

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Chesterfield County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANDRE JUNIOR COVINGTON,

APPELLANT

APPELLATE CASE NO. 2022-000831

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #80 (INTERVIEW WITH APPELLANT AND LILLIE MOORE);
STATE’S EXHIBIT #81 (VIDEO DEPOSITIONS OF LILLIE MOORE AND BRUCE
ROMERO)**

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHESTERFIELD) COURT OF GENERAL SESSIONS

3
4 STATE OF SOUTH CAROLINA,) TRANSCRIPT
5 PLAINTIFF,) OF
6 VS.) RECORD
7 ANDRE JUNIOR COVINGTON,) 2021-GS-13-461
8 DEFENDANT.)

9

10 April 4th - 8th, 2022

11

12 B E F O R E:

13 THE HONORABLE MICHAEL G. NETTLES, Judge.

14

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22 Transcribed by Pamela E. Green, from
23 Digital Court Reporting Project

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P R O C E E D I N G S

SOLICITOR REDMOND: At this time the State calls the State versus Andre Junior Covington, 2021-GS-13-461. That being an indictment for murder. He is seated at the defense table with his attorney, Mr. Kyle Hobbs, and the State is prepared to go forward with the trial of this case.

THE COURT: Very good.

Ladies and gentlemen of the jury, the State has accused Andre Junior Covington of murdering Terris Parsons. The allegations are that this event allegedly took place on or about June 2nd, 2019, and it took place in and around the area of Chapman Street and Market Street in that general area near the IGA in Cheraw.

Having been armed with this basic information, does anybody know anything about this case?

Did you witness any of the events that led to these allegations, if so, please stand.

(WHEREUPON, there was no response.)

THE COURT: Has anybody heard anything, read anything about it?

Do you know anything about this case, if so, please stand.

(WHEREUPON, there was no response.)

THE COURT: No response.

1 last. There's some discussion about taking care of a, a
2 plea or two, and, as a matter of fact, we have that
3 arraignment at 2:00, don't we?

4 SOLICITOR REDMOND: Yes, sir, Your Honor. That at -- I
5 would anticipate probably about half an hour on that one
6 give or take. Like I said, I will narrow it down since we
7 are in the trial so we can go ahead and get moving. So --.

8 THE COURT: All right. All right. We'll, we'll
9 reconvene at one o'clock and hopefully we can address these
10 pretrial matters at that time. And then perhaps we could
11 have some time after the arraignment as well.

12 All right. We'll stand at ease.

13 SOLICITOR REDMOND: Thank you, Your Honor.

14 MR. HOBBS: Thank you, Your Honor.

15 (WHEREUPON, Court was in recess for the lunch break.)

16 THE COURT: You have some pretrial motions and you're
17 recognized.

18 MR. HOBBS: I do, Your Honor, and I'm prepared to start
19 whenever the Court is ready to hear me.

20 THE COURT: Yes, sir.

21 MR. HOBBS: Okay. Thank you, Your Honor.

22 Your Honor, as a pretrial issue, there was a problem
23 with some of the information that was turned over to the
24 defense on Friday afternoon, this past Friday. And if I
25 could kind of go into the procedural history regarding the

1 discovery in this case, that would lead me into that issue.

2 Your Honor, we appeared in front of the Court back in
3 January 10th of this year and that was for a status
4 conference as well as a pending motion to compel that I had
5 regarding evidence in the case of Mr. Covington that had
6 been withheld. And the Court set this matter for
7 February 7th, a little bit less than a month later,
8 ordered that the information be immediately -- the
9 information -- the evidence in the case be immediately
10 turned over to the defense, and, again, set that trial for
11 February 7th.

12 Once I was able to compile the information that was
13 sent over for me and review it, I noticed certain articles
14 within the discovery, certain evidence, was missing. And,
15 Your Honor, I sent opposing counsel an email on
16 February 2nd titled items not located in discovery, Andre
17 Covington. And I go through some of the items that I was
18 missing that I felt that were material to the defense in my
19 case. And those involved missing statements from a key, a
20 key factorate (sic) witness, a Ms. Lillie Moore.

21 Okay. Also the statement of the only other suspect who
22 was ever developed in this case and who was having
23 communications with the victim at the time of his
24 disappearance, a Mr. Robert Wilson.

25 we did follow-up and have a phonecall about these

1 issues and many of these items were simply stated to not be
2 in the State's possession, and I was told that he would then
3 forward the request to law enforcement to try to make sure
4 that these weren't out there and not recoverable.

5 There were items that were subsequently turned over to
6 me from the State that I did not have in my possession. We
7 proceeded to appear for the trial on February 7th, Your
8 Honor, and as the Court is aware, that was when the roof
9 fell in to this courthouse and there was substantial
10 flooding and issues that we could not move forward with due
11 to this, this issue with the facilities.

12 At that point, Your Honor, upon an agreement between
13 counsel, the video recorded testimony of Lillie Moore and
14 Bruce Romero was taken in the -- I think it was the town
15 council chambers out back.

16 So, Your Honor, as part of the consideration of that
17 video testimony, what we agreed to is that I could reserve
18 all of my motions. I believe that the defense would also
19 have reserved all of their motions in regard to the
20 testimony itself as well as reserving any contemporaneous
21 objections to the testimony to be presented pretrial to the
22 Court.

23 we conducted those two video testimonies and concluded
24 on that day. I believe both Bruce Romero and Lillie Moore
25 were then released from their subpoena to testify.

1 Your Honor, as we continued to prepare for this case,
2 one of the things that the Court and the solicitor asked for
3 me to do was to present what general pretrial motions were
4 gonna come up before the Court and I did so in creating a
5 document that said anticipated pretrial motions. And, at
6 the bottom of that document, it states that I needed to make
7 spoliation and Brady violation arguments in regard to
8 certain evidence that I was missing that I felt was in the
9 State's possession at one point and that had not been turned
10 over.

11 On Friday afternoon around 1:44PM, this past Friday,
12 and just -- I believe that would of been the 1st of April, I
13 received several digital documents including some of this
14 information that I was missing. What became material in
15 that information that was turned over was the video recorded
16 statement of Robert Wilson, the written statement of Lillie
17 Moore, as well as certain jail phonecalls from the
18 defendant.

19 Now, I wasn't sure how those jail calls could of been
20 used and Mr. Redmond has informed me that he does not intend
21 to introduce those jail calls. So, therefore, I do not have
22 any objection to them at this point. But, of course, if he
23 changes his mind, would reserve my right, right to object to
24 the admission of those items based on when they were turned
25 over to defense.

1 Your Honor, focusing in on what I view as the material
2 information that was missing that was just turned over to me
3 on Friday, starting with significance I think would be
4 Robert Wilson's video recorded statement. Within that
5 statement, Your Honor, there were certain things that Robert
6 Wilson admitted to that I could not have derived from the
7 information that the State had previously turned over to me.

8 Specifically, and the issues that I think are, are
9 material within his statement, are the fact that he is in
10 Morven, North Carolina approximately at the exact time where
11 the State alleges that the victim disappeared. Morven,
12 North Carolina becomes a location of interest in this trial
13 due to the State's contention that my client drove the
14 victim's vehicle to Morven, North Carolina. They allege,
15 you know, maybe even some more criminal acts potentially
16 occurring up there. But Morven, North Carolina, even though
17 these are Cheraw residents, becomes this, this point of, of
18 contention and this point of issue within this trial.

19 So, Your Honor, finding out that he was in North
20 Carolina at the time of the disappearance and the location
21 where they alleged certain criminal activity to occur, then
22 we find out that he stayed with his girlfriend in North
23 Carolina that night, and that his girlfriend's number
24 matches a phone number that's contained in the records that
25 I had previously cued off on but had no knowledge of who

1 that number belonged to. And, in specifics, I believe those
2 phone records reference a question regarding what did you do
3 with those clothes to this girlfriend, and there being some
4 sort of dialogue there that raises suspicion about what Mr.
5 Robert Wilson -- what role he had, if any, in the
6 disappearance of the victim in this case.

7 Your Honor, once I recognize these material issues and
8 Brady violations for these items that were not turned over
9 when the Court ordered them, not turned over when I directly
10 asked for them, but turned over on April 1st, the
11 afternoon right before the trial would start, became the
12 issue of wanting to triangulate these phone records. You
13 see Mr. Robert Wilson's phone records, given his proximity
14 to the disappearance of Terris Parsons was subpoenaed
15 through his phone carrier.

16 And so all of the information that we need in order to
17 run a triangulation on his whereabouts would be in those
18 phone records. However, the defense did not know that that
19 was a material issue that needed to be investigated until
20 this information was turned over.

21 In the alternative, Your Honor, of asking for a
22 continuance in order to have these records triangulated, and
23 to further investigate the girlfriend's role in it, there
24 has been a, a proposal that I submitted to the State and
25 that was that they conduct this triangulation in the same

1 format and manner in which they conducted the victim's
2 triangulation of his records, that these phone records of,
3 of the suspect or, or individual, Mr. Robert Wilson, be
4 brought into the record through the State, and that there be
5 a stipulation that the Court would introduce to the jury, at
6 an appropriate time, which outlined the key factual
7 assertions that are contained in Mr. Robert Wilson's
8 statement.

9 Your Honor, if I could accomplish all of those things,
10 then that cures my need to have a continuance. At this
11 point I've gotten the general consent of opposing counsel.
12 They've reached out to SLED to ask for this triangulation to
13 be done and SLED has indicated that it will be done --
14 hopefully they could get us an answer about it tomorrow
15 morning.

16 Your Honor, I would reserve my right to bring up this
17 issue again if the triangulation is not completed by SLED or
18 there's some issue in that regard or any issue on the other
19 items that I'm asking for the State to consent to. And this
20 would be an issue that I would like to put on the record,
21 have the State echo their consent and their understanding of
22 this agreement, and just make sure that I preserve this
23 issue.

24 THE COURT: Very good.

25 Mr. Redmond.

1 SOLICITOR REDMOND: May it please the Court, Your
2 Honor.

3 And, and first, just to be clear because sometimes
4 semantics is important, we aren't talking about
5 triangulation. We're talking about mapping. Those are
6 actually two different things and I don't want anybody to
7 look at the transcript and think that SLED is actually
8 triangulating. That's an entirely different thing.

9 What they're using the records for to is to map, which
10 is, in essence, what Mr. Hobbs wants to get to to map where
11 that phone, what towers that phone was bouncing off of
12 during the times in question. We did contact the --
13 Lieutenant Johnson, Chris Johnson, with the SLED Fusion team
14 who usually does that work for us, and he indicated that he
15 would do his level best to have the re -- cause we've
16 already sent him the reports. We've emailed the reports
17 before we even pulled the jury this morning right after we
18 had our conference and then we talked with him at the same
19 time. And he's gonna do his level best to get those back to
20 us tomorrow, get the map to us tomorrow. We explained to
21 him what the circumstances were.

22 And, and so the State is doing everything it -- we can
23 with all deliberate speed to get that mapping done.

24 Mr. Hobbs is right, the records that we have of
25 Mr. Wilson, I reviewed them over lunch. They do have cell

1 tower data on them. So, it does look like the data is there
2 for the mapping to be done.

3 As it relates to the, to the -- to, to the substance of
4 what Mr. Wilson would say -- and we have not come to -- I
5 have agreed that we could enter into some type of
6 stipulation as it relates to the, the, the content. I did
7 have a chance to review his statement over lunch, and I
8 might slightly disagree on the context where it's placing
9 Mr. Wilson -- what Mr. Wilson is saying because, just to be
10 clear to the Court, the way I took it is he was saying that
11 he did -- he was in Morven but he was in Morven dropping off
12 his son. His girlfriend lives in Hamlet and he talked about
13 the fact that he was in Hamlet with her.

14 So, again, I'll go back and listen to it more fully
15 because, during the lunch hour, I was trying to listen to it
16 real fast.

17 So, again, we probably need to listen to it again, see
18 if we can reach some agreement. One of the things I had
19 held open as a possibility is, is that if, you know, push
20 came to shove, is to introduce the statement minus any, any
21 redactions that would be required. I'm not saying that's my
22 preference. I'm saying that is an option if we can not
23 agree on, on, on the stipulation.

24 But with all that said, Your Honor, yes, Mr. Hobbs and
25 I work well together and, and obviously I, I, I hate the

1 fact that this occurred Friday and I can imagine, you know,
2 what bind it put him in when he -- and as you notice this
3 morning, I ain't too much fighting when we were back there
4 because I pretty much understand where he's coming from in
5 that regard as it relates to the items that he has, he has
6 addressed.

7 So, with all that said, we are working to try to make
8 sure that is corrected so we can, can move forward with the
9 trial. And I can address the other issues in his
10 anticipated motions, you know, how -- as, as -- I guess as
11 they come up once he raises those.

12 But, again, on, on this issue, yes, we'll get better
13 and we'll get it, we'll get it worked out. I'm confident
14 we'll get something worked out.

15 Again, I need to actually review it again probably this
16 evening and then we -- Kyle can do the same and we can
17 probably come up with something tomorrow.

18 THE COURT: Mr. Hobbs, you're recognized.

19 MR. HOBBS: Thank you, Your Honor.

20 I would agree with some of the factual assertions that
21 Mr. Redmond is putting forward about Robert Wilson's
22 statement. My exact recollection of that statement was that
23 he was dropping off his son in Morven, that he called Terris
24 Parsons at that time, and the phone went right to voice
25 mail, and that he approximated that to be 9:53PM.

1 SOLICITOR REDMOND: That is correct.

2 MR. HOBBS: Yeah.

3 SOLICITOR REDMOND: I would agree with that.

4 MR. HOBBS: So I, I, I think whatever we're gonna get
5 into in the stipulation should be something that's very
6 clearly within that statement and those are the bounds that
7 I intend to work with and to try to work out that
8 stipulation.

9 Your Honor, as for any other issues as far as
10 triangulation or, or the verbiage of what's being done here,
11 I am asking for the same analysis to be done that was done
12 of the victim's cellphone records as far as the mapping and
13 location. Whether that be triangulation or just general
14 mapping, I'm only asking that that be done in the same
15 manner that the victim's cellphone data was tracked.

16 THE COURT: All right.

17 SOLICITOR REDMOND: Oh, no, and that will be done. I
18 think -- I mean that is exactly what we have requested.

19 THE COURT: Sounds like we've got that resolved.

20 What's the next motion?

21 MR. HOBBS: All right. Next, Your Honor, is involving
22 another piece of evidence that was turned over on Friday and
23 that's a written statement of Ms. Lillie Moore. And, as I
24 told you, Your Honor, we are in a bit of an extraordinary
25 circumstance in regard to Lillie Moore's testimony.

1 Your Honor, I've expressed to you the timelines
2 associated with the Court's order to turn over information,
3 my specific request for information on February 2nd, and
4 then the fact that there was a consent entered into between
5 the State and the defendant as to certain video testimony
6 being taken on that day, and all objections to that
7 testimony being reserved until pretrial.

8 Now, Your Honor, as part of the information that was
9 turned over on Friday, it was the voluntary statement of Ms.
10 Lillie Moore, a statement that I had never laid eyes on, a
11 statement that contained different factual assertions than
12 her statement. I do want to point out to the Court that her
13 statements, I believe she admitted to making about four
14 statements to law enforcement, they all varied in some
15 degree.

16 This is the only written statement of Lillie Moore.
17 Every other statement that she submitted was a video
18 statement.

19 Your Honor, in evaluating a Brady violation, the Court
20 looks to material evidence and what was turned over and what
21 was not turned over. This is a material statement that
22 contains information including drug use, identification of
23 the victim's vehicle at the time they pulled out from the
24 house, as well as the mention of an abandoned carwash which
25 has become at issue in this case.

1 It's information that was not provided to me. It was
2 provided two months after I took her statement after she was
3 released from subpoena. This would of been the most
4 effective means for me to impeach her with as a written
5 statement as opposed to a video or audio statement. I could
6 of easily examined her on the statement and presented this
7 as a prior statement, prior inconsistent statement, and
8 impeached her with these details.

9 This was not turned over to me until Friday afternoon,
10 as I mentioned, about a month or, I'm sorry, less than -- a
11 little less than two months after she had already been given
12 her testimony and being released from her subpoena.

13 Your Honor, when---

14 THE COURT: Is she -- is -- can she be located?

15 SOLICITOR REDMOND: She is in Pennsylvania, Your Honor.
16 She, she was transported back from Pennsylvania back in
17 February when we had the disaster in the courtroom.

18 But what I would suggest, not meaning to interrupt Mr.
19 Hobbs, and I understand that, that he -- you know, for, for
20 strategic interest, him introducing it would probably not be
21 his, his, his, his preference. I don't have a problem
22 introducing her statement as a State's Exhibit and then, you
23 know, obviously with this he's able to point out whatever---

24 THE COURT: Because -- and you're doing that as an
25 accommodation---

1 SOLICITOR REDMOND: Yes, sir.

2 THE COURT: ---for the late disclosure?

3 SOLICITOR REDMOND: Yes, sir.

4 THE COURT: Let me ask Mr. Hobbs what he wants me to
5 do.

6 MR. HOBBS: I want you to strike her testimony, Your
7 Honor, or have her required to be -- appear in trial where I
8 can examine her on these issues, on this information that I
9 was not provided at the time of her statement.

10 Your Honor, I would parallel this to a witness being
11 called at trial, being relieved from their subpoena, and
12 then after they're relieved from their subpoena, presenting
13 opposing counsel with a statement that could of been used in
14 her examination. And I believe that the Court, at that
15 time, would say we're gonna strike that testimony because of
16 this violation.

17 I do believe it's within the Court's, as the gatekeeper
18 in this case, given the late disclosure of this information,
19 its value for impeachment, which is defined as material
20 under Brady, that her testimony should be stricken. And if
21 she's gonna testify in this case, she needs to come here and
22 do it in person.

23 SOLICITOR REDMOND: Well, Your Honor, this is something
24 that could of been brought up while we were back in
25 chambers. To be honest, Mr. Hobbs is a friend of mine.

1 This jury's been sworn. That was not raised back there
2 beforehand.

3 So, in essence, from, from my standpoint, getting her
4 here from Pennsylvania would be not necessarily the easiest
5 thing to do because of the, the, the avenues that we would
6 have to go to secure her presence, if necessary.

7 Again, what I -- and, and, and another thing I'm
8 concerned with is, looking at this, and, and Mr. Hobbs said
9 it himself, she gave at least three, three -- I think it was
10 three video recordings which he did have access to. I don't
11 know what, if anything, is materially different in this than
12 those other things and I think that is a consideration
13 before we decide to just strike her testimony.

14 So, it's not like he didn't have anything with which to
15 be able to cross-examine her with. It's -- I mean his
16 decision on how to cross-examine, obviously it's his
17 decision. I'm not going too deep into that.

18 But what I'm saying is that, just from a practical
19 standpoint, one, there were other statements that he did
20 have access to as it related to cross-examining, and, two,
21 again, I'm not -- unless -- I mean if there's something that
22 can be pointed out that is different here than in any of
23 those other statements, then we may be dealing with a
24 situation where, where it, it really is negligible as it
25 relates to the prejudice I guess is what I'm getting at.

1 THE COURT: Mr. Hobbs.

2 MR. HOBBS: Your Honor, I can identify drug use by the
3 declarant within this statement. I can identify her lack of
4 opportunity to observe the victim's vehicle at the time she
5 exited and allegedly followed my defendant, my client. I
6 can also identify a mention of an abandoned carwash which I
7 do not see in any of her statements until she says she led
8 law enforcement there, or I'm sorry, told law enforcement
9 that he had moved the car from this abandoned carwash.

10 So, I think there's several statements that are within
11 this voluntary statement that were not contained in her
12 prior recorded statements.

13 Secondly, I'm not trying to sandbag the State in any
14 regard but I did not create this situation, Your Honor. It
15 was their violation in not turning this information over
16 that I believe created this circumstance and a unique
17 situation where we create -- we conducted a video testimony
18 and I didn't have one of her statements that was written
19 that I could of impeached her with.

20 And in contrast to entering this into the record, which
21 I'm not asking the Court to do, I would have been able to
22 impeach her with it as a prior inconsistent statement
23 without entering this into the record. She would of been
24 able to use it, to reference it, and then either acknowledge
25 that she, in fact, said it or if she -- if it refreshed her

1 recollection.

2 I don't believe I would of had to enter it into the
3 record. I'm not asking the Court to enter it into the
4 record. I'm asking the Court, due to the material nature of
5 the substance of this statement, to strike her testimony and
6 require her to appear in person if the State's gonna produce
7 her as a witness.

8 SOLICITOR REDMOND: And, Your Honor, I would just
9 simply say, even based on what Mr. Hobbs said, I'd be more
10 than happy to make it a State's Exhibit. I think that there
11 are ways that the Court can cure any issues such as this,
12 and by making it an issue, any, any discrepancies that he
13 wants to raise he can raise when we play her video
14 statement. If there's something different there, he's
15 entitled to point that out to the jury in whatever way,
16 shape, or form he wants to do.

17 And so I would -- I would suggest, Your Honor, that, to
18 take the step of, of wiping out her testimony, would be
19 extreme. And, and, again, I'm not -- I'm acknowledging the
20 fact that I wished that yes, that, that, that we had
21 everything in, in, in a timely fashion. I'm not trying to,
22 to, to, to, to, to blush over that.

23 But as it relates to what, what avenues the Court can
24 take to cure any issues, and, quite frankly, I've heard a
25 couple things that may have -- when they talk about drug

1 use, things of that nature, again, when you weigh it for the
2 prejudice, I don't think that the prejudice rises to the
3 level, when you look at what the alternate avenues are, I
4 don't think the prejudice rises to the level of having to
5 strike her statement.

6 Of course he wants to strike her statement. I don't
7 blame him because it is damaging to, to his client. But I
8 think they're other ways to go about doing it and I'm just
9 suggesting one possible way.

10 THE COURT: I tell you what I'm gonna do is I'm gonna,
11 based on your agreement to do so, I'm not gonna put Mr.
12 Hobbs in a position of having to offer testimony and
13 there -- and, therefore, waive closing argument. I am gonna
14 do that but see it's -- y'all have been working on this case
15 for a period of time.

16 SOLICITOR REDMOND: Yes, sir.

17 THE COURT: I can't, at this juncture in a vacuum, say
18 exactly how that would, would prejudice the defendant. But
19 it seems to me, at first blush, if you agree to do that --

20 SOLICITOR REDMOND: Yes, sir.

21 THE COURT: -- and then we're gonna see how that plays
22 out --

23 MR. HOBBS: Yes, sir.

24 THE COURT: -- and we -- I might reevaluate it at that
25 time.

1 SOLICITOR REDMOND: Yes, sir. I am absolutely willing
2 to make this, I've already got some numbered exhibits, but I
3 have no problem at all making this a State's Exhibit, he
4 preserves last argument, and, and, and I've got no problem
5 with him---

6 THE COURT: And that was---

7 SOLICITOR REDMOND: ---using it---

8 THE COURT: And that way---

9 SOLICITOR REDMOND: ---whatever way he sees fit.

10 THE COURT: ---the video's gonna say one thing. That's
11 gonna say something different and to --

12 SOLICITOR REDMOND: Yes, sir.

13 THE COURT: -- and he can point that out.

14 SOLICITOR REDMOND: Yes, sir, absolutely. Thank you,
15 Your Honor.

16 THE COURT: All right.

17 MR. HOBBS: Your Honor, may I brief -- just briefly be
18 heard on that?

19 THE COURT: Yes.

20 MR. HOBBS: Your Honor, that's, that's not the relief
21 that I'm requesting from the Court. I believe that I should
22 of been able to examine her on this information, not just
23 bring it into the record for the jury to read, and not have
24 her response or be able to cross-examine her on it.

25 So, I would like, Your Honor, if, if this is granting

1 my relief, I would like to counsel with my client and decide
2 whether or not I would concede to that relief because I'm
3 not asking for the relief of this statement coming in. I
4 simply would have needed it to examine her.

5 THE COURT: And your objection's noted.

6 MR. HOBBS: Thank you, Your Honor.

7 THE COURT: Very good.

8 MR. HOBBS: All right. Your Honor, moving onto
9 Mr. Andre Covington, the defendant in this case, he made two
10 different statements. Your Honor, one statement I believe
11 was on the day after Mr. Terris Parsons went missing and
12 another statement was given, given several days later.

13 Your Honor, the first statement that Mr. Covington gave
14 was not Mirandized and there were some issues regarding the
15 substance and the nature of that statement being custodial
16 and the requirement for Miranda.

17 Now, he was not placed under arrest but being placed
18 under arrest is not the only consideration that the Court
19 has to decide whether or not the statement was custodial.

20 So, there's no Miranda. The nature of the statement is
21 primarily used to impeach him in his second statement.

22 There's a lot of reference in his second statement to what
23 he said and didn't say in his first statement. It's not a
24 confession. I do believe that it was custodial and I have
25 an argument to present on that.

1 As for Jackson v. Denno and the freely, voluntary
2 nature of the second statement, I don't believe that there's
3 a basis to challenge whether or not that second statement
4 was given freely and voluntarily. He was Mirandized and the
5 nature of that statement I think is, is secure. However,
6 this first statement is at issue.

7 There's a lack of Miranda and I would contend that it
8 was custodial in nature. I do think that we should hear
9 from the detective that conducted that statement to
10 understand the circumstances surrounding it, the lack of
11 Miranda, and also, Your Honor, this gets into an issue
12 regarding the defendant's cellphone, and the admission of
13 the defendant's, or I'm sorry, the seizure of the
14 defendant's cellphone which I identify as an unlawful search
15 and seizure.

16 THE COURT: All right. One of the things that -- and
17 I'm gonna recognize the State in, in order for them to
18 proceed forward on the Jackson v. Denno matter. But the
19 Supreme Court has spoken and it's very clear that when there
20 is a statement that's introduced into evidence, you should
21 have a Jackson v. Denno hearing. I know that there aren't
22 any blatant voluntariness issues. But we do need to put on
23 the record the circumstances of both the statements.

24 SOLICITOR REDMOND: Yes, sir.

25 THE COURT: Mr. Redmond, you're recognized.

1 SOLICITOR REDMOND: Thank you, Your Honor.

2 The State would call, as, as it relates to the first
3 statement, the State would call Jack -- I guess James, known
4 as Jack, Henderson, Lieutenant with Cheraw P.D.

5 THE COURT: Yes, sir, if you could please come forward.
6 I'm gonna ask you, if you could, to place your left-hand on
7 the Bible and raise your right-hand as the clerk administers
8 the oath.

9 JACK HENDERSON, being first duly
10 sworn, testified as follows:

11 THE CLERK: Thank you. Please take a seat.

12 THE COURT: All right, sir. You can have a seat in the
13 witness chair.

14 THE WITNESS: Yes, sir.

15 THE COURT: I'll ask that you pull up real close to
16 that microphone and speak loudly, clearly, and slowly. The
17 court will need to hear everything that you have to say and
18 let's start with your full name please, sir.

19 THE WITNESS: Yes, sir. My name is James Henderson.

20 THE COURT: Okay.

21 SOLICITOR REDMOND: May it please the Court, Your
22 Honor?

23 THE COURT: Yes, sir.

24 DIRECT EXAMINATION

25 BY SOLICITOR REDMOND:

Jack Henderson - Direct examination
By Solicitor Redmond

1 Q And are you also known as Jack?

2 A Yes.

3 Q And I might call you Jack because that's what I'm use
4 to.

5 By whom are you employed?

6 A Cheraw Police Department.

7 Q And in what capacity are you employed with Cheraw P.D.?

8 A I am the lieutenant over the detective division.

9 Q Okay. And how long have you been over the detective
10 division?

11 A Eight years.

12 Q Okay. And how long have you been in law enforcement?

13 A Fifteen years.

14 Q Okay. And, and has that time been at Cheraw P.D.?

15 A Yes.

16 Q Okay. Now, on the 4th of June, 2019, did you have the
17 opportunity to interview the defendant?

18 A I did.

19 Q Okay. Now, at that particular time, was the defendant
20 in custody?

21 Was he under arrest?

22 A No, he wasn't.

23 Q And were -- what were y'all investigating?

24 A At that time we was investigating a missing persons
25 case.

Jack Henderson - Direct examination
By Solicitor Redmond

1 Q Okay. And was that missing person Terris Parson?

2 A It is.

3 Q Okay. And, and as part of that investigation, what led
4 you briefly to the defendant?

5 A Okay. We had---

6 Q To want to talk to the defendant.

7 A We had received information that Mr. Covington was the
8 last person that had contact with Mr. Parsons. We wanted to
9 get Mr. Parsons -- Mr. Covington's information, get him up,
10 and get his information to see what he may have known about
11 or when was the last time he may have saw Mr. Parsons.

12 Q Okay. And in a missing person case, is it common to
13 try to talk with the people who you know had last contact
14 with?

15 A Yes.

16 Q Okay. And so, in this particular situation, where was
17 the interview conducted on the 4th of June?

18 A At the Cheraw P.D. in the interview room.

19 Q Okay. And was it you and Sergeant Brad Redfern that
20 conducted the interview?

21 A Correct.

22 Q Okay. Now, at that time, was the defendant given his
23 Miranda warnings?

24 A No, he wasn't.

25 Q Okay. And could you tell the Court why?

Jack Henderson - Direct examination
By Solicitor Redmond

1 A At that time Mr. Covington was not considered a suspect
2 or a person of interest. Just a person with information.

3 Q Okay. And during the interview at some point -- and
4 I'm skipping ahead a little bit.

5 During the interview at some point, did he tell you
6 about telephone communication he had had with the victim?

7 A He did.

8 Q And did you subsequently, subsequently ask to have his
9 phone, to take his phone?

10 A Yes.

11 Q Okay. And we'll get to that in a little while. Let me
12 circle back to the interview itself.

13 So, was the defendant ever placed in handcuffs on the
14 4th of June, 2019?

15 A No, he was not.

16 Q Okay. Was he free to go at anytime?

17 A Yes, he was.

18 Q Okay. Again, to be clear, was he in custody at that
19 time?

20 A He was not in custody.

21 Q And subsequently, at the end of the interview, did he
22 get up and was he allowed to leave?

23 A Yes, he was.

24 Q And now was he threatened or forced or, or coerced in
25 any way to sit down and talk with you?

Jack Henderson - Direct examination
By Solicitor Redmond

- 1 A No.
- 2 Q In fact, is this interview on video?
- 3 A It is.
- 4 Q Okay. And would you, would you, I guess, classify his
5 demeanor as being cordial?
- 6 Talking about the defendant, was he cordial?
- 7 A Yes.
- 8 Q Okay. As he answered the questions, was he cordial?
- 9 A Yes.
- 10 Q Even as it relates to the phone, did he indicate that
11 it would cause him some inconvenience but did he willingly
12 give you the phone?
- 13 A Yes, he did.
- 14 Q And, in fact, did he also tell you that there wasn't a
15 passcode?
- 16 He took -- did he tell you how to get into the phone?
- 17 A He did.
- 18 Q Okay.
- 19 A He slid it over and there was not a passcode.
- 20 Q Okay. So, so, at that point, did you think he was
21 being cooperative?
- 22 A Yes.
- 23 Q Okay. Again, was he threatened or coerced in any way
24 to come in, to sit down with y'all, or to -- it to, to, to
25 engage in the interview?

Jack Henderson - Direct examination
By Solicitor Redmond

1 A Yes.

2 Q No.

3 Was he ever threatened to---

4 A No, he was not.

5 Q Okay. And, and, again, at the conclusion of the
6 interview, was he allowed to leave?

7 A Yes, he was.

8 Q Was he ever placed in custody?

9 A No.

10 SOLICITOR REDMOND: Beg the Court's indulgence.

11 (Pause.)

12 Q And how did he get up there?

13 Did he drive or did y'all pick him up and bring him if
14 you remember?

15 A He drove his own vehicle.

16 Q Okay. So, he drove the vehicle up there and did he
17 drive his vehicle when he left?

18 A He did.

19 Q Okay. So, at that particular time -- and, and, again,
20 once you became aware of the need to get the phone, if he
21 had said no, I'm not giving you my phone, what would your
22 next step have been?

23 A The next step would have been a search warrant.

24 Q Okay. For?

25 A His phone.

Jack Henderson - Direct examination
By Solicitor Redmond

1 Q Okay. So -- but did you need to get a search warrant?

2 A No, didn't need it.

3 Q He -- did he voluntarily and willingly give it to you?

4 A Yes, sir, he did.

5 Q And, again, all of this is captured on the video of
6 that first interview with the defendant?

7 A Yes.

8 Q Okay. Now, were you actually present -- to, to touch
9 on the next interview.

10 On the 7th of June, did he give a subsequent interview
11 at Cheraw P.D.?

12 A He did.

13 Q Okay. Did you observe that interview?

14 A I observed some of it.

15 Q Okay.

16 A Not all of it.

17 Q Did you observe when he was read his Miranda warnings?
18 Were you there as he was read---

19 A Yes.

20 Q Okay. Who read him his Miranda warnings to the best
21 that you can remember?

22 A I want to say Chief Thomas did.

23 Q Okay. Was Chief Thomas the one that conducted that
24 second interview?

25 A Correct.

Jack Henderson - Direct examination
By Solicitor Redmond

1 Q Okay. And I think Sergeant Redfern was in on that
2 interview as well if I remember right?

3 A Correct.

4 Q And is that interview also video recorded?

5 A Correct.

6 Q And while somebody's being interviewed, are you able to
7 observe that interview?

8 A Yes.

9 Q Okay. And in this interview, how -- did he -- how did
10 he end up at Cheraw P.D. if you remember on the 7th, that
11 being that Friday of June, 2019?

12 A We had his girlfriend/wife, Lillie Moore, was up there
13 and he wanted to know what was taking so long with her
14 interview. That's why he came up.

15 Q Okay. So, Lillie Moore was being interviewed. Then he
16 comes in.

17 So, when he showed up, based on what Lillie Moore was
18 telling y'all, was the decision made that you needed to talk
19 with him again?

20 A Yes.

21 Q Okay. And also had y'all gathered additional
22 information, such as surveillance video and other
23 information, to help give you a little bit better picture of
24 what happened at least to, to Mr. Parsons before he left
25 Cheraw?

Jack Henderson - Direct examination
By Solicitor Redmond

1 A Yes.

2 Q Okay. And as -- in, in other words, let me rephrase
3 that.

4 Did the surveillance video help give you a better
5 picture of where he was going, what he may of been doing up
6 until the time of his disappearance?

7 A Correct.

8 Q Okay. And so with that additional information, did
9 you -- when he showed up, was there also a desire to talk
10 with him?

11 A It was at that time.

12 Q Okay. And based on what Lillie Moore had already told
13 y'all, did, at that point, was it necessary to read him his
14 Miranda warnings?

15 A It was.

16 Q And because after he finished his interview, again, did
17 he ever confess to doing anything to Terris Parsons?

18 A No.

19 Q In either interview?

20 A No.

21 Q But he was Mirandized in the second interview.

22 Was that the -- well, let me ask you this.

23 Why was he Mirandized in the second interview?

24 A Because of the, the evidence that was gathered between
25 the interview that we did with Mr. Covington on that Tuesday

Jack Henderson - Direct examination
By Solicitor Redmond

1 up until that Friday. That's the reason why -- what he had
2 gathered, we felt and -- the need to Mirandize him.

3 Q Okay. And, at that point, was it pretty clear that he
4 was gonna be taken into custody for something?

5 A Correct.

6 Q And, at that point, I believe was he arrested and
7 charged with obstruction of justice at that time?

8 A Correct.

9 Q Based on information that you felt he was not being
10 truthful with you about?

11 A Correct.

12 Q Now, let's talk about the second interview.

13 was he threatened, coerced, or put under distress in
14 any way for him to give y'all a statement?

15 A No.

16 Q And, in fact, did he ever confess in either, either
17 interview to doing anything to Terris Parsons?

18 A No.

19 Q In fact, did he deny having direct contact with Terris
20 Parsons on that evening in both interviews?

21 A The first interview he had -- he said that he only made
22 a phonecall but he never made contact with Mr. Parsons.

23 Q All right. And so -- and so, again, in the second
24 interview, the, the parts where you observed where he went
25 through and was read his Miranda warnings, was he ever

Jack Henderson - Direct examination
By Solicitor Redmond

1 coerced in any way to give his statement?

2 A Not for what I saw, no.

3 Q All right. Would you classify as either one being a
4 confession?

5 A No.

6 Q Okay. And, and, and, and last question. I think last
7 question for now at least.

8 On either of those interview -- interviews -- in either
9 of those interviews, did he ever ask for -- did he ever ask
10 for a lawyer?

11 A I believe on the second interview he did.

12 Q In the second interview.

13 And so -- and that was toward the end of that interview
14 I believe it was?

15 A Correct.

16 Q Okay. So, so, up until that time, had he ever
17 requested a lawyer?

18 A No.

19 Q Okay. And, and, again, all of this is reflected on the
20 video.

21 Both interviews were videotaped at Cheraw P.D.?

22 A Correct.

23 SOLICITOR REDMOND: Okay. Beg the Court's indulgence.
24 (Pause.)

25 Q That'd be all the questions I have. Please answer any

Jack Henderson - Cross-examination
By Mr. Hobbs

1 questions that Mr. Hobbs may have.

2 THE COURT: Mr. Hobbs.

3 MR. HOBBS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. HOBBS:

6 Q Detective, there's been a, a point of contention here
7 that came up for your testimony that the statement was
8 actually taken on June 4th. All the information that I've
9 seen regarding the first statement of Mr. Covington
10 indicated that it was June 3rd.

11 Do you have anything, notes, obviously we don't have a
12 Miranda form, to confirm to us what day Mr. Covington's
13 first statement was taken?

14 A Only on the video where we put the date and the time on
15 it with --

16 Q Okay.

17 A -- the date and the case number on it.

18 Q Okay. And I -- have you reviewed that to confirm that
19 it was June 3rd or are you just saying it was June, I'm
20 sorry, June 4th?

21 A It was June 4th.

22 Q You're sure of that?

23 A Yes.

24 Q Okay. Very good.

25 And how did Mr. Covington end up coming to the police

Jack Henderson - Cross-examination
By Mr. Hobbs

1 department?

2 Is that where this was taken?

3 A Yes, in his own vehicle.

4 Q Okay. But how did he -- how did he know to come up
5 there?

6 A We went by and spoke with Mr., Mr. Covington in
7 reference to this case because, like I said, we gathered --
8 we had some information that he might have had some
9 information in, in reference to this case that could help
10 us. We went to speak with Mr. Covington to -- and told him
11 to come up to the police department on, on his own, would he
12 be willing to, and he agreed to.

13 Q Okay. And why couldn't you have asked him those
14 questions when you spoke to him?

15 why did he have to come up to the police department?

16 A I rather do it where it was video/audio recorded
17 because that way nothing can be changed.

18 Q Okay. So, we end up having him in the Cheraw Police
19 Department and describe this room that he's in.

20 Is it a big room, a small room, windows?

21 what's it look like?

22 A It's a medium size room, no windows, camera with four
23 chairs, table, and that's it.

24 Q Okay. And what time did your questioning, your
25 interrogation, of, of Mr. Covington start on that day?

Jack Henderson - Cross-examination
By Mr. Hobbs

1 A I can't remember at, at this time what the exact time.
2 I just remember it was morning time. I can't give you a
3 specific time.

4 Q Okay. You can say it was morning time on the 4th?

5 A Correct.

6 Q Okay. And my records, in looking over the video, would
7 show that that initial interrogation of Mr. Covington lasted
8 about an hour and a half.

9 Is that correct?

10 A I want to say hour and a half, hour 45 minutes, or so.

11 Q Okay. Maybe even longer than I'm proposing. Maybe an
12 hour 45 minutes.

13 Is that correct?

14 A Correct.

15 Q And no Miranda warning was given to Mr. Covington at
16 that time.

17 Is that correct?

18 A Correct.

19 Q No Miranda form was filled out at that time.

20 Is that correct?

21 A Correct.

22 Q Okay. The purpose of you talking to Mr. Covington was
23 that he was one of the last people to be in contact with
24 Terris Parsons.

25 Is that correct?

Jack Henderson - Cross-examination
By Mr. Hobbs

1 A That is correct.

2 Q Okay. And in questioning in, in the interrogation of
3 Mr. Covington, when he would respond, and many times y'all
4 would ask him the same question over and over again, why is
5 it that you did that?

6 A Basically like you asking me over and over.

7 Q Okay. I, I don't -- I don't know what that, what that
8 means.

9 why did you -- once he answered a question, why did you
10 continue to ask him the same question over and over?

11 A Not to be -- just to make sure that we understood that
12 we was getting the right information.

13 Q Okay. So, at one point you actually take a break and
14 you say to Mr. Covington I need you to hold tight.

15 A Correct.

16 Q And you walk out of the room.

17 A Correct.

18 Q So you told Mr. Covington that you needed him to stay
19 in that room. You needed him to hold tight while you left
20 that room?

21 A Correct.

22 Q Okay. Then you continue to question him going on for
23 about an hour 45 minutes, and then, at the end of the phone
24 conversation, you say that he gave you his cellphone by
25 consent.

Jack Henderson - Cross-examination
By Mr. Hobbs

1 Is that right?

2 A That's correct.

3 Q But, in fact, when you went into that room, you told
4 Mr. Covington we're gonna need to take your cellphone.

5 You're gonna be without your cellphone for a few days. And
6 you tell him that you're gonna take his cellphone before you
7 ask for his consent to take it.

8 Is that correct?

9 A I wouldn't say take. I was asking for his phone to
10 make sure that his records, what he was telling me, was
11 correct.

12 Q okay.

13 A To match.

14 Q when you took his cellphone --

15 A Uh-huh. (Affirmative).

16 Q -- y'all entered the room and say we're gonna have to
17 take your cellphone. You're gonna be without your cellphone
18 for a few days.

19 Is that correct?

20 A Correct.

21 Q And then you took his cellphone---

22 A with his---

23 Q ---then asked for his consent?

24 A ---consent. Excuse me.

25 Q Then asked for his consent as you took it, correct?

Jack Henderson - Cross-examination
By Mr. Hobbs

1 A when he gave consent, yes.

2 Q Okay. But when you came in, you didn't ask him if you
3 could take the phone, did you?

4 You said we're gonna have to take your phone and you're
5 gonna be without your phone for a few days.

6 Is that correct?

7 A Correct.

8 Q Okay. And then you took his phone. You filled out a
9 consent.

10 Do you know when the search warrant was executed for
11 looking at that phone?

12 A I can't remember at this time.

13 Q Okay. If I was to tell you it was 8:00PM on
14 June 4th, would that sound about right?

15 A For the search warrant or the consent?

16 Q For the search warrant.

17 A We didn't do a search warrant.

18 MR. HOBBS: One second, Your Honor.

19 (Pause.)

20 Q But do you know when that search warrant was done?

21 A I can't remember the date.

22 Q Have you ever had a search warrant just for the seizure
23 of the cellphone?

24 A Yes, it was one -- it was one drawn up for it, yes, to
25 get the in -- the data off the phone, yes.

Jack Henderson - Cross-examination
By Mr. Hobbs

- 1 Q To get the data off the phone?
- 2 A Yes.
- 3 Q Not to actually seize the phone?
- 4 A Correct.
- 5 Q Okay. As to that second statement, you didn't give
- 6 that second statement, did you?
- 7 A I did not.
- 8 Q Do you -- is it your understanding that Keith actually
- 9 contacted Mr. Covington and told him to come up to the
- 10 police station for that statement?
- 11 A My understanding, Mr. Covington came up to see what was
- 12 going on with his wife/girlfriend, Lillie Moore.
- 13 Q Okay. So you weren't actually conducting that
- 14 statement?
- 15 A No, I was not.
- 16 Q You weren't the person who asked Mr. Covington to come
- 17 up for that statement?
- 18 A Not the second -- no.
- 19 Q The second statement.
- 20 A Correct.
- 21 Q And you weren't actually in the room for that
- 22 statement.
- 23 Is that right?
- 24 A Correct.
- 25 Q You didn't conduct the Miranda for it?

Jack Henderson - Cross-examination
By Mr. Hobbs

1 A Correct.

2 MR. HOBBS: Okay. Court's indulgence please.

3 (Pause.)

4 MR. HOBBS: Your Honor, I have no further questions for
5 this witness at this time. I do believe that we, we would
6 need to hear from Chief Thomas.

7 SOLICITOR REDMOND: We are gonna hear from Chief
8 Thomas. I do need to ask a couple quick redirect
9 questions---

10 THE COURT: Yes.

11 SOLICITOR REDMOND: ---Your Honor, if it please the
12 Court.

13 REDIRECT EXAMINATION

14 BY SOLICITOR REDMOND:

15 Q Lieutenant Henderson, when -- and, again, this was all
16 videoed and I keep saying that ad nauseam but this was
17 videoed. Let me ask you.

18 Do you recall, as he, he was giving you the phone,
19 regardless, you know, when y'all told him that y'all needed
20 to take the phone, did he indicate that the only issue he
21 had was because of it being, you know -- that, that I guess
22 he, he -- I think he -- and this is just in this hearing.
23 He mentioned about his federal probation officer and being
24 able to be -- have -- be in contact with the probation
25 office.

Jack Henderson - Redirect examination
By Solicitor Redmond

1 A Yes.

2 Q Okay. But, other than that, did he indicate that he
3 didn't have a problem with that -- with y'all taking the
4 phone and y'all -- did you even offer to let his federal
5 probation officer know about the phone so that, you know,
6 alternate measures could be taken?

7 A Correct.

8 SOLICITOR REDMOND: Okay. That'd be all the questions
9 I have, Your Honor.

10 MR. HOBBS: Briefly, Your Honor. We just touched on
11 something new.

12 RECROSS-EXAMINATION

13 BY MR. HOBBS:

14 Q Didn't he also tell you that that was his work phone
15 and that's what he did his work on as well?

16 A Correct.

17 MR. HOBBS: Okay. And, Your Honor, when it's an --
18 appropriate, I'd like the Court, the Court to watch that
19 exchange when the cellphone is taken. I think it should
20 offer some clarity as to the consent and I also have a legal
21 argument to present as to a consent to search and its
22 involuntary nature.

23 THE COURT: Very good.

24 All right. You, you may step down.

25 THE WITNESS: Thank you, Your Honor.

Keith Thomas - Direct examination
By Solicitor Redmond

1 SOLICITOR REDMOND: Thank you, Your Honor.

2 The State would next call former Chief Keith Thomas to
3 the stand.

4 THE COURT: All right. Yes, sir. I'm gonna ask, if
5 you could, to place your left-hand on the Bible and raise
6 your right-hand as the clerk administers the oath.

7 KEITH THOMAS, being first duly
8 sworn, testified as follows:

9 THE CLERK: Thank you. Please take your seat.

10 THE COURT: Have a seat in the witness chair. Pull up
11 real close to that microphone. Speak loudly, clearly, and
12 slowly in order that we can hear everything that you have to
13 say and start with your full name please, sir.

14 THE WITNESS: Winston Keith Thomas.

15 DIRECT EXAMINATION

16 BY SOLICITOR REDMOND:

17 Q Since we're outside of the presence of the jury, I did
18 not know your first name was Winston and you will be hearing
19 that again. I assure you.

20 May it please the Court, Your Honor?

21 THE COURT: Yes.

22 Q Winston, if you could tell us, at what capacity did you
23 serve the citizens of Cheraw on June 19th, excuse me,
24 June 2nd, 2019?

25 A I was the chief of police.

Keith Thomas - Direct examination
By Solicitor Redmond

1 Q And how long had you been chief of police about --
2 well, how long were you chief of police before retiring
3 earlier this year?

4 A Eight years.

5 Q Okay. How long had you been with Cheraw P.D.?

6 A Thirty years.

7 Q Okay. And I think most, if not all of your career, was
8 with Cheraw P.D.?

9 A No, sir, I did almost two years in Marlboro County.

10 Q In Marlboro County. That's right.

11 A Yes.

12 Q But other than that, the majority of it, the vast
13 majority, was in Cheraw?

14 A That's correct.

15 Q And, at that time, did you have the opportunity, on the
16 7th of June, I believe that was a Friday, to interview the
17 defendant, Andre Covington?

18 A I did.

19 Q And could you tell us the circumstances on how you came
20 to encounter Mr. Covington that day?

21 A We were in the process of interviewing Lillie Moore and
22 I received a phonecall from the dispatch. They rang my --
23 I, I don't recall if they rang my cellphone or they rang the
24 detective office. But I was made aware that Mr. Covington
25 was in the lobby of the police department and he was

Keith Thomas - Direct examination
By Solicitor Redmond

1 inquiring about his girlfriend, Lillie Moore.

2 Q So, to be clear, did you ever ask him to show up that
3 day?

4 A I did not.

5 Q Okay. So, he shows up at the police department.

6 And so tell us about the decision or why was the
7 decision made to interview the defendant?

8 A It was determined that inform -- more information had
9 been pro -- provided to us through our investigations.
10 Since the last interview of Mr. Covington, we had received
11 statements from Ms. Lillie Moore that contradicted Mr.
12 Covington's statement and we had retrieved video evidence
13 from multiple sites that would indicate that his original
14 statement was not true, that he indicated that he had had no
15 contact with Mr. Terris Parsons, and we had video which was
16 located less than a half a block from his residence that
17 showed Mr. Terris Parsons going to Mr. Covington's
18 residence.

19 Q Okay. So, would it be fair to say that, because of
20 those issues, he was arrested for -- I think he was
21 initially charged with obstruction of justice.

22 A That's correct.

23 Q And would it be fair to say that, once he showed up
24 there with everything you've described to the Court, he was
25 not going home?

Keith Thomas - Direct examination
By Solicitor Redmond

1 He was going to be placed into custody?

2 A It was clear, before we even started that second
3 interview, that he was gonna be charged with, at the
4 minimum, obstruction of justice based on he misled the
5 investigation from day -- from basically day two of the
6 investigation.

7 Q Hence, is that -- did you -- with that, what you've
8 just described, did you give him, when you first encountered
9 him, was he given his Miranda rights?

10 A He was.

11 Q And is this all captured on video?

12 A It is.

13 Q All right. And did you read him his rights?

14 A I did.

15 Q And, and, of course, without going verbatim, it's on
16 the video, but did you advise him that he had the right to
17 remain silent?

18 Did he go through the checklist of, of asking for an
19 attorney, stopping the interview?

20 Did he go through that -- did you go through that
21 checklist?

22 A We have a form that we, we read verbatim from and we
23 ask does he understand his, his rights, and after he
24 acknowledges that he understands his rights, we ask him to
25 sign it.

Keith Thomas - Direct examination
By Solicitor Redmond

1 Q And did he do that in this case?

2 A He did.

3 Q And, and moving forward, did he, did he seem to
4 understand his rights?

5 A He did.

6 Q Okay. And did he -- and what in the -- in any of the
7 interviews did he mention a lawyer, getting a lawyer for him
8 and then---

9 A At the very end of the interview and the interview was
10 discontinued at this time.

11 Q Okay. I was just about to ask you.

12 so, but up until that point in the second interview,
13 did he -- at -- well, was he ever threatened, coerced,
14 forcibly made to give an interview at that time?

15 A No, he was not.

16 Q Was he denied any basic human needs such as food,
17 drink?

18 Was he denied a trip to the bathroom or anything to
19 make him give y'all a statement on, on the 2nd of June,
20 2019?

21 A I think, if you watch that statement, I actually
22 stopped the interview at one point, brought him a drink of
23 water, encouraged him to drink the water, and I think
24 there's -- the interview stopped for several -- probably 10
25 minutes or so while we allowed him time to com -- compose

Keith Thomas - Direct examination
By Solicitor Redmond

1 himself.

2 Q And I was gonna ask you about that just to be clear.

3 Was there an episode where the defendant appeared to,
4 to be -- I mean we're not doctors but, you know, the video
5 speaks for itself.

6 Was there a point in the interview where the defendant,
7 the defendant at least threw off the appearance as being in
8 some distress?

9 A He did.

10 Q Okay. And, and, again, the video speaks for itself.
11 So we won't characterize, you know, your thoughts on that at
12 this time.

13 But pursuant to that, was he again offered drink, given
14 time to compose himself before going forward with the
15 interview?

16 A He was.

17 Q All right. And, again, was there anything done to
18 force him to give you a statement at that time?

19 A No.

20 Q And did he, did he confess?

21 A He did not.

22 Q Okay. Did he continue to deny any role in the
23 disappearance of Terris Parsons?

24 A He did.

25 SOLICITOR REDMOND: That'd be all the questions I have,

Keith Thomas - Direct examination
By Solicitor Redmond

1 Your Honor.

2 Please answer any questions that Mr. Hobbs may have.

3 THE COURT: Mr. Hobbs.

4 MR. HOBBS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. HOBBS:

7 Q Mr. Thomas, what day was this second interview
8 conducted?

9 A It's Friday afternoon, Friday evening.

10 Q Friday afternoon. That would -- the 7th?
11 June 7th?

12 A 7th. June the 7th. The day after my birthday.

13 Q Very good.

14 And you're confident that you did not call
15 Mr. Covington to the police department or call him or
16 contact him at anytime that day?

17 A I'm not gonna say that I may have -- I don't know if I
18 called him earlier in the day. I do not know. He was -- I
19 know that he was one of the people that we were trying to
20 interview that day.

21 So, to answer that question did I call him previous to
22 the interview, I don't know the answer to that. I knew we
23 were wanting to interview him and the reason I remember him
24 coming up is he saved me a trip to go find him.

25 Q Sure.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 But you had talked to him and told him that y'all
2 needed to talk to him earlier?

3 A No, no, no. That is not what I said.

4 Q What -- yes, sir.

5 A My answer to your question was this.

6 Q Yes, sir.

7 A I'm not saying -- I don't recall calling him at all.
8 But I can't tell you 100 percent whether I called him to
9 have him -- I never talked to him if I called him.

10 That's -- if that makes sense. I never left him a message
11 to come see me. If I called him, it was to line up an
12 interview. But I don't recall calling him at all.

13 Q Yes, sir.

14 Do you recall if you sent any police officers out to 4
15 Chapman Street that day?

16 A We did not send anybody to his address to look for him,
17 no.

18 Q Okay. Very good.

19 A Chapman Street is actually outside the city limits.
20 Therefore, I would of not sent anybody there to pick him up
21 at all.

22 MR. HOBBS: Court's indulgence please.

23 (Pause.)

24 Q And how did y'all -- chief, do you recall how Lillie
25 Moore got in y'all's custody that day?

Keith Thomas - Cross-examination
By Mr. Hobbs

1 A I, I was not involved in that. I do not know.

2 Q Do you recall if she was picked up from the residence
3 that day---

4 A I, I think---

5 Q ---on Chapman Street?

6 A I think they went to see her. I don't -- they went
7 looking for her. I do not know if they went and asked her
8 to come or whether they wrote her. I was not involved in
9 that part of it.

10 Q And that would of been Cheraw P.D.?

11 A That would of been Cheraw P.D.

12 Q Was any medical aid offered to Mr. Covington when he
13 appeared to have that spell in the interview?

14 A I -- not that I recall. I gave him a few minutes to
15 compose, compose himself and offered him water. And, and
16 then we proceeded once he appeared to have his faculties
17 back.

18 MR. HOBBS: Your Honor, I don't have any further
19 questions at this time.

20 THE COURT: All right. Was -- after the --
21 June 7th somebody said -- was he detained after that
22 June 7th?

23 THE WITNESS: Yes, sir.

24 THE COURT: Anything further---

25 SOLICITOR REDMOND: Nothing further---

1 THE COURT: ---for this witness?

2 SOLICITOR REDMOND: ---from the State, Your Honor.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you.

5 MR. HOBBS: And, Your Honor, if I could, as, as Mr.
6 Thomas is stepping down, I know we're running up against
7 time, I can briefly summarize our legal position in regard
8 to the issues that we've confronted here with these two
9 witnesses if the Court would hear me.

10 THE COURT: Yes.

11 MR. HOBBS: Thank you, Your Honor.

12 As you heard, Mr. Covington was interrogated on
13 June 4th. The State would allege it was noncustodial.

14 Now, Your Honor, custody's determined by the totality
15 of the circumstances surrounding the interrogation including
16 the location, purpose, length of interrogation, and whether
17 the suspect was free to leave the place of questioning.
18 Further it's gonna depend on the objective circumstances,
19 not subjective views, harbored by any -- by either the
20 interrogating officer or the person being questioned. And
21 the relevant inquiry is whether a reasonable man in a
22 suspect's position would of understood himself to be in
23 custody.

24 Your Honor, Mr. Covington was not placed under arrest
25 at the conclusion of his first statement. However, he was

1 called to the police department, put inside of an
2 interrogation room, questioned for an hour and 45 minutes.
3 Many times these questions were repetitive and asked several
4 times to try to, I believe, elicit a different answer from
5 Mr. Covington.

6 At one point the officers exit the room and tell
7 Mr. Covington I need you to hold tight. This again, Your
8 Honor, is reflective of this being custodial, this
9 reflecting that Mr. Covington was not free to leave, and
10 that he needed to stay in that room.

11 It's uncontroverted, Your Honor, that there was no
12 Miranda issued to Mr. Covington in this first statement. So
13 then the question becomes whether or not his Fifth Amendment
14 rights were violated due to the nature of this and I would
15 allege, that while he was not placed under arrest, this was
16 a custodial interview.

17 And, Your Honor, this was all culminated in the seizure
18 of the defendant's phone when he's told we need to take your
19 phone and you're gonna be without your phone for a few days.
20 This was not posed as a question. This was posed as a
21 statement. There was no search warrant in place at the time
22 and this represents an unlawful search and seizure.

23 Now, one thing that's gonna be emphasized from the
24 State is that okay, well, after they said this to him, he
25 consented to them taking the phone. And, Your Honor, there

1 is a state -- and I do have a reference if the Court needs
2 it, the State v. Madison as to consent to search and the
3 voluntary nature of that consent. And when a consent to
4 search, and if it was voluntary, is going to hinge on
5 whether or not it was the product of duress, coercion,
6 express or implied, and that's going to be a fact that needs
7 to be determined by the totality of circumstances.

8 Your Honor, in this case, there was no search warrant
9 for this phone. Instead, he was told he would have to turn
10 over this phone after an hour and 45 minutes of
11 interrogation. I believe that, in, in some ways, this lends
12 to the custodial nature of this interrogation. But,
13 secondarily, Your Honor, telling someone that they have to
14 give you your phone, and that they're gonna take your phone
15 without a search warrant, creates the seizure of that phone
16 being a product of duress, coercion, express or implied.

17 Your Honor, essentially, whenever there's a custodial
18 or non custodian -- custodial situation where consent is
19 given, it's going to be a factor and part of the
20 consideration. Suspects are free to limit the scope of
21 searches and which -- to which they consent. However, this
22 consent though was offered by the defendant was the
23 revolt -- result of a improper seizure that occurred when
24 they told him we need to take your phone and this is all on
25 record.

1 I would, I would ask the Court to review this snippet
2 in time in regards to the cellphone to determine whether or
3 not, in fact, they seized that phone, told them that they
4 were gonna take it, and that he would be without it prior to
5 getting his consent.

6 And, Your Honor, that sums up the issues regarding the
7 custodial nature of the first statement. It being without
8 Miranda and, therefore, should be suppressed.

9 I would ask the Court to then redact any impeachment in
10 the second testimony related to the first. And then,
11 essentially, Your Honor, I would ask also the Court to throw
12 out any extraction or information derived from the phone
13 that I would allege was the result of a consent that was not
14 voluntary and that was the product of duress and coercion
15 expressly through the detectives at that time.

16 THE COURT: Mr. Redmond.

17 SOLICITOR REDMOND: Thank you, Your Honor.

18 May it please the Court.

19 Of course I disagree with the characterization and, and
20 the interesting thing Mr. Hobbs said in this is for the
21 Court to review a snippet. Well, as the Court knows,
22 context is important.

23 When you look at the context of that entire interview,
24 it was not adversarial. It was -- I would say cordial and
25 even in, in the sections leading up to and including the

1 sections at issue it was cordial. Even the exchange as it
2 relates to the, the phone itself because he says I, I think
3 at least on one, maybe more occasions, that he didn't mind.
4 His only concern was X, Y, Z.

5 So, this was not an adversarial situation as Lieutenant
6 Henderson indicated. At that point they were just trying to
7 get information as to -- as far as people who had contact
8 with him. So, again, a snippet, I don't think, is, is
9 suitable when you look at the totality of the circumstances
10 and the context at what took place.

11 One, it was not custodial, and, and, and as Lieutenant
12 Henderson indicated, if he had said no, I'm not gonna give
13 you my phone, the next step would of been walk across the
14 street, ask the judge to get a, a search warrant to be able
15 to seize the phone. So -- but they didn't have to because,
16 again, he willingly gave them the phone and willingly told
17 them look, you don't need a password. All you do is swipe
18 it and all that's reflected on the video.

19 And so, Your Honor, I would submit that this was not
20 custodial in the -- since because he was free to go and he
21 did, in fact, leave. He drove himself there. He did leave
22 after the interview.

23 And so we would submit that it was not a custodial
24 interview where, one, Miranda was necessary because, again,
25 in -- the, the, the whole context of the interview was not

1 accusatory in the least I would submit, and then, as it
2 relates to the phone and needing his phone, even that
3 exchange was cordial. And, again, he voluntarily gave the
4 phone, and if he didn't, they would of just gone ahead and
5 gotten the search warrant to seize that phone.

6 Again, that was not necessary. And once they got the
7 phone, they, of course, then got the search warrant to be
8 able to have the extraction done.

9 So, we would submit that the State, that the State is
10 entitled to move forward with both of those pieces of
11 evidence based on what we've presented today.

12 THE COURT: All right.

13 MR. HOBBS: And, Your Honor, I, I know we're up against
14 a time.

15 Can I be heard---

16 THE COURT: Well, we---

17 MR. HOBBS: Yes, sir.

18 THE CLERK: ---we don't need to be concerned about
19 time.

20 MR. HOBBS: I understand.

21 THE COURT: We can -- we -- this is -- these are
22 important matters and we need to hear them out thoroughly.

23 MR. HOBBS: And, Your Honor, just very briefly.

24 The snippet amount -- the snippet of time that I'm
25 asking the Court to review is the moment where the phone is

1 seized. I do think that that lends to the custodial nature
2 when we're looking at the totality of the circumstances. I
3 would allege that whether or not a -- essentially creating a
4 situation where you're taking something under coercion or
5 duress, it doesn't matter if it's, it's cordial. This
6 individual was not arrested at the time.

7 If the search would of been seized subject to arrest,
8 then we could say this was inevitable discovery. We were
9 gonna have it anyways. But the idea of oh, we could of just
10 gone across the street, it, it contradicts the idea of what
11 was going on at that time. They're gonna go across the
12 street and not let him leave while they go get the search
13 warrant.

14 So I am asking the Court to look at the snippet in time
15 to determine whether or not the consent that was offered by
16 the defendant was voluntary and whether or not it was
17 derived as an -- and a product of duress and coercion in
18 this situation.

19 And, again, Your Honor, I would reiterate the custodial
20 arguments that I have made and I would say that this was an
21 adversarial interrogation that was not cordial in the way
22 that the State presents it insomuch as these questions are
23 repetitive and asked over and over again over a period of an
24 hour and 45 minutes.

25 I do believe that the State can protect their interest

1 in introducing the second statement which I don't believe I
2 have a good faith objection to being admitted and that the
3 only issue would be their ability to impeach him within that
4 second statement with the first statement.

5 So, Your Honor, I would reiterate that this was
6 custodial especially given the time when he's told that he
7 needs to hold tight, he needs to stay in the room, the fact
8 that a piece of property is seized from him and taken from
9 him at the end of the video, and just the general nature of
10 the interrogation in general.

11 THE COURT: Might counsel approach the bench for just
12 one moment please?

13 (WHEREUPON, a bench conference was held at this time.)

14 THE COURT: All right. In the bench conference, we've
15 discussed the logistics of my reviewing the tape of the, of
16 the statement and the conditions in which the phone was
17 turned over. And I understand that the State is gonna email
18 that to my law clerk so I can review that this evening. And
19 then I'll rule on it tomorrow.

20 SOLICITOR REDMOND: And, Your Honor, just so you'll
21 know, I think the easiest thing is to email cause we've done
22 a redacted statement that Mr. Hobbs and I -- cause there's a
23 lot of, you know, prior criminal history talking, some
24 hearsay. So we've re -- agreed on most redactions. They're
25 a few more we still got to iron out.

1 But just for the purpose of this hearing, if, if Mr.
2 Hobbs doesn't have any objection, I can just send the whole
3 thing. It'd be easier just to send the whole thing.

4 MR. HOBBS: Your Honor, I, I, I know that the Court
5 will be able to separate this evidence that would otherwise
6 be admissible---

7 THE COURT: Right.

8 MR. HOBBS: ---and look at it.

9 THE COURT: Yes.

10 SOLICITOR REDMOND: Thank you, Your Honor.

11 THE COURT: All right. Any other motions?

12 MR. HOBBS: Your Honor, we, we do have more motions.
13 Sorry.

14 Your Honor, we do have more motions to get through. If
15 the Court wants to break and reconvene on these issues, we
16 certainly could. I would leave that in the Court's
17 discretion.

18 THE COURT: We will do that. Let's go ahead and take
19 care of this other matter and I think the jury's coming back
20 at 3:30 and I think we'll be in a position to conclude this
21 matter in short order and revisit the motions.

22 SOLICITOR REDMOND: Thank you, Your Honor.

23 MR. HOBBS: Thank you, Your Honor.

24 (WHEREUPON, a short recess was taken in this case at
25 this time.)

1 SOLICITOR REDMOND: Beg the Court's indulgence. I'm
2 sorry.

3 THE COURT: Mr. Hobbs, is, is your client -- is he --?

4 MR. HOBBS: He should still be here, judge.

5 SOLICITOR REDMOND: Yeah, they're gonna bring him in.

6 MR. HOBBS: I think we're in a safe and secure
7 courtroom. So, he can be brought in.

8 (WHEREUPON, the defendant comes into the courtroom at
9 this time.)

10 THE COURT: All right. Let's have order.

11 Mr. Hobbs, you're recognized.

12 MR. HOBBS: Thank you, Your Honor.

13 At this time, Your Honor, if the Court would allow, I'd
14 like to continue with pretrial motions for issues that I'm
15 anticipating would be best ruled on prior to the start of
16 this case.

17 If I may continue?

18 THE COURT: Yes.

19 MR. HOBBS: Thank you, Your Honor.

20 Okay. Your Honor, we have heard issues regarding
21 evidence that was sent over on Friday. I believe that we
22 had gotten through Jackson v. Denno and Fifth Amendment
23 arguments in regard to Mr. Covington's two statements, and
24 also the Court has heard a formal motion from the defense to
25 suppress Mr. Covington's cellphone seizure that was done at

1 the end of his first statement.

2 Your Honor, at this time I would like to move onto an
3 issue of a jailhouse letter, which is also become a pivotal
4 issue in this case.

5 Now, Your Honor, as I told you, Mr. Bruce Romero
6 offered testimony via video testimony that was conducted on
7 February 7th of this year.

8 Now, Your Honor, again, the same way with Ms. Lillie
9 Moore, there was put on the record that each side would
10 essentially reserve their right to object to the testimony
11 and, at this time, Your Honor, I'm objecting to the
12 relevancy of the testimony and the letter that Mr. Romero
13 puts into evidence in this case. And if I may explain Mr.
14 Romero's role in this and, and give the Court a little bit
15 of history.

16 It's alleged that, while Mr. Romero and Mr. Covington
17 were in jail, that at some point in their solitary
18 confinement they were put in jail cells that were in --
19 right next to each other, and were able to communicate
20 through a vent, and also Mr. Romero alleges that on one day
21 Mr. Covington presents his arrest warrant for the charge of
22 kidnapping, which is not at issue in this case and might
23 lead to a, a concern that I have of that coming into the
24 record through its testimony now that they're not proceeding
25 on the kidnapping charge, but him stating that Mr. Covington

1 had also given him a letter at this time.

2 Now, this letter does not specifically have to do with
3 the issues in this case. I would state that the letter does
4 not constitute a confession but it does make reference, as
5 the State will allege, that potentially Mr. Covington could
6 make a witness disappear, and essentially I wouldn't, I
7 wouldn't concede that this is the correct summation. But
8 that's the way that the State is intending to put it in.

9 Now, Your Honor, some issues with this statement as are
10 presented from Mr. Bruce Romero's testimony is that he did
11 not see him actually write this statement, that he handed it
12 to him, told him that he would need to get rid of the
13 statement after he read it, and Mr. Romero did not. He then
14 turned it into -- I think put it in an envelope, turned it
15 into the jail, and then the jail held onto it until Mr.
16 Romero makes a statement with Mr. Wayne Jordan, and talks
17 about the nature of it, and Mr. Jordan says this statement,
18 and he says yes, this is the letter that I got from
19 Mr. Covington that he told me not to dispose of.

20 So, Your Honor, there are several issues that are
21 contained within this letter and I would first point out the
22 issue of relevancy. I don't believe that this letter goes
23 to any of the issues or elements that are gonna need to be
24 proven by the State in this case. It makes veiled
25 references to making something happen for him, that

1 essentially if they, they don't have any witnesses, they
2 don't have a case, and I, I would, you know, if the Court is
3 willing to review this letter, I would pass it up for the
4 Court's review so that you can determine the relevancy of
5 this letter.

6 THE COURT: Yes, sir.

7 MR. HOBBS: May I approach?

8 THE COURT: Yes.

9 MR. HOBBS: As part of Mr. Bruce Romero's testimony,
10 Your Honor, he talks about how Mr. Covington never directly
11 spoke about his case. He never made any confession or any
12 sort of statement of fact about this case. That's something
13 that's very clear in his testimony.

14 The only thing that Bruce Romero can say is that he
15 alleges that Mr. Covington handed him this note and that
16 essentially he didn't get rid of the note the way that
17 Mr. Covington asked him to get rid of it. And so, Your
18 Honor, this note is not relevant to the case at hand. There
19 the -- are veiled sort of statements about him being an O.G.
20 and essentially---

21 THE COURT: What is an O.G.?

22 MR. HOBBS: I believe that's Original Gangster, Your
23 Honor --

24 THE COURT: All right.

25 MR. HOBBS: -- I believe which would be a reference to

1 him being kind of a, a well established member of some sort
2 of criminal community perhaps. It's -- I believe that's
3 what O.G. stands for.

4 So, Your Honor, there -- there's kind of a flow chart
5 here when we go through this statement and you start with
6 relevancy. And I would contend that this statement is not
7 relevant. It's not probative to any facts that are being
8 presented in this case, that it is, under Rule 403, more
9 prejudicial than it is probative to any material issue at
10 hand, and that, if anything, it represents a Rule 404 Lyle
11 prior bad act without an exemption.

12 So, Your Honor, the first thing would be the threshold
13 issue of whether or not this letter is actually relevant as
14 far as its submission in the trial, and then, secondarily,
15 would be whether or not it is more probative than it is
16 prejudicial, which it follows that threshold, and then,
17 third, would be the consideration, that not only does it
18 contain Lyle or prior bad act, Rule 404 evidence, it, in and
19 of itself, in reference to essentially saying I can make
20 that happen, trust me, is a reference to a bad act that
21 should be inadmissible at trial.

22 So, again, this letter does not reference anything
23 about the case at hand. The victim in the case at hand was
24 not a witness in a case, Your Honor. If anything, the State
25 says well, this says that he can make a witness disappear.

1 So, that's relevant to the victim's disappearance in this
2 case.

3 I would argue that he says that essentially having a
4 witness disappear is not parallel to Mr. Terris Parsons in
5 this case. The victim in this case, based on the testimony
6 we've heard, had no beef with the defendant. There was no
7 criminal proceedings or otherwise legal proceedings of which
8 he was going to be a witness, and any, any sort of
9 extrapolation and application of this statement to implicate
10 him in making Mr. Parsons disappear is not based in fact and
11 is conjecture of the State.

12 So, Your Honor, based on -- if I may. I do apologize.
13 I'm still getting set up from our, our break.

14 If the Court would give me a brief indulgence?

15 THE COURT: why don't you -- let me read the letter
16 while you look for that?

17 MR. HOBBS: Yes, sir.

18 (Pause.)

19 THE COURT: Mr. Hobbs.

20 MR. HOBBS: Yes.

21 THE CLERK: Yes, sir.

22 MR. HOBBS: Thank you, Your Honor.

23 Just to kind of summarize the position now that the
24 Court has seen this, relevant evidence, of course, means,
25 under Rule 401, evidence having any tendency to make the

1 existence of any fact that is of consequence to the
2 determination of the action more probable or less probable
3 than it would be without the evidence.

4 Your Honor, again, these veiled references here about
5 taking care of a witness is not probative in this case as
6 the victim is not a witness, is not someone who there was a
7 legal interest in which Mr. Covington would of been alleged
8 to have needed to get rid of.

9 Secondly, Your Honor, as I mentioned, under Rule
10 403, although something might be found to be relevant,
11 evidence may be excluded if its probative value is
12 substantially out wide -- outweighed by the danger of unfair
13 prejudice. And in this case, Your Honor, this veiled --
14 even when Detective Jordan first looks at it, he says well,
15 do you have anything that has anything to do with the, the
16 current case that we're investigating. Mr. Romero says
17 nope, he never mentioned the current case. He never made
18 any mention -- admissions about the current case. I only
19 got this letter from him.

20 And, Your Honor, that being the case, I believe that
21 the, the abstract nature of this letter, and what it's
22 saying that it will do, is more prejudicial than it is
23 probative to any fact that is at issue in this trial. And
24 then, Your Honor, that the statement of him having taken
25 care of -- allegedly the statement of him having taken care

1 of a witness in the past would be Rule 404 issue invoking
2 character evidence, not admissible to prove conduct, and
3 that it would otherwise be inadmissible due to it unfairly
4 prejudices if it has the undue tendency to suggest a
5 decision on an improper basis such as an emotional one.

6 And so, Your Honor, again, this is unduly prejudicial.
7 It's a prior bad act that should be excluded and without
8 exception, and, fundamentally, I would say it's not relevant
9 to the case at hand.

10 THE COURT: Mr. Redmond.

11 SOLICITOR REDMOND: Thank you, Your Honor.

12 May it please the Court.

13 Obviously I disagree and, and, and I'll try to be brief
14 and succinct. But -- and, and Mr. Hobbs kind of brushed
15 over it but it's key here. And that's the note, not the
16 note, but the warrant, the kidnapping warrant because you
17 see in this case, and he'd have to concede this fact, the
18 defendant, the defendant is alleged, according to Bruce
19 Romero's testimony, to, along with the note, have also
20 passed the warrant for kidnapping. Even though he's not
21 been tried on that, in the course of this case, is gonna
22 the -- jury's gonna hear that he was charged or -- in a, in
23 a, in a certain manner finally reaching upon the murder
24 charge that he is here, here on. That will be explained as
25 it relates to the process that the case took.

1 In fact, it was after this note where the charge was
2 actually enhanced to murder. It was after this note came
3 into -- to -- became -- we became aware of it that the
4 charge was, was enhanced.

5 But be that as it may, in this situation, the
6 defendant, along with the note to Romero that Your Honor
7 read, the warrant for kidnapping, which he also -- it, it
8 indicates that Mr. Parsons, the last sentence, says
9 Mr. Parson has not made -- been -- Terris Parsons has not
10 been seen since, something along those lines.

11 Well, when he did that, I think that kind of throws out
12 the relevance argument that Mr. Kyle -- Mr. Hobbs is pushing
13 and, additionally, under 404(b), when he's talking about
14 getting rid of somebody, a witness, if there's not a witness
15 you have no case, that goes into the heart of this because,
16 you know, if, if, if you don't -- if somebody disappears,
17 what -- and it's a context issue and I keep going back to
18 context. When you look at it in this context is the
19 defendant, in this notice, saying I can make somebody
20 disappear, i.e., impacting your case.

21 And so -- and in using the kidnapping warrant related
22 to Terris Parson, he is not only made it relevant on the
23 404 -- under 403 but under 404(b) -- I would argue that it's
24 admissible under 404(b) because it shows motive and under
25 404(b) it could be used to show motive, identity, the

1 existence of a common scheme or plan, absence of mistake or
2 accident. I think here at least two of those prongs within
3 404(b) would apply independent of the 404(b).

4 Now, mind you, 403 you have to consider because
5 relevance is always at the heart of, of everything. And so
6 I think once you establish that it is relevant, then you go
7 to any further analysis. And I would submit to you, Your
8 Honor, that this is -- it's, it's admissible both under
9 four -- under 403 and under 404(b).

10 Again, when you look at the note -- and I will agree
11 with Mr. Hobbs. They're certain aspects -- I think we've
12 tried to redact some of it. There are some additional
13 redactions that would need to take place. Any references to
14 O.G.'s obviously that goes to -- I think it's Original
15 Gangster. So -- and most people would probably -- not most,
16 but some people would be able to glean that. So obviously
17 that would need to be redacted for the jury.

18 But as it relates to its relevance to the case and it's
19 admissible, we would submit that we would meet both of those
20 standards. Again, especially when you look at Mr. Romero's
21 testimony saying that he also passed him that kidnapping
22 warrant which says that Terris Pearson has, has not been
23 seen -- Parsons, excuse me, has not been seen since.

24 So we would submit that it should -- we should be
25 allowed to both get into this letter and to move forward

1 with Mr. Romero's testimony in that regard.

2 THE COURT: I want to take this matter under advisement
3 and I'll rule on it before -- and we need to address it
4 before you tender it.

5 SOLICITOR REDMOND: Yes. Yes, sir.

6 MR. HOBBS: Thank you, Your Honor.

7 On the same vain of Bruce Romero's testimony, Your
8 Honor, there is a portion of the testimony, I've tried to
9 give Mr. Redmond a, a heads-up on my objection here, where
10 Mr. Redmond, in that examination, essentially reads in
11 portions of the letter and has Mr. Romero confirm that
12 that's what it says.

13 Your Honor, I have objected on, on several bases
14 including that being a leading question. The Court may need
15 to review that testimony to determine whether or not that is
16 a leading question. If the State -- I'm sorry.

17 If Your Honor is inclined to admit the evidence, I
18 believe that the statement would speak for itself. We don't
19 need Mr. Redmond to read in portions of the statement and
20 have the defendant confirm that that's what it says.

21 Secondly, Your Honor, as far as Mr. Romero and
22 questions regarding how did you take that, so what happens
23 in this examination, I've, I've tried to give Mr. Redmond a
24 little bit of heads-up about this issue, is that he reads in
25 a portion of the statement, has him confirm that that's what

1 he says, and then asked him, on a couple of different
2 occasions I think, what did you take that to mean.

3 And, Your Honor, I think that having a, you know, a
4 federal inmate come to the stand is one thing for him to
5 introduce a letter saying that he received it in jail. It's
6 another thing for him to offer his opinion about what that
7 letter means. Certainly there are exceptions to opinion
8 testimony.

9 But when we weigh the relevancy or the probative versus
10 prejudicial nature of him telling us what he thinks it
11 means, I think it goes beyond the scope of what his
12 testimony is intended to. And, under 403, is far more
13 prejudicial than it is probative of any point. If they're
14 gonna lay a foundation and say this letter's coming in, then
15 we don't need it read by the solicitor and confirmed by the
16 witness, and we don't need that witness to then tell us what
17 it means.

18 SOLICITOR REDMOND: Your Honor, I would add -- I agree
19 and disagree with Mr. Hobbs. I wasn't aware that I said
20 that far as the, the, the, the, the, the -- the what did you
21 take that to mean. I must of been sleeping.

22 I would agree with him on that one, that we could
23 redact that part of it. I agree that would not be proper as
24 it relates to the nature of that question and what it calls
25 for. So, from that standpoint, if I can just -- if he

1 can---

2 THE COURT: If it -- I determine it to be admissible,
3 those type questions will be redacted.

4 SOLICITOR REDMOND: Exactly. I, I totally agree with
5 him on that point. And, like I said, I'm somewhat surprised
6 that I would of done that. But, again, a lot going on at
7 the time.

8 The where we disagree at though is as it relates to
9 the, the, the, the, the publishing of it because I've done
10 it both ways. I've done it where I'll read it and I'll ask
11 the witness correct me if I'm wrong because, quite frankly,
12 sometimes, you know, especially when you're dealing with
13 defendants or witnesses, not everybody is a -- is, is good
14 at reading and expressing it at the same time.

15 So, I'll do -- I've done it both ways. I've had the
16 defendant or I mean excuse me the witness read it or
17 sometimes I'll say I'll read it. Please, if I miss
18 anything, let me know if I'm wrong and, of course, counsel
19 is also able to correct me if I misspeak.

20 So, I don't think that -- but here's the thing, Your
21 Honor. I think it's kind of a, a, a, a -- it -- here's
22 where we would stand. If it's not published then, once it's
23 admitted into evidence if Your Honor does allow it to be
24 admitted, admitted into evidence, it can be published. The
25 issue is who's gonna publish it.

1 So, once it's in, I'm entitled to have part or all of
2 what's admitted read into the record. So I guess the issue
3 would be who would we want to be the one to deliver it. If,
4 if the -- if the objection is sustained and, and it's not
5 done in the context of that hearing of that testimony with
6 Mr. Romero, then I -- I'm pretty sure I'm entitled, if it's
7 admitted, if the Court does allow it to be admitted, I'm
8 entitled to publish it at some point.

9 So the -- I, I guess that would be more of a question
10 for Mr. Hobbs when it's admitted whether or not, you know,
11 it's kind of --.

12 THE COURT: We'll address it. I'm gonna address the
13 threshold question of admissibility. Then we'll deal with
14 the---

15 SOLICITOR REDMOND: That will -- okay. Thank you, Your
16 Honor.

17 MR. HOBBS: Thank you, Your Honor.

18 We -- can I move on, Your Honor?

19 THE COURT: Yes.

20 MR. HOBBS: Okay. Thank you, Your Honor.

21 And subject to my previous objections, I think that Mr.
22 Redmond and I are both in agreement that redactions are
23 gonna need to be done for Lyle evidence or prior bad act
24 evidence. I think we're gonna work diligently to resolve
25 those matters outside of the need for the Court to resolve

1 them for us. And if we can not find consent in those
2 issues, then we will re-approach it with the Court.

3 SOLICITOR REDMOND: And that is correct, Mr. Hobbs.
4 we've attempted, in good faith, to redact some things.
5 Mr. Hobbs has brought a, a, a couple -- a few additional
6 items to my attention and, and, quite frankly, Your Honor---

7 THE COURT: And where -- where is this Lyle information
8 coming from?

9 SOLICITOR REDMOND: It is actually in the, in the, in
10 the, in the video statements from the defendant I think is
11 what we're talking about.

12 MR. HOBBS: So, yes, Your Honor. I think there's
13 hearsay issues, Lyle issues within the defendant's two
14 statements. Obviously I've, I've kind of bifurcated those
15 statements into different objections.

16 Then this letter -- and I think Mr. Redmond has even
17 made some proposed redactions on this letter if it's
18 admitted. Again, that would be an issue that we need to
19 cross if, if this letter is admitted into evidence. And so
20 I think that that cures or at least it addresses the
21 redactions issues and, and preserves that for later.

22 The next issue if I may move on?

23 THE COURT: Yes.

24 MR. HOBBS: Thank you, Your Honor.

25 Is there's a shirt and I, I reference it's a shirt from

1 backyard of -- wonderful. So --.

2 SOLICITOR REDMOND: We're not gonna get into that
3 Mr. -- and I know I'm, I'm stealing, stealing his thunder a
4 little bit.

5 MR. HOBBS: That's good.

6 SOLICITOR REDMOND: But as it relates to shirt from the
7 background, there's some uncertainty as it relates to that
8 shirt. And, to be honest with you, it will just -- it could
9 cause more problems than it's worth as it's relates to the
10 case.

11 THE COURT: Well, let's move on if we're not gonna
12 address it.

13 SOLICITOR REDMOND: So, we're not gonna get into that.

14 MR. HOBBS: Okay. Thank you, Your Honor.

15 Your Honor, moving on, there are, are really two just
16 different evidentiary issues.

17 SOLICITOR REDMOND: Your Honor, if I may, because
18 there's some jurors that might be coming and trying to -- if
19 we could just ask that nobody else be allowed in this
20 hearing --

21 THE COURT: Yes.

22 SOLICITOR REDMOND: -- until we finish.

23 MR. HOBBS: Thanks, judge.

24 SOLICITOR REDMOND: Okay. I'm sorry, Your Honor.

25 MR. HOBBS: So, Your Honor, there were two, two pieces

1 of evidence. I, I had them listed out in a, in a much more
2 thorough format including other issues but they've really
3 been narrowed down. And what I would ask the Court to do is
4 allow in camera hearings and perhaps the State can, can help
5 explain these things to us.

6 But there were two issues that I had asked for, two
7 pieces of evidence. That's David Hughes's recorded
8 statement. When they sent me the information on Friday in
9 supplemented information to me, I had a file. But it was
10 just a JPEG of, of a picture, like a screenshot, and it
11 didn't actually contain the statement. So, I've never
12 actually seen that statement. I'm, I'm not sure if that was
13 an upload issue or if David Hughes's statement is available.

14 SOLICITOR REDMOND: I think that was an upload issue.
15 It may have been. We can track -- cause I've, I've actually
16 seen it. I'm positive I've seen that statement. So, I can,
17 you know, we -- if, if I had known about it, that's
18 something we could of resolved before now but we'll go ahead
19 and get on that.

20 And I'm not faulting Mr. Hobbs when I say that. I'm
21 just saying that, you know, when he lets us know something,
22 we try to get on it as soon as we can.

23 MR. HOBBS: He, he does, Your Honor, and, and there's
24 just been so many issues with what I received on Friday that
25 we're having to piecemeal and, and address them one at a

1 time. But on, on that motion, we'll work together on that
2 issue.

3 There is a statement from the girlfriend of the victim
4 in this case. That's Latoya Broadie. She's gonna testify
5 tomorrow morning based on what I've heard from the State.

6 Now, she did a first initial statement, was then given
7 a polygraph, which came back with some deception indicated.
8 I know the Court's not gonna indulge me on any of that
9 polygraph results. But then, in the investigative notes,
10 there's a reference to her making another statement and
11 maybe clarifying what her role was or, or what she had been
12 deceitful to law enforcement about.

13 So, I wasn't sure if there was actually a recorded
14 statement. It does appear, from my investigative notes,
15 that we can identify the two detectives that spoke to Ms.
16 Broadie and the indication that I received when I tried to
17 address this issue with Ms. Redmond is that she then
18 admitted that the victim was selling drugs and that that's
19 what she was being deceitful about.

20 I need to know when she said that, who she said that
21 to, and just the general nature of that statement, and that
22 would conclude my pretrial motions.

23 THE COURT: what do you have to say about that, Mr.
24 Redmond?

25 SOLICITOR REDMOND: Your Honor, there is not a second

1 statement. I was asking Lieutenant Henderson and I think I
2 do recall the note that he's talking about. There's no
3 second recorded statement.

4 But as it relates to his question as to which officer
5 she gave that information to, we can find that out in short
6 order. But there is no -- but I can tell the Court that
7 they -- cause we had -- actually I had asked -- cause what
8 happened is, once I got this, I sent it to law enforcement
9 and I can -- and I think the Court's got a copy and -- but
10 we don't have a second recorded statement for Latoya Broadie
11 and we do not a recorded statement from Sharon Black. There
12 was never a recorded statement done on that one as well.

13 Everything else we were at least able to get to Mr.
14 Hobbs and/or, like with David Hughes's statement, we'll make
15 sure we can cure the upload issues. But we do not have a
16 second statement of Latoya Broadie and we do not have a
17 recorded statement at all on Sharon Black. I think I have
18 said that accurately.

19 MR. HOBBS: Your Honor, I, I understand that Ms.
20 Broadie's statement wasn't recorded. I need to know the
21 nature of her statement, when it was given, and what she
22 said in that statement and who she said it to and that --.

23 THE COURT: I think that he's gonna work with you in
24 that regard.

25 MR. HOBBS: Okay. Thank you, Your Honor.

1 THE COURT: Does that conclude the pretrial motions on
2 behalf---

3 MR. HOBBS: It does, Your Honor. Thank you.

4 THE COURT: All right.

5 SOLICITOR REDMOND: With 10 minutes to spare.

6 THE COURT: All right. Might counsel join me in
7 chambers for just one moment?

8 SOLICITOR REDMOND: Certainly, Your Honor.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: Anything from the State before we bring the
11 jury out?

12 SOLICITOR REDMOND: Nothing from the State, Your Honor.

13 THE COURT: Anything from defense?

14 MR. HOBBS: Nothing from the defense, Your Honor.

15 THE COURT: We're ready for the jury.

16 (WHEREUPON, the following takes place within the
17 presence of the jury.)

18 THE COURT: Madam Forelady, ladies and gentlemen of the
19 jury, thank you for being here and being here on time. I
20 want to talk to you a little bit before we get started and
21 kind of give you a little bit about what to expect.

22 Of course, you've gathered by now that you're
23 participating in General Sessions Court, criminal court,
24 where someone has been accused of violating criminal codes
25 of the State of South Carolina.

1 Mr. Redmond, you're recognized.

2 SOLICITOR REDMOND: Thank you, Your Honor.

3 May it please the Court?

4 THE COURT: Yes.

5 SOLICITOR REDMOND: Ladies and gentlemen, I introduced
6 myself earlier. Oh, I'm sorry, Mr. Hobbs. I apologize.

7 Ladies and gentlemen, I introduced myself earlier.
8 Again, my name is Kernard Redmond. I am a deputy solicitor
9 here in Chesterfield County. I work -- I'm headquartered in
10 Chesterfield County and it's a pleasure to be severing the
11 people of Chesterfield County.

12 Unfortunately, part of my job is dealing with cases
13 like this charged with murder. A tragedy. Senseless.
14 That's a lot of what I deal with on a daily basis.

15 And so I wish I could say it's a pleasure to be before
16 you today. But it's never a pleasure given the content that
17 we have to deal with. But we have to deal with it and we
18 have to trudge on in the interest of justice. So, that's
19 what I'm going to try to do.

20 The defendant is charged with murder, the taking of a
21 life of another with malice aforethought. Now, this is not
22 gonna be the normal murder case because I will tell you
23 right off the be -- right off the bat, from the very
24 beginning, Mr. Terris Parsons, the victim in this case, was
25 last seen on June 2nd, 2019. His body his never been

1 found.

2 At the end of the case when the judge gives you the
3 instructions on the law, they'll be things that he tells you
4 that the law -- that you must consider. One of which is
5 motive. I don't have to prove a motive to you. The reason
6 that's important is because we can look at the circumstances
7 surrounding the disappearance of Mr. Parson.

8 You will hear that -- I'm not gonna get into all of
9 that now. My opening statement will be pretty brief because
10 this is not argument. This is a statement. This is sort of
11 introducing a case. The evidence will come through the
12 witness stand, through any exhibits that are, that are, are
13 presented here in court.

14 But, in this particular case, like I said, we do not
15 have the victim's body. But as I said, June 2nd, 2019,
16 was the last time the defendant (sic) was seen and we would
17 submit the last person to see him alive was the defendant.
18 And, again, when we talk about the circumstances, you'll
19 hear evidence about what we have showing the -- showing what
20 transpired, to the best that we can, that day, who he was
21 last seen with, what happened to his car, where did his car
22 go, where did his car go that night to start with, where did
23 it end up, how did it end up there, who took it there.

24 Those are all very important questions in this case.
25 I'll submit to you that Mr. Parsons went to a residence, 4

1 Chapman Street, belonging to the defendant on the 2nd of
2 June, 2019.

3 MR. HOBBS: Your Honor, I---

4 SOLICITOR REDMOND: At that particular time---

5 MR. HOBBS: Your Honor, I apologize. I would -- we're,
6 we're getting into facts not in the record here at this
7 point. I do apologize for interrupting Mr. Redmond.

8 SOLICITOR REDMOND: Your Honor, I'm---

9 THE COURT: It's opening statement. He can lay out the
10 general -- in a general way what he intends to prove.

11 MR. HOBBS: My apologies, Mr. Redmond.

12 SOLICITOR REDMOND: Thank you. Thank you. No, no, no
13 offense taken.

14 MR. HOBBS: Yes, sir.

15 SOLICITOR REDMOND: Now, as I was saying, Chapman
16 Street, 4 Chapman Street, the defendant's residence, the
17 defendant's residence. We'll present evidence as it relates
18 to Mr. Terris Parson, the victim in this case, being at that
19 residence. We'll also see and hear evidence as it relates
20 to what took place in, in -- after leaving that residence.

21 We'll also hear about where did the car ended up and I
22 can tell you this. The car, it ended up in Florence. But
23 you'll hear how the car ended up in Florence and who took
24 the car to Florence, and it leaves you wondering hmm, why
25 would he do that and these are very relevant questions

1 because His Honor has already told you you don't leave your
2 common sense in the seat when you go to deliberate. You
3 carry your common sense with you.

4 And you'll hear something called -- hear about
5 something called circumstantial evidence.

6 Do I have direct evidence of what transpired?

7 I do not. I tell you that up front.

8 But when you listen to all of the evidence put
9 together, it will lead you to a logical connection that the
10 defendant did, in fact, kill Terris Parsons. You will hear
11 from Mr. Parson's family. That is going to be relevant as
12 it relates to the fact that he is not coming back, the fact
13 that he is now deceased. So, you'll hear evidence that,
14 again, will put all of those things into his proper context
15 for you.

16 Now, you're also entitled to take into consideration
17 inferences. When you have a circumstantial evidence case,
18 you have to put all of that together and it leads you to
19 certain inferences. I submit to you, ladies and gentlemen,
20 the inference here is that the defendant, the defendant was
21 the instrument of Mr. Parson's demise. The fact that we
22 will not ever see Terris Parsons alive again, that is a hard
23 fact that I'm sure for his family to have to come to grips
24 with but it's been two years and 10 months.

25 You'll hear about Mr. Parson's family, his children,

1 reasons why we submit to you that Mr. Parsons unfortunately
2 is deceased. And then when you hear the circumstances
3 around what happened from the 2nd of June only through about
4 the 7th of June, I think it will become clear to you, ladies
5 and gentlemen, that the State has met its burden of proof
6 and let me just talk about that real briefly, about our
7 burden.

8 Our burden of prof is beyond a reasonable doubt as His
9 Honor says.

10 what does that mean?

11 what does it mean, beyond a reasonable doubt?

12 Some have said, and His Honor -- whatever I say, the
13 law as His Honor gives it to you, that is the law in the
14 case that you are to follow. But it is said that reasonable
15 doubt is that doubt which leaves a reasonable person to
16 hesitate to act. Put another way, after the conclusion of
17 the case, if you are firmly convinced of the defendant's
18 guilt, then you are to find this defendant guilty.

19 we submit to you that, once you see the chain of events
20 that we will lay out for you, starting on 2, June, 2019, you
21 will be firmly convinced that the defendant, Andre
22 Covington, is, in fact, guilty of the murder of Terris
23 Parsons.

24 And the last thing I'll say before I sit down. Nothing
25 that His Honor will instruct you says that we actually have

1 to have Mr. Parson's body in order to prove our case. In
2 fact, I would submit to you you will hear nothing -- you
3 will not hear that at all.

4 So, again, I thank you in advance for your attention.
5 It is often been said that, other than time in war, the most
6 important duty a citizen can perform is what you're doing
7 right now, jury duty. Having done this almost 30 years, I'm
8 thankful for every jury I've had the chance to, to stand
9 before and to speak before. And even though I'm brief in my
10 opening, this is just an introduction in the case.

11 This is brief. I'll be a lot more -- I'll be a little
12 longer in closing because, at that point, you will see those
13 chain of events that I've talked about that leads to the
14 guilt of this defendant.

15 Thank you and I look forward to addressing you again in
16 closing.

17 THE COURT: Mr. Hobbs.

18 MR. HOBBS: Your Honor, Mr. Redmond.

19 SOLICITOR REDMOND: Mr. Hobbs.

20 MR. HOBBS: Ladies and gentlemen of the jury, I first
21 want to thank y'all for being here today. I can tell by the
22 look of some of your faces when you're selected for jury
23 duty that there's probably other things on your mind, other
24 places where maybe you needed to be, other things that were
25 taking your attention away from what is now jury duty. But

1 I do want to thank you for your service because this service
2 is so important. It's so vital to our criminal justice
3 system that, in fact, we could not do this trial without
4 you, the jury, sitting in your role within this jury box.

5 Now we've all seen crime dramas. We've seen television
6 shows that depict criminal proceedings and trials and I want
7 to let y'all know that many aspects of this trial are not
8 gonna be like that. At times it might be hard for you to
9 pay attention or to listen to something and then maybe it
10 seems like it is drawing on and that you're getting tired or
11 maybe you got something else on your mind. But I'm gonna
12 ask y'all to be so diligent in your service as a jury and
13 understand that this role that you serve is incredibly
14 important because a member of your county, my client,
15 Mr. Andre Covington, stands accused a crime.

16 And, at stake, is his life and liberty. And you, the
17 jurors, are the only ones who can determine whether or not
18 the State has met their burden of proof.

19 Now, in this case, as the judge told you, he is the
20 judge on the law. I can't tell the judge what we, we think
21 the law should be, and if we did, he would be the final rule
22 on what law is applied in this case.

23 The same way that you-all are the finders of fact, the
24 judges of fact in this case, meaning that only you can make
25 a determination if the State has met their burden of proof

1 to prove each and every element of the crime alleged. And
2 it's not just enough to be charged with a crime. That's not
3 what our criminal justice system is based on. It's not just
4 enough for somebody to be accused of doing something. No,
5 they must be proven guilty beyond a reasonable doubt to each
6 and every element of that crime alleged.

7 So, as the Court told you, the charge in this case, the
8 warrant, the indictment, it's not evidence. It's only the
9 mechanism by which this charge is brought to this courtroom
10 and then presented to you, the jury.

11 So that leads us into this whole burden of proof thing,
12 right?

13 And that's, that's kind of fancy talk that we use
14 within the legal system and what that means is that it's the
15 State's job, the State's obligation to prove their case.
16 That gets into Mr. Redmond. You heard from him. He is the
17 solicitor in this case.

18 Now, in the movies and dramas, you might of heard
19 somebody referred to as a DA or a prosecutor.

20 That's what he does, right?

21 So he's the one that decides what charges are brought
22 before you, the jury. He's the one that decides what
23 witnesses go up on that stand and what evidence is brought
24 into this trial.

25 Now, my job there's sometime misconception about. Many

1 people might say well, Mr. Hobbs, your job is prove to --
2 your client innocent. In fact, it's not my job to prove my
3 client innocent. My job is to hold Mr. Redmond to that
4 standard, that burden of proof, for him to prove my client
5 guilty beyond a reasonable doubt cause, as the Court put it,
6 Mr. Covington is in a cloak, a cloak of innocence, and only
7 you, the jury, remove that cloak. Only you, the jury, can
8 find that the State has met their burden of proof in this
9 case and that my client is stripped of his liberty and his
10 presumption of innocence.

11 Now, as I do my role and I fulfill my duty as the
12 defense counsel in this case, it might be that I don't
13 produce any evidence. It might be that I don't call any
14 witnesses and the reason is, if I choose to do that, it's
15 because of that burden of proof. Insomuch as it's not my
16 job to prove my client innocent and produce testimony or
17 evidence that proves him guilty, but to hold the State to
18 this burden, to hold the State to this burden of proof which
19 is going to intend to strip my client of his liberty.

20 Now, again, I know that at times you may get tired. It
21 may seem like things are, are kind of dragging along a
22 little bit. I'm gonna ask y'all to be diligent. I'm gonna
23 ask y'all to be attentive to the evidence that's on that
24 stand cause I know that once -- and I believe that once the
25 State closes their case, and they put their last witness on

1 the stand, they introduce their last piece of evidence,
2 they're gonna fall wholly short of their burden of proof in
3 this case. And you, the jury, are going to acquit my client
4 and find him not guilty of the charge of murder.

5 Again, thank you for your time and I look forward to
6 serving with you in this capacity.

7 THE COURT: Madam Forelady, ladies and gentlemen of the
8 jury, we're gonna recess until nine o'clock in the morning.
9 Not 9:30 but nine o'clock. We've got a very usual schedule
10 for tomorrow. We're gonna begin this trial at nine o'clock
11 and we're gonna conclude the testimony for tomorrow at
12 eleven o'clock. So, we're only gonna work two hours
13 tomorrow.

14 But then, on Wednesday, Thursday, and Friday, if it
15 takes that long, we'll go from nine o'clock until five
16 o'clock or 9:30 until 5:00. But tomorrow we'll be here at
17 nine o'clock. We're gonna work two hours and then you will
18 be free for the rest of the day and then we will show back
19 up at 9:00 or 9:30 the following day. But tomorrow we're
20 starting a little bit early, nine o'clock, nine o'clock
21 sharp.

22 Do not discuss the case amongst yourself or with anyone
23 else. No independent investigation. Avoid reading anything
24 in the local news. I don't anticipate there will be any in
25 there. But if there is something about this case, disregard

1 it. Don't read it. If there's anything on the news,
2 disregard that.

3 we'll see you in the morning bright and early. Be here
4 and be here on time. I've asked these very fine lawyers to
5 be here right at nine o'clock. We're gonna start at the
6 crack of 9:00.

7 So y'all be here. Be here a little bit early. We'll
8 be ready to roll in the morning. Nine o'clock, nine o'clock
9 sharp.

10 All right. Everyone remain seated as the jury exits
11 the courtroom.

12 (WHEREUPON, the following takes place outside the
13 presence of the jury.)

14 THE COURT: All right. We'll, we'll stand at ease.
15 Anything from the State before we recess for the
16 evening?

17 SOLICITOR REDMOND: Nothing from the State, Your Honor.

18 THE COURT: Anything from defense?

19 MR. HOBBS: Nothing from the defense, Your Honor.

20 (Pause.)

21 THE COURT: And we'll stand adjourned with regard to
22 this matter.

23 SOLICITOR REDMOND: Thank you.

24

25

(WHEREUPON, Court was in recess for the evening.)

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Tuesday, April 5th, 2022

THE COURT: Might counsel approach the bench for just one moment please?

(WHEREUPON, a bench conference was held at this time.)

THE COURT: Anything, State, before we bring the jury?

SOLICITOR REDMOND: Nothing from the State, Your Honor.

THE COURT: Anything from defense?

MR. HOBBS: Nothing from the defense, Your Honor.

Can we have Mr. Covington brought into the east courtroom?

THE COURT: Yes.

(WHEREUPON, the defendant enters the courtroom at this time.)

MR. HOBBS: Your Honor, can we approach one more time?

THE COURT: Yes.

MR. HOBBS: I'm sorry.

(WHEREUPON, a bench conference was held at this time.)

THE COURT: All right. We're ready for the jury.

THE CLERK: The jury is entering the courtroom, sir.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Madam Forelady, and ladies and gentlemen of the jury, thank you for being here and being here on time. I want to let you know we had some legal matters we needed

1 to resolve. We've been working since about 8:30 this
2 morning.

3 So, didn't want you to think we were lollygagging and
4 taking your time for granted. Thank you for being here and
5 being here on time.

6 The State, you're recognized, Mr. Redmond.

7 SOLICITOR REDMOND: Thank you, Your Honor.

8 May it please the Court.

9 The State prefers to call Latoya Broadie.

10 THE COURT: Yes, ma'am, if you could please come
11 forward. I'm gonna ask if you could approach the clerk and
12 place your left-hand on the Bible and raise your right-hand
13 as the clerk administers the oath.

14 LATOYA BROADIE, being first duly
15 sworn, testified as follows:

16 THE CLERK: Please have a seat in the jury -- in the
17 witness stand.

18 THE COURT: I'm gonna ask, if you could, to have a seat
19 there and pull up real close to that microphone. Speak
20 loudly, clearly, and slowly in order that we can hear
21 everything that you have to say. Let's start with your full
22 name.

23 THE WITNESS: Latoya Antigony Broadie.

24 THE COURT: Okay.

25 SOLICITOR REDMOND: And, Your Honor, may it please the

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Court?

2 THE COURT: Yes.

3 SOLICITOR REDMOND: Good morning, ladies and gentlemen.

4 DIRECT EXAMINATION

5 BY SOLICITOR REDMOND:

6 Q Ms. Broadie, good morning.

7 A Good morning.

8 Q Let's just get some brief background information.

9 Do you live in Cheraw?

10 A I do.

11 Q Okay. And are you originally from Cheraw?

12 A I am not.

13 Q Okay. Where are you originally from?

14 A Pageland.

15 Q Okay. And how long have you lived in Cheraw?

16 A Since I was about four.

17 Q Okay. And so most of your life?

18 A Yeah.

19 Q And did you know Terris Parsons?

20 A Yes.

21 Q Okay. And how long had you known Terris?

22 A I've known Terris since 2006.

23 Q And -- well, I didn't ask you this.

24 Are you employed at this time?

25 A Yes.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Q And where are you employed?

2 A Schaeffler.

3 Q Okay. Now -- and how long have you worked at
4 Schaeffler?

5 A Since 2019.

6 Q Okay. Now, back to, to Terris Parson.

7 Was he 38 years old -- 39 years old, I'm -- excuse me,
8 when you last saw him?

9 A Yes, he was.

10 Q Okay. And when is the last day you saw him?

11 A The last day I saw Terris was that Sunday.

12 Q June 2nd?

13 A Yes.

14 Q 2019?

15 A Yes.

16 Q Okay. And we'll talk about that in a little while but
17 let me go back again.

18 So, you had known Terris since 2006 and did -- were
19 y'all in a relationship from that time or did --

20 A Yeah.

21 Q -- it evolve?

22 A It evolved.

23 Q Okay.

24 A It was some --.

25 Q Okay.

Latoya Broadie - Direct examination
By Solicitor Redmond

- 1 A Yeah.
- 2 Q So when did y'all actually become engaged in a
3 relationship?
- 4 A I'll say about 2007.
- 5 Q And so, in 2007 -- but not -- were y'all living
6 together---
- 7 A No.
- 8 Q ---at that time?
- 9 A No.
- 10 Q All right.
- 11 A We wasn't living together.
- 12 Q Y'all were in a relationship and, and were you in a
13 relationship up until the time you last saw him?
- 14 A Yes.
- 15 Q Okay. Now, do y'all have any children together?
- 16 A We have a son.
- 17 Q Okay. And how old's your son?
- 18 A He's six.
- 19 Q All right. But -- and how old was he when Terris
20 disappeared?
- 21 A Heyden was three going on four.
- 22 Q Now, did you and Terris eventually move in together?
- 23 A Yes, we did.
- 24 Q Okay. And where did y'all live?
- 25 A Well, I stayed in Davis Apartment, which is Agerton --

Latoya Broadie - Direct examination
By Solicitor Redmond

1 on Agerton Street in Cheraw.

2 Q In Cheraw?

3 A Yes.

4 Q Okay. And how long did y'all live together?

5 A Well, it was some complications up in there from, you
6 know, living arrangements. But Terris moved with me I'll
7 say about 2018.

8 Q Okay. And, and this was after -- so y'all -- you had
9 already had your son and then---

10 A Yeah.

11 Q ---y'all moved in together about 2018?

12 A Yeah.

13 Q All right. Now, let's fast forward to June 2nd of
14 2019.

15 Was there anything, when you woke up that day, that
16 indicated to you that this might be the last day that you
17 saw Terris?

18 A No. Nothing.

19 Q Okay. How would you describe just the events of that
20 day please?

21 A Well, I mean as in---

22 Q To the best as you can remember.

23 A ---any other day. I wake up and Terris was, I want to
24 say, was on the phone with his daddy like he do every
25 morning we wake up. He'll either call his daddy or call his

Latoya Broadie - Direct examination
By Solicitor Redmond

1 mama. He's checking in on his family. Just wasn't nothing
2 strange about that day. I got up. He got up. He went hung
3 with his friends like he usually do. That was it. I mean
4 it wasn't nothing out of the ordinary.

5 Q Now, did -- that evening, did he end up leaving the
6 house that evening?

7 A Yeah, he left several times.

8 Q Okay. The last time -- and, and, and let's talk about
9 that, that evening.

10 Tell us about what went on that evening.

11 A Up to him leaving at --

12 Q Up to---

13 A -- 9:45?

14 Q ---him leaving for the last time.

15 A He got up and he say he was gonna go hang with his
16 friend, Brandon Mack. He came back. He asked me did I want
17 a pair of shoes and I told him well, you know, I was like
18 Terris, you never bought me no shoes before. So, you know,
19 he was just like Toya, do you want the shoes or not. And so
20 I say yeah. He went to McFarlan and picked up the shoes.
21 He FaceTime me. He asked me did I like the shoes.

22 MR. HOBBS: Your Honor?

23 A I say yeah.

24 MR. HOBBS: I need to object to the victim's statements
25 being put into the record at this point as hearsay.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 SOLICITOR REDMOND: I'll, I'll rephrase the part of
2 this---

3 THE COURT: Rephrase the question.

4 Q All right. So, did he go to McFarlan, North Carolina
5 at some point to get---

6 A Yes.

7 Q ---shoes?

8 A He did.

9 Q Okay. And did -- I think you said -- did he FaceTime
10 you during that time?

11 A Yes, he did.

12 Q Okay. So then, later on, was there a discussion about,
13 without saying what was said, did you -- was there a
14 discussion about cigarettes I believe?

15 A Yeah. Well, I mean that was before Terris got ready to
16 leave. He -- I had smoked his last cigarette and he says,
17 you know, Toya, you---

18 Q Without saying what he said---

19 THE COURT: Sustained.

20 Q Without saying what he said -- so you smoked his last
21 cigarette?

22 A Yeah, I did.

23 Q And so, at some, at some point, did you give him any
24 money to go get cigarettes?

25 A I gave him -- well, I told him to hand me my

Latoya Broadie - Direct examination
By Solicitor Redmond

1 pocketbook. He hand me my, my pocketbook. I gave him a 10.
2 He got a \$10.00 bill and he said he was gonna go buy some
3 cigarettes.

4 Q All right.

5 MR. HOBBS: Judge?

6 Q Without again -- and I know it's hard---

7 THE COURT: Sustained.

8 Q Without saying what he said, that's hearsay.

9 So, so, he leaves to go buy cigarettes?

10 A Yes.

11 Q All right. Did you ever see him again?

12 A I did not.

13 Q Okay. Now, how was he -- up until the time that he
14 left -- now you can answer this question.

15 What -- how would you describe the demeanor, his
16 demeanor, right before he left for that last time?

17 A He was just like distraught. I mean like he just --.

18 Q Did it appear something was bothering him?

19 A I mean he -- to me, it was like he had something on his
20 mind.

21 Q And now -- so then he leaves to go to the store.

22 Did you think he was coming right back?

23 A Yeah, I mean he said he'll be back in 15---

24 MR. HOBBS: Objection, Your Honor.

25 A ---20 minutes.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 THE COURT: Sustained.

2 Q Okay. Based on your discussions with him, did you
3 think that he was gonna be coming back soon, soon?

4 A Yes.

5 Q Okay. Now, did you think, based on your discussions,
6 that he would be back in half an hour or less than that?

7 A Oh, oh. Less than that, yes.

8 Q All right. And, again, do you recall, to the best of
9 that you can remember, about what time this would of been?

10 A Well, I mean he said it was 9:45 cause I, you know, I
11 asked him what time was it.

12 Q Okay. So -- all right. So, it was some time after
13 nine o'clock, around or after nine o'clock that night, to
14 the best that you can remember?

15 A Yes.

16 Q All right. Now, he doesn't come back. So, he does not
17 come back within that 45 minute timeframe.

18 what were you thinking?

19 what did you do?

20 what were you thinking?

21 what things did you do?

22 what actions did you take?

23 A Well, I mean I wasn't really checking the time because
24 I was, like I said, me and my friend was -- we was watching
25 a movie and she left about 11:00. I think her boyfriend got

Latoya Broadie - Direct examination
By Solicitor Redmond

1 off at eleven o'clock cause he works at Ina too. So, I say
2 about 11:30 or quarter till 12:00, you know, I'm like is
3 it -- you know, Terris hasn't called.

4 So, I call his phone, and whenever I called his phone,
5 it said that the voice mail has not been set up. So, you
6 know, I called again. Said the same thing.

7 So, at this point, I'm like, you know, that's strange
8 because Terris has a voice mail that says please leave a
9 message. So, I didn't, you know, really worry about it at
10 that time. I say about 1:30, two o'clock, I called and it
11 said the same thing. So, I'm -- now I'm like, you know,
12 okay, something don't seem right.

13 I called his mama. I asked her---

14 Q Without saying what she said, just tell us what you
15 talked about to -- with his mama.

16 A I just spoke with her, asked her have she saw Terris
17 cause at this point, you know, I'm a woman and I'm like
18 okay, you know, Terris doing something he ain't got no
19 business. So -- but, you know, she just said well, he'll be
20 there. He'll be there.

21 Q Well, without saying what she said --

22 A Yeah.

23 Q -- cause that's hearsay -- we'll, we'll hear from other
24 witnesses but we want to talk about what you said.

25 So, did you tell his mother that Terris had not come

Latoya Broadie - Direct examination
By Solicitor Redmond

1 home?

2 A well, I did tell her, I said, you know, Terris hadn't
3 came -- went -- you know, suppose to been going to the
4 store. Terris, Terris hadn't came back yet. So --.

5 Q And let me ask you this.

6 Based on your discussion with her, was -- were you,
7 were you able to get any information that his mother knew
8 where she was -- where he was?

9 A No.

10 Q Okay. And so this is in the early morning hours of
11 June 3rd, 2019?

12 A Yes.

13 Q Okay. So then what did you do once that happened next?

14 A well, I called to the police station and asked, you
15 know, did they -- well, I went through the steps of letting
16 them know that my boyfriend said that he was going to the
17 store about 9:45. He has not returned.

18 MR. HOBBS: Objection, Your Honor. Again, I'm sorry.

19 THE COURT: I think she's saying what she told them.

20 SOLICITOR REDMOND: Yes.

21 MR. HOBBS: My apologies, Your Honor. But she's saying
22 that she told him he said and I believe---

23 THE COURT: Oh, very -- then that's---

24 MR. HOBBS: ---that that is hearsay.

25 THE COURT: That's sustained for that to that extent.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Rephrase the question.

2 Q Did you -- without saying what anybody said -- and I
3 know it's hard when you're trying to tell the story but just
4 try to not say anything that he said.

5 But what did you tell the police?

6 A That he just basically hadn't come back and I was just
7 worried about him, you know, did they pick him up or
8 something. She said no.

9 Q All right.

10 A And she advised me to call to the hospital.

11 Q And did you do that?

12 A I did.

13 Q Okay. And in calling the hospital, were you able to
14 locate him at the hospital?

15 A No.

16 Q Okay. And then what did you do?

17 A Well, I called his mama back and I did that
18 periodically. So I'm --.

19 Q And, in those calls, was anybody ever able to give you
20 any information that told you where Terris Parsons was?

21 A No.

22 Q Okay. So please continue.

23 What did you do?

24 A I just called a couple of his friends, asked have they
25 talked to him or seen him. The answer was no. Quite a few

Latoya Broadie - Direct examination
By Solicitor Redmond

1 of them came out and we was just, you know, just sat out and
2 talked up until the early morning.

3 Q Okay. Did any of those people know anything about
4 Terris's whereabouts?

5 A No.

6 Q Okay. So, then -- and, and would it be fair to say
7 that you -- were you up most of the night?

8 A I didn't go to sleep.

9 Q Okay. You did not go to sleep that night.
10 Were you worried?

11 A I was.

12 Q So, we're going into the next day and what other steps
13 did you continue to take and just take your time. Just take
14 your time.

15 A Well, the next day --.

16 Q Do you need some water, Ms. Broadie?

17 A No.

18 Q Well, if you need it, let me know.

19 A I um -- I think I went to see his mama and that's when
20 she told me that---

21 Q Well not without looking -- without saying what she
22 said.

23 A Well, I did a police report.

24 Q Okay. And so you do a police report but there was
25 something else that you did too as it relates to trying to

Latoya Broadie - Direct examination
By Solicitor Redmond

1 get information. You, in essence, turned into a mini
2 detective in a sense.

3 A Oh, yeah, I did.

4 Q Tell us about that.

5 A Well, Terris had my phone in his account. So, I called
6 AT&T to see if I can get Terris's phone records. Well, all
7 Terris -- as far as passcode goes, he used the last four of
8 social -- of his social. So, I was able to get into my
9 phone and go to my AT&T account.

10 Q Let me stop you right there because, for some of us,
11 that may be somewhat surprising.

12 So, did you just tell us that you actually had his
13 password?

14 You had have access to the account?

15 A I did because I was on his account.

16 Q Okay. So -- but go -- continue please. Go ahead.

17 A And I went into my AT&T account and got the phone
18 records from his number, and I was able to see who Terris
19 had last spoke with that night, and I screen recording them
20 and sent them over to the police.

21 Q And did you also start making some calls?

22 A I did.

23 Q And without saying what was said, do you recall -- do
24 you recall -- how can I word this?

25 All right. When you say -- let's go back to that. You

Latoya Broadie - Direct examination
By Solicitor Redmond

1 started making some calls.

2 A I called everybody---

3 Q Can you tell me---

4 A ---on the call log -- on the call list.

5 Q Okay. Do you recall calling the number (843)941-1347?

6 A I do.

7 Q Okay. And did someone pick up at that number?

8 without saying what was said, did someone pick up at
9 that particular number?

10 A No, they didn't pick up when I, when I called off of my
11 phone.

12 Q Okay. But did they pick up at some point---

13 A Yes.

14 Q ---later?

15 Okay. without saying what was said, that number, the
16 941-1347 number, how were you able to -- tell us about how
17 you were able to get the person to pick up at that number.

18 A I called several times off of my phone. They didn't
19 answer. So, I called off of my friend girl's phone who was
20 there and they picked up from her phone.

21 Q Okay. And so -- and without saying what the person on
22 the other end said, could you tell us what you said to that
23 person?

24 A Well, I first said, you know, this is Latoya. So --.

25 Q Did the person identify -- without saying what they

Latoya Broadie - Direct examination
By Solicitor Redmond

1 said, did the person tell you who they were?

2 A They did.

3 Q Okay. And, and, and so, again, because it's hearsay,
4 I'm not gonna ask you. We'll get into that through other
5 evidence but what did you say?

6 Continue, continue telling us what you said.

7 A Have you spoke with my boyfriend --

8 Q Okay.

9 A -- Terris.

10 Q And let me ask you this because I'm being careful with
11 the hearsay aspects of it.

12 Did the person respond?

13 A They did.

14 Q Okay. In that response, were you able to get any
15 information that helped find Terris's -- determine his
16 whereabouts?

17 A No.

18 Q Okay. Now -- but did you engage in a brief
19 conversation with that person?

20 A I did.

21 Q And so, toward the end of that conversation -- and now
22 we're talking -- are we talking the early -- I guess early
23 morning hours of the 4th, I'm sorry, of the 3rd of June,
24 2019?

25 A That was that, that Monday.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Q Okay. So -- and, and, and that Monday is when you had
2 the discussion---

3 A That Monday night.

4 Q ---with the person at that phone number?

5 A Yes.

6 Q All right. So, we're, we're not gonna get into what
7 that person told you.

8 But was there something, toward the end of that call,
9 that you told the person based on what you were being told?

10 A Yes.

11 Q Okay. And what did you tell that person?

12 A I told -- well, being that---

13 Q Was it a male or a female?

14 A It was a male.

15 Q Okay. And who did you tell -- what, what did you tell
16 that person?

17 A I told them, since they can't disclose that information
18 to me, then, you know, maybe they can disclose it to the
19 police.

20 Q And so you told that person that -- did, did you tell
21 that person that you were going to advise the police about,
22 about, I guess, that---

23 A I did.

24 Q ---about him?

25 A I did.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Q Okay. And so, again, that would of been the early
2 hours or early -- I guess the morning hours of June 3rd,
3 2019, that Monday?

4 A Yeah.

5 Q Okay. Now, let me ask you this.

6 Do you know the defendant?

7 Had you ever met him before?

8 Do you know the defendant?

9 A I don't.

10 Q Okay. Just to make that clear.

11 Now -- but, again, the number that you called, to the
12 best of your recollection, was (843)941-1340 -- 1347?

13 A It -- it's, it's -- yes.

14 Q Okay. Now, let's talk about -- so, even, even after
15 this, did you, did you go to law enforcement?

16 Tell us about what you did next.

17 After you had this phonecall, tell us what you did
18 next.

19 A I, I went to call Jack actually.

20 Q Would that be Lieutenant Henderson?

21 A Yes.

22 Q Okay.

23 A And was sending him over stuff and that's about it. I
24 just kept in contact with Detective Henderson.

25 Q Okay. And did they interview you?

Latoya Broadie - Direct examination
By Solicitor Redmond

1 I guess they did -- did they interview you -- I, I
2 guess did they do -- I think it was one recorded interview
3 with you?

4 A Yes.

5 Q Okay. And did they also talk with you, you know,
6 during the course of the investigation, continue talking
7 with you?

8 A Yes.

9 Q Okay. Now, did any of that help find Terris?
10 was -- did you ever hear from Terris again?

11 A No.

12 Q Did you ever see him again?

13 A I did not.

14 Q Now, let's talk about Terris a little bit in the
15 context of, of, of what -- him being missing and, and, and,
16 and his, his activities, his normal activities.

17 Did Terris have any other children?

18 A Yes, he did.

19 Q Okay. And tell us about that.

20 A He had a daughter, Josiah.

21 Q And do you recall how old she was at the time?

22 A I think Josiah just turned 13. So she had to be about
23 10 going on 11.

24 Q Okay. And tell us about his relationship with her.

25 MR. HOBBS: Your Honor, I'm gonna have to object to

Latoya Broadie - Direct examination
By Solicitor Redmond

1 that. The victim's credibility and character---

2 THE COURT: Woa. That -- state the grounds for your
3 objection.

4 MR. HOBBS: Yes, Your Honor.

5 This is character evidence. The victim's character has
6 not been impeached. Under the State v. Langley, victim
7 character is not---

8 THE COURT: All right.

9 MR. HOBBS: ---admissible.

10 THE COURT: Well, I'm gonna, I'm -- I'm gonna allow him
11 to ask the question and---

12 MR. HOBBS: Okay.

13 THE COURT: ---and---

14 MR. HOBBS: Yes, Your Honor.

15 THE COURT: ---we'll see where that goes.

16 Q Let me, let me lay a foundation. I'm not getting into
17 character.

18 Has Terris been seen or heard from since then?

19 A He has not.

20 Q And does he have family members that he communicated
21 with frequently, things that he done -- did with family and
22 other folks?

23 A Yes.

24 Q Okay. Does that include his children?

25 A Yes.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Q And to -- based on your knowledge, without getting in
2 any hearsay, has -- have any his children heard from him?

3 A No, they have not.

4 Q Okay. And let me ask you about his daughters. I think
5 I was asking you about the nature of their relationship and
6 the context of him being gone.

7 Could you look -- could you tell us about the, the
8 relationship that he had with his daughters?

9 A Okay.

10 MR. HOBBS: Your Honor, I'm gonna renew my objection.
11 The relationship with his daughter is not at issue.

12 THE COURT: I'll, I'll overrule the objection.

13 MR. HOBBS: Okay. Thank you, Your Honor.

14 Q Please.

15 A Terris loved his kids. I mean, you know, he would call
16 Josiah every day, checking up on her, making sure she's
17 okay, checking up on her school. Terris was -- his kids was
18 his life.

19 I mean even though he wasn't -- they were not in his
20 household, you wouldn't know that because that's just how
21 much he was in their life, and that goes for his son as
22 well. He, you know, would do -- try his best to get him
23 and, you know, so they can grow up together and be with each
24 other, you know, and just to get to know each other even
25 though, you know, they had two different parents -- two

Latoya Broadie - Direct examination
By Solicitor Redmond

1 different mothers.

2 Q All right.

3 A Like I said, they, they was his life.

4 Q And again, to your knowledge, has either of his kids
5 heard from him?

6 A No.

7 Q Have they seen him?

8 A No.

9 Q Now, let's talk about the plans that you had with him.
10 Had y'all -- I mean y'all had been together for several
11 years.

12 Could you tell us about the plan -- well, let me ask
13 you this.

14 The -- speaking of Monday, and I forgot to ask you
15 this, speaking of Monday, what were his plans as it relates
16 to employment that Monday, June 4th, 2019?

17 A Terris suppose to had been starting a new job that
18 Monday. I want to say it was at the rehab place in -- with
19 his brother in Hartsville if I'm not, you know, something --
20 if I'm not mistaken.

21 Q Okay. And did he ever make it to work?

22 A No, he did not.

23 Q How about as, as, as far as the plans that you and he
24 had together, what plans did y'all have together for the
25 future, for the future?

Latoya Broadie - Direct examination
By Solicitor Redmond

1 In other words, in other words, with him being missing,
2 had y'all made plans -- let me ask you like this.

3 Had y'all made plans that, because he is missing, now
4 have been unfulfilled?

5 A Yes. We actually was in the process of getting a house
6 financed. We was in the process of even getting married.
7 You know, we was just in the process of just getting out of
8 where I was staying at and moving forward.

9 Q And so had you -- had y'all decided to make a future
10 moving forward together?

11 A Yes.

12 Q After June 2nd, 2019, was that able to happen?

13 A No.

14 SOLICITOR REDMOND: If I may approach the witness?

15 I've already shown State's 26, 27, 28, and 20 to Mr.
16 Hobbs.

17 MR. HOBBS: Your Honor, as long as these items aren't
18 published, published subject to my previous objections.

19 SOLICITOR REDMOND: May we approach, Your Honor?

20 THE COURT: Yes.

21 (WHEREUPON, a bench conference was held out of the
22 hearing of the jury at this time.)

23 SOLICITOR REDMOND: Permission to approach the witness,
24 Your Honor?

25 THE COURT: Yes.

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By Solicitor Redmond

1 SOLICITOR REDMOND: Just for ID purposes only at this
2 time, and, for the record, that'd be State's 20, 27, and 28
3 that I will show the witness. Not to publish but just for
4 ID purposes.

5 Well, I want to show you these, Ms. Broadie.

6 Do you recognize those pictures?

7 A I do.

8 Q Okay. And starting with State's -- and, Your Honor,
9 permission to approach the witness?

10 THE COURT: Yes.

11 SOLICITOR REDMOND: I apologize.

12 State's 20, what does -- what is State's 20?

13 what does that look like to you?

14 A Terris vehicle.

15 Q Okay. And was that a, a Lacrosse, a Buick Lacrosse
16 vehicle?

17 A Yes.

18 Q How about State's 27?

19 A That's Terris.

20 Q Okay. And State's 28?

21 A That's Terris.

22 SOLICITOR REDMOND: And, again, the State will not
23 publish at this time. That's just for identification
24 purposes only.

25 And just let me know when you're ready, Ms. Broadie.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 A I'm ready.

2 Q And I've got to ask these questions because Terris has
3 obviously not been seen since.

4 Do you know or have any information or have any
5 involvement in Terris's disappearance?

6 A No.

7 Q Okay. Do you know the circumstances of his
8 disappearance from your own knowledge?

9 A No.

10 Q Okay. Is everything you've testified to today the
11 truth?

12 A Yes.

13 Q And, again, have you had any contact with Terris since
14 he walked out of your door to go get cigarettes that night,
15 June 2nd?

16 A No.

17 Q And based on the nature of your relationship with
18 him -- I'm not asking you to speculate.

19 But based on your -- the nature of your relationship
20 with him, if he were having any problem or needed help
21 somewhere, given the nature of your relationship, would he
22 reach out to you?

23 A Yes.

24 Q And has he reached out to you?

25 A No.

Latoya Broadie - Direct examination
By Solicitor Redmond

1 Q That'd be all the questions I'd ask at this time.

2 Please answer any questions---

3 THE COURT: Cross-examination.

4 MR. HOBBS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. HOBBS:

7 Q Ms. Broadie, you mentioned living at -- in Davis
8 apartments.

9 Is that correct?

10 A Yes.

11 Q Back in 2019, is that where you were residing?

12 A Yes.

13 Q Okay. And what is that address?

14 Could you tell me that street name again?

15 A Agerton Street.

16 Q And what was the apartment number?

17 A 111-A.

18 Q Very good.

19 Now, we talked about the events of June 2nd and I
20 think that was the last time you said that you saw
21 Mr. Parsons.

22 Is that right?

23 A Yes.

24 Q Okay. That morning when you woke up, I believe had he
25 left and went to purchase you shoes.

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 Is that right?

2 A No, that morning when we woke up he went to see his
3 friend.

4 Q Okay. No, let's, let's talk for a minute.

5 Okay. So, you made a statement to law enforcement.

6 Do you recall when you made -- what day of the week
7 that was that you made that statement?

8 A I made a statement that Monday.

9 Q Okay. And do you remember who you spoke to?

10 A I spoke with Nicole and Keith Thomas.

11 Q Okay. Now, in that statement, you mentioned that, at
12 some point that morning, he went to I think McFarlan --

13 A Yes.

14 Q -- and purchased you tennis shoes?

15 A He was meeting someone in McFarlan.

16 Q Okay. What time of day was that?

17 A About 1:00 or 2:00.

18 Q Okay. So, 1:00, 2:00PM he goes and does he actually
19 purchase these shoes?

20 A Well, he was meeting someone there.

21 Q Did he actually purchase shoes for you?

22 A Yes.

23 Q Okay. Is there any particular reason you don't want to
24 talk about the shoes?

25 A Oh, no, I, I can talk about the shoes.

Latoya Broadie - Cross-examination
By Mr. Hobbs

- 1 Q Okay. So, he goes to purchase shoes.
2 who did he go to meet?
- 3 A I don't know.
- 4 Q Okay. Do you know where he went?
- 5 A No, I don't know exactly the location that he went and
6 met him. But I know he brought the shoes from him cause he
7 Facetimed me once he got them.
- 8 Q Okay. Your testimony, when you gave a statement to law
9 enforcement, was that he came back about 2:00PM and he was
10 acting strange.
- 11 Could you explain that to us?
- 12 A I never said Terris was acting strange---
- 13 Q Okay. Tell us about---
- 14 A ---when he bought me some shoes.
- 15 Q Tell me about his demeanor when he came back.
- 16 A When Terris came back Terris was high.
- 17 Q Okay. And when you say high, you mean --?
- 18 A He -- yeah, he had just left from smoking with his
19 friend.
- 20 Q Okay. And at some time -- and so he comes back, I
21 believe you told law enforcement, around two o'clock?
- 22 A Uh-huh. (Affirmative).
- 23 Q And then he leaves again around 4:00 to 5:00PM?
- 24 A Yes.
- 25 Q Is that correct?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 okay. where does he go at that time?

2 A I don't know. He said he was going to meet somebody
3 named -- by the name of Ol' Head.

4 Q Okay. And when did he come back to the home after
5 that?

6 A I can't, you know, really detect what time he came
7 back. But it could of been about four o'clock because we
8 ate and his mother was there.

9 Q But when Mr. Parsons came back, he didn't immediately
10 come inside, did he?

11 A When Terris came back I was cooking. So I don't really
12 know exactly when he pulled up in the yard.

13 Q Okay. But he was with someone else in a gray vehicle.
14 Is that right?

15 A That was before he went to go get the shoes.

16 Q Okay. well, let's talk about that.

17 At some point he's in a gray vehicle out front?

18 A Uh-huh. (Affirmative).

19 Q What do you know about that situation?

20 A well, I was told that Terris was sitting outside in a
21 gray vehicle with his cousin, Dajuan Robinson.

22 Q Okay. Did you go out to look at the gray vehicle?

23 A I did not.

24 Q Okay. Are you familiar with any of his family or
25 friends driving a gray vehicle?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 A I am not.

2 Q Okay. And so he leaves and then he comes back.

3 what is his demeanor when he comes back the second time
4 that day?

5 A when Terris came back from going to see the guy ol'
6 Head, he was just, you know, acting like Terris. He just
7 was laying down and not really talking like he usually do,
8 and I guess that could be because, you know, like I say,
9 Terris smokes weed.

10 Q Okay. And I think he maybe laid down and took a nap at
11 some point.

12 Is that right?

13 A well, no, cause we -- like I say, his mama was there
14 and I fixed her food and I fixed his food and we was sitting
15 in the living room. We ate. He asked me did I try on the
16 shoes. I told him yeah. His mom was getting ready to
17 leave. He gave her a hug. My daughter was getting ready to
18 leave and go back to the military. He gave her a hug and he
19 went back in the room and laid down.

20 Q Okay. But you don't know if he actually took a nap?
21 He just went and laid down?

22 A well, no, not at that time I don't because I was too
23 busy entertaining my friend girl.

24 Q Okay. And you, you said your daughter was with you.
25 Did she come in from Georgia to visit?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 Is that right?

2 A Yeah.

3 Q Okay. And how old was your daughter at this time?

4 A She's 23 now. So, she was about 19, going on 20.

5 Q Okay. Yes, ma'am. You told law enforcement, when you
6 made your, your initial statement, that you came and checked
7 on him around 8:00PM.

8 Is that correct?

9 A I did. I went and asked Terris -- well, actually I
10 went and told him thank you for the shoes cause he said that
11 I was being unappreciative.

12 Q Understood.

13 And at, at some point you say he leaves again, and
14 based on your knowledge of that evening, what time do you
15 believe that he left when you say that he never came back
16 after that?

17 A Well, Terris came around the corner and he was fully
18 dressed and it kind of surprised me cause I usually hear him
19 when he gets up. But I didn't hear him that day. I asked
20 him where was he going. Then he was like, you know, Toya,
21 you smoked my last cigarette. You said you don't smoke
22 cigarettes.

23 MR. HOBBS: Your Honor, I'm, I'm trying to---

24 THE COURT: Sustained.

25 MR. HOBBS: Thank you, Your Honor.

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 Without mentioning what he says --

2 A Uh-huh. (Affirmative).

3 Q -- I know that can be difficult to testify in, in that
4 regard, and, and the time again that you believe he, he
5 left?

6 A Well, I asked Terris what time it -- well, actually he
7 said it's 9:45. I'll be back in 15, 20 minutes.

8 Q Now, I believe in your testimony, in your statement to
9 law enforcement, you said that the first time you called to
10 check in on him was around midnight.

11 Is that correct?

12 A It was midnight or a little after.

13 Q Okay. And at some point you also called somebody named
14 Little, Little James, Little Roy?

15 A I did.

16 Q And who is Little James?

17 A That's his friend.

18 Q Okay. And did Little James ever come over that night?

19 A Yes, he did.

20 Q All right. So, Little James came over.

21 Do you know what time Little James came over?

22 A I don't know. I, I don't -- it could of been after
23 1:00, something to 2:00.

24 Q Okay. But it, it -- some time between 1:00 and
25 2:00 Little James comes over?

Latoya Broadie - Cross-examination
By Mr. Hobbs

- 1 A Yeah.
- 2 Q Okay. And there's a period of time where you told law
3 enforcement that you're basically outside on the porch from
4 about 2:00AM until about 8:00AM.
- 5 Is that correct?
- 6 A Oh yeah.
- 7 Q Okay. And did you have your phone on you that entire
8 time?
- 9 A I had my phone on me the entire time.
- 10 Q Okay. Is it normal for you to have your phone on you
11 or it -- it -- was it just cause you were worried---
- 12 A Um.
- 13 Q ---about Mr. Parsons?
- 14 A Well, I, I, I always have my phone.
- 15 Q Okay. So, who was out on the porch with you that
16 night?
- 17 Was it Eric, your daughter, and Little James?
- 18 A Yeah, and it was -- gosh. It was quite a few of us.
- 19 Q Can you tell us who all was out there with you?
- 20 A It was me, my cousin Eric, my two daughters, Janet,
21 Little James, and it was another guy out there and I can't
22 remember his name.
- 23 Q Okay. And what, what relationship was that other
24 person to you-all?
- 25 A He was just a neighbor. You know, somebody in the

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 neighborhood.

2 Q Okay. And were all the people that you named there
3 from the whole time from 2:00AM to 8:00AM?

4 A Yeah.

5 Q Okay. were y'all hanging out, drinking, or what was,
6 what was going on out there?

7 A No, because I don't drink. I mean I have a liver
8 condition. So, I don't really drink like that. They was
9 actually playing cards.

10 Q Okay. I'm just asking.

11 Now, when you spoke to law enforcement, you indicated
12 that, that something strange happened around 2:00AM when a
13 black Cherokee pulls up to the apartment complex.

14 Do you recall that?

15 A I did.

16 Q Okay. You thought that perhaps that was your nephew's
17 truck.

18 Were you able to ever identify if that was, in fact,
19 your nephew's truck that pulled up?

20 A No, I thought it was my nephew -- it -- I didn't think
21 it was nobody's truck. I just said that it looked like his
22 nephew's truck.

23 Q Okay. And what about this, this issue or, or this
24 appearance of a black Cherokee makes you remember it and
25 that you felt it was worth telling law enforcement?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 A Well, actually, when it pulled up -- cause Terris,
2 Terris nephew has a truck just like that. But what kind of
3 was strange to me, which that's what -- why I told my
4 daughter to approach the vehicle to see if Terris was in
5 there because I was thinking that that was, you know, maybe
6 his car was messed up because the way Terris key is, he have
7 to wrap it with tape. And if it's not in there right, he
8 not gonna -- he's not gonna be able to crank up his car.

9 So, I sent my daughter to the vehicle to see if that
10 was Terris. She came back. She said mama, that's not him.

11 Q Okay.

12 A So, the car -- the way they pulled in with their
13 lock -- fog lights on, and they pulled to the opposite side
14 of the parking lot, and the way they backed out with their
15 lights off, at this time straight back, they didn't turn
16 like back up and then leave out. They just backed straight
17 all the way out of the parking lot.

18 Q Okay. And you thought that was, that was suspicious?

19 A Well, I mean being that we haven't -- hadn't seen
20 Terris, yeah, I thought --.

21 Q So, a black Cherokee shows up at 2:00AM.

22 Do the people ever get out of the vehicle in that black
23 Cherokee?

24 A They did not.

25 Q And you told law enforcement that, as your daughter

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 approached that vehicle, that it started to back up a little
2 bit.

3 A They pulled---

4 Q Is that right?

5 A well, after my oldest daughter went to the vehicle.

6 Q And then they backed out in and kind of a strange
7 manner at that time?

8 A well, they backed out slow but they backed out, yeah.

9 Q Okay. You never firsthand saw was -- who was in that
10 vehicle?

11 A I did not.

12 Q Okay. When did you start attempting to get access to
13 Mr. Parson's Gmail account and his AT&T app?

14 A well, you can't get a Gmail through the AT&T app. The
15 only thing you're able -- that I'm able -- I was able to do
16 on the AT&T app was go to his call history because I am on
17 his -- was on his account.

18 Q But you also did something with his Gmail account?

19 A I did not. That was his iCloud.

20 Q Okay. well, can you explain to us what that---

21 A well, to see where Terris whereabouts were, you had to
22 get in the iCloud. But if you know anything about iCloud,
23 if you don't have the password, they're gonna lock you out.
24 So, I contacted iCloud, and being that I was on Terris
25 account, they gave me a 24 hour temporary pass but that

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 could only be used after 24 hours was up.

2 Q Okay. You told law enforcement, when you gave your
3 first statement, that you went into the Gmail account so
4 that you could change the password and then that I think
5 maybe someone's cousin in Georgia helped you change the
6 Gmail account.

7 A I didn't say Gmail because you -- I already know Terris
8 Gmail account. You can't change -- I mean it's, it's his
9 iCloud.

10 Q Did you take any activity on his Gmail account?

11 Did you ever change his password or access his Gmail
12 account after that time?

13 A I access his iCloud account.

14 Q Okay. Did you ever have this, this -- Mr. Parsons have
15 a cousin in Georgia?

16 A Yes, he do.

17 Q Did you ever have his cousin---

18 A It's his nephew.

19 Q Okay. Did you ever have his nephew in Georgia do
20 anything with the Gmail account?

21 A Once again, we changed his iCloud account and when time
22 permitted.

23 Q I'm asking you about a Gmail account because you
24 specifically told law enforcement that you had changed the
25 password to the Gmail account to get access.

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 what did you do with -- I'm not asking about the
2 iCloud. I'm asking about the Gmail account.

3 A Gmail is -- what is Gmail?

4 Gmail only allows you to set up an account as far as
5 contacts or messages or anything like that.

6 Q Okay. So, you would maintain that you never told law
7 enforcement that you accessed his Gmail account or changed
8 anything about his Gmail account?

9 A I have Terris's Gmail account.

10 Q You're telling me---

11 A I -- what I told law enforcement was never did I change
12 his Gmail account.

13 Q what did you do with his Gmail account?

14 A what you mean what did I do with his Gmail account?

15 Q Okay. Let me rephrase that question. My apologies.

16 A Gmail, it doesn't have anything to do with iCloud.

17 Q Do you ever recall talking about the Gmail account with
18 law enforcement?

19 A If I did it was that, that I have Terris's Gmail
20 account.

21 Q Okay. And so you never told law enforcement that you
22 made any amendments or got a password or had his nephew in
23 Georgia change his---

24 A Not for his Gmail.

25 Q And what was that for then?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 A It was for his iCloud.

2 Q Okay. Well, explain that process to us then.

3 A Once again, to know where Terris whereabouts was --

4 Q Okay.

5 A -- you have -- that -- that way -- like they pinged his
6 phone, if you'd of had iCloud, if they would of access his
7 iCloud account, iCloud would of told you -- would of told,
8 told exactly where Terris whereabouts -- where his phone
9 were.

10 Q Very good.

11 And what was it that the nephew in Georgia did with the
12 iCloud account to assist you?

13 A Well, actually his nephew in Georgia didn't do anything
14 with his iCloud. We was on the same page as far as trying
15 to find out where, you know, Terris's phone was or, you
16 know, if he -- if the phone was on him or not. So, like I
17 said, we called At&T and they told us to call Apple.

18 well, we called Apple and, if you familiar with find my
19 iPhone, you have to have an iCloud account. We didn't even
20 know Terris's iCloud -- the name of the iCloud. We didn't
21 know, you know, what it was. So we definitely didn't know
22 the password.

23 So, what they did, they couldn't even get in cause,
24 once you put a code on it, it's locked forever. They can't
25 even access it. But what they can do is send you a

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 temporary code but it takes up to 24 to 48 hours. And, of
2 course, we waited and waited and waited. And then they
3 granted us access to actually make a new password. Once we
4 made a new password, it still erase everything that was even
5 on the old. It's like you had to restart a whole new thing
6 over.

7 Q And you didn't know his iCloud address?

8 A I did not.

9 Q where did they send that confirmation PIN to?

10 A They sent it to my phone number.

11 Q You mentioned earlier that you never had met
12 Mr. Covington?

13 A I never met him.

14 Q You had never spoken to him prior to June 2nd?

15 A I did not.

16 Q Is that correct?

17 That morning you start calling the people in, in the
18 call log.

19 Is that correct?

20 A I started calling them not that morning. I started
21 calling them towards that evening.

22 Q Okay. You identified this one particular number that
23 you called, right?

24 A I did.

25 Q And eventually someone picks up.

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 Is that correct?

2 A Yes.

3 Q Okay. And on that number at, at the first call you
4 tell them, as I think you testified, maybe you can tell the,
5 the police that.

6 Is that right?

7 A That's what I said.

8 Q But then you called them back a second time.
9 Isn't that right?

10 A I did not.

11 Q Okay. And you didn't call them back a second time and
12 talk to them right after you called the first time?

13 A Not to my knowledge I did not.

14 Q Okay. And you don't recall telling law enforcement
15 that?

16 A No, I don't.

17 Q Okay. Did you contact anyone else that you knew that
18 day about -- that was on that call log?

19 A I didn't know anybody that was on that call log.

20 Q Okay. You didn't know Robert Wilson?

21 A I did not know him.

22 Q You never met Robert Wilson?

23 A I've never met Robert Wilson.

24 Q You never had opportunity to hang out with Mr. Wilson?

25 A I've never had the opportunity to hangout with Robert

Latoya Broadie - Cross-examination
By Mr. Hobbs

- 1 Wilson.
- 2 Q Did Mr. Parsons talk about Robert Wilson?
- 3 A And Terris never talked about Robert Wilson.
- 4 Q Okay. You talked to a female---
- 5 A I talked to---
- 6 Q ---as well as from his call log?
- 7 A ---to several females --
- 8 Q And all on---
- 9 A ---on that call log.
- 10 Q Okay. What were their names?
- 11 A I don't remember.
- 12 Q Okay. Do you remember a girl named Rachel?
- 13 A I don't know no names.
- 14 Q You never spoke to anybody named Rachel that day?
- 15 A No, she -- if she told -- if I knew her name was Rachel
- 16 it's because she told me her name was Rachel.
- 17 Q Okay. Was there a female that had been calling
- 18 Mr. Parsons pretty steady on the night that he didn't come
- 19 home?
- 20 A I won't say that on that night she was calling him
- 21 pretty steady. I think it was to -- it was more of that
- 22 Saturday is what stuck out to me.
- 23 Q Okay. And who was that?
- 24 A I don't know.
- 25 Q It was a female?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 A Yeah, it was a female.

2 Q Okay. Did you ever meet that female significant other?

3 A I've never met nobody.

4 Q Never ran in an IGA -- don't remember telling law
5 enforcement that you ran into Rachel's significant other at
6 the IGA?

7 A No. But what I do remember was a guy coming up to me
8 asking me about a girl named Rachel is -- which is how I got
9 her name.

10 Q Okay. Did you ever speak to a girl named Rachel?

11 A I'm, I'm assuming her name was Rachel.

12 Q Okay. And was there any indication that Rachel and
13 Mr. Parsons had a relationship?

14 A No.

15 Q Okay. Anytime on Sunday did you leave the house?

16 A Sunday, I did not.

17 Q Okay. Earlier you testified that you always have your
18 phone on you.

19 But when you went to talk to law enforcement you didn't
20 have your phone on that at that time, did you?

21 A I had my phone. My phone was -- you talking about the
22 day that I -- Nicole picked me up?

23 Q The first -- your first interview.

24 A I only had one interview prior to that time, and, no, I
25 can't say I had my phone because I rode with Nicole.

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 Q Okay. So you always have your phone, but, on that day
2 when you talked to law enforcement, you didn't have it to
3 show to them, right?

4 A They didn't ask me.

5 Q Okay.

6 A I mean it wouldn't of been a problem for me to give
7 them my phone. They --

8 Q well---

9 A -- didn't ask.

10 Q You explained to them you didn't have your phone and
11 you also explained to them that, if they wanted to look at
12 your phone, your call log automatically deletes after so
13 many calls so they might not see what they're wanting to
14 see.

15 A Nah, I never said that.

16 Q Okay.

17 A Because my call log is on hold in my messages and calls
18 forever.

19 Q Okay. And did you ever turn over your phone for law
20 enforcement to, to go through it?

21 A They never asked.

22 Q So you never turned it over?

23 A It wouldn't of been a problem.

24 Q Okay. Was there something that you didn't want law
25 enforcement to see on that phone?

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 A There is nothing -- there was nothing in that phone
2 that law enforcement would be -- whatever was in that phone,
3 they had every opportunity to get it, look at it, check it.

4 Q But not that they didn't question you cause you didn't
5 have it on you.

6 A I didn't know that I was suppose to have it on me.

7 Q Okay. You ended up making or speaking to law
8 enforcement on 6/13.

9 Do you recall whom you spoke to on that day?

10 A I don't recall who I spoke to that day.

11 Q And do you know what time it was that you spoke to
12 somebody that day?

13 A On 6/13, no.

14 Q Okay. Do you ever remember speaking to law enforcement
15 after that initial statement?

16 A Yeah, I've kept in touch with law enforcement.

17 Q Okay. Did you ever speak to Detective McGloin or
18 anyone at'-- on 6/13 about this case?

19 A Not remembering the dates, like I say, I've spoke to
20 them quite often after Terris, you know, after this June the
21 2nd.

22 Q Okay. Was there anything in particular that they told
23 them, they told them on that day that you didn't tell in
24 your original statement?

25 A I can't say it was.

Latoya Broadie - Cross-examination
By Mr. Hobbs

1 MR. HOBBS: Court's indulgence, Your Honor.

2 (Pause.)

3 MR. HOBBS: No further questions at this time, Your
4 Honor.

5 THE COURT: Redirect.

6 SOLICITOR REDMOND: Briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY SOLICITOR REDMOND:

9 Q You were asked questions about (indiscernible).

10 Did you have anything to hide regarding Terris's
11 disappearance?

12 A Never.

13 Q In fact, was, was it you that made initial contact with
14 law enforcement about Terris?

15 A I mean I was the one that even brought the thing forth.
16 I was the one that -- to give what you guys have now.

17 Q And was it you -- were you the one that called Apple to
18 get into the iCloud account or get into the account?

19 I'm sorry. I was -- let me stop.

20 Called the phone company to get the last call logs and
21 then did you provide that information to law enforcement?

22 A Well, actually AT&T wouldn't have never gave me access
23 to his call log. I was on his account.

24 Q So you had access?

25 A So, I had access to it anyway.

Latoya Broadie - Redirect examination
By Solicitor Redmond

1 Q Okay. So, you were -- were you the one that got that
2 information and gave that information to law enforcement?

3 A Yes.

4 Q Okay. So, again I ask you, since you -- would it be
5 fair to say that you started investigating this case even
6 before law enforcement got involved?

7 A Yes.

8 Q And so then would it be fair to say that -- and I'll
9 just ask you.

10 In light of what Mr. Hobbs is trying to imply, is there
11 anything that you have to hide regarding Terris's
12 disappearance?

13 A Nothing.

14 Q Is there anything that you're hiding as it relates to
15 your involvement in Terris's disappearance?

16 A Nothing.

17 SOLICITOR REDMOND: That'd be all the questions I have,
18 Your Honor.

19 THE COURT: All right. You may step down.

20 You may call your next witness.

21 SOLICITOR REDMOND: State would next call Jack -- well,
22 James Henderson. We call James Henderson.

23 THE COURT: Lieutenant Henderson, if you could come
24 forward and place your left-hand on the Bible and raise your
25 right-hand as the clerk administers the oath.

James Henderson - Direct examination
By Solicitor Redmond

1 THE WITNESS: Yes, sir.

2 JAMES HENDERSON, being first duly
3 sworn, testified as follows:

4 THE COURT: I ask you come, come over here and have a
5 seat in the witness chair.

6 THE WITNESS: Yes, sir.

7 THE COURT: Ask you to pull up real close to that
8 microphone. Speak loudly, clearly, and slowly in order that
9 we can hear everything you have to say. Just start with
10 your full name please, sir.

11 THE WITNESS: Yes, sir. Yes, sir. My name is James
12 Henderson.

13 SOLICITOR REDMOND: May it please the Court, Your
14 Honor?

15 DIRECT EXAMINATION

16 BY SOLICITOR REDMOND:

17 Q Lieutenant Henderson, and, and I may refer to you as
18 Jack.

19 Is that your nickname?

20 A It is.

21 Q Okay. So, Lieutenant Henderson, by whom are you
22 employed?

23 A Cheraw Police Department.

24 Q And how long have you been so employed?

25 A Fifteen years.

James Henderson - Direct examination
By Solicitor Redmond

1 Q And could you -- and, and, and as, as it relates to
2 your law enforcement background, did you start your law
3 enforcement career with Cheraw P.D.?

4 A Yes.

5 Q Okay. And in what capacity did you work with Cheraw
6 P.D. at this time?

7 A I am the lieutenant over detective division.

8 Q Okay. And how long have you been the lieutenant over
9 the detective division?

10 A Eight years.

11 Q Okay. And so were you a lieutenant over the detective
12 division on the 2nd of June, 2019?

13 A I was sergeant at that time.

14 Q Okay. Sergeant, I'm sorry.

15 And did you become involved in an investigation
16 involving the disappearance of Terris Parsons?

17 A I did.

18 Q Okay. Now, let me ask you this.

19 Did you know Terris?

20 A I did.

21 Q Okay. And I guess -- and, and I meant to ask Latoya
22 this but was he known as T.P.?

23 A He was.

24 Q Okay. So, if we call him T.P., is that referring to
25 Terris Parsons?

James Henderson - Direct examination
By Solicitor Redmond

1 A It is.

2 Q Okay. So -- and, and, and so you knew T.P.?

3 A Yes.

4 Q When you got involved in the investigation, how did you
5 become involved?

6 A I received a message from at that time Chief Thomas in
7 reference to a missing persons case. He wanted to know what
8 was the status of that case cause he was getting phonecalls
9 in reference to that case.

10 Q And so what did you do?
11 who did you talk to initially?

12 A Initially I talked to, like I said, Chief Thomas and
13 then I spoke with Latoya.

14 Q Okay. And did you become involved in the case on the
15 3rd of June -- on June 3rd, that Monday?

16 A Yes.

17 Q Okay. Now, as a part of your investigation, tell us
18 what steps you took in your investigation. You talked with
19 Ms. Broadie and then what took place to the best that you
20 can recall.

21 A After I talked to Ms. Broadie I went back to the police
22 department. We did an initial incident report. Once we did
23 that, I gathered all the information from Ms. Broadie, put
24 that in the incident report. Then we placed Terris, T.P.,
25 on a computer system as a missing person.

James Henderson - Direct examination
By Solicitor Redmond

1 After that, we went out, started searching some of the
2 hotels, the parking lots, just to see if we could maybe
3 locate Mr. Parsons because maybe he was distressed or broken
4 down somewhere or just at a hotel relaxing for the night.

5 Q When, when you have a missing person case, at that
6 point are there a whole litany of possibilities when you
7 initially get involved in a missing persons case?

8 A Yes.

9 Q Okay. Now, what else took place as far as your
10 investigation that -- and, and I ask you, did you interview
11 the defendant?

12 A I did.

13 Q Okay. And as a part of this.

14 And how did you happen to come to investigate -- to, to
15 interview the defendant?

16 How did you come to interview the defendant?

17 A After speaking with Ms. Broadie, she advised that who
18 would -- the last person that Terrance, T.P., had talked
19 with and then we got that information knowing well, this
20 person probably -- Mr. Covington would probably have some
21 more information that could help us locate Mr. Parsons.

22 Q And so is that why y'all went to interview the
23 defendant?

24 A Correct.

25 Q And did that interview take place on the 4th of June I

James Henderson - Direct examination
By Solicitor Redmond

1 believe it was?

2 A Correct.

3 Q That Tuesday.

4 A That Monday.

5 Q That -- okay.

6 A That Tuesday, correct.

7 Q That Tuesday.

8 A Correct.

9 Q Okay. And so, so tell us how you came to encounter the
10 defendant.

11 Did y'all go to him?

12 Tell us how did you end up getting to him to conduct
13 the interview.

14 A Once we received that information, we went -- we found
15 out what his address was. We went to that address. I want
16 to say Mr. Covington might of been outside in the backyard
17 with -- we told him who we were and the reason why we was
18 there and we wanted to speak with him just to see if he had
19 more information in reference to this case.

20 Mr. Covington agreed at that time to come up in his own
21 personal vehicle to the police department and speak with us.

22 Q Okay. And let me be clear on that.

23 He was -- he, he basically went up there in his --
24 after y'all went to him, he was allowed to go up in, in his
25 own vehicle to the police department for the interview?

James Henderson - Direct examination
By Solicitor Redmond

1 A Correct.

2 Q Okay. Now, in that interview, did the -- and, and I'll
3 get into that in a little more detail later.

4 But in that interview, was there occasion toward the
5 end of the interview where you asked and, and seized the
6 defendant's phone?

7 A We did.

8 Q Okay. And, and I'll, I'll get into that a little bit
9 later.

10 But, at that time, did the defendant say anything or,
11 or did he express any knowledge of what had happened to
12 Mr. Parson?

13 MR. HOBBS: Objection, Your Honor. The statement is
14 still subject to my previous objection. It being entered
15 into the record at this point without the Court ruling as to
16 its admissibility would be improper.

17 SOLICITOR REDMOND: I'll rephrase, Your Honor.

18 THE COURT: Very good.

19 Q So, as, as it relates -- not saying what he told you at
20 this point in time, but in that interview -- I think I asked
21 you about seizing the phone.

22 Did you get the defendant's phone?

23 A Yes, we did.

24 Q Okay. And did -- was he asked questions about
25 Mr. Parsons whereabouts?

James Henderson - Direct examination
By Solicitor Redmond

1 A He was.

2 Q And based on that interview, were you able to get any
3 information from the defendant about Mr. Parsons
4 whereabouts?

5 A No.

6 Q Okay. Now, let me -- and, and, and I want you to tell
7 us the circumstances leading to you-all going up to Morven,
8 North Carolina.

9 Was there an, an opportunity during the investigation
10 that led y'all to Morven, North Carolina?

11 A It was. We had received some information that the --
12 Terris's, T.P.'s car, was possibly spotted in Morven, North
13 Carolina at an abandoned carwash.

14 Q And so did -- tell us what, what y'all did.

15 Did you-all go to Morven?

16 A They did. Detective Scott and Detective McGloin,
17 sergeant at that time, went to Morven to see if that vehicle
18 was there. When they went, the vehicle was not in that
19 location.

20 Q Okay. And what location was that?

21 A That abandoned carwash in Morven.

22 Q Okay. And we'll talk about that a little bit more.
23 So, so negative results. Were not able to find the
24 car.

25 A Correct.

James Henderson - Direct examination
By Solicitor Redmond

1 Q Do you recall what date that was, to the best that you
2 can recall?

3 A I want to say that was the 5th.

4 Q Okay. So, let me -- so if, if the car's not found at
5 the abandoned carwash, what were the next steps in the
6 investigation?

7 A After that --.

8 Q After -- the next steps after the defendant was
9 interviewed the first time.

10 A We started looking at videos around town because now we
11 know -- we have a camera system in town. Now we know we
12 could possibly see if Terris car went past any of our
13 cameras.

14 We searched numerous videos from hotels, in the city,
15 businesses that's located in town. We determined that his
16 car, Terris's car, did leave Cheraw that night. So, we did
17 that.

18 Q Okay. And I think his car, just to be clear, was that,
19 was that car a 2010 Buick Lacrosse I guess champagne color
20 you might say?

21 A Correct.

22 Q Okay. Now, so using the surveillance information that
23 you talked about, were you then able to move forward with
24 your investigation?

25 was his vehicle the only vehicle that was seen or that

James Henderson - Direct examination
By Solicitor Redmond

1 y'all took interest in?

2 A After doing some -- and watching some surveillance
3 vid -- videos, we determined that Mr. Parson's car was not
4 the only video that was behind his vehicle. We spotted Mr.
5 Covington's vehicle in the videos also.

6 Q Okay. And was that a Ford Mustang with a distinctive
7 sign on it?

8 A It is.

9 Q Okay. Now, so, of course, in seeing this, did it cause
10 the, the, the investigation to move forward?

11 A It did.

12 Q Okay. And what steps were taken after y'all've seen
13 this video, y'all've seen the surveillance video -- videos
14 from around town, then what were you -- once you did that,
15 what, what took place next?

16 A Well, what took place next is the chief had reached out
17 also to SLED, which is the State Law Enforcement Division,
18 to help us in this case also because we knew that it's
19 probably gonna be going into the next state, North Carolina.
20 They came in. We looked at more video. We backtracked
21 Mr. Covington -- well, Mr. Parson's vehicle to 4 Chapman
22 Street to show where Terris -- well, first we started at
23 Alco where Mr. Parsons was last seen going to the store
24 buying the cigarettes and candy I believe it was.

25 Once he left there, he went to 4 Chapman Street, left 4

James Henderson - Direct examination
By Solicitor Redmond

1 Chapman Street. A short time later his car comes out, the
2 Ford Mustang comes out, goes through various---

3 MR. HOBBS: Your Honor, I, I believe -- and I believe
4 he's testifying into surveillance cameras that have not been
5 admitted into evidence in this point and have not had the
6 proper foundation. So, these declarations as to their
7 contents---

8 THE COURT: You---

9 MR. HOBBS: ---are hearsay.

10 THE COURT: He is not introducing the videos themselves
11 and he can talk about what he's seen---

12 MR. HOBBS: Yes, Your Honor.

13 THE COURT: ---or---

14 MR. HOBBS: Thank you.

15 SOLICITOR REDMOND: Thank you, Your Honor.

16 Please continue.

17 A And, once again, once we saw Mr. Parson's vehicle leave
18 4 Chapman Street, Mr. Covington's vehicle leaves shortly
19 after that. Like I said, goes through town through several
20 of our cameras, and, like I said, the business cameras also.
21 We knew then that Mr. Covington was being a little deceitful
22 but we hadn't talked back with him at that time yet.

23 Q So, then -- so, of course, now realizing that, what was
24 the next step taken in the investigation?

25 well, let me ask you this.

James Henderson - Direct examination
By Solicitor Redmond

1 were there any additional people interviewed?

2 Once you had a chance to look at the video, had
3 y'all -- and let me back up a little bit.

4 Of course, this being a missing persons, were there
5 several people that you interviewed during the course of
6 this investigation?

7 A Yes.

8 Q Okay. Robert Wilson, was that a person that was
9 interviewed?

10 A Yes.

11 Q Okay. Lillie Moore, was she interviewed?

12 A Yes.

13 Q Okay. And, and in talking about Lillie Moore, on the
14 7th of June, I believe that Friday, on the 7th of June,
15 did -- well, let me back up on the 6th.

16 was there another trip made to Morven before y'all
17 talked with Lillie and the defendant?

18 Do you recall?

19 A It was. We, we went up in the area just to ride the
20 area just to see if we could find any information or, or
21 anything that's -- could help us with this case.

22 Q And so -- so were there any -- was that -- were there
23 negative results from that?

24 were you able to get anything from that second trip to
25 Morven?

James Henderson - Direct examination
By Solicitor Redmond

1 A We were not.

2 Q Okay. Now then on the 7th, that Friday, do you
3 interview Lillie Moore?

4 A They did.

5 Q Do you---

6 A well, we did at the police department.

7 Q At -- exactly.

8 A I didn't.

9 Q At the police department.

10 were you present during the time of those interviews?

11 I guess -- when I say present, not necessarily
12 conducting the interviews but were you on site?

13 A Yes.

14 Q Okay. Now -- and I'm not gonna get into what she said.

15 But during that time that y'all were interviewing
16 him -- her, Ms. Lillie Moore -- and just to be clear, what
17 is Lillie Moore's relation to the defendant?

18 A Lillie Moore is -- I, I know he presented -- Mr.
19 Covington presented her, presented her as his
20 wife/girlfriend. But I don't think they're married.

21 Q Okay. So, Lillie Moore, did she live with the
22 defendant?

23 A She does.

24 Q Okay. So, when she was brought back in, without saying
25 what she said, did she give y'all information in reference

James Henderson - Direct examination
By Solicitor Redmond

1 to this case?

2 A At first she didn't.

3 Q Okay. But subsequently did she, without saying what
4 she said, did she give you information --

5 A Correct.

6 Q -- subsequently?

7 Now, during the time y'all were interviewing Ms. Moore,
8 again this is on June 7th, 2019, did the defendant happen
9 to come into the picture?

10 A He did.

11 Q And explain that to me.

12 A While we were conducting the interview of Ms. Moore,
13 Mr. Covington came to the police department wanting to know
14 what was taking so long with Ms. Moore's interview.

15 Q And so when he shows up at the police department, based
16 on the evidence y'all've already gathered, you've already
17 seen the surveillance videos, you had already talked with
18 Ms. Moore again, did you then -- well, I say you but did --
19 I think Chief Thomas and Sergeant Red, Redfern interviewed
20 the defendant again.

21 A Correct.

22 Q Okay. So he shows up at the police department.

23 At that point is he taken in for a second interview?

24 A He was.

25 Q And, again, without getting into what was said in that

James Henderson - Direct examination
By Solicitor Redmond

1 interview, after that interview, was the defendant arrested?

2 A He was.

3 Q And charged with obstruction of justice?

4 A Yes.

5 Q And I believe was Ms. Lillie Moore also charged with
6 obstruction of justice?

7 A Ms. Moore was.

8 Q Okay. So, so, at this point he's taken into custody.

9 Now, the next steps in the investigation -- so we're,
10 we're at June 7th now.

11 So, after he's interviewed again, the defendant, and
12 after he's arrested, what were the next steps in the
13 investigation to try to get answers as it relates to the
14 whereabouts of Terris Parsons, T.P.?

15 A Well, after talking with Ms. Moore, and it seemed like
16 she wanted to give us more information, so we lined up a
17 polygraph.

18 Q Okay. And I'm not gonna get into the results of that
19 because those are not admissible. So -- and so we're not
20 gonna discuss that part of it.

21 But when I say the next step, did she give y'all
22 another interview?

23 A She gave several interviews.

24 Q All right. And, and we'll get into that in a little
25 while, but let's move forward to -- move, move back actually

James Henderson - Direct examination
By Solicitor Redmond

1 to I guess the, the, the, the -- I think y'all went to the
2 property. Didn't find anything of value but was there a
3 search conducted on the property on the 8th of June?

4 I think y'all interviewed him on the 7th.

5 On the 8th of June, did y'all go and do a search of the
6 property?

7 A We did.

8 Q Okay. And, and at point in time, again, was there
9 anything of any evidentiary value that had yielded any
10 results in this case?

11 A No.

12 Q Okay. So, just to be clear on this, the case started
13 off with Cheraw P.D. but subsequently did it become a
14 Sheriff's Office case because of jurisdictional issues?

15 A It did.

16 Q And could you explain that briefly please?

17 A Once we determined that the last known location that
18 Terris Parson was at was 4 Chapman Street, 4 Chapman Street
19 is located in the county but it has a city address.

20 Q Okay. And so, at that point, and even before then, had
21 the county and the police department been working together?

22 Had the county been assisting the police department in
23 the case?

24 A Yes.

25 Q And you also mentioned SLED as well?

James Henderson - Direct examination
By Solicitor Redmond

1 A Correct.

2 Q Okay. And, and so -- and I think it was actually Sousa
3 was the agent that was assigned to help out from SLED's
4 standpoint?

5 A That's correct.

6 Q Okay. Now -- so there's this (indiscernible) but then,
7 on the 9th, did you go back -- and, and let me be clear on
8 this.

9 After interviews with the defendant, after interviews
10 with Lillie Moore, on the 9th, did y'all go back to Morven?

11 A Yes, we did.

12 Q Okay. And what was the purpose of going to Morven?

13 A We went to Morven, if I'm correct, I think that's the,
14 the Sunday we rode ATVs along with us, Cheraw Police
15 Department, along with the Sheriff Department, ATVs all over
16 Morven just to search for Mr. T -- Mr., Mr. Parson's
17 vehicle, I want to say T.P., search for his vehicle or him
18 and it was negative results.

19 Q Okay. Now, on the 10th, that next Monday, was the
20 defendant -- cause he's in custody now.

21 Did he have a Mustang and Expedition which were --
22 which were seized and, and, and search warrants were done at
23 to have them processed?

24 A Yes.

25 Q Okay. And was that, in fact, done by SLED's crime

James Henderson - Direct examination
By Solicitor Redmond

1 scene unit?

2 Did they come in and process it?

3 A They did.

4 Q Okay. And, to your knowledge, were there any results
5 of evidentiary value gained from those?

6 A No.

7 Q Okay. However, the 2003 Mustang, did it have a sign
8 that was again distinctive that also shows up in the video
9 you were talking about?

10 A It does. It's a sign of Mr. Covington's business. I
11 want to say come -- some kind of construction business that
12 he has.

13 Q Now, I'm gonna fast forward -- well, I'm gonna talk --
14 between the 10th and 25th, was there any evidence that
15 was gathered or gained that assisted in finding the
16 whereabouts of -- and, and to find what happened to Terris
17 Parsons?

18 A Talking been the 10th and the 25th---

19 Q 10th and 25th.

20 A On the 25th of June, we did locate Mr. Parson's
21 vehicle.

22 Q And I'm gonna talk with you about that.

23 So, up until the 25th, had there been any luck
24 getting any, any, any information?

25 A No.

James Henderson - Direct examination
By Solicitor Redmond

1 Q However, on the 25th -- and, again, without saying
2 what was said, did you then reinterview, at her request, did
3 you reinterview Lillie Ford?

4 A Yes, we did.

5 Q Not -- Lillie Moore. Excuse me. Lillie Moore.

6 A Yes, we did reinterview Lillie Moore along with her
7 lawyer.

8 Q Okay.

9 A She requested that interview.

10 Q And without saying what was said, as a result of that
11 interview, did she take you to Florence County?

12 A She did.

13 Q Okay. Now -- and again without saying what was said.

14 Based on your interview with Ms. Moore, did you -- and,
15 and was her attorney present as well when y'all made the
16 trip to Florence?

17 A He was.

18 Q Okay. So, based on your interview with, with Lillie
19 Moore and her attorney, did she give you information that
20 aided in the investigation?

21 A It did.

22 Q And as a result, did she take you to Florence County,
23 specifically 3181 Pisgah Road, in Florence County?

24 A That's correct.

25 Q Okay. And tell us about -- again, without saying what

James Henderson - Direct examination
By Solicitor Redmond

1 she said, y'all load up to head from Cheraw to Florence
2 County and, and, and, and tell us about that.

3 Again, without saying what anybody else said, just tell
4 us about that trip and then I'll ask you a few more
5 questions.

6 A Well, the trip was an eventful trip. She took us on
7 many different routes to get there. But to come to find out
8 that she really didn't know the area that well. Once we
9 passed that location, it did come back to her memory and she
10 told us to turn around and we did go back and she pointed
11 out the house that they left the car at.

12 Q Okay. And, in fact -- and, and I'll show you some
13 pictures in a little while.

14 So, in fact, did y'all go to that house and did you
15 find the 2010 Buick Lacrosse belonging to Terris Parsons?

16 A We did.

17 Q And tell us about the house.

18 Was it an occupied house?

19 A No, it was an abandoned house.

20 Q Okay. And the car, where was the car?

21 Was it in the front?

22 Was it in the driveway?

23 Where was the car located?

24 A The car was located behind the house tucked away like
25 it was being hidden.

James Henderson - Direct examination
By Solicitor Redmond

1 Q Okay. And so, in finding this, obviously is there a
2 hope that you'll find either Mr. Parsons or evidence leading
3 to Mr. Parsons?

4 Were y'all able to locate Mr. Parsons at that time?

5 A No.

6 Q And was SLED crime scene unit called back out again?

7 A They were.

8 Q And were they able to get any information, to your
9 knowledge of the case being the lead officer on behalf of
10 the Cheraw P.D., were they able to find any evidence
11 regarding the whereabouts of Mr. Parsons?

12 A No.

13 Q Okay. But to be clear, just re, re, recap, was it
14 Lillie Moore -- was Lillie Moore quoted as being the
15 defendant's wife?

16 A Yes.

17 Q And whether or not she was but was that mentioned about
18 her being the defendant's wife?

19 A Yes.

20 Q And is that the same Lillie Moore that took y'all to
21 where the car was located in Florence?

22 A It was.

23 Q And, again, did Lillie Moore and the defendant reside
24 together?

25 A They did.

James Henderson - Direct examination
By Solicitor Redmond

1 Q Okay. And, again, we're not gonna get into what she
2 told you or what she says, but -- and was she the one that
3 took you to Florence where y'all ultimately found the
4 vehicle?

5 A She showed us the area, yes.

6 Q Okay. So, now, of course, was there -- were there
7 other attempts made to try to get information and find the
8 whereabouts of T.P.?

9 A I -- like I said, we, we talked to several individuals
10 as far as interviews, phone records, his cellphone data.
11 We, we tried all the avenues that we knew that would -- we
12 could try to use to help locate Mr. Parsons.

13 Q And did any of that lead you to any results?

14 A It did not.

15 Q And, to this day, do, do we know the whereabouts or the
16 final resting place of Terris Parsons?

17 A We do not.

18 MR. HOBBS: Objection.

19 SOLICITOR REDMOND: Your Honor, if I may approach the
20 witness?

21 Do you have any --.

22 MR. HOBBS: Okay. Yeah, no objection.

23 No objection, Your Honor.

24 Q Let me -- with the, with the Court's permission, of
25 course, I'm gonna first show you State's 26.

James Henderson - Direct examination
By Solicitor Redmond

1 Do you recognize that document?

2 A Yes.

3 Q And could you tell us what that is?

4 A This is a document that we use from SLED to put out a
5 missings persons advisory that Mr. Parson was missing and it
6 had his information on it, the car's information, and a
7 number to contact if you have seen Mr. Parsons.

8 Q All right. And let me show you and I'll just go in
9 order. If you can read the exhibit numbers starting with
10 Exhibit 3. Even if you weren't the one who took these
11 pictures, the key issue is do you recognize what's in each
12 of those pictures.

13 A Yes.

14 Q And could you, could you tell us -- starting with
15 State's 3, could you tell us what that picture is?

16 A No. 3 is the residence of Mr. Covington and Ms. Moore
17 on 4 Chapman Street.

18 Q All right. And could you tell us the next exhibit?
19 And if you can put them face down. That way we can
20 keep them in order. Thank you.

21 A The next one is Exhibit 4. It is another picture of
22 Mr. Covington and Lillie Moore's residence at 4 Chapman
23 Street in the, in the daytime.

24 Q And the next exhibit.

25 A The next exhibit is No. 2. This is a picture of the

James Henderson - Direct examination
By Solicitor Redmond

1 abandoned carwash in Morven, North Carolina where it was
2 said that Mr. Parson's car was lo -- was left abandoned.

3 Q Okay.

4 A The next one is Exhibit 13. That's another picture of
5 the abandoned carwash, an overview of, of that.

6 Q And State's -- the next exhibit please.

7 A The next exhibit is 14, No. 14. This is a picture of
8 Mr. Covington's Ford Mustang.

9 The next exhibit is No. 15. This is a picture of
10 Mr. Covington Ford Mustang with the sticker -- the, the
11 sticker on the door of his construction company.

12 Q And is that the same Mustang that was seen in the
13 videos?

14 A Yes.

15 Q Okay. The next.

16 A The next exhibit is No. 16. It is a picture of one of
17 Mr. Covington's vehicle, a Ford Expedition.

18 Q And is -- are those, the, the Mustang and the
19 Expedition, were those pictures actually taken at Cheraw
20 P.D. where y'all -- where it was being processed?

21 A Yes, this is the photos from SLED.

22 Q Okay.

23 A The next exhibit is No. 19, which is a picture of the
24 abandoned house on 3181 Pisgah Road in Florence.

25 Q Okay.

James Henderson - Direct examination
By Solicitor Redmond

1 A The next exhibit is No. 21. This is a overview of the
2 streets in Cheraw dictating the address of 4 Chapman Street.

3 Q Okay. And how about the next one?

4 A The next exhibit, No. 22, this is another view of the
5 map from Cheraw that's showing 4 Chapman Street.

6 No. 23 is another closer view of 4 Chapman Street.

7 Exhibit No. 24 is a overview of Morven, North Carolina
8 where the abandoned carwash is.

9 Exhibit No. 25, No. 25 is a closer view of the
10 abandoned carwash where Mr. Parson's car was said to be left
11 at.

12 Exhibit No. 20, this is a picture of Terris Parson's
13 2010 Buick Lacrosse behind the abandoned house at 3181
14 Pisgah Road in Florence.

15 SOLICITOR REDMOND: With the Court's permission, we
16 would move to introduce State's -- if I can approach the
17 witness again?

18 Just for the record, State's 26, State's 3, State's 4,
19 State's 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, and, of
20 course, I skipped 20, State's 20. I would move all of those
21 exhibits into evidence at this time.

22 THE COURT: Any objection from defense?

23 MR. HOBBS: None for those items, Your Honor.

24 THE COURT: All right. They're into evidence.

25 (WHEREUPON, State's Exhibit Nos. 3, 4, 12 through 16,

James Henderson - Direct examination
By Solicitor Redmond

1 and 19 through 26 were received into evidence at this time.)

2 SOLICITOR REDMOND: And before I publish, I'd like to
3 show what's been marked for ID purposes at this time only
4 State's 29.

5 If I may approach the witness again, Your Honor?

6 Do you recognize State's Exhibit 29?

7 A I do.

8 Q And what is State's Exhibit 29?

9 A State's Exhibit 20 -- No. 29 is the cellphone that
10 Mr. Covington consented to us at his first interview.

11 Q Thank you. And, again, for ID purposes only.

12 And, Your Honor, at this time the State would like to
13 publish and I'm call out the exhibit numbers as we publish
14 them.

15 If we could dim the lights just a little bit?

16 Starting with State's 20, do you recognize -- this is
17 actually State's 26. Did you -- and I'll just scroll down
18 with the -- State's 26, is that, is that a -- is that
19 State's 26 that you've testified to earlier, the missing
20 person advisory?

21 A Yes.

22 Q Okay. And is that the advisory and information that
23 was put out about Mr. Terris Parsons, T.P.?

24 A It is.

25 Q All right. I'm gonna show you -- I'm gonna show you

James Henderson - Direct examination
By Solicitor Redmond

1 what's been marked as State's 3 and could you tell us what
2 that is?

3 A That is the residence where Mr. Covington and Ms.
4 Lillie Moore resided of 4 Chapman Street.

5 Q Okay. And is that -- I say in Cheraw but is that just
6 outside the town limits of Cheraw?

7 A It is.

8 Q Now we talked about the carwash. Let's -- all right.
9 State's Exhibit 12.

10 A That is the carwash where it was said that Mr. Parson's
11 car was at -- was left abandoned.

12 Q Okay. And I think this is State's 13.

13 Is that -- what is that?

14 A That's an overview, a further away shot, of the carwash
15 where Mr. Parson's car was left abandoned.

16 Q Okay. Actually I'll save that. That is actually
17 State's 14.

18 Could you tell us what State's 14 is?

19 A That is Mr. Covington's Ford Mustang.

20 Q Okay. And I think next is gonna be State's 15. It is.
21 And what is State's 15?

22 A That is the, the sticker, the placard that's on the
23 door of the Ford Mustang belonging to Mr. Covington.

24 Q And, again, is that what -- is, is that also noticeable
25 on the video surveillance footage?

James Henderson - Direct examination
By Solicitor Redmond

1 A It is.

2 Q State's 19. I'm sorry. I got ahead of myself.

3 well, let's -- we can go out of order. What's
4 that's -- and that's actually gonna be State's 19. Yeah.

5 Tell us about State's 19.

6 A That is the abandoned house on 37 -- 3181 Pisgah Road
7 in Florence.

8 Q All right. And this is State's 20.

9 A That is Mr. Parson's 2010 Buick Lacrosse behind that
10 abandoned property on Pisgah Road.

11 Q Okay. And is that how y'all found it?

12 A Yes.

13 Q And were you able -- there at the time the vehicle was
14 found?

15 A Yes.

16 Q Let's see. Beg the Court's indulgence.

17 Now, I skipped State's 16.

18 What's is State's 16?

19 A That is another vehicle that belongs to Mr. Covington,
20 a -- his Ford -- I want to say 2003 Ford Expedition.

21 Q Okay. Okay. That is actually going to be State's 23.
22 What is that a picture of?

23 A That is an overview shot of 4 Chapman Street where
24 Mr. Covington and Ms. Lillie Moore resided.

25 Q And is that, again, just outside of the town limits of

James Henderson - Direct examination
By Solicitor Redmond

1 Cheraw?

2 A It is.

3 Q Then we go to this. This is actually gonna be State's
4 22.

5 A Again, that is a blown out more broad area of 4 Chapman
6 Street, the residence of Ms. Lillie Moore and Mr. Covington.

7 Q Okay. That is -- is that reflective of State -- 4
8 State Road?

9 A Correct.

10 Q Now, is this the warehouse that we talking about, I
11 think Flynn's, where we got the better video from?

12 A It is.

13 Q And this is gonna be State's 21.

14 A That is an overview map of some of the streets in
15 Cheraw but it's also showing 4 Chapman Street where
16 Mr. Parsons -- Mr. Covington and Ms. Moore resided.

17 Q All right. Now, State's -- this is actually -- let me
18 go -- I'm gonna go ahead and mark -- State's 24.

19 A That is a overview of Morven, North Carolina where the
20 carwash is -- where it saying Family Dollar, the carwash is
21 directly across from that abandoned carwash where it was
22 alleged that Mr. Parson's car was left abandoned.

23 Q And you see certain things. The Morven Fire
24 Department. Again, forget whoever the idiot was that left
25 this as 4 Chapman Street.

James Henderson - Direct examination
By Solicitor Redmond

1 Is this, is this actually in Morven, North Carolina and
2 not 4 Chapman Street?

3 A That is correct.

4 Q We won't name the idiot who made that mistake, but,
5 again, is that a photo overview of Morven, North Carolina?

6 A It is.

7 Q All right. And I'm sorry. Last one. This is State's
8 25.

9 A That is a picture of the abandoned carwash in Morven
10 and across the street from that is the Family Dollar Store.

11 Q And, again, is this, is this the Family Dollar Store?

12 A Correct.

13 Q And is this the abandoned carwash right here?

14 A Yes, right there to your right, yes.

15 SOLICITOR REDMOND: Okay. Beg the Court's indulgence.

16 (Pause.)

17 Q Oh, I have a couple quick questions I want to ask.

18 Now, you've been involved in this case since
19 June 3rd, 2019.

20 During that time, has -- and, and up until now, is
21 there any evidence, based on your law enforcement
22 experience, is there any evidence that Terris Parsons has
23 reached out to or had any contact?

24 A No.

25 Q And based on your law enforcement experience, is there

James Henderson - Direct examination
By Solicitor Redmond

1 anything to indicate, based on everything you know about
2 him, everything you know about his family, everything you
3 know about the case, in your role as an investigator, is
4 there any -- anything to indicate that Mr. Terris Parsons is
5 still alive?

6 A No.

7 Q That'd be all the questions I have. Please answer any
8 questions Mr. Hobbs might have.

9 THE COURT: Cross-examination.

10 MR. HOBBS: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. HOBBS:

13 Q All right, detective.

14 A Yes, sir.

15 Q How are you, sir?

16 A I'm doing great.

17 How about you, sir?

18 Q I'm doing very well.

19 You testified a little bit ago that you spoke---

20 THE COURT: Mr. Hobbs, we're gonna take just a brief
21 moment so the jury can refresh themselves. We'll be back
22 momentarily.

23 MR. HOBBS: Yes, Your Honor.

24 THE COURT: Everyone remain seated as the jury exits
25 the courtroom.

James Henderson - Cross-examination
By Mr. Hobbs

1 Do not discuss the case.

2 (WHEREUPON, the following takes place outside the
3 presence of the jury.)

4 THE COURT: We'll stand at ease for five minutes.

5 MR. HOBBS: Yes, Your Honor.

6 (WHEREUPON, a short recess was taken at this time.)

7 THE COURT: -- defense?

8 MR. HOBBS: Nothing from the defense, Your Honor.

9 THE COURT: We're ready for the jury.

10 THE CLERK: The jury's on the way.

11 (WHEREUPON, the following takes place within the
12 presence of the jury.)

13 THE COURT: Madam Forelady, ladies and gentlemen of the
14 jury, we initially said we were gonna stop right at 11:00.
15 We got a few more things that -- if y'all will bear with us.
16 I hope that's not causing anybody inconvenience. But we're
17 gonna conclude here for the day shortly.

18 Mr. Hobbs.

19 MR. HOBBS: Thank you, Your Honor.

20 CONTINUED CROSS-EXAMINATION

21 BY MR. HOBBS:

22 Q All right, detective.

23 A Yes, sir.

24 Q Back at it.

25 okay?

James Henderson - Cross-examination
By Mr. Hobbs

1 A Yes, sir.

2 Q All right. So, in your testimony earlier, you
3 indicated that you spoke to Latoya Broadie and then you
4 updated an incident report.

5 Is that right?

6 A That is correct.

7 Q And this is kind of the standard incident report that
8 law enforcement uses in the system.

9 Is that correct?

10 A Correct.

11 Q Okay. I've never seen a copy of any incident report in
12 this case.

13 Do you happen to have a copy of that on you here today?

14 A No, I do not.

15 Q Okay. When's the last time you looked at that incident
16 report?

17 A Probably -- yesterday.

18 Q Yesterday.

19 But you don't have it here today for me to look at?

20 A I do not.

21 Q Okay. That's fine.

22 Now, on June 9th there are investigative notes
23 indicating that you and Chief Thomas went to Morven to ride
24 ATVs.

25 Is that right?

James Henderson - Cross-examination
By Mr. Hobbs

1 A That is correct.

2 Q All right. So what areas did you search when you went
3 up to Morven at that time?

4 A I can't remember all the streets in Morven. It, it was
5 a, a new -- a lot of streets. I could say probably roughly
6 10 to 12 miles.

7 Q Okay. And when you searched those 10 to 12 miles, did
8 any leads or evidence -- did you get anything of any value
9 from that search?

10 A We did not.

11 Q Okay. On June 21st, the investigative notes indicate
12 that you and Detective Redfern go to look at a vehicle
13 matching the victim's vehicle in Ruby Hartsville Road.

14 Do you recall that?

15 A Yes.

16 Q Okay. Can you tell us a little bit about what that
17 was?

18 what, what vehicle did you come apart -- upon there and
19 how did you know it was not Mr. Parsons?

20 A We received information or phonecall that a vehicle
21 matching that description was on Ruby Hartsville Road just
22 outside of Chesterfield going into Darlington County
23 matching that description with the windows busted out and
24 nobody around it and we went to look at that vehicle.

25 As you saw earlier, we had the information with the tag

James Henderson - Cross-examination
By Mr. Hobbs

1 and the VIN number. We checked the tag -- checked the VIN
2 number. It did not come back to Mr. Parsons. That was not
3 the vehicle.

4 Q Was it the same type and color vehicle?

5 A It was close in color, yes.

6 Q Was it the exact same year and type of vehicle?

7 A Yes, it was a 2010 Buick.

8 Q That was the same color?

9 A Close cause it was champagne. They -- it -- some
10 people say champagne and some people say cream in color.

11 Q Okay. And do you have any documents or evidence
12 related to that search?

13 Y'all take any pictures or document that in any other
14 way?

15 A I can't remember if we did or didn't that day.

16 Q Okay. The condition of that car was what?

17 A It was the -- vandalized.

18 Q Vandalized.

19 windows busted out?

20 A Correct.

21 Q Okay. Now, you mentioned earlier that you went to some
22 sort of warehouse near 4 Chapman Street.

23 Is that right?

24 A That's correct. We all did, yes.

25 Q Okay. What day did you go to that warehouse?

James Henderson - Cross-examination
By Mr. Hobbs

1 A I want to say it was June the 5th.

2 Q Okay. There's a note here that says on
3 June 10th that detectives with the Cheraw Police
4 Department went back to the warehouse to make sure you had
5 all the camera video for this case.

6 Is that right?

7 A You -- June --?

8 Q 10th.

9 A I can't remember that if it was or --

10 Q How many---

11 A -- wasn't.

12 Q How many trips did you make to that warehouse?

13 A I believe I made possibly two.

14 Q Okay. Who was with you on those trips?

15 A The first time I went to open the gate and it was
16 Detective McGloin, and Detective Scott, and Chief Thomas.

17 Q Okay. And who's Detective Scott?

18 A Nicole Scott. I'm sorry.

19 Q Nicole Scott.

20 Okay. Okay. And, at that time, did you try to gather
21 any evidence?

22 A Video footage, yes.

23 Q And then were you present on June 10th or do you
24 recall that -- any circumstances of that second time that
25 you went to the warehouse?

James Henderson - Cross-examination
By Mr. Hobbs

- 1 A Not at this time. I, I can't remember.
- 2 Q Okay. But you do recall going there again?
- 3 A Yes.
- 4 Q Okay. Could you show us on the map, and I believe this
- 5 has been admitted.
- 6 Your Honor, may I approach the witness?
- 7 THE COURT: Yes.
- 8 Q As State's Exhibit 21.
- 9 A Uh-huh. (Affirmative).
- 10 Q And I believe that 4 Chapman Street is marked?
- 11 A Correct.
- 12 Q Can you show me and point for the jury and for, for my
- 13 knowledge where that warehouse is in reference to 4 Chapman
- 14 Street?
- 15 A I don't know if you can see it from, from here. But
- 16 this dot here is 4 Chapman Street. And if you can see, I'm
- 17 gonna move my finger down, this white dot here, that is the
- 18 warehouse. I'm gonna say it's probably a block, block and a
- 19 half.
- 20 Q So just right down the road from 4 Chapman Street?
- 21 A Correct.
- 22 Q Okay. Now, when you went there, did you have subpoena?
- 23 A I didn't.
- 24 Q Okay. I've never seen a subpoena for any footage from
- 25 the warehouse.

James Henderson - Cross-examination
By Mr. Hobbs

1 was one ever prepared?

2 A The first time I know the owner of the company,
3 Mr. Michael Flynn, gave us consent to go in and get whatever
4 video we needed for the case.

5 Q Okay. And so no subpoena?

6 A That -- I don't -- I didn't get one, no.

7 Q Okay. And y'all go collect this evidence at the
8 warehouse right down from Chapman Street?

9 A Correct.

10 Q All right. And you know that Chapman Street is not
11 within the Town of Cheraw?

12 A Correct.

13 Q And you know that that warehouse is not within the Town
14 of Cheraw?

15 A That -- I want to say -- I don't know if it is or not.

16 Q Okay. You've pointed out to us on the map where it is,
17 right?

18 A Correct.

19 Q Okay. And looking at this map, there's a, there's a
20 big road here in yellow.

21 A Correct.

22 Q What's that big road?

23 A That is U.S. Highway Number 1.

24 Q U.S. Highway Number 1.

25 A Correct.

James Henderson - Cross-examination
By Mr. Hobbs

1 Q In my review of the Cheraw jurisdiction has everything
2 to what would be the right of that out of town limits down
3 that far.

4 Is that correct?

5 A That's incorrect. GPS mapping, there are some houses
6 and some buildings that are within the city limits even
7 though --

8 Q Okay.

9 A -- that is considered the county.

10 Q Okay. We, we will -- we'll address that.

11 A Annexed it.

12 Q Okay. Within the county, you think that that warehouse
13 is within town limits?

14 A I want to say yes.

15 Q Okay. Very good.

16 All right. Did you prepare either of these
17 investigative notes?

18 One is written in all bold and the other one is, is
19 kind of smaller case.

20 May I approach, Your Honor?

21 THE COURT: Yes.

22 Q Do you---

23 A Thank you for coming closer.

24 Q I, I don't know who the author is of these items.

25 Did you author them?

James Henderson - Cross-examination
By Mr. Hobbs

1 A The smaller, no. The bolder, yes.

2 Q You did this one?

3 A Yes.

4 Q Okay. These are your notes then.

5 Okay. Very good.

6 Okay. These notes indicate that you conducted and
7 were, were present for several interviews.

8 Is that right?

9 A Correct. I was present.

10 Q For -- related to this case?

11 A Correct.

12 Q Okay. And I don't believe, watching previous statement
13 of Ms. Broadie, that you were actually present for her
14 initial recorded statement.

15 Is that right?

16 A I was not in the interview itself. I was in the
17 detective office.

18 Q Okay. So you actually watched that interview?

19 A Probably briefly. We were still working on this case.
20 So, I was not trying to sit while we had a missings persons
21 case.

22 Q Understood.

23 Do you recall any of the -- any of that interview or
24 were you not really watching it?

25 A I really wasn't paying attention. I'm gonna be honest.

James Henderson - Cross-examination
By Mr. Hobbs

1 Q That's, that's fine.

2 I believe, at some point, you interview Mr. Robert
3 Wilson.

4 Is that correct?

5 A Correct. Myself and SLED agent, yes.

6 Q Okay. Now, Robert Wilson was identified in your
7 investigation as one of the last people to communicate with
8 Mr. Parsons.

9 Is that correct?

10 A Not the last or one of the people that talked with him,
11 yes.

12 Q I believe that was my exact question. One of the last
13 people to talk to Mr. Parsons.

14 Right?

15 A He was not the last.

16 Q So what date and time did you conduct that interview?

17 A I can't remember the, the time nor the date. I do
18 remember myself and SLED Agent Ashley and I can't pronounce
19 her last name. I do not want to butcher her last name.

20 Q Okay. So, you don't recall the date.

21 Is there any document that you have that would help you
22 recall what date and time you took Mr. Wilson's statement?

23 A Yes.

24 Q Okay. What document is that?

25 A The notes that you have.

James Henderson - Cross-examination
By Mr. Hobbs

1 Q Okay. These notes that I have don't indicate what day
2 and time you spoke to Mr. Wilson.

3 So is there anything about that date or anything about
4 that interview that made you remember the timeframe or the
5 date that it was taken?

6 A No, sir.

7 Q Okay. Did you ever conduct a second interview of
8 Robert Wilson?

9 A No, sir.

10 Q Are you aware if any other second interview was ever
11 conducted of Mr. Wilson?

12 A No, sir.

13 Q Okay. Who is Captain Riley?

14 Are you familiar with that name?

15 A Yes, sir.

16 Q Okay. Who is that?

17 A Captain Riley is now the interim chief of Cheraw P.D.
18 now.

19 Q Okay. So he was a captain within the Cheraw Police
20 Department at the time of this investigation?

21 A Correct.

22 Q Okay. And there's a note here within I believe your
23 notes that someone -- there was a tip that Mr. Parsons was
24 at 110-A Fred Harris Street.

25 Did you actually go to investigate that or know who

James Henderson - Cross-examination
By Mr. Hobbs

1 did?

2 A No, I do not.

3 Q Okay. Very good. There was another date when Chief
4 Thomas goes and rides the Morven area looking for evidence.

5 Did you make more than one trip up to Morven looking
6 for evidence?

7 A Oh, yes, sir.

8 Q And how many trips you take?

9 A Several. I'm -- I -- just a round about number, I'm
10 gonna say at least five times.

11 Q Okay. And anything ever come of that?

12 A No, sir.

13 Q Okay. In the investigative notes that I have, there is
14 an Instagram account that there's a preservation request
15 sent for Hayes Brittany and Ruby Red.

16 Are you the detective that sent those preservation
17 requests out?

18 A No, sir.

19 Q Okay. The search of 4 Chapman Street on June 8th, do
20 you know who obtained that search warrant for that search?

21 A The, the Chesterfield County Sheriff Department
22 obtained that search warrant.

23 Q Okay. And based on your knowledge, you testified that
24 no evidence was gathered that's gonna be admitted to the
25 jury here today from that residence?

James Henderson - Cross-examination
By Mr. Hobbs

- 1 A Correct.
- 2 Q And then y'all search a vehicle.
- 3 Is it SLED that searches the Mustang?
- 4 A Correct.
- 5 Q No evidence out of the Mustang?
- 6 A Not to my knowledge, no.
- 7 Q Okay. And I -- of course, when I asked no evidence, I
- 8 mean no evidence is gonna be admitted to the jury, and
- 9 nothing material to the case at hand, correct?
- 10 A Correct.
- 11 Q Expedition, you searched on that Expedition?
- 12 A Correct.
- 13 Q Okay. Any piece of evidence come out of the Expedition
- 14 that's material that the jury's gonna see?
- 15 A No.
- 16 Q Okay. We search Mr. Parson's car when it's found in
- 17 Florence.
- 18 Was that SLED as well?
- 19 A Correct.
- 20 Q Any piece of evidence that's gonna be admitted on that?
- 21 A No.
- 22 MR. HOBBS: Court's indulgence please.
- 23 (Pause.)
- 24 MR. HOBBS: All right. Your Honor, I have no further
- 25 questions for this witness.

James Henderson - Redirect examination
By Solicitor Redmond

1 THE COURT: Redirect.

2 SOLICITOR REDMOND: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY SOLICITOR REDMOND:

5 Q You were asked about getting a subpoena for, for I
6 guess the surveillance at Flynn's I believe was the
7 warehouse.

8 Do you have to get a subpoena if someone voluntarily
9 gives you the information you're requesting?

10 A No.

11 Q Okay. And from a jurisdictional standpoint -- and I
12 will address that later as it relates to whether that it or
13 in -- is not in the city limits.

14 But, in an investigation, did you go outside the city
15 limits of Cheraw in this investigation?

16 A Yes.

17 Q And if there's information that someone has, do you
18 have to get a subpoena or search warrant if that person is
19 willing to give you that information?

20 A No.

21 Q If you were in Pageland and my hometown of Hartsville,
22 wherever, and you got information, if I'm willing to give
23 you that information, do you have to subpoena the search
24 warrant?

25 A No.

James Henderson - Redirect examination
By Solicitor Redmond

- 1 Q Search warrant?
- 2 A No.
- 3 Q So just wanted to clarify that part.
- 4 Now, you were also asked about what did or did not
- 5 yield any information. I think I asked you that and Mr.
- 6 Hobbs asked you that. I'll just simply close by asking you
- 7 this.
- 8 without saying what was said but did Lillie Moore give
- 9 you information that was useful in this case?
- 10 A Yes.
- 11 Q Did you follow up on that information?
- 12 A We did.
- 13 Q And did it yield very important evidence---
- 14 MR. HOBBS: Objection, Your Honor.
- 15 Q ---obtained in this case?
- 16 MR. HOBBS: Classifying the evidence.
- 17 THE COURT: Sustained.
- 18 Q Did it -- it'll just say this.
- 19 In following up on that information, did it lead you to
- 20 (indiscernible)?
- 21 A It did.
- 22 Q That'd be all the questions I have.
- 23 THE COURT: All right. You may step down.
- 24 Might counsel approach the bench one moment?
- 25 (WHEREUPON, a bench conference was held out of the

1 hearing of the jury at this time.)

2 THE COURT: You may call your next witness.

3 SOLICITOR REDMOND: Thank you, Your Honor.

4 May it please the Court.

5 THE COURT: Yes.

6 SOLICITOR REDMOND: The State would next call Farand
7 wasiak and I hope I did not butcher his first name. I'll
8 refer to his as was.

9 THE COURT: Yes, sir. If you could come forward and
10 you can set your paperwork down and place your left-hand on
11 the Bible and raise your right-hand as the clerk administers
12 the oath.

13 FARAND WASIAK, being first duly
14 sworn, testified as follows:

15 THE COURT: Yes, sir, if you could come over here and
16 have a seat in the witness chair. I'm gonna ask if you
17 could to pull up real close to that microphone. Speak
18 loudly, clear, and slowly in order that we might hear
19 everything that you have to say and let's start with your
20 full name and let's spell that last one for us.

21 THE WITNESS: I'm Special Agent Farand wasiak. Last
22 name is spelled W-A-S-I-A-K.

23 THE COURT: Very good.

24 SOLICITOR REDMOND: Thank you, Your Honor.

25 May it please the Court.

Farand wasiak - Direct examination
By Solicitor Redmond

1 DIRECT EXAMINATION

2 BY SOLICITOR REDMOND:

3 Q Excuse me. And, and I'll just say was if that's okay
4 with you.

5 A That's fine with me.

6 Q By whom are you employed?

7 A South Carolina Law Enforcement Division.

8 Q And in what capacity are you employed with SLED?

9 A I'm in their computer crimes unit.

10 Q And how long have you worked in computer crime?

11 A Seventeen years now.

12 Q Okay. And, and let's talk about your background as it
13 relates to computer crimes.

14 Could you give us your background, education, training,
15 any certifications pertinent to what we're gonna get into
16 today?

17 A Various on-the-job trainings with the professional
18 softwares we use starting back in 2005 and it's ongoing
19 training because, obviously, with technology, technology is
20 always evolving. So we're constantly in, in -- going to
21 trainings. I'm also an instructor, a mobile device
22 forensics instructor.

23 Q Okay. And, again, have you done that during your
24 entire time with SLED?

25 A The instructor part is brand new. That's, that's two

Farand Wasiak - Direct examination
By Solicitor Redmond

1 years for me.

2 Q Okay. Well congratulations---

3 A Thank you.

4 Q ---on that.

5 Now, do you -- are -- when you do an extraction, have
6 you been -- and I'm gonna ask you generally.

7 Have you been asked to do extractions before as it
8 relates to cellphones?

9 A Yes, I have.

10 Q Okay. And I know you work with computers and other
11 electronic devices but today we'll just focus on cellphones.

12 Could you tell us what equipment was used pertinent to
13 this particular case in order to extract -- and I guess if
14 you could give us a rudimentary education, for lack of a
15 better term, on how it is you do what you do and what
16 equipment you use?

17 A Yes. Once evidence comes in, we call them items, you,
18 in this case a cellphone, we have evidence procedure where
19 it's intaked, put in our evidence vault. I remove it from
20 the evidence vault, make sure it's charged, and then there's
21 a specific process you have to do with android phones. You
22 got to put it in what's called developer mode.

23 This allows the, the hardware we use, which is the
24 Cellebrite system, it's a hardware/software combo, it
25 allows -- by putting a phone into developer mode, it allows

Farand Wasiak - Direct examination
By Solicitor Redmond

1 the hardware and the software to talk to the phone and the
2 phone to talk to the computer so we can extract all the
3 information off the phone or the information -- well,
4 usually the, the extraction's gonna be full.

5 It's gonna, it's gonna pull all the data. It's not
6 removing it. It's basically just copying all the data out
7 to my computer so I can view all the contents of the phone
8 through the software.

9 Q Now, and was that done in this case?
10 Was that process utilized in this case?

11 A It was.

12 Q And let's direct your attention to this particular
13 case.

14 Were -- in June of -- like -- I guess on or about the
15 5th of June of 2019, did you have and receive from Cheraw
16 P.D. an LG phone for you to extract?

17 A I'd have to check the specific dates but that's,
18 that's -- seems familiar to me, yes.

19 Q Okay. And, and, and I'll show you a few exhibits in
20 just a moment but -- well, actually let's go ahead and do
21 that.

22 If I may approach the witness, Your Honor --

23 THE COURT: Yes, sir.

24 Q -- with what's been marked as State's 37 and State's 29
25 for ID purposes only at this time.

Farand Wasiak - Direct examination
By Solicitor Redmond

1 MR. HOBBS: No objection for identification purposes,
2 Your Honor.

3 SOLICITOR REDMOND: Permission to approach the witness,
4 Your Honor?

5 THE COURT: Yes.

6 Q First I'm gonna show you State's 29.

7 Ask you do you recognize State's 29?

8 A I do.

9 Q Okay. And could you tell us what State's -- what is
10 State's 29?

11 A This was the cellphone that was brought to us in the
12 computer crimes unit from the Cheraw Police Department.

13 Q Okay. And I'm gonna direct your attention to -- I
14 forget the exhibit number. I think that's State's 37.

15 A 37.

16 Q Yes.

17 And could you, without publishing it, could you tell us
18 what that is?

19 A Yes, this is the first couple pages of my, my report I
20 guess you could say which would be the, the extraction of
21 the phone, the contents of.

22 Q Now, State's 36 I'm gonna show you, and just to be
23 clear, when you generate a, a report, is that report
24 literally potentially hundreds of pages because of dumping
25 all of the data from the phone?

Farand wasiak - Direct examination
By Solicitor Redmond

1 A Thousands of pages actually, yes. Correct.

2 Q Okay. And so, on a disk, is it unusual, on a disk,
3 for, for you -- send your report out and then obviously the
4 agencies that utilize it will often put it on a disk or
5 thumb drive or whatever?

6 A Yeah.

7 Q Is that, is that used -- is that unusual in your
8 experience?

9 A We always, we always do a, a, a digital copy. The
10 software puts out a report almost -- it's in, it's in the
11 web page. So, the, the investigator can navigate all the
12 contents of the phone like it would a, a normal web page or,
13 if they want, we can put it in a PDF format for them. But
14 99 percent of the time it's in an HTML web page format.

15 Q And just to be clear, that is often done, that disk is
16 often done in lieu of printing out thousands of pages of
17 documents?

18 A Correct. And we, we do not print out anything but,
19 but---

20 Q Okay. But when you sent it to us, if we choose to
21 print it out and present it, can we print out your report?

22 A Yes, absolutely.

23 Q And so again, in lieu of doing that, is it unusual for
24 agencies, in your experience, to actually take your report
25 and put it on a thumb drive or the disk as opposed to

Farand Wasiak - Direct examination
By Solicitor Redmond

1 printing it all out?

2 A That is correct. That's -- that is.

3 SOLICITOR REDMOND: And, Your Honor, I'm not moving to
4 admit those at this time. I just wanted to lay a foundation
5 that the -- rather than printing out the contents, they,
6 they are contained in that -- on that disk, on, on State's
7 36. And, again, the State is not gonna move to introduce it
8 at this time nor, nor publish.

9 And, to be clear, is State's 29 the phone that you
10 utilized and is that the report that was issued based on
11 your extraction?

12 A That is correct.

13 Q Okay. And was that extraction, again, done at SLED?

14 A It was done, yes, at your -- yes, correct. At the
15 computer crime center.

16 Q And once that's done, is the phone then subsequently
17 returned to the agency?

18 A Correct. It is put back into our evidence. The, the
19 submitting agency is notified that the phone is, is done and
20 they come and retrieve it, correct.

21 Q All right. And let me show you one -- well, no, that
22 will be publishing it. I'm not gonna do that.

23 Your Honor, I beg the Court's indulgence.

24 (Pause.)

25 SOLICITOR REDMOND: Again, we will not publish at this

Farand wasiak - Direct examination
By Solicitor Redmond

1 time but I would -- that'd be all the questions I have.

2 I please ask that you answer any questions that Mr.
3 Hobbs may have.

4 THE COURT: Mr. Hobbs.

5 MR. HOBBS: Thank you, Your Honor. Briefly.

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. HOBBS:

9 Q All right sir. How did you receive this cellphone that
10 you identified?

11 A It was, it was brought to us by Cheraw. I do not -- I
12 don't think I was the evidence intake person on the phone.
13 I just retrieved it from the evidence vault once it's
14 brought into our evidence.

15 Q Okay. So, who received it into SLED when it was
16 brought in?

17 A I'd have to check the chain of custody.

18 Q Okay. Do you have any chain of custody documents that
19 we can look at?

20 A I do.

21 Q Okay. Can you -- at -- look at those to see if they
22 refresh your memory as to this question?

23 A Actually I apologize. I was the evidence custodian on,
24 on -- I, I received the items on the -- June, June 5th.

25 Q June 5th.

Farand Wasiak - Cross-examination
By Mr. Hobbs

- 1 A From a Nicole Scott.
- 2 Q Nicole Scott brought it to you on June 5th?
- 3 A Correct.
- 4 Q Is that correct?
- 5 And then it remained in your possession until the
- 6 extraction was complete?
- 7 A That was correct. And it looks like I released it back
- 8 to Nicole Scott on the, on the 5th, and it looks like 45
- 9 minutes later approx -- almost an hour.
- 10 Q Okay. So you received the phone from Detective Nicole
- 11 Scott on June 5th. You complete the extraction within a
- 12 period of time and then give the phone right back to her.
- 13 A That's -- yes.
- 14 Q Did anyone else have possession of the phone between
- 15 the time that, that you took it from Nicole Scott and that
- 16 you gave it back to her?
- 17 A Not for -- no, not from what I can tell from this --
- 18 cause I have the evidence submission sheet and then the
- 19 evidence return.
- 20 Q Okay. And does it indicate what time it was just for,
- 21 just for my edification?
- 22 A Brought in to us, I logged it in 12:48PM.
- 23 Q Uh-huh. (Affirmative).
- 24 A And it was---
- 25 Q And then what?

Farand Wasiak - Cross-examination
By Mr. Hobbs

1 A It was released back at 1:34PM.

2 Q And then, with that phone, you created this disk.

3 Is that correct?

4 A The, the contents of.

5 Q Okay. So you created the contents of that disk and
6 uploaded it on to that disk?

7 A No, that's, that's a copy of the disk that we, we do.

8 Q Okay. That's fine.

9 And did you use any other information other than that
10 physical cellphone to extract that information?

11 A No, they asked for a full extraction, which, which
12 means I just give them the full extraction. I, I don't even
13 know what the, the contents of -- are cause---

14 Q Like you said---

15 A Yeah.

16 Q ---you don't know where it comes from or how they got
17 it or anything like that --

18 A Correct.

19 Q -- based on firsthand knowledge?

20 A Correct. We require a written consent to search or a
21 search warrant for us to intake it and I do believe they had
22 a -- I do believe they had a consent or a search warrant.
23 I'd have to check -- double -- okay.

24 Q And essentially the information that you used was all
25 contained on this physical phone and then it was moved over

Farand Wasiak - Cross-examination
By Mr. Hobbs

1 to a disk of which this is a copy.

2 Is that correct?

3 A Correct. Just, just for clarity, that's a logical
4 extraction. A logical extraction is exactly what -- if you
5 were gonna go through the phone yourself and is -- you know,
6 go through the contacts, go through the pictures, go through
7 your call logs, that's what that was. I was unable to do a
8 physical extraction, which would include any and all deleted
9 materials, deleted pictures, or anything like that.

10 So that's just a logical extraction, which is anybody
11 can see on face value on their phone.

12 Q Okay. Logical versus a physical extraction?

13 A Correct.

14 Q And the source of the information of the extraction
15 was, was achieved solely through that physical cellphone.

16 Is that correct?

17 A That is correct.

18 MR. HOBBS: Okay. No further questions, Your Honor.

19 THE COURT: Any redirect?

20 SOLICITOR REDMOND: Briefly.

21 REDIRECT EXAMINATION

22 BY SOLICITOR REDMOND:

23 Q Was everything done in -- within the standard operating
24 procedure at SLED?

25 A Yes, it was.

Farand wasiak - Redirect examination
By Solicitor Redmond

1 Q In other words, the evidence custody -- the custody of
2 evidence and Mr. Hobbs asked you was that in accordance with
3 the rules at SLED?

4 A Absolutely.

5 Q And as it relates to the extraction, was that within
6 standard operating procedure?

7 A Yes, it was.

8 SOLICITOR REDMOND: That's be all the questions I have,
9 Your Honor.

10 THE COURT: All right. You may step down. You're free
11 to leave.

12 THE WITNESS: Thank you.

13 THE COURT: Anything further from the State---

14 SOLICITOR REDMOND: None.

15 THE COURT: ---for today?

16 SOLICITOR REDMOND: Nothing further today, Your Honor.

17 THE COURT: All right. Madam Forelady, ladies and
18 gentlemen of the jury -- you can go ahead.

19 We're gonna recess for the afternoon. We're gonna ask
20 that you be back at 9:30 in the morning. Not nine o'clock.
21 9:30. Be back at 9:30 sharp.

22 Do not do any investigation. Do not discuss the case
23 amongst yourselves or with anyone else. We'll see you
24 bright and early at 9:30 in the morning.

25 Thank you so much for your time.

1 (WHEREUPON, the following takes place outside the
2 presence of the jury.)

3 THE COURT: Mr. Redmond, we just use that computer and,
4 and view the -- view that?

5 SOLICITOR REDMOND: Yes, in fact, Your Honor, and we
6 also have a USB drive.

7 THE COURT: Oh, you've already---

8 SOLICITOR REDMOND: So you can---

9 THE COURT: Well, if you've got that, we're in good
10 shape.

11 SOLICITOR REDMOND: Yes, sir.

12 THE COURT: All right.

13 SOLICITOR REDMOND: Thank you, Your Honor, and we'll be
14 working at it relates to the redactions and those other
15 matters that we are working on.

16 THE COURT: All right. Very good.

17 (WHEREUPON, a short recess was taken at this time.)

18 THE COURT: With regard to the June 7th interview, I
19 find that the law in the case that it should be -- as to
20 whether or not it's a custodial interrogation is a
21 reasonable standard in -- it does not require that law
22 enforcement formally arrest a person. But the question is
23 whether or not his freedom of movement has been
24 substantially restricted.

25 The law further states that it must be measured by an

1 objective standard. Not by the view of the officer doing
2 the interrogation or the defendant. And just because an
3 interview takes place in a detention facility or law
4 enforcement facility is not determinative.

5 You have to look at all of the circumstances, and
6 taking the length of the, the questioning, and the
7 interview, the location and purpose of the questioning, I
8 find it was non custodial, not requiring Miranda, and I
9 specifically find that it to be important that the defendant
10 voluntarily showed up at the law enforcement facility on his
11 own free will and accord. He drove himself there and
12 perhaps, most importantly, he left after the questioning.

13 As far as the -- the Court goes on to find that the
14 defendant's interview and subsequent act of turning over his
15 phone to the Cheraw Police was voluntary and without
16 coercion. The video interview with the defendant is
17 approximately an hour and a half long in which the defendant
18 offers information and answers posed by the officers with
19 regard to the disappearance of the victim. At no point does
20 his actions indicate that his will was overborne and that it
21 was involuntary.

22 It is important to note that, with regard to the
23 turning over of the phone, the defendant was informed by the
24 officers, and this is a -- it is -- it's important to note
25 it says we are going to seize your phone. However, the

1 defendant twice during this discussion states that he
2 doesn't mind. The officers -- he doesn't mind the officers
3 taking the phone. He only expressed concern about him being
4 on parole and having to talk to his parole officer.

5 They made arrangements and took care of that concern
6 and he went on to instruct the officers on how to get in the
7 phone and he specifically said that the phone was there,
8 that he didn't mind that they -- if they looked at it and
9 voluntarily surrendered it. He also signed an intake and
10 property receipt. That's my ruling with regard to that.

11 As far as the second interrogation, I do indeed find
12 that that was a custodial interrogation triggering the
13 Miranda rights. Miranda was read to him. Officers have
14 testified and I find that he understood his rights.

15 There's absolutely no evidence that would seem to
16 indicate that it was involuntary. He, based on the
17 information given in the interviews, had substantial
18 contacts with the law. It's not as though he's of tender
19 age or impaired intelligence. He knew what was going on and
20 really, if you look at the entire interview, clearly it, it
21 was a voluntary statement and it is indeed admissible.

22 But, of course, all of the issues with regard to
23 voluntariness and Miranda are ultimately questions of fact
24 and you'll be allowed wide range with regard to exploring
25 that before the jury.

1 with regard to the letter, I am gonna allow the
2 redacted -- we've had discussions in chambers about that and
3 we're gonna allow the redacted version of it to be published
4 before the jury. And the reason for that is I specifically
5 find that the prejudicial value does not over -- override
6 the probative value with regard to this particular piece of
7 evidence. And when you look at all of the evidence, and the
8 fact that there was a warrant and the letter, it's probative
9 with regard to identity and that's the reason why I'm -- I
10 am admitting it.

11 I do also want to put on the record that this case was
12 called to trial in a previous term of Court. And if I'm --
13 am I mistaken, was it continued because of the fact that the
14 roof caved in?

15 SOLICITOR REDMOND: Yes, sir.

16 THE COURT: All right. And there was -- and I
17 understand, based on what's been presented here today, that,
18 that you and Mr. Hobbs agreed to take video depositions of
19 various witnesses and relieve them from subpoena.

20 Is that correct?

21 SOLICITOR REDMOND: That is correct, Your Honor. Just
22 for the record, Lillie Moore is a resident of Pennsylvania
23 now and Foster Romero was in federal custody, is in federal
24 custody, or was at the time at least. I have not sought---

25 THE COURT: So that was the reason why y'all agreed?

1 SOLICITOR REDMOND: And that's the reason we agreed to
2 that, Your Honor.

3 THE COURT: All right. And I've -- I think the record
4 does need to reflect that that was done by consent of the
5 parties. I had, I had no objection to that, and if y'all
6 agreed upon that, we can do that.

7 But as I understand, I've never had a video deposition
8 played in a criminal trial in the 20 years I've practiced
9 law, in the 17 years I've been on the bench, but parties can
10 agree on anything. But I think, under those circumstances,
11 I understand why.

12 But it's posed a, a problem with regard to one of the
13 statements was -- is the State maintains was inadvertently
14 not turned over to the defendant and that presents a real
15 problem. And Mr. Hobbs has indicated that he wants the
16 testimony of this particular witness, Ms. Moody.

17 Is that correct?

18 MR. HOBBS: Ms., Ms. Moore, Your Honor.

19 SOLICITOR REDMOND: Ms. Moore. Ms. Moore.

20 THE COURT: Ms. Moore?

21 SOLICITOR REDMOND: Yeah.

22 THE COURT: Lillie Moore.

23 Is that correct?

24 SOLICITOR REDMOND: That is correct, Your Honor.

25 THE COURT: Want her testimony to be excluded.

1 Is that correct?

2 MR. HOBBS: Yes, Your Honor.

3 THE COURT: On a Brady violation?

4 MR. HOBBS: Yes, Your Honor, and then to require her to
5 appear in person to testify.

6 THE COURT: Okay.

7 MR. HOBBS: That was my requested relief.

8 THE COURT: All right. And, and in -- there is no
9 specific rule that will -- allows for WebEx testimony in a
10 criminal trial but I think, within the broad discretion of
11 the Court, I can do that, and in view of the fact that y'all
12 have gone into the realm of video depositions, I think I'm
13 gonna ask that the State produce the witness live or allow
14 her to testify by WebEx. I understand that y'all have had
15 some discussions with regard to a compromise.

16 what is that compromise and is that what did -- what
17 would you like to do?

18 MR. HOBBS: Your Honor, I don't believe that, that we
19 have reached a compromise. But if my requested relief would
20 be inclusive of the Court ordering her ability to appear via
21 WebEx as an option for the State, then I would need to
22 withdraw my motion to strike her testimony.

23 THE COURT: Okay. All right.

24 MR. HOBBS: And that's, that's what I will do at this
25 point based on the Court's ruling.

1 THE COURT: Okay. Very good.

2 And, and I understand that the State has agreed to
3 introduce into evidence the, the statement that was not
4 disclosed to the defense?

5 SOLICITOR REDMOND: That is correct, Your Honor. If
6 the, if the, if the, if the defense requests we do that, the
7 State is more than willing to put that in evidence.

8 THE COURT: All right. That's sort of a summary of the
9 things I've been called upon to rule, rule upon.

10 Is there anything you would like to put on the record
11 with regard to any of that?

12 MR. HOBBS: Can I briefly be heard, Your Honor?

13 THE COURT: Yes.

14 MR. HOBBS: Your Honor, subject to my previous
15 objections that were previously presented to the Court, I, I
16 would want to, to clarify that the redactions that I have
17 consented to were subject to the Court's ruling, and that I
18 was not waiving my objections under 401, 403, and 404(a) and
19 (b) as to this letter.

20 However, once the Court made that ruling or it was
21 understood that the Court was going to make that ruling, the
22 redactions that were agreed to were agreed to by counsel
23 based on the Court's ruling and subject to the Court's
24 ruling.

25 THE COURT: Yeah. And you're protected on the record

1 with regard to the overall admissibility of, of the letter.

2 MR. HOBBS: Thank you, Your Honor.

3 SOLICITOR REDMOND: And, Your Honor, just as a
4 housekeeping matter, if I may, based on the Court's ruling,
5 since we've already had testimony regarding State's 29, that
6 being the cellphone, State's 36 and 37, I would move them
7 into evidence at this time obviously subject to the defense
8 objections.

9 MR. HOBBS: Subject to my previous objections as to
10 these items.

11 THE COURT: They're into evidence.

12 MR. HOBBS: Thank you.

13 SOLICITOR REDMOND: And if I could present these to
14 Madam Clerk.

15 (WHEREUPON, State's Exhibit Nos. 29, 36, and 37 were
16 received into evidence at this time.)

17 THE COURT: And if you -- did you state how they're
18 denominated, the number for the court reporter?

19 SOLICITOR REDMOND: I did. I'll do it just again just
20 to make sure and I, I should put them in as to what they are
21 again. Thank you.

22 For the record, Your Honor, if it please the Court,
23 State's 29 is the cellphone that, that both Jack Henderson
24 and Mr. Wasiak from SLED testified to.

25 State's 36 is the disk with extraction reports,

1 literally thousands of pages that we didn't want to print
2 out.

3 And, finally, State's 37 is the two page basically
4 identifiers that relates to who did the extraction, the
5 phone, all of the -- I guess identifying information related
6 to the extraction, and that would be State's 37. So that's
7 what we are moving into evidence at this time subject to, of
8 course, the defense objection.

9 THE COURT: All right. Is there anything else that we
10 need to put on the record before we recess for the evening?

11 SOLICITOR REDMOND: No, sir, Your Honor. I'll just,
12 just to let the Court know, as a housekeeping matter, the --
13 Mr. Hobbs and I are gonna meet this afternoon related to the
14 redactions based on the Court's ruling as it relates to the
15 letter that does overlap into Mr. Romero's testimony. So,
16 we are actually going to -- I think we've got that pretty
17 much agreed to as to what needs to be redacted from that.
18 So we're gonna work on that this afternoon.

19 Also, the -- there are additional redactions on the two
20 statements of the defendant that we've agreed to. We just
21 want to make sure we've got everything in sync. So, we'll
22 be meeting this afternoon so that way we can hit the ground
23 running in the morning.

24 THE COURT: All right. I'm gonna be in that meeting
25 with the Supreme Court from two o'clock until probably about

1 3:30. So I'm gonna be here.

2 If there's something y'all can't agree upon, y'all need
3 me to rule, rule on, I'll be happy to do so.

4 SOLICITOR REDMOND: Thank you.

5 THE COURT: I'll be here and I'll check with y'all
6 before I leave.

7 SOLICITOR REDMOND: Thank you, Your Honor.

8 THE COURT: Very good.

9 MR. HOBBS: Thank you, Your Honor.

10 THE COURT: All right. We'll stand at ease.

11

12 (WHEREUPON, Court was in recess for the day.)

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Wednesday, April 6th, 2020

MR. HOBBS: Your Honor, if, if the Court has time, I can address a legal issue with---

SOLICITOR REDMOND: Time is what we have.

MR. HOBBS: ---with counsel, and if we could address that, I think we would have a, a potential in -- out of the presence of the jury hearing---

THE COURT: Very good.

MR. HOBBS: ---on my---

THE COURT: Be glad to hear from you.

MR. HOBBS: Thank you, Your Honor.

Yesterday we had the testimony of Ms. Latoya Broadie, and, during her testimony, I laid a foundation of her making statements to law enforcement, when those statements were made, and who those statements were made to. I also questioned her directly about the nature of the statements that she made and she was given the opportunity to admit, deny, or explain this prior inconsistent statement that she presented on the stand.

She denied making the statement, which I think has invoked the ability for me to introduce hearsay evidence that would otherwise be inadmissible through the witnesses. This is a twofold issue first as to Detective Scott, and, secondarily, as to Detective McGloin, McGloin. Excuse me.

1 And---

2 SOLICITOR REDMOND: McGloin.

3 MR. HOBBS: What's that?

4 SOLICITOR REDMOND: McGloin.

5 MR. HOBBS: McGloin. Excuse me. I'll make sure I get
6 that right. Detective McGloin.

7 So, Your Honor, the nature of those statements were,
8 first and foremost, that her call log automatically deletes.
9 On the stand yesterday she said that her calls stay on her
10 phone forever.

11 Second is that she called the number that was
12 referenced by the State that she mentioned talking to and
13 saying that well, you can tell the police that, that she
14 called again and that the person picked up. And then,
15 number three, that this female Rachel that she called was
16 someone she believed could of been having a -- an affair
17 with Mr. Parsons.

18 As far as calling Detective McGloin or McGloin, excuse
19 me, he -- since she essentially told him you got the Gmail
20 records back. In his notes he indicates that she said that
21 her and her nephew or, or Mr. Parson's nephew from Georgia
22 had changed that Gmail password. Then I think almost to the
23 State's frustration, I, I hit that point several times with
24 her and she continued to deny any sort of mention of the
25 Gmail accounts.

1 Your Honor, in invoking 613(b), I do believe, through
2 the testimony of the State's witnesses, I should be able to
3 bring that in as hearsay. It is concern of mine that I
4 would not want the Court to consider the introduction of
5 that hearsay evidence as barring me from final close, that
6 the Court determines that the introduction of that hearsay
7 evidence would bar my client to close, then I would avoid
8 eliciting that testimony.

9 THE COURT: That, this is not -- you have the right to
10 cross-examine and you have the right to impeach prior
11 inconsistent statements. So, you can do that and my ruling
12 is that -- well, first of all, I'll hear from the State.

13 SOLICITOR REDMOND: Yes, sir, Your Honor.

14 I think it depends on how the question is asked and I'm
15 gonna move backwards if I may briefly as it relates to
16 Detective McGloin. We're actually gonna address that
17 through his testimony anyway as it relates to the issue with
18 the Gmail (indiscernible) and I have proved.

19 Moving forward to the things that Ms. Broadie said as
20 it relates to whether or not she said anything about the
21 affair, honestly, you know, that's -- I don't say that it's
22 hearsay. Anything as it relates to what someone else told
23 this officer, that would be eliciting hearsay under the
24 rules. And see the, the problem is we're -- let me go back
25 to the first issue that was brought up as it relates to the

1 access to the phone. I think it was the, the issue of
2 whether or not the phone would delete any calls I think was
3 the issue as it relates to eliciting any statements.

4 Now, the way, under the rules that I'm familiar with,
5 that would be done is that well, of course, if he didn't --
6 and I think he laid the foundation. He did lay a foundation
7 as it relates to the prior statement under the rule I think
8 it's either 612, 613. And so he -- I -- he did that. But
9 the next part of that rule is that that allows him to get
10 into extrinsic evidence. That extrinsic evidence is still
11 bound by the rules of evidence. So---

12 THE COURT: Were these statements written statements?

13 SOLICITOR REDMOND: No, they were recorded and that's
14 the point I'm getting to. They are in the recorded
15 statement and he is more than -- and, and my experience has
16 been, under the rules in that scenario, rather than
17 eliciting obvious hearsay testimony from other witnesses to
18 try to circumvent the rules, the rules clearly allow Mr.
19 Hobbs to place her video statement in evidence.

20 I would have no objection to that. I understand,
21 strategically, why he -- and I think he touched up on why
22 we're trying to do this. It's a matter of strategy, him
23 maintaining last argument. I get that.

24 But I can not sit here and allow the rules to be
25 circumvented. We all have to adhere, adhere by these rules

1 of evidence. They're there for a reason and it says in the
2 rules he can introduce extrinsic evidence. The extrinsic
3 evidence is there for him to introduce rather than eliciting
4 hearsay testimony in violation of the rules.

5 So, I would have to stand hard and fast on the fact,
6 Your Honor, that if he wants to get into it, yes, I think
7 he's laid the foundation. But I think that has to been --
8 be done pursuant to the rules which calls for her video
9 statement to be introduced, which, like I said, got no basis
10 to object to that.

11 THE COURT: Anything further?

12 MR. HOBBS: Just very briefly, Your Honor. 613(b)
13 provides an exception to hearsay. Both---

14 THE COURT: And it's not really being offered for the
15 truth of the matter asserted. Just by virtue of the fact
16 that it was said.

17 MR. HOBBS: Yes, Your Honor.

18 SOLICITOR REDMOND: Your Honor, I, I have to disagree
19 with that because it is offered to contradict the testimony.
20 That's directly what it's going for. It's going to
21 credibility. That in -- inherent in that is that it's going
22 to truth.

23 THE COURT: Well, that's the -- a question for the -- a
24 fact for the jury but what were you saying?

25 MR. HOBBS: Your Honor, I, I was just continuing to say

1 that, you know, extrinsic evidence and the ability for me to
2 bring this evidence is due to the testimony of the person.
3 She said it, it is an avenue of bringing in this prior
4 inconsistent testimony state -- testimony.

5 The first thing, it was recorded. Instead of
6 presenting that recorded statement, I would simply
7 cross-examine the person who heard or said or who she said
8 it to and ask them if that's, in fact, what she said.

9 THE COURT: All right. I'll, I'll allow you to do that
10 and I, I don't, in my view of the procedure and rules of
11 evidence, that's not tendering a witness or evidence. So,
12 I'm gonna allow you to ask it.

13 MR. HOBBS: Thank you, Your Honor.

14 THE COURT: Can y'all turn the mic -- the microphones
15 back on?

16 SOLICITOR REDMOND: Your Honor, I've been informed all
17 the jurors are here.

18 THE COURT: Okay. We're ready for the jury.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE COURT: Madam Forelady, ladies and gentlemen of the
22 jury, good morning.

23 The State, you're recognize.

24 SOLICITOR REDMOND: Thank you, Your Honor.

25 May it please the Court.

1 State would next call Detective Michael McGloin.

2 THE COURT: Yes, sir, if you could, please come
3 forward. Place your left-hand on the Bible and raise your
4 right-hand as the clerk administers the oath.

5 MICHAEL MCGLOIN, being first duly
6 sworn, testified as follows:

7 THE CLERK: Please take a seat.

8 THE COURT: Have a seat in the witness chair. Watch
9 your step. Have a seat there in the witness chair. Pull up
10 to that microphone and speak loudly, clearly, and slowly in
11 order that we can hear everything that you have to say. And
12 let's start with your full name and let's spell that last
13 one.

14 THE WITNESS: Okay. First name is Michael. Last name
15 is McGloin. M-C capital G-L-O-I-N.

16 THE COURT: All right, sir.

17 SOLICITOR REDMOND: Thank you, Your Honor.

18 May it please the Court?

19 THE COURT: Yes, sir.

20 DIRECT EXAMINATION

21 BY SOLICITOR REDMOND:

22 Q Detective McGloin, by whom are you employed?

23 A The Cheraw Police Department.

24 Q And in what capacity are you employed with Cheraw
25 Police Department?

Michael McGloin - Direct examination
By Solicitor Redmond

- 1 A I am a detective sergeant --
- 2 Q Okay.
- 3 A -- with them.
- 4 Q And how long have you been with Cheraw Police
5 Department?
- 6 A Since 2015.
- 7 Q Okay. And how long have you been in law enforcement?
- 8 A Since 2012.
- 9 Q Okay. And tell -- in law enforcement, could you give
10 us a brief background on your career---
- 11 A Yes.
- 12 Q ---in law enforcement?
- 13 A I started with the Closter Police Department in New
14 Jersey in 2012. I also went to the Richard Stockton College
15 of New Jersey Police Department, and then I was with both of
16 those prior to moving down here in 2015 and have been with
17 the Cheraw Police Departments ever since.
- 18 Q Okay. And how long have you been with the police
19 department as a detective?
- 20 A Since July, 2016.
- 21 Q All right. And, and, and I guess obviously on the, on
22 the 2nd, 3rd of June 2019, were you, in fact, a detective
23 with the Cheraw Police Department?
- 24 A I was.
- 25 Q And did you become involved in the investigation for

Michael McGloin - Direct examination
By Solicitor Redmond

1 the -- to try to locate and determine what happened to
2 Terris Parsons?

3 A Yes.

4 Q Okay. And could you tell us how you became involved in
5 the investigation?

6 A I believe Detective Henderson brought me up to speed
7 that we had a missing person in the town. When that
8 happens, myself, him, and Detective Scott, I believe along
9 with Chief Thomas, started to go through the motions of
10 trying to locate a missing person through different aspects
11 like going through the hotels and some of the shopping
12 centers looking for his vehicle trying to see if there was a
13 logical reason of why he was missing.

14 Q And was he placed in I guess NCIC or in, in the
15 database for the purposes of possibly locating him?

16 A Yes.

17 Q Okay. And did, did y'all interview several people and,
18 and try to follow leads as, as best you could?

19 A As a department or as investigative unit, yes, we
20 interviewed or several -- the, the detective division did
21 interview several people and we did follow several leads
22 during that first week.

23 Q And there were some -- I guess there's obviously,
24 obviously the chief was involved, Lieutenant Henderson, and
25 also other detectives with the department were involved as

Michael McGloin - Direct examination
By Solicitor Redmond

1 well?

2 A Yes.

3 Q Okay. So would you say -- certainly all hands on deck
4 situation?

5 A That is correct.

6 Q Okay. Now, let me ask you this.

7 So what were the next steps you took in the
8 investigation?

9 You're following up, trying to get leads, trying to
10 develop any information you could.

11 what were the next steps taken?

12 A Once we started getting information, we would apply for
13 and get search warrants for phone records to try to get GPS
14 coordinates to memorialize conversations if they were on the
15 search warrants to see where his last known locations were
16 and then to try to locate him.

17 Q And on the 4th of June of 2019, did you, in fact,
18 obtain search warrants to get phone records for, for several
19 individuals?

20 A That is correct, yes.

21 Q Okay. And also on the 5th I believe there was a search
22 warrant.

23 Did you do the search warrant after the defendant's
24 phone was, was placed in evidence?

25 A Yes, I did.

Michael McGloin - Direct examination
By Solicitor Redmond

1 Q Okay. And moving back to the cellphone records
2 themselves, could you tell the jury briefly how you go about
3 getting cellphone records from cellphone companies?

4 what steps do you take?

5 A Well, once we have the search warrant and we have a
6 judge look it over and sign it, we would send it to the
7 service provider. So Verizon, T-Mobile, AT&T, they would
8 then get it, look through what we were asking for, and then
9 send it back to us. And then, depending on what we got, I
10 would send it to SLED, if it's GPS coordinates, so that they
11 could attempt to create a, a map of the GPS locations if
12 they were able to do so.

13 Q And now I didn't ask you this but -- as well.

14 But, I guess, at some point in time, was there the
15 indication with the cellphone company as it relates to
16 pinging?

17 A I believe so, yes.

18 Q Okay. And, and, and, and was that related to trying to
19 possibly get pings off of Mr. Pearson's phone -- Parson's
20 phone?

21 A Yes, that's correct.

22 Q Okay. And did some of that information that you
23 received -- is, is that something that's in the normal
24 course of business as it relates to an investigation of a
25 missing person or a wanted person?

Michael McGloin - Direct examination
By Solicitor Redmond

1 A That is correct, yes.

2 Q Okay. And pursuant to that, did -- was there
3 information from the ping that led y'all to different
4 places?

5 A Yes.

6 Do you want me to go into that?

7 Q Yes, yes. If you'd tell me about that.

8 A The pings that we were getting back from SLED were
9 showing us that Mr. Parson's phone may of been in the Morven
10 area of North Carolina, which is right over the border, off
11 of 52 north. So, that's where we started focusing some of
12 our efforts to try to locate him.

13 Q Okay. And so -- so you end up -- well, let me ask you
14 this. We've already heard.

15 But were -- did those efforts in Morven, in and around
16 Morven, yield any positive results?

17 A No, sir.

18 Q Yield any evidence at that time?

19 A No, sir.

20 Q All right. So -- and then as it relates to the
21 cellphone records themselves, among the cellphone records
22 that you requested, were they the defendant's cellphone
23 records, Mr. Parson's cellphone records, and an individual
24 named Robert Wilson?

25 A That is correct.

Michael McGloin - Direct examination
By Solicitor Redmond

1 Q Okay. And, and I'll show you those in a minute.

2 Pursuant to the request for cellphone records, do you
3 receive what we call a certificate of authenticity from the
4 cellphone providers indicating that the records they provide
5 are certified as being authentic?

6 A Yes.

7 Q Okay. And was that obtained in each situation
8 regarding Mr. Parson's phone, the defendant's phone, and
9 Mr. Wilson's phone?

10 A I believe so, yes.

11 Q Okay. Now, when you, when you did this -- the, the
12 cellphone -- I guess looking at the cellphone records -- not
13 looking at the cellphone phones. Excuse me. We'll get into
14 that in a little, a little bit later on.

15 But as it relates to the investigation itself, what
16 were the next steps that were taken?

17 I think we were about on the 5th of June where you did
18 the search warrant to do the extraction for the defendant's
19 phone.

20 What were the next steps in the investigation?

21 A The next step, I believe it was Detective Scott would
22 then bring that physical cellphone to SLED computer crimes
23 for them to do the extraction and be able to give it to us,
24 then bring back to Cheraw so that we can go through it and
25 try to obtain any evidence on the phone as well as following

Michael McGloin - Direct examination
By Solicitor Redmond

1 up on other leads and trying to locate Mr. Parsons.

2 Q Now, did y'all -- did you end up being involved in, in,
3 in going to Morven?

4 I think y'all went to Morven on the 5th of June.

5 Did y'all go back on the 8th of June of 2019?

6 A I believe so, yes. We went several times during that
7 first week.

8 Q And now were you involved in the interviews of the
9 defendant?

10 were you involved in any of those interviews?

11 A I don't believe so. I think the only interaction I had
12 with the defendant was after he was read his arrest warrant
13 for the obstruction of justice charge. I believe I was
14 present in the room when that was read to him.

15 Q Okay. So, but despite that, you were still actively
16 involved -- were you still actively involved in the
17 investigation?

18 A Oh, yes, because with a lot of things going on there
19 with the search warrants and tips and things like that, only
20 people in the room obviously were hearing everything that
21 the defendant was saying. So, I may of heard, if I was in
22 the detective office, but I could of been in and out several
23 times.

24 Q Got you.

25 Now, were there other search warrants done?

Michael McGloin - Direct examination
By Solicitor Redmond

1 For example, was there a search warrant done on Chapman
2 Street?

3 A Yes, the Chesterfield County Sheriff's Office did a
4 search warrant for that house.

5 Q We've already heard that because of the fact that there
6 was a jurisdictional issue related to the -- related to, to
7 Chapman Street's location.

8 was the Sheriff's Office brought in to the
9 investigation?

10 A Yes, once we determined that most likely Mr. Parsons
11 last place known was on Chapman Street, the Sheriff's Office
12 was brought in to assist.

13 Q Okay. Now -- and, and, and, and that actually leads us
14 to something else when you say the surveillance videos.

15 were you involved in -- well, I'll just ask you
16 generally.

17 Did Cheraw P.D. go through the process of obtaining
18 surveillance records?

19 A Yes.

20 Q Okay. Among the records obtained, were, to your
21 knowledge based on your involvement in the investigation,
22 Baymont Inn I think in Cheraw, the Alco Station, Baymont
23 Inn, the town, and the, the -- Flynn's warehouse I believe
24 it was?

25 A That is correct.

Michael McGloin - Direct examination
By Solicitor Redmond

1 Q Okay. And so -- and I think you had a direct role in
2 one of those.

3 which one did you actually obtain?

4 A The town cameras at, at Second and Market Street where
5 I think it's Allstate is. That's where we had a town
6 camera. That's what I downloaded for us.

7 Q And let's talk about the town cameras a little bit.

8 Could you tell the ladies and gentlemen of the jury how
9 that situation -- how the camera situation is set up in the
10 Town of Cheraw?

11 A That camera was given to the Town of Cheraw to use for
12 a brief amount of time. I don't know exactly how long it
13 was but the Cheraw Housing Authority got cameras in their
14 four housing units and the company that put those in
15 actually put that -- one of those cameras downtown for the
16 Cheraw Police Department and the Town of Cheraw then
17 utilized.

18 Q And so -- and if that -- and the camera, was that
19 something that is utilized directly by the Cheraw Police
20 Department?

21 A Yes, we -- I believe we would be the only agency with
22 the town that would utilize that camera.

23 Q Okay. And so, again, because you are a town employee
24 in Cheraw, did you have easy access, readily access -- ready
25 access to the camera surveillance?

Michael McGloin - Direct examination
By Solicitor Redmond

1 A Yes, it utilized a WiFi system from Town Hall, and
2 then, to access it, you just bring a computer close to it
3 and hook up to the WiFi.

4 Q Okay. And were you able to do all of this?

5 A Yes, sir.

6 Q And are you able to, to certify that what you
7 downloaded was true and accurately depicting what was taking
8 place at the time---

9 A Yes.

10 Q ---the time involved?

11 A I'm sorry. Yes, sir.

12 Q Okay. And I believe the dates involved are the
13 June 2nd and into June 3rd?

14 Are those the dates that you were looking at?

15 A Yes, sir.

16 Q Okay. Now -- and I kind of jumped ahead a little bit
17 as it relates to the surveillance but let me get back into
18 the investigation itself.

19 Subsequently were you aware or even involved in the
20 Mustang belonging to the defendant and an Expedition
21 belonging to the defendant that were seized and processed?

22 A Could you repeat the question?

23 Q I'm sorry.

24 The, the Mustang and the Expedition belonging to the
25 defendant, did you have any role in the seizing and the

Michael McGloin - Direct examination
By Solicitor Redmond

1 processing of that?

2 A I was -- I believe I was there when SLED crime scene
3 processed both those vehicles.

4 Q And I was gonna ask. That segwayed into my next
5 question.

6 Was SLED, SLED crime scene brought in to process those
7 vehicles?

8 A Yes.

9 Q All right. Are you aware of any evidence that was
10 obtained that was useful in aiding this investigation?

11 A I don't believe for the purposes of this trial, no,
12 sir.

13 Q All right. Now, again, and you may of answered this
14 already, but did you receive the cellphone records,
15 specifically the records of Robert Wilson, Terris Parsons,
16 and the defendant?

17 A Yes.

18 Q And did you receive all of the surveillance information
19 that was obtained from not just the town but from the other
20 facilities that I had mentioned?

21 A I did collect some of that surveillance video, yes,
22 that is correct.

23 Q Okay. And when it was all put together, did you
24 prepare a PowerPoint presentation based on everything that
25 had been gathered?

Michael McGloin - Direct examination
By Solicitor Redmond

1 A Yes. Once we got all the surveillance video, I took
2 clips of the surveillance video and, and the search warrants
3 and put it into a PowerPoint presentation, yes, sir.

4 Q Okay. And is that -- and I'll show you that
5 presentation in, in just a, a moment.

6 Now, let me move on to something else that's been
7 brought up during the trial, and that being the Gmail
8 accounts. Now, of course, Mr. Parsons is missing.

9 As far as getting any information you could to try to
10 locate Mr. Parsons or his whereabouts, what other steps did
11 you take specifically as it relates to Gmail?

12 A I believe it was in September. We had gotten the FBI
13 involved too to help assist us with this and I don't recall
14 which agent specifically told me. But one of them brought
15 it to my attention that your Gmail account may be able to
16 provide additional information as GPS coordinates, log-ins,
17 things of that nature that may have assisted, not from the
18 physical phone records, but maybe Gmail account would of
19 helped us. So, I sent a search warrant out in September.

20 Q Okay. And in event -- and, and, and when you sent that
21 out, could you tell us how it went as it relates to any
22 information that you -- well, let me ask you this.

23 were you able to obtain any helpful information?

24 A I think the only information relevant to the case that
25 we got back was log-ins around the timeframe cause the

Michael McGloin - Direct examination
By Solicitor Redmond

1 search warrant was only for I believe from around the time
2 that he went missing to I believe the 4th. So, the only
3 ones were log-ins that I called I believe Ms. Broadie about.

4 Q Okay.

5 A I think there was a total of six.

6 Q Okay. And, in fact, did you talk with Ms. Broadie
7 about the log-ins and, and, and during that time?

8 A Yes.

9 Q Okay. And, of course, she testified today. I, I mean
10 yesterday. I'm not gonna pit her against another witness.

11 But was there a person I guess in Georgia -- did she
12 explain to you a person in Georgia that was involved in
13 trying to help get that information?

14 A Yes, I believe it was a relative of Mr. Parson. I
15 don't know if it was -- I think, in my notes, I wrote
16 cousin. But it -- nephew, cousin. I know people use
17 different terms for different people. So, she said that
18 that person -- can I --?

19 Q Yeah, yeah, yeah.

20 A She said that person was trying to help her I guess
21 change the password to the Gmail account. That's why it was
22 logging into Georgia.

23 Q Okay. And so, so -- but it -- was there anything
24 pointing to Terris Parsons being in Georgia or being
25 involved in that particular transaction?

Michael McGloin - Direct examination
By Solicitor Redmond

1 A Not that we believe so, sir.

2 Q Okay. And so, again, after -- with everything that
3 you've complied, did you compile a PowerPoint
4 presentation -- let's talk about that briefly.

5 In the presentation, does the presentation show what
6 was happening specifically with the defendant's Mustang and
7 the victim's car, the victim's Buick Lacrosse?

8 A Yes.

9 Q Okay. And did you also do screenshots depicting
10 certain times and certain locations during this time?

11 A Yes.

12 Q Okay. And I think the Expedition may of actually
13 featured in a couple of the, of the frames as well?

14 A I believe so, yes.

15 Q Okay. And so what was the purpose behind putting that
16 PowerPoint together?

17 Please explain that to the jury.

18 A The purpose was to be able to go to the Solicitor's
19 office, potentially a jury down the road, of showing,
20 instead of the, the mass data dump that we had, and, and
21 specifically showing minute by minute or, or hour by hour
22 the events that we have -- we were able to determine
23 happened during the course of that night.

24 SOLICITOR REDMOND: And if I may approach the witness,
25 Your Honor, with what's been marked as State's, State's 31,

Michael McGloin - Direct examination
By Solicitor Redmond

1 state's 30 -- State's 31, State's 33, and State's 35?

2 If I may approach the witness?

3 THE COURT: Yes, sir.

4 Q Now -- well, let me talk about I think the, the disk.

5 Does that disk -- in -- and I forget, what exhibit is
6 the disk?

7 I'm sorry.

8 A The disk is Exhibit 31.

9 Q Okay. And, of course, did you obtain Robert Wilson's
10 statement -- I mean not statements.

11 Did you obtain his video -- I mean his, excuse me,
12 cellphone records?

13 A Yes.

14 Q All right. I'll get it. I'll get it eventually.

15 And so in -- those records would obviously be emailed
16 to you I believe?

17 A I believe so, yes.

18 Q And then you could either -- you print them out. You
19 could put them on a disk, things of that nature.

20 was that information provided to my office?

21 A I believe so, yes.

22 Q And forwarded to our office presumably?

23 A Yes.

24 Q And so is that consistent -- as far as that exhibit
25 being downloaded onto a disk for the purposes of utilizing

Michael McGloin - Direct examination
By Solicitor Redmond

1 if we needed to?

2 A Yes.

3 Q All right. So -- and that would be indicated Robert
4 Wilson's cellphone records that you obtained?

5 A It says Robert Wilson Verizon cellphone records.

6 Q All right. Thank you.

7 Now, next exhibit, I think that was 33 if I remember
8 right?

9 A Yes.

10 Q Okay. And what is State's 33?

11 A It looks like it is a T-Mobile information for the
12 cellphone of (843)941-1347.

13 Q Okay. And is that the defendant's cellphone
14 information?

15 A I believe it is, yes.

16 Q Okay. And then finally State's 35.

17 A It is a AT&T cellphone information for the phone number
18 (843)337-1370 -- 73.

19 Q And, and based on your investigation, is that the
20 number for Terris Parsons?

21 A I believe it is, yes.

22 Q And, and so let me ask you this -- and, again, are
23 those the, the records that you obtained that you also
24 utilized in preparing your PowerPoint presentation?

25 A Yes, I believe so.

Michael McGloin - Direct examination
By Solicitor Redmond

1 SOLICITOR REDMOND: Your Honor, at this time I would
2 move to introduce but not publish State's -- I forget the
3 video. I mean the, the disk.

4 THE WITNESS: 31.

5 SOLICITOR REDMOND: 31 -- 31, 33, and 35 into evidence
6 with the understanding, in talking with Mr., with, with Mr.
7 Hobbs, that rather than introducing the paper documents,
8 we'll do just like we did with Mr. Wilson. During lunch,
9 I'll actually convert that -- both of those onto disks and
10 then introduce those disks.

11 THE COURT: All right. Mr. Hobbs.

12 MR. HOBBS: Your Honor, subject to the totality of
13 these phone records being introduced, I have no objection to
14 their admission on the foundation lay. Also counsel has
15 afforded me the opportunity to review the associated
16 certification for the cellphone records and I can confirm
17 that, based on that certified -- certification, they're true
18 and accurate.

19 THE COURT: Very good.

20 SOLICITOR REDMOND: Thank you very much.

21 (WHEREUPON, State's Exhibit Nos. 31, 33, and 35 were
22 received into evidence at this time.)

23 SOLICITOR REDMOND: And, Your Honor, with the Court's
24 permission, if I may approach with State's 38?

25 well, forgive me again.

Michael McGloin - Direct examination
By Solicitor Redmond

1 A Yeah, I will.

2 Q Okay. Okay. I was just making sure, yes.

3 Do you recognize that document?

4 A I do, sir.

5 Q All right. And is that the document, the PowerPoint
6 presentation that you've testified to that you prepared?

7 A Yes.

8 SOLICITOR REDMOND: Okay. We would move to introduce
9 State's --?

10 A 38.

11 SOLICITOR REDMOND: -- 38 into evidence at this time.

12 MR. HOBBS: I believe that -- Your Honor, I believe
13 that the PowerPoint does contain pieces of evidence that
14 have not yet been admitted into evidence.

15 SOLICITOR REDMOND: I'm not publishing at this time.

16 MR. HOBBS: Identification purposes only.

17 THE COURT: Yes.

18 SOLICITOR REDMOND: I'm not publishing at this time,
19 Your Honor.

20 Beg the Court's indulgence. Oh, one last question.
21 Probably the most important question.

22 In your role in working with this case, and, of,
23 course, you're still employed with Cheraw P.D. as a---

24 A That---

25 Q ---sergeant detective?

Michael McGloin - Direct examination
By Solicitor Redmond

1 A That is correct.

2 Q Has there been any information -- has there been any
3 indication, given your background in law enforcement, any
4 indication that Terris Parsons is still alive?

5 A No.

6 Q Has there been any evidence that, that, that you've
7 seen that he's contacted anybody that engaged in any
8 activity or is somewhere around hiding?

9 A No.

10 Q And, in fact, based on your experience in law
11 enforcement, again, is there any evidence that he's still
12 alive?

13 A No.

14 Q That'd be all the questions I have. Please answer any
15 questions Mr. Hobbs may have.

16 THE COURT: Mr. Hobbs.

17 MR. HOBBS: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. HOBBS:

20 Q Mr. McGloin, on June 5th, the investigative notes
21 indicate that you accompanied another officer to an
22 abandoned carwash up in Morven, North Carolina.

23 Is that correct?

24 A That is correct.

25 Q who did you go and inspect that abandoned carwash with?

Michael McGloin - Cross-examination
By Mr. Hobbs

1 A I believe it was Detective Scott.

2 Q Okay. And why was it that you and Detective Scott went
3 up to this abandoned carwash?

4 A I believe we received information that Mr. Parson's
5 vehicle was parked there and that's why we went to that
6 location.

7 Q What was the turn around between y'all getting that tip
8 and you actually arriving up there at this carwash?

9 A I am not sure, sir.

10 Q Okay. Was it days?

11 Was it hours?

12 Was it weeks?

13 A I would most likely say within a day we were up there
14 once we got the, the tip.

15 Q Okay. And so, once you arrived there, there was no car
16 to be found.

17 Is that correct?

18 A No, there was not.

19 Q Did you take any pictures or document the carwash at
20 that time?

21 A I don't recall us doing so.

22 Q Okay. Now, the carwash I believe, in investigative
23 notes, it indicates it's at the corner of Mill Street or
24 near Mill Street and 52 across from a Family Dollar.

25 Is that right?

Michael McGloin - Cross-examination
By Mr. Hobbs

1 A I believe that is correct, yes.

2 Q So, when you went there on the 5th, you weren't
3 available -- able to locate any leads related to this case,
4 just an empty carwash?

5 A That is correct.

6 Q And on several occasions you go up to Morven, North
7 Carolina. You search the area and you assist in searching
8 that area.

9 Is that correct?

10 A That is correct.

11 Q Any leads or developments come out of those searches?

12 A No, sir.

13 Q What about the drone work that y'all did?

14 Y'all end up flying a drone.

15 Can you tell us about that?

16 A Yeah, the Cheraw Police Department has a drone that
17 Chief Thomas utilized in assisting with this missing person
18 case. So, he deployed it up in Morven based on the SLED
19 information we received, and I think we would be able to
20 tell you if there was any evidence---

21 Q Okay.

22 A ---that was collected.

23 Q Were you present for that search?

24 A I was present for some of it, yes, sir. I think on
25 Sunday, the 8th -- I think it was the 9th.

Michael McGloin - Cross-examination
By Mr. Hobbs

1 Q Okay.

2 A Either that Saturday or Sunday. I know that weekend we
3 went up there.

4 Q And, again, based on your recollection, no leads and
5 nothing of really any value.

6 Is that correct?

7 A No, sir.

8 Q On June 24th it indicates that you emailed an image
9 of a license plate to SLED to have them analyze an LPRS.
10 what is that?

11 A I believe it was the Candy Auto Sale plate that was
12 located in the defendant's Mustang, and I sent that to SLED
13 to have them check the plate readers, the license plate
14 readers, to see if they could see that, that plate on any of
15 the plate readers in the State. And I think they got back
16 to me saying that, based on what it looks like, they can't
17 look through their system for it. They can only look at
18 actual license plates.

19 Q Okay. what about up in North Carolina?

20 Did you ask them to do the same thing?

21 A I believe I did. They had to contact the FBI I believe
22 to utilize North Carolina out-of-state plate readers.

23 Q It's my experience with these kind of cameras that you
24 can also search by vehicle type and color.

25 were y'all able to develop any leads from looking at

Michael McGloin - Cross-examination
By Mr. Hobbs

1 the type of vehicle or the color of the vehicle?

2 A I don't recall. But I, I feel like I did talk to SLED
3 about -- I did provide SLED with the -- Mr. Parson's vehicle
4 information.

5 Q Okay. But, again, we end up with no evidence being
6 developed out of your working with SLED with the LPRS,
7 correct?

8 A That is correct. No, no evidence.

9 Q Or North Carolina on the LPRS?

10 A That is correct. No evidence, sir.

11 Q There's a note in here about following up with AT&T on
12 September 17th about SMS messages and data sessions and do
13 you recall reaching out to AT&T and why you reached out to
14 them about that?

15 A I don't recall specifically why but I feel, most
16 likely, SLED asked me to do it to help with mapping
17 capabilities. I guess there was additional information that
18 AT&T was suppose to send us that they didn't.

19 Q Did they end up sending you that after
20 September 17th?

21 A I believe that they did. Based on my notes, I think it
22 said later on that they -- if I could see my notes to
23 refresh my memory?

24 Q Sure. I don't have your notes. I only have---

25 A I'm the -- oh, sorry. I'm the, I'm the, the lower --

Michael McGloin - Cross-examination
By Mr. Hobbs

1 the sentence case ones. That's me.

2 Q Okay. The, the lower case?

3 A Yeah, that's me.

4 Q Okay. Yeah. Sure. I have -- Your Honor, may I
5 approach the witness?

6 THE COURT: Certainly.

7 Q Please forgive all of my notes.

8 A No, you're fine. You're fine.

9 Q Okay.

10 A You're fine.

11 Q If you could give us some clarity about that, if it was
12 subject to any search warrant, and then what you did with
13 that information once you received it.

14 A Which -- what day was that again, sir?

15 Q I believe it was September 17th.

16 A September.

17 Okay. I see -- yeah, it says Detective Sergeant
18 McGloin contact AT&T regarding cellphone data, SMS messages,
19 and data selling. AT&T represented the values that the
20 results should be sent within 24 hours. And then my next
21 line, Detective Sergeant McGloin received the updated return
22 and forwarded information to SSA Clay Simmons.

23 Q Did you -- Your Honor, may I approach to retrieve that
24 document?

25 Did you get a search warrant for that updated

Michael McGloin - Cross-examination
By Mr. Hobbs

1 information?

2 A I don't believe so.

3 Q Okay. And then you forwarded that to an SSA.

4 Is that correct?

5 A That is correct.

6 Q We spoke a little bit about you contacting Gmail and
7 submitting a Gmail search warrant.

8 Is that correct?

9 A That is correct.

10 Q Okay. And yesterday we had Latoya Broadie --

11 A Uh-huh. (Affirmative).

12 Q -- on the stand. Latoya Broadie denied having access
13 to the Gmail account and working with Mr. Parson's nephew or
14 cousin in Georgia to change that information on the Gmail
15 account. However, your notes indicate, on October 24th,
16 and I'll, I'll quote you here --

17 A Uh-huh. (Affirmative).

18 Q -- according to Latoya, the cousin was helping her
19 change the security password for the account information.

20 Is that correct?

21 A I believe that is correct. If that's what it says,
22 then I, I did type that, yes.

23 Q So, Ms. Broadie told you that her and her cousin -- the
24 cousin helped essentially change the Gmail password and did
25 some activity on the Gmail account?

Michael McGloin - Cross-examination
By Mr. Hobbs

1 A On the 24th of October, yes.

2 Q Okay. And looking at the Gmail search warrant that you
3 received, you're able to see that there was actual activity
4 after the time Mr. Parsons went missing?

5 A I think it was just the, the log-in sessions. That's
6 where the Georgia information came up and that's why I, I
7 reached out to her regarding it cause I believe, you know,
8 when she was going into the AT&T accounts with his phone,
9 that's why we wanted to see if she did it with Gmail as
10 well.

11 Q Okay. So she did, in fact, admit to doing that?

12 A I, I believe that's what she told me in October, yes.

13 Q Okay. You mentioned that you also assisted in securing
14 certain surveillance videos of pictures.

15 Can you tell us which surveillance cameras and pictures
16 that you actually worked on in securing?

17 A The, the downloading of them was the town cameras. So,
18 that, that would be Second Street and Market Street and then
19 as well as the Flynn's -- I think it's Flynn's Warehouse
20 would be the title of it. That is a -- more of a difficult
21 downloading system. I basically had to use a 24 gigabit
22 flash drive, plug it into the system, download 64 gigs
23 worth, unplug it, run back to the police department to
24 download to our computer system, and erase it off of the
25 flash drive, go back, and then start where I left off. And

Michael McGloin - Cross-examination
By Mr. Hobbs

1 I believe the, the reason why we did it like that is cause
2 the timeframe of the erasing of that camera was I think less
3 than two weeks. So, we wanted to make sure we got as much
4 video as possible for that---

5 Q Okay.

6 A ---location.

7 Q What date was it that you went to Michael Flynn's
8 warehouse?

9 A I don't recall. Probably the beginning of the second
10 week. So, if the 3rd was Monday, so probably the 10th or
11 11th was when we were going there.

12 Q My notes actually reflect that Cheraw detectives went
13 to Michael Flynn's warehouse on June 10th --

14 A Uh-huh. (Affirmative).

15 Q -- to retrieve camera information.

16 A Okay.

17 Q So that was you?

18 A I wasn't one of them, yes. I'm more of the technical
19 person with the other Cheraw Police Department -- the Cheraw
20 detective division. So, I was able to determine what we
21 needed to do to download that camera, yes.

22 Q And who were you with at that time?

23 A Don't recall exactly who. Most likely one of the other
24 detectives.

25 Q Was Detective Henderson with you at that time?

Michael McGloin - Cross-examination
By Mr. Hobbs

1 A He might of been. I don't remember exactly who I was
2 with cause we went several times. So, depending on the
3 time, I don't remember exactly who was with us.

4 Q Okay. And you don't recall exactly when you actually
5 got that information?

6 A I don't recall. I don't know if one side downloaded
7 it. It's memorialized on the actual dump. So we could
8 utilize the external hard drives everyone has to see when
9 it, when it was actually created. But I believe it was some
10 time in the beginning of that second week that we actually
11 downloaded, not just viewed, but downloaded the video.

12 Q Do you have a close personal relationship with Michael
13 Flynn?

14 A I don't know who Michael Flynn is. I'm not from here.
15 I really don't have a close personal relationship with a lot
16 of people in this area.

17 Q Understood.

18 How did you go about encountering and requesting that
19 information from Mr. Flynn?

20 A Chief Thomas was driving around and looking for
21 surveillance video in the area, saw that Michael Flynn's
22 warehouse had it, and I believe he was the one -- him or
23 Detective Henderson reached out to Michael Flynn.

24 Q Okay. But it was actually you that went there and
25 compiled the information?

Michael McGloin - Cross-examination
By Mr. Hobbs

1 A Once we determined what we -- how much information we
2 or how much video we wanted to get, I was one of the ones
3 basically going there consistently and downloading the
4 video, yeah.

5 Q Okay. And we don't recall what exact day that was.

6 But do you recall speaking to Michael Flynn, the owner
7 of the warehouse?

8 A I might of spoken with him briefly about it of what,
9 what we were trying to get. But I don't recall exactly
10 what, what was said.

11 Q Okay. Was he there when you downloaded that
12 information?

13 A Not the whole time. He might of been in the warehouse
14 but not exactly in the office where the computer system was
15 located, no.

16 Q Okay. Were you acting under your police capacity when
17 you downloaded those items?

18 A Yes.

19 Q Court's in -- I have one more question --

20 A Uh-huh. (Affirmative).

21 Q -- sir, before I have the Court's indulgence.
22 We mentioned the town cameras.

23 A Yes, sir.

24 Q Michael Flynn's warehouse.

25 A Yes, sir.

Michael McGloin - Cross-examination
By Mr. Hobbs

1 Q where else?

2 A I don't believe I did Alco or Markette's.

3 Q Okay. So those would be the two that you uploaded
4 physically and that you could attest that the files
5 associated therewith are authentic, correct?

6 A Yes, I think Michael Flynn's was like four or five days
7 worth, and then the town one was just the -- whatever I
8 downloaded there.

9 MR. HOBBS: Court's indulgence please.

10 (Pause.)

11 MR. HOBBS: No further questions at this time.

12 THE COURT: Any redirect?

13 SOLICITOR REDMOND: No redirect, Your Honor.

14 THE COURT: You may step down.

15 THE WITNESS: Thank you, sir.

16 THE COURT: You may call your next witness.

17 SOLICITOR REDMOND: The State would next call
18 Detective, excuse me, Detective Nicole Scott.

19 THE COURT: Yes, ma'am, please come forward.

20 I'll ask you if you could please, ma'am, to place your
21 left-hand on the Bible and raise your right-hand as the
22 clerk administers the oath.

23 NICOLE SCOTT, being first duly
24 sworn, testified as follows:

25 THE CLERK: Have a seat.

Nicole Scott - Direct examination
By Solicitor Redmond

1 THE COURT: Come around and have a seat in the witness
2 chair and watch your step. I'm gonna ask you please, ma'am,
3 if you'd pull up real close to that microphone. Speak
4 loudly, clearly, and slowly in order that we can hear
5 everything that you have to say and let's start with your
6 full name please, ma'am.

7 THE WITNESS: Nicole Scott.

8 SOLICITOR REDMOND: May it please the Court, Your
9 Honor.

10 DIRECT EXAMINATION

11 BY SOLICITOR REDMOND:

12 Q Detective Scott, by whom are you employed?

13 A Cheraw Police Department.

14 Q And in what capacity are you employed?

15 A I'm a detective.

16 Q And how long have you been with Cheraw Police
17 Department?

18 A I started in 2013.

19 Q Okay. And how long have you been in law enforcement?

20 A I graduated in 2015.

21 Q Okay. And so with -- and all that time with Cheraw
22 P.D.?

23 A Yes.

24 Q Okay. And so when -- I guess on the 3rd of June, 2019,
25 did you begin assisting in the case involving the

Nicole Scott - Direct examination
By Solicitor Redmond

1 disappearance of Terris Parsons?

2 A I did.

3 Q All right. And could you tell us -- well, well, let me
4 back up.

5 Did you actually know Mr. Parsons?

6 A Yes, we went to high school together.

7 Q Okay. So, so, of course, when you were made aware that
8 he was missing, could you tell us what steps you took in
9 your role as a detective in Cheraw?

10 A I assisted with investigation in whatever capacity they
11 needed me to do.

12 Q Okay. Did you, did you actually end up going to --
13 well, let me -- before we talk about going up to North
14 Carolina.

15 Were you actually the one that was -- that conducted
16 the interview I think with Latoya Broadie?

17 A Yes.

18 Q Okay. And, and, in that interview, I guess did you
19 discuss things such as her, her cellphone, things of that
20 nature?

21 A Yes, I asked her why didn't she bring it with her.

22 Q Okay. And, and then was there anything -- well, let me
23 ask you this.

24 When -- I think there would of been exchange that maybe
25 was there regarding whether or not anything had been deleted

Nicole Scott - Direct examination
By Solicitor Redmond

1 off of her phone.

2 Do you recall that?

3 A I believe so.

4 Q Okay. And, to the best of your recollections, do you
5 recall what her response to that question was---

6 A I believe---

7 MR. HOBBS: Objection.

8 A Oh.

9 MR. HOBBS: Your Honor, I don't, I don't think this
10 would be the proper format for this information to come out
11 at this juncture.

12 SOLICITOR REDMOND: I'll just ask you---

13 THE COURT: What is, what is your objection?

14 MR. HOBBS: Objection, Your Honor. Hearsay.

15 SOLICITOR REDMOND: Well, Your Honor, here---

16 THE COURT: Might, might counsel approach the bench?

17 MR. HOBBS: Yes, Your Honor.

18 (WHEREUPON, a bench conference was held out of the
19 hearing of the jury at this time.)

20 THE COURT: You may proceed.

21 SOLICITOR REDMOND: Thank you, Your Honor.

22 MR. HOBBS: Your Honor, I withdraw my objection.

23 THE COURT: Very good.

24 Q Please answer the question.

25 A Can you repeat it?

Nicole Scott - Direct examination
By Solicitor Redmond

1 Sorry.

2 Q Yeah.

3 What was the -- what did she tell you as it relates to
4 her -- I guess the, the, the text messages or items being
5 deleted off of the cellphone?

6 A Best of my recollection, I remember her saying about
7 FaceTime, that was a different part on the phone, and then
8 some of the phonecalls were deleted.

9 Q Okay. And did she give you any explanation as to why?
10 Do you recall?

11 A No.

12 Q Okay. At that time, early on in the investigation,
13 were, were you able to at least interview her and get some
14 information from her regarding what happened?

15 A Yes, that initial---

16 Q And---

17 A ---interview I did.

18 Q And did she actually also provide information as it
19 relates to the last people who had contacted Mr. Parsons?

20 A Yes, she advised that she was able to get into the
21 system and she called the last few numbers that were there.

22 Q And did she provide that information to, to y'all, to
23 law enforcement?

24 A Yes, she advised that she gave that information to
25 Detective Henderson.

Nicole Scott - Direct examination
By Solicitor Redmond

1 Q Okay. And so, so, with that, when y'all did interview
2 her the first time, it wasn't like she -- just to make sure
3 in, in a clear context.

4 She was actually -- was she able to give y'all useful
5 information leading forward in the investigation?

6 A She did.

7 Q Yes.

8 Okay. Thank you.

9 Now, back to your role in the case, when -- and, again,
10 there were other detectives working on the case as well.

11 Like I said earlier, was it a full court press?

12 A Yes, it was.

13 Q All hands on deck?

14 A All hands.

15 Q Okay. And so did you at anytime assist and go up to
16 Morven, North Carolina specifically looking around an
17 abandoned carwash?

18 I think we've a picture of it.

19 A Yes.

20 Q Okay. Could you tell us how that came to be?

21 A I believe Mr. McGloin said that he got a tip or we got
22 a tip about the car being in Morven. So, we headed to
23 Morven to check the information out.

24 Q And I believe was it you and Sergeant McGloin I think
25 went -- I think that was around the 5th of, of June?

Nicole Scott - Direct examination
By Solicitor Redmond

1 A I believe it was that -- I know it was that week.

2 Q Okay. And was it you and, and, and Sergeant McGloin
3 that went---

4 A Yes.

5 Q ---to check it out?

6 And did y'all, in fact, go around, around that
7 abandoned carwash?

8 A We did.

9 Q And, and was there any evidence, either around that
10 abandoned car, carwash or in Morven that you were able to
11 locate and use?

12 A No.

13 Q Okay. Now, was that the only trip that you made to
14 Morven?

15 A We made several that week and the weeks after to
16 Morven.

17 Q Okay. And, and I guess I didn't -- probably didn't get
18 into this clearly earlier but I think there may of been a
19 drone deployed at some point in time?

20 A I wasn't---

21 Q You---

22 A ---there for that.

23 Q You weren't there for that.

24 Okay. And I'll just ask you directly.

25 what, what were y'all searching for?

Nicole Scott - Direct examination
By Solicitor Redmond

1 When y'all were going around Morven -- again, we've
2 heard testimony about pings that placed his phone in that
3 area.

4 What were y'all searching for?

5 Why did y'all go to Morven?

6 A We were searching for Mr. Parsons as well as his phone
7 or any evidence that we could collect.

8 Q All right. And so, again, did, did your searches yield
9 any evidence that you were able to utilize in aiding in
10 finding Mr. Parsons?

11 A No.

12 Q Okay. Now, on the 8th of June, were you also involved
13 in a search on Chapman Street where the defendant and Ms.
14 Lillie Ford (sic) reside?

15 A Yes, I was out there.

16 Q And did that yield anything of evidentiary value?

17 A Not to my knowledge, no.

18 Q Okay. Now, on the 13th of June I believe it is, did
19 you go to -- did you get information about the defendant's
20 banking situation and did you follow up on that?

21 A Yes.

22 Q Could you tell us about that?

23 A My initial subpoena to Woodforest Bank, they, they gave
24 us that information back and then I believe I did a second
25 subpoena because we got information that he had some

Nicole Scott - Direct examination
By Solicitor Redmond

1 activity on his account and it ended up being a maintenance
2 fee.

3 Q Okay. It was a maintenance fee.

4 So, in other words, was there any activity on his
5 accounts after June -- but -- after June 2nd?

6 A No, other than the maintenance fee, no.

7 Q Okay. And so -- and did the account, I believe, end up
8 closing out because of lack of activity and the maintenance
9 fees on it?

10 A Yes.

11 Q So -- and that Woodforest Bank, I think that's the bank
12 that's in Wal-Mart in Cheraw?

13 A It is.

14 Q Okay. Now then let's fast forward to the 25th of, of
15 June. Then I'm gonna step back and go about the
16 surveillance videos. We'll deal with that last.

17 But were you there when -- were you present when, when
18 the officers made the trip to Florence?

19 A Yes.

20 Q Okay. Were you present when Lillie Ford (sic) gave
21 information that led to y'all going to Florence?

22 A Yes.

23 Q Okay. And, again, without getting into what she said,
24 I'll just ask you this.

25 Did you -- did she give you information, with her

Nicole Scott - Direct examination
By Solicitor Redmond

1 attorney present, that led y'all to go to Florence?

2 A Yes.

3 Q And, in fact, did she and her attorney also make the
4 trip to Florence with y'all to help locate the vehicle?

5 A Yes.

6 Q And did you, in fact, locate the 2010 Buick Lacrosse?

7 A We did.

8 Q Okay. And do you recall where you located --?

9 A I know---

10 Q In, in other words -- well, we know it was 3181 Pisgah
11 Road in Florence.

12 what was at that particular location?

13 A It was the abandoned house --

14 Q Okay.

15 A -- with the vehicle parked behind it.

16 Q All right. And was that vehicle I guess pretty quickly
17 determined and confirmed to belong to Terris Parsons?

18 A Yes.

19 Q Okay. And, again, Lillie Moore, who was Lillie Moore
20 to the defendant?

21 A From my knowledge, she was the defendant's
22 girlfriend/wife.

23 Q Okay. Did they live together?

24 A They did.

25 Q And, again, is Lillie Moore the person that lived with

Nicole Scott - Direct examination
By Solicitor Redmond

1 him once his -- was his girlfriend/wife, was she the person
2 that ultimately led y'all to the location of Terris Parson's
3 vehicle?

4 A She was.

5 Q All right. Now, let's go back.

6 Did you, in this case, collect surveillance videos
7 around town?

8 A I did.

9 Q Specifically I want to ask you about Alco, Markette,
10 and Baymont.

11 Tell us what you did and how you went about collecting
12 those pieces of evidence.

13 A We went to Alco because the victim's girlfriend stated
14 he was going to get cigarettes, and because of the location
15 of where they lived, Alco was the closest gas station. So,
16 we went there to see if we can see him on video.

17 Q Okay. And, in fact, did you see him on video?

18 A We did.

19 Q Okay. And -- well, I'll get into that in just a
20 minute.

21 So, how about the -- Markette?

22 Were you able to go to Markette?

23 A Yes.

24 Q Okay. Could you tell us about that?

25 A Markette, because they have outside cameras and inside

Nicole Scott - Direct examination
By Solicitor Redmond

1 cameras, we got -- I can't -- because the defendant's
2 wife/girlfriend stated she came to the Markette, so we got
3 video for that timeframe as well.

4 Q Okay. And did you -- were you able to see her in the
5 Markette?

6 A We saw her outside the Markette.

7 Q Outside the Markette.

8 And I believe -- do you recall about what time Terris
9 was seen at the Markette?

10 Was it a little after nine o'clock?

11 A It was after nine o'clock.

12 Q Okay. And with Lillie Moore, do recall about what
13 time, to the best that you could recall, what time it
14 indicated?

15 A Either after 10:00 or 11:00.

16 Q Okay.

17 A I'm not sure.

18 Q And, and so the Baymont, did you also collect
19 information from the Baymont?

20 A We did.

21 Q And tell us about that.

22 A Baymont, again, has outside cameras and it faces the
23 roadway as well as part of Alco Gas Station. So, we
24 retrieved that video as well.

25 Q And, subsequently, were you able to, as it relates to

Nicole Scott - Direct examination
By Solicitor Redmond

1 the Alco market and Baymont, obtain certificates of
2 authenticity from the proprietors at those locations?

3 A Yes, we did.

4 Q Okay. Indicating the authenticity of what you may have
5 recovered?

6 A Yes.

7 Q And, in fact, did you actually -- I guess did you
8 recover the information from them at that time?

9 In other words, collect the, the videos---

10 A Yes.

11 Q ---at the -- at the time?

12 A We downloaded the video from each location on a hard
13 drive.

14 SOLICITOR REDMOND: Okay. May I approach the witness,
15 Your Honor?

16 THE COURT: Yes.

17 SOLICITOR REDMOND: Permission to approach, Your Honor.

18 I'm gonna show you State's 27, 28, and -- well,
19 actually I'm gonna start showing you 17 and 18. The first
20 two are 17 and 18.

21 Could you tell us -- do you recognize those snap --
22 those still shots?

23 A Yes.

24 Q And could you tell us what they -- and both 17 and 18,
25 what do they represent?

Nicole Scott - Direct examination
By Solicitor Redmond

- 1 A It's inside a gas station.
- 2 Q Okay. And who does that represent?
- 3 A Ms. Moore.
- 4 Q Okay. And is that I think from the Markette?
- 5 A Yes.
- 6 Q Okay. Both 17 and 18?
- 7 A Yes.
- 8 Q Does that show her entering and leaving?
- 9 A Yes.
- 10 Q Okay. Now, timestamps aren't on there but those are
- 11 the pictures you obtained from there?
- 12 A Yes.
- 13 Q Okay. How about State's -- I can't remember the
- 14 number.
- 15 A 27---
- 16 Q And 28.
- 17 A ---and 28.
- 18 Q Yes.
- 19 Could you tell us about those?
- 20 A These are the still shots from inside of Alco---
- 21 Q Okay.
- 22 A ---Gas Station.
- 23 Q And what do they -- what do they represent?
- 24 A Mr. Parsons coming inside.
- 25 Q And what does 28 represent?

Nicole Scott - Direct examination
By Solicitor Redmond

1 A Him at the counter.

2 SOLICITOR REDMOND: Okay. Your Honor, I would move 17,
3 18, 27, and 28 into evidence at this time.

4 THE COURT: Any objection?

5 MR. HOBBS: Without objection, Your Honor.

6 THE COURT: They're into evidence.

7 (WHEREUPON, State's Exhibit Nos. 17, 18, 27, and 28
8 were received into evidence at this time.)

9 Q You knew Terris. You said you went to high school with
10 him.

11 A Yes, went to high school.

12 Q You -- in your law enforcement background, both -- and
13 I'm gonna ask you both from a personal standpoint and from
14 your law enforcement background.

15 Based on your role in this case, is there any
16 evidence -- and I believe you may of mentioned to me that
17 you actually were friends with him on Facebook as well.

18 A Yes, I am friends with him on Facebook.

19 Q And has there been any activity as it relates to any
20 indication that he is still with us?

21 A No.

22 Q And, in fact, based on your background in law
23 enforcement, both personally knowing him and from your
24 experience as a detective, has there been any evidence
25 indicating that he is still alive?

Nicole Scott - Direct examination
By Solicitor Redmond

1 A No.

2 Q And has the evidence that you've obtained at this point
3 contradicted the thought that he is still alive?

4 A No.

5 Q And does -- in other words --.

6 A Oh.

7 Q Does it contradict the thought that he's alive?
8 I'll just ask you directly.

9 Is there any evidence that he's still alive?

10 A No.

11 Q Okay. And, and, again, you knew him?

12 A In high school.

13 Q Went to high school with him?

14 A Uh-huh. (Affirmative).

15 Q And June 2nd, 2019, from your investigation, is that
16 the last time anybody saw Terris Parsons?

17 A Yes.

18 SOLICITOR REDMOND: Beg the Court's indulgence.

19 I would actually -- rather than publishing these photos
20 at this time, we, we could actually cover all that with a
21 subsequent witness if the jury would obviously bear with me.
22 They're a lot of exhibits we hadn't published yet but do
23 plan on wrapping all that at -- up later today.

24 THE COURT: You may proceed.

25 SOLICITOR REDMOND: Thank you.

Nicole Scott - Cross-examination
By Mr. Hobbs

1 Please answer any questions that Mr. Hobbs may have.

2 Thank you.

3 THE COURT: Cross-examination, Mr. Hobbs.

4 MR. HOBBS: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. HOBBS:

7 Q Detective Scott, earlier you testified that you took a
8 statement of Ms. Latoya Broadie.

9 Is that correct?

10 A That's correct.

11 Q Do you recall the date and time of that statement?

12 A No, I know it was the -- early on that week.

13 Q Okay. Do you think it was either Monday or Tuesday or
14 around that time?

15 A It was early in that week.

16 Q Okay. And you were the one that gathered certain
17 surveillance footage from the Alco---

18 A Correct.

19 Q ---the Markette and Baymont.

20 Is that corrects?

21 A I'm sorry. Correct.

22 Q Okay. Very good.

23 And there was testimony earlier about I believe an
24 individual from SLED saying that you had brought a phone up
25 to them for an extraction.

Nicole Scott - Cross-examination
By Mr. Hobbs

- 1 Is that correct?
- 2 A That's correct.
- 3 Q When was that done?
- 4 A I believe the 4th or the 5th.
- 5 Q Okay. Now, when you had that phone, where did you get
- 6 that phone from when you took it up to SLED?
- 7 A From evidence.
- 8 Q Okay. And so it's from the evidence of the Cheraw
- 9 Police Department?
- 10 A Uh-huh. (Affirmative).
- 11 Q Okay. Did anyone else handle it before you had it?
- 12 A I -- the detectives that received it---
- 13 Q But you---
- 14 A ---from---
- 15 Q ---received it directly from evidence?
- 16 A I received it from evidence that -- they collected it.
- 17 I didn't.
- 18 Q Yes, ma'am.
- 19 And then you took it to---
- 20 A To SLED.
- 21 Q ---Columbia?
- 22 A So -- uh-huh. (Affirmative).
- 23 Q Okay. And then he gave it back to you?
- 24 A Yes.
- 25 Q Okay.

Nicole Scott - Cross-examination
By Mr. Hobbs

1 A I waited in the fusion office.

2 Q And you brought it back?

3 A And I brought it back.

4 Q Okay. I want to talk for a minute about Ms., Ms.

5 Broadie's statement. You got into this a little bit with
6 the solicitor.

7 Was there any other statement that Ms. Broadie gave
8 that you're aware of?

9 A About --?

10 Q Anything related to this case. I'm sorry.

11 How about this?

12 May I rephrase the question, Your Honor?

13 Did you ever take another statement of Ms. Broadie?

14 A Not other than that one, no.

15 Q Okay. Now, in her testimony I asked her about her
16 phone automatically deleting certain logs, call logs, and
17 you indicated FaceTime calls.

18 Did she, in fact, tell you that when you were speaking
19 to her?

20 A I remember her saying that FaceTime was a different app
21 and she would have to look on the phone for those times.

22 Q Okay. And she didn't have her phone in her possession?

23 A She did not.

24 Q Okay. Now, there was more testimony that she called a
25 particular number. An (843)91 -- 941-1347.

Nicole Scott - Cross-examination
By Mr. Hobbs

1 A Okay.

2 Q Now, she also told you during her statement that she
3 called that number once and spoke to an individual and then
4 called that number right back and spoke to that individual
5 again.

6 Isn't that correct?

7 A Correct.

8 Q Okay. And lastly, as far as Ms. Broadie's testimony,
9 yesterday I'd asked her about potentially having a concern
10 of a Mr. Parsons having a relationship with a female named
11 Rachel.

12 A Correct.

13 Q And she denied that that was true.

14 But in her statement to you she did express to you that
15 there was a female named Rachel and that she did have
16 concerns that he was having a relationship with her,
17 correct?

18 A Correct.

19 Q So, just for clarification, Detective Scott, you never
20 collected any physical evidence that's gonna be presented to
21 the jury here today.

22 Is that correct?

23 A I didn't collect any evidence.

24 Q Instead, you collected video cameras from the Alco, the
25 Markette, and the Baymont?

Nicole Scott - Cross-examination
By Mr. Hobbs

1 A Yes.

2 MR. HOBBS: Court's indulgence please.

3 THE COURT: Yes.

4 (Pause.)

5 MR. HOBBS: No further questions, Your Honor.

6 THE COURT: Redirect?

7 SOLICITOR REDMOND: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY SOLICITOR REDMOND:

10 Q Is there any evidence that this Rachel person or any,
11 anything that you were asked related to the, to the call
12 logs or the -- this Rachel person, did that have anything to
13 do with the investigation toward the disappearance?

14 In other words, was there anything in your knowledge of
15 this investigation that had -- that that had anything to do
16 with the disappearance?

17 A No.

18 Q Okay. Now, other thing I will ask you is this. Well,
19 not ask you. I will ask the Court actually.

20 Based on what we have so far, and we do the
21 certificates of authenticity related to these, and I think I
22 did ask about that, Your Honor, we would move into evidence
23 the surveillance videos from the Markette, Alco, Baymont,
24 and, and we've also -- had prior testimony as it relates to
25 the town. I would move that in evidence at this time.

Nicole Scott - Redirect examination
By Solicitor Redmond

1 THE COURT: Any objection from defense?

2 MR. HOBBS: Your Honor, I believe that we have still
3 shots of pictures of surveillance video. I just want to
4 make clear that that is the evidence being moved in at this
5 time.

6 SOLICITOR REDMOND: Yeah. well, the, the -- I think I
7 had already moved the still shots in. The actual video,
8 there's video from -- not the Markette. There's actually --
9 the still shots are from the Markette.

10 We have video from the Alco and we have video from the
11 town cameras. We have video from the Flynn's. We have
12 video from Baymont that we would be also looking to
13 introduce at the appropriate little -- a bit later on either
14 this morning or early this afternoon. Those are the
15 certificates of authenticity that have been testified to and
16 the officers have also testified to their role in
17 downloading that information.

18 THE COURT: Are you moving into evidence---

19 SOLICITOR REDMOND: I am---

20 THE COURT: ---at this time?

21 SOLICITOR REDMOND: I am moving -- and specifically,
22 Your Honor, all of that -- and I've told Mr. Hobbs, all of
23 that has been condensed onto State's Exhibit 81. I'm sorry.
24 Actually State's Exhibit 39. I misspoke. State's Exhibit
25 39 of all of the videos that I've discussed are actually on

Nicole Scott - Redirect examination
By Solicitor Redmond

1 this thumb drive. We would move that into evidence at this
2 time.

3 THE COURT: Any objection?

4 MR. HOBBS: Your Honor, subject to an objection as to
5 other information on this video that has not been properly
6 laid a foundation for at this time. This is a compilation
7 of several different videos. I believe this witness is
8 talking about the Alco, the Markette, and the Baymont. I
9 don't believe that we have the foundation laid or the
10 admission of the warehouse videos yet.

11 SOLICITOR REDMOND: We---

12 THE COURT: All right. We'll hold that in abeyance
13 until we --.

14 SOLICITOR REDMOND: I -- and, and I can do that through
15 one more witness. But as it relates -- I want to at least
16 make the record clear that, as it relates to the other ones,
17 except for Flynn's, I would actually move those in at this
18 time understanding that the Flynn's we would need---

19 THE COURT: Well, these are compilations.

20 SOLICITOR REDMOND: It is a compilation.

21 THE COURT: And that's one object.

22 SOLICITOR REDMOND: It's one object---

23 THE COURT: So we need to---

24 SOLICITOR REDMOND: ---on the compilation.

25 THE COURT: So we need to have the foundation for all

1 it before it goes in.

2 SOLICITOR REDMOND: Yes, Your Honor. That's fine, Your
3 Honor.

4 MR. HOBBS: Thank you, Your Honor.

5 SOLICITOR REDMOND: That'd be all the questions I have
6 at this time.

7 THE COURT: Very good.

8 All right. You may step down.

9 You may call your next witness.

10 SOLICITOR REDMOND: Your Honor, our next is gonna be
11 actually State's 81. That is the video testimony of Ms.
12 Lillie Moore that we want to play. It's approximately an
13 hour and a half long. Of course, as the Court knows, the
14 defense, defense and I enter or in February -- just by brief
15 background, in February, of course, the week of
16 February 7th, we had the incident here in the courthouse
17 where we were not able to go forward with the trial at that
18 time.

19 Ms. Moore was present here prepared to go forward. She
20 lives in Pennsylvania now.

21 The State and the defense agreed to take her video
22 testimony and that is what was done. I think it was done on
23 the 9th or the 10th of February of, of this year.

24 And so, it's about an hour and a half long and we
25 would, at this point, move to go ahead -- move it into

1 evidence and move it to go ahead and play that for the jury.

2 THE COURT: Madam Forelady, ladies and gentlemen of the
3 jury, based on the stipulation and agreement of the parties,
4 this testimony is evidence and you're to give it the same
5 consideration as if this witness were testifying here live
6 today.

7 You may proceed.

8 SOLICITOR REDMOND: Yes, sir, Your Honor.

9 If I could have just a minute to go ahead and get
10 everything set it?

11 It won't take long at all. Just need to be getting it
12 set up.

13 THE COURT: Very good.

14 SOLICITOR REDMOND: Get the screen set up and we'll be
15 ready, ready to play it. Probably won't take more than five
16 minutes, Your Honor.

17 THE COURT: How are y'all doing?

18 Do y'all need a recess to refresh yourself?

19 All right. Let's stand up and stretch while he's doing
20 that. Let's do that.

21 (Pause.)

22 SOLICITOR REDMOND: Your Honor, we've got some
23 speakers. We might need to hook it up with the speakers
24 because it actually, for some reason, is not playing as loud
25 on here.

1 Let's see. Let me see that.

2 (Pause.)

3 SOLICITOR REDMOND: Your Honor, it looks like that's as
4 loud as we can get it. I'm gonna try something here.

5 (Pause.)

6 SOLICITOR REDMOND: Your Honor -- pause it for a
7 second.

8 I just need to find out and make sure everybody can
9 actually hear it. That's lower than it's usually put -- the
10 output is.

11 THE COURT: All right.

12 SOLICITOR REDMOND: It might be my---

13 THE COURT: All right. Madam Forelady, and ladies --
14 let's cut the lights back on.

15 Madam Forelady, and ladies and gentlemen of the jury,
16 I'm gonna ask you to retire to the jury room. Refresh
17 yourselves. We're gonna try to see if they can't straighten
18 out that technical difficulty and do not discuss the case.

19 Everyone remain seated as the jury exits the courtroom.

20 (WHEREUPON, the following takes place outside the
21 presence of the jury.)

22 THE COURT: Let's give it a run and see---

23 MR. HOBBS: Can we hold the jury for just one second?

24 THE BAILIFF: Judge, we got a few in the bathroom. It
25 will be just one second.

1 THE COURT: All right. Let's --.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE COURT: We're ready.

4 THE BAILIFF: Ready, judge.

5 (WHEREUPON, the following takes place within the
6 presence of the jury.)

7 THE COURT: Mr. Redmond, you may proceed.

8 SOLICITOR REDMOND: May it please the Court, Your
9 Honor.

10 Of course, I apologize to the Court, ladies and
11 gentlemen of the juror -- jury. We found our culprit. All
12 we needed to do was have the volume up here. So, we've got
13 it corrected now. So, we are prepared to go forward in
14 publishing this testimony of Lillie Moore.

15 (WHEREUPON, the testimony of Lillie Moore was published
16 to the jury at this time.)

17 THE COURT: Okay. Madam Forelady, ladies and gentlemen
18 of the jury, we're gonna take a break for lunch. I'm gonna
19 ask that you be back at two o'clock, two o'clock sharp.

20 Do not discuss the case. No independent investigation.
21 Divert your attention from any possible media coverage.

22 We'll see you back at two o'clock. Two o'clock sharp.

23 (WHEREUPON, the following takes place outside the
24 presence of the jury.)

25 THE COURT: All right. We'll stand adjourned until two

1 o'clock.

2 Anything from the State?

3 SOLICITOR REDMOND: Your Honor, we -- the issue -- our
4 next witness is gonna be --.

5 THE COURT: Everyone keep your seat.

6 SOLICITOR REDMOND: -- is gonna be former Chief Thomas
7 and Mr. Hobbs and I have discussed the possibility of doing
8 a -- I guess a dry run. The second video is not as long and
9 I'm guesstimating. I want to say probably about 35 minutes
10 is and that's -- and it may actually be shortened based on
11 the redactions.

12 But we were gonna do a dry run because we were able,
13 able to edit the first video, redact it to everybody's
14 satisfaction, edit it. Angie was able to do that. But we
15 can't do it for some reason on the second one.

16 So, what we would normally do in the past is just stop
17 it and start it at particular designated points. We're
18 gonna have to revert back to for that -- for this -- on this
19 testimony. The concern that Mr. Hobbs has, and the State
20 has no objection to us doing a dry run just to make sure
21 that we don't mess up, there was, in the second interview
22 especially, there was a lot of discussion that would be
23 clearly 404(b) and, and hearsay and a lot of evidence that
24 could really impair the integrity of this case.

25 So, that being said, Your Honor, my guess is that it'd

1 be about 30 minutes -- that we would need 30 to 35 minutes
2 to do a trial run just to make sure we've covered all the
3 reactions so that we hadn't missed anything. And, and
4 that -- I think that's what Mr. Hobbs has mentioned earlier
5 and I got no problem with us doing that.

6 THE COURT: All right. Well, let's, let's do that.
7 Let's see if y'all can get on that during the lunch hour.

8 MR. HOBBS: Yes, Your Honor.

9 SOLICITOR REDMOND: And at -- other than that, that's
10 all the State has. Our next witness will -- oh, one more
11 question and this is a housekeeping matter.

12 Former Chief Thomas is gonna be our next witness.
13 Because we've got both statements coming in and, and, and
14 PowerPoint presentation and other exhibits to go through
15 with the chief, in all honesty, I would suspect that it
16 would take him the balance of the afternoon. A chance,
17 depending on cross-examination, that it could spill into --
18 depending on what time we broke today. I'm seeing at least
19 three hours.

20 And so I had some other witnesses that were coming in
21 today. I just wanted to make sure -- coming in from
22 Columbia especially and from Florence. I wanted to make
23 sure I was okay telling them to just come in in the morning
24 and I told them to hold off right now. I was gonna get with
25 you to make sure that I was correct in the timeframe that,

1 you know, with him being about three hours, that putting us
2 between 5:00 and 5:30, I suspect that that would be the
3 point that the Court would not -- would want to break for
4 the day.

5 THE COURT: We, we won't stay any, any significant
6 amount past that.

7 SOLICITOR REDMOND: Yes, sir. So I'll just have them
8 coming in in the morning. That will be fine.

9 THE COURT: Very good.

10 SOLICITOR REDMOND: Thank you, judge.

11 THE COURT: All right.

12 MR. HOBBS: Thank you, Your Honor.

13 (WHEREUPON, Court was recess for the lunch hour.)

14 THE COURT: Mr. Hobbs, you're recognized.

15 MR. HOBBS: Thank you, Your Honor.

16 Your Honor, I had one legal issue that I wanted to
17 present to the Court in regard to an unlawful search and
18 seizure of certain evidence that's gonna be presented here
19 shortly. We're gonna hear from Chief Thomas and he's gonna
20 get on the stand and talk about and I believe introduce
21 videos from a warehouse that is down at the end of Chapman
22 Street.

23 Now, Your Honor, I have researched the issue. We have
24 confirmed that 4 Chapman Street is not within the town
25 limits of Cheraw, and I would maintain that this warehouse

1 is also not within the town limits of Cheraw. We had
2 Detective McGloin text -- testify earlier that he was there
3 on June 10th and that he was the one that uploaded this
4 warehouse video from I believe it's Michael Flynn warehouse
5 and that he was doing so in his police capacity. That was
6 his exact quote.

7 And, Your Honor, I've, I've done some research on the
8 issue and State v. Harris maintains that the jurisdiction of
9 a municipal officer, absent statutory authority, generally
10 does not extend to -- beyond the territorial limits of the
11 municipality. This does not, however, affect an officer's
12 right to act as a private citizen beyond the -- his
13 jurisdiction.

14 When the officer is asked what capacity he is working
15 in when he downloads and takes these videos from Michael
16 Flynn warehouse, he says that he's acting in his police
17 capacity doing that. And, Your Honor, him acting in his
18 police capacity outside the jurisdiction of his
19 municipality, and not acting as a private citizen, would
20 create a situation where the work that he does and the
21 evidence that he seizes would be unlawfully seized and
22 searched and would thereby be inadmissible. That would be
23 my argument to the Court.

24 THE COURT: One of -- I would -- this did not come out
25 in testimony but I anticipate that they voluntarily were

1 cooperating with him in the investigation, and were
2 capable -- and they were capable of doing that.

3 But I want to hear what Mr. Redmond has to say about
4 that.

5 SOLICITOR REDMOND: Your Honor, that is exactly
6 correct. As a matter of fact, I would move to introduce it
7 once -- I would move to introduce it once the -- I'd move to
8 introduce it once, once chief -- former Chief Thomas
9 testifies and, in fact, he would testify -- well, a couple
10 things.

11 The issue on the town limits obviously with him being
12 the chief, he's familiar with what our -- the town corporate
13 limits. He'll testify to that. But beyond that, he will
14 also testify to the fact that it was given voluntarily with
15 consent.

16 THE COURT: All right.

17 SOLICITOR REDMOND: We did not have to get search
18 warrants. We didn't have to---

19 THE COURT: I think he's (indiscernible) the problem
20 when he came in there and, and had a, a, a flawed search
21 warrant or if he came in and demanded they gave it to the
22 party to -- or they -- city police officer perhaps but he
23 cooperated in that regard.

24 SOLICITOR REDMOND: Yes.

25 THE COURT: I think it's appropriate to do that.

1 SOLICITOR REDMOND: Thank you, Your Honor, and --.

2 THE COURT: And you -- you're protected on the record
3 and you can make whatever contemporary objection, objection
4 you need.

5 MR. HOBBS: Thank you, Your Honor.

6 SOLICITOR REDMOND: And I don't have to do it right
7 this minute. I'll go ahead and leave it to Elise but the --
8 I, I -- what -- but -- and, and I do want to thank
9 Mr. Hobbs. We've stayed during lunch, and, fingers crossed,
10 went through the, the second statement. The first statement
11 had already been redacted. The second statement was the one
12 that we were gonna have to stop and start and we went
13 through and got in sync on the times that we wanted to do
14 those redactions.

15 I think, for the record, since the second one we're
16 having to do the stopping and the starting, usually what
17 I'll do is ask that this be made a Court's Exhibit just so
18 that, depending on the outcome of the case, there's a record
19 of the timestamps that get redacted.

20 THE COURT: All right. You can make that a, a Court's
21 Exhibit.

22 SOLICITOR REDMOND: Yes. Yes, sir, and I'll just give
23 it to Madam Court Reporter and then I can, I can label it,
24 label it later on, Your Honor.

25 THE COURT: Very good.

1 All right. We're ready for the jury.

2 All right. Let's have quiet.

3 SOLICITOR REDMOND: Your Honor, may it please the
4 Court.

5 I've just been informed that we are missing two jurors
6 at this time.

7 THE COURT: We'll, we'll stand at ease here for just a
8 moment.

9 SOLICITOR REDMOND: Thank you, Your Honor.

10 MR. HOBBS: Thank you, Your Honor.

11 (WHEREUPON, a short recess was taken at this time.)

12 SOLICITOR REDMOND: -- there was test -- that will be
13 another video deposition that we'll play tomorrow morning.
14 While we're waiting, so I won't forget, I would go ahead and
15 ask that this be marked as Court's Exhibit No. 2.

16 THE COURT: Very well. And that is not in evidence.
17 That's Court's Exhibit.

18 (WHEREUPON, the video deposition was marked as Court's
19 Exhibit No. 2 for identification purposes only at this
20 time.)

21 SOLICITOR REDMOND: Your Honor, that's one of those
22 situations I think I'd leave it in the Court's discretion.
23 I think the State -- I think I can speak for all of us,
24 including the defense, that we hope -- our main concern is
25 that that juror is, is okay.

1 Do we know which juror it is?

2 I'm -- I don't know which juror it is.

3 THE COURT: They know who it is. They're going to her
4 house --

5 SOLICITOR REDMOND: Okay. So --.

6 THE COURT: -- or their house.

7 SOLICITOR REDMOND: But I would leave that in the
8 Court's discretion. Like I said, the main thing -- our main
9 concern is for the wellbeing of that particular juror --

10 (Pause.)

11 THE COURT: -- juror, if not, you take the first one or
12 you randomly select. If y'all can't agree to take the first
13 one, we're gonna randomly select.

14 MR. HOBBS: Your Honor, I, I believe that we would both
15 be okay with a random selection of the alternate.

16 THE COURT: If y'all could come, if y'all could come
17 forward?

18 MR. HOBBS: Yes, Your Honor.

19 (WHEREUPON, a bench conference was held at this time.)

20 SOLICITOR REDMOND: Oh, oh, that jury is here. I just
21 got word the juror has arrived.

22 THE COURT: Very good. Well, let's bring the jury in.
23 If we lose one, we'll -- if we lose one from here on out,
24 we'll --.

25 MR. HOBBS: Yes, sir.

1 SOLICITOR REDMOND: Yes, sir.

2 THE COURT: -- let that one suffice, suffice.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: Madam Forelady, ladies and gentlemen of the
6 jury, often times things happen beyond our control and we
7 have -- getting a little bit of a late start. Let's -- that
8 can happen to anybody. But let's try to start on time
9 because everybody's here and it's considerate to, to be on
10 time.

11 All right. You're recognized.

12 SOLICITOR REDMOND: Thank you, Your Honor.

13 May it please the Court.

14 The State would next call former Chief Keith Thomas.

15 THE COURT: Mr. Thomas, please come forward and place
16 your left-hand on the Bible and raise your right-hand as the
17 clerk administers the oath.

18 THE WITNESS: Yes, sir.

19 KEITH THOMAS, being first duly
20 sworn, testified as follows:

21 THE COURT: Mr. Thomas, if you could come around, watch
22 your step. Have a seat there in that witness chair. Pull
23 up real close to that microphone. Let's speak loudly,
24 clearly, and slowly in order that we can hear everything
25 that you have to say and let's start with your full name

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1 please, sir.

2 WITNESS: Winston Keith Thomas.

3 THE COURT: Very good.

4 SOLICITOR REDMOND: Thank you.

5 May it please the Court, Your Honor.

6 DIRECT EXAMINATION

7 BY SOLICITOR REDMOND:

8 Q Mr. Thomas, and I say Mr. Thomas, and I -- I'll
9 probably be calling you chief even though you're no longer
10 chief.

11 But could you tell us what is your law enforcement
12 background?

13 A I started in Marlboro County in 1989. I served two
14 years in, in McCall, South Carolina as a patrol officer and
15 I was hired by Cheraw P.D. in 1991, and I served at Cheraw
16 for 30 years.

17 Q And could you take us through your -- while at Cheraw,
18 during that whole time that you were in Cheraw for 30 years,
19 could you take us through your progression ultimately that
20 we call now as chief?

21 A Yes, sir. I started off -- I worked 10 months as a
22 patrol officer. I was the first narcotic officer for Cheraw
23 P.D. I worked narcotics for four years. worked numerous
24 undercover investigations. The biggest one was 200-kilo
25 conspiracy case that went before the grand -- State Grand

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1 Jury.

2 I was pro -- I was then promoted to sergeant of
3 investigations, which is criminal and narcotics. Then I was
4 promoted to lieutenant over investigations and then
5 ultimately was promoted to captain over investigations and
6 then I served seven years as the administrative/special
7 operations captain for seven years. And then I served eight
8 years as the chief of police.

9 Q Okay. And also, during that time, did you have the
10 opportunity to go to training with the FBI?

11 A Yes, sir, in 2013 I was selected as a, a recipient to
12 train at the FBI Academy, the national academy, and
13 basically that training is for executive leadership
14 throughout the world. There was 28 countries represented in
15 my, my graduating class and it, it, it trains the next
16 leaders of law enforcement. Only 2 percent of law
17 enforcement gets selected to go to that training.

18 Q And, of, of course, and subsequent to that training,
19 did you ascend to being the chief of police in Cheraw?

20 A Yes, I was promoted to chief of police in 2014.

21 Q And you recently retired.

22 Did you -- when did you retire as chief?

23 A I retired February 25th of this year.

24 Q Now, let's direct your attention to June of 2019.
25 Particularly June 3rd of 2019.

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1 Is that when you became involved in this investigation?

2 A Yes, sir, I -- I'm almost positive I received a
3 phonecall from Ms. Wanda Joseph, who is the aunt of Terris
4 Parsons, and she indicated that there was something wrong.
5 Terris was missing.

6 MR. HOBBS: Objection, Your Honor. This seems to be
7 going into hearsay.

8 THE COURT: Sustained.

9 Q And without saying what she told you, but did she,
10 after talking with her -- well, let me ask you this, her
11 demeanor.

12 Do you know Ms. Joseph?

13 A I do.

14 Q And how's she related to Terris Parsons?

15 A She is Terris Parson's aunt.

16 Q And, and how would you describe her demeanor on the --
17 when she was talking to you about the situation involving
18 Terris?

19 A She was highly concerned that, that his, his pattern
20 of, of the way they re -- related to each other on, on a
21 daily basis, that she knew something was wrong.

22 Q Okay. And so -- and this is on June 3rd.

23 So, at that point, did your officers and you -- and
24 yourself, did y'all begin the process of trying to locate
25 and to ascertain what happened to Mr. Parsons?

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1 A Yes, sir.

2 Q Okay. And tell us about those efforts.

3 A After I received a call from Ms. Joseph, I then went to
4 lieutenant or at that time I think it was Sergeant Henderson
5 of the investigative unit. I met with him and asked had,
6 had they assigned an investigator to that case yet. We
7 checked and it had not been assigned nor did we have an
8 incident report.

9 I went to find out why we didn't have an incident
10 report and we found that Ms. Broadie did call the police but
11 she spoke to the dispatcher and, and was concerned about
12 Mr. Parsons not---

13 MR. HOBBS: Objection, Your Honor. I, I believe she's
14 (sic) quote---

15 THE COURT: Sustained.

16 MR. HOBBS: Thank you.

17 Q well, let me just ask you this.

18 Just to be clear, did Latoya Broadie, based on your
19 records at Cheraw P.D., did Latoya Broadie, in fact, call in
20 a missing persons on Terris?

21 A She did. She contacted us, and based on that
22 information, she was directed to, to check on hospitals and
23 other agencies to see if they had any, any knowledge.

24 Q Okay. And, to your knowledge through your
25 investigation, did she have any luck finding out where

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1 Mr. Parsons was?

2 A She did not.

3 Q Okay. And so now he's still not accounted for.

4 So, tell us what the next steps were in your
5 investigation, in your department's investigation.

6 A I directed Sergeant Henderson, now Lieutenant
7 Henderson, to go meet with Ms. Broadie, which is where
8 Mr. Parsons resided, and take a statement from her or, or
9 find out what the situation was so we could get started on,
10 on the missing persons investigation at that point.

11 Q And what did you do as it relates to, to trying to help
12 maybe determine what happened?

13 A Yeah, once -- there's several things that have to
14 happen when someone files a missing persons. We take the
15 initial report and then we have a missing persons report
16 that has to be completed for that person to be entered in
17 NCIC, which is the FBI national data -- database. That way
18 if, if another agency comes in contact with that individual,
19 they -- it will automatically, once their ID is run, it will
20 automatically be kicked out that they're missing.

21 We have to then enter them into that database and then,
22 once that is done, we reach out and send BOLOs out to
23 different agencies, surrounding agencies, to be on the
24 lookout for Mr. Parsons and his car.

25 All that was done on the very first day that I talked

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1 with Ms. Joseph and, and we then began to ride around Cheraw
2 and check hotels, check the hospital parking lot. We
3 checked any business that had a, a decent side parking lot
4 to make sure that his car wasn't parked somewhere and just
5 hasn't been noticed. But we, we did that the entire first
6 day and into the second day to just verify that he was not
7 missing on his own accord.

8 Q And I didn't make this clear. I guess it could be
9 inferred but I'm gonna ask directly.

10 Based on your investigation and having talked with
11 people involved in the case, was -- we talked about the fact
12 that Mr. Parsons was missing.

13 But also I'm sure we can infer from context, but just
14 to be direct, was his car also missing?

15 A That's right. The car was missing and, and, and when
16 you're looking for somebody, that's usually the easiest
17 thing to find first is the car. So, that's why we were
18 looking for the car, cause if we could find the car, it may
19 could lead us to Mr. Parsons.

20 Q And so, just to be clear, Mr. Parks -- were Mr. Parsons
21 and his vehicle unaccounted for at that time?

22 A That's correct.

23 Q Okay. Now, back to your role in the investigation.
24 So, so you were explaining to us what goes in to, to a
25 missing persons investigation.

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1 Now tell us what steps on the ground were taken to try
2 to get answers as it relates to Mr. Parsons.

3 A Yeah. When we work a, a missing persons, you have to
4 look at every avenue. We don't know if the person is
5 missing because they want to be missing. We don't know if,
6 if they were involved in a traffic accident. We don't know
7 especially because we couldn't find the car.

8 Myself and Lieutenant Henderson, and several of the
9 other officers, actually went to Morven and we searched
10 different areas there based on information that we received
11 from SLED. We checked there on foot.

12 Myself and Lieutenant Henderson physically walked 52
13 Highway from Morven back to Cheraw. We checked both sides
14 of the road to verify that Mr. Parsons had not ran off the
15 road and was down one of, one of those embankments. We flew
16 the drone multiple days to, to see if he could locate Mr.
17 Parsons, his car especially.

18 And when, when we're doing that, we utilize ATVs to
19 ride the, the Morven area and the -- what would be the route
20 that they would have taken to get to Morven. Because we had
21 the information from SLED, we knew that Morven was a point
22 of interest that we needed to focus on and we spent a, a
23 large amount of time our in Morven looking for Mr. Parsons
24 and his car.

25 Q And is that based on ping data that y'all were getting

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1 to read from SLED from the phone company?

2 A That's exactly right. The, the -- we had the cellphone
3 data, ping data, we had the mapping that SLED had---

4 MR. HOBBS: Your Honor?

5 A ---previously created.

6 MR. HOBBS: I believe we're talking about evidence
7 that's not in the record that's not being admitted at this
8 time.

9 SOLICITOR REDMOND: And, and I'm not seeking---

10 THE COURT: I---

11 SOLICITOR REDMOND: ---to admit it.

12 THE COURT: I think he can talk generally about it.

13 SOLICITOR REDMOND: Yes, sir.

14 MR. HOBBS: Thank you, judge.

15 SOLICITOR REDMOND: Thank you.

16 Please continue.

17 A we had the mapping at our disposal where it showed, you
18 know, the locations where his -- Mr. Parson's cellphone
19 pinged off of towers. So, we were searching those areas to
20 see if we could locate the car or Mr. Parsons.

21 Q And, in fact, were you able to locate either the car or
22 Mr. Parsons at that time?

23 A No, sir.

24 Q Okay. And, and, and, again, you're searching of that
25 area, do you recall when the actual physical search around

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By Solicitor Redmond

1 Morven --?

2 A It would of been after we received the mapping. So, I
3 would say maybe wednesday, Thursday.

4 Q All right. After Monday, would that be -- in other
5 words---

6 A Way after Monday.

7 Q After Monday and, and we'll get into that a little
8 later.

9 So, you, you, you, you, you -- taking these steps,
10 having no luck finding anything on Mr. Parsons.

11 So, what did you -- oh, well let me ask you this
12 because it was mentioned -- I think there was some talking
13 in earlier testimony about Morven and the, the length of
14 time as far as getting to Morven.

15 About how far is -- I mean you are from this area.

16 How far is Morven from Cheraw?

17 A It takes about 17 minutes to get from Cheraw to the --
18 where the carwash that's been referenced.

19 Q Okay. So, so Morven is not that far from Cheraw --

20 A No, sir.

21 Q -- for folks that may not be familiar with the area and
22 I think is it straight up 52 -- Highway 52?

23 A Yes, sir, it is.

24 Q Now, getting back to the road that you -- the active
25 road that you took -- what else -- what other steps were

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By Solicitor Redmond

1 taken that you were involved in and for your detectives and
2 officers were involved in in trying to locate Mr. Parsons
3 during that time?

4 A Once we -- once we began to -- we got the mapping
5 information from SLED and we had negative results based on
6 our searches. We knew that -- and we had information that
7 someone had spotted a car that looked like Terris Parsons
8 sitting at the carwash in Morven. And we went to check the
9 carwash initially. This is before Morven really became in
10 play that we had a witness that seen the, seen the car
11 sitting at the carwash. And so we went to, or I didn't, but
12 my officers went to see if the car was still there.

13 The car was not there and, therefore, once we gathered
14 more evidence of Morven became in play, and after we
15 searched and had negative results, we begin to get other
16 information back from cellphone records and, and that and it
17 led us to want to interview Lillie Moore.

18 Q And I'm gonna -- but -- and, and before we get to that,
19 and I forgot to ask you this.

20 In town, were y'all -- were there any steps that were
21 taken as it relates to gathering camera or surveillance
22 footage?

23 A Yes.

24 Q Tell us about that.

25 A Yes, the Town of Cheraw, at that time, had multiple

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1 cameras that we actually own that we put in place, and we,
2 we utilized our -- the town cameras -- and one of them is
3 right across from the Town Hall. It was, it was actually
4 mounted on a stoplight poll.

5 we accessed that camera and we had Mr. Parson's vehicle
6 or Mr. Covington's vehicle coming by that, that camera at a
7 specific time. Actually came by on multiple occasions that
8 night. We then went riding the area of -- we knew that Mr.
9 Covington's vehicle passed by this camera. So we began to
10 ride other -- the route that we thought he may have taken
11 and obtained surveillance videos from other businesses,
12 privately owned businesses that had cameras, that happened
13 to be facing the road.

14 when we accessed those cameras, we actually uncovered
15 that we had Mr. Parson's car on video passing the cameras
16 with Mr. Covington car behind it. And so we knew at that
17 point that they were in the same area at the same time. At
18 least the vehicles were at that time.

19 Q And obviously in your role and, and having been an
20 investigator, did that serve as potential evidence -- with
21 evidence of potential value?

22 A That's correct.

23 Q Okay. And so, so when you were going around -- well, I
24 guess we, we talked about the town camera and then you and
25 your officers go and get cameras from other locations such

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By Solicitor Redmond

1 as the Alco, the Markette I believe, the Baymont, and, of
2 course, the town cameras.

3 A That's correct.

4 Q Now -- and I, I didn't mention one camera. I want to
5 ask you about that and that's Flynn's.

6 Are you familiar with that warehouse, Flynn's
7 warehouse?

8 A Yes, Michael Flynn owns that warehouse.

9 Q Okay.

10 A Correct.

11 Q And did you, in fact, personally go and, and, and, and,
12 and, and I guess and inquire about their cameras?

13 A Yes. And yes -- the answer to that question is yes.
14 And, and let me back up and say the, the reason we go and
15 look -- we're trying to retrace the steps of the, of the
16 victim, of the missing person. That's the whole point of
17 riding around looking for the cameras is we were trying to
18 retrace his steps, and, in doing so, we uncovered that
19 Mr. Covington was in close proximity of, of Mr. Parson's
20 car.

21 So, while I was riding, I, I actually started at Mr.
22 Covington's house and rode the route that I thought he would
23 have taken, and, at the end of the -- it ain't even at the
24 end of the street is -- you know, I would say it's a -- it's
25 three-quarters of a block from Mr. Covington's house,

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1 there's this warehouse called Michael Flynn's warehouse.
2 There's a camera mounted on the side of the building that
3 faces the road that Mr. Covington lives on.

4 So, after seeing that video, I contacted my
5 investigative team and we went to Mr. Flynn's. I know
6 Mr. Flynn. I'm not a personal friend of his but I, I know
7 all the business owners in Cheraw. That's my job and I made
8 contact with Mr. Flynn and he gave us consent to -- he
9 actually -- he actually logged on to the system and said
10 have at it and we -- he allowed us to search the, the
11 contents of his DVR.

12 Q Okay. And were y'all able to also download the
13 portions that were of interest?

14 A Yes.

15 Q Okay. And so, so -- and so, with that, did you keep --
16 you had -- he had -- excuse me.

17 You had his consent to do all of this, and, in fact, he
18 led -- allowed you to use his equipment?

19 A That's correct.

20 Q Now -- and, and just let me just kind of go off track a
21 little bit because it's been mentioned as it relates to, to
22 whether or not the warehouse is in the city limits of
23 Cheraw.

24 Could you expound on that please?

25 A Yes, sir. That area of town is, is, is unique.

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1 Jurisdictional lines are, are broken up based on who agrees
2 to come into town and who doesn't. This property use to be
3 part of the Old Cheraw Yarn Mill and the Cheraw Yarn Mill
4 and all that property are inside the city limits.

5 This warehouse is inside the city limits. The house
6 beside the warehouse is inside the city limits. The rest of
7 the houses are out.

8 Q And that would be including the defendant's residence
9 at 4 Chapman Street?

10 A The defendant's residence is just outside the city
11 limits.

12 Q Just to make sure we were clear on that.

13 So, moving on, and, and I know I kind of jumped off
14 track as it relates to the video because that would -- would
15 it, would it be fair to say -- well, I'll ask you like this.

16 were there a lot of moving pieces going on at the same
17 time in trying to figure out what happened with Terris
18 Parsons?

19 A Yes, I had multiple agencies and multiple officers
20 working on this case.

21 Q And, and so I had interrupted you. You were talking
22 about leading up to the interview with Ms. Lillie Moore.
23 And so I -- but I apologize for stopping you at that point.
24 Let me pick it up from there.

25 Please move forward with that part of the

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1 investigation.

2 A Once, once we uncovered the videos that showed Mr.
3 Covington's vehicle in the -- close proximity to the missing
4 Terris Parsons, we knew that we were being misled on -- in
5 the information we were provided.

6 Q Okay. And, and, and, and let me stop you there because
7 I need to clarify.

8 Did the defendant -- were you aware of the defendant
9 giving a statement I believe on the 4th of -- on the 4th of
10 June, that Tuesday?

11 A I was aware and I had, I had actually watched that
12 video.

13 Q Okay. So, so, so you had already -- had you already
14 heard what the defendant had to say in, in relation to any
15 knowledge of Mr. Parsons or his vehicle or, or, or anything?

16 A Yes, I, I watched the entire video.

17 Q Okay. And we'll get into that in more detail later.

18 But based on watching that, and then with the evidence
19 that we've already talked about that you were collecting,
20 did that raise a need to maybe ask some more questions?

21 A Yes. Based on the video that I observed of the
22 interview of Mr. Covington, it, it was clear that he was
23 denying having any contact with Mr. Parsons. Based on the
24 videos, surveillance videos, we seen that he was not being
25 truthful with us and, therefore, that led us -- we met as a

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1 team, investigative team.

2 At that time I had SLED, Chesterfield County, and
3 Cheraw P.D. working this case because of the jurisdictional
4 aspect of it, because his residence is outside the city,
5 and -- but he -- the victim is from Cheraw. So that's why
6 we were working a missing persons.

7 With that, we met as a team and, and made a decision
8 that we needed to interview Lillie Moore before we attempted
9 to try to interview Mr. Covington again.

10 Q And, and, and I, I would -- let me just say that -- ask
11 you this.

12 Did you have the opportunity to interview Ms. Lillie
13 Moore on I believe that Friday, the 7th?

14 A We did.

15 Q And, of course, I'm not gonna get into what she said.
16 The jury's already heard her testimony.

17 But during the time that you were interviewing her,
18 did -- well, let me ask you this.

19 During the time you interviewed her, was there then the
20 opportunity to encounter the defendant again?

21 A Yes.

22 Q Could you tell us about that?

23 A We had Ms. Moore at the station for several hours
24 interviewing her. Multiple of -- multiple officers
25 attempted to interview Ms. Moore.

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1 While we were interviewing Ms. Moore, I was made aware
2 by the dispatcher that Mr. Covington was in the lobby of the
3 police department and he wanted to speak to someone about
4 what was taking so long with Ms. Moore's interview. I then
5 went to the lobby and got Mr. Covington and brought him back
6 cause, at that point, we knew we needed to interview him.

7 So, we went ahead and brought him back at that point
8 and we finished up Ms. Moore's interview and took him into
9 the interview room.

10 Q Okay. So, let me be clear so the ladies and gentlemen
11 of the jury are clear.

12 Initially on the 7th were you only interviewing Lillie
13 Moore?

14 A That's correct.

15 Q Okay. Did anybody from law enforcement come and bring
16 the defendant to Cheraw P.D. to be interviewed?

17 A No, they did not.

18 Q Did the defendant come to the police department while
19 Lillie Moore was there inquiring about her?

20 A He did.

21 Q And then, as, as a result, did you seize upon the
22 opportunity of him showing up to reinterview him?

23 A Yes. Based on the information that we had actually --
24 we had received additional information from Lillie Moore
25 that -- and with the video evidence that we had from the

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1 surveillance videos, we knew that he was not being truthful
2 and we wanted to find out why.

3 Q So, defendant comes in and -- was he Mirandized?
4 was he read his Miranda warnings?

5 A Yes, sir, I read them to him.

6 Q Okay. And who was in there with you?

7 A Oh, Lord, I'm 53 years old now. I think it was -- I
8 think it was me and Detective Redfern. But I'm not 100
9 percent who else was in that room.

10 Q Okay. And if I can deviate. I'm a year older than
11 you. I thought you were older than me. So that's news to
12 me. But be that as it may, let's just say we're both doing
13 well for being over 50 as best we can. But getting back on
14 track within all seriousness. So the defendant is there.

15 He was read his Miranda warnings and did he ever
16 acknowledge having any contact with Terris Parsons?

17 A No, he still maintained that he had no knowledge of
18 where Mr. Parsons was. He had not seen Mr. Parsons that
19 night. He has not seen Mr. Parsons since that night and I
20 then began to confront him on how I knew he was not being
21 truthful.

22 Q Okay. And let's talk about that because, when you
23 confront him -- and you talked and your long law enforcement
24 career.

25 And when you're confronting a, a, a, a, a suspect,

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1 let's just call it what it is, it -- are there times where
2 you may become aggressive as it relates to your questioning,
3 especially when you're armed with evidence that the person
4 is not being truthful?

5 A Yes, sir. Whenever you're interviewing someone, the
6 person you're interviewing's sort of dictates where the, the
7 interview goes. If a -- if an individual is -- comes in and
8 you know he's not being truthful, you've got to let him know
9 that you -- I know that you're not telling me the truth, and
10 then you -- you don't give him everything that you, that you
11 have knowledge of, but you feed him a little bit of
12 information hey, I know it's not true because of this.

13 And then if they don't respond to that, then you, you
14 have to then keep going until you, you back them in a corner
15 and they've, they've got to make a decision whether they
16 gonna stick with that story or whether they're going to tell
17 you the truth or not. And that's, and that's the manner in
18 which I addressed that, that interview.

19 Q And I didn't mention this but were both interviews
20 videotaped?

21 Both the one on the 5th and the one -- I mean on the
22 4th and the one on the 7th.

23 A Yes, both were.

24 Q Okay. Now -- and we'll get into the, the details
25 especially in the second interview shortly, but let's move

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1 on with the investigation, and then we'll delve more deeply
2 into the, into the interviews with him.

3 So, after that interview, again, just to be clear, did
4 he ever confess to doing anything?

5 A He did not.

6 Q Okay. So, moving forward with the investigation, was
7 there a time that -- well, let me ask you this.

8 Was he arrested at that time for obstruction of
9 justice?

10 A Once we discontinue the interview, we arrested him for
11 obstruction of justice based on the, the evidence that we
12 had that he misled the investigation from basic -- basically
13 day one.

14 Q And, and let me be clear on this.

15 The arrest happened on June 7th, 2019?

16 A Yes, sir.

17 Q Mr. Parsons was last seen on or was Mr. Parsons last
18 seen on 2, June of 2019?

19 A June 2nd --

20 Q June 2nd, 2019.

21 A -- 2019. That's was -- that was a Sunday.

22 Q So we're talking five days.

23 At that point, did you know the fate of Terris Parson?

24 A At that point I did not know.

25 Q Okay. So, hence not charged -- was -- he was not

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1 charged with murder at that point?

2 A No, sir.

3 Q And was there still a hope of maybe finding
4 Mr. Parsons?

5 A Yes.

6 Q Okay. Now, again, we're talking five days.

7 So, he was arrested for obstruction of justice and
8 taken into custody at that time?

9 A Yes, sir.

10 Q Now, did you -- I guess the next day, was a search
11 warrant obtained by the county where they was a search
12 conducted at this house looking for any possible evidence?

13 A Yes, sir, there was.

14 Q And I think there was evidence we'd heard as it relates
15 to a burn pile.

16 Was there interest in maybe seeing if there was some
17 evidence of these things?

18 A Yes. During one of the interviews we were made aware
19 that Mr. Covington was in his backyard burning in the middle
20 of the night and the burn pile became a -- one of the focus
21 points of the investigation.

22 Q Now, was SLED, Chesterfield County Sheriff's Office,
23 your department, were they all present during the time of
24 this, this search?

25 A Yes, sir.

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1 Q Okay. And I think we've already established that there
2 was nothing obtained that aided in the investigation?

3 A Not that I've seen.

4 Q Okay. At, at that point in time.

5 A At that point.

6 Q Okay. Now then I believe you're talking about going
7 back and forth to Morven.

8 I think even after interviewing Mr. -- the defendant,
9 did you go back to Morven again hoping to maybe find and
10 ascertain what happened with Mr. Parsons?

11 A Yes, we worked for almost a month every day, Monday --
12 seven days a week and walked multiple roads through peoples'
13 yards, dug through trash, dug through bags of trash that
14 wasn't -- throwed on the side of the road. We, we exhausted
15 every avenue that we could come up with to, to hopefully
16 give the family some answers to where Mr. Parsons was.

17 Q And did you even deploy ATVs to go off road into wooded
18 areas to maybe see if there -- you know, if you could find
19 some evidence?

20 A Yes, sir, we -- I didn't physically get on an ATV.
21 Well, yes, I did too. I borrowed somebody's -- it was
22 actually a side by side. But, yes, we, we had multiple
23 agencies on ATVs covering farmland and wooded areas and to
24 no avail.

25 Q Now -- and then on the 10th of June, well, was -- well,

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By Solicitor Redmond

1 was the defendant -- cause he's in custody now and, and I
2 forgot to ask.

3 was -- Lillie Moore, was she also arrested for
4 obstruction that day?

5 A She was arrested the same day on June the 7th for
6 obstruction of justice.

7 Q So, the, the, the vehicles, particularly the vehicle
8 belonging to the defendant, that being the Mustang and
9 the -- Ford Mustang and the -- an Expedition, were those
10 taken and were those seized pursuant to the search warrant
11 and searched by SLED crime scene unit on the 10th I believe
12 that is?

13 A Yes, sir.

14 Q Now -- and you've already touched on it.
15 Unfortunately, still no Terris. No, no clear understanding
16 of what had happened to Terris at that point.

17 A That's correct.

18 Q During the time between the 10th and 25th of June,
19 were you still -- was this still a situation where your
20 officers were going or doing things to try to see and
21 ascertain exactly where Mr. Parsons was in the hopes of
22 maybe finding him alive?

23 A We were still interviewing people. We were still
24 searching. We were following leads that may of came in --
25 come in to the police department to verify whether the leads

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By Solicitor Redmond

1 were accurate or not. Every lead we chased down ended up
2 being negative results. Every search that we did ended up
3 uncovering nothing.

4 Q Okay. And when you talk about leads, even as it
5 relates to leads -- I think the tips -- people call in tips
6 such as the tip about that led y'all to Morven to see about
7 this car, to see if the car was there.

8 A That's correct.

9 Q So, is that -- is, is, is there common -- especially in
10 a missing persons situation where people call in leads and
11 y'all follow up on leads?

12 A That's correct. Cause we had publically put out a
13 flyer to, to alert the public that we were looking for
14 Mr. Parsons and it had a picture of him and his car. And
15 that generated some, some leads that we had to follow up.

16 Q I think you're referring to State's Exhibit 26 that's
17 in evidence?

18 A Yes, sir.

19 Q Is that the flyer that you're referring to?

20 A Yes, sir.

21 Q Okay. Now, let's go to the 25th of June, 2019.

22 Do you recall an interview with Lillie Moore at her
23 request with her attorney?

24 A Yes, I think her attorney's last name is Perry.

25 Q That's correct. Yes.

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1 A He contacted me and advised me that he was representing
2 Lillie Moore and that she had new information that she
3 wanted to share with the police.

4 Q Okay. And so were arrangements immediately made to,
5 obviously with her counsel present, Mr. Perry, for her to
6 give y'all the -- whatever the information was that she had?

7 A That's correct. I actually set up a time that
8 afternoon for him to come in. I had Ms. Lillie Moore
9 brought from the jail and I allowed him to meet with her
10 prior to us entering the room. Once he met with her, and
11 spoke with her, he then came out of the room and told us he
12 was ready or she was ready to start the interview.

13 Q And, in that interview, did she -- was she able to tell
14 you anything specific to Terris Parsons himself?

15 Not talking about his vehicle. Him personally.

16 Did she indicate -- and, and we've heard the testimony
17 and I'm being careful not asking for hearsay.

18 But was there anything that she gave you that, that led
19 you to -- that aided your investigation on finding him
20 personally?

21 A No, sir.

22 Q But as -- I asked you earlier, did he and his vehicle
23 both go missing on 2, June, 2019?

24 A Yes.

25 Q Was there new information that at least led you to the

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By Solicitor Redmond

1 vehicle that belonged to Terris Parsons, the, the, the, the
2 Lacrosse, Buick Lacrosse?

3 A Yes, in the interview with Lillie Moore, I think it was
4 June 25th through her attorney, she, she gave a statement
5 that she had not been truthful with us, that she had
6 followed Mr. Covington, Andre Covington, the defendant, to
7 Morven where he was driving the Buick Lacrosse and it was --
8 it was left in Morven. She didn't know the exact location
9 at the time that she -- she said she picked him up walking
10 down the street but she then went on to tell us that she---

11 MR. HOBBS: Your Honor, I think, I think we've gotten
12 into several hearsay statements from Lillie Moore.

13 THE COURT: All right. I'll sustain.

14 SOLICITOR REDMOND: All right.

15 THE COURT: Ask you to rephrase your question.

16 Q Without saying what she -- and, and, Your Honor, I,
17 I -- I'm sorry. I apologize. I interrupted the Court.
18 I -- my apologies for that.

19 But, yes, if we could -- she's testified already. So
20 we don't have to go through what she said. The jury's
21 already heard her testimony.

22 Let me ask you like this. When she was giving you the
23 information, did she -- was she able -- without saying what
24 she said, was she able to give you information that led
25 y'all -- as it relates to Morven, did she give you

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1 information that, that made you additionally -- I guess that
2 confirmed information about Morven?

3 A Yes.

4 Q Okay. And so did she also give you information that
5 led you away from Morven and I guess approximately 40, 50
6 miles south of Cheraw?

7 A Yes, the information that she provided us, we all
8 loaded up in four or five vehicles. Ms. Moore, and her
9 attorney, myself, and the investigators went to Florence
10 County where Ms. Lillie Moore was providing the directions,
11 and I've never been to Florence that way I can tell you.

12 She, she led us through the country and it was
13 apparent -- I was actually getting frustrated. I thought
14 she was misleading us because we had -- we went a route that
15 normally you wouldn't take to go to Florence from Cheraw.
16 And so I was getting frustrated with her and, and -- but,
17 ultimately, we, we rode around in a circle for about twice
18 and then she led us to a residence, and, sure enough, the
19 car was sitting behind the residence.

20 Q And I think that was the 3181 Pisgah Road in -- outside
21 of Florence I guess off Ebenezer Road?

22 A Off of Ebenezer Road. That's correct.

23 Q To the best that you can remember, and because y'all
24 went such a crazy route, if you can remember, an idea of at
25 least what route y'all ended up taking to try to get to

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By Solicitor Redmond

1 finally locate the vehicle?

2 A We went to Society Hill from Cheraw up 52 cause she had
3 gave us some general landmarks and we was trying to guess
4 if -- what landmarks she was trying to make reference to.
5 with her not being from the area, it was hard to figure out
6 what landmarks she was talking to -- about.

7 But we ended up going to Society Hill and, and then
8 hanging a right, going to Hartsville, going through
9 Hartsville cause she kept talking about a Lowe's and we knew
10 Hartsville had a Lowe's. We got to Hartsville. She didn't
11 recognize anything there around the Lowe's.

12 So, she ended up directing us in the direction of
13 Florence and we got to Florence and she kept making
14 reference to the movie theater and Lowe's. And so we rode
15 around in that area and she directed us down Ebenezer Road
16 and then she said this is it, this is it, and we turned on
17 Pisgah Road.

18 Q Okay. And, and did you, in fact, find the vehicle?

19 A Yes.

20 Q Tell us about that.

21 A We arrived, myself and I, I don't remember what other
22 investigators followed me back there, but we were instructed
23 it was behind the house. So, we went behind the house on
24 the left-hand side of the house. We walked around and the
25 car was parked really close to the house.

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1 It was -- it, it, it appeared to be an abandoned house
2 but it had a light on the inside that was burning, which was
3 odd to me but it -- the grass was a little high. So it, it
4 appeared that it was an abandoned house.

5 And we, we first approached the car to see if there was
6 anything inside the car. We didn't touch the car. We
7 wanted crime -- SLED's crime scene to come in. So, we --
8 once we verified -- we ran the VIN and the -- to verify that
9 the, the vehicle was Mr. Parsons and that that revealed that
10 it was Mr. Parson's vehicle.

11 Q And the jury's already seen this, but State's 19 and 20
12 which are in evidence -- if I may approach the witness, Your
13 Honor?

14 Do you recognize those two exhibits?

15 A Yes, sir.

16 Q And could you tell the jury -- ladies and gentlemen of
17 the jury what those pictures represent?

18 A 19 is the front of the residence of 3181 Pisgah Road
19 and 20 is the rear of the home with Mr. Parson's vehicle
20 parked behind it.

21 Q And is that the vehicle that SLED crime scene was
22 called to examine?

23 A Yes, sir.

24 Q Okay. And, and did SLED crime scene come out and
25 examine the vehicle?

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1 A They did.

2 Q All right. And was there anything obtained at that
3 time, other than the vehicle itself obviously, but anything
4 out of the vehicle that yielded anything that aided in the
5 investigation?

6 A Not that I, I recall.

7 Q Now, with that said, did the vehicle location, coupled
8 with what Ms. Moore had to tell you, aid in the
9 investigation in a great way?

10 A Yes, with her new revelations of, of what occurred, it
11 allowed -- it made more sense to us of the, the -- why we
12 wasn't finding anything in Morven, number one. And it
13 revealed that, that after Mr. Covington was contacted by the
14 family of the victim, that he ended up going and moving the
15 vehicle, which is why we didn't find anything after it had
16 been spotted in Morven.

17 It confirmed that the vehicle was actually sitting at
18 the carwash when the witness seen it, and it confirmed that,
19 after Mr. Covington was, was contacted by the family about
20 he was the last person that was -- that Terris talked to, he
21 went and moved the car that very night.

22 Q And, again, not just moved the car from -- Morven's
23 about 17 miles.

24 Florence is what, about 50 miles away?

25 A Yes, sir.

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By Solicitor Redmond

1 Q So, pretty good distance away. Pretty much out of the
2 area. Out of Chesterfield County.

3 A Yes, sir.

4 Q Now, as a part of the case, of course, you know, once
5 the car was found up until this point, up until the point of
6 your retirement and as far as you know, was there any
7 evidence that Terris Parsons had reached out to contact
8 anybody, his loved ones, or any evidence that would lead
9 you, in your vast experience in law enforcement, to believe
10 that he's still alive?

11 A None.

12 Q And, and we'll talk about that a little bit more later
13 as well. But let's then talk about items that were prepared
14 by Cheraw P.D. in the case.

15 Now -- and, and I'm saying prepared by Cheraw P.D., at
16 some point, because of the location on Chapman Street, was
17 the Sheriff's Office involved in the investigation as well?

18 Did they go with y'all to Morven?

19 Were they in Florence when the vehicle was found?

20 Were they involved in the investigation?

21 A Yes, sir, they were, they were involved very early on.

22 Q Okay. And -- but in, in particular, and I'm gonna try
23 to take this in, in, in some order, were there -- and when
24 you talk about surveillance videos involved, were there --
25 was there a PowerPoint presentation that Detective Sergeant

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By Solicitor Redmond

1 McGloin put together at the -- I guess pursuant to y'all's
2 investigation?

3 A Yes, we wanted to compile everything that we had that
4 with time related information so we could show the order of
5 events that occurred that night.

6 Q And let me show you, if I may approach the witness,
7 with what's been marked as State's 5, 6, 7, 8, 9, 10, and
8 11. I think Mr. Hobbs has seen these but I'll show it to
9 him.

10 (Pause.)

11 Q Now, I'm gonna -- if I -- with permission of the Court,
12 approach the witness?

13 THE COURT: You may.

14 Q Did you go through and each exhibit, first tell us if
15 you recognize that exhibit and then tell the ladies and
16 gentlemen what -- of the jury what that exhibit represents.

17 A This is -- No. 5 is -- I believe this is the camera
18 from the Baymont Hotel. It's timestamped 22:07. This is
19 Mr. Parson's car heading east on Market Street in Cheraw.

20 Q And when we say headed east on Market Street, what
21 direction would that be going?

22 A That would be coming from Hardee's to Town Hall.

23 Q Okay. Got you.

24 A Towards downtown.

25 Q Got you.

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1 A This is Exhibit 6. This is Mr. Covington's navy blue
2 Ford Mustang with a tan ragtop going by the same camera at
3 the Baymont and that timestamp is 22:08.

4 Q And that's military time. 22:0 -- 22:08, is that 10:08
5 in I guess normal, normal time?

6 A The first one was 10:07 and 44 seconds. The second one
7 was 10:08:31 seconds.

8 The second one is seven. This is the Baymont Hotel.
9 Same camera shooting out towards Market Street and this one
10 is -- this is Mr. Andre Covington's Mustang headed back
11 towards the Markette from Town Hall to the Markette and the
12 timestamp on that is 22:52:50, which is 10:52 and 50
13 seconds.

14 Exhibit No. 8 is Mr. Covington's Mustang passing the
15 Baymont Hotel again headed back towards Market Street. And
16 this timestamp is 23:36:23, which is 11:36 and 23 seconds.

17 Exhibit No. 9 is another camera -- same camera at
18 Baymont and the Mustang -- Mr. Covington's Mustang is headed
19 back towards Town Hall and the timestamp on that is
20 22:57:16, which is 10:57:16.

21 Exhibit 10 is the camera that's owned by the Town of
22 Cheraw and it shows Mr. Covington's vehicle making a right
23 off of Second Street, which is the street that the police
24 department sits on, and it's turning right on Market Street
25 headed back towards the Markette/Hardee's area. And the

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1 timestamp on that one is cut off. So I can't see the
2 timestamp on that one. It's 22 and the, the minutes are cut
3 off. Yeah.

4 And No. 11 is another angle of the camera, the town
5 owned camera there at the Town Hall, and it's showing Mr.
6 Covington's vehicle making a right onto Market Street from
7 Second, and the timestamp on that one is 23:34 and 19
8 seconds.

9 Q So -- and are those all still shots taken from
10 surveillance -- from the surveillance videos themselves?

11 A Yes, they are.

12 SOLICITOR REDMOND: Now, may I approach the witness one
13 more time?

14 Take those and give you State's 38.

15 Do you recognize that as the copy of an item prepared
16 by Cheraw P.D.?

17 A Yes, this is the, the PowerPoint presentation that was
18 developed by Detective McGloin.

19 Q And, of course, had you see that -- had you seen that
20 and had a chance to review that acknowledging -- given your
21 role in the investigation?

22 A Yes.

23 SOLICITOR REDMOND: Your Honor, with that -- may I
24 approach the witness one more time?

25 With that, I would move to introduce -- I think we've

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1 laid the foundation for the last be -- surveillance camera.
2 So State's 39 is the compilation of the cameras that we had
3 discussed. That being the Alco video, the Flynn video, the
4 warehouse video, Baymont Inn, and the town cameras video.
5 We would move that into evidence. Again, that's all
6 contained on State's 39.

7 MR. HOBBS: Subject to the defendant's previous
8 objection, Your Honor.

9 THE COURT: It's into evidence over objection.

10 (WHEREUPON, State's Exhibit No. 39 was received into
11 evidence at this time.)

12 SOLICITOR REDMOND: And with that, Your Honor,
13 State's -- since the still shots, State's 5 through 11,
14 these are still shots from those videos, we would move those
15 into evidence at this time.

16 MR. HOBBS: Again, Your Honor, subject to my previous
17 objection as to some of these items.

18 THE COURT: They're into evidence.

19 SOLICITOR REDMOND: Thank you.

20 (WHEREUPON, State's Exhibit Nos. 5 through 11 were
21 received into evidence at this time.)

22 SOLICITOR REDMOND: And finally, State's 38, that being
23 the PowerPoint presentation that contains -- and we had not
24 moved it in previously because the Flynn's Warehouse
25 surveillance information was not on there. Everything else

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1 is in evidence. So we would now move State's 38. The
2 defense and I have agreed obviously subject to his previous
3 objections. But we had agreed on -- to take certain items
4 out so as not to cause any problems. And so that has been
5 done. Mr. Hobbs has reviewed it. So we would now move
6 State's 38 into evidence.

7 MR. HOBBS: Your Honor, I do not have any objection to
8 the PowerPoint itself. Some of the items contained in the
9 PowerPoint are compilations of items that I have objected
10 to. But subject to my previous objection as to those items,
11 I don't have an objection as to the PowerPoint presentation
12 but just maybe some of the items that I previously objected
13 to.

14 THE COURT: Into evidence subject to---

15 SOLICITOR REDMOND: Thank you.

16 THE COURT: Subject to your objection.

17 SOLICITOR REDMOND: Thank you.

18 MR. HOBBS: Yes, sir.

19 (WHEREUPON, State's Exhibit No. 38 was received into
20 evidence at this time.)

21 SOLICITOR REDMOND: And we'll publish those shortly.

22 But let me go back now to the interview with the
23 defendant. Let me go back to the first one on the 5th.

24 Even though you observed it, you were not in there, but
25 just to be clear for the ladies and gentlemen of the jury,

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By Solicitor Redmond

1 was he taken into custody after that first interview --

2 A Nope.

3 Q -- on the interview --

4 A No, he was not.

5 Q And let me be clear. On the 4th of June, I keep saying
6 5th, but on the 4th of June, was he taken into custody?

7 A He was not.

8 Q And, in fact, was he read his Miranda warnings at that
9 time on the 5th -- on the 4th?

10 A He was not.

11 Q Okay. And is that -- just because you interview
12 somebody, does that mean you have to read them their Miranda
13 warnings?

14 A No, the only time you are -- the most important time
15 that you need to read Miranda is if they're not free to
16 leave. If they're not free to leave, then you must
17 Mirandize them. He was free to leave. He physically drove
18 himself to the police department and he drove himself away
19 from the police department.

20 Q So, that's on the 5th. He left the police department.
21 He told y'all didn't know---

22 A 4th.

23 Q ---he didn't know anything.

24 A 4th.

25 Q The -- I said 5th again, didn't I?

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By Solicitor Redmond

1 That'd be the 54 year old brain of mine obviously.

2 But on the 4th, did he bring himself to the police
3 department and leave the police department of his own
4 accord?

5 A He did.

6 Q Okay. Hence why he was not read his Miranda warnings?

7 A That's correct.

8 Q Okay. Now, on the 7th of June, did he -- was he read
9 his Miranda warnings?

10 A He was.

11 Q And, at that point, had you had the opportunity to
12 gather the evidence that you described -- had previously
13 testified to that led you to believe that the defendant
14 wasn't being truthful with you?

15 A That's correct.

16 Q And so, at that point, was he read his Miranda
17 warnings?

18 A He was. He was a suspect at that time, which required
19 us to read him his Miranda warnings.

20 Q Let's talk about the 7th because you sat in on that
21 one. You actually conducted that interview I believe.

22 A Yes, sir.

23 Q On the 7th, again, and, and, and that's recorded. So,
24 we're not gonna get into everything. We'll play the
25 recording.

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1 But at the -- when you con -- did you confront him with
2 the inconsistencies, some of the inconsistencies that you
3 found in your investigation?

4 A I did. I, I began by asking him questions about his
5 previous statement, and, and then to, to get him to
6 reiterate his initial statement. He was reluctant to do
7 that and then -- but I continue the interview, and when I
8 say reluctant, he, he started wavering on the defini --
9 the -- what his statement was as far as -- I can't remember
10 every, every specific time and I just -- I wanted him to
11 reiterate that he had not seen Terris. That's what I was
12 trying to get out of him that I haven't seen Terris. I
13 don't know anything about Terris because I knew that we had
14 evidence to show that he did.

15 And so I -- that's where I was headed with the
16 invest -- with the interview, and then once I got him to say
17 that, then I knew I had him in a lie, and, at that point, I
18 began confronting him on, on his mistruths.

19 Q And let's talk about the confrontation. And let's both
20 agree we're not doctors here.

21 But was there a point in time that you had -- that you
22 actually paused the interview, to your credit, offered him
23 some water and allowed him to compose himself?

24 A Yes, sir.

25 Q Okay. Could you explain what took place during that

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1 exchange?

2 what were -- what, to the best that you can recall --
3 again, it's on the video.

4 So, the best that you recall, what led up to that and
5 what occurred that caused a pause in this interview?

6 A I began -- during a part of the interview, I began to
7 confront him about his misleading the investigation, him not
8 being truthful with the police. He would then change his
9 statement and involved a third party person that he had
10 never mentioned. When he knew that, that we knew that he
11 had left the house, then he changed and threw somebody
12 else into that, and he -- when he did that, he, he indicated
13 that he was at another residence on Acl Avenue, Martin
14 Luther King area.

15 well, we have six cameras on that road that I can run
16 by tag number and we knew that he had not been on that road
17 that night. So, I confronted him with that. And when I
18 started to -- what I call backed him in a corner of his
19 lies, he then, in my opinion---

20 Q well, I don't -- without saying---

21 THE COURT: Might counsel approach the bench?

22 SOLICITOR REDMOND: Yes.

23 (WHEREUPON, a bench conference was held out of the
24 hearing of the jury at this time.)

25 Q without saying -- again, we're not doctors. So I don't

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1 want to offer an opinion. But I do think it's important
2 that the jury hear from you as it relates to what took
3 place. They'll see it on the video but, you know, I think
4 that it's important that it gives you at least briefly.

5 Now---

6 MR. HOBBS: Your Honor, I, I don't understand the
7 relevancy of the -- Mr. Thomas's evaluation of the physical
8 actions of Mr. Covington. We have video that's gonna show
9 it. I don't think it's appropriate.

10 THE COURT: I think the video speaks for itself. I'm
11 gonna ask you to move on.

12 Q Okay. Well, let me ask you this.

13 Did you have to pause the interview?

14 A I did.

15 Q Did you cause the interview to have to be paused?

16 A Well, I stopped the interview based on his reaction to
17 my questions.

18 Q Okay. Thank you. Fair enough.

19 So, you paused -- the interview was paused based on his
20 reactions and, again, we'll see that on the video.

21 A That's correct.

22 Q Okay. Fair enough.

23 So, did the interview then get started back again at
24 some point?

25 well, let me ask you this.

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By Solicitor Redmond

1 Did you -- I, I guess in -- at that point, did you
2 actually offer him water and exit the room, you, and I think
3 Sergeant Redfern, Redfern.

4 Did y'all exit the room?

5 A We did.

6 Q Okay. Did you give him time to compose himself?

7 A We did.

8 Q And then did you subsequently return?

9 A We did.

10 Q And then, of course, all of this -- did the, did the
11 interview continue?

12 A It did.

13 Q Okay. And, during that time, did the defendant ever
14 again say anything acknowledging -- I guess stated any
15 knowledge about what happened to Terris Parsons?

16 A He did not.

17 Q Okay. Now, you asked him about inconsistencies.
18 was he ever able to explain those inconsistencies?

19 A No, he could not.

20 Q Okay. Did he ever -- was he ever able to explain the
21 inconsistencies about saying initially that he had been at
22 home but then, of course, turns out that he had left home?

23 Did he ever explain that?

24 A He provided more false information to try to justify it
25 but---

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By Solicitor Redmond

1 MR. HOBBS: Your Honor?

2 A But the---

3 MR. HOBBS: I think the classification of it---

4 THE COURT: Sustained.

5 SOLICITOR REDMOND: Okay.

6 THE COURT: I'm gonna -- the, the statement speaks for
7 itself. We don't need him to explain that to us. If you
8 can move on.

9 Q Let me ask you like this.

10 when, when he -- I guess when you were asking him the
11 questions about the, about the, the car, about leaving home
12 that night, I'll just ask you like this, were there
13 inconsistencies there that, in your role as an investigator,
14 were left unanswered?

15 A Yes, sir.

16 Q Okay. Were there questions that you had and asked the
17 defendant about the vehicle itself, Mr. Parson's car, that
18 were left unanswered?

19 A Yes, sir.

20 Q And, again, to be clear, did he ever acknowledge even
21 driving the car?

22 A He did not.

23 Q Okay. Did he ever offer any explanation of how this
24 all leads back to him?

25 A He did not.

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By Solicitor Redmond

1 Q Okay. Now, did the interview conclude and was he then
2 arrested for, again, for obstruction of justice?

3 A He was.

4 Q All right. Now, at this point I would -- if, if the
5 Court -- and, and depending on how the Court wants to do it,
6 I know we been going for about an hour. At this point, just
7 to let everybody know what the, what the plan is, I was
8 gonna ask if, if former Chief Thomas could actually go
9 through -- first go through the sus, the -- excuse me, the
10 PowerPoint presentation, and then, after that, the
11 surveillance videos.

12 THE COURT: Let's, let's proceed forward. If we need a
13 break I'll---

14 SOLICITOR REDMOND: That will be fine, judge.
15 Okay.

16 THE COURT: I'll let---

17 SOLICITOR REDMOND: If you could give me just a moment,
18 let me get everything. I think I've already got it.

19 (Pause.)

20 SOLICITOR REDMOND: Beg the Court's indulgence.

21 (Pause.)

22 SOLICITOR REDMOND: And with the Court's permission, I
23 would ask if Chief Thomas could step down --

24 THE COURT: Certainly.

25 SOLICITOR REDMOND: -- while we go through the

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1 PowerPoint.

2 (WHEREUPON, the witness comes down from the stand.)

3 Q Now, that's, of course, is this the beginning of the --
4 oh, could you -- yes, I'll go to -- found my pointer.

5 That's what I was digging around for.

6 Now -- okay. Is this -- and I'm gonna give you the
7 pointer.

8 A Oh Lord.

9 Q Yeah, it took me a minute to find it.

10 But is that -- could you tell us -- I'm just gonna ask
11 you, each slide, tell us what each slide represents.

12 A This, this is a, a overview screen of Mr. Terris
13 Parsons and which contained the (indiscernible) and the last
14 time he was seen -- was reported to be seen on June 2nd at
15 19 hundred hours by Latoya Broadie.

16 Q Okay. Now next slide.

17 A This is the, the information for Mr. Covington, his
18 date of birth, his phone number, which is important through
19 the phone records. He communicated with T.P. prior to his
20 disappearance, and, at that time, he was currently charged
21 with obstruction of justice.

22 Q Okay. Next slide please.

23 A This is Ms. Lillie Moore at the time of her booking,
24 which has her cellphone number, her date of birth. She was
25 the girlfriend of -- a live-in girlfriend of Andre Covington

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1 and went to -- with Andre to North Carolina to dispose of
2 the car.

3 Q Next slide.

4 A This is information on Robert Wilson with his cellphone
5 number, date of birth, and he communicated with Mr. T.P.
6 prior to his, his disappearance. And that's just stating
7 that all times are eastern standard time.

8 Q Go ahead.

9 A This is a -- Terris Parson's phone and text to Robert
10 Wilson. It shows the source address, which is the source
11 number, the one that sent the message, and the destination
12 is the number that received it. And the message content
13 states I told Blue to get you up -- get you.

14 Q Okay. Now, let me ask you, as far as Robert Wilson's
15 concerned, I didn't ask you this, had Robert Wilson been
16 interviewed by, by your agency?

17 A He had.

18 Q Okay. And, and, in fact, had he given -- well, I say
19 information.

20 Had he given information related to having contact with
21 T.P. that night?

22 A Best that I know -- I was not the one that interviewed
23 him.

24 Q Okay.

25 A He was interviewed and, and I don't know the content.

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1 I've not viewed that interview.

2 Q Well, let me ask you this. Was he -- obviously you're
3 looking at, at a whole host of things.

4 Based on the investigation as a whole, was he able to
5 be eliminated especially as every -- everything progressed?

6 Was he eliminated as being the suspect?

7 A Yes, investigators were able to eliminate him as being
8 a suspect of Mr. Parson's disappearance.

9 Q Okay. Let's move on to the next slide.

10 A The next, Robert Wilson text to Terrance Parson's phone
11 at 16:40 and four seconds. This is -- he responds back I
12 talked to him.

13 Q Okay. But do we know who him is?

14 A No.

15 Q Okay. Next.

16 A Roberts Wilson to T.P.'s phone, 16:40 and 57 seconds.
17 I'm low. I can't do what we want right now. I heard -- you
18 heard anything.

19 Q Okay. I can't do what he want right now?

20 A Can't -- I can't do what he want right now. You heard
21 anything.

22 Q Do you know who that -- who that is he's talking about?

23 A No.

24 Q Okay.

25 A Terris Parson's text to Robert Wilson at 16:45 and four

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1 seconds. Message content is I was waiting on you before I
2 move.

3 Q Okay. Next please.

4 A Robert Wilson text to T.P.'s phone at 16:46 and 47
5 seconds. I should be ready in an hour or two.

6 Q Next.

7 A Robert Wilson text to T.P.'s phone, message, yeah, I
8 can put a stack with it if that, that will help.

9 Q All right. Do you know what that -- what -- in any of
10 these, do you under -- know what the meaning behind any of
11 that was?

12 A Do what?

13 Q Do you know what the meaning behind any of that was as
14 far -- not speculating. Just do you know.

15 A Yeah, I do, I do not know. I don't specifically know
16 what it was talking about.

17 Q All right. Next line. Now -- and let me -- before we
18 get -- well, I'm -- you can leave that up, but before we get
19 into that, when I guess with at -- with the discussion of,
20 of, of Robert Wilson and, and the times involved, again
21 16:40, 16:40ish, whatever times these were, would that have
22 been about four o'clock in the afternoon?

23 A Yes, sir.

24 Q So was -- is this several hours before Mr. Parson's
25 (indiscernible)?

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1 MR. HOBBS: Objection, Your Honor.

2 THE COURT: Yes, sir.

3 MR. HOBBS: 16:46 is not four o'clock in the afternoon.
4 It's 4:46 in the afternoon.

5 SOLICITOR REDMOND: Well, I -- it's after four o'clock.
6 I apologize. After four o'clock in the afternoon.

7 whatever time it was -- let me ask it like this.

8 Is 16:00 thereafter, is that after four o'clock in the
9 afternoon?

10 A It is.

11 Q Okay. Thank you. I think every -- everybody
12 understood what I was trying to say but just to clarify.

13 Now, here we're up to about five o'clock. This is a
14 phonecall. Tell us about this.

15 A This is a -- Terris Parson's phonecalls, Andre
16 Covington at 17 and -- 17:00 and 22 seconds, which would be
17 5:00PM and 22 seconds. And you see the shaded area right
18 there, that would be -- the incoming call would be --.

19 Q Is that Mr. Parson's phone number?

20 A That's Mr. Parson's phone number calling Andre
21 Covington.

22 Q Okay.

23 A Andre Covington's number is the third -- 1347.

24 Q Okay. And can we go back just a minute?

25 So, that was at 17:00 and the texts we were kind of

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1 getting tied up about, but just to clarify, 16:48, so
2 approximately 12 minutes before the call to Mr. Covington,
3 is that the text message that Mr. Wilson sent to the
4 defendant -- to the victim, Mr. Parsons?

5 A That's correct.

6 Q All right. You can move forward too.

7 So now what is this slide?

8 A It shows Terrance Parsons call Andre at 17:00 and 24
9 seconds and it's from Terris Parson's number to Mr.
10 Covington's.

11 Q All right.

12 A This is from Mr. Covington's phone record. This is
13 T. -- Terris Parson's text Robert Wilson at 19:11 and 59
14 seconds, which would be 7:11 and 59 seconds, and the message
15 says bring that bag when I see you.

16 Q And that's at -- that's 8:00 -- that's -- I'm sorry.
17 That's at 7:11?

18 A 7:11.

19 Q Okay.

20 A Andre Covington text the T. -- Terris Parson's phone at
21 nine -- 7:21:48, which is 19:21:48, and that's Terris
22 Parson's number there. But it says I should be home about
23 8:30. It's taking me a little longer.

24 Q And just to be clear, we see 11:21 there.

25 That UTC time that the phone company uses, does that

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1 have to be converted to the accurate time that we're talking
2 about here in Cheraw?

3 A That's right. That UTC, if I'm not mistaken, is
4 universal time. It has to be converted to eastern standard
5 time.

6 Q To time, just to be clear.

7 So, the next slide please.

8 And what is that?

9 What slide would be---

10 A Terris Parson's phone text to Andre Covington and he,
11 he responds right here okay.

12 Q Okay. And that's at what time?

13 A 19:22, which is 7:22.

14 Q Okay. And go back one slide. Read that part again.

15 A This is from Andre to Terris Parsons. I should be
16 home -- right here. I should be home about 8:30. It's
17 taking me a little longer.

18 Q Okay. So then go to the next line again and how does
19 Mr. Parsons respond?

20 A Okay.

21 Q All right. Next slide.

22 A This is a text from Robert Wilson to Terris at 19:23,
23 which is 7:23 and he responds okay.

24 Q Thank you.

25 A This is a text from Andre Covington to Terris Parson's

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1 phone at 20:58, which is 8:58, and it says home.

2 Q All right. Just to be clear, so at 8:58, the defendant
3 contacts the victim and says -- and that -- and says home
4 i.e. he's home?

5 A Yes, sir.

6 Q Okay. Next slide please.

7 So that's at 8:58. So next slide.

8 A Terris Parsons text Andre Covington at 20:58 and 46
9 seconds. That's 8:58 and 46 seconds and he responds okay.
10 Five.

11 Q Okay. And I'm not gonna ask you to speculate on what
12 that means. The ladies and gentlemen of the jury may make
13 that determination.

14 Next slide please.

15 A This is a still shot of the, the surveillance video
16 from the Alco where Terris -- this is Terris Parsons.
17 That's Terris Parson's car and it says, after 9:00PM, that's
18 him entering into the Alco.

19 Q Okay. And next slide please.

20 A This is Terris Parsons leaving the Alco and he
21 ultimately gets in that -- in the car.

22 Q Okay.

23 A This is the video from Flynn's Warehouse. This is
24 Terris Parson's Buick at 21:18 and 15 seconds. That's
25 9:18 and 15 seconds. That's Terris Parson's car headed

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1 from -- U.S. 1 would be back here. Andre Covington's house
2 was on the -- towards the end of this street. That's him
3 heading that direction of Terris Par -- I mean Andre
4 Covington's residence.

5 Q Okay. And, again, these are still shots but we'll see
6 the actual surveillance videos at some point.

7 A Yes, sir. This is a text message from Terris to Robert
8 Wilson at 21:40, which is 9:40, and 40 seconds. I'm on my
9 way.

10 Q Okay. Now, just to be clear, at 9:18 and some seconds,
11 Terris Parson's Buick is on his way to the defendant's
12 residence?

13 A That's correct.

14 Q Then we get to this slide at 21:40, approximately 22
15 minutes later, there's a text message from Mr. -- the
16 victim, Mr. Parsons, telling Robert Wilson I'm on my way?

17 A It's a message from Mr. Parson's phone --

18 Q Yes.

19 A -- that I'm on my way.

20 Q Thank you. Well said. Thank you.

21 Next slide please.

22 A Robert Wilson responds to that text to Terris Parson's
23 phone at 21:41, which is 9:41. He responds to where with a
24 question mark.

25 Q And, again, I won't ask you to speculate. Ladies and

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1 gentlemen of the jury can make that determination.

2 So, go back one slide again to make sure we got
3 everything in context.

4 21:40, the phone from the -- T.P. says I'm on my way to
5 Robert Wilson.

6 A That's correct.

7 Q And then the next slide if you---

8 A Robert Wilson responds to that text from Terris
9 Parson's phone at 21:41 to where with a question mark.

10 Q And is that in response to the I'm on my way?

11 A That is in response to that text message.

12 Q Okay.

13 MR. HOBBS: Your Honor, that calls for speculation. I
14 think these messages speak for themselves.

15 THE COURT: Sustained.

16 Q Next slide please.

17 A This is a text message from Robert Wilson to Terris,
18 Terris Parson's phone at 21:48 and 10 seconds, which is
19 9:48 and ten seconds. You're going -- you going to get
20 straight question mark.

21 Q And, again, that's 9:48 and 10.

22 Next please.

23 A At -- this is Flynn's Warehouse camera. This is Terris
24 Parson's Buick leaving Chapman Street at 22:06 and 46.

25 That's Terris Parson's vehicle on that same road that we

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1 just seen it going the opposite way.

2 Q So---

3 A Headed towards (indiscernible) Highway.

4 Q So, at this point, had we heard a response from the
5 text from Robert Wilson, the last text that we saw?

6 A No.

7 Q And, again, it -- and, and what does that depict again?
8 I'm sorry.

9 A This is Terris Parson's Buick leaving in the area of
10 Andre Covington's residence headed towards U.S. 1 and this
11 camera is the Michael Flynn warehouse video.

12 Q Okay.

13 A 22:07 and 32 seconds. This is Andre Covington's
14 vehicle leaving his -- the area of his residence headed
15 towards U.S. 1 and this is the same Michael Flynn Warehouse
16 video.

17 Q Okay. Next please.

18 A All right.

19 UNIDENTIFIED SPEAKER: Here.

20 A I'm good. No.

21 Q Oh. Well, wait a minute.

22 Okay. Yeah, that one.

23 A All right. This is the Baymont Hotel camera shooting
24 towards Market Street and this will be Market Street. This
25 is Terris Parson's Buick headed down Market Street. The

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1 Markette would be on this side. Town Hall would be headed
2 this way. So, it's headed towards Town Hall.

3 Q Okay.

4 A This is 22:08, which is 10:08 and 31 seconds. This is
5 Andre Covington's Mustang with the tan ragtop and it's on
6 this -- this is the (indiscernible) Baymont camera and the
7 Mustang is following behind the Buick.

8 Q Okay.

9 A This is our Town Hall. This road coming this way would
10 be Second. The road that -- crossroad is Market. This is
11 Andre Covington's Mustang with the ragtop and a sign on the
12 door making a right off of Second headed down Market back
13 towards the Markette.

14 Q And, again, the timestamp on that is 22:51?

15 A 22:51, which is 10:51.

16 Q Okay. Next slide please.

17 A This is the Baymont Hotel video. That's Market Street
18 and this is Andre Covington's vehicle headed towards the
19 Markette and that's at 10:52 and 50 seconds.

20 Q Okay. Did we move?

21 A That's the same one.

22 Q That's the same one, yeah.

23 There we go.

24 A All right. This is the interior camera of the
25 Markette. That is Lillie Moore entering the Markette. Same

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1 camera. That's Lillie Moore exiting the Markette and this
2 is the Baymont Hotel camera. That's Andre Covington's
3 vehicle and it's headed back down Market towards Town Hall.

4 Q Okay. So, is going -- it's going back toward Town Hall
5 and, and -- well, we'll go to the next slide.

6 So that's at 22:57?

7 A That's right.

8 Q Okay.

9 A This is Town Hall camera, 23:34, which is 11:34 and 19
10 seconds. The Mustang is making a right off of Second back
11 on to Market headed back towards the Markette.

12 Q Okay.

13 A 23:36, which is 11:36, this is the Baymont Hotel camera
14 and that's the Mustang on Market headed towards -- in the
15 direction of the Markette.

16 Okay. This is a text message -- I'm sorry. This is a
17 call from Andre Covington to Terris Parson's phone at
18 11:53PM and it was for -- it shows .06 seconds.

19 Q Okay. Now let me ask you about that.

20 Based on your investigation -- and, and go back one
21 slide. That's 20 -- that's 11:53 and about 11:00 -- well,
22 about -- let's stop there. 11:36.

23 Is that the defendant's vehicle?

24 A Yes, it is.

25 Q And I'm gonna not pit you against one another or with

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1 what another witnesses -- witness had said. I'm not gonna
2 bolster but I will just ask you this.

3 Based on your investigation, the fact that he -- and I
4 get -- and I'll say it like this.

5 Based on your investigation and based on the statements
6 that you gathered, the fact that he makes a call after
7 11:36, is that significant to you in looking at this case?

8 A It is.

9 Q Okay. And how is it significant based on the
10 investigation?

11 A Based on the investigation and the previous slides that
12 we witnessed, Terris Parson's car is seen being driven to --
13 towards Morven. Well, we know Terris Parson's car went to
14 Andre Covington's house. The car was then driven to Morven
15 with Lillie Moore in the back behind it driving the Mustang.
16 Lillie Moore's statement tells us that---

17 Q Without saying what she said.

18 A Yeah, Lillie Moore's statement indicates that she
19 followed Andre Covington to Morven and then---

20 MR. HOBBS: Your Honor?

21 A ---picked him up.

22 Q Okay. Let me, let me rephrase that.

23 MR. HOBBS: Can, can we strike that?

24 THE COURT: Sustained.

25 Q Rephrase that.

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1 without saying what Lillie Moore said, and I'm asking
2 you in the general scope of the investigation, let me put it
3 like this, when you look at 22:36, was their evidence that
4 you had gathered in the course of your investigation to make
5 you -- that, that, that made you think -- let me just put it
6 like this.

7 Was the Buick ever seen again in any of these last
8 frames?

9 A No.

10 Q Based on your investigation, what is it -- what did
11 your investigation determine happened to that vehicle at
12 that point in time?

13 A That night it was dropped off at the carwash in Morven.

14 Q Okay. So, by the time we get to 11:36, what does your
15 investigation yield about the car belonging to Terris
16 Parsons?

17 A That it was left in Morven and, and that Lillie Moore
18 and Andre Covington's in that vehicle.

19 Q Okay. And so then we go to the next slide. 11:58 I
20 believe it was. 11:53. Excuse me. There is a call to
21 Mr. Parson's phone.

22 A Yes.

23 Q Okay. At 11:35.

24 Is that after the time, based on your investigation,
25 that the vehicle had already been left up in Morven,

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1 Mr. Parson's vehicle?

2 A That is after it was dropped off in Morven.

3 Q Okay. And I'm not gonna ask you to speculate. I'm
4 just gonna ask you like this.

5 Is that significant -- after the car had been -- the
6 Buick had been dropped off in Morven, is that significant to
7 you that the defendant calls Terris Parson's phone?

8 A That is significant.

9 Q Okay. And, again, I won't get in any speculation.
10 I'll just leave it at that.

11 Next slide please.

12 How about this, the---

13 A 23:53:07, which is 11:53:07, Andre Covington called
14 Terris Parson's phone right in here where it's highlighted.

15 Q Okay. And, again, based on your investigation and the
16 whereabouts of Terris Parson's car at 11:53, was that again
17 significant that the defendant would---

18 MR. HOBBS: Your Honor?

19 Q ---call his phone?

20 THE COURT: Sustained.

21 MR. HOBBS: Thank you, judge.

22 Q Is that significant based on your investigation---

23 THE COURT: Sustained.

24 Q What time is on there?

25 A It's 6-3.

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1 Q No, I'm talking about the time.

2 what's the timestamp?

3 A Oh, here. 23:53:07. 11:53:57PM.

4 Q And, again, you -- we've talked about the
5 investigation.

6 Just to -- who is calling whose phone?

7 A That's Andre calling Terris Parson's phone.

8 Q Next slide please.

9 A This is a text message from Andre Covington to Terris
10 Parson at 23:53 and 17 seconds, which is 11:55:17PM.

11 Q And---

12 A It says if you don't want the puppy just say that.
13 Don't have me waiting on you. Call me in the morning.

14 Q Now, again, and I ask it this way, what time is that
15 again?

16 A 11:55 and 17 seconds.

17 Q And based on your investigation, is this text message
18 from the defendant to Mr. Parson's phone significant to you?

19 THE COURT: Might, might counsel approach the bench?
20 (WHEREUPON, a bench conference was held out of the
21 hearing of the jury at this time.)

22 Q Reread this again please. This is at 11:55.

23 what did the defendant say -- text to Terris Parsons?

24 MR. HOBBS: Your Honor, asked and answered at this
25 point.

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1 Can we --?

2 SOLICITOR REDMOND: We took a side bar, Your Honor.

3 MR. HOBBS: I apologize if---

4 SOLICITOR REDMOND: I'd at least like to be able to
5 highlight the last thing he says.

6 MR. HOBBS: I'll, I'll withdraw my objection, Your
7 Honor.

8 Q Please answer.

9 A It reads right here, if you don't want the puppy, just
10 say that. Don't have me waiting on you. Call me in the
11 morning.

12 Q Okay. Next line please. I think that's the last
13 slide. Please be -- you can -- actually, I might need you
14 to have the pointer.

15 Your Honor, at this point I do want to lead Mr., excuse
16 me, chief -- former Chief Thomas up because I want to get
17 into the actual surveillance videos and that might actually
18 take me not a minute. We've already gotten it cued up. I
19 just need to get to that point, and then go ahead and start
20 and do that. So, I didn't know if anybody needed a break or
21 if we wanted to jump right into that.

22 THE COURT: We can keep on going.

23 SOLICITOR REDMOND: Yes, sir.

24 THE COURT: We'll take a break momentarily.

25 (WHEREUPON, the witness returns to the stand.)

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1 SOLICITOR REDMOND: All right. And, Your Honor, if the
2 Court would allow, because I've actually been the one to
3 work on this, so I would ask for everyone's indulgence with
4 me on this while we navigate through.

5 Chief, if I could have you step back down and I'm gonna
6 hand you the trusted pointer again.

7 (WHEREUPON, the witness comes down from the stand.)

8 Q All right. Let's see.

9 Okay. Could you tell us what we're looking at right
10 now?

11 A Well, this, this appears to be the Alco Gas Station.
12 That's Terris Parson's vehicle pulling through the front
13 door.

14 Q Okay.

15 A This will be Terris Parsons standing right there.

16 Q Oh, I'm sorry.

17 And what does that show?

18 A That's Terris Parsons leaving the store. This is the
19 cash register inside the Alco with Terris Parsons in the
20 camouflaged shirt.

21 Q And can you make out what he's purchasing?

22 A I think it's a pack of cigarettes and like a Mounds.

23 Q Okay.

24 A It's some Newport cigarettes.

25 This is the Michael Flynn warehouse camera shooting

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1 down the -- Andre Covington's house is down here. Highway
2 50 -- 1 and 52 is back this way. And this is at 9:18 on
3 June the 2nd.

4 This is -- that's Terris Parson's vehicle headed
5 towards Andre Covington's residence.

6 Q Okay. And if you could take your pointer?

7 About where on the -- would -- well, we, we see where
8 the car ends up but about how -- well, let me just show it
9 and then you can explain it.

10 Okay. What does it appear to be doing?

11 A The car actually pulls down the street and it appears
12 that he pulls, pulls up to the left and then backs into a, a
13 vacant driveway that's on down across the street.

14 Q Okay. And is that in the vicinity of 4 Chapman Street?

15 A Yes.

16 Q Okay.

17 A I think it jumped on you. This is---

18 Q It did right there.

19 A ---the same -- this is the same camera.

20 Q All right. Let me start it back there. I'm sorry.

21 A And we were talking about this area right here. You'll
22 see Mr. Parson's car come from -- well, actually back into
23 Mr. Andre Covington's residence.

24 Q Now, this is at 10:06 and we'll wait and see and then
25 you can tell us what's taking place.

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1 A This video is of Terrance Parson's driving down that
2 same road going back towards 152.

3 Q Okay. And is that leaving the vicinity of 4 Chapman
4 Street?

5 A That is correct.

6 Q Okay.

7 A That's at 10:06 and 49.

8 Q Okay. Now I'm gonna let it run and then we'll ask you
9 about what we see next.

10 A Over here at 10:07 and 31 seconds, that's Andre
11 Covington's vehicle passing that same warehouse camera.

12 Q Okay. And I'll just let it run from here and then you
13 can tell us what we see next.

14 A It's right here.

15 Q Okay. And I think that's where I got messed up.

16 Tell us -- describe that.

17 A All right. This is a vehicle that comes in. There's
18 multiple -- there's two ways to get into Mr. Covington's
19 residence. There's a street called Oak Street that's --
20 that is a crossroad to his road. And we believe that's him
21 coming back with him and Lillie Moore coming back to the
22 residence at that time.

23 Q Okay. And so now let's move on to -- now, this is
24 where I'm gonna need everybody's patience. I think the
25 Baymont video is the next one that we're --.

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1 THE COURT: All right. We're gonna take a brief break,
2 Madam Forelady, ladies and gentlemen of the jury.

3 If we can cut the lights on so everybody can see.

4 All right. We're gonna allow y'all to take a break and
5 refresh yourselves. Do not discuss the case.

6 Everyone remain seated as the jury exits the courtroom.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: All right. Anything from the State before,
10 before we recess for a few minutes?

11 SOLICITOR REDMOND: Nothing from the State, Your Honor.

12 THE COURT: Anything from defense?

13 MR. HOBBS: Nothing from the defense, Your Honor.

14 THE COURT: All right. We'll stand at ease.

15 MR. HOBBS: Thank you, Your Honor.

16 (WHEREUPON, a short recess was taken at this time.)

17 THE COURT: Anything from the State before we proceed?

18 SOLICITOR REDMOND: I'm sorry, Your Honor?

19 THE COURT: Anything from the State?

20 SOLICITOR REDMOND: Oh no. No, sir. Nothing.

21 THE COURT: Anything from the defense?

22 MR. HOBBS: Nothing from the defense, Your Honor.

23 THE COURT: All right. We're ready for the jury.

24 (WHEREUPON, the following takes place within the
25 presence of the jury.)

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1 THE COURT: Yes, sir, you're recognized.

2 SOLICITOR REDMOND: Thank you, Your Honor.

3 And, and actually, judge, while we're waiting for that
4 to boot up, there's been a development which probably works
5 out. The Baymont camera, which I was going to show, when I
6 transferred it -- it plays on my computer but my computer
7 doesn't have an HDMI cord.

8 So, when I transferred it to Angie's computer, it won't
9 play. So -- but the jury's already seen the still shots
10 from the Baymont Inn. So that's been testified to and Chief
11 Thomas has gone through it.

12 So, I'm actually gonna move from that rather than
13 wasting any time, and to be quite honest with you, that was
14 a little bit of a challenge trying to manipulate anyway
15 because of the system it's on. So --.

16 THE COURT: Okay. Well, you can move on.

17 SOLICITOR REDMOND: I'll move on to the town camera.
18 That will be quick and then we can move immediately into the
19 defendant's statements.

20 CONTINUED DIRECT EXAMINATION

21 BY SOLICITOR REDMOND:

22 Q And at the appropriate time, chief, could you tell us
23 what this represents?

24 A This is Mr. Covington's Mustang turning off of Second
25 on to Market and the Markette is that -- in that direction.

Keith Thomas - Direct examination
By Solicitor Redmond

1 Q Okay. And what time is on that?

2 A This is 23:34 and 20 seconds, which is 11:34 and 20
3 seconds.

4 Q Okay. And last one.

5 A Same camera. 11:34 and it looks like 12 or 13 seconds.
6 This is Mr. Covington's car making a right-hand turn off of
7 Second onto Market.

8 Q Okay. All right. Now, let's see.

9 Now, Your Honor, I'm gonna put State's Exhibit -- I'm
10 gonna put in State's Exhibit 80. That is the statement
11 of -- the statements of, of the defendant, Mr. Parsons. I
12 mean, excuse me, the defendant, Mr. Covington.

13 I would ask, at this time, formally, that, based on all
14 of the evidence, that State's Exhibit 80, both statements,
15 both the one from June 4th and the one from June 7th, be
16 introduced into evidence with the redactions that the State
17 and defense have agreed to.

18 THE COURT: Be glad -- any objection from defense?

19 MR. HOBBS: Your Honor, just subject to my previous
20 objections, objections as to this testimony.

21 THE COURT: It's into evidence over defense's
22 objection.

23 MR. HOBBS: Thank you, Your Honor.

24 SOLICITOR REDMOND: Thank you, Your Honor.

25 (WHEREUPON, State's Exhibit No. 80 was received into

Keith Thomas - Direct examination
By Solicitor Redmond

1 evidence at this time.)

2 SOLICITOR REDMOND: And, Your Honor, for the record,
3 this is the first interview from June 4th, 2019.

4 (WHEREUPON, a portion of the video was played at this
5 time.)

6 SOLICITOR REDMOND: Your Honor, I hate to interrupt.

7 Can we stop it and start it again cause it usually
8 isn't that choppy?

9 I don't know what's going on. So, we're at 3:29.

10 Could you stop it, Ms. Thurmond, and then start it back
11 at that point?

12 See if that will help smooth it out. No, I mean get
13 out of it and go back into it again. See if that will help.

14 THE COURT: Any objection from defense?

15 MR. HOBBS: Your Honor, we can definitely give that a
16 try. I'm fine with it. No objection. Sorry.

17 SOLICITOR REDMOND: I mean we can still hear but it's
18 just the video is choppy and it usually isn't that way.

19 (WHEREUPON, another portion of the video was played at
20 this time.)

21 MR. HOBBS: Your Honor, since it hasn't cured it, can
22 we go ahead and go to---

23 SOLICITOR REDMOND: Yeah.

24 MR. HOBBS: ---I think where we already watched?

25 SOLICITOR REDMOND: Yes.

Keith Thomas - Direct examination
By Solicitor Redmond

1 MR. HOBBS: Thank you, Your Honor.

2 SOLICITOR REDMOND: State agrees, Your Honor.

3 MR. HOBBS: Thank you. That's good about right there.

4 (WHEREUPON, another portion of the video was played at
5 this time.)

6 MR. HOBBS: Your Honor, could we take up an issue?

7 THE COURT: All right. Let's hold -- let's stop that
8 one moment.

9 Yes, if y'all could come forward?

10 SOLICITOR REDMOND: Yes.

11 (WHEREUPON, a bench conference was held out of the
12 hearing of the jury at this time.)

13 THE COURT: Madam Forelady, ladies and gentlemen of the
14 jury -- I'm gonna ask if we cut those lights back on.

15 We have to take up a matter of law outside of your
16 presence, and, and I'm gonna ask that you not discuss the
17 case.

18 Everyone remain seated as the jury exits the courtroom.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Is the door shut?

22 SOLICITOR REDMOND: Yes, Your Honor, it is.

23 THE COURT: All right. Mr. Hobbs, you're recognized.

24 MR. HOBBS: Thank you, Your Honor.

25 Your Honor, we were just watching the first interview

Keith Thomas - Direct examination
By Solicitor Redmond

1 or statement of Andre Covington. The State and I have
2 worked very diligently to redact all of the 404 prior bad
3 act inadmissible statements from these two interviews of
4 Mr. Covington. We reviewed the statements last night and I
5 can say, with a great deal of confidence, that that was not
6 part of it and I'm perplexed about how it, how it came in.
7 I think -- not to put words in, in Mr. Redmond's mouth, I
8 think he's also surprised that this happened because we had
9 checked this several times.

10 I don't understand the verbiage and what was just said
11 was a reference to my P.O. and my P.O. is a reference to my
12 parole officer, which is a statement that was redacted upon
13 the consent of the State and the defendant, and that has now
14 come in I think maybe twice to the jury as it was played two
15 times.

16 Your Honor, given the nature of the charges and the
17 nature of the idea of Mr. Covington being on parole, and
18 that getting to the jury, is highly prejudicial. And to
19 preserve the interest of my client and protect the interest
20 of my client, I have to ask the Court for a mistrial of that
21 information coming in.

22 SOLICITOR REDMOND: May it please the Court, Your
23 Honor.

24 I think this is a situation because it's really one of
25 those things that was so quick, and when you look at the

Keith Thomas - Direct examination
By Solicitor Redmond

1 totality of the circumstances, I think a curative
2 instruction would be appropriate.

3 To Mr. Hobbs's earlier point, and he and I have worked
4 diligently along with Ms. Thurmond to try to get this -- I'm
5 perplexed as well because what we listened to -- cause we
6 both listened to it separately last night and, and, and,
7 and, and we'd actually had been able to get things redacted
8 that we thought had covered everything because, as he had
9 indicated earlier, it is a mind field because of the
10 defendant's prior regard. So there's a lot of redaction
11 that had to take place.

12 with that being said, the concern I now have is, I
13 think for where we are right now with that little blurb, I
14 think a curative instruction -- you know, honestly, I would
15 have to say that I'm not sure that they could of really made
16 it out because so much the way he talks and so much of it
17 was muffled. I don't know whether they heard it or not. We
18 can't speak for the jurors but a curative instruction---

19 THE COURT: That, that presents a very interesting
20 question.

21 If I don't grant the mistrial, the, the real concern
22 is -- because I did not hear that. I was listening and --
23 but I'm having a difficult time hearing it in general. That
24 might be my own hearing difficulties. But I did not hear
25 it. And normally when something like that were to come up,

Keith Thomas - Direct examination
By Solicitor Redmond

1 it -- you know, I would stand -- you know, it would catch my
2 attention. But I did hear P.O. and, of course, I've never
3 referred to a probation or a parole officer as a P.O.

4 Some people in the police community and maybe people on
5 parole refer to them as P.O.'s and the question is -- I
6 would anticipate that the jury did not hear nor understand
7 reference to P.O. and -- but if I give a curative charge,
8 it's clearly gonna be a discussion about his prior record.

9 At this juncture in the case, I'm, I'm not -- I'm gonna
10 take the motion for mistrial under advisement and -- but
11 we're gonna move forward and we'll reevaluate that at a
12 later stage in the trial.

13 My question to you, Mr. Hobbs, is do you want me to
14 give a curative charge, and, if so, what do you want me to
15 say?

16 MR. HOBBS: Can I counsel just for one moment, Your
17 Honor?

18 THE COURT: Yes.

19 (Pause.)

20 MR. HOBBS: Your Honor, I've counseled with my client,
21 and if the Court is not inclined to grant a mistrial, I do
22 feel that the curative instruction would cause more harm
23 than it would benefit to my client. So, if the Court is not
24 inclined to grant a mistrial, of course, I would, I would
25 still maintain that position. However, I would not ask for

Keith Thomas - Direct examination
By Solicitor Redmond

1 a curative instruction.

2 THE COURT: Okay. The -- one of the things that -- if
3 we were to, to proceed forward through to its conclusion,
4 there might be an inquiry at the conclusion in the trial if
5 anybody heard that and if that was part of their
6 deliberations.

7 MR. HOBBS: Okay.

8 THE COURT: But I'm gonna think on that. I think
9 that's the appropriate thing for us to do. I did not hear
10 it. The, the -- it's kind of garbled, and for appellate
11 purposes, for appellate purposes, the, the digital thing
12 will be made a part of the record, of course.

13 when the appellate entity reviews it, they'll be
14 listening to it in a computer and be right there. It's kind
15 of muffled in here.

16 SOLICITOR REDMOND: Yes, sir.

17 And Your Honor?

18 THE COURT: So, I don't, I don't know.

19 SOLICITOR REDMOND: I'm sorry, Your Honor. I, I
20 apologize. I keep interrupting you. I'm so sorry.

21 My concern -- and I think Mr. Hobbs and I agree on
22 this, as much as we don't want to belabor anything, but the
23 interest of justice is what it is and it demands that we be
24 diligent. That being the case, and I can assure the Court
25 that he and I and Ms. Thurmond have had -- been diligent in

Keith Thomas - Direct examination
By Solicitor Redmond

1 trying to get this resolved.

2 THE COURT: I understand that. Let me ask, ask you
3 this question.

4 Is there any way you can get the redacted version on a
5 USB so it's not a chance that it will come out?

6 SOLICITOR REDMOND: It's already on the US -- that's
7 the thing. We've got it plugged in. We went through this
8 and that's what we have redacted. And so now our concern is
9 we want to be able to, I guess I hate to do it, but we need
10 to look at it again before it's published in front of the
11 jury---

12 THE COURT: All right.

13 SOLICITOR REDMOND: ---so we can make sure that all of
14 our redactions---

15 THE COURT: All right.

16 SOLICITOR REDMOND: ---in fact---

17 THE COURT: Will y'all stay here until that's done?

18 SOLICITOR REDMOND: Yes, sir.

19 THE COURT: And you're convinced of that.

20 Let's, let's bring the jury out and we'll, we'll recess
21 for the evening and let's start back at nine o'clock in the
22 morning.

23 SOLICITOR REDMOND: Yes, sir. Thank you, judge.

24 THE COURT: That will be -- not 9:30 but nine o'clock.

25 SOLICITOR REDMOND: 9:30. Nine o'clock, yes, sir.

1 Thank you, Your Honor.

2 THE COURT: All right.

3 (WHEREUPON, the following takes place within the
4 presence of the jury.)

5 THE COURT: Madam Forelady, ladies and gentlemen of the
6 jury, we're gonna recess for the evening. There's some
7 technical issues that need to be resolved and, and y'all've
8 worked hard all day and y'all've been very attentive and
9 very patient.

10 So, we're gonna break for the evening. We're gonna ask
11 that you be back at nine o'clock in the morning. I know we
12 keep changing it. It's not 9:30. It's nine o'clock. So,
13 everybody be here at nine o'clock, nine o'clock sharp. And,
14 and let's be considerate because -- everybody's looking at
15 the fellow in the red shirt. That must be the one that was
16 late. Anyway, that -- things like that happen.

17 Well, let's be diligent and considerate of other
18 people's time. It's a very important matter. And so let's,
19 let's be here on time and we look forward to seeing y'all in
20 the morning.

21 Do not discuss the case. Do not do any independent
22 investigation. I do not anticipate they'll be any news
23 coverage of this. But if there is and you see it, divert
24 your attention from it. Base your decision on what's
25 transpired here in this courtroom.

1 we'll see y'all bright and early in the morning at nine
2 o'clock.

3 (WHEREUPON, the following takes place outside the
4 presence of the jury.)

5 THE COURT: Anything from the State before we recess?

6 SOLICITOR REDMOND: Nothing from the State, Your Honor.

7 THE COURT: And, Mr. Hobbs, anything?

8 MR. HOBBS: Nothing that we can't take up in the
9 morning, judge.

10 THE COURT: All right. And I'm gonna, I'm gonna head
11 back to Lake City but y'all need to get all this stuff
12 resolved---

13 SOLICITOR REDMOND: We will be right here---

14 THE COURT: ---before we get started.

15 SOLICITOR REDMOND: ---getting that done and then
16 before we---

17 THE COURT: If you need me, y'all've got my cellphone
18 number.

19 SOLICITOR REDMOND: Yes, sir.

20 THE COURT: Call me.

21 SOLICITOR REDMOND: Yes, sir.

22 THE COURT: Very good.

23 SOLICITOR REDMOND: Thank you, Your Honor.

24 MR. HOBBS: Yes, sir, Your Honor.

25

1 (WHEREUPON, Court was adjourned for the evening.)
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1 Thursday, April 7th, 2022

2

3 THE COURT: All right. We're ready for the jury.

4 SOLICITOR REDMOND: Your Honor, since -- before the
5 jury gets in here, since he -- since Chief Thomas was on the
6 stand, do you want him to return---

7 THE COURT: Yes.

8 SOLICITOR REDMOND: ---to the stand?

9 (WHEREUPON, the following takes place within the
10 presence of the jury.)

11 THE COURT: Madam Forelady, ladies and gentlemen of the
12 jury, good morning. Thank y'all for being here and being
13 here on time.

14 Chief Thomas is still on the stand. He's still under
15 oath.

16 The State is recognized.

17 SOLICITOR REDMOND: Thank you, Your Honor.

18 At this point we -- I think we had played the first
19 video. And so now we're going to the second video from the
20 first interview on June 4th, 2017.

21 THE COURT: Very good.

22 SOLICITOR REDMOND: I mean -- 2019. Excuse me.

23 THE COURT: Very good.

24 SOLICITOR REDMOND: And so I think if we could kill the
25 lights?

1 (WHEREUPON, the video was played for the jury at this
2 time.)

3 SOLICITOR REDMOND: Next, Your Honor, would be the
4 second interview. That interview with Chief Thomas from
5 June 7th of 2019.

6 THE COURT: You may proceed.

7 SOLICITOR REDMOND: Thank you, Your Honor.

8 (WHEREUPON, the video was played for the jury at this
9 time.)

10 SOLICITOR REDMOND: All right. Okay. And, of course,
11 that concludes the redacted interview, Your Honor, as far as
12 the, as far as the statements go.

13 Your Honor, I would have a couple---

14 THE COURT: Well, let's catch the lights.

15 SOLICITOR REDMOND: Oh, okay.

16 And, Your Honor, I'd have a couple quick follow-up
17 questions --

18 THE COURT: Yes, sir.

19 SOLICITOR REDMOND: -- and then I'll be --.

20 THE COURT: You may proceed.

21 CONTINUED DIRECT EXAMINATION

22 BY SOLICITOR REDMOND:

23 Q Now, without getting into what was said cause I know
24 we've discussed earlier about what transpired at the point
25 that, you know, he had to take a break and, of course,

Keith Thomas - Direct examination
By Solicitor Redmond

1 because of redactions, we didn't get to see what question
2 you asked that, that -- when he actually had to take that
3 break.

4 So, I'm just gonna ask you, do you recall what was the
5 question -- what was the exchange---

6 MR. HOBBS: Objection, Your Honor. It's redacted.

7 THE COURT: Sustained.

8 SOLICITOR REDMOND: No, I'm only asking -- Your Honor,
9 if I may, if I may be heard?

10 (WHEREUPON, a bench conference was held out of the
11 hearing of the jury at this time.)

12 Q Let me just ask this just for clarity sake and, and
13 putting it in proper context without getting into what you
14 said or what, what, what he said.

15 During the course of the interview, were you
16 interviewing him about inconsistencies?

17 A Yes, I was.

18 Q Okay. And during the -- and, and, and is that the
19 context of the entire interview?

20 A That's correct.

21 Q Okay. So, everything we see in that interview, the
22 con -- is the context in the nature of you confronting him
23 with the inter -- inconsistencies?

24 A That is correct.

25 SOLICITOR REDMOND: Okay. Beg the Court's indulgence.

Keith Thomas - Direct examination
By Solicitor Redmond

1 (Pause.)

2 Q That'd be all the questions I have at this time.

3 Please answer any questions that Mr. Hobbs may have.

4 THE COURT: Cross-examination, Mr. Hobbs.

5 MR. HOBBS: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. HOBBS:

8 Q All right, Mr. Thomas.

9 A Good morning.

10 Q Good morning, sir.

11 You mentioned earlier that you are no longer the chief
12 of police for Cheraw.

13 Is that correct?

14 A Yes, sir, I retired.

15 Q Okay. When did you retire?

16 A February 25th was my last day.

17 Q Okay. And are you currently running for any elected
18 positions here?

19 A I am.

20 Q And what position is that?

21 A Chesterfield County sheriff.

22 Q Okay. So you are currently running for sheriff.
23 When is that election?

24 A Primary is June 14th. General is in November.

25 Q Understood.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 And as the chief of the Cheraw Police Department, back
2 during this investigation, you were essentially a, a
3 supervisor role or over all of the investigation?

4 A I managed all employees of the Cheraw Police
5 Department.

6 Q Okay. So if your employees were doing something in
7 this investigation, you would of been aware of it?

8 A Not every aspect of it. We had briefings every morning
9 in, in regards to this case. But this case had several
10 moving parts. And so I would not know every step that he
11 took, no.

12 Q Okay. But you've had a chance to review this case.
13 You were the chief of police when the investigation was
14 going on. So, if I had a, a question or two about a piece
15 of evidence, you might be the person to ask.

16 Is that right?

17 A I'll answer it if I know the answer to it.

18 Q Very good.

19 Now, at this time, as the chief of police, did you have
20 a, a work phone that you used or was it your personal phone?

21 A It's a work phone.

22 Q work phone.

23 So, do you still have that work phone now, or since you
24 retired, do you have your own new personal phone?

25 A I have the same number, different phone.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Q Okay. And can you tell me the last four digits?

2 I know you probably don't want to publicized your phone
3 to, to everybody in the room but could you tell us the last
4 four digits of that phone?

5 A 3908.

6 Q 3908.

7 Now, you mentioned earlier that Mr. Covington gave a
8 statement on June 4th.

9 Is that correct?

10 A That's correct.

11 Q How did he get there that day?

12 A It's my understanding he drove.

13 Q Okay. So he, he came up there on his own free will?

14 A That's correct.

15 Q And you stated in your, your interrogation of
16 Mr. Covington -- cause you weren't there the first time he
17 was questioned, right?

18 A I was not.

19 Q Okay. So, in the second statement, you end up
20 Mirandizing him.

21 Is that correct?

22 A That's correct.

23 Q I believe your quote was we Mirandize everybody that we
24 take a statement from.

25 Isn't that what you said?

Keith Thomas - Cross-examination
By Mr. Hobbs

1 A No, that's -- no. We Mirandize when we ask them to
2 come in.

3 Q Okay. So I, I just watched the video of you saying
4 that we Mirandize everyone that take -- that we take a
5 statement from.

6 You didn't say that?

7 A You might want to re-watch it. I watched the same
8 video.

9 Q I certainly did too. I'll move on from that.

10 But you didn't Mirandize Mr. Covington or your officers
11 didn't Mirandize him in his first statement, did they?

12 A My answer to your first question was that I said we
13 Mirandize people that we ask to come in.

14 Q Yes, sir.

15 A And, no, they did not Mirandize him the first time
16 because he was not a suspect at the first interview.

17 Q He's not a suspect but y'all end up interrogating him
18 for an hour and a half to two hours that day?

19 A I think, if you look at that video, it's an interview.
20 It's---

21 Q Not an interrogation?

22 A Not an interrogation.

23 Q And it lasted somewhere between an hour and a half to
24 two hours?

25 A I think, when we have a missing person, you -- we ask

Keith Thomas - Cross-examination
By Mr. Hobbs

1 questions until we get the answers.

2 Q Yeah.

3 with no Miranda, right?

4 A That's correct.

5 Q Okay. Now, earlier in your testimony yesterday you
6 seemed very, very sure that Mr. Covington had never admitted
7 to having encountered Mr. Parsons on June 2nd.

8 Is that right?

9 A The night of June 2nd, correct.

10 Q In general. The day. That's what you told the jury.

11 A I don't recall saying that that encountered. I said
12 that he stated that he had not had contact with Mr. Parsons.

13 Q I -- but we watched the video. You watched the video
14 too. Some of the quotes here are talk to him earlier when
15 he came through.

16 You remember that?

17 A I did hear that.

18 Q Okay. Do you remember him saying I talked physically
19 to him in the first interview?

20 A I recall watching the video and hearing him saying that
21 but I---

22 Q So, it's not like he's---

23 A I---

24 Q ---saying you talked---

25 A Can I finish my answer?

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Q Go ahead.

2 A I recall hearing it just a minute ago but I've watched
3 every video in this case and I don't recall seeing that
4 portion of the video.

5 Q So you hadn't seen that portion of the video before?

6 A I didn't say I didn't see it. I do not recall seeing
7 that.

8 Q Okay. So yesterday's testimony that he had said that
9 he hadn't seen Parsons at all that day that was incorrect,
10 right?

11 A I think the answer to that -- the, the question that I
12 gave was in response to he did not -- he stated in his
13 statement that he had not seen Terris Parsons that night.

14 Q Oh, I'll disagree that was your testimony yesterday.

15 But for clarity here today, you would say that he does
16 say in the first interview that he saw Mr. Parsons in person
17 that day?

18 A Earlier in that day, correct.

19 Q Okay. Thank you.

20 Now let's talk about June 7th.

21 Okay?

22 A Yes, sir.

23 Q My -- I believe your testimony and my investigative
24 notes indicate that officers visited 4 Chapman Street that
25 day and told Lillie that they wanted to speak to her.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Is that correct?

2 A That's correct.

3 Q Okay. And that also Mr. Covington was there. I think
4 maybe you even testified he was out in the yard at that
5 time.

6 A I did not testify to that but he -- I -- my
7 understanding is he was in the yard. He, he witnessed the
8 officers requesting her to be interviewed.

9 Q And that -- that was gonna lead me to my next question.
10 You weren't there at that time?

11 A I was not.

12 Q Okay. Very good.

13 And next thing you know, Lillie comes up to the police
14 station?

15 A I think she rode with my officers.

16 Q So, she did ride with the officers up to the police
17 station?

18 A Almost positive.

19 Q She's there for several hours?

20 A That's correct.

21 Q Okay. Gives two statements that day?

22 A My understanding that's correct.

23 Q She's placed under arrest for obstruction of justice?

24 A Yes, sir.

25 Q Okay. Now, you also indicated that Mr. Covington shows

Keith Thomas - Cross-examination
By Mr. Hobbs

1 up at some point asking about Lillie at the police
2 department?

3 A I -- that's correct.

4 Q Okay. And it was interesting -- we actually watched
5 Mr. Covington at the start of this second statement say that
6 you had called him that day and what's interesting is both,
7 based on my notes, Lillie's phone and Mr. Covington's phone
8 have a call from a number ending in 3908 on
9 June 7th around about 6:46PM.

10 Does that sound about right?

11 A Not that I recall.

12 Q Okay. So, if, if there was information out there
13 showing that you had called his phone and her phone that
14 afternoon, you would say that information was incorrect?

15 A I would say that I don't recall calling that number.
16 But the best I can remember, and I, I -- in earlier
17 testimony, I indicated that I don't remember whether I
18 called him in -- during that day but we had a lot going on
19 that day. So, I do not recall -- the first I remember of
20 Mr. Covington was dispatch alerting me that he was in, in
21 our lobby.

22 Q Okay.

23 A I do not recall calling him, no.

24 Q But you did hear him say, when he was talking on the
25 phone at the start of the interview that the State has

Keith Thomas - Cross-examination
By Mr. Hobbs

1 admitted, that you had called him.

2 Is that correct?

3 You hear him say that?

4 A I also heard him say a lot of other things that wasn't
5 right.

6 Q Right.

7 So, it's not so mysterious that maybe he ended up at
8 the police department after you had called him, right?

9 A He came looking -- finding out why Lillie was still up
10 there. That was the reason that he gave, why was it taking
11 so long.

12 Q Okay. If you would of called him that day, why do you
13 think you would of reached out to him?

14 why would you have called Mr. Covington?

15 Cause you needed to take a second statement from him?

16 A If I did -- well, you're asking me to speculate why. I
17 didn't think we was allowed to speculate but I'll, I'll go
18 there. If I did call him, I did want to interview him at
19 some point.

20 Q Okay. So that might of been why he showed up at the
21 police department?

22 A No, you asked me if I did call him. I do not recall
23 calling him.

24 Q Okay.

25 A I called many people in regards to this case.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Q Understood. Understood.

2 Now, Lillie gave two statements that day on June 7th.

3 A I think that's correct.

4 Q She did not make any mention of moving a Buick or any
5 location of a Buick at that time.

6 Is that correct?

7 A Not at that time.

8 Q Okay. And we had her testimony earlier and she
9 essentially said that there was at least four times she gave
10 a statement. But it wasn't until June 25th where she
11 actually told y'all where this vehicle was.

12 Is that right?

13 A That's correct.

14 Q Okay. And you testified earlier that it was some odd
15 40 to 50 miles from Morven, North Carolina to Florence,
16 South Carolina.

17 Is that right?

18 A I don't recall testifying that it was -- it's 50 miles
19 from Cheraw is I think what I said.

20 Q Okay. That's fine. So---

21 A Yeah.

22 Q So 50 miles plus?

23 A That's right.

24 Q And on June 25th she takes you from Morven, North
25 Carolina -- it, it sounded like you were going on back

Keith Thomas - Cross-examination
By Mr. Hobbs

1 roads. Excuse me.

2 So, did she take you from Chesterfield or Cheraw?

3 where did y'all start that day?

4 A We started at the Cheraw Police Department.

5 Q Okay. So y'all start at Cheraw. You don't start at
6 Morven -- in Morven. You start at Cheraw and then she takes
7 you on this route through these back roads, all these
8 places, and y'all end up on Pisgah in Florence.

9 Is that right?

10 A That's correct.

11 Q Okay. And that was June 25th. Her initial statement
12 was June 7th.

13 Is that right?

14 A Yes.

15 Q And she indicated that she had moved that vehicle I
16 think on June 3rd?

17 A June 3rd going into June 4th.

18 Q Okay. And that's about 22 days before---

19 A That's correct.

20 Q ---she wanted to take y'all to the car?

21 Okay. Now, Andre, Mr. Covington, makes his second
22 statement on June 7th.

23 Is that correct?

24 A That's correct.

25 Q Now, do either of these two statements from

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Mr. Covington confess -- contain confessions?

2 A No, sir.

3 Q Okay. And you maintain that both of these statements,
4 even the one that wasn't Mirandized, was freely and
5 voluntarily made?

6 A Yes.

7 Q Okay. Now, we didn't get to see a portion of the tape
8 but, at the end of Mr. Covington's statement, his phone is
9 taken.

10 Is that correct?

11 A No, sir.

12 Q Okay. Well, tell us about how y'all ended up in
13 possession of Mr. Covington's phone on June 3rd --
14 June 4th, excuse me, 2019.

15 A I, I didn't agree with your characterization that we
16 took his phone. We asked for consent to, to receive his
17 phone so we could download the information off of it. He
18 consented, on video, and the officers took that phone. Then
19 obtained a search warrant to extract the information off the
20 phone.

21 Q Okay. So, Mr. Covington comes in on June 4th. He's
22 not a suspect.

23 A No, sir.

24 Q Y'all interrogate him or question/interview him, excuse
25 me, for an hour and a half to two hours and then you take

Keith Thomas - Cross-examination
By Mr. Hobbs

1 his phone, by consent, by asking for it at the end of that
2 interview.

3 Is that right?

4 A That's correct.

5 Q Okay. So, by this point on June 7th, Lillie Moore's
6 placed under arrest for obstruction of justice?

7 A That's correct.

8 Q And Mr. Covington's placed under arrest, arrest for
9 obstruction of justice?

10 A After the interviews.

11 Q Okay. Very good.

12 Now, I look at the investigative notes. There's a
13 flurry of activity in June obviously. There's some
14 subpoenas. I think the Gmail subpoena goes out in
15 September. In October, Gmail subpoena comes back. I don't
16 have any other activity going on around that time.

17 Is there anything about the investigation that you
18 recall, and, and based on your supervisory role or reviewing
19 this, that y'all were doing around that time of October?

20 A We made several searches throughout the investigation.
21 what it's -- I guess what needs to be stated is, once we
22 determine that the last place Mr. Parsons was seen was at
23 Mr. Covington's house, that -- we became a secondary agency
24 in it and the Sheriff's Office then took over the
25 investigation.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 But the answer to go into that, me and my investigator
2 staff continued to search areas of interest that -- like we
3 would go to Morven and, and check areas. SLED had, had an
4 agent that was actually still checking the areas in
5 comparison to the mapping from the cellphone.

6 Q Okay. So, there might be steps that y'all were taking,
7 searches that you were doing, that aren't reflected in the
8 investigative notes.

9 Is that what you're saying?

10 A Yes, sir. If it didn't yield any results, we, we did
11 not indicate it on the, on the detective notes.

12 Q And it wasn't until November 26th that Mr. Covington
13 was charged with another offense.

14 Is that correct?

15 A That's correct.

16 Q Okay. And what offense was that?

17 A The best I can recall it was kidnapping.

18 Q Okay. And then, subsequently, he was charged with
19 murder, the charge that he's here for today.

20 Is that correct?

21 A Yes, sir. It -- yes, sir. The answer is yes, sir.
22 But let me go back. The kidnapping and the murder warrants
23 came out of the sheriff's office.

24 Q Okay. I'm just asking about the timeframe associated
25 therewith.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 A Okay.

2 Q When was he charged with murder?

3 A It would be on his indictment. I have no clue. I was
4 not involved in the murder warrant part.

5 Q Understood.

6 If I was to tell you that it was April of 2021, would
7 that sound about right?

8 A Thereabouts.

9 Q Okay. And that was approximately let's say 18 months
10 or -- no, I'm sorry. 20 months after this incident.

11 Is that correct?

12 A It's my understanding, once, once the steps were made
13 to, to be able to make those charges, they were, they were
14 filed.

15 Q Okay. Now, when -- we looked at some videos yesterday
16 and some pictures as well.

17 A Yes, sir.

18 Q And the videos are, in my opinion, difficult to see.

19 would you, would you agree that it's hard to see what's
20 happening at the end of the street in these videos?

21 A You can identify vehicles that pass the camera where
22 they actually stopped.

23 Q Okay. But you can't see 4 Chapman Street on this
24 video, can you?

25 A It's to the left but you can not see the residence, no.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Q Right.

2 So you can't see the residence. You can see the road.

3 A Yes, sir.

4 Q You can see some lights moving, and, from that point
5 on, we don't really know exactly what location the car is
6 but we know 4 Chapman Street's down there and we're seeing
7 some lights and some activities at the end of that road.

8 Is that right?

9 A That's correct.

10 Q But it really it, it's -- it's hard to see and you
11 would, you would admit that it's very hard to see and tell
12 what's happening at the end of the road based on that video,
13 correct?

14 A That is correct.

15 Q Okay. Thank you for that.

16 Now, you also admitted some pictures, right?

17 We have pictures that were in a slide show that you
18 presented to the Court, and I'd like to, to have you look at
19 some of these pictures for me.

20 okay?

21 A Okay.

22 Q Let's see here. I don't know if we have a -- the color
23 copies of everything. Let me pull these out.

24 Court's indulgence if I may, Your Honor.

25 (Pause.)

Keith Thomas - Cross-examination
By Mr. Hobbs

1 THE COURT: While you're, while you're doing that,
2 Madam Forelady, ladies and gentlemen of the jury, I'm gonna
3 ask that you retire to the jury room but do not discuss the
4 case.

5 Thank you very much.

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: All right. I'm gonna, I'm gonna ask if we
9 can come to order. We're going to take the report from the
10 Grand Jury.

11 MR. HOBBS: Yes, sir.

12 SOLICITOR REDMOND: Yes, sir. I'm sorry.

13 (WHEREUPON, a short recess was taken in this case.)

14 THE COURT: Anything from the State before we proceed?

15 SOLICITOR REDMOND: Nothing from the State, Your Honor.

16 THE COURT: Anything from defense?

17 MR. HOBBS: Nothing from the defense, Your Honor.

18 THE COURT: We're ready for the jury.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE COURT: Mr. Hobbs, you're recognized.

22 MR. HOBBS: Thank you, Your Honor.

23 May I approach the witness?

24 THE COURT: Yes.

25 CONTINUED CROSS-EXAMINATION

Keith Thomas - Cross-examination
By Mr. Hobbs

1 BY MR. HOBBS:

2 Q Mr. Thomas, we get a -- some of the pictures from the
3 slide show you put up on -- and that we're presenting them
4 to you in this format. I'm wondering if you could flip
5 through those real quick. Look at all those pictures and I
6 believe these are pictures from surveillance cameras.

7 Is that right?

8 A Yes.

9 Q All those pictures from surveillance cameras said to
10 show Mr. Covington's vehicle and as well as Mr. Parson's
11 vehicle.

12 Is that right?

13 A That's correct.

14 Q Okay. Looking at all those pictures, can you look at
15 those vehicles and can you tell me let's say the race of the
16 individual that's driving that vehicle?

17 A No, I can not.

18 Q Can you tell us the gender of the people driving that
19 vehicle?

20 A Not based solely on those --

21 Q Yes, sir. That's what---

22 A -- photographs.

23 Q -- I'm asking you.

24 Based on those photographs, can you tell us anything
25 about who are in those cars?

Keith Thomas - Cross-examination
By Mr. Hobbs

1 A Not based on the photographs.

2 Q Okay. Thank you for your answer.

3 Earlier you testified, I think I -- when you were
4 speaking to Mr. Covington, 30 years in law enforcement at
5 that point, is that right, somewhere around in there?

6 A That's correct.

7 Q A narcotic's officer?

8 A Yes.

9 Q Chief of police, right?

10 A Yes, sir.

11 Q Okay. The -- there's a little smirk that you gave Mr.
12 Redmond when we were reading some of these texts between
13 Mr. Parsons and Mr. Wilson yesterday and I want to go back
14 through them.

15 Okay?

16 A Okay.

17 Q Okay. That might be the same smirk.

18 Okay. T.P., phone text to Robert Wilson. I told Blue
19 to hit you.

20 Robert Wilson text to T.P. I talked to him.

21 Robert Wilson to T.P. I'm low. I can't do what he
22 want right now. You heard anything.

23 T.P. text to Robert Wilson. I was waiting on you
24 before I move.

25 Robert, Robert Wilson text to T.P. I should be ready

Keith Thomas - Cross-examination
By Mr. Hobbs

1 in an hour or two.

2 Robert Wilson text to T.P. phone. Yeah, I can put a
3 stack with it if that will help.

4 T.P. text to Robert Wilson. Bring that bag when I see
5 you.

6 And those were admitted through the slide show
7 yesterday, correct?

8 A Yes, they were.

9 Q Based on your experience, 30 years, narcotics, chief of
10 police, what do you believe, in your experience, they were
11 speaking about through those texts?

12 A The -- some of the characteristics, I can put a stack
13 with it, based on my experience, that means a thousand
14 dollars.

15 Q Okay. What about a bag?

16 A They're---

17 Q What's a bag?

18 A That could mean a lot of different things but, in the,
19 in the narcotic world, that would be a bag of drugs.

20 Q Okay. Based on your experience, your years of -- years
21 of experience in law enforcement, you believe that those
22 texts are about selling or buying drugs?

23 A I would, I would presume so.

24 Q Okay. Now, there's been a couple of Roberts I think
25 that have been brought into the testimony here that --

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Robert Watts and Robert Wilson.

2 Are those the same people?

3 A Not to my knowledge.

4 Q Yes, I think Robert Watts is, is maybe a neighbor of
5 Mr. Covington and Robert Wilson is the person who's speaking
6 to T.P. on the night in question, correct?

7 A That's correct.

8 Q Now, through your testimony today, and at what -- let
9 me ask you another question first. We've, we've talked a
10 little bit about Mr. Covington having a -- some sort of
11 spell during his second interview.

12 Is that correct?

13 A That is correct.

14 Q And I, I want to be clear about something. After that
15 spell, he indicated that he had been in a car accident and
16 he had sustained a head injury.

17 Is that correct?

18 A I've heard that statement but I'm not sure if I heard
19 it during that interview.

20 Q Okay. And do you recall during his interview him
21 saying I need my medication?

22 A I, I heard it on there when I listened to it. But I
23 was already exiting the room. I didn't hear it at the time.

24 Q Okay.

25 A I did hear it on the video.

Keith Thomas - Cross-examination
By Mr. Hobbs

1 Q Very good. Thank you for that.

2 Now, as far as your testimony here today, you've
3 brought in some I think warehouse pictures, right?

4 I'm sorry. Testimony yesterday. You admitted
5 warehouse pictures as well as a timeline of events, a
6 PowerPoint.

7 A Yes, sir.

8 Q Is there any other physical or forensic evidence that
9 you're bringing into the jury through your testimony?

10 A Not to my knowledge.

11 Q Okay. And I just want to briefly go through some of
12 these search warrants and investigations that were done in
13 the case, and as the supervising officer, I want you to, to
14 let me know what physical or forensic evidence we're gonna
15 be presenting to the jury from those searches.

16 Okay. June 8th search of 4 Chapman Street, any
17 physical or forensic evidence coming from -- in from that
18 search?

19 A Do you have the return for that?

20 Q I'm asking you if you're gonna present, as a
21 supervising officer in this case, are you aware of any
22 physical or forensic evidence that's gonna be presented to
23 the jury from that search?

24 A Not to my knowledge but that's the solicitor's job to
25 present the evidence. He hasn't went through the list to

Keith Thomas - Cross-examination
By Mr. Hobbs

1 tell me what he's presenting and not.

2 Q Okay. Understood.

3 So, you're not sure as far as any other physical or
4 forensic evidence that's gonna be presented at this trial?

5 A I am not.

6 MR. HOBBS: Okay. Court's indulgence please, Your
7 Honor.

8 (Pause.)

9 MR. HOBBS: No further questions, Your Honor.

10 THE COURT: Any redirect?

11 SOLICITOR REDMOND: Really briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY SOLICITOR REDMOND:

14 Q First as it relates to the -- you were asked about the
15 surveillance photos.

16 Now, standing alone you -- it just shows you the cars,
17 right, the surveillance photos?

18 A That's correct.

19 Q However, did you supplement those surveillance photos
20 with talking with Lillie Moore and the defendant?

21 Once you got this, this -- photos, did you then again
22 interview Ms. Moore and the defendant?

23 A That's correct. That was the purpose of the
24 June 7th interview is we had the surveillance video and we
25 knew that their statements were not consistent with, with

Keith Thomas - Redirect examination
By Solicitor Redmond

1 the evidence that we had uncovered with the surveillance
2 videos.

3 Q And without saying what was said, did you again
4 interview Lillie Moore, not just on the 7th, but did she
5 also give you information to take you to Florence on the
6 25th of June?

7 A That's correct.

8 Q Okay. So, in other words, the surveillance photos --
9 was there ever gathered to supplement what's in those
10 photos?

11 A The statements we received supported the, the
12 surveillance video.

13 Q Okay. Thank you.

14 Now, you were also asked about medication.

15 Do you recall -- in, in reviewing -- cause I think --
16 did you testify that you were actually observing the first
17 interview with the defendant?

18 A No, I reviewed the video --

19 Q You reviewed the video.

20 A -- later.

21 Q All right. But you reviewed the, the video from the
22 first interview.

23 Do you recall him, in that first interview, ever
24 mentioning anything about the need for medication?

25 A No, sir.

Keith Thomas - Redirect examination
By Solicitor Redmond

1 Q However, was he being confronted in the first
2 interview?

3 A He was not.

4 Q Now, in the second interview, was he being confronted
5 by you?

6 A He was.

7 Q And was he -- what was he being confronted about?

8 A About the mistruths he had told the investigators
9 earlier versus the evidence that we had.

10 MR. HOBBS: Objection, Your Honor. Classifying his
11 statement as mistruth. It's one thing to say inconsistent.
12 So, he's classifying the defendant's statement as mistruth.

13 THE COURT: I'll ask that you rephrase the question.

14 SOLICITOR REDMOND: Yes, sir.

15 Q Were there inconsistencies that you were confronting
16 the defendant about?

17 A Yes.

18 Q Okay. And after that exchange was it when the
19 defendant, I guess after seeing the video after his head is
20 on the table---

21 MR. HOBBS: Objection, Your Honor. We've, we've gone
22 through this several times. I believe that the Court has
23 allowed him to ask the questions regarding that and he is
24 asked it. I, I believe the Court has already ruled onto
25 this particular question it sounds like he's going into.

Keith Thomas - Redirect examination
By Solicitor Redmond

1 SOLICITOR REDMOND: Your Honor, actually I'm, I'm not
2 going into that direct issue. But he brought up the
3 medication. It was on the video, and as I was explaining---

4 THE COURT: I'll allow you some leeway.

5 SOLICITOR REDMOND: Thank you, Your Honor.

6 So, again, my question was, during the course of your
7 confronting the defendant, did -- at some point, is that
8 when he had to put his head on the table and take a minute?

9 A That is correct.

10 Q And is it -- and you hear it on the video, but is it
11 subsequent to that point when y'all are leaving that he
12 asked about the medication that you saw on the video?

13 A Yes, I did not hear him ask for the medication that
14 day. I heard it on the video.

15 Q And, again, tell us why you didn't hear it when -- at
16 that time.

17 A I had already exited the room is the reason -- I
18 suppose is the reason I didn't hear him.

19 Q And is that reflected on the video?

20 A Yes.

21 Q Okay. And, again -- and, and the last thing I'll ask
22 you about is you were asked if -- we did kind of smirk as it
23 relates to getting into speculation but I didn't object
24 because it is what it is. It -- as far as Robert Wilson
25 and, and, and the exchange based on your experience in

Keith Thomas - Redirect examination
By Solicitor Redmond

1 narcot -- narcotics.

2 And so, when you were speculating as to that, is there
3 any detail or any context to what exactly they were
4 discussing in those messages?

5 MR. HOBBS: Your Honor, I, I object to this question.
6 I didn't, I didn't ask him as speculation. I asked him in
7 his experience with law enforcement.

8 THE COURT: I'll allow him to ask the question.

9 SOLICITOR REDMOND: Thank you.

10 MR. HOBBS: Thank you, Your Honor.

11 Q Please continue.

12 A If you could repeat it?

13 Q Okay. Yeah.

14 In other words, do you know exactly who, who they were
15 talking about in those text messages?

16 A I do not.

17 Q Okay. And so, again, you're basing it on your
18 experience but can you say for sure exactly what they were
19 discussing and who they were discussing?

20 A It could of meant several different things. That was
21 just some slang I've heard in the past.

22 SOLICITOR REDMOND: Okay. That'd be all the questions
23 I have, Your Honor.

24 THE COURT: You may step down.

25 THE WITNESS: Thank you.

1 THE COURT: You may call your next witness.

2 SOLICITOR REDMOND: The state would next call Ashley
3 Jolda from SLED.

4 THE COURT: Yes, ma'am. If you could please come
5 forward and place your left-hand on the Bible and your
6 right -- raise your right-hand as the clerk administers the
7 oath.

8 ASHLEY JOLDA, being first duly
9 sworn, testified as follows:

10 THE CLERK: Please take your seat.

11 THE WITNESS: Thank you.

12 THE COURT: Watch your step and have a seat in the
13 witness chair. Pull up real close to that microphone. I'm
14 gonna ask that you speak loudly, clearly, and slowly in
15 order that we can hear everything that you have to say and
16 let's start with your full name please, ma'am.

17 THE WITNESS: Special Agent Ashley Jolda.

18 SOLICITOR REDMOND: Okay.

19 THE COURT: Spell that last one.

20 THE WITNESS: J-O-L-D-A.

21 THE COURT: Very good.

22 SOLICITOR REDMOND: May it please the Court, Your
23 Honor.

24 DIRECT EXAMINATION

25 BY SOLICITOR REDMOND:

Ashley Jolda - Direct examination
By Solicitor Redmond

1 Q Special Agent Jolda, by whom are you employed?

2 A With the State Law Enforcement Division.

3 Q And how long have you been with SLED?

4 A Since November of 2017.

5 Q Okay. And prior to being -- and, and in what capacity
6 are you working with SLED?

7 A I'm in the PeeDee investigative division and we work
8 different types of investigations.

9 Q And are y'all, in a large part, an assisting agency for
10 locals -- town and city and county agencies?

11 A Yes, that's all we do. We assist local law
12 enforcement.

13 Q Okay. Now, was -- did you provide assistance in this
14 particular case?

15 A I did.

16 Q Okay. We'll get to that in a little while. Let's talk
17 about your background in law enforcement.

18 Where were you in law enforcement -- could you take us
19 through your law enforcement career up till the time you
20 joined SLED?

21 A Yes, sir, I started back in 2010 in Worcester
22 Massachusetts at Assumption College as campus police. I
23 have a degree in criminal justice also from Worcester.

24 I moved down to South Carolina in 2012 and I was
25 employed with the Horry County Police Department from 2012

Ashley Jolda - Direct examination
By Solicitor Redmond

1 until 2017 where I worked patrol, and I also worked in the
2 criminal investigations division with Horry County Police
3 Department. And I got hired on with SLED November of 2017.

4 Q Okay. And just for clarity sake, at the time of
5 this -- of, of, of, of this incident and your involvement in
6 this case, were you going by Ashley Sousa?

7 A Yes, that is correct. I am now on my maiden name,
8 which is Jolda.

9 Q All right.

10 A But I was Ashley Sousa at the time of this.

11 Q And, and your report for -- reports reflect Sousa.
12 That's why I asked you that question.

13 A That's correct.

14 Q Now, let's move on to the 5th I think -- I'm, I'm
15 basing on your report.

16 The 5th of June, were you contacted at the request of
17 Cheraw Police Department to assist with a missing person
18 investigation?

19 A I was.

20 Q Okay. And could you tell us about that?

21 A Yes, my lieutenant at the time, Glenn Wood, I received
22 a phonecall from him and another agent, Clemson Wright, and
23 we were told to head towards Chesterfield. They had a
24 missing persons case and we were gonna be assisting them
25 with that.

Ashley Jolda - Direct examination
By Solicitor Redmond

1 Q Okay. And what work did you do once you got -- well,
2 let me ask you this.

3 Once you get to Chesterfield -- and just to give the
4 jury some clarity on what -- how it is you assist agencies
5 --

6 A Uh-huh. (Affirmative).

7 Q -- when you come to an agency -- to an area to assist,
8 tell us how that works and how that worked in this case.

9 A The first thing we do is we get on scene. We usually
10 have a meeting location. I believe this time was Cheraw
11 Police Department.

12 So, we meet up with them and we go over kind of like a
13 brief. They tell us what had been going on. They give us
14 specifics on what they've done up to this point, if
15 anything. They give us their investigative -- their report
16 to read over and they kind of just bring us up to where
17 they're at at this point.

18 From there, we decide if there's any additional SLED
19 resources that they may need from any other of our
20 divisions. And then, from there, we come up with a game
21 plan of what we do next.

22 Q Okay. Now, and did that happen, of course, in this
23 case?

24 A Yes.

25 Q Okay. And as it relates to the role you played, could

Ashley Jolda - Direct examination
By Solicitor Redmond

1 you tell the ladies and gentlemen of, of the jury the
2 actions that you took in assisting in this investigations --

3 A Yes.

4 Q -- this investigation?

5 A So the first day we -- I believe there were a couple of
6 interviews. We watched those interviews. We may give them
7 some pointers, the investigator. We may give your opinions.

8 I know I believe that same day we had our helicopter
9 coming in and they had cellphone pings and we had the
10 helicopter go and we went out and actually searched and
11 walked the land on both sides trying to locate anything of
12 evidentiary value. And I believe that's what we did the
13 first day.

14 Q And then -- and, and then moving forward with the
15 investigation --

16 A Uh-huh. (Affirmative).

17 Q -- did you, did you continue to, I guess, work with
18 trying to, to, to assist Cheraw P.D. and the Sheriff's
19 office in this particular case?

20 A Yes.

21 Q Okay. And I'm gonna move to the, to the 7th.

22 were you involved in, in -- and without saying what was
23 said but did you assist with the interview that Lillie Moore
24 gave on the 7th of June of 2019?

25 A Yes.

Ashley Jolda - Direct examination
By Solicitor Redmond

1 Q Okay. Did you observe -- I think -- did you observe
2 that interview?

3 A Yes.

4 Q Okay. And were you also there when the defendant
5 showed up?

6 A Yes.

7 Q Okay. Tell us about that to the best that you recall.

8 A To the best of my knowledge, I believe I was in a room
9 where we had been watching observing an interview and then I
10 do remember somebody saying that Mr. Covington had---

11 MR. HOBBS: Objection, Your Honor.

12 THE COURT: Sustained.

13 Q Okay. So you -- but I'll ask you like this.

14 Without saying what somebody else said, were you --
15 was -- were y'all made aware of the defendant's presence?

16 A Yes.

17 Q Okay. And tell us about that.

18 Without saying what anybody said, tell us about what---

19 MR. HOBBS: Your Honor, I, I don't know how she can
20 answer that question without hearsay unless she has
21 firsthand knowledge of what was said.

22 SOLICITOR REDMOND: And that's what I'm---

23 THE COURT: Ask, ask the question.

24 SOLICITOR REDMOND: That's what I'm asking.

25 MR. HOBBS: My apologies.

Ashley Jolda - Direct examination
By Solicitor Redmond

1 Q Based on your firsthand knowledge, tell us what you
2 experienced.

3 A I observed him walk -- being escorted from I believe
4 the front entrance area back and brought into an interview
5 room.

6 Q Okay. And so you actually did see the defendant when
7 he showed up that day?

8 A Yes.

9 Q Okay. And had he been there when Lillie Moore's
10 interview began?

11 A No.

12 Q Now, as it relates to again your role, on the 8th of
13 June I think, were you also involved in an inter -- again,
14 without being -- without getting into what was said, were
15 you involved in an -- in a brief interview with Lillie Moore
16 and then also a search that was done on Chapman Street?

17 A I do not recall the interview being in the interview
18 with her. But I was involved, after the fact, in the search
19 on Chapman Street.

20 Q And I apologize. My notes -- I'm going by my notes and
21 my notes may be incorrect. I apologize for that.

22 But let's talk about the search of Chapman Street and,
23 again, we're just trying to show the jury that we -- the
24 steps that were taken to try to gather evidence.

25 were you present at the time of the search on the

Ashley Jolda - Direct examination
By Solicitor Redmond

1 8th at Chapman Street?

2 A I was.

3 Q I believe that was a Saturday if I recall correctly?

4 A I'm not sure. I believe it was the 8th. I'm not sure
5 of the day of the week.

6 Q And so when you -- so when you were there, was there
7 any -- and I'll just ask it like this.

8 To your knowledge, was there any evidence of value that
9 was obtained at that time?

10 A There was evidence collected.

11 Q But it -- do, do, do you -- are you aware whether or
12 not any of that evidence yielded anything useful in the
13 case?

14 A I'm not sure if it yielded anything---

15 Q Okay.

16 A ---of value.

17 Q Have you been informed -- and, and I know I'm asking
18 this question in a weird way and so I'd ask you to indulge
19 me. I'm gonna lead a little bit.

20 Is -- isn't it true that you are not aware of any
21 evidentiary value coming from that search?

22 A That is true.

23 Q Okay. Thank you.

24 So, with that -- and I appreciate the judge allowing me
25 to lead on that question just to make sure that the point

Ashley Jolda - Direct examination
By Solicitor Redmond

1 was clear.

2 Now, were you also present on the 10th of June I
3 believe when the vehicles, that being the vehicles -- the
4 Mustang and the Expedition belonging to the defendant, were
5 you present when SLED crime scene came?

6 A I was there, yes.

7 Q Okay. And, and, and then -- so you were there -- I --
8 Melinda Worley was one of the agents that did that process?

9 A Correct.

10 Q Okay. And now -- and I'm moving your attention along
11 because you were an assisting agency.

12 Were you the primary investigator on this case?

13 A No.

14 Q All right. Were you basically there if they needed you
15 to help with something?

16 A That's correct.

17 Q Okay. And did you describe some of what you have
18 already done to assist in that regard?

19 A Yes, sir.

20 Q Okay. And, and, and obviously I think you mentioned,
21 just to be clear, was SLED's helicopter utilized?

22 A Yes, sir.

23 Q Was SLED involved with trying to gather I guess
24 cellphone ping information hoping to find Mr. Parsons?

25 A Yes.

Ashley Jolda - Direct examination
By Solicitor Redmond

1 Q And I didn't ask you this, but did some of those
2 searches take y'all into North Carolina in the Morven area
3 as well?

4 A They did.

5 Q And were you involved in those efforts?

6 A Yes, sir.

7 Q Okay. Now, now, I'm gonna move down to the 25th of
8 June, 2019.

9 Were you, were you involved in the car -- in the
10 location of the vehicle, the Buick that belonged to
11 Mr. Parsons?

12 A I did not respond to the scene. I had a phonecall that
13 was made to me letting me know what was going on but I did
14 not respond.

15 Q But you were aware of---

16 A Aware of it.

17 Q You were aware that the vehicle was found?

18 A Correct.

19 Q And so, subsequent to that, did you or did you, I
20 guess, continue to assist in efforts to locate hopefully
21 Terris Parsons?

22 A Yes.

23 Q With the resources available at SLED?

24 A Yes.

25 Q And I'll just ask you, did those efforts -- this is the

Ashley Jolda - Direct examination
By Solicitor Redmond

1 main reason I've got you here.

2 Did those efforts yield any fruit?

3 Was there any -- was -- were y'all able to locate
4 Terris Parsons?

5 A No.

6 Q Okay. And, in fact, I believe up until, according to
7 my notes, up until 2020, I think that's when your
8 involvement in the case ended?

9 A That's correct.

10 Q In June of 2020 I believe it was --

11 A Correct.

12 Q -- when your involvement -- okay. And up to that time,
13 had there been any information or evidence that led to the
14 discovery of Terris Parsons?

15 A No, sir.

16 Q And, to your knowledge, is he still missing?

17 A Yes, sir.

18 SOLICITOR REDMOND: Beg the Court's indulgence.

19 (Pause.)

20 SOLICITOR REDMOND: That'd be all the questions I have.
21 Please answer any questions that Mr. Hobbs may have.

22 THE COURT: Mr. Hobbs, cross-examination.

23 MR. HOBBS: Thank you, Your Honor. Very briefly.

24 CROSS-EXAMINATION

25 BY MR. HOBBS:

Ashley Jolda - Cross-examination
By Mr. Hobbs

1 Q Ma'am, do you recall what statements you were, in fact,
2 present for during this investigation?

3 A Not specifically.

4 Q Okay.

5 A No.

6 Q I have seen a statement of Mr. Robert Wilson. It
7 appears that there is a white female in that investigator or
8 in that interrogation room.

9 Was that you?

10 A I don't recall.

11 Q Okay. So, you wouldn't recall what day or what time
12 that statement would of been made?

13 A No, sir.

14 MR. HOBBS: Okay. Your Honor, I have no further
15 questions for this witness.

16 THE COURT: Any redirect?

17 SOLICITOR REDMOND: No redirect, Your Honor.

18 THE COURT: You may step down. You're free to leave.

19 THE WITNESS: Thank you, Your Honor.

20 SOLICITOR REDMOND: State would next call Melinda
21 Worley.

22 THE COURT: Yes, ma'am. Please come forward. I'm
23 gonna ask if you can -- you can set your paperwork down and
24 place your left-hand on the Bible, raise your right as the
25 clerk administers the oath.

Melinda worley - Direct examination
By Solicitor Redmond

1 MELINDA WORLEY, being first duly
2 sworn, testified as follows:

3 THE CLERK: Thank you. Please take your seat.

4 THE COURT: Watch your step. I'll ask if you could
5 have a seat in that witness chair. Pull up real close to
6 that microphone. Speak loudly, clearly, and slowly in order
7 that we can hear everything that you have to say. And let's
8 start with your full name and spell that last one for us.

9 THE WITNESS: Okay. Melinda worley. W-O-R-L-E-Y.

10 THE COURT: Okay.

11 SOLICITOR REDMOND: Thank you, Your Honor.

12 May it please the Court.

13 DIRECT EXAMINATION

14 BY SOLICITOR REDMOND:

15 Q Agent worley, could you tell us by whom are you
16 employed?

17 A I work for SLED.

18 Q All right. And in what capacity do you work for SLED?

19 A I'm in the crime scene unit.

20 Q And how long have you worked with the crime scene unit?

21 A Since August, 2011.

22 Q Okay. And give us your, your -- I, I guess your law
23 enforcement career -- up into and including your time at
24 SLED.

25 A That -- that's the beginning of my career --

Melinda Worley - Direct examination
By Solicitor Redmond

1 Q Okay.

2 A -- in law enforcement.

3 Q So you started with SLED in your law enforcement---

4 A Yes, sir.

5 Q Okay. And, again, what is it that you do at SLED?

6 A Crime scene.

7 Q And just tell us briefly an overview of what it is your
8 job duties are with SLED and how you go about executing your
9 job duties.

10 A We're requested by agencies around the state, police
11 departments, Sheriff's Offices, to process crime scenes when
12 they have a homicide, suicide, mostly death investigations.
13 But if they need assistance in processing any kind of a
14 crime scene or a vehicle, a lot of times they'll call us to
15 process.

16 Q Okay. And, and, and, and in that, in that capacity,
17 were you contacted in June of 2019, specifically,
18 specifically June 10th of 2019?

19 A I was.

20 Q Okay. And where did you respond at that time?

21 A To the Cheraw Police Departments.

22 Q Okay. And what was the purpose -- once you got to the
23 police department, what was the purpose of you being called
24 in?

25 A There was a vehicle that needed to be processed.

Melinda Worley - Direct examination
By Solicitor Redmond

1 Q Okay. And was it a, a -- I guess first was it a 2003
2 Mustang?

3 A It was.

4 Q And then was there also a 2001 Expedition?

5 A Yes.

6 Q Okay. And did -- were there pictures taken?

7 Were you there to, to -- while -- with the pictures
8 that were being taken of the, of -- I guess of the vehicles
9 as y'all were processing it?

10 A Yes, we, we take pictures of the vehicle as we process.

11 Q And is that a standard operating procedure with the
12 SLED crime scene unit?

13 A It is.

14 Q And so, when you -- I guess when you process a, a, a
15 vehicle, if, again, if you could give the jury an overview
16 of what goes into the processing of the vehicle, of the
17 vehicles before we get into the photographs and show what,
18 what you actually did.

19 A We document the vehicle with photographs outside and
20 inside, under seats, glove box, all areas of the vehicle.
21 We search for any items of evidence of evidentiary value of
22 any sort. If, if it's a shooting kind of scene, we're
23 looking for guns, firearms, evidence, whatever we know at
24 that point. We're just, we're just looking for anything,
25 anything that seems like -- it might be blood, we'll, we'll

Melinda Worley - Direct examination
By Solicitor Redmond

1 document and collect.

2 Q Okay. And how about fingerprint?

3 Are you also looking at possibly finding fingerprints
4 that may be of value?

5 A Yes.

6 Q Okay. And were those things done in this particular
7 case as far as the -- you actually trying to locate any
8 items of evidentiary value?

9 A Yes, it was.

10 Q Okay. Now -- so -- and, and, and I'm gonna jump ahead
11 to -- so, let me ask you this before I jump ahead.

12 So, in processing the crime scene, were there any
13 fingerprints found that, that were useful?

14 A No.

15 Q Okay. And that's on both vehicles?

16 A That's right.

17 Q And so -- and, and, and just to be clear, that doesn't
18 mean that nobody was there in the vehicles. It's just --
19 well just could you explain -- well, let me lay a
20 foundation.

21 Do you -- in, in what you do, are you trained in how to
22 go about taking fingerprints and, and, and gathering
23 fingerprint evidence?

24 A Yes.

25 Q Okay. So you do -- and, and you've been doing that

Melinda Worley - Direct examination
By Solicitor Redmond

1 since 2011?

2 A Yes, sir.

3 Q Okay. So, from an experience standpoint, are you aware
4 that some time -- are you aware -- let me word it like this.

5 When you are examining a vehicle, are there times where
6 you might not find any fingerprints or you might not find
7 any DNA evidence?

8 A That's, you know, very possible.

9 Q Okay. And is -- does that happen from time -- does
10 that happen often?

11 A Yes.

12 Q Okay. So, in other words, is -- is it, is it unusual
13 to have a scene where you got a vehicle where you're not
14 able to pull any usable prints?

15 A No, it's not.

16 Q And could you briefly explain why that might be the
17 case?

18 A I mean they're all kinds of variables. Weather, if, if
19 there were fingerprints on the outside. There might of been
20 rain. It depends on when, timing wise, any fingerprints
21 were left on the vehicle. If anything has brushed against
22 it. I mean there's just -- there's a lot of variables that,
23 if there were fingerprints, that they might of just been
24 rubbed off just normal, you know, use.

25 Q Okay. So, so, with that said, were -- did you, in your

Melinda worley - Direct examination
By Solicitor Redmond

1 processing, try to find fingerprints or anything of value?

2 A Yes.

3 Q Okay. And, of course -- and I'll just ask you.

4 Are you aware -- well, are you aware, being that you
5 are with SLED -- and, and let me -- I didn't ask you this.

6 Anything that is collected in an -- in, in, in, in, in
7 the ordinary course of business with SLED, anything that is
8 collected, is it carried back to the SLED lab for further
9 evaluation and testing?

10 A Yes, I, I transport the evidence to the lab and submit
11 it to our, our database basically and transfer it to any
12 departments it needs to go to.

13 Q Okay. And, and I'll just ask you, in this case, are
14 you aware of any evidence that was collected that yielded
15 anything of evidentiary value?

16 A Not that I'm aware of, no.

17 Q Okay. And, and just to be specific, I think you may of
18 asked -- answered this.

19 But, in this situation, with the vehicle -- the two
20 vehicles at this point, the Mustang and the Expedition, were
21 there any fingerprints found of, of value?

22 A No.

23 Q Okay. Now, that's on the 10th.

24 Did you then leave that, that particular scene and
25 subsequently get a call on the 25th of June to come -- to

Melinda Worley - Direct examination
By Solicitor Redmond

1 respond to Pisgah Road in Florence?

2 A I did.

3 Q Could you tell us about that please?

4 A We were requested to respond. The victim's vehicle has
5 been found behind an abandoned house in Florence and we were
6 requested to come process the vehicle.

7 Q Okay. And did you -- did -- in, in processing the
8 vehicle, did you take photographs?

9 A We did.

10 Q And, and I'll just ask you and, and you've described
11 how you go about processing the vehicle.

12 Did you use the same procedures and processes in, in,
13 in processing the vehicle?

14 A Yes.

15 Q Okay. And, again, in that situation, was there
16 anything of evidentiary value that you were aware of in --
17 that, that, that you were able to collect?

18 A Not that I'm aware of.

19 Q Okay. But at least the victim's car was there --

20 A It was.

21 Q -- being found.

22 Okay. So, with that said, again, did you, did you take
23 photographs of the scenes that we have talked about?

24 A Yes.

25 Q Okay. With -- and rather than go through each picture

Melinda Worley - Direct examination
By Solicitor Redmond

1 individually, I would just ask the Court, if I could,
2 State's 40 through 54, are pictures from the scene in
3 Cheraw, Cheraw P.D., the two vehicles. Pictures 55 through
4 79 are from the Florence scene. I've had Mr., Mr. Hobbs
5 look over it but I don't think there's any objections.

6 To save time, rather than us having to go through each
7 one individually with her now and then on the screen, I
8 would move these into evidence, State's -- in essence,
9 State's 40 through 79 into evidence and then we could
10 publish on the overhead.

11 THE COURT: Any objection?

12 MR. HOBBS: Your Honor, I believe she needs to identify
13 them first. Once that proper foundation is laid---

14 THE COURT: Well, you've seen the documents.

15 MR. HOBBS: I have but I have no anticipated objection
16 once she identifies them.

17 THE COURT: Thank you.

18 SOLICITOR REDMOND: I'll just -- if I could do, and I
19 can try to do this in an abbreviated fashion. I'm gonna
20 approach you with State's 40 through 79.

21 If you look though those and just indicate whether or
22 not those are the pictures from the two scenes that we've
23 described.

24 A Yes, they are.

25 Q Okay. Thank you.

Melinda Worley - Direct examination
By Solicitor Redmond

1 Now, Your Honor, at this time -- and let me ask you
2 this just for foundation.

3 So, are those again the pictures that you -- and, and,
4 and I think it was Agent Tankersley that with -- was with
5 you if I---

6 A She, she was with me on the 25th.

7 Q Okay. On the 25th.

8 And so -- but those -- are those the pictures from both
9 of the scenes that we've described?

10 A They are.

11 Q All right.

12 A Yes.

13 SOLICITOR REDMOND: I would ask that they be moved into
14 evidence at this time as State's 40 through 79.

15 MR. HOBBS: Without objection, Your Honor.

16 THE COURT: They're into evidence.

17 (WHEREUPON, State's Exhibit Nos. 40 through 79 were
18 received into evidence at this time.)

19 SOLICITOR REDMOND: And, Your Honor, with the Court's
20 permission, if I could ask Special Agent Worley to step down
21 and we ask just to go through these picture really quick.

22 THE COURT: Yes.

23 (WHEREUPON, the witness comes down from the stand.)

24 Q And I'm just gonna hand you this laser pointer just in
25 case you need it.

Melinda Worley - Direct examination
By Solicitor Redmond

1 All right. This is State's Exhibit -- I can hold the
2 exhibits.

3 This is State's Exhibit No. 40 and could you tell us
4 what State's Exhibit No. 40 represents?

5 A This is the Ford Mustang that we processed on the 10th.

6 Q All right. And -- excuse me. Move forward. That was
7 actually State's 14 I think earlier.

8 But there -- is, is that the vehicle you processed?

9 A It is.

10 Q Okay. And that's State's 15 that we've seen earlier.
11 Is that the vehicle?

12 A Yes.

13 Q All right. Now this is State's Exhibit 40.

14 State's Exhibit 40, could you tell us, is this another
15 angle of the vehicle?

16 A Yes.

17 Q Yes.

18 Okay. Thank you.

19 And State's 41 next?

20 A Yes.

21 Q All right. And just for the record -- go back for a
22 second.

23 Does that indicate Silks Construction---

24 A Uh-huh. (Affirmative).

25 Q ---Andre Covington's name on that?

Melinda Worley - Direct examination
By Solicitor Redmond

1 A It does.

2 Q Okay. Next please.

3 And tell us what the -- and, if you could, tell us why
4 do you take these pictures and these an -- the different
5 angles.

6 Just explain to us briefly why you do that?

7 A We document the vehicle. We, we basically do the same
8 thing with every vehicle we process as far as taking
9 photographs around the outside of it and then the same
10 method of photographing the inside. It's just to do overall
11 photographs to show what the vehicle looked like when we
12 first arrived and the condition it was in before we process
13 anything.

14 Q Okay. And next would be State's 43 and could you tell
15 us what that is?

16 A Yes, that's the trunk before we've touched anything.
17 We haven't moved anything yet.

18 Q Okay. State's 44.

19 A Those were suspected blood or stains at least on the,
20 on the backseat of the Mustang.

21 Q And, again, just to be clear, are you aware of
22 whether -- of, of any of that -- I mean it's suspected but
23 are you aware of any confirmation of that being blood?

24 A No.

25 Q Okay. Please -- but, again -- and just to ask you and

Melinda Worley - Direct examination
By Solicitor Redmond

1 you can stay right there.

2 But just out of an abundance of caution, so -- is that
3 something that you collect, you collect just out of an
4 abundance of caution that it may have evidentiary value?

5 A Yes, we, we photograph and then we collected swabs.

6 Q Okay. Next please.

7 Oh, now, I'm sorry. This -- could you describe this?

8 This is State's Exhibit No. 44.

9 A This is the Ford Expedition that we processed on the
10 10th.

11 Q Okay. Next one please.

12 State's 45.

13 A It's a different angle.

14 Q Okay. 46.

15 A And yes, the back of the vehicle.

16 Q Okay. 47.

17 A Yes.

18 Q Okay. And so would it be fair to say you go around and
19 document all sides of the vehicle just out of -- for, for
20 thoroughness?

21 A Yes, we do the front, the back corners, and each side.

22 Q Okay. 48 would be next.

23 A And that's the inside, the driver's side.

24 Q Okay. All right. And 49.

25 A And the passenger -- front passenger side.

Melinda Worley - Direct examination
By Solicitor Redmond

1 Q And 50.

2 A The rear passenger.

3 Q Okay. 51.

4 A And the rear driver's side.

5 Q Okay. 52.

6 A That's another of showing the backseat and the driver's
7 side.

8 Q And let's see. 40 -- I'm sorry. 53.

9 A The rear of the vehicle.

10 Q And, again, just to be clear, the items that we see in
11 the pictures, are those as they were when you found them?

12 This is before any items had been touched or collected?

13 A Right. Sorry.

14 Q Okay. Next will be 54 and is that a registration?

15 A Yes.

16 Q And, and could you tell us who indicates those to be --
17 that vehicle -- that particular vehicle belonging to?

18 A Andre Covington.

19 Q Okay. And I think that's the Expedition.

20 All right. So skip that -- beg the Court's indulgence.

21 (Pause.)

22 Q Now, starting with State's 55, could you tell us what
23 that represents?

24 A This I believe is the front of the residence, the -- be
25 the residence in Florence.

Melinda Worley - Direct examination
By Solicitor Redmond

1 Q Okay. So this is on the 25th -- is this on the
2 25th of June?

3 A It is.

4 Q Okay. Next picture please.

5 A That's the front of the residence.

6 Q Okay. Next picture please.

7 A And the -- looking around toward the back of the
8 residence.

9 Q That's State's 56 for the record.

10 And just out of the corner, do you see a car on the
11 corner --

12 A Yes.

13 Q -- around the corner of that building?

14 Okay. And is that the Buick that you've discussed
15 earlier?

16 A It is.

17 Q Okay. And we'll get different pictures.

18 State's 57.

19 A That's the vehicle behind the house.

20 Q Okay. And, again, are these pictures also reflecting
21 how the vehicle was, was, was parked and located in relation
22 to the house?

23 A It is also.

24 Q Okay. And just to be clear, is that the front of the
25 house or in the back of the house?

Melinda Worley - Direct examination
By Solicitor Redmond

1 A That's the back of the house.

2 Q Okay. State's 57 please.

3 And is that a different view?

4 A Yes.

5 Q Okay. And I believe there's a big pine tree there in
6 front of it?

7 A Yes.

8 Q Okay. And, again, this -- is that the back of the
9 house that we're looking at?

10 A It is.

11 Q State's 58 which we have now.

12 A It's the other, other side of the house.

13 Q And there also appears to be -- and I can't, I can't
14 make out what, what type of car but there's that blue car
15 that's sitting there as well.

16 But while you were there, was there any indication that
17 anybody at -- was actually at that residence?

18 A Not that we could tell.

19 Q Okay. State's 59.

20 And is that a different view coming into the front of
21 the house?

22 A Yes.

23 Q And there's another vehicle I believe -- with older
24 vehicle that's there as well?

25 A Yes.

Melinda Worley - Direct examination
By Solicitor Redmond

1 Q Okay. State's 60.

2 And just to be clear, with State's 60, is the license
3 tag missing?

4 A It is.

5 Q Okay. And is that how you found it?

6 A It is.

7 Q Okay. Thank you.

8 I think I made that clear before but again -- and,
9 again, is that how it was found before it had, it had been
10 touched and processed?

11 A Yes.

12 Q Okay. Please, next slide.

13 And, again, is this a different angle?

14 A It is.

15 Q State's 62.

16 A Another angle.

17 Q Okay. Again showing that this is the view -- is that
18 showing the Buick Lacrosse?

19 A Yes, it is.

20 Q State's 63.

21 A The passenger side.

22 Q Okay. And, again, you did -- you see there's shrubbery
23 and all in relations to the passenger side of that --?

24 A That's right.

25 Q State's 63.

Melinda Worley - Direct examination
By Solicitor Redmond

- 1 A Just a close-up showing the license plate's not there.
- 2 Q Okay. State's 60 -- 65.
- 3 A Before we went in the driver's door.
- 4 Q Next slide. 66.
- 5 A The interior of the vehicle.
- 6 Q Okay. State's 67.
- 7 A The passenger -- front passenger side.
- 8 Q Okay. State's 68.
- 9 A Looking in the passenger side.
- 10 Q State's 69.
- 11 A In the rear of the vehicle.
- 12 Q State's 70.
- 13 A The other side of the rear of the vehicle.
- 14 Q And just out of an observation, I mean you obviously
- 15 can see it, but how would you classify the, the vehicle as
- 16 it relates to cleanliness?
- 17 A There was very little, if anything, in the vehicle.
- 18 Q Okay. All right. Next, next slide please.
- 19 A The front before we moved anything.
- 20 Q Okay. And next slide please?
- 21 A A close-up of the trunk.
- 22 Q All right. I think that's State's 72. Let's go to
- 23 State's 73.
- 24 A The glove box.
- 25 Q Okay. And State's 74.

Melinda Worley - Direct examination
By Solicitor Redmond

- 1 A Those are the items that were in the glove box.
- 2 Q Okay. Including the registration I believe?
- 3 A Yes.
- 4 Q And State's 75.
- 5 A That's a -- the registration to the -- Terris Parson.
- 6 Q Next please.
- 7 A The insurance information.
- 8 Q For -- then does it indicate the vehicle?
- 9 I think the Buick, Buick Lacrosse. I'm sorry. 2010
- 10 Buick Lacrosse?
- 11 A Yes, it does.
- 12 Q Okay. And does it have Latoya Brodie's name on it?
- 13 A Yes.
- 14 Q Okay. Next slide please.
- 15 And is this another insurance card and does that have
- 16 Terris Parson's name on it?
- 17 A It does.
- 18 Q Okay. Next slide please.
- 19 And the -- and what does that indicate?
- 20 A I think it's the tax bill for Terris Parsons.
- 21 Q Okay. And next slide.
- 22 A Another view of the trunk. There's a pocket just
- 23 inside the trunk.
- 24 Q Okay. And, again, are you taking these photos for --
- 25 with just to -- even though you might not find anything,

Melinda Worley - Direct examination
By Solicitor Redmond

1 does that show that you were thoroughly trying to gather as
2 much evidence, if any, as possible?

3 A Yes.

4 Q Okay. And next slide. I think this is the final
5 slide, State's 79.

6 A That was the license plate that was in the trunk. But
7 it, it did not belong on the vehicle.

8 Q Okay. And so it did not belong to that vehicle?

9 A It did not.

10 Q Okay. Thank you. Please take your seat.

11 (WHEREUPON, the witness returns to the stand.)

12 Q Thank you. Thank you.

13 SOLICITOR REDMOND: Beg the Court's indulgence.

14 (Pause.)

15 Q That'd be all the questions I have. Thank you for your
16 time, Special Agent Worley. Please answer any questions
17 that Mr. Hobbs may have.

18 THE COURT: Mr. Hobbs.

19 MR. HOBBS: Thank you, Your Honor.

20 May I approach the witness, Your Honor?

21 CROSS-EXAMINATION

22 BY MR. HOBBS:

23 Q You've identified this but it's been identified as
24 State's Exhibit 59.

25 A Uh-huh. (Affirmative).

Melinda Worley - Cross-examination
By Mr. Hobbs

1 Q How many cars are in that picture?

2 A Two.

3 Q Okay. Now, solicitor said something about there being
4 an old, older car in the driveway.

5 Is that your (indiscernible) of that vehicle?

6 I mean is there anything about it that makes that an
7 older car or why would you say -- guess it was an older car?

8 A I mean it doesn't look new.

9 Q Okay. Older as in not, not brand new.

10 All right. That makes sense.

11 You took pictures that night of the house?

12 A Yes, sir.

13 Q And there was testimony earlier in the trial that there
14 was a light on in the house.

15 Did you take a picture of that?

16 A Yes.

17 Q Okay. So, you can confirm that that was the case,
18 correct?

19 A Yes, that's right.

20 Q The two vehicles in the driveway and a light on in the
21 house, correct?

22 A Yes.

23 Q But how were you able to confirm that it was abandoned
24 or an empty house?

25 A I, I was informed before I, I even arrived at the house

Melinda Worley - Cross-examination
By Mr. Hobbs

1 that it was abandoned.

2 Q Understood.

3 A I did not confirm that myself.

4 Q You just testified a moment ago that the license plate
5 in the Buick did not belong to the Buick itself?

6 A That's right.

7 Q What did it belong to?

8 A I, I didn't run it myself. I'm not sure what vehicle
9 it came back to but it wasn't the Buick Lacrosse.

10 Q So the, the license plate -- the Buick didn't have a
11 license plate on it?

12 A Right.

13 Q The license plate in the vehicle did not match the
14 Buick Lacrosse?

15 A That's right.

16 Q So, you were present for one or two searches for -- in
17 Chapman Street or just one?

18 A I wasn't present for any of that.

19 Q You were present for the Chapman Street search?

20 A No.

21 Q You were present for the Expedition being searched?

22 A That's right.

23 Q The Mustang being searched?

24 A Yes.

25 Q And the Buick being searched?

Melinda Worley - Cross-examination
By Mr. Hobbs

1 A Yes.

2 Q And other than the pictures, there was nothing gained
3 from those searches of any, as the State put it, evidentiary
4 value.

5 Is that correct?

6 A We collected swabs I know from the Mustang and from the
7 Lacrosse but none of them yielded any -- anything of value
8 as far as I know.

9 Q Of evidentiary value, right?

10 A That's right.

11 Q Thank you so much.

12 No further questions, Your Honor.

13 THE COURT: Any redirect?

14 SOLICITOR REDMOND: No, no redirect, Your Honor.

15 THE COURT: You may step down. You're free to leave.

16 THE WITNESS: Thank you.

17 THE COURT: You may call your next witness.

18 SOLICITOR REDMOND: State next calls Captain Wayne
19 Jordan.

20 THE COURT: Yes, sir. If you can please come forward.
21 Place your left-hand on the Bible. Raise your right-hand as
22 the clerk administers the oath.

23 WAYNE JORDAN, being first duly
24 sworn, testified as follows:

25 THE CLERK: Please take your seat.

Wayne Jordan - Direct examination
By Solicitor Redmond

1 THE COURT: Have a seat in the witness chair. Pull up
2 real close to that microphone. Speak loudly, clearly, and
3 slowly in order that we can hear everything that you have to
4 say and let's start with your full name please, sir.

5 THE WITNESS: Anthony Wayne Jordan. J-O-R-D-A-N.

6 SOLICITOR REDMOND: May it please the Court, Your
7 Honor.

8 DIRECT EXAMINATION

9 BY SOLICITOR REDMOND:

10 Q Captain Jordan, by whom are you employed?

11 A Chesterfield County Sheriff's Office.

12 Q And how long have you been so employed with the
13 Sheriff's Office?

14 A Since 2003.

15 Q And before that, did your career in law enforcement
16 start with -- start at that point?

17 A No, I started in 1991 in Cheraw Police Department as a
18 dispatcher. Went to the police academy in 1994. Stayed
19 with them till 1998. Went to Rock Hill Police in '98.
20 While I was on patrol I went to their detective division,
21 came back home in 2003 where I went straight into the
22 detective division for the Sheriff's Office. And I'm
23 currently there as the captain over the detective division.

24 Q Okay. And did you have the opportunity to become
25 involved in the investigation in the disappearance of Terris

Wayne Jordan - Direct examination
By Solicitor Redmond

1 Parsons?

2 A Yes, I was brought in somewhere on Friday, the 7th of
3 June.

4 Q And so, during the time of, of I guess your involvement
5 in the investigation, could you tell us what steps you
6 took -- what, what was your involvement?

7 I'll just ask you generally.

8 what was involvement at that time?

9 A well, I, I was brought in, like I said, on Friday the
10 7th. I met with the Cheraw Police Department detectives,
11 gathered information from them on this missing person, a Mr.
12 Parsons. Then we started -- I remember on the 8th, Monday,
13 I was involved in going to Morven to do some searching with
14 our sheriff's along with the police department and SLED.

15 we searched that -- we searched that area several days.
16 Even brought in North Carolina Highway Patrol helicopter
17 where I got into the helicopter looking for his car. It,
18 it -- numerous searches looking for Mr. Parsons and his car
19 over in Morven area.

20 Q Now, did any of that -- the -- I'm asking obvious but
21 just so the record is clear.

22 Did any of that yield any positive results?

23 A No.

24 Q All right. Were you able to find Mr. Parsons or even
25 his phone or any evidence that could help---

Wayne Jordan - Direct examination
By Solicitor Redmond

1 A No.

2 Q ---find Mr. Parsons?

3 So, so that -- tell, tell us what other steps you took
4 as far as your involvement in your investigation to the best
5 that you can recall.

6 A Somewhere around the 25th I called -- matter of fact, I
7 believe I was called by Chief Thomas saying that they were
8 going towards the Florence area, that Lillie Moore gave them
9 information on where the vehicle may be at. They did find
10 the vehicle. He called me back, gave me the location.

11 I arrived on scene, spoke with them, spoke with
12 Florence Sheriff's Office, got them to obtain a search
13 warrant for the residence. Had SLED come down. Well, we
14 had SLED come down, process the vehicle. The vehicle was
15 sequentially towed back to our impound lot at the Sheriff's
16 Office where it's currently at the Sheriff's Office.

17 Q Okay. Now, let's talk about the other aspects of the
18 case that you were involved in.

19 Were you involved, I guess, what we call a pattern of
20 life assessment?

21 A I was. Some time, some time July, August, September,
22 in that ballpark of 2020 in I'm -- if I recall correctly, I
23 was asked by your office to do a pattern of life. And
24 basically what that is is I went to several family members.
25 Spoke with them about Terris.

Wayne Jordan - Direct examination
By Solicitor Redmond

1 Q And without saying what they told you obviously. We
2 don't want you to.

3 A Right.

4 Q But just tell us who you talked to and what you did.

5 A Well, I spoke with several family members. I spoke
6 with Jimmy Bennett, Sr., which is the father. I spoke with
7 Jimmy Bennett, Junior, which is the brother. I spoke with
8 Ms. Wanda Joseph, which is an aunt. And I also spoke, spoke
9 with James Thomas Fleming, which is J.T. Fleming, which is
10 one of his very good friends.

11 Q And in, in that assessment, without saying what was
12 said, was there any evidence or anything that was gathered
13 that led you -- that, that was able to give you information
14 confirming that Mr. Parsons was still alive?

15 A No, I just, I just asked general questions about his
16 pattern and the pattern is very unusual for him right now
17 not to be contacting the family.

18 Q Now, let's talk about other things that are actually
19 done.

20 were there -- was, was there -- I guess were there
21 CLEAR reports done in this case?

22 A Yes, we have a -- we have a database or we -- the
23 Sheriff's Office pays for a database. It's called CLEAR.
24 what it basically does is I can put your information in this
25 database. The State Law Enforcement does it as well. But

Wayne Jordan - Direct examination
By Solicitor Redmond

1 we were just fortunate enough to be able to afford it.

2 So, I was able to put his information, Terris Parson's
3 information in our CLEAR report and run a report on him.
4 And that just basically shows his credit history, his arrest
5 record, his driver's license, his, his associates, his
6 family. Anything he's been associated that would go on some
7 type of a report. And he had -- as of Friday, I ran, ran
8 one Friday at your request and I emailed it to yourself and
9 Mr. Hobbs. And, as of Friday, he had no type of activity on
10 any of these CLEAR report.

11 Q And so -- and---

12 A And, and I should -- let me clarify that.

13 Q Go ahead.

14 A Let me clarify that. As of Friday, this past Friday,
15 Terris has had no type of activity on his CLEAR report as of
16 June the 3rd or June the 2nd in that ball park.

17 Q So, in other words, from June the 2nd moving forward,
18 even with the CLEAR reports that you ran at my request just
19 to make sure we covered the whole time period, any evidence
20 of any activity on the part of Mr. Parsons?

21 A I mean the only thing it showed on his CLEAR report was
22 where he, he got a couple of charges---

23 MR. HOBBS: Objection, Your Honor. I think that we --
24 thank you.

25 THE COURT: Sustained.

Wayne Jordan - Direct examination
By Solicitor Redmond

1 Q All right. So, anyway, without saying anything further
2 as far as any hearsay, was there anything that again led to
3 any belief that he had anything going on after June 2nd,
4 2019?

5 A None.

6 Q Now, let's go back a bit because it had already been
7 asked and I was gonna get into the discussion. I think
8 Chief Thomas was asked about kidnapping.

9 And so did you in November, in September, excuse me,
10 November 26th I think about, thereabouts of 2019, obtain a
11 kidnapping warrant for Mr. -- the def -- the, the defendant,
12 Mr. Covington, and I can actually -- if I can approach -- if
13 I can approach the witness with---

14 A I've got---

15 Q Oh.

16 A I've got my audit copy.

17 Q Okay. Yes.

18 But is that the -- on, on the 26th I think is when it
19 was served on Mr. Covington, that being a kidnapping
20 warrant?

21 A So, after, after several discussion with your office
22 and with Cheraw Police Department and our office, we came to
23 the decision that we had enough information for myself to go
24 seek a kidnapping warrant for Mr. Covington. So, on
25 November the 26th, 2019, I came to the Magistrate's Office

Wayne Jordan - Direct examination
By Solicitor Redmond

1 and I swore out a warrant on Mr. Covington for kidnapping.

2 I took this warrant. I went to Marlboro County because
3 that's where he was being housed for protection issues. I
4 took the warrant over to their Magistrate's Court. I had it
5 countersigned because I was in a different jurisdiction,
6 different county. The warrant was countersigned by their
7 magistrate and Sergeant Jeremy Steen with the Marlboro
8 County Sheriff's Office walked me to, to his cell and
9 Sergeant Steen actually served this warrant on him.

10 SOLICITOR REDMOND: And, Your Honor, may I approach
11 with State's Exhibit 1.

12 THE COURT: Yes.

13 Q Is this an accurate copy of what you just described?
14 You had your copy of the warrant.

15 Is that a exact replica of the warrant for kidnapping?

16 A Yes, this is -- I mean it's just a copy of what I have,
17 yes.

18 SOLICITOR REDMOND: And, Your Honor---

19 A The only dif -- the only difference, this says original
20 and mine's an audit copy --

21 Q Yes, sir.

22 A -- because it comes in three parts.

23 Q And, and so let me, let me -- and, and I think it's
24 already got the exhibit stamp.

25 So, at this time---

Wayne Jordan - Direct examination
By Solicitor Redmond

1 A Yes.

2 SOLICITOR REDMOND: ---State would move State's Exhibit
3 1 into evidence.

4 MR. HOBBS: Your Honor, I don't believe that a charging
5 document is a piece of evidence.

6 THE COURT: It's not.

7 SOLICITOR REDMOND: Okay. Well -- and, and, Your
8 Honor, I'll -- I would mark it for ID purposes. We do still
9 have to hear from Mr. Romero. At that point I would -- I'll
10 just tell the Court and everybody else, I'll renew that
11 issue at that point. So, so, for ID purposes only at the
12 point.

13 Did you obtain that warrant?

14 A I did.

15 Q Okay. And I won't publish it at this point since it's
16 not in evidence but let me ask you this.

17 Moving forward to March of 2020, did you -- moving
18 forward to March of 2020, did you get -- actually I think it
19 was a call from me related to going to interview Faustin
20 Bruce Romero in Marlboro County Detention Center.

21 A That is correct. That -- I got an -- I got a call from
22 you I believe I did, I did. You asked me to come to your
23 office. I went to your office.

24 When I got to your office, you handed me a letter that
25 came from an inmate from Marlboro Detention Center, a Mr.

Wayne Jordan - Direct examination
By Solicitor Redmond

1 Romero. After reading that letter---

2 Q And without saying what that letter says---

3 A I wasn't gonna say anything.

4 Q ---did the letter request that we talk to him?

5 A Sure. He, he asked -- he, he gave us a letter and he
6 also asked that we come---

7 MR. HOBBS: Objection, Your Honor.

8 Q without saying what he said -- without saying what he
9 said, we don't want to say what he said in his letter, I'll
10 just ask you this. I'll just ask you this.

11 Did you then, after meeting with me, did you go to---

12 A Yes, I went---

13 Q ---Marlboro County?

14 A ---to Marlboro County to speak with him.

15 Q And without entering -- without saying what Mr. Romero
16 said, did Mr. -- did, did you interview Mr. Romero?

17 A I did. I, I interviewed him on March 18th, 2020, at
18 11:40 in the morning.

19 Q And did he, again without saying what was said, did he
20 give you a letter purporting to be from the defendant?

21 A He did.

22 Q Okay. And did you take that into evidence?

23 A I did.

24 Q Okay. So, so that was in March of 2020.

25 In April of -- moving forward to April of 2021 because

Wayne Jordan - Direct examination
By Solicitor Redmond

1 we're talking about the progress in charges, and so did, did
2 you go to the Grand Jury in April of 2021 and seek an
3 indictment and obtain an, and obtain an indictment for
4 murder against the defendant?

5 A I did.

6 Q Okay. Now, the pattern of life we talked about, at the
7 time that you got the kidnapping warrant, had the pattern of
8 life assessment been done?

9 A Yes.

10 Q No, I mean it, it -- the, the warrant -- the kidnapping
11 warrant was in 2019.

12 A That's correct.

13 Q I believe you did the -- did you do it in July I
14 think -- I think around July of 2020 did you do the pattern
15 of life?

16 A That's correct.

17 Q Okay. So, again, I'll ask the question.

18 was the pattern of life assessment done after the
19 kidnapping warrant?

20 A That's correct.

21 Q Okay. So, the pattern of life assessment is done, and
22 then moving forward, you -- did you, of course, get the
23 letter from Romero purporting to be from the defendant?

24 A I did.

25 Q And so, subsequent to that -- and, of course, just to

Wayne Jordan - Direct examination
By Solicitor Redmond

1 be clear from a timing standpoint, I think when, when you
2 went and interviewed Mr. Romero, was that during the time
3 that of everything was shutting down because of COVID 19?

4 A Most definitely. We, we even went to -- I, I want to
5 say it was an eight or ten month period where our Grand Jury
6 never met because of COVID and the COVID, COVID issues. So
7 we went a long -- I want to say eight to ten months,
8 almost -- maybe even a year our Grand Jury never met.

9 Q Okay.

10 A So, we were unable to seek an indictment for the murder
11 because of that issue.

12 Q But had it been -- without saying what we said
13 directly, but had he discussed the issue of indicting---

14 A Yes.

15 Q ---for murder?

16 A I, I discuss every issue with you before I get any
17 murder warrant.

18 Q Okay. And, in fact, did those discussions take place
19 after Bruce Romero's letter --

20 A Yes.

21 Q -- that he gave to you?

22 A Yes.

23 MR. HOBBS: Beg the Court's indulgence.

24 (Pause.)

25 Q That'd be all the questions I have, Captain Jordan.

Wayne Jordan - Direct examination
By Solicitor Redmond

1 Please answer any questions that Mr. Hobbs may have.

2 THE COURT: Mr. Hobbs, cross-examination.

3 MR. HOBBS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. HOBBS:

6 Q And, and I apologize, sir.

7 what, what is your current rank?

8 A Captain.

9 Q Captain.

10 A Yes.

11 Q Captain Jordan?

12 A Yes.

13 Q All right. Captain Jordan, you mentioned that there
14 was a search warrant conducted of the abandoned house where
15 the vehicle was located, where the vehicle was located.

16 Is that correct?

17 A Yes, Florence County got that search warrant because we
18 were in Florence County, way out of my jurisdiction. So,
19 once the chief and them, they found it and I got on scene, I
20 mean it ain't just cause I got on scene, I mean I guess they
21 just waited on me or whatever they did. But we all put our
22 heads together. We got our search -- we contacted Florence
23 County, asked them to come out.

24 They assisted us as well just like SLED did. It was in
25 their jurisdiction. We asked them to get a search warrant

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 for the property to get inside that car to, to, to start
2 processing that car.

3 Q Understood.

4 And you had actually taken over the, the investigation
5 at this point from Cheraw P.D.?

6 A Nah, I'm not gonna say take over.

7 Q well, do you take over?

8 A I'm not gonna say I took over at all. I, I, I just
9 think that, you know, this was a combined effort from us and
10 the Sheriff's Office -- and the police department and SLED.
11 So, there was really no take over. I'm, I'm not gonna claim
12 a take over.

13 Q Okay. Understood.

14 Now, you -- we talked earlier about the Buick
15 containing a license plate that didn't match.

16 Did you run that license plate?

17 A I have no knowledge about that.

18 Q You never ran that license plate?

19 A I never ran that license plate.

20 Q why didn't you run the license plate?

21 A It was not my job.

22 Q As the investigator---

23 A The first, the first -- I, I can be honest with just
24 --.

25 Q Just for, just for a minute.

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 A I was gonna clarify.

2 Q As the investigator in this case --

3 A Uh-huh. (Affirmative).

4 Q -- it was not your job to run the license plate that
5 was located in the victim's car?

6 A Well, to be honest with you, today is the very first
7 time I've ever seen that license plate. I didn't know that
8 license plate was found.

9 Q So you---

10 A Because I, I, I went to the back yard. I saw the car.
11 Once SLED crime scene got there, the car was never touched.
12 The car was never entered. Once SLED crime scene got there,
13 they took over the crime scene. They took over the vehicle.
14 They did their thing. I stayed at the road.

15 Q Understood.

16 So, this was 2019?

17 A Yes.

18 Q And y'all've had these pictures since 2019?

19 A Yes.

20 Q And y'all've had the Buick in your possession since
21 2019?

22 A That's correct.

23 Q And you've never ran that license plate?

24 A Like I said, today is the very first time I've seen
25 that license plate.

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 Q You still have the Buick in the Chesterfield Sheriff's
2 office, right?

3 A Yes, sir, it is.

4 Q The other vehicles that were searched, those were
5 returned to Mr. Covington's family.

6 Is that correct?

7 A I was not present during those searches. My father
8 passed away on June the 2nd. I was out until June the 7th.
9 So that was my very first time. So I was, I was out with my
10 father's death.

11 Q Understand.

12 A I had no knowledge of this case until June the 7th.

13 Q Understand.

14 Are those cars still in y'all's possession at the
15 Sheriff's office?

16 A Which cars?

17 Q The Buick and the Expedition.

18 A The Buick's in our possession.

19 Q I'm sorry. Excuse me. Excuse me. May -- I withdraw
20 that question.

21 The Mustang and the Expedition, y'all've released
22 those?

23 A No, the Buick's -- the only vehicle in our possession
24 is the Buick.

25 Q Okay. Thank you for that.

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 We talked a little bit about Bruce Romero and Bruce
2 Romero coming to you and, and essentially writing the letter
3 that he wanted to talk, right?

4 A Yes, he wrote a letter to the Solicitor's Office.
5 Matter of fact, it's, it's, it's, it's sent to Will Rogers,
6 which evidently Mr. Rogers gave it to the deputy solicitor
7 who gave it to me.

8 Q Okay.

9 A And then---

10 Q That's all. That was my, that was my question.
11 You -- he wanted to talk, right?

12 A Yeah.

13 Q I think that's what you testified to---

14 A Right.

15 Q ---a few minutes ago?

16 A And I went to Marlboro County and I interviewed him.

17 Q Okay. Very good.

18 Now, when did you speak to him?

19 A March 18th.

20 Q March 18th of --?

21 A 2020 at 11:00 -- 11:30 in the morning and that was at
22 the Marlboro County Sheriff's Office in their interview
23 room.

24 Q Understood.

25 Prior to that, there was a charge levied against

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 Mr. Covington I believe you said on November 26th for
2 kidnapping.

3 Is that correct?

4 A I'm half blind. Yes, November 26th, 2019.

5 Q Okay. And did you serve that warrant or who was it
6 that served that warrant?

7 A Again, Sergeant Jeremy Steen. He's with the Marlboro
8 County Sheriff's Office. He served -- he physically served
9 the warrant after I had it countersigned by Marlboro County
10 magistrate, again, cause I was in another jurisdiction. I
11 couldn't, I couldn't serve that warrant not while he was
12 sitting in that jail cell.

13 Q Understood.

14 And, and sometimes when y'all have protective custody
15 of, of people, that could be because you have multiple
16 people in one jail and you're trying to keep them separate.

17 Is that correct?

18 A It could be that or, you know, family members might
19 work at our jail that are victim family members, suspect
20 family members, stuff like that.

21 Q Understood.

22 , Now, the timing of that warrant, did it have any
23 relation to Mr. Covington being granted a bond on his
24 obstruction of justice charge?

25 A To my knowledge, no.

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 Q was that part of the consideration when y'all were
2 deciding when this charge was gonna be levied that he
3 would -- had gotten a bond on the obstruction of justice
4 charge around that time?

5 A No, not to, not to my knowledge.

6 Q What was the specific investigation turning point where
7 in November 26th you decided that you were going to have
8 this warrant signed out on Mr. Covington?

9 A Taking Mr. Romero's information he gave us, taking our
10 pattern of life that we did --.

11 Q That's, that's good.

12 Mr. Romero was five months or four months later.

13 So, on November 26th --

14 A Yeah.

15 Q -- what was it that---

16 A Taking our pattern of life. We hadn't seen him. Our
17 video evidence of the vehicles and we just had not seen Mr.,
18 Mr. Parsons.

19 Q Y'all had all that information back in June.

20 A Yeah, I would say so.

21 Q This is five months later?

22 A Right.

23 Q Okay. Nothing to do with that bond?

24 A To my knowledge, no.

25 Q You ever have any discussion about that bond where you

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 levied a new charge with Mr. Redmond or anybody else?

2 A No, sir.

3 Q Okay. Now, you did eventually speak to Mr. Romero?

4 A I did.

5 Q Was Mr. Romero coming in off the streets at that time
6 or was---

7 A No, sir.

8 Q ---he---

9 A He was in custody at the Marlboro County Sheriff's
10 Office.

11 Q So he, he was -- he was in custody in Marlboro County.
12 Where'd y'all conduct this interview?

13 A In the Marlboro County Sheriff's Office interview room.
14 He was in the detention center at the Marlboro County Jail.

15 Q And I think you said that Mr. Romero gave you the
16 letter. But, in fact, it was in the warden's possession and
17 you walked out of the room and went and retrieved that
18 letter.

19 Is that correct?

20 A I believe that's correct, yeah.

21 Q So it wasn't in Mr. Romero's pocket or anything like
22 that?

23 A No.

24 Q And you reviewed that letter?

25 A I did.

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 Q And it did not have Mr. Covington's name on it?

2 A No, it does not.

3 Q Okay. And were you ever able to develop any forensic
4 results of evidentiary value off that letter as far as
5 fingerprints or anything like that?

6 A We sent it to SLED for fingerprint processing as
7 long -- as far as a couple other things we did with it. And
8 if I remember correctly, the only results of that
9 fingerprint came back had my fingerprints on it. I believe
10 it had Detective -- Lieutenant Detective Henderson's
11 fingerprints on it as well.

12 Q Understood.

13 But not Mr. Covington, right?

14 A No.

15 Q Okay. Now, you talked a lot about COVID, right?

16 A Uh-huh. (Affirmative).

17 Q I mean we're, we're all affected by COVID. We
18 certainly understand that.

19 How was it that you levied a charge against
20 Mr. Covington in November?

21 Did you issue an arrest warrant for him?

22 A I want to say we did a direct indictment -- direct
23 presentment to the Grand Jury.

24 Q On November 26th you charged Mr. Covington with
25 kidnapping --

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 A That's right.

2 Q -- through an arrest warrant?

3 A That's correct.

4 Q Okay. Now, when you want to charge somebody with a
5 crime, there's two ways you can do it. You can issue an
6 arrest warrant --

7 A That's correct.

8 Q -- or you can direct indict.

9 A That's correct.

10 Q Anything about COVID preventing you from issuing arrest
11 warrants between the 20 months of June and April, 2021?

12 A I mean it's just a pattern -- it's just a -- it's just
13 an operation that we wanted to do. We wanted to go through
14 the -- we wanted to go direct indictment.

15 Q But you told us that it was COVID that had delayed it.
16 But the truth is you could of charged him with murder at any
17 time through an arrest warrant without COVID affecting it or
18 without a Grand Jury.

19 Isn't that correct?

20 A Well, I mean we could of went and got an arrest
21 warrant, that's correct.

22 Q Okay. So COVID didn't really have anything to do with
23 it?

24 A COVID stopped us from going to the, to the Grand Jury.

25 Q But it didn't stop you from issuing a arrest warrant?

Wayne Jordan - Cross-examination
By Mr. Hobbs

1 A It did not stop me from issuing an arrest warrant,
2 that's correct.

3 MR. HOBBS: Court's indulgence, Your Honor.

4 THE COURT: Yes, sir.

5 (Pause.)

6 MR. HOBBS: No further questions, Your Honor.

7 THE COURT: Any redirect?

8 SOLICITOR REDMOND: Yes, briefly.

9 REDIRECT EXAMINATION

10 BY SOLICITOR REDMOND:

11 Q Just to be clear, Mr. Hobbs, since he went there, I'll
12 ask you, you were talking about the fingerprints being that
13 the results the---

14 MR. HOBBS: Your Honor, may we approach?

15 THE COURT: Yes.

16 (WHEREUPON, a bench conference was held out of the
17 hearing of the jury at this time.)

18 Q Captain Jordan?

19 A Yes.

20 Q Let me ask you this.

21 You were asked about the prints on the letter. And, to
22 be fair, you indicated that the defendant's prints were not
23 on that letter that you got from Bruce Romero.

24 A That's right.

25 Q I think your testimony -- was your testimony that

Wayne Jordan - Redirect examination
By Solicitor Redmond

1 the -- only your prints and Detective Henderson's prints
2 were on that letter?

3 A That's correct.

4 Q And just to be clear, how did -- how do you think his
5 prints got on the letter?

6 A Detective Henderson?

7 Q Yes.

8 A Cause I showed it to him and let him read over it as
9 well.

10 Q Okay. You showed it to him and then was it placed in
11 evidence?

12 A Yes.

13 Q Okay. So, to be clear -- and finally the last thing
14 is, inherent in that, was Bruce Romero -- were his
15 fingerprints on the letter?

16 A No.

17 Q Okay. However, was it Bruce Romero's letter that to,
18 to the solicitor's office that caused you to go to interview
19 him?

20 A Yes.

21 Q And in interviewing him, did you obtain that note to --
22 from the defendant?

23 A Yes.

24 Q So---

25 MR. HOBBS: Objection, Your Honor. Classification of

Wayne Jordan - Redirect examination
By Solicitor Redmond

1 that evidence is---

2 SOLICITOR REDMOND: I'll rephrase.

3 MR. HOBBS: ---from the defendant---

4 SOLICITOR REDMOND: I'll rephrase. That's fair. I'll
5 rephrase.

6 The letter, the letter -- the note that Bruce Romero
7 gave you, was that in Marlboro County?

8 You got it from him in Marlboro County?

9 A Yes.

10 Q Okay. And so even though his fingerprints didn't show
11 up, up on it, was Bruce Romero the origin of you actually
12 getting that letter?

13 A Bruce Romero is the reason I got that letter. He, he
14 sent the letter or he sent notification to your office.
15 Your office contacted me. If it was not for that, I would
16 not know of Romero at this point.

17 Q Okay. So, despite the fact that his prints are not on
18 the letter --?

19 A And there's plenty of justification for that. But,
20 yeah, his, his prints were not on that letter.

21 Q Exactly.

22 well, and you say that plenty of justification.

23 You've been in law enforcement for over 30 years?

24 A That's correct.

25 Q Okay. And, and is that -- you're saying that based on

Wayne Jordan - Redirect examination
By Solicitor Redmond

1 your experience?

2 A That's correct.

3 Q All right. Now, just to clarify from a timeframe
4 standpoint because I don't want to leave it hanging, I think
5 you were asked about -- and there was some confusion about
6 the kidnapping warrant and the indictment as far as the
7 times go.

8 was the kidnapping warrant actually obtained in 2019,
9 November, 2019?

10 A Yes.

11 Q All right.

12 A Yes, it was.

13 Q And I think you were asked about there -- and, and just
14 to be clear, had the pattern of life assessment been done at
15 the time of the kidnapping -- at the kid -- at the time of
16 the kidnapping warrant?

17 Excuse me.

18 A I believe I did that in '20 --

19 Q Exactly.

20 A -- if I'm not mistaken.

21 Q So -- but would it be fair to say that the kidnapping
22 warrant was before?

23 A The kidnapping warrant was first. Then I did pattern
24 of life. And after pattern of life, and results of the
25 note, we're -- we talked to your office and we got the go

Wayne Jordan - Redirect examination
By Solicitor Redmond

1 ahead to do the direct indictment -- during -- the
2 indictment for the murder.

3 Q Exactly.

4 Okay. And so that's what I wanted to clarify.

5 And so -- and, and just to be clear as it relates to
6 the, the, the, the charge going from, from, from, from
7 obstruction to kidnapping, had it been approximately five
8 months since Terris Parson, Parson went missing?

9 From June, from June I think until November, was it
10 approximately five months?

11 A Yeah.

12 Q Almost six months at the time that---

13 A Yeah.

14 Q ---the warrant for kidnapping?

15 A Yes.

16 Q Okay. And so did the amount of time that had passed
17 factor into why that charge was elevated to kidnapping?

18 A That's correct.

19 SOLICITOR REDMOND: That'd be all the questions I have.

20 THE COURT: All right. You may step down.

21 THE WITNESS: Thank you.

22 THE COURT: You may call your next witness.

23 SOLICITOR REDMOND: Your Honor, at this point my next
24 witness is just arrived. If I could have just a few minutes
25 to --.

1 THE COURT: All right. I'll tell you what we're gonna
2 do is we're gonna recess for lunch. You need to be back at
3 1:30, 1:30 sharp.

4 Do not discuss the case. No independent investigation.
5 Divert your attention from any media coverage. We'll see
6 you back at 1:30. 1:30 sharp.

7 (WHEREUPON, the following takes place outside the
8 presence of the jury.)

9 THE COURT: Anything from the State before we recess
10 for lunch?

11 SOLICITOR REDMOND: Yes, briefly, Your Honor. Briefly,
12 Your Honor.

13 We -- an issue we took up in chambers about yesterday
14 as it relates to the, the circumstances surrounding the,
15 the, the, the -- or the -- I guess the video that we were
16 playing from. I think it was the second video of the first
17 interview where we ran into an issue.

18 Just wanted to clarify for the record so that nobody
19 leaves here thinking it was anybody's fault other than mine
20 because -- and just to briefly explain how it happened. Mr.
21 Hobbs and I and Ms. Thurmond had diligently, over several
22 days, been working to make sure we had it in sync.

23 So, Ms. Thurmond was utilizing her computer to, to get
24 everything in sync. Well, before we could down -- we
25 downloaded the int -- the second interview with Chief Thomas

1 onto the flash drive. we did not download the first one
2 because, before Ms. Thurmond could do that yesterday
3 morning, I actually took the disk and then, of course, we
4 started Court and I forgot that it had not been transferred.

5 So that was my fault because I'm the one that stuck it
6 in and said play this forgetting the fact that we had not
7 transferred it over from her computer. So, that was
8 squarely my fault and I apologize to the Court. I just
9 didn't want anybody thinking that it was somehow Angie's
10 fault cause that was squarely on me.

11 THE COURT: All right. One of the things I do want to
12 mention that I did not make very clear if I said it at all
13 yesterday, but it did not -- normally if somebody mentions
14 something about a, a, a criminal record or some inadmissible
15 information that I normally perk up. But the sound quality
16 of this was, was not very good and, of course, the, the disk
17 itself will be made a Court's Exhibit for appellate review
18 to see exactly what was played and the objectionable
19 information was that they -- he referred to my P.O.

20 SOLICITOR REDMOND: Yes, sir.

21 THE COURT: And, you know, I practiced law for 20
22 years, been on the bench for 17 years, and I've never heard
23 a parole officer or probation officer called a P.O. Young
24 people do that. I didn't know what a P.O. was until y'all
25 mentioned that.

1 So -- and I talked with -- I did not hear it and
2 certainly I think it would of been an error to give a
3 curative charge because I don't think anybody heard it or
4 knows what a P.O. is. And it's very clear, from the disk,
5 and that will be made a part of the record, there was no
6 mention of what he was charged with and why he was on
7 parole. As a matter of fact, I don't know that now. I have
8 no idea what he was -- what his prior criminal record was.

9 But what was played before the jury, I do not think the
10 jury heard it nor would it be prejudicial. And just
11 anecdotally, my law clerk didn't hear it. The bailiffs
12 didn't hear it. And so, therefore, I think we're pretty
13 safe that it was not something that adversely affected the
14 jury's perception of what was going on.

15 So -- but the disk itself will be made a part of the
16 record.

17 SOLICITOR REDMOND: Yes, sir.

18 THE COURT: And, and it was what, maybe the first five
19 or ten seconds of the second---

20 SOLICITOR REDMOND: Yes, sir.

21 THE COURT: ---interview?

22 SOLICITOR REDMOND: Yes, sir.

23 THE COURT: All right. Okay. Well, very good.
24 We'll recess until 1:30.

25 SOLICITOR REDMOND: Thank you, Your Honor.

1 MR. HOBBS: Thank you, Your Honor.

2 (WHEREUPON, Court was in recess for the lunch hour.)

3 THE COURT: Anything from the State before we bring the
4 jury out?

5 SOLICITOR REDMOND: Nothing from the State, Your Honor.

6 THE COURT: Anything from defense?

7 MR. HOBBS: Nothing from the defense, Your Honor.

8 THE COURT: We're ready for the jury.

9 (WHEREUPON, the following takes place within the
10 presence of the jury.)

11 THE COURT: Madam Forelady, and ladies and gentlemen of
12 the jury, I told you from the very outset that if y'all had
13 any questions or concerns that I would answer them for you,
14 and I have had one of the most unusual questions asked to me
15 who is the gentleman sitting beside me.

16 He's -- his name is -- he -- his name is Jake Hofer,
17 and as you can tell, he ain't from around here. He emanates
18 from Philadelphia. His father was the athletic director for
19 villanova. But he spent his formative years up there and
20 his later years in Chapin. Went to the University of South
21 Carolina. He got a Master's Degree in business and went to
22 law school.

23 And, you know, he's, he's -- what he does is he helps
24 me with legal research. He coordinates all of the
25 conferences that I have with conferencing hearings with the

1 lawyers, and he does all the stuff that I don't want to do.

2 When he was in law school he was on the mock trial team
3 and won the national championship. Beat the Harvard and the
4 Yale boys. He said they were smart but they didn't have any
5 style. That's what he said.

6 But you can tell he's smart because he wears those I'm
7 smarter than you glasses. But at any rate, y'all asked who
8 he was and I gave you a little bit more than what you asked
9 for.

10 State, you're recognized.

11 SOLICITOR REDMOND: Thank you, Your Honor.

12 May it please the Court.

13 Ladies and gentlemen, the State is ready to proceed now
14 with the video testimony of, of Bruce Romero.

15 Your Honor, the -- this is another one, where in
16 February as we indicated with Ms. Moore, we had the issues,
17 and because he was in federal custody, which is gonna be
18 brought out in that video, we went on ahead and agreed to do
19 the video deposition.

20 There are certain parts that we have agreed as it
21 relates to redactions. Those will be handled again by Ms.
22 Thurmond's able hands and then it's, it's about 30 minutes
23 long, maybe a little less than that, and we're ready to go
24 ahead and proceed with publishing it.

25 MR. HOBBS: Thank you, Your Honor. Subject to my

1 previous objections.

2 THE COURT: Yes. And you're protected on the record.

3 MR. HOBBS: Thank you.

4 SOLICITOR REDMOND: And if we could get the lights.

5 (WHEREUPON, the video was played for the jury at this
6 time.)

7 THE COURT: If we could get the lights there.

8 Madam Forelady, ladies and gentlemen of the jury, the
9 parties have stipulated as to the pertinent and admissible
10 portions of the statement of Mr. Bruce Romero. Mr. Redmond
11 will publish the pertinent and relevant portions of his
12 statement.

13 SOLICITOR REDMOND: Thank you, Your Honor.

14 THE COURT: You're recognized.

15 SOLICITOR REDMOND: May it please the Court.

16 Ladies and gentlemen, this is from the letter that Mr.
17 Romero testified to be the admissible parts.

18 First, let me tell you how I can help you in a major
19 way. If they don't have any witnesses they don't have a
20 case. You follow me. I can make that happen. Trust me.
21 That can be done while you're out on bond for the State
22 bonds for the State charge, which, you know, the charge will
23 get dismissed because there is no one to take the stand
24 against you. Are you still with me.

25 Once again, I'm telling you that if I got out, there

1 will be nobody to take the stand. I can make witnesses
2 disappear. They wouldn't have a case because they have to
3 be able to take the stand. Trust me. I want this paper
4 back.

5 And, Your Honor, that's the conclusion of admissible
6 portions of the letter.

7 THE COURT: Very good.

8 SOLICITOR REDMOND: And with that, Your Honor, the
9 State is prepared to call as its next witness Ms. Tillette
10 Scott.

11 THE COURT: Yes, ma'am, if you could come forward.

12 SOLICITOR REDMOND: And while she's coming forward, if
13 the Court would allow me to thank Ms. Thurmond. I think
14 that's the end of video presentations but she'd done
15 yeoman's work making sure that we kept these, these
16 redactions in and---

17 THE COURT: Very good.

18 SOLICITOR REDMOND: ---are on track.

19 THE COURT: Very good.

20 Yes, ma'am. If you could place your left-hand on the
21 Bible, on the Bible and raise your right-hand as the clerk
22 administers the oath.

23 TILLETTE SCOTT, being first duly
24 sworn, testified as follows:

25 THE CLERK: Please take your seat.

Tillette Scott - Direct examination
By Solicitor Redmond

1 THE COURT: Okay. I'm gonna ask you, if you could, to
2 pull up real close to that microphone. Speak loudly,
3 clearly, and slowly in order that we can hear everything
4 that you have to say and let's start with your full name
5 please, ma'am.

6 THE WITNESS: My name is Tillette Scott.

7 DIRECT EXAMINATION

8 BY SOLICITOR REDMOND:

9 Q And, Ms. Scott, by whom are you employed?

10 A South Carolina Vocational Rehabilitation Department.

11 Q And how long have you been employed with voc rehab?

12 A 22 years.

13 Q In full disclosure, were you and I high school
14 classmates back in 1986 at Hartsville High?

15 A Yes, we were.

16 Q Okay. Just full disclosure but did that have -- does
17 that have anything to do with your testimony?

18 A Nope. It doesn't.

19 Q But it's good to see you.

20 A Good to see you too.

21 Q Now, with that out of the way, did you have the
22 opportunity, in June of 2019, to meet -- I say late May,
23 into early June, 2019, to meet Terris Par -- Parsons?

24 A I did.

25 Q Okay. And you indicate, did you work at voc --

Tillette Scott - Direct examination
By Solicitor Redmond

1 vocational rehab?

2 A Yes, I do.

3 Q And let me expound on that a little bit and I jumped
4 ahead.

5 what do you do with vocational rehab?

6 A I am the area supervisor over there.

7 Q Okay. And what area do you cover?

8 A I cover Darlington, Chesterfield, and Marlboro
9 Counties.

10 Q Okay. And in that capacity, did you have the
11 opportunity in I guess late May, early June, 2019 to meet
12 Terris Parsons?

13 A I did.

14 Q In fact, did -- do you know his brother, Jimmy Bennett,
15 Junior?

16 A Yes, I do.

17 Q And does he work with voc rehab?

18 A Yes, he's a counselor there.

19 Q Okay. And so, so had Terris, I guess, interviewed and
20 been interviewed about possible employment with voc rehab?

21 A Yes, for a maintenance specialist position---

22 Q Okay.

23 A ---in the Hartsville office.

24 Q All right. And I think that would of been in the
25 Hartsville office?

Tillette Scott - Direct examination
By Solicitor Redmond

- 1 A Yes, it would of been in the Hartsville office.
- 2 Q Okay. And, in fact, were you present during the time
- 3 he was interviewed?
- 4 A Yes, I did the interview.
- 5 Q And at it relates to him being hired, had the decision
- 6 been made to hire Mr. Parson?
- 7 A Yes, it has. Uh-huh. (Affirmative).
- 8 Q And when was he suppose to start work?
- 9 A June 3rd.
- 10 Q Okay. June 3rd.
- 11 Is that a Monday?
- 12 That was a Monday I believe it was.
- 13 A Okay.
- 14 Q And let me ask you this.
- 15 Did he -- well, just to be clear.
- 16 Terris Parsons was suppose to start June 3rd, 2019?
- 17 A Uh-huh. (Affirmative).
- 18 Q Did he show up for work that morning?
- 19 A No, he did not.
- 20 Q Did you ever hear any explanation from him or anything
- 21 from him as it relates to him not showing up?
- 22 A No, I did not.
- 23 Q And, again, you had the chance -- did you have the
- 24 chance to meet and interview Mr. Parsons?
- 25 A Yes, I did.

Tillette Scott - Direct examination
By Solicitor Redmond

1 Q And after that interview, decision had been to hire
2 him, and, again, did you ever see Mr. Parson after that?

3 A No, I did not.

4 Q Okay. Did he, Mr. Parson, or anyone ever give you any
5 explanation as to why he did not show up?

6 Well, let me back up. No, let me rephrase that. Don't
7 want to get into hearsay.

8 A Okay.

9 Q Did Mr. Parson himself ever contact you about why he
10 did not show up?

11 A No, he did not.

12 Q Okay. Now, obviously, and without saying what anybody
13 else said, did you become aware of circumstances involving
14 the case?

15 A I did.

16 Q Okay. Again, without getting into anything, but as it
17 relates to Mr. Parson himself, did you ever hear anything
18 from him, even to this day, as to why he did not show up?

19 A No, I did not.

20 Q Please answer any questions that Mr. Hobbs may have.

21 MR. HOBBS: I don't have any questions for this
22 witness.

23 THE COURT: You may step down. You're free to leave.

24 THE WITNESS: All right.

25 SOLICITOR REDMOND: My next witness will be Ms. Wanda

1 Joseph.

2 MR. HOBBS: Could we do a---

3 THE COURT: Yes, ma'am.

4 MR. HOBBS: Could we just do a stretch moment for one
5 second and let me use the restroom?

6 I do apologize.

7 THE COURT: Yes.

8 Are y'all all right?

9 Okay. Very good.

10 MR. HOBBS: I apologize, judge.

11 THE COURT: why don't, why don't we stand up just one
12 moment?

13 (Pause.)

14 THE COURT: I did not explain earlier that law clerks
15 typically work for circuit court judges for one year. Gives
16 them an opportunity to kind of see the court system in
17 action and kind of get to see what area of law they want to
18 go into.

19 So, some stay longer than a year but I think -- I've
20 always hired them for a year at a time and it usually goes
21 from August to August. So, he's nearing the end of his
22 tenure and will be going out into the real world after that.
23 So --.

24 (Pause.)

25 MR. HOBBS: My apologies, Your Honor.

1 THE CLERK: Very good.

2 SOLICITOR REDMOND: And, Your Honor, actually before we
3 call Ms. Joseph to the stand, briefly an issue I need to at
4 least take up and that's State's Exhibit 1. Now that we've
5 heard from Mr. Romero, I would renew my motion to move
6 State's Exhibit 1 into evidence at this time. That being
7 the warrant based on the testimony from Mr. Romero.

8 THE COURT: Mr. Hobbs.

9 MR. HOBBS: Thank you, Your Honor.

10 As the Court knows, charging documents are not evidence
11 in this case. Obviously Bruce -- I apologize, Your Honor.

12 THE COURT: I agree.

13 SOLICITOR REDMOND: And, and I just wanted to renew
14 that just to close that issue.

15 THE COURT: Yes.

16 SOLICITOR REDMOND: That's fair enough, Your Honor, and
17 now the State is prepared to go forward with the testimony
18 from Ms. Wanda Joseph.

19 THE COURT: Yes, ma'am, if you could please come
20 forward and likewise please place your left-hand on the
21 Bible and raise your right-hand as the clerk administers the
22 oath.

23 WANDA JOSEPH, being first duly
24 sworn, testified as follows:

25 THE CLERK: Please take your seat.

Wanda Joseph - Direct examination
By Solicitor Redmond

1 THE COURT: watch your step. I'm gonna ask you to have
2 a seat in the witness chair there. Get real close to that
3 microphone. Speak loudly, clearly, and slowly --

4 THE WITNESS: Okay.

5 THE COURT: -- in order that we can hear everything
6 that you have to say and let's start with your full name
7 please.

8 THE WITNESS: My full name is Wanda Lynn Joseph.

9 THE COURT: Very good.

10 DIRECT EXAMINATION

11 BY SOLICITOR REDMOND:

12 Q Ms. Joseph -- may, may it please the Court, Your Honor.

13 THE COURT: Yes, sir.

14 Q Ms. Joseph, from a background standpoint, let's just
15 get straight to the point.

16 How are you related to Terris Parsons?

17 A I'm his aunt.

18 Q Okay. And, and, and, and I guess you've known him all
19 his life I---

20 A Yes, I have.

21 Q And where -- do you live in Cheraw in the area?

22 A I do.

23 Q And so how often would you say you would see
24 Mr. Parson?

25 A I would see him almost daily to daily meaning I say

Wanda Joseph - Direct examination
By Solicitor Redmond

1 this because my father, his grandfather, died and he was
2 helping us with him.

3 Q And, and, and, and, and let me ask you this.

4 Did, did, did, did your father -- I'm sorry for your
5 loss.

6 Did he pass away before or after Mr. Parson
7 disappeared?

8 A Before.

9 Q Okay. And he was helping.

10 How was he helping with him?

11 A We had called in Hospice. Terris would come by daily.

12 MR. HOBBS: Your Honor, I, I, I believe this is
13 character evidence, 404(a). I have not impeached the
14 victim's character. I think that we're looking at habit and
15 routine as to pattern of life.

16 THE COURT: All right. And I'll, I'll ask that you
17 move---

18 SOLICITOR REDMOND: I---

19 THE COURT: You can have some background, some
20 background. Lee -- give you some leeway.

21 SOLICITOR REDMOND: Okay.

22 THE COURT: But let's focus on the relevant issue.

23 SOLICITOR REDMOND: Yes, sir, Your Honor, and I'll
24 pattern it so that it's, it's, it's to that end.

25 As it relates to pattern, and I think when we discussed

Wanda Joseph - Direct examination
By Solicitor Redmond

1 it, it, it was in relations to his pattern and his
2 relationships with his family. And so I'll ask you as it
3 relates to how, how you saw him every day and how he
4 interacted with the family.

5 Please continue with what you were explaining.

6 A I was explaining we had called Hospice in. So our
7 family is very close net (sic). So, if you call any of our
8 family members we're there. So, we would see Terris, call
9 him, he'll come. He would talk to his mother, his father,
10 his brother, his cousins. He was a mentor to our younger
11 members of our family. He was always there.

12 Q All right. And let me ask you this because, again,
13 we're just -- we're, we're kind of getting ahead -- keeping
14 it in a certain context.

15 As it relates to children, did he have children?

16 A Yes, he did.

17 Q And how -- and I think we've heard that already but
18 just to recap.

19 How many children did he have?

20 A Two.

21 Q Okay. And what are their names?

22 A Josiah Parson and Hayden.

23 Q Okay. And a, a son and daughter?

24 A Correct.

25 Q Okay. Now, based on your interactions with

Wanda Joseph - Direct examination
By Solicitor Redmond

1 Mr. Parsons, how often, from a habit standpoint, how often
2 did you see and/or talk to Mr. Parson especially in the time
3 leading up to June 2nd, 2019?

4 A We talked almost daily because we had a routine that we
5 would do.

6 Q And what was that routine?

7 That's important information.

8 A Taking care of the family home place from my place to
9 assisting with his mom, his dad. We would just talk.

10 Q Okay. And you also were aware of I guess -- were you
11 aware of, of his employment plans?

12 A Yes, I was.

13 Q Okay. And now where did he work -- where did he work?

14 We heard talk as far as a discussion about the, the voc
15 rehab but did he work anywhere before that?

16 A The Cheraw Warehouse Sorter Pro.

17 Q Okay. And, and, of course, were you aware of him also
18 seeking and gaining employment with the South Carolina
19 Vocational Rehabilitation?

20 A Yes, I was. As it relate to our -- related to our
21 routine, he had called me on June the 2nd and he had got---

22 Q Without saying what he said cause---

23 A Oh.

24 Q ---I won't get into hearsay.

25 A I'm sorry.

Wanda Joseph - Direct examination
By Solicitor Redmond

1 Q But no, no, no, no worries. No worries.

2 But -- so did you talk with him on June the 2nd?

3 A I did.

4 Q And did you talk with him about his potential
5 employment?

6 A I did.

7 Q Okay. And, and so are those the types of things that
8 you and he would discuss?

9 A Yes.

10 Q Okay. Did he -- well, let me ask you this.

11 The last time you saw Mr. Parson, could you tell us
12 about that?

13 A The last time I spoke with him was June the 2nd. The
14 last time I saw him was that Saturday when he had -- we had
15 our routine schedule. So he called me that Sunday because
16 he didn't get a chance to do it.

17 Q And at anytime did he give you any indication that he
18 was going to just -- to, to, to, to -- what -- if he -- that
19 he was gonna disappear -- that he was just gonna disappear?

20 A No, he did not.

21 Q Okay. And, again, you -- did you talk with him almost
22 daily in one way, shape, or form?

23 A Yes.

24 Q And since June the 2nd, 2019, have you heard anything
25 from your nephew?

Wanda Joseph - Direct examination
By Solicitor Redmond

1 A Nothing.

2 Q Okay. Has he reached out to you by letter, by email,
3 by any -- in any form?

4 A No, he has not.

5 Q And is that contradictory to the nature of your
6 relationship up to that time?

7 A It is.

8 Q That'd be all the questions I have at this time.

9 Please answer---

10 THE COURT: Cross-examination, Mr. Hobbs.

11 MR. HOBBS: No questions, Your Honor.

12 THE COURT: You, you may step down. You're free to
13 leave.

14 SOLICITOR REDMOND: States -- the State's penultimate
15 witness is gonna be Jimmy Bennett, Junior.

16 THE COURT: All right. Mr. Bennett, please come
17 forward. Please approach the Bible. Place your left-hand
18 on the Bible. Raise your right-hand as the clerk
19 administers the oath.

20 JIMMY BENNETT, being first duly
21 sworn, testified as follows:

22 THE CLERK: Thank you, sir.

23 THE COURT: Mr. Bennett, you can come up here and have
24 a seat in the witness chair. Watch your step. I'm gonna
25 ask that you pull up real close to that microphone. Speak

Jimmy Bennett - Direct examination
By Solicitor Redmond

1 loudly, clearly, and slowly in order for me to hear
2 everything that you have to say. If you feel comfortable
3 doing so, you can remove your mask.

4 THE WITNESS: Yes, sir.

5 DIRECT EXAMINATION

6 BY SOLICITOR REDMOND:

7 Q Mr. Bennett, how you doing today?

8 A All right. How you doing?

9 Q I'm doing fine.

10 Are you still employed with South Carolina Vocational
11 Rehabilitation?

12 A Yes, sir, I am.

13 Q Okay. And, and, and we'll get into that in just a
14 minute.

15 But let me -- tell the ladies and gentlemen of the jury
16 your relation to Terris Parsons.

17 A Me and Terris, that's my brother.

18 Q Okay.

19 A We shared---

20 Q Older or younger brother?

21 A He's my younger brother.

22 Q And, of course, him being your younger brother, it's
23 kind of silly for me to say it -- state the obvious but did
24 you know him all your life?

25 A Yes.

Jimmy Bennett - Direct examination
By Solicitor Redmond

1 Q Okay.

2 A Yes.

3 Q And did y'all have a close relationship?

4 A Yeah, we definitely had a close relationship. I can
5 remember back in '92 we got really close when I got -- when
6 I came back home out of the military. Me and Terris spent a
7 lot of time together. He was, he was in grade, in grade
8 school then. But as he grew, you know, watching him grow,
9 watching him, teaching him how to drive, just talking to him
10 about every day life. Me and him spent a lot of time
11 together.

12 Q And with you being his brother, would there be things
13 that he would discuss with you that he might not discuss
14 with other people?

15 A Oh yeah.

16 Q And we're not gonna ask you what those things are but
17 just in generally---

18 A Uh-huh. (Affirmative).

19 Q ---speaking, was that the case?

20 A Right.

21 Q Okay.

22 A It was.

23 Q Now, of course, are you familiar with the fact that he
24 did have a son and daughter?

25 A Oh, yes.

Jimmy Bennett - Direct examination
By Solicitor Redmond

1 Q Okay. And how would you describe his relationship with
2 them?

3 A My brother loved his kids.

4 MR. HOBBS: Your Honor, this is 404(a) character. This
5 is not routine or, or habit. I have not impeached the
6 victim's---

7 THE COURT: I'll, I'll ask that you focus on the issue.

8 SOLICITOR REDMOND: Yes, sir.

9 well, I'll ask it like this.

10 what were his habits as it relates to his children?

11 A well, with his kids, he made sure that he got Josiah
12 and Heyden and, and brought them to, to see my dad every,
13 every weekend. He wanted to make sure that they spent time
14 with my, my father.

15 Q And his plans, were you familiar with any plans that he
16 had made for the future?

17 Let's start with vocational rehabilitation.

18 were you familiar with his seeking employment with voc
19 rehab?

20 A Oh, yeah, definitely. Terris was working for like a
21 tempt agency at the -- as a plant job. So a maintenance
22 position came open at voc rehab. Me and him talked about
23 that. He actually interviewed for it, was gonna be hired,
24 and would of start working on June 3rd, that Monday.

25 Q That Monday?

Jimmy Bennett - Direct examination
By Solicitor Redmond

1 A Uh-huh. (Affirmative).

2 Q The day after -- and that Monday being the day after he
3 went missing?

4 A Correct.

5 Q Okay. How about his plans as relates to his family?
6 Do you -- I mean obviously y'all were close in talking.
7 Tell us about the plans related to his family.

8 A All right. With his family, he had plans. We talked
9 about him clearing off land at some land that we owned, him
10 and Toya and his kids. He had talked about getting a double
11 wide trailer, purchasing a home to put out there on the
12 land. Me and him had talked about that.

13 Q And, of course, were that -- was that ever able to
14 happen?

15 A No, it wasn't.

16 Q Tell us about the last time you saw Mr. Parson.

17 A The last time I seen him I want to say it was on
18 June 1st. Me and him and my cousin, Dane, we sort of hung
19 out, hung out that day, and maybe drunk a few beers, had
20 some conversation, and that was it. That's my last time. I
21 got to tell him I love him. I think after I left him he
22 called me that day and said he had seen, he had seen daddy
23 and just asked what was I doing.

24 I told, I said, man, I got to get up and go to church,
25 you know, tomorrow. He's like all right.

Jimmy Bennett - Direct examination
By Solicitor Redmond

1 MR. HOBBS: Your Honor?

2 A I'll talk to you later---

3 MR. HOBBS: Your Honor?

4 A ---and that was the last time I had a chance to speak
5 with my brother.

6 MR. HOBBS: I do apologize, Your Honor. We're, we're
7 quoting Mr. Parsons. That's hearsay.

8 THE COURT: All right.

9 SOLICITOR REDMOND: I think it---

10 THE COURT: And you're -- that's sustained.

11 Q I think -- just to be clear, did you say that you --
12 you were saying that what you were -- what, what you told
13 him?

14 A Yes, sir.

15 Q In other words, did you tell him about going to
16 church---

17 A Yes.

18 Q ---that you had to get to church---

19 A Yes.

20 Q ---the next -- okay. Just wanted to make sure that was
21 clear.

22 A Uh-huh. (Affirmative).

23 Q All right. So -- and that -- and was that the last
24 time you saw Mr. Parsons?

25 A That's the last time I got to see my brother.

Jimmy Bennett - Direct examination
By Solicitor Redmond

1 Q Okay. Have you seen, heard, seen -- has he reached out
2 to you in any way, shape, or form since June 2nd, 2019?

3 A No, he haven't.

4 Q Okay. And did, did you go from interacting on a daily
5 basis almost to not interacting at all after June 2nd,
6 2019?

7 A Yeah, not at all and that's not like my brother.

8 Q Okay. And, and I was just gonna ask you that.

9 Is that contradictory to the nature of your
10 relationship---

11 A Right.

12 Q ---with him at that time?

13 A It definitely is.

14 SOLICITOR REDMOND: That'd be all the questions I have,
15 Your Honor.

16 THE COURT: Cross-examination.

17 MR. HOBBS: No questions for this witness, Your Honor.

18 THE COURT: You may step down and you're free to leave
19 when, when and if you desire to do so.

20 SOLICITOR REDMOND: State would finally call Ms. Sharon
21 Bronson.

22 THE COURT: Yes.

23 Yes, ma'am, if you could please come forward. I'm
24 gonna ask you to approach the Bible and place your left-hand
25 on the Bible and raise your right-hand as the clerk

Sharon Bronson - Direct examination
By Solicitor Redmond

1 administers the oath.

2 SHARON BRONSON, being first duly
3 sworn, testifies as follows:

4 THE CLERK: Please take your seat.

5 THE COURT: I ask you to watch your step and have a
6 seat in the witness chair. I ask that you pull up real
7 close to that microphone. Speak loudly, clearly, and slowly
8 in order that we can hear everything that you have to say.
9 And if you feel comfortable doing so, you can remove your
10 mask. Thank you, ma'am.

11 Your full name?

12 THE WITNESS: Yes.

13 THE COURT: Your full name?

14 THE WITNESS: Sharon Bronson.

15 THE COURT: Thank you, Ms. Bronson.

16 DIRECT EXAMINATION

17 BY SOLICITOR REDMOND:

18 Q Ms. Bronson, let me ask you this.

19 How are you related to Terris Parson?

20 A I'm Terris mother.

21 Q And how old was Terris when he went missing?

22 A Beg your pardon?

23 Q How old, how old was Terris when he went missing?

24 A 42.

25 Q Now, when -- and, and I guess let me, let me back up

Sharon Bronson - Direct examination
By Solicitor Redmond

1 for a minute.

2 was he 39 years old at the time?

3 would he be 42 now?

4 A 39 at the time.

5 Q Okay. Yes, I'm sorry and, and, again, that was my
6 fault.

7 So, at the time he went missing, was he 39 years old?

8 A Yes.

9 Q And I think you were saying would he be 42 now?
10 would he be 42---

11 A He---

12 Q ---now?

13 A He be 42 now.

14 Q Okay. Now, Ms. Bronson, I think you said you were
15 Terris's mother?

16 A Yes.

17 Q You are his mother. Let's just talk about your
18 interactions with him, the habits that you-all had.

19 Could you tell the Court what things from, on, on a
20 regular basis, would you -- would y'all engage in?

21 Let me ask you this.

22 How often would you talk with Terris?

23 A I talked to him everyday.

24 Q Okay.

25 A Some time he calls me twice a day.

Sharon Bronson - Direct examination
By Solicitor Redmond

1 Q And, and, and, and, and as it relates to seeing him,
2 how often would you see him on a regular, you know, on, on a
3 normal situation?

4 A I would see him everyday.

5 Q Okay. And tell us about---

6 A If I don't see him before he go to work, on his break I
7 be to his house waiting on him. Sometimes he call and
8 tell -- ask me mama, what you cook today.

9 Q And would you cook for him?

10 would he often come over and, and, and eat his mom's
11 cooking?

12 A And get it. He'll -- he -- he'll come over and get his
13 food and eat and then sometime, when I don't cook, he asked
14 me to go pick him up something. So, I pick it up and take
15 it to work to him.

16 Q And is that something that continued up until the time
17 that he disappeared?

18 A Yes.

19 Q And I know this is difficult for you, and, and
20 obviously if you need to take a break, just let us know.
21 This -- I won't keep you up here too long.

22 But when -- I guess when the -- you talk about going to
23 work. So -- him going to work. Excuse me.

24 So, would he contact you -- would it be safe to say
25 that you talked with him everyday?

Sharon Bronson - Direct examination
By Solicitor Redmond

1 A Yes, I talk to him everyday.

2 Q Were you close?

3 Very -- were you close?

4 A Very close.

5 Q And did you, did you see him on that Sunday,
6 June 2nd, 2019?

7 A Yes, I did. I went by the house.

8 Q And tell us about that.

9 A I went by the house and, and he was in the bed laying
10 down.

11 Q And, and just to be clear, don't say anything that he
12 said. You can talk about what he did and what you may of
13 said to him but please continue.

14 A And he was laying down and Toria asked him was he ready
15 to eat.

16 Q Okay. And, and, and without saying what anybody else
17 said, was there -- did y'all eat that day?

18 Did y'all have dinner?

19 A I didn't eat. He was eating and I was getting ready to
20 go.

21 Q Okay. And tell us what you -- how was that interaction
22 with him that last time?

23 A He was sitting eating with his plate in his lap. So, I
24 didn't get a chance to say that -- (indiscernible) to hug
25 him. I said bye, Terris, I'll see you later and that was

Sharon Bronson - Direct examination
By Solicitor Redmond

1 the last time I heard from him.

2 Q And was it -- was that Sunday, June 2nd, 2019?

3 A Yes.

4 Q Did you ever hear from Terris after?

5 A No.

6 Q Was it -- is it within the character of your
7 relationship with Terris to not have heard from him after
8 June 2nd, 2019?

9 In other words, is the -- did you ever hear from him
10 again in any way, shape, or form after June 2nd, 2019.

11 A Not ever.

12 Q And, again, did you go from talking with him and seeing
13 him almost everyday to not seeing or hearing anything from
14 him at all?

15 A Yes.

16 Q That'd be all the questions I have. Please answer,
17 answer any questions.

18 THE COURT: Cross-examination.

19 MR. HOBBS: No questions, Your Honor.

20 THE COURT: All right. You may step down.

21 You may call your next witness.

22 SOLICITOR REDMOND: Your Honor, if the Court would
23 indulge me just one moment?

24 Just to be clear for the record, we did publish State's
25 Exhibit 81 with both Lillie Moore and Mr. Romero. Just

1 wanted to make sure that the record reflected that those are
2 introduced as exhibits in evidence.

3 And just if the Court will give me just a couple
4 minutes --

5 THE COURT: Sure.

6 SOLICITOR REDMOND: -- to make sure we've got all our
7 exhibits in.

8 THE COURT: Sure.

9 SOLICITOR REDMOND: It appears that we do, and at this
10 time, Your Honor, ladies and gentlemen, the State
11 respectfully rest its case.

12 THE COURT: All right. Madam Forelady, ladies and
13 gentlemen of the jury, necessarily we're required to take up
14 matters of law outside of your presence at this juncture.
15 I'm gonna ask that you retire to the jury room. Do not
16 discuss the case.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. We'll -- be glad to entertain
20 motions at this time.

21 MR. HOBBS: Your Honor, can I have brief indulgence?

22 (Pause.)

23 MR. HOBBS: Your Honor, would, would the Court allow us
24 to take a -- just a brief break now that the State's closed
25 if we have time before I get into my motions?

1 THE COURT: Yes.

2 MR. HOBBS: Okay. And---

3 THE COURT: We'll stand at ease for five minutes.

4 MR. HOBBS: Thank you, Your Honor.

5 (WHEREUPON, a short recess was taken at this time.)

6 THE COURT: Be happy to entertain motions at this time.

7 MR. HOBBS: Thank you, Your Honor.

8 Your Honor, at this time defendant would renew their
9 motions in regard to the suppression of Bruce Romero's
10 testimony and letter in regard to relevance as well as
11 404(a) and (b).

12 Your Honor, also renew our motion in regard to what we
13 would consider 404(a) character evidence introduced in
14 regard to the victim and his relationship with his children
15 Latoya, Latoya Broadie over the defendant's objection, the
16 defendant -- the admission of the defendant's first
17 statement as it was not Mirandized, and the defendant
18 maintained it was custodial, the seizure of the defendant's
19 cellphone as the seizure and our position was not consent,
20 and if there was consent, it was achieved through duress and
21 coercion, and the suppression as to the warehouse footage
22 for a lack of jurisdiction and an officer acting in their
23 police capacity in seizing those items.

24 Your Honor, I would renew those motions, and based on
25 those motions, as well as, Your Honor, I almost forgot to

1 mention, the mention of the P.O. in the statement that was
2 accidentally played by the State. The Court has ruled on
3 that but I do believe it is appropriate for me to renew that
4 motion, and then cumulative, cumulatively a motion for a
5 mistrial on all of these renewed objections that I'm
6 presenting to the Court.

7 THE COURT: Be glad to hear from the State.

8 SOLICITOR REDMOND: Your Honor, the State would just
9 stand by what we've already said previously in, in, in, in
10 in de -- in opposition to these motions as it relates to --
11 I think the Court has ruled on those motions, and I, I don't
12 see anything that's changed that would cause those, those
13 rulings to be reversed at this time.

14 THE COURT: All right. And, and your motion is
15 essentially a motion for a mistrial and not a directed
16 verdict?

17 MR. HOBBS: Your Honor, I do have a motion for directed
18 verdict as well.

19 THE COURT: Okay.

20 MR. HOBBS: I think I needed to renew those motions to
21 preserve---

22 THE COURT: Okay.

23 MR. HOBBS: ---the record.

24 THE COURT: All right.

25 SOLICITOR REDMOND: And if, Your Honor, I can yield

1 and, and him -- for him to go ahead and address the directed
2 verdict.

3 THE COURT: Very good.

4 SOLICITOR REDMOND: That's what I was prepared to do.

5 THE COURT: The motions, you're, you're protected on
6 the record with regard to your motions for mistrial.
7 They're denied.

8 MR. HOBBS: Thank you, Your Honor.

9 Your Honor, and now, at this point, I would ask the
10 Court for a directed verdict in this matter.

11 The Court has heard several days worth of testimony
12 that the State has produced in regard to the disappearance
13 of Mr. Parsons. Now, the Court has heard substantial
14 circumstantial evidence I would submit that Mr. Parsons has
15 not been seen or heard from since June 2nd. I think that
16 that's nearly uncontroverted in the record at this point.

17 However, Your Honor, when we're looking at the charge
18 of murder, of course, we're looking for the killing of
19 another with malice aforethought. And, Your Honor, I'd like
20 to briefly address those issues and the standard that I
21 believe we'll be using for a directed verdict at this time.

22 Your Honor, I do not believe that there has been any
23 evidence produced into the record that would constitute
24 direct evidence of the charge of murder against the
25 defendant. I believe that all of the evidence that has been

1 submitted to the Court is circumstantial in nature. And
2 when we have circumstantial evidence, and a lack of any
3 direct evidence, we are left with the standard for directed
4 verdict for substantial evidence or substantial
5 circumstantial evidence showing the defendant's guilt.

6 In the case at hand, Your Honor, there was no evidence
7 that was produced that actually showed a substantial
8 circumstantial piece of evidence or collectively pieces of
9 evidence that Mr. Covington killed Mr. Parsons. Of course,
10 the Court has heard about the proximity or the alleged
11 proximity of the defendant to Mr. Parsons at the time of his
12 disappearance. However, there has been no testimony and no
13 evidence presented to the Court, either circumstantial or
14 direct, that he actually committed the offense of killing
15 Mr. Parsons. Instead that he disappeared and that his
16 vehicle was in the area and essentially that the vehicle was
17 then relocated based on the State's evidence and that the
18 vehicle was then moved again the next day.

19 Now, Your Honor, we also look at the issue of not just
20 the killing of another, which I don't believe we have
21 substantial circumstantial evidence of, but also malice and
22 malice aforethought. And as the Court knows, malice is
23 defined as hatred, ill will, or hostility toward another
24 person. It is the intentional doing of the wrongful act
25 without just cause or excuse and with an intent to inflict

1 injury or under circumstances the law will infer an evil
2 intent.

3 Your Honor, in the case at hand, we have not had any
4 evidence presented to the Court, certainly not any
5 substantial circumstantial evidence, to show that the
6 defendant, Mr. Covington, expressed any hatred or ill will
7 or hostility towards Mr. Parsons. In fact, there's no
8 evidence of them having any beef with each other. There's
9 no evidence of them having any hardship or any sort of
10 conflict.

11 Again, no actions that are presented in the state
12 through circumstantial evidence show that Mr. Covington did,
13 in fact, act in any way that showed hatred, ill will, or
14 hostility towards another person or that there was an
15 intentional doing of a wrongful act without just cause or
16 excuse and with an intent to inflict injury.

17 Malice aforethought does not require malice exist for
18 any particular time before the act is committed, as the
19 Court knows, but malice must be -- exist in the mind of the
20 defendant just before and at the time it is committed.

21 Your Honor, there's been no circumstantial evidence or
22 any evidence at all that I believe that shows malice
23 aforethought or any planning on the part of the defendant or
24 any sort of action where he was laying in wait for a person
25 or any other acts in preparation going to show the deed was

1 within the defendant's mind with express malice. Of course,
2 the Court knows express malice is shown when a person speaks
3 words which express hatred or ill will towards another
4 person or when the person prepares beforehand to do an act
5 that was later accomplished.

6 Again, Your Honor, there's no evidence, certainly not
7 substantial circumstantial evidence, showing that
8 Mr. Covington spoke words which expressed hatred or ill will
9 towards another person or prepared beforehand to do any act
10 that was later accomplished.

11 Again, Your Honor, I don't believe that we have
12 inferred malice through any sort of deadly weapon being used
13 in this case. The only other way that inferred malice could
14 come in would be conduct showing a total disregard for human
15 life.

16 In the case at hand, there was no, no evidence,
17 certainly not substantial circumstantial evidence, to show
18 that the conduct by Mr. Covington was a total disregard for
19 human life. Instead, Your Honor, this case is wholly built
20 around the idea that Mr. Parson's vehicle arrives at his
21 residence at some point or at least the proximity of his
22 residence, and that it then leaves at a later time with
23 Mr. Parsons -- Mr. Covington allegedly driving the vehicle
24 and Lillie Moore following him.

25 Later on, there is a mention of him and Lillie Moore

1 returning to where they are alleged to have left the vehicle
2 and then moving it. Everything else, Your Honor, that is
3 express is, is not relevant to the charge of murder and does
4 not show any sort of substantial circumstantial evidence.
5 There was nothing in regard to the disposal of a body, the
6 possession of a body, and acts that created any act alleged
7 by Mr. Covington that alleges that he actually did kill
8 Mr. Parsons.

9 There is no evidence of him being in possession of the
10 body of Mr. Parsons, and certainly, Your Honor, there has
11 been no malice showed towards the victim in this case
12 through substantial circumstantial evidence and certainly no
13 aforethought as to laying in wait or acts of preparation in
14 regard to any actions towards Mr. Parsons.

15 Again, I would maintain to the Court that there should
16 not be an inference of malice for the conduct showing any
17 disregard for human life as no evidence has been produced in
18 that regard.

19 On this basis, and the failure of the State to provide
20 substantial circumstantial evidence to each and every
21 element of the crime of murder, I do believe that a, a
22 directed verdict on behalf of the Court would be appropriate
23 at this time.

24 In contrast, as a concession, Your Honor, I do think
25 that the State has probably or at least in some ways

1 presented cases for being in possession of somebody's
2 vehicle or moving someone else's vehicle, perhaps being in
3 possession of a stolen vehicle, and then perhaps an
4 obstruction of justice in statements to law enforcement.
5 But as for the charge that he stands confronted with of
6 murder, and the killing of another with malice aforethought,
7 I believe that the State has failed to meet their burden of
8 providing substantial circumstantial evidence and that a
9 directed verdict is appropriate.

10 SOLICITOR REDMOND: May it please the Court, Your
11 Honor.

12 THE COURT: Mr. Redmond.

13 SOLICITOR REDMOND: And, of course, these issues are
14 taken in the light most favorable to the State, and to
15 address the defense's contentions, I would say, as it
16 relates to the issue of malice because this is where -- I
17 mean the murder was, was obviously what he's charged with.
18 That's where everything falls on.

19 I would, I would assert that Lillie Moore's testimony
20 is compelling for various reasons, for several reasons. But
21 one of the things, Your Honor, is she talked about his
22 demeanor.

23 As the Court knows that when you talk about inferences,
24 you take into consideration all of the circumstances that
25 have been presented. One of the things that Ms. Moore

1 talked about, because I think I asked her in the deposition
2 and I think she addressed this twice at least, was that nah,
3 he, he didn't act -- you know, he acted normal. You know,
4 she didn't -- he didn't want to ask me to do something, but
5 other than that, he acted normal. She said that at least
6 twice during her interview.

7 I think that is something that the Court -- that a jury
8 can take into consideration as it relates to the issue of,
9 of malice, the way he conducted himself during that time
10 when you juxtapose that with the surveillance which shows
11 Mr. Parsons showing up at his vehicle -- at this house at,
12 at 9:18. His vehicle does -- leaves at 10:06 closely
13 followed by the defendant's vehicle driven by Ms. Moore
14 according to her testimony.

15 when you look at the circumstances involved in all of
16 that, the, the lengths in which he went to conceal, and
17 that's kind of what I'm getting at, the acts of concealment
18 and the extent that he went to, these are all circumstances
19 that the jury can take into consideration that I would argue
20 constitutes, at least I would argue to a jury based on Logan
21 charge, does constitutes a logical connection in with what
22 we're talking about.

23 Additionally, as it relates to inferences, and the fact
24 that the inferred malice, I think the total disregard for
25 human life, well, Your Honor, we don't have Terris Parson.

1 If the jury -- based on the evidence we've presented, it's
2 been three years almost. We've heard from people close to
3 him that we know or at least can argue that yes, he would
4 have reached out to them in some way, shape, or form had he
5 still been alive. That is a jury question. That's still in
6 the realm of the jury.

7 But should they make that leap, not leap, but should
8 they make that determination rather, then I think the fact
9 that he went to such lengths, not just to conceal the
10 vehicle, but to conceal Mr. Parson himself, shows a total
11 disregard for human life when it comes to issues of inferred
12 malice.

13 So -- and, and, and I'm probably cutting -- not -- I'm
14 probably not hitting every point on that from a factual
15 standpoint but the Court obviously has all -- heard all the
16 evidence presented, and I think the inference, it's a jury
17 question. The jury is allowed to make those inferences.
18 And I think there is enough there in the record for the jury
19 to make those inferences. And those are just a few of the
20 reasons why I contend that, in the light most favorable to
21 the State, that we should allow this case to go to the
22 jury---

23 THE COURT: All right.

24 SOLICITOR REDMOND: ---on the issue of murder.

25 THE COURT: All right. Motion for directed verdict is

1 denied. It is indeed a question of fact for the jury.

2 Mr. Covington, I'm gonna ask if you could stand please
3 and raise your right-hand as the clerk administers the oath.

4 (WHEREUPON, the defendant was placed under oath at this
5 time.)

6 THE CLERK: Thank you, sir.

7 THE COURT: Mr. Covington, at this time I'm going to
8 explain to you certain of your rights. If you do not
9 understand anything I say, please let me know and I'll
10 repeat it.

11 Do you understand?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. If you want me to explain
14 anything in more detail, let me know and I'll do that.

15 Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. We have now reached the stage
18 of the trial where you may present your defense. You have
19 the right to claim the protections given to you by the Fifth
20 Amendment of the Constitution of the United States which
21 provides, in relevant part, no person shall be compelled in
22 any criminal case to be a witness against himself.

23 This means that you can not be required to testify in
24 this case. You have the right to testify on your own
25 behalf. However, no one can make you testify. This is a

1 personal right. No one can waive this right except you.

2 If you decide to testify, you'll be subject to the same
3 rules that govern, govern other witnesses. You may be
4 examined and cross-examined on any relevant issue in this
5 case.

6 In addition, if you have any convictions involving
7 dishonesty, false statements, or for crimes punishable by
8 imprisonment for more than one year, and this Court
9 determines that the probative value of admitting this
10 evidence outweighs its prejudicial effect to you, to you,
11 the solicitor will be able to introduce your record to
12 attack your credibility.

13 If you decide to testify, this decision on your part
14 must be freely, voluntarily, and intelligently made with the
15 knowledge of the protections given to you by the Fifth
16 Amendment and -- of the Constitution and the consequences of
17 your decision to testify. If you decide not to testify, I
18 will instruct the jurors they can not give the fact that you
19 did not testify any consideration whatsoever and there's to
20 be absolutely no prejudice to you because you did not
21 testify.

22 I'll further explain to the jury they can't even
23 discuss that in the jury room. It's left entirely up to you
24 whether or not you testify.

25 You may talk with your attorney, your family, and

1 friends, or anyone else but the final decision will be left
2 entirely up to you.

3 Mr. Covington, do you understand what I've explained to
4 you?

5 THE DEFENDANT: Yes, sir, I do.

6 THE COURT: Do you have any questions about what I've
7 explained to you?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you discussed these matters with your
10 lawyer?

11 THE DEFENDANT: Yes, sir, I did.

12 THE COURT: Have you understood your conversations with
13 him?

14 THE DEFENDANT: Fully, yes, sir.

15 THE COURT: And do you wish to talk to him anymore with
16 regard to your decision to testify or not to testify?

17 THE DEFENDANT: We already accomplished that, no, sir.

18 THE COURT: Pardon?

19 THE DEFENDANT: We already accomplished, no, sir.

20 THE COURT: All right. Do you wish to testify?

21 THE DEFENDANT: No, sir.

22 THE COURT: All right. Very good.

23 And that's your decision?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: You may be seated.