to take your
10 attention to March 13th, 2021. Did you respond to a
11 scene?

12 A Yes, ma'am, I did.

13 Q Did you actually issue a report from your response?

14 A Yes, ma'am, I did.

15 Q Do you have a copy of your report?

16 A I do not.

17 Q Would looking at your report help refresh your
18 recollection on the event?

19 A Yes, ma'am, I believe so. I appreciate it.

20 Q And what type of scene did you respond to on
21 March 13th, 2021?

22 A We were originally dispatched out in reference to a
23 vehicle in which somebody may have been shot from what we
24 were -- the information we were given from our cab.

25 Q And what time did you respond?

1 A We were dispatched to this call at 0527, 5:27 in the
2 morning.

3 Q Is that what time you arrived?

4 A We arrived at the scene at 5:36, 05:36.

5 Q Once you got to the scene, what did you observe?

6 A Let me start with page two here. Upon arrival to the
7 scene, the patient was found sitting in the driver's seat
8 of the vehicle that veered off the roadway. Patient was
9 assessed at initial point in contact.

10 Patient was found to be unconscious and unresponsive.
11 Patient's skin was noted to be cool, dry and intact.
12 Pulses were absent. Patient noted to be apneic. A
13 gunshot wound was noted to the patient's left chest wall
14 underneath her left breast.

15 No obvious secondary wound were found. ACG revealed
16 asystolic rhythm. Richland County Sheriff's Department
17 initial impression was that patient was involved --

18 MR. O'NEIL: Objection, Your Honor, hearsay.

19 THE COURT: What is hearsay?

20 MR. O'NEIL: The next statement he's about to say, I
21 don't want to say it. Can we have a --

22 THE COURT: I have no clue what he's going to say.

23 MR. O'NEIL: Can we have a matter of law outside the
24 presence of the jury?

25

1 BY MS. CAVANAUGH:

2 Q You can skip over that.

3 A Sure.

4 Q Just go to the next comment. Did you -- let me just
5 ask you this.

6 A Yes, ma'am.

7 Q Prior to getting to -- you were talking about you
8 observing the deceased victim. Were you able to get her
9 name?

10 A Yes, ma'am.

11 Q What's her name?

12 A We identified this patient as Ashli Haigler.

13 Q Okay. And you said that -- what did you do when you
14 immediately came into contact with her body?

15 A We assessed whether or not she had a pulse and she
16 was breathing.

17 Q And did she?

18 A No, ma'am.

19 Q So what did you use to assess to make that
20 determination?

21 A Well, physical assessment and then, of course, in
22 order to ensure that she was not without a pulse, we used
23 the cardiac monitor to view electrical activity.

24 Q When you're doing those -- when you're performing
25 that, do you move -- did you have to move the body?

1 A Minimally, yes, ma'am, but we do not disturb these
2 individuals. We make an effort not to do that.

3 Q Okay. So you mentioned that you only observed one
4 gunshot wound?

5 A Yes, ma'am.

6 Q Are you moving around her clothes to find out if
7 there's another one?

8 A No, ma'am.

9 Q Okay. Once you made the determination that
10 Ms. Haigler was deceased, did you come into contact with
11 anybody else?

12 A Yes, ma'am. We did observe a young child that was in
13 the care of Richland County Sheriff's Department at the
14 time.

15 Q And did the child have any visible injuries on his
16 body?

17 A He didn't. He showed no obvious signs of injury. He
18 was not actively bleeding. That's about it.

19 Q And so, because of that, did you leave him with the
20 sheriff's -- at the scene or did you take him somewhere?

21 A Richland County Sheriff's Department indicated they
22 would handle the care for the child, so we allowed the
23 child to stay in the care of the Richland County Sheriff's
24 Department.

25 Q Okay.

1 MS. CAVANAUGH: Beg the Court's indulgence.

2 (Pause.)

3 Thank you. Please answer any questions from the
4 defense?

5 THE COURT: Mr. O'Neil.

6 MR. O'NEIL: No questions.

7 THE COURT: Thank you, sir.

8 THE WITNESS: Yes, sir.

9 THE COURT: Ladies and gentlemen, we will adjourn for
10 this day, start back at 9:30 tomorrow morning. Please do
11 not discuss the case with anyone. See you at 9:30.

12 (Whereupon, the jury left the courtroom at 5:34 p.m.)

13 THE COURT: Are there any matters we need to discuss
14 before leaving?

15 MR. O'NEIL: Your Honor, do you need me to coordinate
16 with Mr. Sutherland to try to get him here tomorrow?

17 THE COURT: Yeah, that's -- we're going to need an
18 option one and an option two. Who will be option two?

19 MR. O'NEIL: Maybe somebody from the Public
20 Defender's Office.

21 THE COURT: All right. We'll see if we can find
22 someone from the Public Defender's Office. I don't know,
23 we don't want to sit around looking for someone tomorrow
24 morning. Find them today.

25 (Whereupon, there was an off-the-record discussion).

1 THE COURT: We'll adjourn until 9:30.

2 (Whereupon, the proceedings were adjourned)

3 (November 29, 2022).

4 THE COURT: So we have Mr. Carmichael where?

5 MR. O'NEIL: Your Honor, he's in the jury room,
6 according to the deputy.

7 THE COURT: In the jury room?

8 MR. O'NEIL: Yes, sir.

9 THE COURT: All right. Out of view of the jury?
10 Y'all are making sure that the jury is not seeing the
11 defendant, right?

12 THE BAILIFF: Correct.

13 MR. O'NEIL: Your Honor, I would have a matter to
14 address with the Court before we start.

15 THE COURT: All right. What is that?

16 MR. O'NEIL: Your Honor, as it relates to the ruling
17 that -- not as it relates to the ruling, but as it relates
18 to how the Court's ruling will be kind of carried out in
19 relation to my client being in the jury room.

20 I spoke with Ms. Pinnock. She's in the courtroom at
21 this time. Mr. Tivis Sutherland is here, as well. Two
22 issues I want to bring forward on the Court and ask the
23 Court to guide us on the best way to go forward here.

24 When I spoke with Ms. Pinnock on yesterday about the
25 logistics of this, she checked with their database at the

1 Public Defender's Office. Ms. Pinnock, of course, is
2 Assistant Public Defender here, and she indicated to me
3 that Mr. Carmichael was initially a conflict in their
4 office here.

5 Now, I'm not sure whether or not that conflict still
6 exists here in their office, one. And second, when I
7 talked to Ms. Pinnock about the logistics of how the
8 communication would work between me and my client while
9 the witness will be testifying, she pointed out to me --
10 and I want to bring it forth to the Court here. Since
11 she's not technically Mr. Carmichael's attorney here, then
12 there's no privilege or confidentiality between her and
13 Mr. Carmichael if Mr. Carmichael says anything to her
14 while we're separated and she communicates those things to
15 me.

16 I think the case that the State cited from last year
17 from 2021, the Carter case where the defendant was the one
18 in a separate room and the witness was actually in the
19 courtroom, in that case, Your Honor, the two attorneys
20 were from the same firm.

21 So there was shared confidentiality, shared privilege
22 between the lawyers in that firm. The fact that I'm a
23 sole practitioner, I'm not in the firm either with Ms.
24 Pinnock or Mr. Sutherland, I think my client would not be
25 afforded any confidentiality privilege on conversation he

1 had with Ms. Pinnock if Ms. Pinnock would be seated with
2 him in the jury room.

3 So based off that, Your Honor, I would ask, Your
4 Honor, that my client be allowed to stay in the courtroom
5 here and that the victim testify by closed circuit TV or
6 the WebEx virtual courtroom here outside rather than my
7 client in a different room.

8 THE COURT: I didn't get your reason.

9 MR. O'NEIL: Because my client is -- the way the
10 State proposes to do it now, my client is not going to be
11 afforded any sort of privilege or confidentiality to any
12 statements he makes Ms. Pinnock. The statement --

13 THE COURT: Hold a moment. Ms. Pinnock thinks that
14 she might have a conflict. Mr. Sutherland was choice
15 number one, and he's here and available.

16 MR. O'NEIL: Yes. But even if it's Mr. Sutherland,
17 my client would still not be afforded any privilege with
18 communication with Mr. Sutherland --

19 THE COURT: Why wouldn't he?

20 MR. O'NEIL: Mr. Sutherland is not his attorney.

21 THE COURT: Well, he's being appointed by the court
22 to serve that limited purpose in this case.

23 MR. O'NEIL: Well, I'm not sure -- accepting an
24 appointment on those conditions not knowing --

25 THE COURT: Well, there he is.

1 Mr. Sutherland, do you have any problem being
2 appointed and maintaining the confidences of the
3 defendant?

4 MR. SUTHERLAND: I was telling them, Your Honor says
5 jump, I say how high. Whatever you need.

6 THE COURT: Pardon?

7 MR. SUTHERLAND: I said, Your Honor says jump, I say
8 how high. Whatever you need.

9 THE COURT: Whatever confidentiality privileges
10 Mr. O'Neil is concerned about, you have to maintain those
11 confidences.

12 MR. O'NEIL: Yes, Your Honor, those are my two
13 concerns.

14 THE COURT: All right.

15 Any comment by the State?

16 MS. CAVANAUGH: No, Your Honor. No. With respect to
17 that, absolutely not. I think that privilege -- when you
18 appoint Mr. Sutherland, privilege will attach at that
19 point.

20 Also, we want -- I mean, State v. Carter, the whole
21 reason that the victim was in front of the jury was so the
22 jury could judge the victim witness's credibility, and so
23 that's why we -- that's part of the juror's role. That's
24 why we think it's more appropriate, as the court did in
25 State v. Carter, and they affirmed -- the Court of Appeals

1 affirmed to have the actual testifying witness in front of
2 the jury, Your Honor.

3 THE COURT: Okay.

4 MR. O'NEIL: Your Honor, one other thing.

5 Ms. Pinnock brought something to my attention that I
6 didn't realize until just now. She indicates to me that
7 the conflict in the Public Defender's Office was for an
8 individual named --

9 MS. PINNOCK: Jenari McNeil.

10 MR. O'NEIL: What the Public Defender's Office did at
11 that point was they conflicted both cases out. They
12 conflicted Mr. Carmichael to me, and they conflicted
13 Mr. McNeil out to Mr. Sutherland.

14 MR. SUTHERLAND: That is true.

15 THE COURT: And, therefore, what?

16 MR. O'NEIL: I'm not sure if that conflict still
17 exists here.

18 THE COURT: Do we need to find a third lawyer?

19 MR. O'NEIL: I think Mr. Sutherland may have a
20 conflict that he didn't know about. If he still
21 represents Mr. McNeil --

22 THE COURT: What does Mr. McNeil have to do with
23 anything?

24 MR. O'NEIL: I don't know why they -- I'm never been
25 privileged as to why they conflicted things out. The

1 Public Defender's Office represented Mr. McNeil and
2 Carmichael both at the same time. And then they
3 conflicted Mr. Carmichael to me and conflicted Mr. McNeil
4 to Mr. Sutherland.

5 THE COURT: What's Mr. McNeil charged with or what
6 was he charged with?

7 MR. SUTHERLAND: Well, he's got two counts of murder,
8 Your Honor, and burg first. But he is the sole defendant,
9 so that's what I know about that. There are no
10 codefendants in that case. I'm not aware of whatever the
11 conflict may have been. I actually had him up here and
12 tried to get him a bond a couple weeks ago.

13 MS. CAVANAUGH: Are you aware of who the victims are
14 in that case?

15 MR. SUTHERLAND: Peterson. I've got them in my phone
16 if you need me to look them up.

17 MS. CAVANAUGH: We should probably look those up.

18 THE COURT: Ms. Pinnock, are you concerned about a
19 conflict?

20 MS. PINNOCK: Your Honor, the only information I have
21 is that both individuals were represented in our office.
22 I'm not privy to the nature of the conflict because I
23 didn't represent either one of them. I just sent an email
24 to let Your Honor know and let everybody know that there
25 was a conflict. Outside of that, I can't offer any

1 information because I wasn't involved in either one of
2 their cases.

3 THE COURT: Mr. O'Neil, which of the two do you
4 prefer? I know you like Ms. Pinnock.

5 MR. O'NEIL: I don't have a preference, Your Honor.
6 They're both capable lawyers. I don't have a --

7 MS. CAVANAUGH: Okay. So Mary Carmichael is the name
8 of one of the victims and Jaquan Peterson is the other.
9 So maybe that's what, or somehow related to the person on
10 trial.

11 Yes. Mary Carmichael is the victim's -- I didn't
12 realize that you represented the defendant in that case,
13 but Mary Carmichael is our victim's daughter, who was
14 murdered two years ago or in -- was it 2019?

15 MR. SUTHERLAND: May of 2019.

16 THE COURT: All right. I think that would exclude
17 Mr. Sutherland but not Ms. Pinnock. And, of course, the
18 role is a very limited role. You know, the purpose of a
19 lawyer being in the room with the defendant is --

20 What is the purpose, Mr. O'Neil?

21 MR. O'NEIL: Your Honor, what I got from the Carter
22 case is that the purpose would be to relay to me any
23 information that the client wanted to relay to me, the
24 same as if he was sitting next to me in the actual
25 courtroom.

1 THE COURT: All right. I don't see that poses a
2 conflict for Ms. Pinnock. We'll appoint Ms. Pinnock for
3 that limited purpose. And after the direct testimony,
4 we'll take a break for you to be able to confer with your
5 client and relay any messages.

6 He can take whatever notes for you while the
7 testimony is being -- is taking place. She has no
8 significant role other than sitting there at the time. If
9 you want to advise him in any respect regarding any
10 questions, concerns or issue, Ms. Pinnock would not have a
11 role with representation.

12 MR. O'NEIL: Yes, Your Honor.

13 THE COURT: So we'll designate Ms. Pinnock for that
14 purpose.

15 Thank you, Mr. Sutherland.

16 MR. SUTHERLAND: Yes, sir. Anytime, Judge.

17 THE COURT: All right.

18 We have a note from a juror that says: When I was
19 walking home last night, I remembered that I do not know
20 an attorney who might be involved with the law and she
21 texted me -- oh, I do know an attorney who might be
22 involved with the law and she texted me. Her name is
23 Savannah Goode. She is a friend and neighbor. I thought
24 she might be a Public Defender, but I could not remember.

25 I called my companion and asked him what his -- this

1 person's job was. He told me she is an Assistant Attorney
2 General for the State of South Carolina with the Grand
3 Jury system.

4 Realizing I did not inform the Court of this
5 relationship yesterday when we were asked during the jury
6 selection process, I decided to let the court know of my
7 oversight today. This is for the purpose of honesty and
8 transparency.

9 I know of no reason that this relationship would
10 affect my ability to serve as a juror, and I am prepared
11 to continue in this role. That's from Juror 210, the sort
12 of elderly lady who is on the jury.

13 Any issue by the State or the defense?

14 MS. CAVANAUGH: None from the State.

15 MR. O'NEIL: No, Your Honor.

16 THE COURT: All right. We'll make this note a part
17 of the record.

18 MS. CAVANAUGH: Your Honor, speaking of making things
19 part of the record, I just want to make sure the pretrial
20 matters that I submitted to the Court are made part of the
21 record. Do I just need to submit them to --

22 THE COURT: Well, what are they?

23 MS. CAVANAUGH: Well, it's the memorandum in support
24 of joinder, motion to allow video conference, the two
25 letters from R.C. counselor requesting that he testify

1 outside the presence of the defendant, and then the
2 State's pretrial matters.

3 THE COURT: All right. The matters regarding the
4 child were made part of the record yesterday and sealed,
5 the reports of those --

6 MS. CAVANAUGH: Okay.

7 THE COURT: -- I guess the school and the counselor.

8 MS. CAVANAUGH: And the actual motion itself, Your
9 Honor?

10 THE COURT REPORTER: No. And it wasn't given to me,
11 so it wasn't marked.

12 MS. CAVANAUGH: It just names the child and the
13 counselors.

14 THE COURT: All right. Seal it if you like, along
15 with anything else. The regular filings will not be
16 sealed, but that can be sealed. Let me take a look at it,
17 Mr. O'Neil.

18 (WHEREUPON, Court's Exhibit No. 1, sealed, was marked
19 for identification only.)

20 MR. O'NEIL: Your Honor, I printed mine out on a disk
21 in my office, Your Honor. I'll make you one that I
22 submitted to your law clerk before this trial, a part of
23 the record when I get official copies of those. I don't
24 object to anything that was submitted pretrial being made
25 part of the record.

1 (WHEREUPON, Court's Exhibit No. 2 was marked for
2 identification only.)

3 THE COURT: I see no basis to seal your motion. I
4 think the medical records should be sealed, and they have
5 been sealed.

6 MS. CAVANAUGH: Thank you, Your Honor.

7 THE COURT: All right. What else?

8 MR. O'NEIL: Your Honor, as it relates to the
9 counselor's records, Your Honor, I think those records --
10 we had a pretrial hearing a couple weeks ago on that
11 issue.

12 As it relates to the actual counselor records, they
13 kind of serve a dual purpose in this case to be considered
14 by the Court as it relates to the witness's ability to
15 testify outside the presence of the jury -- outside the
16 presence of the defendant, I'm sorry. But also, the
17 initial reason we asked for those records, Your Honor, to
18 see whether or not there was any impeachment value in
19 those records.

20 I think the State, when we submitted our joint order
21 or joint motion for those records here is, basically,
22 constituted the fact that the trial court would actually
23 review those records to make sure there was no impeachment
24 value in those records. That's why they were submitted to
25 the court and not submitted to me --

1 THE COURT: You've seen the records, as well?

2 MR. O'NEIL: I have not seen them. I think that's
3 the agreement we had, that neither party would see them,
4 but the court will review them. I think the case law is
5 the court reviewed the records contemporaneously with the
6 witness testifying making sure there was no impeachment
7 value in those records here.

8 And only were there impeachment value would they be
9 turned over. I would just ask the Court to make that
10 inquiry into the records to make sure there is no
11 impeachment value in those records here.

12 THE COURT: I will review the records. I can look at
13 them again while the child is testifying, you mean?

14 MR. O'NEIL: Yes, Your Honor.

15 THE COURT: Okay. I'll do that.

16 Anything else before the jury comes?

17 MS. PINNOCK: Where am I supposed to go?

18 THE COURT: He's in the jury room not being used,
19 2-B.

20 MS. PINNOCK: Okay. Thank you.

21 THE COURT: That's where he's supposed to be. That's
22 where they were supposed to take him.

23 (WHEREUPON, Court's Exhibit No. 3 was marked for
24 identification only.)

25 MR. O'NEIL: Your Honor, may I make a brief

1 introduction to Mr. Carmichael?

2 THE COURT: Sure.

3 MS. PINNOCK: Thank you, Your Honor.

4 (Pause.)

5 MR. O'NEIL: Your Honor, they're having difficulty
6 with the sound. They want to do a test to make sure they
7 can actually hear and understand through that end.

8 THE COURT: Is that something you're working on?

9 MR. O'NEIL: They're asking to come let the Court
10 know so they can test it to make sure they can actually
11 hear.

12 MS. CAVANAUGH: Okay. So should we --

13 MR. O'NEIL: Have somebody sit on the stand.

14 MS. CAVANAUGH: Grayson, will you go sit up there?

15 THE COURT: Do you want me to mention to the jury
16 where the defendant is or mention anything about him not
17 being here?

18 MR. O'NEIL: No, Your Honor. I think best not to
19 mention it. They said that's way too loud. I don't know
20 what microphone that is, the genesis of the sound here.

21 Grayson, can you say something?

22 MR. HILL: I'm assuming Justin is in there.

23 Justin, can you hear me clearly?

24 MS. CAVANAUGH: Well, he's not talking back to you.

25 THE WITNESS: No, I know Justin can't talk back, but

1 if he can hear me.

2 MS. CAVANAUGH: Right. Tracy is the one --

3 MR. HILL: All right. Tracy, let's see if you can
4 me.

5 MR. O'NEIL: He said that sounds better.

6 MS. CAVANAUGH: Is it clear enough?

7 THE WITNESS: Tracy, is this clear enough?

8 MR. O'NEIL: She said yes.

9 THE WITNESS: Could you hear Katherine?

10 MR. O'NEIL: Yes.

11 THE WITNESS: All right.

12 THE COURT: Are you ready for the jury?

13 MS. CAVANAUGH: Yes, sir.

14 MR. O'NEIL: Yes, sir.

15 THE COURT: Okay. You may bring the jury.

16 (Whereupon, the jury entered the courtroom at 10:01
17 a.m.)

18 THE BAILIFF: All jurors are seated, Your Honor.

19 THE COURT: Thank you. Good morning.

20 THE JURY: Good morning.

21 THE COURT: Thank you. Ladies and gentlemen, welcome
22 back to day number two of this trial. One of the bailiffs
23 indicated that one or so of the jurors inquired about
24 whether or not you can take notes.

25 There are two schools of thoughts on taking notes or

1 not taking notes by the jury. If you want to take notes
2 during the trial of this case, you should be aware that,
3 certainly, some people are better note takers than others.

4 And should you take notes, your notes should not be
5 given any greater weight than the recollection of other
6 jurors. The recollection of individual jurors are
7 considered -- should be considered as reliable as any
8 notes taken by any other juror.

9 And the basic warning concerning note taking is that
10 when you're taking notes, you may not notice the body
11 language of a witness or other factors that could be used
12 by you in deciding a witness's credibility.

13 So sometimes, throughout my experience with jurors
14 with note taking, after trial, those notes are sometimes
15 are left behind, I just see a bunch of doodling. Maybe
16 people are balancing their checkbooks or many other things
17 that are of no significant use, but more so a distraction.

18 That being said, if any of you would like to take
19 notes, we will allow that. I will allow that. The
20 process is that the notepad will be given to any of you
21 who want to take the notes. Those pads will be left with
22 the Court at all times and can only be taken to the jury
23 room during deliberations. So that's the issue and the
24 explanation regarding jurors and notes.

25 Other than that, we're ready to press on.

1 The State may call their next witness.

2 MS. CAVANAUGH: The State calls R.C.

3 THE CLERK: Raise your hand. Okay. Say your name.

4 THE WITNESS: R.C.

5 THE CLERK: You're going to need to speak up a tad.

6 THE WITNESS: R.C.

7 THE CLERK: Can you spell your first name?

8 THE WITNESS: R.C.

9 R.C. after being duly
10 sworn, testified as follows:

11 THE CLERK: Thank you. Please have a seat right
12 there.

13 THE COURT: Adjust the mic for us, please.

14 DIRECT EXAMINATION:

15 BY MS. CAVANAUGH:

16 Q Good morning, R.C.

17 A Good morning.

18 Q How old are you?

19 A Six years old.

20 Q Did you -- when's your birthday?

21 A

22 Q And was that a couple days ago?

23 A Yes, ma'am.

24 Q And what age did you turn?

25 A Seven.

1 Q Okay. Seven. And when you testify this morning, I
2 want you to speak as loudly as you can, okay?

3 A Okay.

4 Q Can you push it down just a little bit? Okay?

5 A Okay.

6 Q You said it was just your birthday. What did you do
7 for your birthday?

8 A I got to my cousin's house and -- and I got to my
9 grandma's house.

10 Q Okay. Do you go to school?

11 A Yes, ma'am.

12 Q All right. What grade are you in?

13 A First grade.

14 Q Do you have a favorite class?

15 A Yes, ma'am.

16 Q What is that?

17 A Ms. Derrick and Ms. Collins.

18 Q All right. Miss who?

19 A Ms. Derrick and Ms. Collins' class.

20 Q And what do they teach?

21 A They teach everything that we are supposed to teach
22 right now.

23 Q Do you have a favorite subject?

24 A Yes.

25 Q What is that?

1 A Science, math and recess.

2 Q Recess. What are some of your favorite things to do?

3 A At school?

4 Q In general.

5 A I like to watch TV and play with my toys.

6 Q Okay. I'm going to bring you to why you're in this
7 courtroom. Who did you used to live with?

8 A My mommy and daddy.

9 Q And what were their names?

10 A Ashli Haigler.

11 Q And what was your daddy's name?

12 A My daddy's name was Rufus.

13 Q Okay. And do you remember -- I'm going to ask you to
14 speak up, okay?

15 A Okay.

16 Q Do you remember the last time you saw your mom?

17 A Yes.

18 Q Okay. What happened that night?

19 A So we were at home. I was sleeping. My mom woke me
20 up. I got dressed and then we got in the truck, and then
21 we drove to some houses.

22 Q Okay. I'm going to stop you there. We're going to
23 go a little bit slow through this. You said you were --
24 what were you doing when your mom woke you up?

25 A I was sleeping.

1 THE COURT: Adjust the mic downward some.

2 THE WITNESS: I was sleeping and I --

3 BY THE COURT:

4 Q Hold on one second.

5 (Pause).

6 Okay.

7 A I was sleeping and I was -- I was sleeping and my mom
8 woke me up, and then I got dressed, and then we got in the
9 truck. And then we started -- then we started to drive to
10 some houses.

11 Q Okay.

12 A To look for my daddy.

13 Q To do what?

14 A To look for my daddy.

15 Q Okay. When your mom woke you up, did she seem like
16 she was in a hurry?

17 A Yes, ma'am.

18 Q Okay. And how do you know -- how could you tell she
19 was in a hurry?

20 A Because she was going fast. She was going real fast,
21 and she was -- yeah. She was going real fast, and then
22 she told me to hurry up, hurry up.

23 Q Okay. And you said after she woke you up, what did
24 you do? Like, what did you do next?

25 A I got in the truck.

1 Q Okay. And whose truck did you get into?

2 A My daddy's truck.

3 Q Okay. Before she woke you up, when was the last time
4 that you saw your daddy?

5 A Before I had gone to sleep.

6 Q And where did you see him?

7 A I saw him going in the room.

8 Q Were you at the house?

9 A Yes, ma'am.

10 Q How -- you said your mom was in a hurry. How did she
11 seem to you? Did she seem worried?

12 A Yes.

13 Q Did you ask her what was going on?

14 A Yes.

15 Q And, at first, what did she say?

16 MR. O'NEIL: Objection, Your Honor, hearsay.

17 THE COURT: What's the question?

18 MS. CAVANAUGH: I asked him whether he asked his mom
19 what was going on, and he said, yes. I said: At first,
20 what did she say?

21 We've already --

22 THE COURT: I'm not asking for an argument. I asked
23 what was the question.

24 MS. CAVANAUGH: Okay.

25 THE COURT: The objection is overruled.

1 BY MS. CAVANAUGH:

2 Q At first, when you -- I'll repeat my question. What
3 did she say y'all were doing?

4 A She said that we was going to drive to find my daddy.

5 Q Okay. Before the last stop, did she make any other
6 stops?

7 A Yes, ma'am.

8 Q Did you know where she had stopped?

9 A Yes, ma'am.

10 Q Where?

11 A At some houses.

12 Q Do you know which houses they were?

13 A No.

14 Q At either of these stops, did you see any other
15 vehicles that you remember?

16 A No, ma'am.

17 Q Okay. Going to the last stop, what happened at the
18 last stop?

19 A At the last stop, she stopped -- she stopped in front
20 of some trees, and she was looking around. And then my
21 Uncle Jason pulled up.

22 Q Okay. Where were you when this happened?

23 A In the backseat hiding.

24 Q Okay. Did you see the vehicle that pulled up?

25 A No.

1 Q When you said --

2 MR. O'NEIL: I'm sorry, I couldn't hear that last
3 response.

4 BY MS. CAVANAUGH:

5 Q Let me rephrase the question. While you're in the
6 back hiding, did you ever see anything -- how did you know
7 Uncle Jason pulled up?

8 A Because -- because after she rolled the window down.
9 He rolled the window down and she said --

10 MR. O'NEIL: Objection, Your Honor, hearsay.

11 THE COURT: Objection is overruled.

12 THE COURT REPORTER: I'm sorry. I didn't hear the
13 answer.

14 BY MS. CAVANAUGH:

15 Q I'm going to ask you to repeat what you just said
16 louder. I asked you how do you know it was Uncle Jason
17 that pulled up?

18 A Because my mom said, "Jason, where is my baby's
19 daddy?"

20 THE COURT: Madam Bailiff, it's okay if you encourage
21 him to lean forward and also adjust the mic. Whatever is
22 necessary so that we can hear him better.

23 BY MS. CAVANAUGH:

24 Q After you heard your mommy say that, what happened
25 next?

1 A My Uncle Jason shot her.

2 Q And how do you know that he shot her?

3 A Because I heard it. Because I heard the bullet, and
4 I heard the gunshots.

5 Q Okay. Did you also see anything when you heard the
6 gunshots?

7 A Yes, I saw yelling -- I saw yellow sparkings.

8 Q How many gunshots --

9 A Four.

10 Q -- did you hear?

11 A Four.

12 Q Before your mommy was shot, did she get out of the
13 truck?

14 A No, ma'am.

15 Q How did you know -- when you testified earlier that
16 you heard your mom say, Uncle Jason, where is my baby's
17 daddy, did you see anything beside her truck?

18 A No.

19 Q Did you see any other vehicle beside her truck?

20 A No, ma'am.

21 Q Before she said that, was -- did you see anyone
22 approach her truck, get near her truck?

23 A No, ma'am.

24 Q R.C. did you give an interview in this case? Did
25 you talk to the police in this case?

1 A Yes, ma'am.

2 Q Right after it happened?

3 A Yes, ma'am.

4 Q Regarding the vehicle, if you were to watch that
5 portion of your statement, would that help refresh your
6 memory?

7 A Yes.

8 Q Okay.

9 MS. CAVANAUGH: Your Honor, at this time, we have the
10 ability for him to watch that portion of the interview
11 with his headphones. He indicated that that would refresh
12 his recollection. The jury would not see the video, Your
13 Honor.

14 MR. O'NEIL: I don't think the witness indicated an
15 initial lack of reflection. I think he's answered the
16 questions. He's never responded to any question saying he
17 didn't remember something. There's no need to refresh his
18 memory. He's not indicated that he's forgotten anything.
19 He just answered the questions.

20 THE COURT: Response?

21 MS. CAVANAUGH: Your Honor, I can further -- I can
22 ask more questions related to that.

23 THE COURT: Okay.

24 BY MS. CAVANAUGH:

25 Q R.C. was your memory better right after you --

1 right after this happened versus now?

2 A (Nods in the affirmative.)

3 Q Okay.

4 A Yes.

5 Q Okay. Do you remember saying anything about the
6 vehicle that approached your mom's car right before she
7 was shot?

8 A Yes.

9 Q Yes?

10 A Yes.

11 Q Okay. Now, have I explained it better to you now?

12 A Yes, ma'am.

13 Q Okay. What about that vehicle do you remember?

14 A It was a van.

15 Q Can you repeat that?

16 A It was a van.

17 Q Do you know what a minivan is?

18 A No, ma'am.

19 Q What shape was the van?

20 A It was a -- it was a square.

21 Q Okay. Do you remember if it had any colors on it?

22 A Yes.

23 Q What were those colors?

24 A It was blue.

25 Q Okay. And that was what, the portion you saw?

1 A Yes, ma'am.

2 Q Was it only blue?

3 A Yes, ma'am.

4 Q Okay. Do you remember anything that you might have
5 seen on the truck?

6 A No, ma'am.

7 Q Now, after your mommy was shot, did she make any
8 more -- did she say anything else to you?

9 A No, ma'am.

10 Q Did she make any noises?

11 A No, ma'am.

12 Q Right. After she was shot, what did you -- did the
13 van stay or leave?

14 A It stayed for two minutes, and then it left.

15 Q Okay. When it stayed, what were you doing?

16 A I was still hiding.

17 Q While it stayed, did you ever say anything?

18 A No.

19 Q Why didn't you say anything?

20 A Because I didn't want to say nothing.

21 Q How did you feel?

22 A I feel -- I feel brave.

23 Q Okay. At the time -- at the time, how did you feel,
24 right when it happened?

25 A I feel brave.

1 Q Okay. After your mommy was shot, what did you do
2 once the van left?

3 A I jumped up and looked out the window.

4 Q Okay. Do you remember seeing anything?

5 A No.

6 Q Did you check on your mom?

7 A Yes, ma'am.

8 Q How did you check on her?

9 A I got out from the back seat, and then I looked at
10 her face, but her eye was closed.

11 Q Did you get out of the truck?

12 A Yes, ma'am.

13 Q And why did you get out of the truck?

14 A I needed to use the bathroom.

15 Q Okay. Right after you got out of the truck, what
16 else did you do?

17 A I knocked on people's doors, and I threw rocks at
18 them. But they still didn't answer.

19 THE COURT: His voice is muffled.

20 BY MS. CAVANAUGH:

21 Q All right. Can you repeat that a little louder?

22 A I said when I got out of the truck, I knocked on the
23 people's doors, but they didn't answer. And then I threw
24 rocks at the door, but they still didn't answer.

25 Q Okay. And why were you doing that?

1 A Because I needed to use the bathroom, but no one
2 answered.

3 Q Were you trying to get help?

4 A Yes.

5 Q Were you able to use your mommy's phone?

6 A Yes.

7 Q What did you do after you knocked on doors?

8 A I got back in the truck.

9 Q Okay.

10 A And then I got my mommy's phone, and then I called my
11 T.T. And she was at my granny's house.

12 Q Okay. And did you tell T.T. what had just happened?

13 A Yes, ma'am.

14 Q Did you tell T.T. what you saw?

15 A Yes, ma'am.

16 Q Were you able to tell her exactly where you were?

17 A No, ma'am -- I mean, yes, ma'am. Yes, ma'am.

18 Q Had you ever been in that area before?

19 A No, ma'am.

20 Q Did the police come?

21 A Yes, ma'am.

22 Q All right. Did you tell them what you saw?

23 A Yes, ma'am.

24 Q One more question. Prior to this, had you ever been
25 around the person that you call Uncle Jason?

1 A Ma'am?

2 Q Prior to this, had you ever been around the person
3 that you call Uncle Jason or that you used to call Uncle
4 Jason?

5 A No.

6 Q All right. Prior to this, had you ever seen him?

7 A No.

8 Q Has he ever come to your house to visit?

9 A No.

10 Q I'm talking about -- let me clarify my question, in
11 your whole life?

12 A No, ma'am.

13 Q From the time you were born until you were five years
14 old, you've never even seen Uncle Jason?

15 A No, ma'am.

16 Q Did you daddy ever take you to his house?

17 A Yes, ma'am.

18 Q And when you went to his house, was Uncle Jason
19 there?

20 A Yes, ma'am.

21 Q Okay. So you have seen him before?

22 A Yes, ma'am.

23 Q And you've been around him before?

24 A Yes, ma'am.

25 Q And, once again, right before your mom was shot, what

1 did you hear her say?

2 MR. O'NEIL: Objection, Your Honor, hearsay.

3 THE COURT: Overruled.

4 THE WITNESS: I heard her say, Jason, where is my
5 baby's daddy?

6 MS. CAVANAUGH: Beg the Court's indulgence.

7 (Pause.)

8 Thank you, **R.C.** Please answer any questions from
9 Mr. O'Neil.

10 THE COURT: Ladies and gentlemen, we'll take a short
11 recess. Please go to the jury room. Please do not
12 discuss the case.

13 (Whereupon, the jury left the courtroom at 10:28
14 a.m.)

15 THE COURT: All right. We'll take a short recess, a
16 recess to give you a chance to confer with your client.

17 MR. O'NEIL: Thank you, Your Honor.

18 THE COURT: On cross-examination.

19 MR. O'NEIL: Your Honor, make sure -- the jury is in
20 the room. I need to go in that direction. I want to make
21 sure they're in there before I go that direction.

22 THE COURT: That's where they go. They go to the
23 jury room. They don't hang out in the hallway.

24 MR. O'NEIL: I wanted to make sure the door is closed
25 if I go that way.

1 (WHEREUPON, a short break was taken.)

2 THE COURT: All right. You can bring the jury.

3 (Whereupon, the jury entered the courtroom at 10:47
4 a.m.)

5 THE BAILIFF: All jurors are seated now.

6 THE COURT: Welcome back.

7 Cross-examination?

8 MR. O'NEIL: Thank you, Your Honor. May it please
9 the Court.

10 THE COURT: Yes.

11 CROSS-EXAMINATION:

12 BY MR. O'NEIL:

13 Q Good morning, R.C.

14 A Sir?

15 Q Good morning.

16 A Good morning.

17 Q Thank you for coming. I don't have any questions for
18 you, okay?

19 A Okay.

20 THE COURT: All right. Ladies and gentlemen, thank
21 you. We'll step back to the jury room just a short period
22 of time. Once again, do not discuss the case.

23 (Whereupon, the jury left the courtroom at 10:50
24 a.m.)

25 THE COURT: Okay. Young man, you can step down.

1 Okay.

2 Do you want to take down the TV?

3 Okay. We need the defendant back in the courtroom.

4 MR. O'NEIL: Your Honor, can Ms. Pinnock be excused?

5 THE COURT: Yes. Thank you very much.

6 MS. PINNOCK: Thank you, Your Honor.

7 THE COURT: Are you ready for the jury?

8 MS. CAVANAUGH: Yes, Your Honor.

9 THE COURT: Okay. Bring the jury.

10 (Whereupon, the jury entered the courtroom at 10:54
11 a.m.)

12 THE BAILIFF: All jurors are seated, Your Honor.

13 THE COURT: Thank you. You may call your next
14 witness.

15 MS. CAVANAUGH: The State calls Tiara Haigler.

16 THE CLERK: Could you state your name, please?

17 THE WITNESS: Tiara Haigler.

18 THE CLERK: Spell your first name.

19 THE WITNESS: T-I-A-R-A.

20 TIARA HAIGLER, after being duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION:

23 BY MS. CAVANAUGH:

24 Q Good morning.

25 A Good morning.

1 Q Ms. Haigler, how old are you?

2 A Twenty-nine.

3 Q And where are you from?

4 A Columbia, South Carolina.

5 Q Are you related to one of the victims in this case,
6 Ashli Haigler?

7 A Yes.

8 Q And how are you related?

9 A That's my sister.

10 Q Okay. Were you older -- or was she younger or older
11 than you?

12 A Older.

13 Q By how many years?

14 A Eighteen months.

15 Q Were you close with your sister?

16 A Very.

17 Q Back on March 13th, 2021, where did she live?

18 A West Columbia.

19 Q Okay. Do you remember the address?

20 A Not the house number but the street name.

21 Q What was the street name?

22 A Senn Street.

23 Q And who did she live at that house with?

24 A Rufus Carmichael.

25 Q And who else?

1 A [REDACTED] R.C.

2 Q Okay. Was that their son?

3 A Yes. Yes.

4 Q I'm going to take you back to March 13th, 2021. Did
5 you receive a call from Ashli?

6 A Yes.

7 Q What time was that call?

8 A It was 4:25 in the morning.

9 Q Okay. When she first called you, how did she sound?

10 A Very frantic, like, real worried.

11 Q Okay. How could you tell?

12 A Because of her voice. I could tell by the change in
13 her voice how she normally sounded.

14 Q I'm going to ask you just to speak up just a little
15 bit, okay?

16 A Okay.

17 Q You said she called you at 4:25, was that in the
18 morning or in the afternoon?

19 A In the morning.

20 Q All right. Was it out of the ordinary for her to
21 call you so early?

22 A No. She called me every morning before I went to
23 work.

24 Q But that particular morning, did she sound different?

25 A Yes.

1 Q Okay. Now, you said before you went to work, where
2 did you work at that time?

3 A Wendy's.

4 Q And what shift were you working at the time?

5 A The early morning.

6 Q So what time did you normally wake up?

7 A About three o'clock.

8 Q So when she was -- when she called you, were you
9 already awake?

10 A Yes.

11 Q Without saying exactly what she said yet, did she
12 describe something startling?

13 A Yes.

14 Q Did she describe something that she had just heard?

15 A Yes.

16 Q Did she describe something that she had just saw?

17 A Yes.

18 Q Regarding what she had heard, what did she say she
19 heard?

20 A She said she heard a loud --

21 MR. O'NEIL: Objection, hearsay.

22 THE COURT: Response?

23 MS. CAVANAUGH: Your Honor, Rule 803(1) and (2)
24 apply, Your Honor.

25 THE COURT: They apply in what way?

1 MS. CAVANAUGH: As the exception to hearsay.

2 Ms. Haigler, Tiara, as a witness just described that her
3 sister sounded frantic and she was telling her about
4 something that had just occurred. She knows she sounded
5 frantic because she's close with her and she talks to her
6 often and her voice sounded different.

7 THE COURT: Mr. O'Neil?

8 MR. O'NEIL: No further argument on this point, Your
9 Honor.

10 THE COURT: Objection is overruled.

11 BY MS. CAVANAUGH:

12 Q Did she tell you what she heard?

13 A She told me she heard a loud noise outside.

14 Q Did she tell you what she observed after the loud
15 noise?

16 A She said when she ran to the door and looked out, she
17 seen the tail end of a truck leaving the neighborhood.

18 Q Okay. And why -- did she tell you why she went to go
19 look?

20 A Because she heard a loud noise and because R.J. had
21 disappeared.

22 Q And who is R.J.?

23 A R.C. father.

24 Q And what is -- is that also Rufus?

25 A Rufus.

1 Q Okay. Do you remember about how long that
2 conversation with your sister was?

3 A About five minutes, give or take.

4 Q Did she tell you what she was doing right before
5 y'all got off the phone?

6 A Yes.

7 MR. O'NEIL: Objection, hearsay. This statement does
8 not refer to that.

9 THE COURT: Objection is overruled.

10 BY MS. CAVANAUGH:

11 Q And right before she hung up with you, what did she
12 tell you she was about to do?

13 A She told me she was going over to Jason's house to
14 see if Rufus had went over there or to see if he knew what
15 had happened to Rufus because he disappeared.

16 Q Okay. Did she tell you whether anyone was with her
17 at the time?

18 A At the time?

19 Q That she left her house after the loud noise?

20 A Nobody was at the house with her at the time, but

21 **R.C.**

22 Q Right. So did she say whether **R.C.** was with her?

23 A Yes.

24 Q Okay. And so what did she say about that? Like, to
25 your knowledge, was **R.C.** with her in the truck?

1 A Yes, R.C. was.

2 Q After she told you she was going to Jason's, did you
3 ever talk to her again?

4 A No. She told me that she was going to call me back
5 because she was just pulling up to the house, to Jason's
6 house.

7 Q Okay. Right after that -- well, did you -- right
8 after you got off the phone with her, did you call anybody
9 else or do anything else?

10 A I called my mom and I told her what was going on, and
11 then I called the police.

12 Q Okay. Now, you said you called the police. Do you
13 know which police you called?

14 A I called West Columbia Police.

15 Q Okay. Did you have -- why did you call the West
16 Columbia Police?

17 A Because I stay in West Columbia, and I didn't know
18 where -- where -- where R.C. or my sister was to call
19 any other.

20 Q Okay. So when you call 9-1-1, where does that call
21 go to? Did you call 9-1-1?

22 A Yes, I called 9-1-1 after I got to my mom's house.

23 Q Okay. Now, you said you didn't hear from Ashli
24 again. Did anyone else call you from her phone that
25 morning?

1 A [REDACTED] R.C. did.

2 Q Okay. And what is [REDACTED] R.C. to you?

3 A My nephew.

4 Q Are you close with [REDACTED] R.C.?

5 A Very.

6 Q Do you talk to him regularly?

7 A All the time.

8 Q Prior to this, did you talk to him regularly?

9 A All the time.

10 Q About what time did [REDACTED] R.C. call you?

11 A A few minutes after, after me and Ashli hung up.

12 Q Okay. When he called you, how did he sound?

13 A Scared.

14 Q How could you tell?

15 A Because I know his normal voice, his scared voice
16 from his normal voice.

17 Q And when you answered, what did he tell you had just
18 happened?

19 A The --

20 MR. O'NEIL: Objection, Your Honor, hearsay.

21 THE COURT: Any response?

22 MS. CAVANAUGH: Again, Rule 803(2), excited
23 utterance.

24 THE COURT: Any response, Mr. O'Neil?

25 MR. O'NEIL: Your Honor, I don't think there's any

1 evidence at this point that relates to the startling
2 evidence, so, obviously, it's not excited utterance.

3 THE COURT: And further argument by the State?

4 MS. CAVANAUGH: Your Honor, I believe I laid the
5 proper foundation. I just -- she knows [REDACTED] R.C. voice.
6 He sounded out of the ordinary that night. He sounded
7 scared. And I asked him -- I asked her did he tell you
8 what had just occurred. And this is the very next phone
9 call that she has already testified to she received from
10 Ashli's phone.

11 THE COURT: All right. And who are you speaking to,
12 at this time -- at this point? Who are you speaking with
13 on the phone.

14 THE WITNESS: [REDACTED] R.C.

15 THE COURT: I overrule the objection.

16 BY MS. CAVANAUGH:

17 Q When [REDACTED] R.C. called you from his mom's phone, did he
18 tell you what he had just seen?

19 A Yes.

20 Q Okay. And did he tell you what had just happened?

21 A Yes.

22 Q What did he tell you had just happened?

23 A Uncle Jason shot mommy four times.

24 Q How old was [REDACTED] R.C. at the time?

25 A Five years old.

1 Q Okay. Was he able to tell you exactly where he was
2 at that point?

3 A Yes. As far as a location?

4 Q Yes, like the actual street names where he was?

5 A No.

6 Q How did you learn -- did you eventually go to the
7 scene?

8 A Yes.

9 Q And how did you learn of the actual location?

10 A Because Richland County Police was talking to West
11 Columbia Police.

12 Q Okay. When you got there, were you able to talk to

13 **R.C.**

14 A Not when I first got there, no.

15 Q Did they keep you separated?

16 A Yes.

17 Q When I say they, the police?

18 A Yes.

19 Q Did you -- that night when you were on scene, did you
20 tell the police what you just testified to?

21 A Yes.

22 Q Okay. About what Ashli had told you on the phone?

23 A Yes.

24 Q What is your mother's name?

25 A Rachel Alston.

1 Q Is this also your sister, Ashli's mom?

2 A Yes.

3 Q Did she come with you to the scene?

4 A Yes.

5 Q Was she also kept separate from R.C.

6 A Yes.

7 Q Going to the night before, so that would be
8 March 12th, 2021, did you receive a call from Ashli?

9 A Yes.

10 Q Without saying what she said, was she asking about
11 something that she observed?

12 A Yes.

13 Q When she called you about this, did she indicate this
14 was something she was just observing?

15 A Yes.

16 Q And where was she seeing this?

17 A On the front steps of the house.

18 Q Okay. And did she tell you what she saw?

19 A Yes.

20 Q And what was that?

21 MR. O'NEIL: Objection, Your Honor, hearsay.

22 THE COURT: Response?

23 MS. CAVANAUGH: 803(1) present sense impression or
24 it, also, falls under 803(3).

25 THE COURT: Any response, Mr. O'Neil?

1 MR. O'NEIL: Nothing further Your Honor.

2 THE COURT: All right. The objection is overruled.

3 BY MS. CAVANAUGH:

4 Q What did she see on her front porch that she asked
5 you about?

6 A Bricks.

7 Q And what was she asking you about related to the
8 bricks?

9 A She asked me did I come by any time that night and
10 put bricks on their front steps.

11 Q And what did you -- did you do that?

12 A No. I told her no.

13 Q Did you have any idea what she was talking about at
14 the time?

15 A I didn't.

16 Q Later that afternoon, did you -- let me start like
17 this, did you go to headquarters and give a statement?

18 A Yes.

19 Q Was the statement made -- did you learn later on that
20 someone else was also killed that same day?

21 A Yes.

22 Q And when did you learn that?

23 A After -- a little bit after getting to headquarters.

24 Q Okay. Did you -- who was it that was also killed
25 that night?

1 A Rufus Carmichael.

2 Q Okay.

3 MS. CAVANAUGH: Beg the Court's indulgence.

4 (Pause.)

5 BY MS. CAVANAUGH:

6 Q Do you remember exactly what time you gave your
7 statement at headquarters? The exact time, do you
8 remember?

9 A No.

10 Q If I provided you a copy of your statement which
11 indicates the time, would that refresh your memory?

12 A Yes.

13 Q Do you recognize that signature?

14 A Yes.

15 Q Is that your signature?

16 A Yes.

17 Q What time is noted at the top of your statement?

18 A Eight o'clock.

19 Q On what day?

20 A March 13th.

21 Q Okay. Did you learn of R.J.'s killing later that
22 afternoon?

23 A Yes.

24 Q Going back to the location that your sister was
25 killed, do you know of any reason for her to be at that

1 location?

2 A No.

3 Q Did you know anybody at that location?

4 A No.

5 Q Do you know the defendant, Jason Carmichael, or, at
6 least, know of the defendant?

7 A Yes.

8 Q Who is he in relation to R.J.?

9 A That's his brother.

10 Q Prior to this, had you been around him before?

11 A Not been around him, but I've seen him.

12 Q Okay. Is he in the courtroom?

13 A Yes.

14 Q Okay. And where is he seated?

15 A Right there (indicating).

16 Q What color shirt is he wearing?

17 A White.

18 Q You said you were close to your sister. As far as
19 you know, was she close to the defendant?

20 A No.

21 Q Did she have much, if any, relationship with him at
22 all?

23 A No.

24 Q And just to reiterate, right before she got off the
25 phone, what did she tell you she was about to do?

1 A She told me that she was just pulling up to Jason's
2 house to see if Rufus was there or to see if Jason knew
3 what happened to R.J. because he just up and disappeared.

4 Q Okay.

5 MS. CAVANAUGH: Beg the Court's indulgence.

6 (Pause.)

7 Thank you. Please answer any questions from
8 Mr. O'Neil.

9 CROSS-EXAMINATION:

10 BY MR. O'NEIL:

11 Q Good morning, Ms. Haigler.

12 A Good morning.

13 Q Just a few questions. As you referenced earlier, you
14 gave a statement to law enforcement that morning, correct?

15 A Yes.

16 Q And you were intending on being truthful and honest
17 in that statement, correct?

18 A Yes.

19 Q You knew it was important because they were
20 investigating your sister's death, correct?

21 A Yes.

22 Q And you were attempting to give them information so
23 they could further investigate your sister's death,
24 correct?

25 A Yes.

1 Q So you're trying to give them information you felt
2 was important to their investigation?

3 A Yes.

4 Q All right. You indicated that your sister and Rufus
5 argued a lot?

6 MS. CAVANAUGH: Objection.

7 THE COURT: Basis for the objection? I haven't heard
8 a question, so it's kind of hard for me to make a ruling.

9 MS. CAVANAUGH: 402 and 403 is the basis of my
10 objection. And if we're going to go here, I would like to
11 discuss matters outside the presence of the jury.

12 THE COURT: Mr. O'Neil.

13 MR. O'NEIL: I think her testimony is relevant to the
14 police investigation of her sister's death.

15 THE COURT: All right. Ladies and gentlemen, I'll
16 have you step to the jury room for a moment, for whatever
17 period of time you need to be there.

18 (Whereupon, the jury left the courtroom at 11:17
19 a.m.)

20 THE COURT: All right. Mr. O'Neil, what's the
21 question?

22 MR. O'NEIL: Your Honor, my question was -- well, my
23 question was going to be, isn't it correct that you
24 indicated to law enforcement that your sister and Rufus
25 argued a lot.

1 THE COURT: All right.

2 MR. O'NEIL: Then my next question --

3 THE COURT: Go ahead.

4 MR. O'NEIL: -- after that would be, in her
5 statement, she indicated that she thought -- she warned
6 her sister not to go to my client's house because she
7 believed that Rufus was part of a setup as it relates to
8 her sister's death here, and that Rufus gave her sister a
9 black eye.

10 THE COURT: All right.

11 MS. CAVANAUGH: So my objection, first of all, as far
12 as the arguing, I think that -- first of all, we have no
13 timeframe as to when the arguing occurred. So without the
14 timeframe of that, my objection would be it is irrelevant
15 considering Rufus was executed that same morning, and it's
16 highly prejudicial. So my objection would be 402 and 403
17 without establishing an actual timeframe for when she knew
18 they were arguing.

19 As far as believing it was a setup, we've already
20 established from her direct that this statement was made
21 before she found out that Rufus was also killed, and it's
22 her opinion, which is inadmissible under Rule 701. It has
23 no basis into evidence, which further makes it
24 inadmissible under Rule 701.

25 Lay witnesses are not allowed to give their opinion.

1 It's irrelevant under 402 because it was made prior to
2 learning that Rufus was also murdered the same night, and
3 it's highly prejudicial to the State, Your Honor.

4 The victim in this case was shot two times to the
5 face, so we think under those rules, giving the sister a
6 black eye -- and as far as the black eye is concerned,
7 I've had discussions with Ms. Haigler about when that
8 occurred. That was way before -- according to her, which
9 is not articulated in her statement, that was five years
10 ago, way prior to this incident.

11 So for all of those reasons, the fact that she said
12 R.J. gave her sister a black eye, she told me that was
13 five years ago. And that it was a setup, it's excluded
14 under 402, it's irrelevant. It was made before she found
15 out Rufus was dead. And it was her opinion, 701, lay
16 witness's opinions are inadmissible, and it's highly
17 prejudicial to the State, Your Honor, 403, Rule 403.

18 So I think on those grounds, the black eye, her
19 opinion that it was a setup is inadmissible and without
20 establishing when she knew they argued, I think that is
21 also inadmissible under 402 and 403.

22 THE COURT: All right. Mr. O'Neil.

23 MR. O'NEIL: Your Honor, I think it's relevant. I
24 mean, just because it doesn't fit the State's theory
25 doesn't make it not relevant. The beginning of my

1 question began that Ms. Haigler was attempting to give
2 information to law enforcement that she believed would be
3 important to the investigation.

4 THE COURT: All right.

5 MR. O'NEIL: These statements go along the lines of
6 her giving information to law enforcement that she
7 believed was important to the investigation. I would
8 follow this line of question up with questions from law
9 enforcement to see what they do to follow up on the
10 statements Ms. Haigler gave them.

11 So I think it's relevant to the case as my client has
12 the ability to present an alternative theory as to who the
13 actual murderer was in this case, Your Honor.

14 THE COURT: And regarding the time period that the
15 solicitor says was five years ago?

16 MR. O'NEIL: Right. That has not been established
17 yet, but I can ask the witness before I ask that question
18 in front of the jury, what's the timeframe that she's
19 referring to. That's not clear in the statement she gave
20 law enforcement, what's the timeframe in which she
21 observed these actions here. I can proffer that so we
22 actually have testimony as to what the timeframe was.

23 THE COURT: Do you want to do that now?

24 MR. O'NEIL: Yes, sir.

25 THE COURT: All right.

1 BY MR. O'NEIL:

2 Q All right. Ms. Haigler, you indicated in your
3 statement to law enforcement that your words were -- well,
4 they asked you, Why do you think it was a setup, correct?

5 A Yes.

6 Q All right. Your answer was because I don't like R.J.
7 He gave my sister a black eye and they argued. I just
8 don't trust him or Jason. What time period did they
9 argue?

10 A That argument -- I mean, they argued not much, but
11 the argument about when she got a black eye, that was
12 years ago. That was when Big Man was about one or two.

13 Q My initial question is not that specific time she got
14 the black eye, but did they argue anytime prior to her --
15 in addition to the time she got a black eye?

16 A (There was no response).

17 Q Let me ask you, when was the last time you knew your
18 sister and Rufus argued?

19 A A while, months.

20 Q How many months?

21 A About six, seven months. They never really argued
22 like that.

23 Q And you indicated that you didn't trust Rufus. Why
24 was that?

25 A Because in the beginning when my nephew was smaller,

1 I just didn't trust him. He wasn't -- he wasn't around
2 like we thought he should be, but then he started coming
3 around and being there.

4 Q Okay. But you also indicated you thought it was a
5 setup. What did you mean by that?

6 A Because R.J. was missing, and I was -- I was thinking
7 that before we found out that R.J. was also killed, as
8 well.

9 Q Okay. But what exactly were you thinking?

10 A That him -- that Rufus and Jason had a -- set it up
11 to kill my sister. That was before I found out that Rufus
12 had gotten killed, as well.

13 Q In fact, I think you told law enforcement, it
14 wouldn't surprise me if R.J. and Jason set up to kill my
15 sister, correct?

16 A Yes, that's what I said.

17 Q You said it's just a feeling I have. I just knew
18 something wasn't right?

19 A Yes.

20 Q You told law enforcement that so they could
21 investigate that scenario, did you not?

22 A So they can -- so they can see what was going on.

23 Q Yeah, so they could find out what was going on,
24 correct?

25 A I'm not understanding you.

1 Q You told them that it would not surprise me if R.J.
2 and Jason set up to kill my sister so they could
3 investigate that to see if that was an actual possibility
4 of what happened?

5 A Yes.

6 MR. O'NEIL: That's all I have, Your Honor.

7 THE COURT: The only thing you can ask her about is
8 thoughts about setup. The arguing and not trusting him
9 from five years ago is totally irrelevant.

10 MR. O'NEIL: Yes, sir.

11 THE COURT: All right. Let's take a two-minute
12 stretch and we'll bring the jury back in.

13 (WHEREUPON, a short break was taken.)

14 THE COURT: We have everyone. Let's bring the jury.

15 (Whereupon, the jury entered the courtroom at 11:29
16 a.m.)

17 THE BAILIFF: All jurors are seated.

18 THE COURT: You may proceed.

19 BY MR. O'NEIL:

20 Q Ms. Haigler, you told your sister it was not a good
21 idea to go looking for Rufus, correct?

22 A Yes.

23 Q You thought it could be a setup, correct?

24 A Yes.

25 Q You thought Rufus could be part of a setup to kill

1 your sister?

2 A Yes.

3 Q And you told law enforcement that?

4 A Yes.

5 Q You told them that Rufus being part of a setup to
6 kill your sister wouldn't surprise you?

7 A Huh?

8 Q You said R.J. -- you referred to him as R.J., you
9 said it wouldn't surprise me if R.J. set it up to kill
10 your sister, was part of a setup to kill your sister?

11 A Yes.

12 Q Your sister and R.J., they lived in Lexington County?

13 A Yes.

14 Q All right. You live in Lexington County, as well?

15 A Yes.

16 Q Now, you talked to your sister on the phone that
17 morning. Did she tell you that she was making other
18 stops?

19 A No.

20 Q But you heard **R.C.** testify today, correct?

21 A Yes.

22 Q All right. He indicated that they made other stops
23 that morning, correct?

24 A Yes.

25 Q But your sister -- did she mention to you those other

1 stops?

2 A It was only two stops.

3 Q But you didn't mention any of that in your statement
4 to law enforcement, that she told you she had made other
5 stops?

6 A She didn't make any other stops besides Jason's house
7 and then where he killed her at.

8 Q But you heard **R.C.** testify they had made other
9 stops, correct?

10 A Yes, I heard them say that.

11 Q Is there any reason to believe that that's not
12 correct, that that's not true?

13 A I was on the phone with her the whole time from the
14 time she left the house until the time she pulled up to
15 Jason's house.

16 Q In your statement, you address that, correct? About
17 the last thing she said to you before she got off the
18 phone, correct?

19 A Huh?

20 Q In your statement, you address the last thing your
21 sister told you before she got off the phone?

22 A Yes.

23 Q In your statement, you didn't say that she said she
24 was just getting to Mr. Carmichael's house, did you?

25 A She told me that on the phone.

1 Q Yeah, but that's not what you put in your statement,
2 did you?

3 A Huh?

4 Q That's not what you put in your statement?

5 A Yes.

6 Q Do you need to see a copy of your statement?

7 A Yes.

8 Q Last sentence of the first paragraph here?

9 A Of this one?

10 Q Yes, ma'am. That's your statement, is it not?

11 A No. Which part?

12 Q I apologize, first big paragraph.

13 A This one?

14 Q Yes, ma'am. Where did you say your sister was at
15 when you got off the phone with her?

16 A When I got off the phone with her, she told me she
17 was pulling up to Jason's house.

18 Q What does your statement say?

19 A She was pulling up on North Main.

20 Q In fact, your statement says she was getting on North
21 Main and would call me back?

22 A Yes.

23 Q That's what you said the morning your sister died the
24 last thing she told you, correct?

25 A Say what?

1 Q That's what you told law enforcement the morning your
2 sister died as to the last thing she told you, correct?

3 A The last thing she told me was she was getting on
4 North Main and she was about to pull up at Jason's house
5 and that she would call me back.

6 Q And what I'm asking you precisely is you never said
7 anything about pulling up to Jason's house in your
8 statement, did you?

9 A Not on the paper statement, but it's in -- I did tell
10 law enforcement exactly what she told me over the phone.

11 Q But did they not print out this statement here and
12 give you an opportunity to sign it. That's your signature
13 right there?

14 A Yes, it is.

15 Q And that's your signature on all three pages of this,
16 correct?

17 A That's correct.

18 Q And they gave you an opportunity to put anything you
19 wanted to put in this statement, correct?

20 A Yes.

21 Q And you didn't put that in this statement, did you?
22 You never said that?

23 A It's not -- I said it to law enforcement, yes.

24 Q But it's not in your statement?

25 A It's not on the paper.

1 Q Okay. And, lastly, Ms. Haigler, you indicated in
2 your statement here that your sister was not afraid of my
3 client, was she not?

4 A Not at all.

5 Q Okay.

6 MR. O'NEIL: That's all I have.

7 THE COURT: Redirect?

8 MR. HILL: Yes, Your Honor.

9 REDIRECT EXAMINATION:

10 BY MS. CAVANAUGH:

11 Q Ms. Haigler, you indicated that you did tell law
12 enforcement what he's saying you didn't say?

13 A Yes. I told law enforcement.

14 Q Okay. When you were on -- did you tell them that
15 when you were on scene?

16 A I was on somebody's body cam footage when I said it.

17 Q Yes, ma'am.

18 A And West Columbia's body cam footage when I said it.

19 Q Okay. When you were on scene, what law enforcement
20 agency was there?

21 A Richland County.

22 Q Okay.

23 MS. CAVANAUGH: Your Honor, I would like to introduce
24 a prior consistent statement under Rule 801(d)(1)(b).

25 THE COURT: Mr. O'Neil.

1 MR. O'NEIL: Your Honor, if she wants to introduce it
2 under 801(d)(1), a prior consistent statement, Your Honor,
3 that rule requires an allegation of a recent fabrication.
4 I have laid no such allegation of recent fabrication.

5 My only question to the witness was that it's not in
6 her initial statement. I didn't state that she made it
7 up. I said she didn't put it in the statement. There is
8 no allegation of a recent fabrication.

9 THE COURT: Yes, ma'am.

10 MS. CAVANAUGH: He implied that she was in here when
11 **R.C.** was testifying and heard what he was testifying to,
12 which would infer that she's fabricating what she told the
13 police on the stand.

14 THE COURT: Objection is overruled.

15 (The video was played for the jury.)

16 BY MS. CAVANAUGH:

17 Q All right. You mentioned you told law enforcement
18 exactly what you hear your sister say while you were on
19 the scene, right?

20 A Yes.

21 (The video was played for the jury.)

22 MR. O'NEIL: Are we going to play the entire video or
23 just a part?

24 MS. CAVANAUGH: It's a 30-second clip.

25 MR. O'NEIL: Your Honor, I would object to anything

1 other than a consistent statement they're referring to
2 being played at this point, Your Honor. Anything
3 additional to that, I don't think is relevant to the
4 point.

5 MS. CAVANAUGH: It's a 30-second clip related to
6 exactly what she testified she told law enforcement.

7 THE COURT: Okay. The objection is overruled.

8 (The video was played for the jury.)

9 MS. CAVANAUGH: One second, Your Honor.

10 (Pause.)

11 Beg the Court's indulgence.

12 (Pause.)

13 MS. CAVANAUGH: Your Honor, can we have a brief
14 recess, please? This is important, a brief recess.

15 THE COURT: All right. Ladies and gentlemen, a brief
16 recess. Please do not discuss the case.

17 (Whereupon, the jury left the courtroom at 11:42
18 a.m.)

19 (There was a brief recess).

20 THE COURT: Okay. You may come back, Ms. Haigler.
21 You can bring the jury.

22 (Whereupon, the jury entered the courtroom at 11:52
23 a.m.)

24 THE BAILIFF: All jurors are seated, Your Honor.

25 THE COURT: Thank you. You may proceed.

1 BY MS. CAVANAUGH:

2 Q All right. Please listen very closely, Ms. Haigler.
3 You're in the background of this.

4 (Whereupon, a video was played for the jury.)

5 Did you hear yourself in the background?

6 A Yes, I did.

7 Q And what did you say?

8 A I said she was going over to the brother's house to
9 see if the brother knew what happened.

10 Q Now, as far as the defendant, do you know where he
11 lives?

12 A I do.

13 Q Like, did you know the specific address?

14 A Not the specific address, but I knew what area and I
15 knew how to get to his house.

16 Q Okay. And, in general, how do you get there?

17 A Off of North Main.

18 Q Okay. But you heard yourself just there saying she
19 was going to his brother's house?

20 A Yes, ma'am.

21 Q And she would call me back when she got there?

22 A Yes, ma'am.

23 Q Regarding -- Mr. O'Neil asked you about your belief
24 about this was a setup, at the time you made a statement.
25 What time was that again?

1 Q Does anything stand out to you about March 13th,
2 2021?

3 A I got up and -- I don't use the remote. I got up and
4 got around the king size bed to go over there and cut the
5 TV off. I heard a voice that was like -- it appeared to
6 be feminine, and then that voice or either another voice
7 got louder.

8 Q And when you say louder, what do you mean by that?

9 A Like frustration, like they were reiterating what
10 they had said.

11 Q And after you heard that voice, then what happened?

12 A I heard pow, pow, just like that.

13 Q Okay.

14 A And then right after that, zoom, a vehicle.

15 Q Okay. What did it sound like the vehicle was doing
16 when you say zoom?

17 A Speeding excessively, more than I've ever heard.

18 Q And did you see the vehicle?

19 A No.

20 Q Did you see anybody shoot?

21 A No.

22 Q So after you heard that vehicle, what did you do
23 next?

24 A Well, I went to the window, but it was gone. I
25 looked out, but it was gone.

1 coming on Albritton Road and then Two Notch. If you can
2 see -- so this is going to be Cushman Drive intersection.
3 And there's a wooded kind of grass area that he lost
4 control and went off the roadway, went off Two Notch
5 approximately, I would say, 30 yards, where he actually
6 crashed.

7 Q Okay. Thank you. So after the crash, what did you
8 do?

9 A So after the vehicle crashed, the individual was
10 arrested, so we searched the vehicle and located evidence
11 pertaining to our traffic stop. And due to the
12 allegations of him having a rifle -- let me back up.
13 While searching the vehicle -- do you want me to mention
14 it? While searching the vehicle, we actually heard
15 multiple gunshots, approximately four, and dispatch was
16 advising -- we advised dispatch of hearing the gunshots
17 and, at the time, no reports were reported.

18 We finished and concluded our vehicle search, and due
19 to the allegations of our suspect having a long rifle, I
20 was then searching the immediate area where he lost
21 control in the event that maybe he discarded the evidence
22 out of the vehicle. And at that time, that's when I heard
23 from the scene -- I heard the loud screeching of tires at
24 the intersection of Two Notch and Cushman.

25 At that time, I did observe a U-Haul box truck making

1 a right turn onto Cushman Drive nearly flipping. That's
2 how fast he was going, or that's how fast the vehicle was
3 traveling.

4 Q All right. Deputy Smith, I just want to back you up
5 just a little bit just for clarification for the jury.
6 The initial traffic stop had nothing to do with Charles
7 Carmichael, correct?

8 A Absolutely nothing.

9 Q Okay. So when you said that you saw a U-Haul turn
10 onto Cushman Drive?

11 A Yes, sir.

12 Q Were you wearing a body cam that day?

13 A Yes, sir.

14 Q Have you had a chance to review that body cam before
15 coming here today?

16 A Yes, sir.

17 Q I'm showing you what's been previously marked as
18 State's Exhibit 570. Do you recognize that?

19 A Yes, sir.

20 Q What is that?

21 A That's going to be a clip of my body camera from the
22 incident, just the duration of the U-Haul going through
23 the intersection of Two Notch and Cushman.

24 Q Does this fairly and accurately depict what you saw
25 on March 13th 2021?

1 A Yes, sir.

2 MR. WALTON: Your Honor, at this time, the State
3 moves to have what's previously marked as 570 into
4 evidence.

5 MR. O'NEIL: No objection.

6 THE COURT: It's admitted.

7 (WHEREUPON, State's Exhibit No. 570 was admitted into
8 evidence.)

9 MR. WALTON: Permission to publish to the jury?

10 THE COURT: You may.

11 (Whereupon, the video was played for the jury.)

12 BY MR. WALTON:

13 Q All right. What we saw right there, was that the
14 U-Haul you were referring to?

15 A Yes, sir.

16 Q It's kind of hard to see, how did you know it was a
17 U-Haul?

18 A That particular intersection, as you can tell, is
19 very well lit. So after hearing the loud screeching of
20 the tires, my attention was immediately, you know, focused
21 on that intersection.

22 Q And what intersection is that again?

23 A It's going to be Two Notch and Cushman.

24 Q I'm showing you what's been previously marked as
25 State's Exhibit 589. Do you recognize that?

1 A Yes, sir.

2 Q What is it?

3 A That's the U-Haul I observed nearly turning over when
4 it made abrupt turn onto Cushman and Two Notch.

5 Q Is this a fair and accurate representation of your
6 body cam?

7 A Yes, sir.

8 MR. WALTON: At this time, the State moves to have
9 what's previously marked as State's 589 into evidence?

10 MR. O'NEIL: I didn't see it.

11 MR. WALTON: Sorry.

12 MR. O'NEIL: No objection.

13 THE COURT: It's admitted.

14 (WHEREUPON, State's Exhibit No. 589 was admitted into
15 evidence.)

16 BY MR. WALTON:

17 Q And once again, what is that a picture of?

18 A That's going to be the U-Haul that I observed while
19 walking on Two Notch at the Cushman intersection.

20 Q And that's a still of your body camera?

21 A Yes, sir.

22 Q Deputy Smith, I'm going to show you State's Exhibit 8
23 one more time. If you could please step down. So where
24 were you -- please show the jury where that U-Haul made
25 that right turn?

1 A As you can see right here, this is going to be Two
2 Notch Road. The Cushman Drive intersection is right here.

3 Q And where were you standing when you saw the vehicle?

4 A So I was roughly in -- right here, that area, where
5 the vehicle came off the road there. There's a square,
6 probably would be where I was standing.

7 Q And about how far is that intersection from Albritton
8 Road?

9 A I don't know the exact distance, but I would say less
10 than a mile, a little over maybe half a mile.

11 Q And about what time did you see the U-Haul?

12 A So I seen the U-Haul roughly around 4:46 a.m.

13 MR. WALTON: Thank you. I don't have any further
14 questions. Please answer anything Mr. O'Neil has.

15 THE COURT: Mr. O'Neil.

16 MR. O'NEIL: Thank you, Your Honor. May it please
17 the Court.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION:

20 BY MR. O'NEIL:

21 Q Just from your own personal observation, you were
22 unable to see who was driving the U-Haul, correct?

23 A No, sir.

24 Q And through your body cam, you can't see who was
25 actually driving the U-Haul, correct?

1 A No, sir.

2 Q You can't see how many people are in the U-Haul
3 either?

4 A No, sir.

5 MR. O'NEIL: That's all I have.

6 THE COURT: All right.

7 MR. WALTON: No redirect, Your Honor.

8 THE COURT: Thank you. You may step down.

9 Next witness.

10 MR. HILL: State calls Tracy Sandel.

11 THE CLERK: Could you state your full name, please?

12 THE WITNESS: Tracy Sandel.

13 TRACY SANDEL, after being duly sworn,
14 testified as follows:

15 THE CLERK: Thank you. Have a seat right there.

16 DIRECT EXAMINATION:

17 BY MR. HILL:

18 Q Hi, Ms. Sandel. Thank you so much for being here.

19 Would you go ahead and tell the jury where you live?

20 A I live at West Columbia at 1357 Gilmore Street.

21 Q And how long have you lived at Gilmore Street?

22 A Twenty-nine, going on 30 years.

23 Q Do you work?

24 A No, retired.

25 Q What did you do before you retired?

1 A Previously, I was a tailor and, also, processed
2 checks for the company known as John Harling.

3 Q Are you married?

4 A Widow.

5 Q And what did your husband do?

6 A He worked for Yevon Research Systems (phonetic) in
7 Washington, D.C. as a part of an agent with the Federal
8 Bureau of Investigations.

9 Q All right. So you were living at your house back on
10 March 13th, 2021 then; is that right?

11 A Yes.

12 Q And now, you said your house is on Gilmore Street.
13 Does your lot itself touch any other street besides
14 Gilmore?

15 A Senn Street. I'm on the corner of Senn and Gilmore.

16 Q All right. Do you have any security cameras at your
17 house?

18 A Yes.

19 Q Does one of those security cameras show Senn Street?

20 A Yes.

21 Q Did you have a security camera that showed Senn
22 Street back on March 13th of 2021?

23 A Yes.

24 Q Did law enforcement ever ask to see a video from your
25 security camera of Senn Street from that day?

1 A Yes.

2 Q Did they get a chance to record that video
3 themselves?

4 A Yes.

5 Q All right. About what time of day was that video
6 from?

7 A Early morning, between -- around quarter to four.

8 Q So around 4:00 a.m.?

9 A Yeah, it was around 4:00 a.m.

10 Q All right. And, again, what date was that video
11 from?

12 A March 13th.

13 Q Of 2021?

14 A Twenty-one.

15 Q I'm passing up what's been previously marked as
16 State's 573. Ms. Sandel, what is State's 573?

17 A That is a recording of a surveillance video.

18 Q All right. And you had a chance to view these videos
19 before you came to testify?

20 A Yes.

21 Q And how do you know that that is the DVD of the
22 videos you saw earlier?

23 A I signed it and, also, I viewed it.

24 Q Okay. Now, one of those videos is slowed down; is
25 that correct?

1 A Yes.

2 Q That's not initially how it was. That's something
3 that we did, correct?

4 A Yes.

5 Q But still, are the videos that are on that DVD fair
6 and accurate?

7 A Yes.

8 MR. HILL: Your Honor, at this time, I'd ask that
9 State's 573 be admitted into evidence and for permission
10 to publish it to the jury.

11 MR. O'NEIL: No objection, Your Honor.

12 THE COURT: Admitted.

13 (WHEREUPON, State's Exhibit No. 573 was admitted into
14 evidence.)

15 BY MR. HILL:

16 Q All right. Ms. Sandel, I'm going to play this first
17 video for you real quick.

18 (Whereupon, video was played.)

19 What am I looking at?

20 A You're looking at my backyard facing -- the camera is
21 facing Senn Street.

22 Q I know you just said that, but just so we're clear,
23 on the right side of this video, this road, that is Senn
24 Street?

25 A Yes.

1 Q And this is from around four o'clock on March 13th?

2 A Yes.

3 Q All right. I'm going to go back one more time.

4 (Whereupon, the video is continued.)

5 Now, it just loops; is that right?

6 A Yes.

7 Q All right. This video was slowed down. See if this
8 is accurate. Ms. Sandel, if you had heard gunshots that
9 day, would you have called 9-1-1?

10 A Yes.

11 Q Did you hear any gunshots?

12 A No.

13 Q I'm passing up what is previously marked as 574.
14 Ms. Sandel, I'm going to have you look at this and let me
15 know if you recognize it.

16 A Yes, I do.

17 Q And what is State's 574?

18 A The video of a truck going down Senn Street.

19 Q And where is that from? I'll rephrase.

20 A Yes.

21 Q Is that from the security video that we just watched?

22 A Yes.

23 Q And that is a fair and accurate depiction of that
24 security video, it's just a still, correct?

25 A Yes.

1 A Good afternoon.

2 Q Where do you work?

3 A I work at the Aiken County Sheriff's Office.

4 Q How long have you worked there?

5 A Seven-and-a-half years.

6 Q Did you have any law enforcement experience prior to
7 coming to Aiken County Sheriff's Department?

8 A Yes, ma'am. Prior to, I had worked at West Columbia
9 Police Department for over eight years.

10 Q Okay. So 14 total years in law enforcement?

11 A Yes.

12 Q Bringing you back to March 13th, 2021, did you
13 respond to a scene?

14 A I did, yes, ma'am.

15 Q What type of scene was this?

16 A It was for a death investigation.

17 Q Okay. What time did you get notification about it?

18 A If I remember correctly, 2:04 p.m. was when I got the
19 call.

20 Q When you arrived, was the body able to be identified?

21 A Yes.

22 Q Or while you were on scene, was identification made
23 of the body?

24 A Yes, ma'am.

25 Q And who was --

1 A He was identified as Rufus Carmichael, Jr.

2 Q Okay. Once you realized who it was, did you make any
3 phone calls?

4 A I did, yes, ma'am.

5 Q Who did you call?

6 A My first phone call was to Captain Bruce Way with the
7 West Columbia Police Department.

8 Q Okay. And why did you make contact with the West
9 Columbia Police Department?

10 A When we identified Mr. Carmichael, we ran his name
11 and date of birth through NCIC. He was listed as a
12 missing person out of West Columbia Police Department. So
13 our initial call to them would be to find out the
14 circumstances of the issue.

15 Q I'm going to ask you to speak up just a little bit
16 just because the judge has that shield up there?

17 A Yes.

18 Q Okay. Once you got to the scene, what were your
19 observations about the scene?

20 A Mr. Carmichael was lying on his back, I would say,
21 maybe 65 feet off the roadway. He didn't have any pants
22 on. He had several concrete landscaping-style blocks
23 stacked on his abdomen area, and he appeared to have a
24 gunshot wound to his head area.

25 Q Okay. And before we start getting into details about

1 through 151 and 154 through 161 were admitted into
2 evidence.)

3 BY MS. CAVANAUGH:

4 Q Okay. Regarding the location, what was the address
5 where the victim is located?

6 A 129 Holder Road.

7 Q And what is that area?

8 A I believe by mailing address, it's considered
9 Batesburg.

10 Q Okay. But as far as -- I mean, is it a house, is it
11 an address that the house is located, is it a commercial
12 building?

13 A This particular piece of property, there used to be a
14 house, it had burned sometime before this incident
15 happened, so the property itself was a vacant lot. There
16 was a brick foundation to the house that had burned to the
17 right of this picture.

18 Q All right. So was it a field or what was around this
19 area?

20 A It's a very rural area. Specifically, on the
21 property, this would have been the front yard of the house
22 had the house still been standing.

23 Q Okay. The burned down house?

24 A Yes.

25 Q Okay. Now, I'm going to point your attention to

1 found him.

2 Q Okay. Was there a significant amount of blood where
3 he was located?

4 A No, there was very little blood.

5 Q In your 14 years of experience in law enforcement,
6 have you investigated or responded to shooting scenes?

7 A Yes, ma'am.

8 Q Murders?

9 A Yes, ma'am.

10 Q Can you estimate approximately how many?

11 A As an investigator, I would say maybe for murders,
12 maybe 30 during the course of my career.

13 Q Okay. In your experience, 14 years experience
14 responding to 30 murder scenes, in your opinion, was this
15 where he was shot?

16 A No.

17 Q And why do you have that opinion?

18 A Typically, if you're shot and you fall to the ground,
19 a large amount of blood is going to be seen either
20 underneath you or close by. There's going to be a pool of
21 blood. And there was very little blood that we saw in
22 this area.

23 Q Was the victim also turned over while you were on
24 scene?

25 A Yes, ma'am.

1 that was at 129 Holder Road. It just shows the brick
2 foundation that is there.

3 Q While you were on scene, did you and Investigator
4 Johnson and any other law enforcement look for fired
5 cartridge casings?

6 A Yes, we did.

7 Q All right. Did you locate any?

8 A No, ma'am.

9 Q What about bullets?

10 A No.

11 Q You didn't find any?

12 A No, ma'am, we did not.

13 Q Did you obtain video surveillance from anywhere?

14 A I did, yes, ma'am.

15 Q And where did you get video surveillance from?

16 A There is an Exxon, a small Exxon gas station near
17 Interstate 20.

18 Q How far away from the location of the body is from
19 the place that you obtained surveillance from?

20 A It would be approximately half a mile.

21 Q Okay. Did you watch the video before you observed
22 it, before you collected it?

23 A Yes, ma'am.

24 Q Okay. And what was notable to you about what you saw
25 in the video?

1 A When I went there -- I viewed the video and I
2 observed what looked like a U-Haul-style truck exit the
3 interstate, and then a short time later, we saw a U-Haul
4 truck drive past the station in the direction of Holder
5 Road.

6 Q When you saw that, did you personally download the
7 video?

8 A I did.

9 Q And how did you do that? How did you download that?

10 A I came back on the 15th. The owner was the only one
11 who could access -- password protection to do the storage.
12 So I brought a thumb drive that Monday and copied it over
13 from their system onto a thumb drive.

14 Q Have you had an opportunity to -- well, first let me
15 ask you this. I'll show you what's been marked as 608.
16 Have you had an opportunity to watch this video?

17 A Yes, ma'am.

18 Q What does it depict?

19 A It shows a U-Haul passing past -- passing by the
20 Exxon gas station in the direction of Holder Road and a
21 few minutes later, you see a U-Haul that is similar to the
22 one you saw drive past. You see it drive back towards
23 Interstate 20.

24 Q And is this what you downloaded from the Exxon
25 station?

1 A Yes, ma'am.

2 Q And when you downloaded it, did you tamper with it in
3 any way?

4 A No.

5 MS. CAVANAUGH: Your Honor, at this time, I would ask
6 State's Exhibit 608 be entered into evidence.

7 MR. O'NEIL: No objection.

8 THE COURT: It's admitted.

9 (WHEREUPON, State's Exhibit No. 608 was admitted into
10 evidence.)

11 BY MS. CAVANAUGH:

12 Q All right. Before we start, what is the date and
13 time stamp of the video we see now?

14 A March 13th, 2021, 5:27 a.m.

15 Q All right. And where is this camera from again?

16 A It's from the Exxon gas station just off of
17 Interstate 20.

18 Q And what's it overlooking?

19 A That is Highway 39. It's also called old 96, Indian
20 Trail Road.

21 Q And is that -- where is the highway adjacent to that?

22 A So the roadway to the top is Highway 39, and that
23 will run to the right over I-20. And the left side would
24 continue into the direction of Holder Road.

25 Q Okay. Is I-20 a short distance away from here?

1 looked at. So in this video, there's just one car coming
2 down Albritton and it's taking a right back onto Two Notch
3 at about 4:46:15; is that correct?

4 A Yes, sir.

5 Q Is this a zoomed-in still from the video we just saw?
6 I have one more video and then just a few more questions
7 and that will be it. Now, what am I looking at here?

8 A Across the street. That's Two Notch Road right
9 there.

10 Q So this is Two Notch Road?

11 A Yes.

12 Q Your camera is across the street?

13 A Yes, sir.

14 Q Now, up in this top right, that's Albritton, correct?

15 A Yes, sir.

16 Q So we just have taken another camera that's slightly
17 turned to the left from where we were?

18 A Uh-huh.

19 Q And, again, this is Two Notch here?

20 A Correct.

21 Q And the time and date on this one, can you tell? It
22 might not have the same time on that one. So I'll read it
23 to you. It says 4:45:56. Is that in the morning?

24 A This says 4:46, so this is the other one if you want
25 that one.

1 Q I'll get to the time -- yeah, I'll get to the time in
2 a second. We'll go ahead and watch this. So, again,
3 Albritton is in the top, right?

4 A Yes.

5 Q There appears to be a car -- or, excuse me, a vehicle
6 coming down Albritton and taking a right. And you said
7 this is Two Notch. All right. If I could have you go
8 ahead and look at State's 587?

9 A Got it.

10 Q Yes, 587. If you look at the photo, I have it up on
11 the board. Looking at the photo, what is the time on
12 State's 587?

13 A I grabbed the wrong glasses, so I'm not zooming in
14 for finer detail.

15 Q If you need to step down and look at it on the
16 screen?

17 A That would be great.

18 Q All right.

19 A Okay. 4:46:15.

20 Q All right. You can go back up on the witness stand.
21 The last photo I have for you is this, and it's 4:46:15.

22 A All right.

23 Q Mr. Shealey, final question, we're going to go back
24 to that. Before you -- the cameras that we just saw the
25 video from are right here?

1 Q Okay. And, like, did Rufus also help you with your
2 work or anything with your tenants or anything like that?

3 A Oh, he would come and do -- he was like a maintenance
4 man on my property. Because I have my main house and then
5 I have two trailers that I rent out. He was the
6 maintenance man. He would come and fix whatever I needed
7 fixing.

8 Q So on March 12th, 2021, you said that was a Friday?

9 A Uh-huh.

10 Q What time of day were you with Rufus, approximately?

11 A Well, I went earlier that day because he was working
12 on the property. And then later on that evening, he came
13 back to take me to the grocery store.

14 Q Okay. While you were with him, did you overhear a
15 conversation?

16 A Yes, ma'am.

17 Q Okay. And who was the victim, Rufus Carmichael,
18 speaking with?

19 A His brother, Charles.

20 Q What do most people call him?

21 A Jason.

22 Q How did you know that it was the defendant on the
23 other line?

24 A Well, because -- I called him R.J., R.J. had the blue
25 tooth on in the truck and it was coming out of the truck

1 speakers.

2 Q Okay. And are you familiar with the defendant's
3 voice?

4 A Yes, ma'am.

5 Q Now, when you were overhearing this conversation, you
6 said blue tooth. Does that mean it was on speakerphone?

7 A It was on speakerphone.

8 Q Was it from the phone or was it from the speakers in
9 the car?

10 A It was coming from the phone into the truck, coming
11 out of the truck speakers.

12 Q Okay. Was it a pleasant conversation?

13 A No, ma'am.

14 Q Without getting into the substance of what you heard
15 the victim say to the defendant, did he make any
16 statements to the defendant about how he was going to
17 deal -- how he was going to deal with their current
18 relationship?

19 A Yes, ma'am.

20 Q Okay. Was he planning on taking a step back?

21 MR. O'NEIL: Objection, Your Honor, hearsay.

22 MS. CAVANAUGH: 803(1) and 803(2), Your Honor.

23 THE COURT: What about it?

24 MS. CAVANAUGH: Then existing mental, emotion --
25 well, 803(3) is then existing -- which is an exception to

1 hearsay, then existing mental, emotional or physical
2 condition, a statement of the declarant's then existing
3 state of mind, emotion, sensation or physical condition,
4 such as intent, plan, motive, mental feeling.

5 THE COURT: And what was the question?

6 MS. CAVANAUGH: The question was -- I asked her if
7 she overheard the victims tell her brother anything about
8 his plan with their relationship.

9 THE COURT: The objection is sustained.

10 BY MS. CAVANAUGH:

11 Q Without saying what you overheard the victim say to
12 his brother, how did the defendant respond as far as his
13 demeanor, his emotion?

14 A He was very upset. He was very belligerent. He
15 cursed. Do you want me to tell you what he said or...

16 Q Yes.

17 A Well, he told R.J. that -- he told R.J. that he was
18 going to bury him, that he was full of shit. That he took
19 up for other people instead of him. He told him that he
20 was going to deal with him. And he said, "I'm going to
21 kill you. I'm going to kill you."

22 Q From what you overheard, were there multiple threats
23 made from the defendant?

24 A Multiple threats.

25 Q And who were they made to?

1 A R.J.

2 Q Specifically, you said you overheard him say, I'm
3 going to bury you?

4 A I'm going to bury you. There was a comment made by
5 R.J. to him --

6 MS. CAVANAUGH: Don't go --

7 MR. O'NEIL: Objection, Your Honor, hearsay.

8 THE WITNESS: Okay.

9 BY MS. CAVANAUGH:

10 Q Don't go into what R.J. said. You can say he made a
11 comment.

12 A He made a comment about I'm going to leave you
13 alone --

14 MR. O'NEIL: Objection, Your Honor, hearsay.

15 THE WITNESS: I don't know how else you want me to
16 explain it. He just told him, I'm going to murder you.
17 I'm going to kill you. I'm going to bury your ass.

18 BY MS. CAVANAUGH:

19 Q And those statements right there -- the objection is
20 to what R.J. said. You can describe everything you heard
21 the defendant say to the victim.

22 A He said, You're always taking somebody else's side.
23 You never got my back. He said, I'm going to murder --
24 I'm going to kill you. I'm going to kill you. I'm going
25 to bury your ass is what he said.

1 Q All right. How -- and, again, when was this
2 conversation that you overheard?

3 A That was on Friday night, March 12th.

4 Q How did the conversation end?

5 A Hanging up.

6 Q Okay. Who hung up?

7 A R.J.

8 Q Did the defendant attempt to contact him again while
9 you were in the car?

10 A Several times.

11 Q Did R.J. -- did the victim -- did R.J. answer?

12 A He blocked the number.

13 Q After you finished -- you said at the store, right?
14 Did you -- at some point after the store, did R.J. drop
15 you off?

16 A Uh-huh.

17 Q At your house?

18 A Yes, ma'am.

19 Q What did he used to drive?

20 A R.J.?

21 Q Uh-huh.

22 A His dad's truck, which was a champagne gold F-150,
23 Ford F-150.

24 Q It was a truck?

25 A Yes, ma'am.

1 Q Are you familiar with make and models?

2 A I don't know too much about vehicles, but I know that
3 was -- that was big dog.

4 Q After R.J. dropped you off at his house, did you
5 speak to R.J. again?

6 A No.

7 Q Okay.

8 A I texted him a couple of times, and he never texted
9 back.

10 Q Did you -- so you said you texted him later on that
11 night and into the next day?

12 A And into the next day.

13 Q What was the next thing that you -- I mean, is it
14 fair to say you were worried?

15 A Yeah.

16 Q Did you also try to reach out to Ashli?

17 A I call her maybe once or twice.

18 Q Okay.

19 A And I got no answer.

20 Q Did you -- were you watching the news one night?

21 A One morning. I was watching -- all this occurred on
22 Friday night. I was watching the news on Monday morning.

23 Q Okay. And without going into much detail at all,
24 what did you learn happened to R.J. -- or what did you --
25 what did you see on the news?

1 A First thing I saw --

2 Q Hold on, did you learn from the news that R.J. was
3 killed?

4 A Yes.

5 Q Did you reach out to the investigators -- did you
6 reach out to law enforcement once you heard about what
7 happened?

8 A I called the hotline.

9 Q Okay.

10 A When I found out he was dead, I called the hotline
11 and I made a report.

12 Q Okay.

13 A I talked to someone a while later, but I don't
14 remember who it was.

15 Q Okay. Did you make -- after you called the hotline
16 to give information that you had related to this?

17 A Uh-huh.

18 Q And at some point, did you go to the sheriff's
19 department and give a statement?

20 A I did.

21 Q Okay. And once again, who did you overhear making
22 those threats to R.J.?

23 A Jason.

24 Q And how did you know it was him?

25 A I overheard the conversation. R.J. said -- he kept

1 THE COURT: Thank you. You may step down.

2 Call your next witness. Do you have another witness?

3 MS. CAVANAUGH: Yes, I'm sorry. The State calls

4 Investigator Sean Kilcoyne.

5 (There was a brief delay).

6 THE WITNESS: Sorry about that, had to go to the

7 bathroom.

8 THE CLERK: Would you state your full name, please?

9 THE WITNESS: Sean Kilcoyne.

10 THE CLERK: Would you spell your first name, please?

11 THE WITNESS: S-E-A-N.

12 THE CLERK: And your last name?

13 THE WITNESS: K-I-L-C-O-Y-N-E.

14 SEAN KILCOYNE, after being duly sworn,
15 testified as follows:

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION:

18 BY MR. WALTON:

19 Q All right. Good afternoon, Investigator Kilcoyne.

20 Where do you currently work? Where do you work?

21 A At the Richland County Sheriff's Department.

22 Q And what do you do there?

23 A I'm an investigator on the Midlands Gang and Fugitive
24 Task Force.

25 Q Before we get into that, how long have you been with

1 the sheriff's department?

2 A I've been with the sheriff's department since 2004.

3 Q You said Midlands Gang and what?

4 A Fugitive Task Force.

5 Q So what do you have to do with that task force?

6 A So I'm assigned to a Fugitive Task Force side of
7 Midlands Gang and Fugitive Task Force. Basically, we
8 are -- we get violent felony warrant from criminal
9 investigations. We work hand-in-hand with them to
10 apprehend wanted subjects.

11 Q I'll turn your attention to March 13th, 2021, were
12 you involved with the arrest of the defendant on that day?

13 A Yes, sir.

14 Q And before we actually get to that arrest, can you
15 please tell the jury how you became involved in that case?

16 A Yes, sir. I was called out that Saturday morning
17 regarding a homicide that occurred of, I guess, the female
18 victim and the potential missing person, being the
19 defendant's brother.

20 We were advised the defendant's address and potential
21 that he could possibly be there, you know, looking for
22 those things and, also, that we were looking for a U-Haul
23 van.

24 Q And do you remember what that address is?

25 A I don't recall the address offhand. It's the house

1 that sits on the corner of Koon.

2 Q 5757 Koon sound about right?

3 A That sounds right, yes, sir.

4 Q You said you were looking for a U-Haul. Did you know
5 about the U-Haul initially?

6 A No, sir. Initially, we were looking for a blue van,
7 I believe. I drove by the defendant's residence, the
8 address on Koon Road, didn't see the van there, didn't see
9 anything that kind of stuck out and then kind went back to
10 our routes we were at before.

11 Q How did you find out about the U-Haul?

12 A We were advised by our investigations that there was
13 a U-Haul that could -- could possibly be a U-Haul
14 involved. And then when I rode back by the defendant's
15 house that time, I came in from -- so Koon goes this way,
16 hits Prescott, Muir runs this way.

17 I came around it this way. At the very back corner
18 of that house is a lot. There's a driveway that comes in
19 off of Muir, and it goes to the front. In the very back,
20 right in that driveway, way off in the back of that house
21 was a U-Haul, like van front cab U-Haul truck.

22 Q Okay. I'm showing you State's Exhibit -- what's been
23 previously marked as State's Exhibit 199. Do you
24 recognize that?

25 A Yes, sir.

1 surveillance?

2 A Our plane was up in the air.

3 Q Okay.

4 A We have a plane and they were using binoculars that
5 day.

6 Q So you said the U-Haul started moving, called in the
7 radio and left?

8 A I saw the U-Haul approach the intersection near Koon.
9 It turned right to go towards -- away from Prescott, and
10 then, basically, the defendant drove directly towards my
11 team, which was coming out of that church parking lot.
12 Then I approached along with another member of my team and
13 placed him into custody.

14 Q Okay. So when you placed him under arrest, did you
15 notice anything about him?

16 A So when we got him out of the vehicle, from what I
17 can remember, there was a weapon inside the car just in
18 plain view. And he was very stone faced, very -- wouldn't
19 answer any questions.

20 "Hey, what's your name?"

21 We had a picture of him. He was wanted -- at that
22 point, he was a wanted individual. Pretty sure we had an
23 idea who we were looking at based on his height, weight
24 and general description and what he looked like, but he
25 refused -- basically, he was just stone faced, wouldn't

1 say a word.

2 Q When you say weapon in the vehicle, can you be a
3 little bit more specific?

4 A I believe it was a pistol.

5 Q Did you notice anything about his clothing?

6 A He appeared to have blood on it.

7 Q So just a second ago, you said it appeared to know --
8 you thought you had the right person based on height and
9 weight. Were you able to identify who exactly it was?

10 A Yes, sir. From what I understand, we searched him,
11 we got his ID out of his wallet. I believe it was the
12 victim's ID, his brother. I have a data works fingerprint
13 scanner. I use that and I identified him as the --

14 Q Hold on. What is that? You have to explain.

15 A Yes, sir. We have -- we call them fingerprint
16 readers. So, basically, every -- most shifts in Richland
17 County, most of the patrol shifts have them.

18 It's a little box that's Bluetooth to an FBI terminal
19 that you do right index, left index and within a second,
20 it will give you your name, date of birth and whatever
21 information.

22 If I run -- if I do it on myself, it will show me
23 because I've been fingerprinted for law enforcement
24 purposes. So it will bring up my name, birthdate, and my
25 SID number, which is the number they give you.

1 Q And you used that for the defendant?

2 A Yes, sir.

3 Q Were you able to get an identity for him?

4 A Yes, sir.

5 Q And what was that identity?

6 A It was the defendant.

7 Q Charles Jason Carmichael?

8 A Yes, sir.

9 Q All right. So you mentioned the driver's license and
10 bloody clothing. Did the defendant have a cell phone?

11 A I believe he did.

12 Q Okay.

13 A I just can't remember off -- completely off the top
14 of my head.

15 Q All right. So after he was placed under arrest, put
16 in cuffs, what do you do? Do you leave the scene?

17 A No, sir. At that point, one of my team members
18 transported the defendant to our headquarters to take him
19 to investigations.

20 I stayed with the U-Haul because there was a
21 considerable amount of blood in the U-Haul and -- you
22 know, part of a crime or involved in a crime is generally
23 procedure.

24 If we have a vehicle that we -- if we apprehend a
25 suspect in a vehicle, that vehicle generally goes to our

1 headquarters to be processed. That's standard operating
2 procedure for most major crimes.

3 So I waited with that car, secured it, waited until a
4 tow truck got there and then followed the tow truck to our
5 headquarters. It actually had to go into our K-9 office
6 because it was too tall to fit in our crime lab bay. So
7 they secured it in the K-9 bay.

8 Q Did you notice anything about the U-Haul when it was
9 put on the tow truck?

10 A Yes, sir. As it was starting to get loaded up, there
11 was blood pouring out of the -- or dripping out of the
12 passenger's side door jam. Right where the door seals,
13 the bottom kind of L of the door, there was blood dripping
14 down onto the ground as it kind of lifted up to go on the
15 roll back.

16 Q And then after that, you took it to the K-9 office?

17 A Yes, sir. And then I turned it over to Captain --
18 I'm sorry, at the time Captain Isenhoward, now Major
19 Isenhoward.

20 MR. WALTON: All right. Beg the Court's indulgence.

21 (Pause.)

22 BY MR. WALTON:

23 Q So earlier I asked you about the phone. Would
24 looking at the report help refresh your recollection?

25 A Yes, it would. Okay. They must have taken the phone

1 Q Okay. And are any of your children in school?

2 A I have two in school.

3 Q Okay. Elementary school or middle school?

4 A I have one in elementary and one in middle.

5 Q Do you know the defendant, Charles Jason Carmichael?

6 A Yes, ma'am, but I don't know him well.

7 Q Okay. But you know who he is?

8 A Yes, ma'am.

9 Q When did you meet him?

10 A I met him a while back when I was walking to the
11 Super Dollar on North Main.

12 Q I'm going to take your attention to March 13th, 2021.
13 Do you remember -- as it relates to that day, do you
14 remember how far before that you met him?

15 A I couldn't have known him probably no more than two
16 or three weeks.

17 Q Okay.

18 A If that long.

19 Q And how did you meet him?

20 A I met him walking to the store. We just met --
21 actually to be honest, I seen he had a lot of cars in his
22 yard. We was talking. I asked him, Do you fix any cars?
23 He told me he do. And I wanted to get him to look at my
24 care.

25 Q And what road -- where did you see the cars?

1 A It's at Koon Road.

2 Q Okay.

3 A That little back street right there.

4 Q And do you know -- I mean, was that a business, was
5 that his home?

6 A It, basically, was his home, but that was his
7 business.

8 Q Okay. And you said Koon Road?

9 A Yes, ma'am.

10 Q The week leading up to March 13th, 2021, did you hang
11 out with him on a couple of occasions?

12 A Yes, ma'am.

13 Q Okay. Over the course of that week or over the
14 course of the time that you just mentioned, did he make
15 any comments to you about his relationship with his
16 brother?

17 A Yes, ma'am.

18 Q And regarding -- can you describe what he said about
19 his relationship with his brother?

20 A I just know that he was angry with his brother.

21 Q Did he mention to you why he was angry at his
22 brother?

23 A No, ma'am, not specifically.

24 Q Okay. Did he talk over the course of the week -- not
25 necessarily March 12th, 2021, but prior to that, was he

1 making these comments about his brother?

2 A Only thing I know is him and his brother, you know,
3 didn't see eye to eye about a lot of things. I don't know
4 what the problem was or what they had going on. I got
5 problems with my family.

6 Q Okay.

7 A So it was never really nothing I questioned.

8 Q Okay.

9 A You know.

10 Q But you said that he had some anger towards him?

11 A Yes, ma'am.

12 Q Okay. Take your attention to March 12th, 2021. Do
13 you remember what day of the week that was?

14 A No, ma'am.

15 Q Okay. Were you with the defendant that day?

16 A Probably, yes, ma'am.

17 Q Okay.

18 A We hung out like a lot, like a lot. When we met each
19 other, we hung out like every day until we couldn't hang
20 out.

21 Q Okay.

22 A So, like, if we was knowing each other during that
23 time, it probably would have been regular.

24 Q Okay. Did you make a statement, a written statement?

25 A Yes, ma'am.

1 Q Okay. As far as it relates to whether you hung out
2 with him on March 12th, 2021, would just looking at that
3 one portion help refresh your recollection?

4 A Yes, ma'am.

5 Q I want to point your attention to the bottom of this
6 statement. Whose signature is that?

7 A Mine.

8 Q And do you see the question related to Friday
9 March 12th, 2021?

10 A Yes, ma'am.

11 Q And was it just to say were you at Charles' house?

12 A Yes, ma'am.

13 Q March 12th?

14 A Yes, ma'am.

15 Q And what was your answer there?

16 A He says, Yes, sir.

17 Q So you were, right?

18 A Yes, ma'am.

19 Q On that day, when did you begin -- when did you start
20 hanging out with him? Was it daytime or was it getting
21 closer to evening?

22 A I think it was like daytime.

23 Q Okay.

24 A Like, we got together during the daytime because I
25 was riding with him, and he was fixing on a lady's car or

1 something like that.

2 Q Okay.

3 A So we had been together for the most part that day.

4 I can't remember if I worked that day or not, but if I

5 went to work, I probably got off of work, if I worked that

6 day.

7 Q Okay. As it got into the evening, did you go

8 anywhere?

9 A We went to Wal-Mart. And like I said, we was back

10 and forth from the young lady's house, like, he was

11 actually fixing on the car.

12 Q Okay. Did you go anywhere before Wal-Mart?

13 A To the U-Haul place?

14 Q Yes.

15 A No. Did we? Yes, ma'am, to the U-Haul place.

16 Q And whose idea was it to go to the U-Haul place?

17 A Both of ours, kind of.

18 Q Okay. Why did you need to go to the U-Haul place?

19 A I was going to go to the U-Haul place because I had

20 some stuff that I wanted to move from my mom's house to

21 put in storage. And we went to the U-Haul place because

22 he had a motor that he wanted to transport out of her car.

23 Q Okay. Whose name was the U-Haul agreement in?

24 A Mine.

25 Q And did they ask you to list anyone as a secondary

1 contact on that agreement?

2 A Yes, ma'am, I guess.

3 Q Okay. And who was listed as the secondary contact?

4 A Charles.

5 Q Okay. When you went to -- did you go to the U-Haul
6 place to get it?

7 A We both went.

8 Q Okay. Did he contribute any money to the U-Haul
9 purchase?

10 A Yes. He actually paid for the whole U-Haul.

11 Q Okay. He paid for the whole thing?

12 A Yes, ma'am.

13 Q After picking up the U-Haul, what happened next?
14 What did you do next?

15 A To be honest, I really can't remember like the events
16 from that night because it's just been a lot going on
17 lately. But I want to say we hung out for a while and
18 then we went to Wal-Mart.

19 Q Okay. Stop you there, what was the reason that you
20 went to Wal-Mart? Whose idea was it to go to Wal-Mart?

21 A It was kind of like both of our ideas. We originally
22 went to Wal-Mart because Charles said he needed to buy
23 some stuff, only for that time he was in town.

24 Q Okay. So let me back up just a minute. You said he
25 wanted to buy some stuff. Specifically, what did he want

1 to buy?

2 A He wanted to buy some clothes and some other stuff
3 that he had bought.

4 Q All right. What else do you remember him buying
5 there?

6 A I remember him buying some clothes. I want to say a
7 shovel.

8 Q You want to say a shovel, or do you remember him
9 actually buying a shovel?

10 A I can't remember a lot of the stuff. I know he
11 bought me a shirt and some other stuff. I really can't
12 remember a lot of the content that was brought [sic] that
13 day.

14 Q Again, you gave a statement, right?

15 A Yes, ma'am.

16 Q And you said you don't remember specifically about
17 the shovel. If I showed you your statement, would that
18 refresh your memory?

19 A Probably.

20 Q I point you down to the last paragraph, can you read
21 starting with "he"?

22 A Yes, ma'am. He brought some clothes --

23 MR. O'NEIL: Objection, that's hearsay. She can read
24 it to herself if she wants to refresh her memory. That's
25 not what counsel is doing, okay.

1 MS. CAVANAUGH: Okay. You can read it to yourself to
2 refresh your recollection, just that one part.

3 THE WITNESS: Okay. So I guess he did buy some
4 clothes and a shovel.

5 BY MS. CAVANAUGH:

6 Q And was your memory better at the time you made this
7 statement than it is now?

8 A Yes, ma'am. Because it was kind of like a little bit
9 closer to after that had happened.

10 Q Okay. Now, you said at that point -- you were
11 starting to say it, and then you stopped. You kind of
12 stopped. What were you about to say when you were talking
13 about the -- going to go buy clothes and the shovel?

14 A Oh, yes, ma'am. At that time, he was -- Charles, he
15 was like someone else. He had given himself another name.

16 Q Okay. Did his demeanor start to change?

17 A Yes, ma'am.

18 Q And how did it start to change?

19 A He just seemed like he was a bit more aggressive than
20 the other person he was.

21 Q Were y'all drinking that night?

22 A Yes, ma'am.

23 Q Okay. And do you remember how much you had to drink?

24 A I'm not a really big drinker.

25 Q Okay.

1 A So I might have had a drink, probably like two shots
2 or something like that, if anything.

3 Q Okay.

4 A I'm not really a drinker, though.

5 Q And what about him? Was he drinking anything?

6 A Yes, ma'am.

7 Q And was he doing any other type of drugs?

8 A Yes, ma'am.

9 Q What?

10 A Marijuana and cocaine.

11 Q Okay. Over the course of the night?

12 A Yes, ma'am.

13 Q Okay. After the Wal-Mart trip, where did you go?

14 A To his house.

15 Q All right. And what did he start doing after the
16 Wal-Mart trip?

17 A We came back from the Wal-Mart trip, he actually
18 started picking at a tree that was in the front yard. He,
19 basically, said that he was seeing something coming out of
20 the tree, like a little mini man or something like that.
21 At this point, I was thinking like maybe he was having a
22 psychotic breakdown.

23 Q And he was also doing drugs?

24 A (Nods in the affirmative.)

25 Q Yes or no?

1 A Yes, ma'am, I'm sorry.

2 Q That's okay. I show you what's already been admitted
3 as State's Exhibit 199. Do you recognize that house?

4 A Yes, ma'am.

5 Q Whose house is that?

6 A That's Charles' house.

7 Q And what do you see in the front yard?

8 A I mean, you really don't see that much dirt and
9 rubble.

10 Q What is that right there?

11 A That's a shovel.

12 Q Okay. And then what is that right there?

13 A What?

14 Q Right there?

15 A Oh, a hole.

16 Q Okay. Is that what you observed him digging?

17 A Yes, ma'am.

18 Q You mentioned a hole. Did he ever refer to that by
19 different name, the hole he was digging?

20 A I can't remember, ma'am.

21 Q Okay. Again, you gave a written statement in this
22 case, right?

23 A Yes, ma'am.

24 Q If you read that part of it, would it help refresh
25 your recollection?

1 A Yes, ma'am, because I really don't know.

2 Q I'm just going to have you read it, point to that
3 line, not out loud, just to yourself?

4 A Okay.

5 Q So did he refer to that hole as another name?

6 A I guess he was calling it a grave that his brother
7 made for him or something like that.

8 Q Okay.

9 A But I really don't remember that part.

10 Q Okay. But you wrote it down?

11 A Yes, ma'am, I do see it, but I don't really remember
12 that part. I just remember him, basically, saying that he
13 saw -- he felt like it was a man that was coming out of
14 it.

15 Q A man coming out of the hole?

16 A Yes, ma'am, that's what he said. So he could have
17 felt like it was a portal or something like that.

18 Q Say that again.

19 A I said possibility felt as if it was portal or
20 something.

21 Q A what?

22 A Portal.

23 Q Portal?

24 A Yes, ma'am.

25 Q Okay. All right. Getting further into the night,

1 after he dug that hole, what did he start to say to you?

2 A That's when he, basically, started saying like he
3 felt like he started seeing stuff come out of the hole.
4 He really felt like his brother was trying to spiritually
5 attack him to be honest with you.

6 Q Okay.

7 A That's why he made the hole like that.

8 Q Okay. What was he saying about what he wanted to do
9 that night as the night went on?

10 A He said, like, he wanted to harm his brother.

11 Q Okay. You said earlier that his demeanor got more
12 aggressive. Did the comments he made about wanting to
13 harm his brother become more aggressive over the course of
14 the night?

15 A Yes, ma'am.

16 Q Can you please describe that?

17 A I mean, he was drinking and stuff, like, on drugs and
18 stuff, so he was just trying to act right, you know, and
19 he was just, basically, saying he wanted to hurt his
20 brother for whatever his brother had done to him. He
21 never was specific about what happened or what was done.
22 And I never really took him seriously, but he did keep
23 saying he wanted to hurt his brother.

24 Q As far as what happened later -- did something happen
25 later that night that caused you to be concerned for your

1 safety?

2 A Yes, ma'am.

3 Q Can you describe that?

4 A He put a gun in my face.

5 Q Did he say anything to you when he put the gun in
6 your face?

7 A I feel like when he put the gun to my face, it was,
8 basically, like either a get-down or lay-down type
9 situation. At that point, I felt like it was either I
10 help him or I die.

11 Q Helped him to do what?

12 A To hurt his brother.

13 Q And what about his demeanor and his comments made you
14 feel -- how did you describe it again?

15 A He put a gun in my face.

16 Q Okay.

17 A That's why I felt threatened.

18 Q All right. What did he want you to do specifically
19 when he put the gun in your face?

20 A I really think he wanted me to travel with him to do
21 it.

22 Q What made you feel like he wanted -- that he wanted
23 you to travel with him?

24 A Because that's what he said.

25 Q That's what he said?

1 A I mean, he didn't say it in that way, but, basically,
2 that's what he was, basically, saying. He wanted me to go
3 with him to do it.

4 Q To do what?

5 A To hurt his brother.

6 Q Did he ever say the threat in a stronger manner?

7 A Yes, ma'am, but I just don't use stronger words.

8 Q Okay. But I need you to in this case. It's
9 important to say exactly what he said?

10 A He said that he wanted to kill his brother.

11 Q Okay.

12 A But I didn't went with him, so I don't know what
13 happened.

14 Q Right. What did you do after he put a gun in your
15 face saying that he wanted you to take him to kill his
16 brother?

17 A He didn't say he wanted me to take him, he said he
18 wanted me to go with him.

19 Q Okay. Sorry.

20 A Because I don't even know his brother like that. I
21 don't know any of his family like that to know, like,
22 where they would be going or where they stay or nothing
23 like that.

24 Q Right. Because you said you'd only known him a
25 couple of weeks?

1 A Yes, ma'am, it was really brief.

2 Q You said -- how did you feel when he put the gun to
3 your head and said that?

4 A I felt threatened.

5 Q Okay. So what did you do?

6 A I found a way to get out of that situation.

7 Q And how did you do that?

8 A I ran, I hid and I left. I ran to the neighbor's
9 house. I hid there, and then I made it home to my mom's
10 house.

11 Q How were you able to run from him when he had the
12 gun?

13 A The person, Mike, or the other individual, Mike, that
14 he had like an OCD issue.

15 Q Okay.

16 A I had kind of picked up on that, so I kind of
17 directed his attention to his belt being out of track.
18 And that's how I initially got away.

19 Q And when you say Mike, you're not actually referring
20 to a separate individual that was there?

21 A No, that's like I guess you could say like a
22 different personality.

23 Q Okay. All right. So you said you were able to run
24 to the neighbor's house and -- is that what you said?

25 A (Nods in the affirmative.)

1 Q And then while you were hiding, did you see anything,
2 like, as far as what he was doing?

3 A Looking for me.

4 Q How did you know he was looking for you?

5 A I knew he was looking for me.

6 Q And where did you go after you --

7 A I went home.

8 Q Okay. And how did you get from where you were hiding
9 to home?

10 A I ran.

11 Q Okay.

12 A Well, I walked, ran.

13 Q Well, whose house did you run to?

14 A I don't even know the girl. I know her as Moochie.
15 I don't really know her real name. I ran to her and
16 stayed there.

17 Q Okay.

18 A Until I saw that it was safe to leave.

19 Q How did you know it was safe to leave?

20 A I didn't. I just kind of took a chance.

21 Q Talk just a little bit louder, okay?

22 A I didn't. I just kind of took a chance.

23 Q And after leaving, you said somebody named Moochie's
24 yard, where did you go?

25 A Home.

1 Q Was it a long distance?

2 A I mean, it's about -- yes, ma'am, it's kind of is
3 because from there -- from Koon Street, we were staying
4 on -- what's the next street called, Katie Street.

5 Q Okay.

6 A It probably be like maybe two or three miles from
7 there.

8 Q Okay.

9 A So it was kind of hard to get there without being on
10 the main road, but I did get there.

11 Q Once you got -- who else was at Katie street that
12 night when you got -- is that where you got?

13 A My mom and my son -- well, my mom and my children.

14 Q Did anything happen while you were at Katie Street?

15 A Charles did come back looking for me.

16 Q Okay. How did you know?

17 A Because I heard him.

18 Q You heard him?

19 A Yes, ma'am.

20 Q Specifically, what did you hear?

21 A I just heard knocking on the door.

22 Q Did you overhear his voice?

23 A Yes, ma'am.

24 Q And did you hear what he was saying?

25 A I don't feel like he said nothing about it. He just

1 asked was I in there.

2 Q And?

3 A And he was asking my son to tell me to come to the
4 door.

5 Q Did you go to the door?

6 A No, ma'am.

7 Q Why not?

8 A I didn't want to partake in whatever was going on.

9 Q Did you ever look outside to see if you saw anything?

10 A No, ma'am.

11 Q Okay. As far as -- do you remember what time of
12 night?

13 A That was like morning, like early morning.

14 Q Okay. And --

15 A At that point.

16 Q Okay. After he left the Katie Street address, did he
17 try to contact you over the course of that night?

18 A No, ma'am, I tried to call him, though.

19 Q Okay. And what were you calling him about?

20 A After -- like the fact because I wanted to make sure
21 he was going to take the U-Haul back because the U-Haul
22 was in my name.

23 Q Were you worried about that?

24 A Yes, ma'am.

25 Q Why were you so concerned about the U-Haul being

1 returned?

2 A Because it was in my name. I didn't want to have to
3 owe them any money for the U-Haul to be honest with you,
4 you know.

5 Q After he left Katie Street, were you able to fall
6 asleep?

7 A You said after?

8 Q After he left Katie Street when you testified he was
9 looking for you?

10 A I just kind of laid in the bed.

11 Q Where was your phone at the time that you were laying
12 in the bed?

13 A Most likely in the bed with my son.

14 Q And you didn't notice whether or not he was calling
15 you in the early morning hours after he left your house?

16 A No, ma'am.

17 Q All right. Do you remember what your number was at
18 the time?

19 A I think I had like a 261 number, something like that.
20 I can't really remember. I had so many phone numbers.

21 Q Again, when you wrote your statement, did you
22 provide -- if I show you that statement, at the top, can
23 you see if you provided your number at the time?

24 A Yes, ma'am.

25 Q Can you read that number for me?

1 A Yes, ma'am. (803)206-5965.

2 Q You mentioned you were concerned about that U-Haul,
3 right?

4 A Yes, ma'am.

5 Q Did you ever see that U-Haul again after?

6 A I saw it on the news.

7 Q Okay. Did you see the U-Haul -- once you fled from
8 his house, did you see the U-Haul after that?

9 A No, ma'am.

10 Q When you were at his house, were you ever in the
11 U-Haul?

12 A Yes, ma'am.

13 Q When you were in the U-Haul, did you see any blood?

14 A No, ma'am.

15 Q Regarding your concern about the U-Haul, did you make
16 any reports to the Columbia Police Department?

17 A Yes, ma'am, I think I did.

18 Q Okay. And what was the nature of the report?

19 A I don't know, ma'am.

20 Q Okay. Well, was it concerning the U-Haul?

21 A Yes, ma'am, most likely.

22 Q And when you made the report, did you relay who you
23 believed had the U-Haul?

24 A Yes, ma'am.

25 Q And what did you tell them?

1 A Charles.

2 Q Now, when you made this report, did you know -- do
3 you know what day you made this report?

4 A No, ma'am.

5 Q If I showed you the report you made, would that
6 refresh your recollection?

7 A Yes, ma'am.

8 Q Do you see that?

9 A Yes.

10 Q What's the date?

11 A March the 13th, 2021.

12 Q And why did you make that report?

13 A Because I hadn't received the U-Haul back. And the
14 U-Haul place had called me about the U-Haul, so I really
15 wanted them to be able to get their U-Haul back.

16 Q At the time you made that report, did you know that
17 his brother had died?

18 A No, ma'am. I didn't know what had happened. I had
19 been calling Charles for awhile. I didn't get any type of
20 answer. I didn't know what happened.

21 Q Okay. Did you give a -- well, we've already -- you
22 gave a statement to law enforcement about this, right?

23 A (Nods in the affirmative.)

24 Q Did they come to you or did you come to them?

25 A I actually went to them.

1 Q What areas are those from?

2 A They were coming from underneath the driver and
3 passenger's door.

4 Q What is meant by flow?

5 A Flow is when there's a volume of blood on a surface.
6 It's affected by gravity, so it's pulled down. You'll see
7 characteristic linear pulling towards the ground.

8 Q Then marker U-2, where was marker U-2?

9 A U-2 were drip stains under the driver's door on the
10 tow truck.

11 Q What is meant by a drip?

12 A Drip stains are generally circular or oval shaped
13 stains that are created by gravity.

14 Q All right. Okay. Moving on to what else you
15 observed inside the U-Haul. I show you what's marked as
16 State's Exhibit 221 -- excuse me, 222, what is that --
17 where is that photograph from?

18 A This is a photo of the driver's seat.

19 Q Okay. And what was located on the driver's seat when
20 the U-Haul arrived at Richland County?

21 A I observed a gun.

22 Q Did you notate what type of gun it was?

23 A Yes, ma'am. It was a Car Arms CW-40 handgun bearing
24 seasonally FE-8610 in the driver's seat.

25 Q All right. Going back to State's Exhibit 224, what

1 do you observe in the cup holders in front of the gun?

2 A A Mountain Dew bottle and I believe that was a
3 package of wet wipes.

4 Q Did you collect those items?

5 A Not at that time.

6 Q But, eventually, did you collect them?

7 A Yes, ma'am.

8 Q Okay. All right. I'm going to show you what's
9 marked as State's Exhibit 553 and ask you to read the
10 label?

11 A Package of wet wipes.

12 Q Okay.

13 MS. CAVANAUGH: Your Honor, at this time, I'd ask
14 that the package of wet wipes be entered into evidence as
15 State's Exhibit 553.

16 MR. O'NEIL: No objection, Your Honor.

17 THE COURT: It's admitted.

18 (WHEREUPON, State's Exhibit No. 553 was admitted into
19 evidence.)

20 BY MR. HILL:

21 Q And, again, where were these located in the U-Haul?

22 A In the cup holder.

23 Q What was next to the gun in addition to the wet
24 wipes?

25 A There was a white trash bag in between the seats.

1 Q Okay. Did you also collect that white bag?

2 A At a later time, yes, ma'am.

3 Q Okay. You mentioned that you collected -- did you
4 collect the gun that you located in the front seat?

5 A Yes, ma'am, at a later time that evening.

6 Q And I'm going to ask you to read the label on State's
7 Exhibit 549?

8 A Car Arms CW-40, serial number FE-8610, one UFC, which
9 is an unfired cartridge, from the chamber, magazine, two
10 UFCs, unfired cartridges, from the magazine.

11 Q Did you process this gun?

12 A I did.

13 Q At this moment or a little bit later?

14 A Later on. We take it back into the lab to process it
15 separately.

16 Q And I'm going to ask you to read the description on
17 that, State's Exhibit 552?

18 A This is a Mountain Dew bottle.

19 Q Okay. Is that -- did you collect this?

20 A Yes, ma'am.

21 MS. CAVANAUGH: At this time, I ask the Mountain Dew
22 bottle, 552, be admitted into evidence?

23 MR. O'NEIL: No objection.

24 THE COURT: Admitted.

25

1 (WHEREUPON, State's Exhibits Nos. 330 - 387 were
2 admitted into evidence.)

3 BY MS. CAVANAUGH:

4 Q Okay. Pointing your attention to report number four,
5 when was -- what was your next step in processing this
6 U-Haul? What area did you focus on?

7 A Predominately in the rear cargo area.

8 Q Did you also go underneath the car?

9 A Yes, ma'am.

10 Q State's Exhibit 331, what is that a picture of?

11 A The rear cargo.

12 Q Okay. And do you see individual markers throughout
13 the rear cargo area?

14 A Yes, ma'am. This photograph I've already identified
15 and marked reddish-brown stains.

16 Q Okay. Are they in various locations of the rear
17 cargo area?

18 A Yes, ma'am.

19 Q Notably, can you get in and out -- from the passenger
20 and driver's section of the U-Haul, is there a door that
21 let's you in the rear cargo?

22 A No, ma'am. The only way you can get in or out of the
23 rear cargo area is through the cargo door, rear door.

24 Q Okay. I show you a picture of State's Exhibit 335,
25 what is U-24?

1 A The reddish-brown stain on the rail.

2 Q And backing out a little bit, where -- what part of
3 the U-Haul was that rail?

4 A The passenger's side, the right-hand side, I believe.

5 Q Did you mark both sides of the U-Haul?

6 A Yes, ma'am.

7 Q All right. State's Exhibit 352, what is U-27?

8 A U-27 is a reddish-brown stain, transfer stain on the
9 D ring by the back step.

10 Q Okay. And what to you mean by a transfer stain?

11 A Transfer stain occurs when one object that has blood
12 on it comes in contact with another surface that does not
13 have blood on it and it leaves behind the impression or
14 transfer of the stain.

15 Q And that's on the handle of the cargo door?

16 A The D ring, I'm assuming, there on the photograph.

17 Q What's a D ring typically used for?

18 A Just to strap down or hold something down.

19 Q And, specifically, the U-23, where was that located?

20 A U-23 was on the cargo area of the floor.

21 Q All right. Did you take a swab from that particular
22 area?

23 A Yes, ma'am.

24 Q State's Exhibit 354, what color do you see in the top
25 part of this U-Haul, colors?

1 A Blue and brownish.

2 Q On the outside of the U-Haul, did you notice anything
3 that looked like blood to you?

4 A Yes, ma'am, I did mark some areas with reddish-brown
5 stain.

6 Q Okay. All right. Moving on to State's Exhibit 359,
7 you mentioned you went under -- did you go under the
8 vehicle?

9 A Yes, ma'am.

10 Q And what did you observe under the vehicle?

11 A Underneath the vehicle closer to the front passenger
12 compartment, there was a flow pattern coming down from the
13 passenger compartment area.

14 Q All right. Is this what you're referring -- State's
15 Exhibit 361, U-31, is that what you're referring to?

16 A Yes, ma'am.

17 Q Again, where is this?

18 A It is underneath the vehicle, kind of in the
19 passenger compartment area.

20 Q Okay. And in your opinion -- I mean, how could blood
21 drip underneath the passenger seat?

22 A Probably through one of the bolts holding the seats
23 or some other hull in the passenger compartment. There
24 was enough liquid to seep out and underneath the vehicle.

25 Q Okay. Is this another picture of that area?

1 When it was tilted, I noticed that there was -- there was
2 so much blood inside the car that it was actually flowing
3 out of the doors and out of the back of the U-Haul. So it
4 was an excessive amount, something I haven't seen before.

5 Q Okay. Did you also -- was there a search warrant
6 executed for the defendant's home?

7 A Yes.

8 Q And did you -- were you there when the search warrant
9 was executed?

10 A I was.

11 Q Let me show you what's marked as State's Exhibit 198
12 and ask if you recognize this photograph?

13 A I do.

14 Q What is that a photograph of?

15 A It's a freshly dug -- appeared to be a freshly tug
16 hole in the front yard of the home and an actual work
17 light next to it.

18 Q Okay. Is this -- does this fairly and accurately
19 depict the front yard of the defendant's home when you
20 assisted with this search warrant?

21 A It does.

22 MS. CAVANAUGH: Your Honor, at this time, I ask that
23 State's Exhibit 198 be admitted into evidence.

24 MR. O'NEIL: No objection.

25 THE COURT: It's admitted.

1 A At the intersection, it would. It was Koon Road and
2 Melinda Road.

3 Q Was the defendant driving a vehicle when y'all pulled
4 up?

5 A He was.

6 Q And what vehicle was it?

7 A It was a U-Haul truck, rental truck.

8 Q As you approached, what did he do with that vehicle?

9 A When we approached, he saw us, put the vehicle in
10 reverse and then tried to evade us at that intersection
11 that we stopped him at.

12 Q So he put his vehicle in reverse?

13 A He did.

14 Q Did he come into contact with another vehicle on
15 scene?

16 A He did. He ended up hitting the side of a SLED
17 agent's vehicle when he was trying to escape.

18 Q Okay. Did the running into the SLED vehicle stop the
19 car?

20 A It did.

21 Q Was he removed from the U-Haul?

22 A He was.

23 Q When he was removed from the U-Haul, what did you do?
24 Did you look in the U-Haul?

25 A I did.

1 Q What did you see in there?

2 A When I looked through the driver's station or the
3 driver's seat, there was a silver and black pistol. It
4 looked like maybe a plastic bag in the middle console.

5 Q Did you touch it?

6 A No.

7 Q Did you leave it there?

8 A We left it there for processing.

9 Q When he was removed from the U-Haul, where was he
10 placed?

11 A On the ground.

12 Q Okay. And did he suffer -- well, did he sustain any
13 injury when he was put on the ground?

14 A He was. Unfortunately, he sustained a bruise to his
15 right cheekbone, cheek area.

16 Q Okay. Did you perform a search of his person once he
17 was placed in handcuffs?

18 A I did.

19 Q And what, if anything, did you locate?

20 A It felt like either fired or unfired casings, bullets
21 in his left pocket.

22 Q Did you remove them?

23 A We did not.

24 Q Okay. I mean, was that someone else's job down the
25 line?

1 A It would have been, yes, ma'am.

2 Q Was there anything else? Was there an ID on him at
3 the time of his arrest?

4 A There was.

5 Q And whose ID was that?

6 A It was a Rufus Carmichael.

7 Q While this -- while the arrest process was occurring,
8 did he say anything to y'all?

9 A He said nothing.

10 Q Was he asked who he was?

11 A He was.

12 Q Did he respond?

13 A He did not.

14 Q Who took him to headquarters after he was arrested?

15 A I transported him to the headquarters.

16 Q And during the transport -- about how long was it
17 from your location back to the sheriff's department?

18 A Probably less than five minutes. He had an escort.

19 Q And while you were in the car with him -- going back
20 to the escort, when y'all arrived -- when the sheriff's
21 department was driving in to make the arrest, were there
22 marked -- were any of those vehicles marked cars?

23 A There were.

24 Q And were the blue lights flashing?

25 A I'm not sure at that point.

1 A Two shell casings, we call them fired cartridge
2 casings or FCCs.

3 Q It's obviously, but what does it mean when you say
4 shell casing versus fired shell casing?

5 A Shell casing and fired cartridge casing are one in
6 the same. They're interchangeable.

7 Q Okay. And how do you get shell casings?

8 A It's what's left from a bullet that has been fired
9 from a handgun.

10 Q And what is this a picture of?

11 A That's just documenting the same area on his forearm.

12 Q Now, just touch this real fast. So we saw the injury
13 to his cheek that seems like it may have had some blood.
14 Other than that, was there anything you noticed on the
15 defendant's body that would indicate blood?

16 A There were some reddish-brown stains on his clothing,
17 on his shoes, possibly on his pants and his shirt.

18 Q I guess that's -- let me ask the question more
19 clearly. Did he have any additional injury that was
20 bleeding that you saw, the defendant on his body, not on
21 his clothing, but on his physical body? When you zoomed
22 in on his face, you saw the injury, when you zoomed in on
23 his arm, you saw an injury. Did you see any other injury?

24 A No, I did not.

25 Q And what are we looking at here?

1 BY MR. WALTON:

2 Q The defendant's name is Charles Jason Carmichael.

3 Can you read that name?

4 A This is Rufus Edward Carmichael, Jr.

5 Q Okay. There was also a credit card on that. You
6 took a picture of the credit card. I show you what's been
7 previously marked as 614, do you recognize that?

8 A That's the credit card.

9 Q This is the credit card which you collected and
10 submitted into evidence?

11 A Correct.

12 MR. WALTON: Your Honor, at this time, the State
13 moves what's been previously marked as State's 614
14 admitted into evidence?

15 MR. O'NEIL: No objection.

16 THE COURT: It's admitted.

17 (WHEREUPON, State's Exhibit No. 614 was admitted into
18 evidence.)

19 BY MR. WALTON:

20 Q Can you read the name that's on that credit card?

21 A Charles Carmichael.

22 Q And can you read the credit card number?

23 A 4403932737977461.

24 Q Can you see that from here? If not, you can step
25 down.

1 A Am I supposed to look at a particular area on it?

2 Q I'll show you.

3 A Okay.

4 Q What I'm showing you is State's -- this has already
5 been admitted into evidence. This is State's Exhibit 577.
6 This is a U-Haul equipment contract. So what I want to
7 bring your attention to is right here. So it's talking
8 about payment. So card type. Can you see what that says?

9 A Visa.

10 Q It says account and it has the number, but it's "x'd"
11 out. What are the last four digits on the U-Haul
12 contract?

13 A 7461.

14 Q And just one more time, can you read the last four
15 digits on Charles Carmichael's credit card?

16 A 7461.

17 Q Okay.

18 MR. WALTON: Beg the Court's indulgence.

19 (Pause.)

20 BY MR. WALTON:

21 Q What I'm showing you is State's Exhibit 533. We
22 spoke about that. The contents of the --

23 A The wallet, yes.

24 Q And you submitted that for evidence?

25 A Yes, into evidence at the sheriff's department.

1 Q And what are those?

2 A Subitem one was a stain from the front right leg.

3 Subitem two was a stain from the front right leg and item
4 three was a stain from the front left leg.

5 Q I'm passing up what's been previously admitted as
6 State's 547. Do you see that item in this box, which the
7 box is State's Exhibit 547?

8 A Yes. There's a label on this box indicating that
9 item 107 was contained in this box.

10 Q All right. Looking at the evidence and property
11 label, whose pants are those?

12 A All items collected from Charles Jason Carmichael.

13 Q So those are the defendant's pants, correct, because
14 the defendant is Charles Jason Carmichael?

15 A That's what the label indicates.

16 Q For each of those three subitems, did you develop a
17 profile that you could use for comparison?

18 A Yes, I did.

19 Q Did you use the same process that you have already
20 described?

21 A Yes, I did.

22 Q All right. Now, for those three subitems, are we
23 dealing with full or partial DNA profiles?

24 A A full profile.

25 Q In each case?

1 A In each case.

2 Q All right. Do you have any results?

3 A Yes. For the DNA result developed from items 107.1,
4 107.2 and 107.3, they matched Rufus Carmichael.

5 Q So all of those subitems are a match for Rufus
6 Carmichael?

7 A That is correct.

8 Q All right. What is the statistic associated with
9 that result?

10 A Rufus Carmichael is greater than 29 octillion times
11 more likely to be the source of that DNA result than a
12 random unrelated individual.

13 Q And that's for each of the three subitems, 1.1, 1.2
14 and 1.3, correct?

15 A That's correct.

16 Q Now, there's that 29 octillion that we've already
17 talked about a couple times. 29 octillion is larger than
18 the entire population of the earth as of yesterday,
19 correct?

20 A That's correct.

21 Q All right. Now, let's shift gears a little bit.
22 What is item one?

23 A Item one are fingernail scrapings from Charles Jason
24 Carmichael.

25 Q Now, does item one have any subitems?

1 I don't necessarily find my DNA on it.

2 Q All right.

3 A I have to transfer enough DNA for me to detect DNA.

4 Q All right. So then every time that you hold an
5 object or touch an object, you don't necessarily transfer
6 your DNA onto that object?

7 A Not necessarily, no.

8 Q All right. So I could touch this pen, but that
9 doesn't necessarily mean that my DNA profile has to be on
10 the pen?

11 A Correct.

12 Q All right.

13 A So if I just like touch it like that, more than
14 likely, my DNA is not on it. But if I'm holding it,
15 rubbing it with my hands and fiddling around with my
16 fingers, then you increase the probability of DNA being
17 present.

18 Q But if you're holding that item and then you clean
19 that item, again, there is a chance that you completely
20 remove your DNA profile on there if you put it on there to
21 start with?

22 A Correct. I mean, you could clean your pen and might
23 not find your DNA on it even though you probably handled
24 it.

25 Q All right. Now, let's talk about item 1.1. What is

1 item 1.1?

2 A Fingernail scrapings from the left hand of Charles
3 Jason Carmichael.

4 Q So we're dealing with the scrapings from the
5 defendant's left hand?

6 A Correct.

7 Q Was the DNA result developed from item 1.1 a mixture?

8 A It was.

9 Q And so that means you used true allele, correct?

10 A Correct.

11 Q And you calculated the statistic using the same
12 two-step process that you spoke about initially, correct?

13 A Correct.

14 Q And you did the same for the last item?

15 A Correct.

16 Q All right. What was the result as to the DNA --
17 excuse me. What was your result in regards to the DNA
18 profile developed from item -- well, for item 1.1?

19 A Item 1.1 had the DNA from two individuals. One of
20 them, of course, being Charles Carmichael. So if I scrape
21 somebody's fingernails, obviously, I'm scraping the skin
22 under the fingernails and I'm expecting it to be present.
23 But in this case, the fingernail scrapings also contained
24 another individual. And that other individual is strongly
25 indicated to be the DNA of Rufus Carmichael because the

1 statistical value is 39 -- I mean, excuse me,
2 28 sextillion times more likely to be Rufus' DNA profile
3 versus a random person out of the population.

4 Q All right. How many zeros come after 28 sextillion?

5 A Twenty-one.

6 Q So number 28 and 21 zeros?

7 A Correct.

8 Q Is 28 sextillion larger than the entire population of
9 the earth?

10 A Well, 28 sextillion is larger than the entire
11 population of the earth. The entire population of the
12 earth is close to eight billion, so that would be about
13 nine zeros less than that.

14 Q All right. So it is?

15 A Yes.

16 Q All right.

17 Beg the Court's indulgence.

18 (Pause.)

19 MR. HILL: That is all I have for you. Please answer
20 anything the defense has.

21 CROSS-EXAMINATION:

22 BY MR. O'NEIL:

23 Q Good morning, Dr. Barron.

24 A Good morning.

25 Q I'm just a country boy from Marlboro County. I'm

1 MR. O'NEIL: It would be my expectation if the State
2 is finished, only has one witness tomorrow morning, we
3 should be able to close by midday tomorrow.

4 THE COURT: Okay. Depending on how many minutes you
5 add to those 30 and 20 and 15.

6 MR. O'NEIL: Yes, Your Honor. I try to be judicious
7 with my questions. I haven't been typically adding too
8 many questions.

9 THE COURT: All right. Good deal.
10 Be back at 2:00.

11 MR. O'NEIL: Yes, sir.

12 (WHEREUPON, a lunch break was taken.)

13 THE COURT: Bring the jury.

14 MS. CAVANAUGH: Your Honor, before our first witness,
15 I've spoken with Mr. O'Neil, and he has an objection to
16 one of the exhibits that I intend on entering through our
17 first witness. It is part of the download from the
18 victim, Rufus Carmichael's phone. I'll be happy to show
19 you what I'm referring to as I talk about it, Your Honor.

20 So this is -- State's Exhibit 625 is the
21 communication between the defendant -- the text messages
22 and the statements -- excuse me, and the call log between
23 victim, Rufus Carmichael, and the defendant on March 12th,
24 2021, which was the day before his murder.

25 THE COURT: Which numbers are you referring to?

1 MS. CAVANAUGH: Which numbers? Okay. So anything
2 that is outgoing belongs to the victim. Anything that is
3 incoming labeled bruh comes from defendant. So when you
4 asked me which numbers, both their --

5 THE COURT: This number one through 17 or 18.

6 MS. CAVANAUGH: Yes, Your Honor, so the very first
7 text is the larger block, that would be -- can I see? I'm
8 looking --

9 THE COURT: I'm asking what do you object to?

10 MR. O'NEIL: The response from Rufus Carmichael is
11 hearsay.

12 THE COURT: The response from Rufus Carmichael is
13 hearsay?

14 MR. O'NEIL: Yes, Your Honor.

15 THE COURT: Which number is this response?

16 MR. O'NEIL: I don't know.

17 MS. CAVANAUGH: We're trying to find the copy.

18 While we're figuring out which number, Your Honor, my
19 argument is that it falls under the state of mind of the
20 victim rule, the exception to hearsay under 803(3). It
21 clearly references his plan as it relates to dealing with
22 his brother.

23 State V. Griffith is a case that I have to hand up,
24 which deals state of mind of the victim -- excuse me, the
25 intent of the victim at the time falls under 803(3), and I

1 think that's exactly what that text message contains. So
2 that's why we believe it's admissible under the hearsay
3 exception, Your Honor.

4 THE COURT: What's your response, Mr. O'Neil?

5 MR. O'NEIL: Your Honor, that's not the entirety of
6 the victim's conversation here in that one block they're
7 talking about here. He also mentions something about jail
8 being real and not an illusion, which, clearly, doesn't go
9 to any kind of state of mind as to the victim here. I
10 think there's much more in that blurb than just going to
11 his state of mind that would not qualify of any --

12 THE COURT: What do you think would qualify his state
13 of mind?

14 MR. O'NEIL: I'd have to see the whole entire thing,
15 Your Honor.

16 MS. CAVANAUGH: You can read it over here.

17 THE COURT: Let me see the case you're referring to.

18 MR. O'NEIL: Your Honor, the only part of that
19 statement that goes to the victim's state of mind would be
20 the third sentence that says, I love you, bruh, and then
21 the last statement says, Love you, man. None of other
22 statements I think goes to the victim's state of mind.
23 They're all indications of the declarant's statements to
24 the victim what he wants his brother, the defendant, to
25 do.

1 heard it from the witness yesterday.

2 MR. O'NEIL: The witness said the conversation
3 occurred. We're not sure that this is the conversation
4 that she's referring to. Even so, we still need testimony
5 that it actually startled Rufus Carmichael. And even if
6 it did startle Rufus Carmichael, this statement here does
7 not refer to that event.

8 THE COURT: Okay. You're through?

9 MR. O'NEIL: Yes, sir.

10 THE COURT: Okay. Good.

11 I find it's admissible under the rule cited by the --
12 argued by the State, as well, as the -- provides the
13 context of the threatening conversation in response and
14 provides the context for the threats made by the defendant
15 against the life of his brother as testified by the other
16 witness and it satisfies the requirement of admissibility
17 as an exception to the hearsay rule under his existing
18 emotional state of mind in response to the threats made by
19 the defendant according to the testimony, so I am
20 admitting all of it.

21 MR. O'NEIL: Yes, Your Honor.

22 MS. CAVANAUGH: Thank you, Your Honor.

23 THE COURT: Bring the jury.

24 MS. CAVANAUGH: Your Honor, may I have that exhibit
25 back, please?

1 Q And did you actually see the house in that video, the
2 front of the house?

3 A Yes.

4 Q I show you what's marked State's Exhibit 229 that's
5 already been entered, the front of the defendant's house.
6 Is that the house that you saw in that video?

7 A It appears to be, yes.

8 Q What's the next transaction on March the 12th.
9 What's the next transaction?

10 A I have an outgoing call. It doesn't look like it was
11 completed, but an outgoing call from the victim to the
12 defendant. And that was at 6:46:20 a.m. Again, it
13 doesn't appear that call was actually established.

14 Q Moving on down to the first lengthy phone call that
15 you observed, what time of day is that?

16 A I have a four-minute-56-second call at 4:13:16 p.m.
17 on the 12th. That's an incoming call.

18 Q All right. Incoming, so that means the call is
19 coming from who in this case?

20 A From the defendant to the victim.

21 Q Okay. And, again, how long is it?

22 A Duration four minutes 56 seconds.

23 Q And what's it followed up by?

24 A It was followed up by an outgoing call that, again,
25 doesn't appear to be -- typically, when you see a one or

1 two second duration, it's very indicative of it going to
2 the person's voice mail.

3 Q Okay. Going next, what's -- line number seven, what
4 is that?

5 A Line number seven is a text message sent from the
6 victim to the defendant.

7 Q From the victim, who is that in this case?

8 A Say it again.

9 Q From the victim --

10 A From Rufus Carmichael to the defendant, Charles
11 camera.

12 Q Okay. Can you please read the substance -- what time
13 was it sent?

14 A It was sent at 4:24:36 p.m.

15 Q And how long after that is it from that conversation
16 that you refer to that's four minutes and 56 seconds?

17 A Roughly, nine minutes or so.

18 Q Can you please read the substance of the text from
19 Rufus to the defendant?

20 A Sure. It's time for you to take a break again, dog.
21 You're clearly not thinking right at this time. I love
22 you, Bruh. Bye. You're too old to be regressing over and
23 over again.

24 Please Jason, take a break, get your mind right and
25 continue to prosper in life. That's all I have to say.

1 And dog, jail is not an illusion. Your mindset you have
2 right now is the only illusion. I wish you well. Peace.
3 And I'm sure you know you ain't fucking nothing up over
4 here, so just get your mind right, little brother. Love
5 you man.

6 Q So right after that, did the defendant text the
7 victim?

8 A Yes, there's a series of back-to-back messages from
9 the defendant to the victim.

10 Q And do they appear to be in very quick succession?

11 A Yes.

12 Q Can you please read each one, one-by-one?

13 A Yes.

14 Q And before we get started, actually, just so we don't
15 have to do it on each line, all of these messages coming
16 from the defendant you're about to read, eight through 14,
17 what's the span of those messages from start to finish?

18 A A minute 30.

19 Q Go ahead. And read them, please.

20 A Sure. No, the brainwash has stopped. I see clearly
21 now. You be safe. We fight different. I already fucked
22 you up.

23 Do you want me to read the outgoing?

24 Q Yes.

25 A Who's acting like a bitch now? You --

1 Q Hold on. So number 15, outgoing, that's from Rufus
2 to the defendant?

3 A Yes.

4 Q And then what's your 15, 16, 17?

5 A You --

6 Q Well, who're 16 and 17, who are they from?

7 A They are from the defendant to the victim.

8 Q Okay. What do they read?

9 A You chose a sneak attack. And then 18, Ain't nothing
10 sneaky about me. I'm going to end the talking because
11 it's the dope. I love you, little brother.

12 Q All right. Now, it's not contained in this exhibit,
13 but in your report -- does it appear that there's one
14 message that's missing from this exhibit based on the
15 download that you did? You can look at your report for
16 that. And I'll direct your attention to it to help you?

17 A Yes.

18 Q Do you see it?

19 A That I can direct?

20 Q Yeah, you can -- just to give it some context --
21 again, it just didn't make this exhibit, that was my
22 mistake, but after 17, is there another message from the
23 defendant to the victim?

24 A Yes.

25 Q And it's right after he says what?

1 A After he says you. He repeat --

2 Q When you say he, who are you talking about?

3 A So the defendant sends the victim a message that says
4 you, which is going to be line 16, and then he comes back
5 and sends a message where after that says, I came direct.

6 Q The defendant says --

7 A Defendant says, I came direct right after you at
8 4:28:56.

9 Q So that -- then what is that followed up by?

10 A You chose a sneak attack.

11 Q I'm saying it's not in that exhibit, but from your
12 download?

13 A Correct, from my download in my actual parsing, that
14 message was there one hundred percent.

15 Q Can you say that one more time?

16 A I said from --

17 Q No, say the substance of the message?

18 A I came direct.

19 Q And then, finally, what is the last message on
20 March 12th, 2021? Is it outgoing from the victim to the
21 defendant?

22 A Yes.

23 Q What does it say?

24 A Ain't nothing sneaky about me. I'm going to end the
25 talk because it's the dope. I love you, little brother.

1 This is just an example slide.

2 Q Okay. So specific to the timeframe that you were
3 asked to analyze and look at, how many and -- do you refer
4 to the individual calls and/or texts as transactions?

5 A Yes, each of those would be a transaction.

6 Q Okay. For the time period of 3:30 a.m. to 5:30 a.m.,
7 what was the first transaction from the defendant's phone?

8 A Give me a moment.

9 Q Yes.

10 A There was an outgoing voice call at 4:02:49 a.m.

11 Q Outgoing voice call at what time?

12 A 4:02:49 a.m.

13 Q What is the number called at 4:02?

14 A (803) 920-6354.

15 Q Okay. And who is the caller in this particular
16 transaction?

17 A The caller is the defendant.

18 Q I'm going to show you what's been marked as State's
19 Exhibit 621, phone records of Rufus Carmichael, and ask
20 you what number is assigned to Rufus Carmichael?

21 A (803) 203-6354.

22 Q So on March 13, 2021, did the defendant's phone call
23 the victim, Rufus Carmichael's phone?

24 A Yes.

25 Q And what location was the cell phone hitting off of

1 at 4:02 that morning?

2 A The cell site that transaction hit off of was located
3 at 1603 Sunset Boulevard in West Columbia.

4 Q As the crow flies, what's the distance between 1643
5 Sunset Boulevard and 621 Senn Street?

6 A Approximately, six-tenths of a mile.

7 Q Six-tenths of a mile, so half of a mile?

8 A That's correct.

9 Q Your Honor -- well, I'm going to show you what's
10 marked as State's Exhibit 622, is that the map?

11 A Yes.

12 Q And what address is on the right corner?

13 A 621 Senn Street.

14 Q And what address is there?

15 A 1643 Sunset Boulevard.

16 MS. CAVANAUGH: Your Honor, at this time, I'd ask
17 State's Exhibit 622 be admitted into evidence.

18 MR. O'NEIL: No objection.

19 THE COURT: So admitted.

20 (WHEREUPON, State's Exhibit No. 622 was admitted into
21 evidence.)

22 BY MS. CAVANAUGH:

23 Q What is the next -- just to go over what you just
24 said, that phone call at 4:02, where is Senn Street --
25 what is the distance from Senn Street to the cell tower?

1 A The cell tower to 621 Senn Street is about six-tenths
2 of a mile.

3 Q Is that consistent with the defendant's phone being
4 close to 621 Senn Street?

5 A It is consistent with the device being in the area.
6 I don't know where the device was, but based on the sector
7 also that was used, the device was in the West Columbia
8 area.

9 Q Okay. Is this a map of the actual sector from that
10 location?

11 A Yes, ma'am.

12 Q All right. So 621 is within that sector?

13 A 621 Senn Street is in the direction that that sector
14 faces.

15 Q All right. So moving on, what is the next
16 transaction that occurs on this phone?

17 A It's an outgoing voice call at 4:10:38 a.m.

18 Q Outgoing -- okay. And whose number is -- what number
19 is associated with that -- well, first of all, where is
20 the device -- what's the address of the cell tower that
21 device is hitting off at that point?

22 A That cell site is located at 200 Calhoun Street in
23 Columbia.

24 Q Is that Richland County?

25 A It is, yes, ma'am.

1 Q And that is -- how long after that first phone call?

2 A It's about eight minutes.

3 Q Okay. What is -- do you know what number 206-5965
4 belongs to?

5 A I don't. It came back to Verizon.

6 Q Okay. I show you a copy of a U-Haul agreement that's
7 already been admitted into evidence as a business record
8 exception. Okay. Can you -- can you see from there,
9 Ms. Houck?

10 A Yes, ma'am.

11 Q All right. Do you see the name associated with this
12 U-Haul contract?

13 A I do, Jessica Edwards.

14 Q And can you read the number that's listed as her
15 primary phone from the U-Haul contract that's already been
16 admitted into evidence?

17 A (803)206-5965.

18 Q Is that the number you just referred to that was
19 called at 4:10?

20 A It is.

21 Q All right. So that was you said a cell tower in
22 Richland County how many minutes later?

23 A About eight minutes.

24 Q And what was the next transaction, Ms. Houck?

25 A The next transaction was another outgoing voice call

1 to (803) 206-5965.

2 Q Oh, one more question about that first one at 4:10,
3 did that appear to be a completed call?

4 A It was only two seconds, so probably not. If it was
5 forwarded that would have been on the other phone's
6 records.

7 Q What about the next transaction, the third
8 transaction in that period?

9 A It was at 4:11:35 a.m., also, using the same cell
10 site, just a different sector on it.

11 Q Okay. And was that to the same number, you said?

12 A Yes.

13 Q And how long did that call last?

14 A Two seconds.

15 Q What is the significance of a different sector being
16 utilized at this point?

17 A Oftentimes, different sectors are used if there's
18 movement on the device. So if it's moving from one place
19 to another, it will hit on the cell tower as it gets a
20 better signal from another cell site. So if there's
21 movement of a device or if there's just a better signal
22 from another sector on the same cell site, it typically
23 is.

24 Q The fourth transaction in the period that you
25 analyzed, is that to the same number again?

1 A It is, yes.

2 Q And who did we just say that number belonged to?

3 A Jessica Edwards.

4 Q And what cell tower is the device utilizing at that
5 point?

6 A The cell site for that transaction is located at 1031
7 Elmwood Avenue in Columbia.

8 Q Did you -- as part of your analysis, did you look at
9 the distance between the cell phone locations and our
10 incident location?

11 A Some of them, yes.

12 Q Okay. Did you do it for this particular transaction?

13 A Not for this one, no, ma'am.

14 Q Okay. In your report that you created for this --
15 not the PowerPoint, but in your report, does it have
16 distances?

17 A Yes, ma'am.

18 Q Would that help --

19 A Yes.

20 Q -- refresh your recollection of the distance from the
21 incident location?

22 A Yes, ma'am. This cell site, the location of it is
23 approximately 4.1 miles from the incident location.

24 Q Okay. In the previous one that we just talked about,
25 what is the distance from that cell tower to the crime

1 scene in our case?

2 A It's approximately five miles.

3 Q And before that?

4 A The one in West Columbia is approximately seven miles
5 in a direct line.

6 Q Okay. So as the -- how is the device moving as we
7 are getting further past 4:02 to 4:10 and 4:11?

8 A As the time goes on, the cell sites being used are
9 coming out of Lexington County into Richland County, in
10 Columbia.

11 Q Are they traveling closer to the interesting of
12 Malcom and McCaw Drive?

13 A The cell sites that are used later are closer to this
14 location, yes.

15 Q Okay. And as far as the incident location to 5757
16 Koon Road, approximately what's the distance between those
17 two locations?

18 A From the incident location?

19 Q To Koon Road, did you --

20 A I don't know.

21 Q Okay. Before we move on to that -- what time is the
22 next transaction?

23 A The next transaction is at 4:16:26 a.m. It's another
24 outgoing voice call to the same (803)260-5695 number.

25 Q Jessica Edwards?

1 A Yes, ma'am.

2 Q And what time of day is that?

3 A At 4:16 a.m.

4 Q And what location is that cell tower?

5 A That cell site is located at 3315 Two Notch Road in
6 Columbia.

7 Q And how far away is that cell tower to the incident
8 location?

9 A It's approximately one mile.

10 Q All right. I'm going to show you what's marked as
11 State's Exhibit 624 and ask you if you can read out the --
12 well, what is that of?

13 A It's a map.

14 Q Of what?

15 A Of the incident location, the last cell site used at
16 4:16 at 5757 Koon Road.

17 MS. CAVANAUGH: Your Honor, at this time, I'd ask
18 that State's Exhibit 624 be entered into evidence?

19 MR. O'NEIL: No objection, Your Honor.

20 THE COURT: It's admitted.

21 (WHEREUPON, State's Exhibit No. 624 was admitted into
22 evidence.)

23 BY MS. CAVANAUGH:

24 Q So this transaction, is it moving further into
25 Richland County from Lexington?

1 A The cell site is located, yes, further from
2 Lexington.

3 Q Okay. So as far as the -- we're talking 4:16 still.
4 Where is the cell tower located again?

5 A At 3315 Two Notch Road.

6 Q So right here?

7 A Yes, ma'am, where the pin is.

8 Q The pin, okay. And going back to your PowerPoint, is
9 this the intersection? That corner right there, is that
10 where -- what is that?

11 A The vertex of that pie shape is where the cell site
12 is actually located.

13 Q And --

14 A That's 3315 Two Notch Road.

15 Q Based on State's Exhibit 624, is 5757 Koon Road close
16 to that particular -- I mean, is it -- what can you say
17 about 5757 Koon Road as it relates to 3315 Two Notch Road?

18 A 5757 Koon Road is approximately 1.2 miles from the --
19 where the cell site is actually located on Two Notch Road.

20 Q Okay. After, of course, that transaction you just
21 referred to -- and, again, what type of call is that?

22 A It was an outgoing voice call.

23 Q And to what number?

24 A (803)206-5965.

25 Q Did it appear to be completed?

1 A It was only two seconds, so likely not.

2 Q Now, with text messages, can you actually determine
3 where the device -- like with text messages -- do the call
4 detail records give you location of a device from text
5 records?

6 A In Verizon records, we don't get any type of cell
7 site information from text messages.

8 Q After this text message is sent -- let's see.
9 Between -- did you analyze the phone records between Rufus
10 Carmichael and the defendant for the period of March 12th
11 through March 13th?

12 A Yes.

13 Q Okay. And going down to March 13th, 2021, what is
14 that again? What is that phone call? You've already
15 discussed that phone call.

16 A March 13th, 2021?

17 Q Yes.

18 A 4:02 a.m. It's an outgoing phone call.

19 Q To who?

20 A To Rufus Carmichael.

21 Q And that's the transaction you've already testified
22 to at beginning as far as where cell site location was?

23 A Yes.

24 Q And where was that again?

25 A It was in west Columbia off Sunset Boulevard at 1643

1 Sunset Boulevard.

2 Q Did you also look at -- what does this depict?

3 A These are voice transactions between (864)200-1606
4 and (803)920-6354.

5 Q Okay. Going back to the locations, what did the --
6 after the text at 5:06, what was the next time you were
7 able to determine the device -- where was the device
8 hitting off of after 5:06 -- excuse me, after 4:16?

9 A At the next transaction, it was hitting off of a cell
10 site located on Fairfield Road in Richland County.

11 Q Okay. And what time was that?

12 A I can look in my notes.

13 Q Yes.

14 A It was at 6:16 a.m.

15 Q So from 4:16 to -- there's a gap between -- is there
16 a gap between 4:16 and 5:06?

17 A Of phone use, yes.

18 Q And then at 5:06, are you able to determine a
19 location?

20 A No.

21 Q When is the next time you're able to determine
22 location of the device?

23 A At 6:16 a.m.

24 Q And where is that tower located?

25 A It's located at 6407 Fairfield Road.

1 Q Okay. What number is he calling then or excuse me
2 what phone is associated with 6:16, that transaction at
3 6:16?

4 A The same 803 -- I'm sorry, (803)206-5965.

5 Q Is that Jessica Edwards' --

6 A It is.

7 Q -- telephone? After 6:16 a.m., does the cell phone
8 appear to be moving?

9 A The cell phone uses two different cell sites after
10 that time. However, both of the cell sites are located on
11 the same physical tower located at 6407 Fairfield Road.

12 Q And where is that in Richland County? Where is
13 Fairfield Road? Where is that address? Is it in Richland
14 County?

15 A It is in Richland County, it is in Columbia, yes.

16 Q How close is it to the defendant's residence?

17 A I am not sure.

18 Q Okay. Up until 3:00 p.m. on the afternoon of
19 March 13th, 2021, does the defendant's phone ever hit off
20 a different location?

21 A No, it hits off of the cell sites located at 6407
22 Fairfield Road.

23 Q So based on your analysis of this phone from
24 3:30 a.m. -- of the phone records from 3:30 a.m. to
25 5:30 a.m. on March 13th, 2021, what are you able to say as

1 far as the movement of the device?

2 A The device used on the number was consistent with the
3 device being in the West Columbia area and moving towards
4 Richland County, into Richland County into Columbia up
5 towards the area that the last cell site at 4:16 was used
6 on Two Notch Road.

7 Q Okay. And is the phone -- are the cell towers
8 getting close and closer to the intersection of Malcom and
9 McCaw Drive?

10 A They are.

11 Q And one more time, let me show you a map of 624 --
12 it's admitted as State's 624, can you point out at
13 4:16 where is that cell tower located?

14 A The cell site used is right here at 3315 Two Notch
15 Road.

16 Q And do you see 5757 Koon Road on that map?

17 A I do.

18 Q As well as Malcom Drive and McCaw Road?

19 A I do.

20 Q At 5:06, you're able to determine his location?

21 A At 5:06, no, it was a text message with no cell site
22 location information.

23 Q And the next transaction is not until when?

24 A 6:16 a.m. is the next transaction that has cell site
25 location information available.

1 particle lift and then we compile our results for the
2 final result.

3 Q And let's go test by test. Can you walk through the
4 particle test that you received?

5 A Yes, sir.

6 Q So item three, the first hit, the first particle
7 lift?

8 A So item three, the first particle lift that I
9 analyzed was from the driver's interior door. The
10 instrument, when it analyzed it and scanned over it, it
11 flagged one particle that said it might be GSR. I then
12 looked at that particle and confirmed that that particle
13 lift did have one particle of gunshot residue on it.

14 Q How about item number four?

15 A The rest of item three?

16 Q Yeah, actually, let's do that. Driver's side
17 headliner?

18 A So item three, driver's headliner, the instruments
19 scanned the particle lift and it determined there were 31
20 potential gunshot residue particles on that particle lift.
21 I then confirmed four of those particles as GSR.

22 Q And how many do you need -- like, is there a certain
23 number you have to hit that you're looking for when you're
24 performing this portion of the analysis?

25 A In order for us to report that a multiple or

1 particles of gunshot residue were found, we have to
2 confirm two particles of gunshot residue.

3 Q And why -- you said there were 31 hits, why did you
4 only confirm four?

5 A I did not need to confirm 31, so I just did a
6 representative sample and confirmed four.

7 Q Let's switch to item number four, the passenger's
8 interior door?

9 A On the passenger's interior door, the microscope hit
10 on 23 potential GSR particles and I confirmed four of
11 those particles.

12 Q And how about the passenger headliner?

13 A On the passenger headliner, there were 14 potential
14 hits from the instrument and I confirmed five of those
15 particles.

16 Q Okay. So based on the analysis, did you formulate an
17 opinion based on this case?

18 A I did.

19 Q And what is that opinion?

20 A That particles characteristic of primer gunshot
21 residue were found on the samples submitted from the
22 U-Haul.

23 Q And furthermore, do you have an opinion as to where a
24 gunshot took place in this case?

25 A Normally, with gunshot residue kits, we are analyzing

1 for presence or absence. They want to know if the person
2 potentially fired a weapon or was a weapon possibly fired
3 in this area.

4 With vehicles, there's two different lines of
5 collection that officers will do. If you have a suspect
6 discharge a firearm, get in a vehicle and elude the
7 police, they then capture him later, him or her. They
8 will collect samples because the gun was not discharged in
9 that vehicle, so they'll collect samples from the driver
10 door handle, the steering wheel and the gearshift because
11 we're looking to see potential areas that person may have
12 touched to have transferred that GSR to. In those cases,
13 we look at those specific transfer areas.

14 In this case, they were submitted from different
15 areas inside the car to determine if potentially a gun was
16 fired from within that vehicle. Since it was found on the
17 headliner of the vehicle, that is consistent in my opinion
18 with a gun being discharged from within that vehicle or a
19 gun beside placed into the vehicle and discharged.

20 The only two ways an inanimate object is going to
21 have gunshot residue on it is from transfer or from the
22 discharge of a firearm. And transfer to a headliner from
23 a person is not likely.

24 Q Okay. And just to be clear, you're not saying --
25 you're not able to say when this gun was shot or who shot

1 THE COURT: So qualified.

2 BY MR. HILL:

3 Q Dr. Durso, do you have a copy of your report?

4 A I do.

5 Q Did you perform an autopsy on Ashli Haigler back on
6 March 14th, 2021?

7 A Yes, I did.

8 Q How old was Ashli at the time?

9 A She was 28 years old.

10 Q Now, in your autopsy, did you notice any gunshot
11 wounds on Ashli's person?

12 A Yes. So we started out looking at the outside of the
13 body and there were clearly two gunshot wound entrances on
14 her. Do you want me to --

15 Q No, it's, okay. So there were two gunshot wound
16 entrances. Now, as part of your autopsy did you create a
17 diagram noting those two gunshot wounds on Ashli's person?

18 A Yes, so we had these kind of generic adult male,
19 female diagrams. I use that to take notes and document
20 approximately where the gunshot wounds are.

21 Q I'm passing up what's been previously marked as
22 State's 572. Dr. Durso, what is 572?

23 A It's a very large copy of my diagram from the autopsy
24 on Ashli Haigler.

25 Q And is this, even though it's enlarged, is it still

1 fair and accurate?

2 A Yes.

3 MR. HILL: Your Honor, at this time, I'm asking
4 State's 572 be admitted into the record.

5 MR. O'NEIL: No objection, Your Honor.

6 THE COURT: It's admitted.

7 (WHEREUPON, State's Exhibit No. 572 was admitted into
8 evidence.)

9 BY MR. HILL:

10 Q All right. So, again, this is a diagram that you
11 made yourself of your autopsy of Ashli Haigler?

12 A Yes.

13 Q Now, you said -- well, looking at the diagram, there
14 is something called GSW-A under the left breast, and then
15 below that there's something called GSW-B. What are
16 those?

17 A So those are both gunshot wounds. When I see a
18 gunshot wound, I just label it with the next letter in the
19 alphabet, so it doesn't mean the order that they go in.
20 Both of those are entrance wounds, and I can tell that
21 because when a projectile goes into the skin, it drags the
22 skin for just a split second and causes what we call an
23 abrasion collar. So I can tell that those were entrance
24 wounds. And on top of that, there were no exit wounds and
25 there were two projectiles we were able to recover from

1 the body at autopsy.

2 Q All right. In terms of gunshot wound A labeled on
3 the diagram, were you able to determine a range for that
4 gunshot wound?

5 A Right, so the things we look for on range are soot
6 and stippling. Soot is usually within six inches or so, a
7 very close gunshot wound. Stippling is the gun powder
8 actually abrading the skin. It's a little further out.
9 So if we don't have either of those.

10 Usually, it's at least two feet away. On the other
11 hand, if it goes through something like thick clothing or
12 a car door or a door in general, that can block the
13 stippling.

14 So in this case, I just put indeterminate because I
15 wasn't at the scene to know if it went through something.
16 If I didn't know it went through anything, I would say
17 it's, at least, two feet away.

18 Q Can you speak to the internal injuries that Ashli
19 sustained as a result of gunshot wound A?

20 A Yes, so gunshot wound A goes in the left lower chest
21 there, just below the breast, as you can see. It
22 fractures that rib, that seventh rib on that side. It
23 then goes through the diaphragm into the abdominal cavity,
24 hits the stomach, goes back to the diaphragm.

25 It hits the heart, the left ventricle of the heart,

1 the big thick part of the heart that pumps blood through
2 the entire body, and then it hits the left lower and upper
3 lobes of the lungs, and then it hits the aorta within the
4 chest cavity.

5 So after your heart, there's a large vessel about
6 this big, if you can put your hands in a loop, and it's
7 under high pressure and it comes off the heart and
8 branches off, but this part that got hit is bringing all
9 the blood supply to the lower body and that got perforated
10 by the projectile. It then hit her esophagus. And I was
11 able to recover the projectile from just near her, before
12 her vertebral body, so near her spine. The spine had
13 stopped it.

14 And so this going through the heart and aorta, this
15 is a fatal wound. This is not survivable. Usually -- so
16 the bleeding is accumulating in her left chest cavity,
17 there's almost two liters of blood in her left chest
18 cavity, so you can picture a soda two liter, so the bottle
19 is a little bit less than that of blood that is pouring
20 out of her heart and her aorta and surrounding her left
21 lung, so her lung couldn't even inflate.

22 So she's not going to survive for very long at all.
23 And it was going from left to right. It's going very
24 slightly upwards and very slightly front to back, but,
25 primarily, it's going from left to right.

1 Q All right. Let's talk about the blood that you found
2 in her chest cavity. How many liters did you say that
3 was?

4 A About 1.7, so a little less than two liters.

5 Q All right. Given the injuries that Ashli sustained
6 and the fact that there are no exiting gunshot wounds,
7 would you expect there to be a lot of blood at the crime
8 scene?

9 A She bled a lot internally, so I would expect some
10 blood, but not necessarily a lot. It kind of depends on
11 which way she was facing. So if she was kind of leaning
12 down, the blood could have poured out through that hole,
13 but if she was on her, the blood would just pool in her
14 chest cavity. So it depends.

15 Q All right. Let's say that she was leaning over the
16 center console of the car in the front driver's seat,
17 leaning away from the front driver window. If she was
18 leaning over like that, slightly back, would you expect
19 the same results about the blood being in her chest cavity
20 and not a lot outside of her person as you found here?

21 A Correct, so that would mean it would stay more in the
22 chest cavity because at that point, after she's dead, it's
23 just gravity that's going to have the blood pour out. So
24 if she's leaning away from where that gunshot wound is,
25 which is on the left side, there probably wouldn't be as

1 much blood.

2 Q Now, it sounded like you were able to follow or
3 determine the path of the bullet. Is that what trajectory
4 is called?

5 A Yes.

6 Q And would you able -- I think you've already spoken
7 to the trajectory of the bullet. Would remind us what
8 that is?

9 A So it's primarily going from left to right, but it's
10 also going slightly upwards, so slightly up into her chest
11 and, also, slightly front to back, so a little bit towards
12 the back, as well.

13 Q All right. So, again, if Ashli was in the driver's
14 seat of a truck leaning slightly back and then onto a
15 center console facing away from the driver door, kind of
16 near the gear shift, is the trajectory that she would --
17 would you expect the same trajectory that you got in this
18 case?

19 A Yes. So if she's leaning away from the gun, if it's
20 coming from the left side, then, yeah, it would cause it
21 to go upwards. Most people don't lean towards the gun,
22 they lean away from the gun.

23 Q Because you have that startled reflex, right?

24 A Right.

25 Q Let's talk about gunshot wound being noted on the

1 diagram, could you tell me about the range and whether or
2 not there was an exiting wound for that wound?

3 A So the gunshot wound enters the left side of the
4 abdomen. It's an entrance wound. There is no exit. We
5 recovered the projectile. So after it goes into the
6 abdomen area, there's no soot or stippling, so I can't
7 determine a range unless I know it didn't go through
8 something else.

9 It hits the large and small bowel, so it hits her
10 intestines. It hits the major muscle in the lower back
11 next to the spine called the soleus muscle. And then
12 we're actually able to recover the projectile from just
13 below the skin of her left lower back. And so that one is
14 going the same trajectory as the last one, left to right,
15 slightly upwards and front to back.

16 Q And given that is the same trajectory, that would
17 still be consistent with Ashli being in that slumped
18 backwards and over the center console position?

19 A Yes.

20 Q All right. Passing up what's been previously marked
21 as State's Exhibit 106, which has also been shown to the
22 defense. As part of an autopsy, do you take photos?

23 A I do not personally take photos, but I direct --
24 whenever the law enforcement agency and the coroner's
25 office to take photos that I think are necessary.

1 Q And are photos also taken of any projectiles that you
2 recover?

3 A Yes.

4 Q And then the photos are, also, of course, of the
5 wounds that are sustained?

6 A Correct.

7 Q And do you use x-rays when you perform an autopsy?

8 A Every time there's a gunshot wound, homicide case, we
9 x-ray the areas to look for the projectiles before we even
10 open the body to make sure we don't miss anything.

11 Q And would photographs have been taken of those
12 actions?

13 A Yes.

14 Q This is State's 1 to 6, Dr. Durso. Go ahead and take
15 a look at those and let me know if you recognize them.

16 A Yes, so these are all photos taken from when I did
17 the autopsy, during the time of autopsy on Ashli Haigler
18 on March 14th, 2021.

19 MR. HILL: Your Honor, at this time, I'm asking
20 State's 1 through six be admitted into evidence?

21 MR. O'NEIL: No objection.

22 THE COURT: They're admitted.

23 (WHEREUPON, State's Exhibit Nos. 1 through 6 were
24 admitted into evidence.)
25

1 BY MR. HILL:

2 Q Dr. Durso, you can hold onto those physical copies.
3 It might be easier for you to see. I'm going to pull up
4 digital copies on the smart board. What is State's 1?

5 A So this is a picture of the projectiles that were
6 recovered from Ashli Haigler's body at autopsy. So the
7 one on your left that says projectile from chest is the
8 one from gunshot wound A that we recovered from near the
9 spine. And then, the one on your right that says
10 projectile from back is from the entrance wound labeled
11 gunshot wound B, and that was recovered from just below
12 the skin of the left back.

13 Q So A is on the left side of the photo, B is on right
14 side?

15 A Correct.

16 Q State's Exhibit 2, what am I looking at?

17 A So this is an x-ray we did of the chest before the
18 autopsy and this shows -- front to back x-ray of the chest
19 and it shows the projectile there, which is a little left
20 of the spine, and that is the bullet that we recovered.

21 Q Now, that is the one that you said -- and I think you
22 said this, so correct me if I'm wrong, would be fatal no
23 matter what?

24 A Correct, because it hits both the heart and the
25 aorta. Even one of those would be fatal, but it's very, I

1 A Yes, there was a Michelle Seay from Richland County
2 Sheriff's Office there, and there was also the corner
3 from -- that called in the case was there.

4 Q How old was Rufus at the time of his -- well, first
5 of all, what was his manner of -- did you determine a
6 manner of death?

7 A I did.

8 Q And what was the manner of death?

9 A I determined it to be homicide.

10 Q Okay. And what were the nature of his injuries?

11 A He had sustained three gunshot wounds. Do you want
12 me to go through them, describe them?

13 Q Just describe the location right now and then we'll
14 come back to them.

15 A He had one on his back that exited his body and
16 reentered his arm. He had one on the right cheek and one
17 on the left cheek.

18 Q How old was the victim at the time of his death?

19 A Forty-eight.

20 Q And how tall was he?

21 A I call it length because one someone is on the table
22 and you're measuring them, it's never the same as height,
23 so he was 5'3" I believe, let me look. He was 62 and one
24 half-inch.

25 Q Okay. And how much did he weigh?

1 A He weighed approximately 230 pounds.

2 Q At the time you performed your autopsy, was anything
3 coming out of his mouth?

4 A Vomit. A lot of times, we get that mixed with blood.

5 Q Does that sometimes -- I mean, why would he have
6 vomit coming out of his mouth as a result of these gunshot
7 wounds?

8 A Yes, when people die, sometimes your body gets
9 dis-regulated, you know. The normal processes that we
10 take for granted no longer are functioning. So all manner
11 or sorts of things can happen. Every bodily function that
12 you have and you have control of can happen and they just
13 don't have control of it.

14 Q Were all three gunshot wounds that the victim
15 sustained, were they all fatal?

16 A No. Two were fatal. Two would have -- either one of
17 them would have killed him and killed him quickly. And
18 the other was -- he could have survived had he gotten to
19 the hospital and had medical care.

20 Q Okay. And which one was the one that was nonfatal?

21 A It was the one to his back. Do you have a diagram?

22 Q Yes, I do. I show you what's marked as State's
23 Exhibit 591 and 592 and ask if you recognize these
24 diagrams?

25 A I do. Those are blown-up diagrams that I made during

1 the autopsy.

2 MS. CAVANAUGH: Your Honor, at this time, I'd ask
3 that State's 591 and 592 be admitted into evidence?

4 MR. O'NEIL: No objection.

5 THE COURT: They're admitted.

6 (WHEREUPON, State's Exhibit Nos. 591 and 592 were
7 admitted into evidence.)

8 BY MS. CAVANAUGH:

9 Q Were photographs also taken during the autopsy?

10 A Yes.

11 (WHEREUPON, State's Exhibits Nos. 629 THROUGH 633
12 were marked for identification only.)

13 BY MS. CAVANAUGH:

14 Q I'm going to ask you to also look at these
15 photographs, State's Exhibit 629 through 633, and ask if
16 you recognize those, as well.

17 A I do. These are photos that were taken during the
18 course of the autopsy.

19 MS. CAVANAUGH: Your Honor, at this time, I'd ask
20 State's Exhibit 629 through 633 be admitted into evidence.

21 MR. O'NEIL: No objection.

22 THE COURT: They're admitted.

23 (WHEREUPON, State's Exhibit Nos. 629 through 633 were
24 admitted into evidence.)

25

1 BY MS. CAVANAUGH:

2 Q Going to the diagram first, Dr. Rose, you were
3 discussing the gunshot wound to the back. What were you
4 able to -- well, first of all, the timing of these
5 injuries. Are you able to time any of these gunshot
6 wounds?

7 A I am by virtue of -- so you had this one on the back
8 and the two on the face. Either one of the ones on the
9 face would have been instantly incapacitating and there
10 would have been no need for this shot. This shot here on
11 the back went -- am I allowed to stand up, come down.

12 Q Yes, you are.

13 THE COURT: Yes.

14 THE WITNESS: Can I step down?

15 MS. CAVANAUGH: Yes, you can.

16 THE WITNESS: The one on the back went in and this
17 looks a little -- it went in, it came out, it went back in
18 and then it came out here. And that is only possible if
19 his arm was like this. But it only got the soft tissue of
20 the back and the bone in the arm. You can survive that.
21 So that's what happened with -- so, that would have been
22 the first shot that occurred.

23 BY MS. CAVANAUGH:

24 Q Okay. So you were just discussing trajectory; is
25 that right?

1 A Yes, direction.

2 Q Okay. I'm going to ask you to look at State's
3 Exhibit 633, and what is that a picture of?

4 A This is a trajectory rod, that's what they call them.
5 And this is a picture we took showing how that wound
6 occurred. It went in the back, came out kind of on the
7 side, and then went through the arm and came out. And the
8 only way for that to happen is in this -- in a position
9 similar to this, but standing upright. Can y'all see
10 that?

11 Q If someone was attempting to get out of the vehicle
12 at the time that they were shot, could this trajectory be
13 consistent with that?

14 A Yes.

15 Q And you were talking about how you could tell the
16 timing of -- that the nonfatal wound was prior to the
17 fatal wound?

18 A Uh-huh.

19 Q And were the nature of the injury that he suffered
20 from the nonfatal wound part of that determination?

21 A Somewhat. They just were not fatal -- they were not
22 instantly fatal wounds and he seemed -- with his health
23 status, he could have made it to the hospital and survived
24 that. It was more based on the type of wounds from the
25 other two gunshots.

1 Q Okay. Okay. I understand what you're saying. I was
2 trying to help us understand how you were able to
3 determine the timing and that was first.

4 As far as range of that gunshot wound, were you able
5 to make a determination of the range of the gunshot wound?

6 A I was not.

7 Q And so why were you not able to do that?

8 A With gunshot wounds, you can determine range if you
9 see gunpowder, gunshot residue, that's really about the
10 only trick that we have to be able to give range. And
11 I'll explain that. I'm not sure if you've already had
12 this explained or not.

13 So when the -- a gun is fired and a bullet exits the
14 barrel, some of the gunpowder comes with it, and some of
15 it is completely burned up and turns to ash, basically,
16 and we call that soot. And then other flakes of gunpowder
17 don't completely burn up and they kind of stay intact and
18 they'll hit the skin and they'll cause little spots. They
19 look like pepper.

20 They're really little abrasions, like, scratches.
21 Those are heavier and travel further. So to get the soot,
22 which is the gunshot -- or the gunpowder that's been
23 completely burned up on your skin, you have to be pretty
24 close. The little abrasions from the gunshot powder that
25 we called stippling, you can be a little further away.

1 So if you see a muzzle imprint on someone, that's a
2 contact wound. That's the closest wound. If you see
3 soot, that's a close range. If you see stippling, which
4 is the little pepper abrasions, we call that an
5 intermediate range gunshot.

6 Now, if you don't see any of that, we call it
7 indeterminate or distant. And in this case, I saw
8 nothing, no soot, no stippling. So I called it
9 indeterminate because sometimes clothing or objects can
10 get in the way of the gunshot residue. Until I know the
11 whole story, I won't know that it's truly a distant wound.

12 Q If somebody has a shirt on, does that play into it,
13 as well?

14 A Yeah, clothing is the main issue with determining if
15 there was soot or not.

16 Q And stippling, is that usually referred to as an
17 indeterminate --

18 A Intermediate.

19 Q Intermediate.

20 A It's kind of like medium, so close, medium and far.

21 Q Typically, is there a number of inches that's
22 associated with indeterminate -- excuse me, intermediate?

23 A They've chosen the words for me. Well, close range
24 is within a foot, you'll get soot. Intermediate or medium
25 range is a couple of feet, no further than three feet, but

1 up to three feet.

2 Q Okay. But less than -- could be with less than
3 three feet, as well, right?

4 A Oh, yeah. If you don't see soot, it's anywhere from
5 like a foot to three feet.

6 Q Now, what about blood loss from that particular
7 wound, would you expect significant blood loss from that
8 -- the nonfatal wound?

9 A He could have bled from his arm some, but no, it
10 didn't get an aorta. It didn't get a big artery. It
11 didn't get a big vein. It went through fat. Fat doesn't
12 have a lot of blood supply, so, no.

13 Q All right. So moving on to the fatal wounds, can you
14 please -- did you give each particular wound a letter
15 assigned?

16 A Yes, so when I'm doing an autopsy, I will give them
17 letters just to keep it straight when I am dictating or
18 describing. So A is the gunshot on the right cheek. B is
19 the gunshot on the left cheek.

20 Q Okay. So let's start with gunshot wound A. What
21 side of the victim's cheek is this?

22 A That's the right.

23 Q All right. So I'm going to show you what's marked --
24 and is it his right? His right?

25 A Yes, his right.

1 Q All right. I'm going to show you what's marked as
2 State's Exhibit 621 -- excuse me, 629 and 631, and ask are
3 those pictures of gunshot wound A?

4 A Yes.

5 Q Okay. Back to -- so how did you -- were you able to
6 determine trajectory of this gunshot wound?

7 A I was.

8 Q And what was it?

9 A It went right to left, down and back, so it went like
10 this (indicating).

11 Q Where did the bullet land?

12 A Right here in the trapezius muscle, the one you can
13 raise your shoulder with. It went through the bones here
14 through the back of his mouth, that region, into the
15 muscles of his neck, all the way down -- went through the
16 oropharynx, which is the back of his mouth, went through
17 his spine, see at cervical vertebrae number two, so high
18 up in the spine. It went through the spinal cord, it then
19 went into the muscles of his neck and then ended in the
20 muscle right here.

21 Q Did you collect the bullet from his body?

22 A Yes, I did.

23 Q And did you turn that over to the sheriff's
24 department?

25 A Yes, I did.

1 Q What is the impact -- what is the consequence, what
2 is impact of the trajectory and the bullet hitting the
3 vertebrae and everything else you just described?

4 A He would have lost sensation below the neck. He
5 would have lost the ability to move. He would have been a
6 quadraplegic. It would have also affected part of his
7 nervous system that is involuntary. So, you know, there
8 are muscles that we can move and there's things that
9 happen in our body that we don't have to think about, such
10 as your pulse. So it would have not stopped it, but it
11 would have affected it. So he would have gone into what
12 we would call neurogenic shock. Your blood pressure
13 gets nuts, his pulse, his heartbeat would have been
14 irregular. We just lose temperature regulation. It
15 really messes them up.

16 Q Okay. Immediately after suffering that gunshot wound
17 A, would he have been able to make any sort of purposeful
18 movement?

19 A No, maybe blink his eyes.

20 Q Would he have been able to walk?

21 A No.

22 Q Were you able to determine a range on that shot?

23 A I was. In this case, there was stippling, so I was
24 able to say it was that medium range or intermediate
25 range. So it was, you know, anywhere from nine inches to

1 incident. It was [REDACTED] R.C. [REDACTED] a little
2 five-year-old that was there, and he -- I attribute that
3 to him, even though he was probably one of the bravest
4 little boys I've ever seen in my life.

5 Q Right. But was he able to -- I mean, the neighbors
6 for whatever reason didn't call until when?

7 A Until somebody spotted him walking back and forth up
8 and down the street. He was trying to get some help there
9 for his mother.

10 Q Okay. So the 9-1-1 call came in at 5:12?

11 A Correct.

12 Q All right. Did you arrive on scene?

13 A I did.

14 Q Did you observe the victim in the truck?

15 A I did.

16 Q All right. At the time you observed her, did you
17 notice what gear the truck was in?

18 A It was in reverse.

19 Q How was her foot positioned?

20 A It was on the brake.

21 Q Did you go further down the road -- is there a dead
22 end in front of where her truck was?

23 A Yes.

24 Q Like facing?

25 A Yes, it's basically -- it's almost like a -- it's

1 almost like a cul-de-sac, but there's not a house at the
2 end of the road. It just runs into the woods. There's a
3 house on the left and on the right side of the roadway
4 there, but it was a little bit further down from where the
5 truck was that I observed shell casings in the middle of
6 the road.

7 Q Okay. So that -- in relation to where her truck was,
8 were the shell casings like right in front of the truck or
9 how far -- I mean, approximately -- were they further down
10 the road?

11 A They were further down the road.

12 Q Okay. And where in reference to the dead end?

13 A Almost close to the end of the road there.

14 Q Okay.

15 A But in a straight line or perpendicular, however you
16 want to call it, but it was like a straight line from
17 where the vehicle was at.

18 Q Okay. What else did you observe? Did you go towards
19 the dead end?

20 A I did.

21 Q What else did you observe down there?

22 A As I walked down the roadway, I noticed -- because it
23 was early in the morning, I was able to see what I deemed
24 to be tire tracks in the yard of the house that the truck
25 was in front of.

1 In other words, there was a driveway. If you're
2 facing the end of the dead end, the house is to the left.
3 There's a driveway that's a little bit further down and
4 there's a grass yard, side yard area. And in that side
5 yard area, I saw impressions of tire tracks.

6 Q Okay. Go ahead.

7 A And they seem to -- in my opinion, they seem to run
8 off the road into the grass and then back onto the road,
9 so it's like somebody was making a U-turn and used part of
10 the grass from where the house is.

11 Q What time of day was this?

12 A It was early in the morning.

13 Q Was there still dew on the ground?

14 A There was.

15 Q All right. Was seeing the shell casings near the
16 tire tracks, the tread marks, the tire marks that you just
17 mentioned, the tire impressions, was that significant to
18 you at all?

19 A It was.

20 Q Why?

21 A It would indicate that's where the gun was fired, in
22 my opinion. I'm not a firearms expert, but I do carry a
23 gun. I have to qualify with it. And I know that just by
24 using the gun, qualifying with it, that once you use -- or
25 once you pull the trigger, there's a shell that ejects

1 from the gun and it -- it won't travel a great distance.

2 It will travel, but it's usually within the immediate area
3 of where the gun was shot.

4 Q Where Ashli's vehicle was located, what was right
5 next to it?

6 A Pampas grass. I believe that's what they call it.

7 Q All right. Was the area around the Pampas grass
8 searched?

9 A It was.

10 Q Was anything of evidentiary value located there?

11 A Not to my knowledge.

12 Q Going back to the truck, who was registered to that
13 Toyota truck that Ashli was shot in?

14 A Rufus Carmichael.

15 Q All right. When you arrived on the scene, where was
16 **R.C.** Martin located at?

17 A He was located in Deputy Davis' vehicle, in the
18 backseat.

19 Q While you were still at the crime scene, did you
20 speak to anyone?

21 A I did.

22 Q Who did you -- you don't have to go into what you
23 said, but who did you speak to?

24 A I spoke to Tiara Haigler. I spoke with Rachel
25 Alston. They're both related to Ashli Haigler.

1 Q Okay. During your interview, did he tell you who
2 shot his mom?

3 A He did.

4 Q Who was that?

5 MR. O'NEIL: Objection, Your Honor, hearsay.

6 THE COURT: Overruled. It's in the record already.

7 THE WITNESS: His Uncle Jason.

8 BY MS. CAVANAUGH:

9 Q And throughout that interview, did he ever waiver on
10 who he believed shot his mom?

11 A Never.

12 Q After that interview was over -- well, let me ask you
13 this, while you were interviewing [REDACTED] R.C. were other
14 investigators interviewing anyone else?

15 A Yes.

16 Q And who?

17 A Tiara Haigler was being interviewed and so was
18 Ms. Rachel Alston.

19 Q Were they -- when investigators are interviewing
20 different witnesses, are they separated?

21 A They are.

22 Q After these interviews were finished, what was the
23 next step in your -- that you completed?

24 A After the conducting of the interviews, I requested
25 the camera from Mr. Carey Shealey, who runs Statewide

1 Security, and that camera was located at Pine Straw and
2 Two Notch Road. I simply sent him an email and he
3 responded back to me immediately. It was shortly that we
4 got that video footage.

5 Q Okay. Was that footage significant to your
6 investigation?

7 A Yes, it was.

8 Q All right. I'm going to show you what's already been
9 admitted as State's Exhibit 8. You mentioned that cameras
10 come from the intersection of -- you said Pineview?

11 A Pine Straw.

12 Q Pine Straw and what road?

13 A Two Notch Road.

14 Q And what intersection is directly across from that?

15 A Albritton.

16 Q Okay. And what does it intersect it?

17 A McCall -- I'm sorry, Malcom and McCaw.

18 Q No, but --

19 A Two Notch Road.

20 Q Two Notch Road. That's what I'm looking for. So in
21 relation to Albritton -- what was observed from that
22 video?

23 A What we could see is a U-Haul truck -- from the angle
24 that I'm watching the video, it's from left to right. So
25 there's a U-Haul truck that enters the frame, and it is

1 followed by what appears to be a Toyota Tundra, and it
2 makes a right turn onto Albritton Road.

3 Now, what I found very interesting was that at almost
4 as soon as that U-Haul truck made that turn, so did the
5 Toyota. That's how close that Toyota was to that U-Haul
6 truck. When it made that turn, that Toyota was making
7 that turn, too.

8 Q And then after -- you're talking about that Albritton
9 Road, does Albritton Road -- where does it eventually lead
10 to?

11 A It leads to Malcom and McCaw.

12 Q And did you ever see any of those vehicles exit that
13 same intersection?

14 A At approximately 4:46, you could see the U-Haul truck
15 come down Albritton Road. It comes to the intersection
16 and it makes a right hand turn onto Two Notch Road. And
17 that's going back toward the City of Columbia.

18 Q And after viewing that surveillance and, also, after
19 those interviews, what did you and the other investigators
20 decide was appropriate?

21 A To secure warrants for Charles Jason Carmichael.

22 Q All right. For which murder?

23 A For the murder of Ashli Haigler.

24 Q Just because -- well, before I get there, what about
25 a status of Rufus Carmichael at that time? What happened

1 Q Okay.

2 A Direct route. Would take about that 40, maybe 45
3 minutes to get there.

4 Q Okay. And when you say direct route, if someone was
5 traveling from point A to point B, what would be the
6 quickest route to take?

7 A Whenever I looked at it, it was straight down I-20.

8 Q All right. And what counties, starting in Richland
9 if you were going to jump on I-20 from Richland, what
10 counties do you go through to get to Aiken?

11 A So, of course, going through Richland County, then
12 Lexington County, and then into Aiken County.

13 Q Okay. You were talking about video that was
14 collected from different locations, did you get the
15 opportunity to observe video from the Exxon station in
16 Aiken County?

17 A I did.

18 Q Do you remember the time -- what did you see on that
19 video?

20 A I saw a U-Haul truck exit I-20 and go down what is
21 known as Highway 39, I believe, towards the Holder Road.

22 Q Do you remember the timestamp you saw the truck
23 coming off I-20?

24 A I believe it was 5:26 a.m.

25 Q And, again, what time was the U-Haul observed exiting

1 off of Albritton onto Two Notch?

2 A At approximately 4:46 a.m.

3 Q And you said -- what was the distance between those
4 two locations?

5 A Forty-two, 43 miles.

6 Q All right. What's the timeframe between 4:46 and
7 5:26?

8 A Approximately 45, 46 minutes.

9 Q Well, let's think about that real quick.

10 A I'm sorry. I'm not really good at math.

11 Q All right. 4:46 to 5:26?

12 A Okay.

13 Q Does 40 minutes sound, right?

14 A Yes, that sounds right.

15 Q All right.

16 A Sorry. I'm not really good at math.

17 Q So based on what you just described, would there have
18 been time to make significant stops from Albritton to
19 exiting off of I-20 in Aiken County?

20 A No, ma'am.

21 Q And when I say significant, I mean, lengthy. So
22 based on your investigation, how many stops was he known,
23 the defendant known to make that night or believed to have
24 been made that night?

25 MR. O'NEIL: Objection, calls for speculation.

1 THE COURT: Let me hear the question again.

2 MS. CAVANAUGH: I said based on your investigation,
3 how many stops did the defendant make that night?

4 THE COURT: I sustain the objection.

5 BY MS. CAVANAUGH:

6 Q All right. Let me rephrase. When do you -- where is
7 the U-Haul observed, first observed?

8 A Over off of Senn Street in West Columbia.

9 Q Where did Tiara go look for her sister? Or excuse
10 me, I'm so sorry. That was incorrectly phrased. Where
11 did Ashli go to look for Jason -- I'm sorry, Rufus, Rufus?

12 A 5757 Koon Road.

13 Q Where is the U-Haul observed next?

14 A Turning right off of Two Notch Road onto Albritton
15 Road.

16 Q And that is, again, near where?

17 A The McCaw -- or Malcom and McCaw Street, which is the
18 location where Ashli Haigler was discovered deceased.

19 Q And then, finally, where was the U-Haul last observed
20 from the video surveillance collected in this case?

21 A Turning right onto Two Notch Road heading back in
22 towards the City of Columbia.

23 Q And then one final, when is the U-Haul observed next?

24 A It's observed again exiting and then getting back
25 onto I-20 in Aiken County.

1 Q Also, did it appear to be the same shaped U-Haul?

2 A It did to me, yes.

3 Q The same shape that he was arrested in?

4 A Yes, it did.

5 Q Also, regarding Rufus and investigating what he was
6 doing in the hours before, I mean, what did Ashli tell her
7 sister he was doing when she heard the banging outside and
8 the banging on the windows?

9 A That he was outside trying to find out who that was.

10 Q One more thing. Let's see, the bricks don't appear
11 to be up here. But were those bricks pretty heavy?

12 A They were.

13 Q How many of them were there?

14 A There were several, four, six maybe. I didn't count
15 them individually, but yes, they were and they were all
16 very heavy.

17 Q And going back to how do we know that Ashli actually
18 got to 5757 Koon Road, did Ashli have any reason to think
19 that Jason -- based on your investigation, was there
20 anything to reflect that Ashli knew Jason had rented a
21 U-Haul?

22 A Nothing.

23 Q So just because -- if she just randomly saw a U-Haul
24 on her way to Jason's house, would she all of a sudden
25 start following it?

1 it. I'm not sure if it's been --

2 Q So I'm showing you State's Exhibit -- it's already
3 admitted into evidence, State's Exhibit 549?

4 A Uh-huh.

5 Q And what is State's 549?

6 A So State's Exhibit 549 are my Richland County ASIS
7 numbers, item 39, which is a car model CW 40, which is a
8 40 Smith and Wesson caliber pistol, and the correct serial
9 number. This is the firearm I examined. One unfired 40
10 Smith and Wesson caliber cartridge. So this is the
11 unfired. Item 42, which is two more unfired cartridges
12 and 41, which is the magazine assembly for the firearm.

13 Q Okay. And I think we brushed over this, but what is
14 a magazine?

15 A So a magazine holds unfired ammunition. This is
16 specific for this particular firearm. This is a box
17 magazine and can hold a certain number of cartridges.
18 It's designed to hold a certain number of unfired
19 cartridges and this is specific for this firearm.

20 Q Okay. And you mentioned unfired cartridges. You
21 said there are some unfired cartridges submitted?

22 A There are, yes.

23 Q Did you perform an analysis on those?

24 A I did. So anything I receive that is firearm
25 components or firearms related, I inventory. I take a

1 picture and I document on worksheets what I received, what
2 caliber, the condition they're in, anything specific about
3 them, what color, you know, what is the bullet, is it
4 copper, is it brass, is it nickel, what color is the
5 cartridge case, again, brass, nickel, the manufacturer of
6 that ammunition and just anything I think is relevant.

7 So I will also look to see if there are any
8 indications that it might have been a misfire so it
9 possibly has already been in the firearm and they
10 attempted to fire that unfired cartridge. And I do that
11 on a stereoscope, which is a glorified magnifying glass.

12 Q So in addition to the magazine and the unfired
13 cartridge casings, you said you received the Car pistol?

14 A I did, yes.

15 Q And what caliber is this pistol?

16 A It's a 40 Smith and Wesson caliber pistol.

17 Q Did you perform any tests on this pistol?

18 A I did, yes. So I mechanically examined it, meaning
19 I'm making sure that firearm operates as designed. So is
20 it operating as the manufacturer designed it? Are there
21 any safeties? Do those safeties work? Is there anything
22 lodged in the barrel that could possibly hurt me if I go
23 to fire that? Is there anything damaged about it, any
24 defects, anything like that.

25 Q In addition to State's 549, did you receive any other

1 items to analyze?

2 A I did, yes.

3 Q I'm showing you what's already been admitted into
4 evidence State's 518, State's 535, State's 543 and State's
5 524. Can you take a look at these and tell me if you know
6 what they are?

7 THE COURT: Mr. Walton, is that mic the witness is
8 speaking into moveable?

9 THE WITNESS: Is this better?

10 THE COURT: You turn and speak to the jury, you're
11 speaking to them, but you leave the court out of the
12 sound.

13 THE WITNESS: Okay. Is that better?

14 THE COURT: Yes.

15 THE WITNESS: Okay.

16 Yes, I recognize and identify State's Exhibit 518 as
17 my Richland County ASIS item numbers 101 and 102. 101 and
18 102 are each a fired metal jacket bullet.

19 BY MR. WALTON:

20 Q How about 543?

21 A Yes. I recognize and identify State's Exhibit 543 as
22 Richland County item numbers 44 and 45, which are -- each
23 are a fired metal jacketed bullet.

24 Q So just for 518 and 543, how many bullets in each?

25 A There are two in each package, so that's four total.

1 Q All right. And how about 535?

2 A Yes. I recognize and identify State's Exhibit 535 as
3 Richland County item numbers 18 and 19. Each is a fired
4 40 Smith and Wesson caliber cartridge case.

5 Q Two casings in 545?

6 A Two, yes.

7 Q And 524?

8 A Yes. I recognize and identify State's Exhibit 524 as
9 Richland County item numbers 20 and 103, each being a
10 fired 40 Smith and Wesson caliber cartridge case, so two
11 cartridge cases.

12 Q All right. And now that you have the firearm, four
13 projectiles, four bullets and four shell casings, what
14 tests did you perform on these items?

15 A So anytime I receive fired evidence, it's the first
16 thing I look at. I inventory. As you see, I was looking
17 at the items of evidence. That's because when I receive
18 it, I initial and put the case number and item number on
19 the outer packaging, as well as the item itself, I will
20 inscribe it with my initials. It's just like a metal pen
21 and I inscribe it onto the actual items of evidence on an
22 unlocked area. I put my initials and the item number,
23 that way I can identify it as the item of evidence that I
24 received.

25 Once I examine them, document them, I document them

1 on worksheets. And then I get down to business of looking
2 at the individual characteristics, the tiny microscopic
3 imperfections. And the way that I do that is on a
4 comparison microscope. And all that is just two
5 microscopes combined by an ocular bridge. And that allows
6 me to look at two separate items under the same lighting
7 and magnification at the same time.

8 Q Do you test fire any of these? Do you perform test
9 fires?

10 A So on the actual evidence itself, I don't test fire.
11 The firearm, I test fire. So that was the discussion of
12 firing into a water tank and the collection of those known
13 standards. So the bullets that I get out of the water
14 tank and the cartridge cases that are caught by the net,
15 those are what I call known standards. I created them. I
16 know they come from a specific firearm.

17 Q Okay. And then did you do that in this instance?

18 A I did, yes.

19 Q And what do you do with the known standards with this
20 evidence?

21 A First, I actually compare my unknowns to each other.
22 So that means I put them up on the comparison microscope.
23 I'm looking at the firing pin impression, the breach face
24 marks, the extractor marks, the ejector marks. And I'm
25 looking at those individual characteristics to see if

1 there's agreement. And what that means is, does the
2 fingerprint match, essentially? And once I've done that
3 with my unknowns, then I compare them to my known
4 standards that I created.

5 Q Just for clarification, you take the Car firearm,
6 fired test ammunition out of it and then you took the
7 bullets and shell casings from that and compared that to
8 the evidence that was submitted to you?

9 A That's correct, yes.

10 Q And after making that comparison, did you draw any
11 conclusions from it?

12 A Yes, my conclusions were that the State's Exhibit 549
13 firearm, the Car, fired State's Exhibit 518, 524, 535 and
14 543.

15 Q And can you just summarize how you came to that
16 conclusion?

17 A So, yes. It's the premise of still looking at those
18 individual characteristics, those individual markings. So
19 once I compare them to one another and then I compare them
20 to our test fires, I'm looking for that same agreement.
21 Again, it's an actual fingerprint, essentially.

22 So the individual characteristics that are seen on
23 the test fires are seen on the evidence. And that's for
24 every region -- what we call region of interest, so that
25 means the firing pin because it was manufactured by itself

1 in individual manufacturing processes, the breach face
2 because it was manufactured by itself. So we look at
3 different regions of interest for those individual
4 characteristics. And I found that agreement between the
5 evidence, fired cartridge cases and projectiles to the
6 test fire known standards I made with the Car fire.

7 Q Ms. Metz, it came out in testimony that the Car
8 pistol was recovered from the U-Haul with the defendant.
9 So I just want to -- there's been a lot of information
10 spread out, I just want to make sure we're 100 percent
11 clear here. So is it your expert testimony that the shell
12 casings that were recovered from the defendant's pocket
13 were fired by that Car pistol found in the U-Haul with
14 him?

15 A Yes, the cartridge cases and projectiles that I have
16 here were fired by the Car pistol.

17 Q Is it your expert opinion that the fired shell
18 casings that were found at the scene of Ashli Haigler's
19 murder were fired by the Car pistol that was found in the
20 U-Haul with the defendant?

21 A Yes.

22 Q Is it your expert opinion that the two projectiles
23 that were taken from Rufus Carmichael's deceased body were
24 fired by the Car pistol that was found in the U-Haul with
25 the defendant?

1 A Yes.

2 Q And is it your expert opinion that the two
3 projectiles that were taken from Ashli Haigler's body were
4 fired by the pistol that was found in the U-Haul with the
5 defendant?

6 A Yes.

7 MR. WALTON: Thank you. Please answer any questions
8 Mr. O'Neil has.

9 MR. O'NEIL: Thank you.

10 THE COURT: Yes, sir.

11 MR. O'NEIL: May it please the Court.

12 CROSS-EXAMINATION:

13 BY MR. O'NEIL:

14 Q Just briefly, your tests that you do on the firearm
15 only determines whether or not the firearm fired the
16 projectiles and the shell casings, correct?

17 A Yes. I can only tell whether or not the firearm
18 fired the cartridge casing and bullets that I have.

19 Q None of the tests you do determine who actually fired
20 the firearm?

21 A No.

22 MR. O'NEIL: That's all I have.

23 MR. WALTON: Nothing from the State, Your Honor.

24 THE COURT: You may step down.

25 Your next witness.

1 MS. CAVANAUGH: State rests, Your Honor.

2 THE COURT: Ladies and gentlemen, that is the State's
3 case. I'll give you a break while we discuss some matters
4 prior to proceeding. If you'll go to the jury room.
5 Please do not discuss the case.

6 (Whereupon, the jury left the courtroom at 10:17
7 a.m.)

8 THE COURT: Any matters of law?

9 MR. O'NEIL: Yes, Your Honor. I would have one
10 matter.

11 THE COURT: All right.

12 MR. O'NEIL: Your Honor, I have directed verdict as
13 it relates to indictments 2022-GS-40-04327 and
14 2022-GS-40-04328. I'll repeat those again clearly, Your
15 Honor. I would have a motion for directed verdict as it
16 relates to the 2022 indictments, 2022-GS-40-04327 and
17 2022-GS-40-04328.

18 Your Honor, it would be my motion that the State has
19 failed to present the sufficient amount of evidence here
20 that these two offenses actually occurred in Richland
21 County.

22 And I think State vs. Edwards indicates that
23 fingerprint spools entitle the defendant to a directed
24 verdict when the State fails to present evidence that the
25 offense was committed in the county alleged in the

1 any?

2 A I've been over there before, but, like I said -- most
3 of the time, the action was at my house. I didn't go over
4 there much. I have been over there before.

5 Q What sort of mechanical things did you and your
6 brother kind of do together?

7 A You're talking about as far as the vehicles?

8 Q Yeah.

9 A He helped me with swapping out engines. He helped me
10 do brakes together, electrical work, exhaust, repairs,
11 just anything pretty much. I mean, I can do full service,
12 anything bumper to bumper. The only thing I don't do is
13 body work. So pretty much diagnostics, electrical,
14 brakes, steering, suspension, oil leaks, AC work, just
15 pretty much anything.

16 Q Now, did you need to be able to drive around, have a
17 car to kind of do your job?

18 A Yeah, sometimes I needed to drive. I tried to get
19 most of my work at my house, but I did need to drive some.
20 Me and my brother kind of helped each other out in the
21 past. Like -- I mean, we're like seven years apart, but,
22 I mean, we look identical. A lot of people think we're
23 twins. There's been times where his license has been
24 suspended and I've let him use my license to drive so he
25 don't get no tickets or whatnot while he's trying to get

1 his life back together and vice versa. He's done that for
2 me, as well.

3 Q So you've had his driver's license before?

4 A Yes. Yes.

5 Q Why did you have his driver's license?

6 A My license right now at the time is suspended and I'm
7 trying to get my license back currently. That's what I'm
8 in the process of doing, trying to get my license back.
9 But he let me use his license as long as I don't get no
10 tickets or nothing like that.

11 Q So back in March of 2021, why did you need Rufus'
12 license?

13 A Well, I was doing a lot of driving at the time, going
14 to get different parts. As a matter of fact, we were
15 going to put an engine in a vehicle that same day. We was
16 supposed to get together and go pick up an engine. He was
17 helping me do engine repair on a Camaro that I had at my
18 house.

19 Q Let's go ahead and fast forward a little bit to March
20 of 2021, okay. Tell us a little bit about how was the
21 relationship with your brother at that time? Were you
22 talking, were you friendly? What was going on?

23 A My relationship with my brother was good at that
24 time. We were seeing each other like every day. We were
25 working every day. We did have a disagreement about a

1 vehicle.

2 We had to do an exhaust job on a vehicle, and we had
3 to put a catalytic convertor onto the existing exhaust
4 that's on the vehicle. Well, my brother had did the work.
5 It was supposed to be welded, the two pieces of the
6 catalytic for the existing exhaust supposed to be welded.
7 He was going to weld it himself or take it somewhere to
8 get it welded or whatever the case may be, but in any
9 event, he had used a clamp instead of a weld.

10 Well, that kind of bit us in the butt, so to speak,
11 because the customer picked up the vehicle. The customer
12 was going on a trip. So what happened was, it started
13 standard making a noise because of the exhaust.

14 So it got louder as the customer was driving, so he
15 ended up having to take it to an exhaust shop and get it
16 weld, which it wasn't a big deal, you know, like maybe 150
17 bucks. But that's what we were talking about the day
18 before, you know, when I was talking to him. You know, we
19 disagreed about that particular situation. But I mean, it
20 wasn't, you know, no big deal. I love my brother. I
21 would never do anything to harm him. I tried to look out
22 for him the best way I can and vice versa.

23 Q So Charles, we've seen text messages between you and
24 your brother, I think, on March 9th. We've seen those
25 text messages, correct? That was kind of like the normal

1 conversations with your brother would be, correct?

2 A Yes.

3 Q And we've also seen text messages between -- or calls
4 between you and your brother on March 10th of 2021,
5 correct?

6 A Yes.

7 Q And then we saw this big blow up of text messages
8 between you and your brother on March 12th of 2021,
9 correct?

10 A Yes.

11 Q That's when you and your brother were having the back
12 and forth?

13 A Yes.

14 Q Tell us what -- the back and forth messages, what was
15 that about?

16 A Honestly, that -- we had just had a conversation
17 about that the exhaust job, so, I mean, we were kind of
18 going back and forth about that. I don't remember exactly
19 what all was texted back and forth between me and my
20 brother, but I do know that we had a disagreement about
21 that.

22 And I mean, basically, it's like he lied about
23 getting the exhaust welded instead of using the clamp.

24 I'm just like, you know, be straight up about it. You
25 know, I felt like that was, you know, kind of sneaky to go

1 and try to take a shortcut when we didn't really need to
2 take any shortcuts.

3 I don't know if it was a time issue and couldn't get
4 it done on time or whatnot, but it cost us both money. We
5 had a lengthy conversation about that right before the
6 texts back and forth.

7 Q In that text on the 12th, y'all used some harsh
8 language between each other. Would that be fair to say?

9 A Okay.

10 Q Tell us about that, is that kind of how y'all talked
11 to each other?

12 A I mean, we kind of had our own, you know, talking.
13 Just the way we talk to each other. Like I said, I don't
14 really remember what all was in texts. I mean, that was a
15 while ago. If I had something maybe to look at or
16 whatnot, but I don't remember exactly what was texted or
17 said.

18 Q Now, it's also been talked about some video that was
19 sent to your brother. Do you remember sending a video to
20 your brother on the morning of March 12th?

21 A The video was actually sent by accident. I was going
22 through my phone. I didn't even mean to send that video
23 to my brother.

24 Q Did you mean any sort of ill will towards your
25 brother?

1 A No, I did not. I love my brother. Like I said, I
2 would never do anything to harm him. I never made any
3 threats towards my brother. We had arguments throughout
4 our life, but been more like disagreements and we've
5 always been fine right after that. Like I said, the day
6 we were supposed to get together and go get this engine to
7 put in the Camaro. He was going to help me out with that.

8 Q So let's talk about the day before, the day of kind
9 of more specifically. When did you meet Jessica?

10 A I met Jessica probably about -- maybe about two weeks
11 before all of this happened.

12 Q And how did you meet her?

13 A I met Jessica through -- she was walking past my
14 house, and she approached me. I was working on some
15 vehicles at the time. She approached me about doing some
16 work on her vehicle, so I gave her my card. Eventually,
17 we got together, went and looked at her vehicle and I had
18 discussions with her about doing some repairs on it. Then
19 we started, you know, dating each other.

20 Q So y'all were dating during this period of time?

21 A Yes.

22 Q So how did the idea of the U-Haul come about?

23 A Well, Jessica needed to get a U-Haul. She said she
24 had some things to move from her mom's house. I needed a
25 U-Haul to transport this engine I was going to get the

1 next day. Me and my brother was going to get it the next
2 day.

3 So we decided, you know, to get together. She didn't
4 have any type of credit card or whatnot, so I used my cash
5 app card and, you know, just me being nice, I just paid
6 for it.

7 Q And what was she going to need the U-Haul for?

8 A She was going to use the U-Haul to move some things
9 around, I don't know, some furniture or something. She
10 said she had to move some things from her mother's house.

11 Q What did you need the U-Haul for?

12 A I was going to get an engine. I was going to
13 transport an engine. That same day, that same afternoon,
14 me and my brother was supposed to get an engine, go pick
15 it up and bring it back up to the house and swap out the
16 engines.

17 Q Now, for us who are not kind of with that automotive
18 savvy, how does that work? How does swapping out an
19 engine work? What all do you need to do and why you need
20 a U-Haul in order to do it?

21 A Well, I mean, an engine is pretty big. Unless you
22 have a truck or a trailer or a U-Haul or something of that
23 nature, you know, to put the engine on. I mean, it's a
24 pretty big, you know, piece of metal, you know.

25 In order to swap the engine out, of course, you have

1 to disconnect all the wire harness. You have to take off
2 all the -- take off all the power accessories, power
3 steering, air compressor, starter. You have to unbolt the
4 transmission from the engine.

5 You have to -- you have what you call a fly wheel,
6 which a fly wheel is like a big wheel with teeth on it.
7 That's what the starter hits and turns the engine over and
8 that's what starts it up. You have a converter inside the
9 transmission, that bolts to the fly wheel. You have to
10 unbolt that. You have engine mounts that bolt to the
11 frame. You have to unbolt the engine mounts. Sometimes
12 you have to take the top part of the engine off just to
13 get to some of the bolts on the top side of the
14 transmission. It's a pretty lengthy process.

15 It goes a little better when you have two people.
16 You have one person working always and you have another
17 person kind of lining it up. Vice versa, when you're
18 pulling it out, you have to push off so you don't cause no
19 damage and pull it straight out.

20 Q Now, all the work we just described here, where were
21 you going to do all that work at?

22 A At my house.

23 Q So was the vehicle that you were working on already
24 there?

25 A Yes, yes, the vehicle was already there. I just

1 didn't have the engine yet.

2 Q And where were you going to get the engine from? Is
3 there an engine store or where do you get these engines?

4 A No, I was going to get the engine from the salvage
5 yard, but I had to go ahead and pay for the engine that
6 same day and pull it out. So we were going to go to the
7 salvage yard and pull the engine out and go ahead and get
8 it loaded up and bring it back to the house.

9 Q So if you rented the U-Haul on Friday, what day were
10 you going to get the engine?

11 A Saturday.

12 Q And what time Saturday were you going to get the
13 engine?

14 A Right around three o'clock.

15 Q So on Friday, the 12th, you and Jessica go rent the
16 U-Haul?

17 A Yes.

18 Q Where else do y'all go that day?

19 A We went and got something to eat on Friday, went to a
20 little fish place around the corner from my house. We
21 also went to Wal-Mart, got a few things. I was working on
22 a project in my front yard. I had a dead tree right there
23 and what I wanted to do is like dig up the tree and dig up
24 the area around it.

25 I wanted to plant like a flower bed and plant like

1 some vegetables and plant like another little palm tree.
2 So I was just kind of doing some work, you know, around,
3 remodel -- well, I say remodel, but, you know, just kind
4 of planting and whatnot. This tree was dead, limbs was
5 falling off.

6 It was really kind of in an awkward spot right there,
7 so I was getting that out of the way. But went to
8 Wal-Mart, I bought some things, bought some clothes,
9 bought her some clothes, bought a shovel, a couple little
10 knickknacks, just some things around the house.

11 Q And how much time did you and Jessica spend together
12 that night, do you remember?

13 A Me and Jessica -- you're talking about Friday night?

14 Q Friday night.

15 A Me and Jessica were together all day Friday. She had
16 spent the night with me Thursday night, so we got up
17 Friday, I don't know, maybe 12, one o'clock. We started
18 our day, got something to eat. And we had got the U-Haul
19 later on that day. We went to Wal-Mart that night. We
20 probably -- I dropped Jessica off probably like 12
21 o'clock, like 11:30, 12 o'clock.

22 Q Okay. You dropped Jessica back off where?

23 A At her house.

24 Q That's around 11:30, midnight the night of the 12th?

25 A Yes.

1 afternoon, might be four or five o'clock in the morning,
2 mike eight or nine o'clock in the morning, just depends on
3 whatever he has going on.

4 Q Right now we're talking about the morning on
5 March 13th, 2021, you said around two o'clock or 2:15,
6 your brother comes over?

7 A Yeah.

8 Q Tell us what happens.

9 A Him and Alonzo, which is -- Alonzo, that's an
10 associate of his. I don't really know him that well.
11 Anyway, him and Alonzo comes over to my house. He's
12 upset, my brother is upset, so I opened door. First thing
13 I notice, he had his gun in his waistband. He was upset,
14 him and Ashli had been arguing.

15 Q Let me stop you right there. How do you know your
16 brother was upset?

17 A I know my brother. I could tell by his demeanor.
18 Just the way he was acting, the way he was talking, the
19 way he was looking, I mean, he was upset.

20 Q Okay. So. You say your brother and Alonzo comes to
21 your door. He's upset. You see your brother with
22 something?

23 A Yes, I noticed soon as I opened the door, I seen he
24 had his jacket opened, he had his gun in his waistband.

25 Q So what do you do now? Your brother is there. You

1 say he's with somebody else?

2 A Yeah, he's with Alonzo.

3 Q Now, do you know Alonzo?

4 A I've seen Alonzo once or twice. I remember one time
5 I went with my brother to drop Alonzo off somewhere in
6 Batesburg. I just know he's from Batesburg.

7 Q But you had -- how many times had you seen this guy
8 before?

9 A This was probably like the second time that I've seen
10 Alonzo. Like I said, that one time I rode with my brother
11 to drop him off at Batesburg. I don't know exactly where
12 he lives, but I just know he lives in Batesburg somewhere
13 off of Highway 39.

14 Q So how does your brother and Alonzo get to your house
15 that morning?

16 A Well, they drove Alonzo's vehicle -- they drove
17 Alonzo's vehicle, which is a little Kia Soul. They drove
18 his vehicle out there. And my brother wanted to borrow
19 the U-Haul. Him and Ashli had been getting into it. Like
20 I said, when I opened the door, I noticed he had his gun
21 in his waistband. He was upset.

22 I hadn't really even seen him this upset before. Him
23 and Ashli had been getting into it. And he wanted to
24 borrow my U-Haul and he wanted to borrow my phone, as
25 well. He couldn't find his phone. He suspected Ashli did

1 something with his phone or whatnot. Anyway, like I said,
2 him and Ashli had been getting into it. He was very
3 upset. The gun was in his waistband and he wanted to
4 borrow my phone and the U-Haul.

5 Q What did you do? You said your brother wants to
6 borrow the phone and the U-Haul. What do you do in
7 response to those request?

8 A I let him borrow my phone and the U-Haul.

9 Q At the time, did you think anything of it?

10 A I mean, I kind of felt something, but, I mean, I
11 wasn't really sure what was going on, but looking back
12 now, I mean, I wish I wouldn't have gave him my phone and
13 the U-Haul considering what all this situation has turned
14 out to be.

15 I really kind of -- like I said, I kind of felt
16 something wasn't right, but I wasn't sure so, you know, I
17 trust my brother. I love my brother. I didn't know he
18 was going to go kill Ashli. I gave him my phone, I gave
19 them the U-Haul, told him to be safe and him and Alonzo
20 left.

21 Q Now, how were you going to get your phone and the
22 U-Haul back?

23 A Well, he was supposed to leave the U-Haul and the
24 phone and park it back at my house whenever he got done.
25 I wasn't really worried about, you know, bringing it back

1 Q Okay. And the girl you dated, Jessica Edwards, she
2 said -- she testified that you go by Jason. That wasn't
3 the truth?

4 A No, Jessica knows me by Charles. She said in her
5 statement Charles. She testified she know me as Charles.

6 Q And Miko Dreher, who you used to date, didn't she
7 testify that you go by Jason?

8 A I actually go by Charles. That's what's on my
9 business cards. That's what I go by is Charles.

10 Q Okay. You mentioned that you were not -- you don't
11 remember the text conversations use had with your brother
12 the day before, right?

13 A Correct.

14 Q And you mentioned -- you testified that the argument
15 you had with him or the disagreement that you had with him
16 was over what?

17 A A vehicle that he had did some work to, we had a
18 disagreement about that.

19 Q Okay. So your brother came over to your house at
20 2:00 a.m. armed and was upset with his wife -- or, excuse
21 me, with Ashli?

22 A Yes.

23 Q The mother of his five-year-old son?

24 A Yes, Ashli is the mother of his five-year-old son.

25 Q You testified that you did a lot of work on cars,

1 right?

2 A Yes. I'm an automotive technician.

3 Q Okay. So when the police go to your house the day
4 you're arrested, where are all these cars that you're
5 working on at all hours of the night?

6 A What is that a picture of?

7 Q Your house?

8 A That's the front of my house. Actually, if you look
9 on this side right here, that's where all the vehicles
10 are.

11 Q Okay.

12 A I don't do the work at the front of my house. The
13 part of my yard that the vehicles are kept is not in that
14 picture.

15 Q And you testified that the shovel you bought was for
16 gardening that night, correct?

17 A I bought a shovel that night that I was using to dig
18 some things up around the front yard.

19 Q Okay. And that's just coincidental right after Miko
20 Dreher heard you tell your brother you were going to bury
21 him?

22 A I never told my brother that I was going to bury him.
23 Mica Dreher is lying. I never said that. The
24 conversation that I had that day that she's saying a
25 lengthy conversation, that was a conversation me and my

1 brother had about the exhaust job. But I never threatened
2 my brother. I never told my brother I was going to kill
3 him. She's lying.

4 Q Okay. You mentioned that your brother had just --
5 you testified that your brother just got out of prison in
6 2009, correct?

7 A Correct.

8 Q Back in 2011, you were convicted of possession with
9 intent to distribute crack cocaine?

10 MR. O'NEIL: Objection, Your Honor.

11 THE COURT: Objection is overruled.

12 BY MS. CAVANAUGH:

13 Q Weren't you convicted of possession with intent to
14 distribute crack cocaine?

15 A Yes.

16 Q Okay. What about 2014, weren't you convicted of
17 possession with intent to distribute crack cocaine?

18 A Yes.

19 Q Okay. And, also, you had another drug conviction in
20 2014, as well, correct?

21 A I don't remember another drug conviction.

22 Q Okay. So --

23 Beg the Court's indulgence.

24 These texts that are from March 12th of -- the day
25 before that you don't remember, they weren't over your

1 Q Okay. And you didn't call the police?

2 A No. I wish I would have called the police. I should
3 have called the police, but I didn't want to get my
4 brother in any trouble. I wanted to talk to my brother
5 before I called the police.

6 Q Okay. So I guess it's just coincidence that on the
7 same night that your brother is so, apparently, upset with
8 Ashli that he, also, is shot execution style through his
9 face?

10 A I don't know what happened to my brother. The last
11 time I seen my brother alive, he was with Alonzo. Him and
12 Alonzo had came to borrow the U-Haul. He got the U-Haul.
13 He got my phone. And him and Alonzo pulled off in the
14 U-Haul. That was the last time I saw my brother alive. I
15 don't know what happened after he left.

16 I couldn't tell you. I was at home. I don't know
17 what happened. But what I do know is that my brother came
18 to my house. He borrowed the U-Haul. He borrowed the
19 phone. Him and Alonzo were together. He had a gun on
20 him. Him and Alonzo drove off in the U-Haul.

21 Q So you get the U-Haul and see blood everywhere, see
22 this gun sitting beside you -- or sitting in the U-Haul?

23 A I didn't see the gun in the U-Haul.

24 Q Are you -- the police had to physically remove you
25 out of the U-Haul, correct?

1 it's a two-lane road. So I immediately stopped and I was
2 able to -- I backed up out the way.

3 Q And you didn't have -- you weren't cleaning up the
4 U-Haul, right? You had nothing to do with cleaning up the
5 U-Haul, correct?

6 A No, I didn't do any cleaning in the U-Haul.

7 Q But your brother's blood was under your fingernails,
8 right?

9 A Yes, from when I grabbed the towels and put them in
10 the bag. When I kneeled down -- I seen wet towels on the
11 floor. When I kneeled down and I seen the blood, I just
12 grabbed the towels and I just put them in that bag right
13 there and picked up my phone. The shells were next to my
14 phone.

15 My first thought was what happened last night? What
16 did my brother do? What did him and Alonzo do? What
17 happened? So I wanted to talk to my brother to see what
18 was going on.

19 No, I didn't call him because he didn't have his
20 phone. He clearly stated he didn't have his phone. He
21 borrowed my phone that night because he didn't have his
22 phone. So I assumed he still didn't have his phone, plus,
23 I wanted to try to get to him as soon as possible to see
24 what was I going on.

25 Q Malcom and McCaw Drive is about two miles from your

1 house, correct?

2 A I don't know where Malcom and McCaw Drive is. I'm
3 not familiar with that area. I've never been over there.
4 I've never heard of Malcom and McCaw Drive until recently.
5 I have no idea where that is.

6 Q And it's about 20 miles from your brother's house in
7 West Columbia, right?

8 A Again, I don't know where Malcom and McCaw Drive is
9 to know the relation between -- distances between point A
10 to point B. I've never been on Malcom and McCaw Drive.
11 I've never heard of that until now, so I have no idea
12 where that is.

13 Q You saw the shell casings and you put those in your
14 pocket, right?

15 A I grabbed my phone with the shell casings right next
16 to the phone. I just grabbed them and just put them in my
17 pocket.

18 Q But you didn't see the gun that was sitting right
19 there, right?

20 A Again, I didn't notice the gun. I was scared. I
21 didn't know what to do. I was concerned about trying to
22 get in touch with my brother.

23 Q But you didn't call him because, apparently, he
24 didn't have his phone, right?

25 A I already knew my brother didn't have his phone

1 because he borrowed my phone the night before. So no, I
2 didn't call him because I knew he didn't have his phone.

3 Q So it's just coincidence that Miko Dreher overheard
4 you tell your brother I'm going to bury you?

5 A Miko didn't hear me tell my brother that. I never
6 told my brother I was going to bury him.

7 Q And it's just coincidence that that night with
8 Jessica Edwards, you bought a shovel at Wal-Mart and was
9 digging a massive hole in your yard?

10 A I had already been digging that before I bought the
11 shovel.

12 Q And you rented the U-Haul about 7:51, correct?

13 A I'm not sure what time it was we rented the U-Haul,
14 but it was sometime that evening.

15 Q And you had enough time, apparently, to go out to
16 eat, right?

17 A We went out to eat before we had got the U-Haul. We
18 went to Wal-Mart after we got the U-Haul.

19 Q Buy the clothes that you wore that night, correct?

20 A No, I didn't buy clothes to wear that night. I
21 bought clothes, though.

22 Q And then after all of that, you just happened to be
23 digging a hole in your front yard late at night?

24 A No, like I said, I was already working on that prior
25 to that night, prior to me even getting that shovel.

1 Q But you were still digging the hole that night,
2 correct?

3 A No, not that night.

4 Q So the lady that you're dating for two weeks is also
5 lying about that?

6 A Lying about what?

7 Q That you were digging this hole that wasn't there
8 previously that night?

9 A The hole was there previously.

10 Q But the lady that you're dating, Jessica Edwards,
11 said that you were digging this hole that night after you
12 bought the shovel, after you put the gun to her head and
13 said -- before you put the gun to her head and said,
14 You're going to take me to my brother's house so I can
15 kill him. Correct? She's lying, too?

16 A I never made any threats about killing my brother. I
17 never put no gun to Jessica's head. And I was digging a
18 hole at night, but not that night.

19 Q And then right after the U-Haul that you rented
20 that's in your name that you bought with your credit card,
21 right after that, your brother -- you're testifying that
22 your brother is calling Jessica Edwards, the girl that you
23 date. Is that what you're saying?

24 A I don't know who my brother was calling. He had my
25 phone at about 2:15. Once he left the house, I don't know

1 who he called from the phone while he had it.

2 Q Okay. And, also, the phone records are in evidence.
3 Jessica Edwards, he's also calling her right after he goes
4 back to Senn Street and then leaves, directly after that,
5 he's calling her again, too?

6 A Like I said, my brother had got the phone around
7 2:15. I don't know what calls were made after he left.

8 Q So it's just a coincidence that your phone is calling
9 the lady that you just held a gun to her head that your
10 brother barely knows? That's just a coincidence?

11 A I never held a gun to anyone's head. I never had a
12 gun. Like I said, my brother had gotten the phone around
13 2:15. Whatever calls were made after that, I don't know
14 what calls were made.

15 But I never made any threats about killing my
16 brother. I never made any threats about harming my
17 brother. I didn't kill my brother. I didn't kill Ashli.
18 I didn't hold any gun to anyone's head. I don't have a
19 gun. I didn't have a gun then. I don't have a gun now.

20 Q So it's also just a coincidence that **R.C.** heard his
21 mommy say, Uncle Jason, where is my baby's daddy right
22 before she was shot twice in front of him?

23 A What I heard **R.C.** say in his testimony is that
24 Ashli said, Jason, where is my baby daddy? That's what I
25 heard in his testimony earlier this week.

1 Q And it's also a coincidence that the vehicle that you
2 rented at 7:51 that night and paid for, that you had on
3 your person along with your brother's ID is leaving right
4 after the shots are fired, right after Ashli is killed
5 with her son? That's, also, a coincidence?

6 A I'm sorry, repeat the question.

7 Q It's, also, just a coincidence that the U-Haul you
8 rented with your credit card -- excuse me, that you paid
9 for with your credit card is seen leaving at 4:46 right
10 after that, too? That's, also, just a coincidence?

11 A I don't know where the U-Haul was at 4:46. My
12 brother came and got the U-Haul under 2:15. I didn't see
13 the U-Haul again until the next day, so I don't know where
14 the U-Haul was. I have no knowledge of that.

15 All I know is that when my brother came to get the
16 U-Haul, he was upset, he had been arguing with Ashli. He
17 had a gun on him. He borrowed my phone and the U-Haul and
18 him and Alonzo drove off. Where they went, what happened
19 after that, I don't know.

20 Q And it's, also, just a coincidence that 40 minutes
21 after that U-Haul is observed leaving Ashli's scene that
22 it's observed going back onto Aiken I-20? That's a
23 coincidence, too?

24 A Again, I don't know where the U-Haul was --

25 Q Back off of I-20?

1 A Again, I don't know where the U-Haul was. My brother
2 came and got the U-Haul around 2:15 that morning. When he
3 came and got the U-Haul, he borrowed my phone. He had a
4 gun on him. Alonzo was with him. Alonzo was driving the
5 U-Haul.

6 My brother got in the passenger side. Where they
7 went after that, I don't know. I don't even know that
8 this is the same U-Haul that is seen in these videos. I
9 don't know anything about that.

10 Q And it's just a coincidence that there's bricks,
11 cement bricks on your brother's body, the same -- the day
12 after there was cement bricks put on Ashli's front porch?

13 A I don't know anything about any bricks. I didn't
14 have any bricks at my house. I don't have any bricks
15 around my house. I don't know anything about bricks on
16 Ashli's porch. I don't know anything about bricks on my
17 brother's body.

18 Q And when you got to that U-Haul and didn't see that
19 gun, it's just a coincidence that the projectiles that
20 come from your brother's body match the gun that's right
21 beside you that you don't see when you get in there?

22 A Like I said, my brother came and got the U-Haul
23 around 2:15. The gun she showed me, that was the gun he
24 had on him. Him and Alonzo got in the U-Haul and drove
25 off.

1 telling you? And you can believe some of what a witness
2 says, none of what a witness says or all of what a witness
3 says.

4 So let's start putting the puzzle pieces together
5 with [REDACTED] R.C. What about [REDACTED] R.C. testimony is
6 corroborated by the other evidence in this case? When the
7 defendant pulled up to his mommy's truck, which she's
8 driving R.J.'s truck, but the truck Ashli was driving, he
9 said -- she said Jason, where is my baby's daddy?

10 Deputy Allison Davis testified he described that the
11 vehicle he saw looked like an ambulance, the ambulance
12 that was on scene to take his mother away, a vehicle
13 shaded in the form of a box. He testified that there was
14 blue on it and he also testified that there were woods
15 around where he was when she was shot.

16 The dead end road where the defendant lured her,
17 where the shell casings are located, woods all around the
18 dead end area. Her foot is on the brake, car is in
19 reverse, straight line from where the shell casings are
20 located until her foot landed on the break after she was
21 dead. And the tire impressions that Sergeant Oxendine
22 testified about are right around this corner.

23 What else about [REDACTED] R.C. testimony corroborates the
24 evidence? The box truck -- the box-shaped ambulance that
25 he described the vehicle look like is going to 626 Senn

1 Street at four o'clock that morning. Next, that same
2 U-Haul is observed being critically followed by the truck
3 Ashli and [REDACTED] R.C. are in. The U-Haul screeches out of
4 there without Ashli following.

5 What else corroborates [REDACTED] R.C. testimony? At the
6 same time that he described hearing four shots and a boxy
7 U-Haul, Deputy Rebecca Smith with the sheriff's
8 department, again, ambulance that [REDACTED] R.C. described the
9 vehicle looked like, the U-Haul that was used in this
10 murder -- that the defendant used in this murder.

11 Deputy Rebecca Smith is half a mile away, all of the
12 sudden, sees a U-Haul screeching around the corner
13 abruptly turning at the same time she heard -- right after
14 she heard four shots.

15 Sergeant Oxendine testified in that span of three
16 minutes that the Carey Shealey video captures, you see no
17 other vehicle coming in, no other vehicle going out.

18 Now, what connect these puzzle pieces with Jason?
19 Contract name, secondary contact, Charles Carmichael,
20 phone number (864)200-1606, rented at 7:51 p.m., three
21 hours after you hear -- after he threatens his brother
22 that he's going to bury him and going to kill him, using
23 the credit card number ending with the same digits that
24 are found in his wallet when he's arrested.

25 The gun in the U-Haul also matches that he's driving

1 Jessica Edwards testified to, that no, it was R.J. who was
2 so mad at him -- excuse me, so mad at Ashli that he was
3 going to leave his five-year-old son who is on his phone
4 as a screen saver beside his bed, he was going to leave
5 that child motherless.

6 Also, he'd have us believe that he just randomly
7 gardens and works on projects at all hours of the night.
8 Okay. So just disregard all the evidence, disregard what
9 the witnesses say, disregard what the phone download says,
10 disregard the contract with his name on it, disregard all
11 that and just believe that he likes to randomly do yard
12 projects at 10:00 o'clock at night.

13 He would have us believe that all of these
14 coincidences, all of these happened in a span of 12 hours,
15 the same 12 hours that at the beginning of these 12 hours
16 he made direct threats to his brother that he was going to
17 kill him. Those are -- all of that is either lies or
18 coincidences. He has an excuse for all of it, but nothing
19 that he says matches the evidence.

20 So ladies and gentlemen, every single piece of this
21 puzzle fits. Every single piece of evidence all point to
22 the same person, and that is Charles Jason, Jason
23 Carmichael. I'd like to thank you for your time and your
24 attention. I know it's been a long week.

25 This case is very important to both victim's families

1 verdict?

2 THE FOREMAN: Yes.

3 THE COURT: Is it unanimous?

4 THE FOREMAN: Yes.

5 THE COURT: If you'll pass it up to the clerk and you
6 may be seated.

7 You may publish the verdict.

8 THE CLERK: Yes, Your Honor.

9 THE COURT: Mr. Truitt.

10 THE CLERK: Yes, Your Honor.

11 (Pause.)

12 The State of South Carolina in the County of Richland
13 in the Court of General Sessions, indictment number
14 2022-GS-40-4327, the State of South Carolina versus
15 Charles Jason Carmichael, an indictment for murder, one
16 victim is Rufus Carmichael, the verdict is guilty, signed
17 Monique Tanner on this 2nd day of December, 2022.

18 Indictment number 2021-GS-40-5204, the State of South
19 Carolina versus Charles Jason Carmichael, indictment for
20 murder, the victim being Ashli Haigler, the verdict is
21 guilty, signed Monique Tanner on this 2nd day of December,
22 2022.

23 Indictment number 2022-GS-40-4328, the State of South
24 Carolina versus Charles Jason Carmichael, an indictment
25 for possession of a weapon during the commission of a

1 violent crime, the verdict is guilty, signed Monique
2 Tanner on this 2nd day of December, 2022.

3 Indictment number 2021-GS-40-5205, the State of South
4 Carolina versus Charles Jason Carmichael, indictment for
5 possession of a weapon during the commission of a violent
6 crime, the verdict is guilty, signed Monique Tanner on
7 this 2nd day of December, 2022.

8 Madam Forelady, these verdicts that I just read, are
9 they your verdict and the verdict of the entire jury?

10 THE FOREMAN: Yes.

11 THE CLERK: Thank you so much.

12 THE COURT: Any individual polling requested?

13 MR. O'NEIL: Yes, Your Honor.

14 THE COURT: Mr. Clerk, if you will poll the jurors
15 individually, per juror number.

16 THE CLERK: Per juror number?

17 THE COURT: Yes, sir.

18 THE CLERK: All right. So Juror Number 313,
19 indictment for murder on the victim being Rufus
20 Carmichael, is this your verdict -- is this your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Yes. Thank you.

25 Indictment number 2021-5204, State of South Carolina

1 locked up for the rest of your natural life.

2 Of course, the life expectancy for people in prison
3 with life sentences is not that great, but -- actually,
4 this is a crime that in many place would call for the
5 death penalty, murder of two people. You're lucky that
6 life is all you're facing. Not lucky, but it could have
7 been more than that. And I imagine if you were facing
8 that and the jurors were to consider the impact on the
9 victims and this child, who knows what their decision
10 would have been.

11 But I sentence you to prison on each count of murder
12 to life imprisonment. I hope you make the best out of it.
13 You're heading where you wanted to go. What more can I
14 say? I wish you the best of luck. Hopefully, you will be
15 productive as you can within where you will be, so --

16 He has been in jail since that date and time?

17 MR. O'NEIL: Yes, sir.

18 THE COURT: So I guess you're going to get credit for
19 time served as murder because it's life -- I mean, not for
20 life. It's just a life sentence, so.

21 THE DEFENDANT: Is life sentence natural? I mean, is
22 that natural life?

23 THE COURT: Life is life. For every day of your
24 natural life. You're not entitled to patrol, probation.
25 You're not entitled to be released. You'll be locked up,

WITNESSES

(s) Inv. Glenn Oxendine
- RCSD

DOCKET NO. 2021-GS-40-05204

The State of South Carolina

County of

Richland

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

ARREST WARRANT NUMBER

2021A4010200985

COURT OF GENERAL SESSIONS
NOVEMBER TERM 2021
116

Defendant

ACTION OF GRAND JURY

TRUE BILL

Charles Jason Carmichael

C.C.C. PLS. AND G.S.

Maura D
Foreperson of Grand Jury
Date: 6 NOV 17 2021

VERDICT

Indictment for
MURDER

SC Code: 16-03-0010
CDR Code: 0116

295

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on November 16, 2021,
the Grand Jurors of Richland County present upon their oath:

MURDER

That Charles Jason Carmichael did in Richland County, on or about
March 13, 2021, kill the victim, Ashli Haigler, with malice aforethought,
either express or implied, by means of a gunshot wound, and the victim did
die as a proximate result thereof. All in violation of Section 16-03-0010, S.
C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Charles Jason Carmichael

AKA:

Race: BLACK Sex: M Age: 42DOB: 03-25-1980 SS#: 144-82-5596Address: 5757 Koon RdCity, State, Zip: Columbia, SC 29203-6230DL#: 007810828 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 40 - 5204

A/W#: 2021A4010200985Date of Offense: 3/13/2021S.C. Code § 16-03-0010CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or PLEADSTO: Murder / Murderin violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☒ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST:Kathryn Campbell 77690

Cavanaugh, Kathryn

SC Bar #

Defendant

Deon D'Nei 74814
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of life days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years
and/or to pay a fine of \$ ____; provided that upon the service of ____ days/months/years/Time Served and or payment
of \$ ____; ; plus costs and assessments as applicable*; the balance is suspended with probation for ____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
§ 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Charles Jason Carmichael INDICTMENT/CASE#: 2021 - GS - 40 - 5204**SPECIAL CONDITIONS:**☐ **PTUP** after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)

\$100

§14-1-211(A)(1) (Conv. Surcharge)

\$100

§14-1-211(A)(2) (DUI Surcharge)

\$12

§56-5-2995 (DUI Assessment)

\$25

§56-1-286 (DUI Breath Test)

\$25

§14-1-212 (Law Enforce. Funding)

\$150

§14-1-213 (Drug Court Surcharge)

\$41

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50

§50-21-114(BUI Breath Test Fee)

\$40/ea

§56-5-2942(J) (Vehicle Assessment)

TBD

3% to County (If paid in installments)

\$

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

\$500

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TBD

\$

TOTAL \$ 128.75Clerk of Court/ Deputy Clerk:
Court Reporter:Janette W. McBride
R. AmbrogialePresiding Judge:
Judge Code:
Sentence Date:E. Nann
2127
December 2, 2022

WITNESSES

(s) Inv. Glenn Oxendine
- RCSD

DOCKET NO. 2021-GS-40-05205

The State of South Carolina

County of

Richland

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2021

116

Defendant

ARREST WARRANT NUMBER

2021A4010200986

THE STATE

vs.

Charles Jason Carmichael

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

NOV 17 2021

Date:

VERDICT

Indictment for
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-0490

CDR Code: 0549

299

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on November 18, 2021,
the Grand Jurors of Richland County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

That Charles Jason Carmichael did in Richland County, on or about
March 13, 2021, possess a firearm, or visibly display what appeared to be
a firearm, or visibly displayed a knife, during the commission or attempted
commission of a violent crime, to wit: murder, in violation of Section 16-23-
0490, S. C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the
statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Sgt. Glenn Oxendine
- RCSD

DOCKET NO. 2022-GS-40-04327

The State of South Carolina

County of

Richland

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead
guilty to the within indictment or to

COURT OF GENERAL SESSIONS

116 JULY TERM 2022

ARREST WARRANT NUMBER

2022A4011200283

Defendant

THE STATE
vs.

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY
TRUE BILL

Charles Jason Carmichael

Christina Bellard
Foreperson of Grand Jury
Date: JUL 12 2022

VERDICT

Indictment for
MURDER

SC Code: 16-03-0010
CDR Code: 0116

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

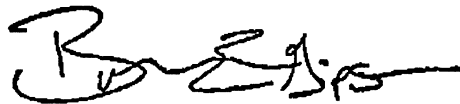
INDICTMENT

At a Court of General Sessions, convened on July 12, 2022, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Charles Jason Carmichael did in Richland County, on or about
March 13, 2021, kill the victim, Rufus Carmichael, with malice aforethought,
either express or implied, by means of a gunshot wound, and the victim did
die as a proximate result thereof. All in violation of Section 16-03-0010, S.
C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Charles Jason Carmichael

AKA:

Race: BLACK Sex: M Age: 42DOB: 03-25-1980 SS#: 144-82-5596Address: 5757 Koon RdCity, State, Zip: Columbia, SC 29203-6230DL#: 007810828 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 40 - 4327

A/W#: 2022A4011200283Date of Offense: 3/13/2021S.C. Code § 16-03-0010CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above Indictment comes now the Defendant who was X CONVICTED OF or PLEADSTO: Murder / Murderin violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS ☐ \$17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: X As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Kathy Cavanaugh 77690
Cavanaugh, Kathy SC Bar #

Defendant

Deon D'Neil 74814
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of Life days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____; ; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Charles Jason Carmichael INDICTMENT/CASE#: 2022 - GS - 40 - 4327**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____ \$ _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$

TOTAL \$ 1,287.75Clerk of Court/ Deputy Clerk: Jeannette McBride
Court Reporter: R. AmbrozialePresiding Judge: [Signature]
Judge Code: 2127
Sentence Date: December 2, 2022

WITNESSES

(s) Sgt. Glenn Oxendine
-- RCSD

DOCKET NO. 2022-GS-40-04328

The State of South Carolina

County of

Richland

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

ARREST WARRANT NUMBER

2022A4011200284

COURT OF GENERAL SESSIONS

116
JULY TERM 2022

Defendant

THE STATE
vs.

Charles Jason Carmichael

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY
TRUE BILL

William J. H. H. H.
Foreperson of Grand Jury JUL 12 2022
Date:

VERDICT

Indictment for
POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

SC Code: 16-23-0490
CDR Code: 0549

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on July 12, 2022, the
Grand Jurors of Richland County present upon their oath:

**POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME**

That Charles Jason Carmichael did in Richland County, on or about
March 13, 2021, possess a firearm, or visibly display what appeared to be a
firearm, or visibly displayed a knife, during the commission or attempted
commission of a violent crime, to wit: Murder, in violation of Section 16-23-
0490, S. C. Code of Laws, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute
in such case made and provided.


BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Charles Jason Carmichael

AKA:

Race: BLACK Sex: M Age: 42DOB: 03-25-1980 SS#: 144-82-5596Address: 5757 Koon RdCity, State, Zip: Columbia, SC 29203-6230DL#: 007810828 SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 40 - 4327AW#: 2022A4011200283Date of Offense: 3/13/2021S.C. Code § 16-03-0010CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above Indictment comes now the Defendant who was ☒ CONVICTED OF or PLEADSTO: Murder / Murderin violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☒ MOST SERIOUS ☒ Mandatory GPS ☒ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Kathryn Cavanagh 77690
Cavanagh, Kathryn SC Bar # DefendantDeon D'Neil 74814
SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of Life days/months/years/Time Served ☐ Youthful Offender Act not to exceed ____ years
and/or to pay a fine of \$ ____; provided that upon the service of ____ days/months/years/Time Served and or payment
of \$ ____; ; plus costs and assessments as applicable*; the balance is suspended with probation for ____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
§ 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Charles Jason Carmichael INDICTMENT/CASE#: 2022 - GS - 40 - 4327**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

	\$ _____ Beginning	\$ _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of		
§14-1-206 (Assessments 107.5 %)		\$ _____
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$ _____
§56-5-2995 (DUI Assessment)	\$12	\$ _____
§56-1-286 (DUI Breath Test)	\$25	\$ _____
§14-1-212 (Law Enforce. Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$150	\$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$ _____
§50-21-114(BUI Breath Test Fee)	\$50	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% to County (if paid in installments)	TBD	\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$ _____

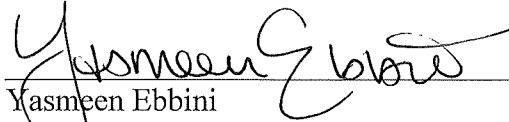
TOTAL \$1628.75Clerk of Court/ Deputy Clerk: Jeannette W. McBride
Court Reporter: R. AmbrozialePresiding Judge: C. W. Harris
Judge Code: 2127
Sentence Date: December 2, 2022

Apr 25 2024

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Yasmeen Ebbini
Nelson Mullins Riley & Scarborough LLP
1320 Main Street/ 17th Floor
P.O. Box 11070 (29211-1070)
Columbia, SC 29201

Attorney for Appellant

This 1st day of April 2024.

RECEIVED**Apr 25 2024****SC Court of Appeals**

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

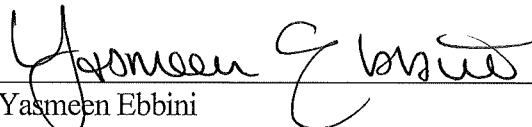
CHARLES JASON CARMICHAEL,

APPELLANT

APPELLATE CASE NO. 2022-001717

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon W. Joseph Maye, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th Day of March 2024.

By: 
Yasmeeen Ebbini
SC Bar No. 104681
1320 Main Street / 17th Floor
P.O. Box 11070
Columbia, SC 29201
yasmeeen.ebbini@nelsonmullins.com

Attorney for Appellant